

# 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**

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**Senate Confirmation Session  
September 16, 1977**

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AUGUSTA, MAINE

**HOUSE**

Tuesday, June 7, 1977

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Father Paul Coughlin of St. Mary's Catholic Church, Augusta.  
The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:  
**The Senate of Maine**  
**Augusta**

June 6, 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 Indefinitely Postponed Bill, "An Act Relating to the Regulation of Beano" (H. P. 1606) (L. D. 1811).

The Senate today also Adhered to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act to Require that Savings from Substitution of Generic Drugs be Passed on to the Purchaser" (H. P. 147) (L. D. 177).

In addition, the Senate today also Adhered to its action whereby it Indefinitely Postponed Joint Order (H. P. 1624) Relative to the Study of Maine's Dog and Coyote Problems.

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 State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution to Limit Tax Increases to a One-year Period and to Require Further Legislation and Economic Impact Analysis for the Further Continuation of any Tax Increase (S. P. 254) (L. D. 779)

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Provide for the Payment of the Prime Rate of Interest on Mortgage Escrow Accounts" (S. P. 419) (L. D. 1460)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Extend the Effective Date of Sections of the School Finance Act of 1976 Allowing Local Administration Units to Raise and Expend Additional Funds and to Exclude Such Funds From Computation Made Pursuant to that Act" (Emergency) (S. P. 204) (L. D. 602)

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

**Leave to Withdraw**

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Reduce Resident Hunting License Fees" (S. P. 292) (L. D. 918)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Increasing the Amount of the Real Estate Transfer Tax to be kept by the Counties from 15% to 20% (S. P. 228) (L. D. 706)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Nonresidents" (S. P. 123) (L. D. 303)

Came from the Senate with the Reports read and accepted. In the House, the Reports were read and accepted in concurrence.

**Ought to Pass in New Draft**

Committee on Legal Affairs on Bill "An Act Relating to the Regulation of Games of Chance" (S. P. 53) (L. D. 110) reporting "Ought to Pass" in New Draft (S. P. 527) (L. D. 1846)

Committee on State Government on Bill "An Act to Improve the Management of the Department of Conservation" (S. P. 232) (L. D. 775) reporting "Ought to Pass" in New Draft (S. P. 525) (L. D. 1840)

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

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

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide for Payment of Cigarette Tax on a Cash Basis" (S. P. 477) (L. D. 1726)

Report was signed by the following members:

Messrs. JACKSON of Cumberland  
MARTIN of Aroostook  
— of the Senate.

Messrs. TEAGUE of Fairfield  
CARTER of Bangor  
Mrs. POST of Owls Head  
Mrs. CHONKO of Topsham  
Messrs. IMMONEN of West Paris  
CAREY of Waterville  
COX of Brewer  
MACKEL of Wells  
TWITCHELL of Norway  
— of the House.

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

Report was signed by the following members:

Mr. WYMAN of Washington  
— of the Senate.  
Mr. MAXWELL of Jay  
— of the House.

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

In the House: Reports were read.  
On motion of Mr. Carey of Waterville, the Majority "Ought Not to Pass" Report was accepted in concurrence.

**Divided Report**

Six Members of the Committee on Judiciary on Bill "An Act to Regulate Security Deposits on Residential Rental Units" (S. P. 222) (L. D. 686) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-169)

Report was signed by the following members:

Messrs. CURTIS of Penobscot  
COLLINS of Knox  
MANGAN of Androscoggin  
— of the Senate.

Messrs. GAUTHIER of Sanford  
DEVOE of Orono  
Mrs. BYERS of Newcastle  
— of the House.

Six Members of the same Committee on the same Bill report in Report "B" that the same "Ought to Pass" in New Draft (S. P. 519) (L. D. 1813)

Report was signed by the following members:

Messrs. HOBBS of Saco  
HENDERSON of Bangor  
TARBELL of Bangor  
SPENCER of Standish  
HUGHES of Auburn  
BENNETT of Caribou  
— of the House.

One Member of the same Committee on the

same Bill reports in Report "C" that the same "Ought Not to Pass"

Report was signed by the following member:  
Mr. NORRIS of Brewer

— of the House.  
Came from the Senate with Report "B" read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "B" (S-190)

In the House: Reports were read.  
On motion of Mrs. Berube of Lewiston, Report "B" was accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

**Non-Concurrent Matter**

Bill "An Act to Create a Clients' Bill of Rights and Responsibilities" (H. P. 1594) (L. D. 1802) which was passed to be engrossed as amended by House Amendment "A" (H-430) in the House on May 26, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House: On motion of Ms. Bachrach of Brunswick, the House voted to insist and ask for a Committee of Conference.

**Orders**

An Expression of Legislative Sentiment (H. P. 1655) recognizing that: Jeff Tenney of Hampden has won the Penobscot County Spelling Bee Championship for 1977

Presented by Mrs. Prescott of Hampden (Cosponsor: Senator Cummings of Penobscot)  
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1657) Recognizing that: Jane McBreairty, daughter of Mr. and Mrs. Hampton McBreairty of Perham, has been recognized for her excellent academic record by being chosen salutatorian of Washburn District High School  
Presented by Mr. Peterson of Caribou (Cosponsors: Mr. McBreairty of Perham, Mr. Plourde of Fort Kent)

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

An Expression of Legislative Sentiment (H. P. 1658) recognizing that: Gordon Scott, son of Mr. and Mrs. Wilburn Scott of Washburn, has been recognized for his excellent academic record by being chosen valedictorian of Washburn District High School

Presented by Mr. Peterson of Caribou (Cosponsors: Mr. McBreairty of Perham, Mr. Plourde of Fort Kent)

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

An Expression of Legislative Sentiment (H. P. 1668) recognizing that: Peter Adams, Susan Brightman, Michael Elwell, Carolyn F. Hampton, Christine Horne, Susan Anne Jenis, Alicia Maddaleni, David J. Perkins, Thomas Pinansky, Kevin L. Rand and Malcolm L. Weatherbie are the top 11 seniors in the 1977 graduating class of Cape Elizabeth High School

Presented by Ms. Benoit of South Portland (Cosponsor: Mrs. Masterton of Cape Elizabeth)

The Order was read.

The SPEAKER: The Choir recognizes the gentlewoman from South Portland. Ms. Benoit.

Ms. BENOIT: Mr. Speaker, I would like to apologize to you and the members of the House for the length of this order, but at Cape Elizabeth they do not have valedictorians and salutatorians, they recognize the top students in the class.

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

A Joint Resolution (H. P. 1667) in memory of Forest K. Moors of Old Town, former coun-

cilman, former school board member and court recorder

Presented by Mr. Pearson of Old Town (Sponsor: Mr. Gould of Old Town)

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

On motion of Mr. Nadeau of Sanford, it was

ORDERED, that Antoinette Martin of Brunswick be excused June 6th, 7th and 8th due to illness in the family.

#### House Reports of Committees

##### Leave to Withdraw

Mr. Mahany from the Committee on Agriculture on Bill "An Act to Amend the Law Establishing Uniform Standards for the Measurement of Wood" (H. P. 1480) (L. D. 1689) reporting "Leave to Withdraw"

Mr. Curran from the Committee on State Government on Bill "An Act Concerning Community Industrial Buildings under the Maine Guarantee Authority Statutes" (H. P. 1006) (L. D. 1248) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Provide for a Minimum 30-Year Sentence for Murder" (H. P. 430) (L. D. 537) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act Concerning Sentencing for a Person Committing a Criminal Homicide in the 2nd Degree" (H. P. 819) (L. D. 992) reporting "Leave to Withdraw"

Mr. Tarbell from the Committee on Judiciary on Bill "An Act Relating to Eligibility of Offenders for Transfer to Correctional Alternatives and to Authorize Prerelease Community Supervision of Offenders" (H. P. 1076) (L. D. 1298) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Authorize Conditional Discharge as a Sentencing Disposition" (H. P. 1081) (L. D. 1305) reporting "Leave to Withdraw"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Provide for a Supervised Work Program as an Alternative Form of Sentencing for Juveniles" (H. P. 1314) (L. D. 1562) reporting "Leave to Withdraw"

Mr. Gauthier from the Committee on Judiciary on Bill "An Act Relating to Records of a Juvenile Charged with Certain Offenses" (H. P. 1475) (L. D. 1708) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

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

Mr. Davies from the Committee on Energy on Bill "An Act to Authorize a Bond Issue in the Amount of \$10,000,000, for Energy Conservation Improvements for State-owned Buildings and Public School Buildings" (H. P. 938) (L. D. 1135) reporting "Ought to Pass" in New Draft (H. P. 1660) (L. D. 1856)

Mr. Green from the Committee on Natural Resources on Bill "An Act Relating to Public Utility Electrical Transmission Lines and Gas and Oil Pipelines" (H. P. 1092) (L. D. 1316) reporting "Ought to Pass" in New Draft (H. P. 1659) (L. D. 1855)

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Promote the Sale of More Hunting Licenses to Nonresidents Hunting Deer or Bear" (H. P. 1241) (L. D. 1466) reporting "Ought to Pass" in New Draft (H. P. 1662) (L. D. 1858)

Mr. Cote from the Committee on Legal Affairs on Bill "An Act to Provide for the Sealing of Displayed Copies of Adult Magazines" (H. P. 551) (L. D. 668) reporting "Ought to Pass" in New Draft under new title, Bill "An Act to Prevent the Display of Adult Magazines to Minors" (H. P. 1661) (L. D. 1857)

Reports were read and accepted, the New

Drafts read once and assigned for second reading Tomorrow.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Allow Free Hunting and Fishing Licenses to Maine Residents over 65 and to Disabled War Veterans" (H. P. 1071) (L. D. 1263)

Report was signed by the following members:

Messrs. USHER of Cumberland  
REDMOND of Somerset  
PRAY of Penobscot  
— of the Senate.

Messrs. MASTERMAN of Milo  
GILLIS of Calais  
PETERSON of Caribou  
ROLLINS of Dixfield  
DOW of West Gardiner  
TOZIER of Unity  
— of the House.

Minority Report of the same committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-507) on same Bill.

Report was signed by the following members:

Messrs. MCKEAN of Limestone  
MacEACHERN of Lincoln  
PEARSON of Old Town  
— of the House.

Reports were read.

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

Mr. LAFFIN: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I will give you a little background on this bill if I may. This bill is under the sponsorship of the gentleman from Westbrook, Mr. Laffin, and in his words, "a portion of it is a very good bill."

As the bill originally started out, they were going to allow complimentary hunting and fishing licenses for those people who are 65 years of age and older. It also included all of your disabled veterans. The data sheet that we received from Fish and Wildlife, it was going to cost quite a bit of money; in fact, more money than the department could afford. The sum was astronomical.

We had to refine the bill and come up with something that the department could afford and something that we, the people of the State of Maine, would be proud to sponsor. So what we did was to refine the bill by Committee Amendment "A" (H-507). The amendment limited the complimentary licenses to disabled veterans who are over 75 percent disabled, who have a service connected disability and who served in a combat zone. Also, they had to be honorably retired or discharged. This brought the number down to a small enough figure where the department could go along with it. In fact, Mr. Marsh himself, the commissioner, told us he thought it was a good idea.

The reason we picked those people who have served in a combat area, for those of you who have served during World War I, World War II, the Korean War or the Viet Nam War, and you have been in a combat zone, you know of what I speak.

First of all, I do have a vested interest. I spent all of 1968 in a combat zone. I have a service-connected disability, but it is not 75 percent — thank the good Lord for that; it is only 30 percent. Those of you who have served in a combat zone and for those of you who did not, I will tell you, you live in fear the whole time you are there. For those people who lived in fear for the time that they were in a combat zone, I think a \$6 or a \$10 hunting and fishing license is

little enough to show the gratitude that we can show to these people.

Therefore, Mr. Laffin and I got together on the bill, we think it is a good bill and we think it shows a small measure of gratitude to those people who served so diligently for our country and for the State of Maine. I would hope that you would accept the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: At the outset of this bill, I was all in favor of it, until along comes the amendment. The amendment deletes a good many disabled veterans. True, they are not combat disabled but, nevertheless, they are veterans and they were there, they were ready to go, and they were disabled through no fault of their own but in service of their country. I, for one, cannot see discriminating against these disabled veterans. I ask you to vote against the "Ought to Pass" Report.

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

Mr. LAFFIN: Mr. Speaker and Members of the House: We are aware of this, and if the members of this House will go along this morning to pass this, I have an amendment coming in to take care of Mr. Gillis' problem and I am sure that it will end up as a very good bill.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I don't oppose the bill, but if it is the mind of this Legislature to pass this bill, then let's take the money out of the General Fund to replace in the Inland Fish and Game Department's budget. We can issue out of here free licenses for this and that special group, but let's have the money from the General Fund to go back into the Fish and Game coffers.

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

Mr. TALBOT: Mr. Speaker, I have two questions I would like to ask. My first question is, if one is 75 percent disabled, how can he go hunting? The second question is, how many women does this affect?

The SPEAKER: The gentleman from Portland, Mr. Talbot, has posed two questions to anyone who may care to answer.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the second question is, all women who were involved in combat who are 75 percent disabled. In answer to the first question, to be disabled means several things, and 75 percent disabled doesn't necessarily mean that a person is physically incapacitated so that he can't go hunting.

Thereupon, on motion of Mr. Laffin of Westbrook, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-507) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-506) on Bill "An Act to Prohibit the Sale of Gasoline Below Cost to Destroy Competition" (H. P. 455) (L. D. 560) Report was signed by the following members:

Messrs. TROTZKY of Penobscot  
REDMOND of Somerset  
FARLEY of York  
— of the Senate.

Mr. TORREY of Poland  
Mrs. HUBER of Falmouth  
Messrs. BOUDREAU of Waterville  
DAVIES of Orono  
CONNOLLY of Portland

JENSEN of Portland  
 HOWE of South Portland  
 Mrs. TRAFTON of Auburn

—of the House.

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

Report was signed by the following members:

Miss BROWN of Bethel  
 Mr. RIDEOUT of Mapleton

—of the House.

Reports were read.

On motion of Mr. Davies of Orono, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-506) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act Increasing the Gasoline Tax" (Emergency) (H. P. 1159) (L. D. 1383)

Report was signed by the following Members:

Messrs. JACKSON of Cumberland  
 WYMAN of Washington  
 MARTIN of Aroostook

—of the Senate.

Messrs. MAXWELL of Jay  
 CARTER of Bangor  
 IMMONEN of West Paris  
 CAREY of Waterville  
 COX of Brewer  
 MACKEL of Wells  
 TEAGUE of Fairfield

—of the House.

Minority Report of the same Committee reported "Ought Not to Pass"

Report was signed by the following members:

Mrs. CHONKO of Topsham  
 Mrs. POST of Owl's Head  
 Mr. TWITCHELL of Norway

—of the House.

Reports were read.

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

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

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

Mr. TRUMAN: Mr. Speaker and Members of the House: I would move the indefinite postponement of this Bill and all its accompanying papers.

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

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

Mr. CAREY: Mr. Speaker and Members of the House: The same thought that occurred to the gentleman from Biddeford, Mr. Truman, occurred to the committee as we debated this particular bill and the one saving feature in this entire bill was that it was not money for new construction. It put the money back into the budget that the Governor had quite conveniently taken out the last time, the \$1.5 million for town road improvements, the \$950 thousand for snow removal and it brings in \$3.25 million for repaving. It puts us in the position of doing what some of us have felt should have been done for a long time, that is maintaining the roads that we have before we expand and build further roads. Where this particular bill specifically earmarks that money, that is the reason that the majority of the committee voted it out "Ought to Pass", it will bring in some \$5.7 million in the first year.

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

Truman, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested 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 Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Today I rise to take a little bit of your time. In the past five months or so that we have been here, we have spent dollars upon dollars upon dollars. Today I rise as a sponsor of a "cent" bill. This bill increases the state gasoline tax from 9 cents to 10 cents a gallon and it shall be segregated, apportioned and expended for winter maintenance reimbursements, which is called snow removal, town road improvement, and I am asking that we restore this program that was deleted from the 1975 allocations and the summer maintenance resurfacing or so-called skinny mix programs.

The pavement life for the highway maintenance resurfacing of improvement is generally only five years. This bill would permit the accomplishment of this type of improvement on a five-year cycle instead of the present eight-year cycle that is in the highway allocations. Also, this bill would increase snow removal reimbursements to municipalities having a valuation over \$6,250,000 from the present \$100 per mile to \$200 per mile. I might make a note here that this affects 282 towns in the State of Maine. This one provision affects 282 towns — snow removal.

I ask the members of the House to look at this bill very seriously, at what the provisions in here will do for your areas. If you have not contacted your municipal officials, I suggest that you keep this bill alive today and do some homework.

The town road improvement fund would be allocated at the same level as last allocated for the improvement of rural town ways and unimproved state aid highways. If many of you don't know what the town way system is, what this would do is, for all of the town ways in the State of Maine, you would receive in your communities, the first mile you would receive \$200 and for every mile after that you would receive approximately \$150 to \$160 per mile. Here again, I ask you to contact your municipal officials, find out how many miles of town ways you have, find out what this bill does for you.

When this was deleted in the allocations, I was very strong at that time, two years ago, that I felt that this should have stayed in the highway allocation. The Governor at that time, who is Governor now, felt that it was not necessary to reimburse these small communities. I think some of his arguments at that time, some of the members of the House felt that a lot of the towns are receiving federal revenue sharing to offset this. I agree, we are receiving federal revenue sharing money, but our costs in the last four or five years are going up so extensively that we need these extra dollars.

The roads today are going down. We have an opportunity here today to put us in a posture that if we don't wait two years to have maybe a bill here to increase it 2 cents or even more, I think that this can give the Commissioner of Transportation a chance to do some of the programs that he has been wanting to do. I think as representatives of the people, in this

body we have to take a hard look at how we are going to maintain and improve our roads systems, either through increasing the state gasoline tax or increasing the local property tax. I say here today, that this is a property tax relief bill. I don't care how you look at it. If you are not willing to reimburse some of this money back to the local communities, they are going to have to raise their property tax to maintain these highways.

I will give you an example of what it does to a small community. Take a community that has 44 miles of highway, 22 miles are town ways. This would be in the neighborhood of \$3,800. I know it doesn't sound like a lot to probably some of the city delegations here; but it means a lot to a small town. Now, you take the other 22, some of those are maintained by the state in the summer, in the winter, all 44 miles of this particular town are maintained, snow removal, by the town only. This community would receive \$4,400 reimbursement from the state. You compare this with a community that has a lower valuation of maybe a million dollars, they have 36 miles of road to maintain in the winter. They receive \$7,200 reimbursement. I guess my feeling is that this larger community has just as much expense as that community with the 36 miles.

It puts us in a better position to provide better highways for the school systems, it allows us to put a little bit more sand on the roads, hopefully it will eliminate some accidents, and I go on to the third part of this bill which is the resurfacing program. I think every one of you here in the last four or five years have seen what the resurfacing program has done for the communities. This is a program that shows up in the eyes of the public, and I can say to you that if you have highways that have been done in the last year or two and you want to wait six or seven years before this is done again, fine, kill this bill today. If you would like to see it done in a cycle over a five-year period, this is the bill. A lot of these roads that are being resurfaced will not hold up more than three or four years.

As a rural representative, I say to you that the time has come when I would like to have a decent highway to ride on. I don't have the interstate system. I don't have the Maine Turnpike Authority and I imagine that there will be speakers get up here today and say that we pay to use the turnpike. I agree with you. I would be happy to pay turnpike tolls if I could have as good a highway as we have in the southern part of the state. I don't have that advantage. I have to drive over pot holes. I have to drive over narrow roads as well as a lot of people in the northern section of the state and I can tell you, that if you want to travel Route 1 all the way from Kittery, around the coast, up to Aroostook County, we have problems. If you want to travel Route 2, these are to me major highways, if you want to look at Route 6 the so-called East-West Highway we have problems there and there are a good many other highways that maybe you don't classify as main arteries but, to me, they are deteriorating to the point where we have to make a decision.

As a member of the Transportation Committee, I see no allocations in the highway budget to restore the town road improvement fund and funding for resurfacing is funded at a level of eight year cycles. I believe that the way to accomplish this is on a pay as you go basis and the users of the highways pay rather than put in an increase on the property taxes.

I am going to make a few notes here this morning that I received last Friday and they may shock a good many members. The average number of miles traveled in the State of Maine today, and this includes all vehicles, is 10,000 miles and I admit that a good many of you drive more than that but I will say to you that I question that in the City of Portland with I guess ap-

proximately 70,000 population, that if you take the same 70,000 in the northern part of the state that probably we drive three times as many miles as the people in the City of Portland. We are willing to go for this bill. We are willing to pay the price because we want something done in our areas. You know with this 10,000 miles, they tell me that the average miles per gallon is 12.69, I get better mileage than that on one of my cars, one of them I question it might be close. This would mean an additional cost to the people of the State of Maine, \$7.50 per year. Now if you want to drive with me, here a couple of months ago I broke a shock, I ruined a tire, it cost me \$82. All I am asking for is \$7.50, is this unreasonable?

Let me go and repeat again that the snow removal reimbursement here affects 282 towns and I know that it is going to be brought out here this morning a couple of figures that I want to state first. I have heard in the last couple of weeks that the highway allocations of the department has an excess number of surplus dollars, yes they do have some surplus money. At the present time they have \$8,500,000 and I guess by June 30th, that projection could be \$10,500,000 but let tell you that \$6,000,000 of that \$10,500,000 is already in the highway allocations, so now we are down to \$4,500,000. We have to have a little contingency fund for floods and for other emergencies which amount to \$3,000,000 that leaves us a balance of \$1,500,000. I don't think it is out of line.

As I have said on the Transportation Committee for the past four years, I have seen proposals come before me. This area wants a new bridge, this area wants airport improvement. Ladies and Gentlemen, I want something for rural Maine.

I ask you today to please vote against the indefinite postponement and keep this bill alive.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I have the highest regard for my good friend from Corinth, Mr. Strout, and I can understand his frustrations coming from a rural area, looking into the wonderful roads that we have built in Cumberland and York Counties and the fine I-95 coming up through Kennebec. Kennebec counties into Bangor and heading north to Aroostook.

I just would like to know myself what are the priorities of the Highway Department, if, in fact, we have such a problem with town road improvement money, snow removal, resurfacing that I suggest to the gentleman who comes from a rural area and I might add the majority of the members of the Transportation Committee comes from rural areas, that they rewrite the Highway Allocation Act. If I was sitting on that committee and I was fighting for town road improvement money, it wouldn't be too hard for me to come out with a minority report just doing that for town road improvements, setting the priorities as I think the committee ought to be setting them, and I am sure that they probably will. But you have an opportunity to do that and then we will have an opportunity in this House to support you, not without a cent increase in the gas tax.

The Appropriations Committee listens to many many bills, both from you and I as legislators, the Governor's Office in the various state departments, and in its wisdom, they pass judgment on those bills and they write the Appropriations Act that we will be seeing here in a couple of days, asking and hoping that we will approve it. It seems to me that members from Hermon, Lincoln, Presque Isle, Corinna, Limestone, Mexico, Limerick, Waldo and Hancock Counties, certainly rural areas, if you want the money for town road improvements, if you think you are not going to get a guarantee of support in this House for the gas

tax, then I suggest that you rewrite the Highway Allocation Act. You are certainly capable of doing it and I hope you do.

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

Mr. CAREY: Mr. Speaker, Members of the House: On the other side of the ledger if you want to look at the makeup of the Taxation Committee, which had this bill, you will notice that they represent Waterville, Bangor, Brewer, the Fairfield, the Wells and those who were in opposition on the committee were also from these smaller towns, Topsham, Owl's Head, Norway, so that the reverse is true of your statement when you talk transportation as opposed to those who signed "ought to pass" as far as the Taxation Committee is concerned.

I have sat in this House for some time, obviously, and I have objected and opposed 2 cents gas increases. I have opposed 1 cent gas increases. Since the opposition to those particular gas taxes, the Department of Transportation, has been restructured, it now takes in airports. There is money in this bill for airports, there is substantial amount of money in this bill for the Bangor Airport. There is money in there for the small, unpaved seal for improvements in that area. If this money were to come out of the transportation budget, then the Airport budget would be one of those that would suffer.

It seems interesting to note that we are all here preaching conservation. We are all here trying to conserve energy which means a smaller amount of gasoline to be used, which means a smaller amount of revenue. Unlike the fuel oil in industrial plants, gas is taxed per gallon so it doesn't take into account the fact that the inflation hits the pump. There are bills that would have you consider that factor, then transportation would never have to come back here but the argument that it is the small town people on the Transportation Committee and they are the ones that are being affected by this, is certainly not a small town man who is sitting in the Governor's Office, who originally took all of this money out to begin with.

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

Mr. JENSEN: Mr. Speaker Members of the House: I would like to correct just one statement that was made by the gentleman from Waterville, that in fact, if money were taken out of the highway budget there would not be money available for airports and things of this sort. The fact is that the highway fund does not fund, in any fashion, airport improvements of any sort as the gentleman from Waterville should be well aware that it is a very strictly dedicated fund that is useable only for highway construction, reconstruction, maintenance and administration.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I challenge the second floor's action in taking the town road improvement money out of the highway allocation fund.

In 1955, this legislative body increased the gas tax and stipulated that proportion of that money would go to town road improvement. I have asked the Attorney General's Office for an opinion as to whether the Governor carried out his duties of his office, as to whether in carrying out the duties of his office, did he misrepresent his power in taking out town road improvement money out of the highway allocation fund? I am awaiting an answer from this and pending that answer, I would hope that we would table this whole issue until I have this report from the Attorney General's Office.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I have been waiting for this opportunity for about a couple of weeks now. The good gentleman, Mr. Strout from

Corinth, mentioned that this bill was an opportunity to reduce the Gibson Property Tax Release.

I remember two weeks ago bringing a bill before this body which was the gambling which was unanimously defeated by this body, which did just that, without putting a burden on any one and you, in your wisdom, in this body said that that is immoral, we are just not going to allow that kind of thing because we don't need any tax relief in this state. Well it is going to be a very very cold day before this legislator votes for any kind of tax increase after that statement from this body.

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

Mr. BAGLEY: Mr. Speaker, Members of the House: I am not in as good a position to speak in favor of this bill as I used to be, when I drove an average of 30,000 to 35,000 miles a year and I knew there was a bill to increase the tax on gasoline, I always managed to get to Augusta in time to appear in favor of it. At the present time I am only driving about 15,000 and am still in favor of an increase in the gas tax because I like to drive over good roads.

It seems to me that this hot top that we are putting on, skinny mix, I don't know what it is called, but it does a good job. It seems to me that the most important thing that we are doing to preserve our roads and keep them from going to pieces is that process and, at the present time, I understand that can be done only once every eight years. If this bill goes through, I am told there is going to be money enough to do it once every five years. These things will last four or five years and beyond that the road starts going to pieces again and it costs more to put it in shape. I hope you will support this increase in tax.

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

Mr. MCBREAIRTY: Mr. Speaker, Honorable Members of the House: My basic reason for co-sponsoring L. D. 1383 is because I strongly believe that the inflation we have experienced in the last few years has made it impossible for our Highway Department to adequately maintain our rural highways. Gasoline and diesel fuel have continually gone up for several years, with every one getting a cut but the State of Maine. With the high cost of automobiles, trucks, labor and repairs, I can't think of a better investment than a 1¢ per gallon gas tax to better maintain our highways. My wife and I, with our two cars, and the great distance I have to travel to work here in Augusta, drive about 30,000 miles per year. At my present mileage 1¢ per gallon will cost me \$15.00 per year. If better roads save me one tire or one front end alignment, I will receive a good return on my investment. I can't think of a better way to offset some of our inflation costs of maintaining our highways than to let the thousands of out of state motorists help pay the bill. Maine is presently collecting much less per mile on state maintained highway from the gas tax than any other state in New England. If you are serious about the future of Maine, if you are serious about conservation, let us pass this bill, cut down on the gas we are wasting and get a double return on our investment.

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

#### ROLL CALL

YEA — Berry, Berube, Biron, Blodgett, Brenerman, Brown, K. C.; Burns, Bustin, Carter, D.; Chonko, Clark, Cote, Curran, Davies, Diamond, Dudley, Durgin, Dutremble, Elias, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Henderson, Higgins, Hobbs, Howe, Huber, Hughes, Jackson, Jacques,

Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Lizotte, Lynch, McMahon, McPherson, Mitchell, Nadeau, Najarian, Post, Raymond, Rideout, Shute, Spencer, Sprowl, Stover, Talbot, Tarr, Theriault, Tierney, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wyman.

**NAY** — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Birt, Boudreau, P.; Brown, K. L.; Bunker, Sewall, Carey, Carroll, Carter, F.; Churchill, Conners, Cox, Cunningham, Devoe, Dexter, Dow, Drinkwater, Fenlason, Flanagan, Garsoe, Gillis, Gould, Gray, Greenlaw, Hall, Hickey, Hunter, Hutchings, Immonen, Lewis, Littlefield, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, Morton, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Rollins, Smith, Strout, Stubbs, Tarbell, Teague, Torrey, Whittemore, Wood, The Speaker.

**ABSENT** — Austin, Bennett, Boudreau, A.; Carrier, Connolly, Gill, Kerry, Laffin, LeBlanc, Martin, A.; Mills, Moody, Peakes, Quinn, Silsbey, Twitchell.

Yes, 65; No, 70; Absent, 16.

The **SPEAKER**: Sixty-five having voted in the affirmative and seventy in the negative with sixteen being absent, the motion did not prevail.

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

#### Consent Calendar

##### First Day

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

(S. P. 394) (L. D. 1353) Bill "An Act to Permit Trial Work Periods under the Workmen's Compensation Statutes" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-185)

(H. P. 441) (L. D. 548) Bill "An Act to Reduce the Size of the Board of Directors of the Criminal Justice Planning and Assistance Agency and to Change the Appointment of the Executive Director" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-524)

(H. P. 1242) (L. D. 1467) Bill "An Act to Permit Farmers to Shoot Marauding Animals" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-516)

(H. P. 1193) (L. D. 1426) **RESOLVE**, Authorizing the Secretary of State to Convey the State's Interest in a Lot in Waldoboro, Lincoln County, to Clarify Title — Committee on State Government reporting "Ought to Pass"

(H. P. 1601) (L. D. 1809) Bill "An Act Repealing the York Beach Village Corporation" (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-522)

(H. P. 1056) (L. D. 1288) Bill "An Act to Repeal Certain Laws Relating to Transportation" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-515)

(H. P. 1039) (L. D. 1280) Bill "An Act to Clarify the Criminal History Record Disclosure Law" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1313) (L. D. 1547) Bill "An Act to Authorize County Jail Inmate Participation in Municipal Public Works Projects" — Committee on Judiciary reporting "Ought to Pass."

No objections being noted, the above items were ordered to appear on the Consent Calendar of Wednesday, June 8, under listing of the Second Day.

#### Consent Calendar

##### Second Day

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

(H. P. 919) (L. D. 1115) Bill "An Act to Amend the Elderly Householders Tax and Rent Refund Act to Allow Access to State Tax Assessor's Records by the Department of Human Services"

(H. P. 1110) (L. D. 1377) Bill "An Act to Increase Certain Fees under the Pharmacists Law" (C. "A" H-504)

(H. P. 902) (L. D. 1117) Bill "An Act to Enable Domestic Stock Insurance Companies to Acquire Minority Interests and to Insure That Minority Shareholders Receive Fair Value for Their Shares."

(H. P. 1023) (L. D. 1247) Bill "An Act to Clarify the Provision Relating to Late Payment of Insurance Claims"

(H. P. 1447) (L. D. 1673) Bill "An Act to Re-quire the Maine Human Services Council to Hold Public Hearings on Maine's Title XX Plan of Social Services"

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

#### Passed to Be Engrossed

Bill "An Act Relating to Licensing of Theaters and Motion Picture Houses" (Emergency) (S. P. 524) (L. D. 1837)

Bill "An Act Providing for Establishment of a State Tax Mix" (H. P. 1647) (L. D. 1848)

Bill "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders" (H. P. 1648) (L. D. 1849)

Bill "An Act to Clarify the Investigatory Authority of the Commission on Governmental Ethics and Election Practices in Regard to Contested Elections" (H. P. 1649) (L. D. 1850)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act Relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851)

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

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Creating The Maine Capital Corporation" (H. P. 1011) (L. D. 1250)

Resolve, to Correct the Personal Services Appropriation for the Sheriff of Washington County for the Year 1977 (Emergency) (H. P. 1615) (L. D. 1822)

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

#### Second Reader

##### Later Today Assigned

Bill "An Act Defining the Rights and Responsibilities of Landlords and Tenants in Residential Property" (H. P. 1641) (L. D. 1843)

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

(On motion of Mr. Tarbell of Bangor, tabled pending passage to be engrossed and later today assigned.)

#### Amended Bills

Bill "An Act Authorizing the Approval of New School Construction in the Town of Stockholm"

(Emergency) (H. P. 1613) (L. D. 1821) (C. "A" H-505)

Bill "An Act to Remove Sales Tax from Residential Water" (H. P. 1400) (L. D. 1567) (C. "A" H-500)

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 Clarify Sex Discrimination in the Maine Human Rights Act" (S. P. 260) (L. D. 821) (S. "A" S-182)

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

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

Mr. **STUBBS**: Mr. Speaker, I would like to pose a question to the Chair.

It is my understanding that this bill, if enacted, would create a cost, not only to the property taxpayers of communities but it would also cost the General Fund of the State a considerable amount of money, possibly up in the millions. Should there not be a fiscal note on this bill?

The **SPEAKER**: The Chair would advise the gentleman from Hallowell, Mr. Stubbs, that the Chair is not in a position to see that a cost would be determined; therefore, at this time the Chair would have to rule that as far as he is concerned, a fiscal note is not necessary.

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

#### Passed to be Enacted

##### Emergency Measure

An Act Relating to Registration of Trucks of Less Than 6,000 Pounds as Automobiles (S. P. 113) (L. D. 272)

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. 107 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

##### Later Today Assigned

An Act to Clarify the Statutory Provisions Concerning the Legal Capacity of a School Bus (H. P. 1017) (L. D. 1232) (C. "A" H-427)

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

(On motion of Mr. Jenson of Portland, tabled pending passage to be enacted and later today assigned.)

#### Emergency Measure

An Act Concerning the Effect of Specially Authorized Appropriations upon the Calculation of State Aid to Public Schools (H. P. 1612) (L. D. 1817)

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. 116 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.

#### Passed to Be Enacted

An Act Relating to the Definition of Deed under the Real Estate Transfer Laws (S. P. 510) (L. D. 1797)

An Act Relating to Voter Registration (H. P. 146) (L. D. 176) (C. "A" H-438)

An Act to Amend the Priority Social Services Program to Serve Elderly Health and Home Care Needs (H. P. 224) (L. D. 288) (H. "A" H-456)

An Act Providing for Improvements in the Sales Tax Collection Provisions Specified by Statute (H. P. 395) (L. D. 501)



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.

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**Enactor  
 Tabled and Assigned**

An Act to Require Drivers License Renewal Examinations (H. P. 397) (L. D. 509) (H. "A" H-429 to C. "A" H-399)

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

Mr. Shute of Stockton Spring 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. 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 Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, just so that we can have our memories refreshed, could somebody please explain this bill?

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

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Originally, this bill would require that after the age of 40, you would need an eye exam every eight years. The House Amendment increased this to every 12 years. Since we have passed the four-year drivers license, now this would mean that after age 40, every third drivers license, you would have to have an eye exam.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have a legislative aide working on this bill. We find there is some language in this bill that is in conflict with the bill that already has been passed and signed into law, and I would request that somebody table this one day.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and tomorrow assigned.)

An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine (H. P. 408) (L. D. 502) (H. "A" H-381)

An Act to Limit the Liability for Damage to Underwater Lines (H. P. 501) (L. D. 619) (C. "A" H-437)

An Act Concerning Warrantless Arrests by a Law Officer (H. P. 630) (L. D. 771) (C. "B" H-418)

An Act Requiring Permanent Markers Prior to the Sale or Conveyance of Land in an Approved Subdivision (H. P. 832) (L. D. 1005) (C. "A" H-432)

An Act to Amend the Land Use Regulation Commission Statutes (H. P. 946) (L. D. 1141) (C. "A" H-428)

An Act Relating to Purse Seining and Stop Seining (H. P. 999) (L. D. 1240) (C. "A" H-436)

An Act to Establish the Maine Food and Farmland Study Commission (H. P. 1336) (L. D. 1593) (C. "A" H-423)

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 Assist in the Determination of the Mental Condition of Criminal Defendants (H. P. 1366) (L. D. 1597)

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

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

Mr. TARBELL: Mr. Speaker, I just wanted it set aside for the purpose of reviewing it before it went to enactment stage.

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

An Act to Improve the Laws Relating to Exceptional Children (H. P. 1607) (L. D. 1812)

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 Exempt Nonprofit Medical Facilities from the Maine Sales Tax (H. P. 1609) (L. D. 1814)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call the members' attention to L.D. 1814, another bill which will exempt another group here in the State of Maine. The fiscal note that this bill calls for in the first year is a loss of revenue of \$11,000 and the second year a loss of revenue of \$14,450. I personally think that the estimates are wrong. For example, in my community we have two major hospitals. One of them is a non-profit and the other one is a profit-making one. I sometimes wonder why one is called a non-profit and one isn't. We should not be passing legislation here which benefits a certain group which is in direct competition with those who are involved in the free enterprise system. This is basically what this bill is doing. It is benefiting a certain group here in the state which, in my opinion, will not reduce its rates. If you compared a few hospitals in my community, the rates are exactly alike, and I don't see the rates being reduced by one or the other because of this tax exemption. I can just see maybe a higher salary being paid and they do that because they are non-profit. They can just continue paying higher salaries. I cannot see the loss of revenue.

We had a bill here earlier this morning which talked about increasing the gasoline tax, which I am not in favor of supporting, and I spoke before on the floor of this House in opposition to bills like this who, in my opinion, are destroying our tax structure here in the State of Maine. We can all be good guys and keep giving these exemptions, but we have to come to the realization that the things that the people of Maine demand are services that need to be paid for. It seems to me that the feeling in this House is that we will simply keep passing on these things to the consumer. I will tell you quite frankly that the consumer cannot take anymore. If you keep deleting, in my estimation, right now we have given in excess of \$200,000 this year, in this session, in tax cuts to different people throughout the State of Maine and this should stop with this bill.

Therefore, I move that this bill and all its accompanying papers be indefinitely postponed. 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: This is one of those bills, and we have had so many that I am trying to refresh my memory on it. It was originally 481 and it was presented by Mr. Torrey of Poland: Mr. Mills of Eastport is not here, unfortunately, the co-sponsor of the bill, and maybe Mr. Torrey would be in a better position to refresh our memories as to the need for this particular measure before I would support or oppose a motion from the gentleman from Lewiston.

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

Mr. TORREY: Mr. Speaker, Ladies and

Gentlemen of the House: This proposed Bill, L. D. 1814, is a rewritten measure of a bill that I sponsored and was cosponsored by the good gentleman from Eastport, Mr. Mills. We both had the same intent, to exempt non-profit medical facilities from the Maine sales tax. It is my understanding that the present statutes do exempt hospitals from the sales tax and there are other medical organizations that are also exempt. This is strictly a health care measure.

In my home town of Poland, we have a community health center building which was built all from donations and from fund-raising efforts. It is strictly a non-profit organization governed by a board of trustees. It maintains a medical facility with modest equipment to service people in that area with medical, and we also have a dental wing at the present time. The professional people receive fees for their services but the maintenance of the building and certain basic equipment is all under the responsibility of the directors or trustees.

I find that there are several health centers scattered around the state that are similarly organized and similarly operated. It was for the benefit of these organizations that were delivering health care to people that we thought was essential and they shouldn't be discriminated against. If hospitals are able to receive a sales tax exemption, it was our thought that any medical facility operated by a non-profit group should be also exempted. That is the best I can explain the matter.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would suggest that Representative Biron take a look at the statutes. If we are going to take on some of these sales tax issue, I think it behooves us all to become a bit more familiar with them. Presently, hospitals, not actually non-profit hospitals but sales of incorporated hospitals are now tax exempt, as are tax exemptions for research centers.

Essentially, what this particular bills does is to provide that same kind of sales tax exemption to health centers and what health centers are primarily are to take care of people who are ambulatory, they are preventative in nature, they are much less costly than putting people in the hospital. They are particularly effective in rural areas, although I think they are even becoming so in some of the city areas where we have walk-in clinics. Perhaps a clinic is a little bit better word than a medical center, but that is essentially what this particular sales tax exemption goes for and I would ask for your support.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I am not familiar with the statutes which exempts the hospitals. If that was passed by this legislature when I wasn't here, I would have a problem with that as well.

The situation being that calling yourself non-profit is a way to get around the law as far as taxes are concerned. If these non-profit facilities do not pay a salary and all these people are volunteers, I would say great, let's do it, but I know better. I know these people are all getting a very high salary and they call themselves non-profit. That is a lot of malarkey.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I can throw a little light on this particular bill. In the first place, I would say that I have a great deal of sympathy for the position taken by the gentleman from Lewiston, Mr. Biron. I believe and I am sure that we should resist more of these tax exemption bills, but this particular one covers the situation where in the small towns they are unable to attract a doctor or doc-



tors to these small towns. Many of these towns have built a medical facility hoping, thereby, to attract a doctor which they otherwise would not be able to attract. It is this type of organization that this particular bill is addressed to.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Biron, Dutremble, Hall, Henderson, Kelleher, Lizotte, Marshall, McHenry, Raymond, Truman, Wilfong.

NAY — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll Carter, D.; Carter, F.; Chonko, Clark, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gills, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Masterman, Masterton, Maxwell, McBreairty, McKean, McMahan, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Rideout, Rollins, Sewall, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Tyndale, Valentine, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Austin, Boudreau, A.; Boudreau, P.; Carrier, Churchill, Connors, Connolly, Elias, Gauthier, LeBlanc, Littlefield, Martin, A.; Mills, Moody, Peakes, Quinn, Silsby, Twitchell.

Yes, 11; No, 122; Absent, 18.

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

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

An Act Relating to Sentences for Leaving the Scene of an Accident which Results in Death or Injury (H. P. 1610) (L. D. 1815)

An Act Relating to Actions in Trespass for Cutting Trees on the Land of Another (H. P. 1611) (L. D. 1816)

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

#### Orders of the Day

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

Bill "An Act to Ratify Certain Action Taken Relating to Construction of a York County Jail and to Provide for Acceptance of Gifts and Grants for such Purpose" (Emergency) (S. P. 523) (L. D. 1827) — In Senate, Passed to be Engrossed without Reference to a Committee.

Tabled — June 3, 1977 by Mr. Goodwin of South Berwick.

Pending — Reference.

Under suspension of the rules, the Bill was read twice, passed to be engrossed in concurrence without reference to any Committee.

By unanimous consent, ordered sent forthwith.

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

Bill "An Act Relating to the Practice of Real Estate Brokers and Salesmen" (H. P. 1631) (L. D. 1833)

Tabled — June 3, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

On motion of Mr. Whittemore, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Amend the Maine Income Tax Law" (H. P. 1514) (L. D. 1749)

Tabled — June 3, 1977 by Mr. Carter of Bangor.

Pending — Passage to be Engrossed.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Section 3 of L. D. 1749 imposes a minimum tax on certain items of income which otherwise would not be taxed. Among these types of income is a portion of long-term capital gain. However, in the case of corporations, the State of Maine now taxes 100 percent of these long-term capital gains. The L. D., as originally written, would have imposed another tax on a portion of these long-term capital gains, and I am sure that the intent of the bill was to impose a tax on income which otherwise would escape taxation and not to impose a double tax on any type of income.

My amendment merely corrects what was, I believe, an oversight in the original draft of this bill.

Thereupon, Mr. Carter of Bangor offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-527) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been on the table for the last week, and the reason that it has been on the table, the purposes were explained by the gentleman from Bangor. The Committee has had a chance to review the amendment that the gentleman from Bangor has presented and the committee is in concurrence with the gentleman's position.

Thereupon, House Amendment "B" was adopted.

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

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

Bill "An Act Relating to the Regulation of the Blueberry Industry" (H. P. 598) (L. D. 739) (C. "A" H-474)

Tabled — June 3, 1977 by Mr. Connolly of Portland.

Pending — Passage to be Engrossed.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland, Mr. Connolly, called me last night from New Jersey saying he had car trouble and was trying to get back. Therefore, since he is not here, I wish somebody would table it for one legislative day.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and specially assigned for Thursday, June 9.

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

Bill "An Act to Revise the Laws Relating to Barbers and Cosmetologists" (H. P. 1639) (L. D. 1838)

Tabled — June 6, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

Ms. Clark of Freeport offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-526) was read by the Clerk and adopted.

Ms. Clark of Freeport offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-528) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentlewoman.

Ms. CLARK: Mr. Speaker, Men and Women of the House: It is my understanding that there are two more amendments in the making, and I would request that someone table this for one Legislative Day.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of House Amendment "C" and tomorrow assigned.

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

Bill "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (L. D. 1635)

Tabled — June 6, 1977 by Mrs. Post of Owl's Head.

Pending — Passage to be Engrossed.

On motion of Mrs. Post of Owl's Head, retabled pending passage to be engrossed and tomorrow assigned.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by Committee Amendment "A" (H-469) — Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to the Maine Amateur Athletic Union Cultural Exchange Program" (Emergency) (H. P. 1343) (L. D. 1590)

Tabled — June 6, 1977 by Ms. Goodwin of Bath.

Pending — Acceptance of Either Report.

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

Ms. GOODWIN: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I am not going to oppose the acceptance of the motion by the gentlewoman from Bath, Ms. Goodwin, even though I did sign the Minority "Ought to Pass" Report.

As I indicated the other day, the Appropriations Committee has been, what I would consider, extremely frugal in the number of appropriation bills that have been passed out during this session. This particular bill was an attempt to provide some additional funds to some young Maine students who participate in a wrestling competition in Austria later this summer. Previously, the Executive Council made an appropriation to help defray some of the costs. It is my understanding that this year the Governor would not approve an appropriation from his particular contingency account: hence this bill was introduced.

It seems to me that the legislature very frequently is in the position of reacting in dealing with crisis situations, and it seems to me a rather refreshing thought to have a bill coming before the legislature that would provide some assistance to some young people who were engaged in a worthwhile athletic endeavor. The

problem is that the bill now is too late to do any good. I understand that some of the young people have raised some of their own money. Apparently, they will be pooled together with some other young people from different states to form a team to Austria.

I do think, though, that it is unfortunate that we can't support more of our young people in this manner.

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

Mr. CARTER: Mr. Speaker and Members of the House: I wasn't present when the bill was reported out of committee, but I would like to go on record as favoring the Minority "Ought to Pass" Report.

Thereupon, on motion of Ms. Goodwin of Bath, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1629) (L. D. 1832)

Tabled — June 6, 1977 by Mr. Spencer of Standish.

Pending — Motion of Mr. Hobbins of Saco to Reconsider Passage to be Engrossed.

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

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

Bill "An Act to Amend the Law Regulating Mass Gatherings" (H. P. 1603) (L. D. 1806)

Tabled — June 6, 1977 by Mr. Goodwin of South Berwick.

Pending — Motion to Recede from Passage to be Engrossed as Amended by House Amendment "A" (H-441) and Concur with Senate on Passage to be Engrossed as Amended by Senate Amendment "A" (S-180) and House Amendment "A" (H-441) on June 3.

On motion of Mr. Goodwin of South Berwick, the House voted to recede.

Senate Amendment "A" (S-180) was read by the Clerk and adopted.

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

House Amendment "B" (H-525) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: What this amendment does is to place an emergency clause on this bill. The bill changes and clarifies some of the regulations relating to mass gatherings to help clear up some of the problems we have had in the past. There are several potential large mass gatherings of various types of concerts and other things that will be happening this summer and if the emergency clause was not on, it would not allow the department to issue permits on some of these gatherings. One in my area, there is a potential of about 20,000 people, but since it will only be for about 12 hours, the present law would not apply I think it is important that we put this on.

I have talked with the department people, and they are all set to go on it. There won't be any problem. It is really not changing any of their existing rules and regulations, it just brings it down into a mass gathering that would last for 12 hours with 2,000 or more people rather than the present law which is 24 hours and 3,000 or more people.

Thereupon, House Amendment "B" was adopted.

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

The Chair laid before the House the following matter:

An Act to Clarify the Statutory Provisions Concerning the Legal Capacity of a School Bus (H. P. 1017) (L. D. 1232) (C. "A" H-427) which was tabled earlier in the day and later today assigned.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Signed by the Speaker and sent to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the following matter was taken from the Unassigned Table:

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

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

Pending — Passage to be Enacted.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill be indefinitely postponed. The reason that I am asking for indefinite postponement of this particular bill is that it raises the present student tuition equalization program maximum family income limits from \$13,000 to \$17,000. When the Department of Cultural Services calculates the \$13,000, that is net income after all deductions and so forth have been taken out. When we talk about \$13,000, we are really talking about incomes of \$18,000 and \$19,000, and when you increase it to \$17,000, you really are talking about incomes of \$25,000 or more. I just don't think that that is the kind of income families that the Maine State Legislature ought to be giving 1,000 checks to, free grant checks.

Immediately following this will be taken from the Unassigned Table another comprehensive student aid program which phases out this particular program and institutes another; therefore, I think this one is totally unnecessary.

Mr. Palmer of Nobleboro requested a division.

Whereupon, Mr. Raymond of Lewiston 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. 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 pending question before the House is the motion of the gentlewoman from Portland, Mrs. Najarian, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Biron, Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Cote, Cox, Curran, Davies, Dow, Dudley, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Greenlaw, Hall, Henderson, Hobbins, Howe, Hunter, Immonen, Jalbert, Jensen, Joyce, Kany, Kerry, Laffin, LaPlante, Lizotte, Locke, Lunt, MacEachern, Masterman, Maxwell, McBreairty, McKean, McMahon, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Pearson, Plourde, Prescott, Rideout,

Talbot, Tierney, Torrey, Truman, Valentine, Wilfong, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berube, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cunningham, Dexter, Diamond, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Green, Hickey, Higgins, Hutchings, Jackson, Jacques, Kane, Kelleher, Kilcoyne, Lewis, Littlefield, Lynch, Mackel, Mahany, Marshall, Masterton, McHenry, McPherson, Nelson, M.; Norris, Palmer, Peltier, Perkins, Peterson, Post, Raymond, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tozier, Trafton, Tyndale, Whittemore, Wood.

ABSENT — Boudreau, A.; Carrier, Connolly, Devoe, Huber, Hughes, LeBlanc, Martin, A.; Mills, Moody, Peakes, Quinn, Silsby, Twitchell. Yes, 65; No, 72; Absent, 14.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-two in the negative with fourteen being absent. The motion does not prevail.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: When this bill first came out of committee, frankly, I thought the gentledady from Portland, Mrs. Najarian, was somewhat overreacting to a bill which looked very fair and very reasonable to me. It increased the family limitations which are now \$13,000 to \$17,000 as far as giving these grants to young people, and I personally feel that people who are making between \$13,000 and \$18,000, their children should be eligible for this program because, after all, the people who are making in that area are the bedrock of our state, they are the people who are working hard, maybe two jobs, maybe working in a paper mill, small businessmen making in that amount. Then I realized that the gentledady from Portland was really absolutely correct, because we are not talking about gross income when we are talking about \$13,000 to \$17,000, we are talking about net income.

I think I would like to have you all think back, if you were fortunate enough, I wasn't, but some of you made enough money last year to not use the standard deduction. I did, but think back, just think of all those loopholes that have been built into our tax laws and if you think back, you will find out that we are talking about \$17,000 or \$18,000 in net income, you are talking about significantly more than that in gross income. What this bill really does is make eligible for a tax grant program now, not a loan, but a grant from the tax dollars of this state to the children of individuals who are making \$25,000 or \$30,000 at the direct expense, because we are not increasing in this bill the amount of money available for our young people, at the direct expense of the people whose net income is \$13,000 or actually the gross income of about \$16,000 to \$17,000 a year.

So, if you pass this bill, what you are actually doing to that individual who is making around \$15,000, \$16,000 or \$17,000 a year, is making it more difficult for his child or her child to get one of these grants, because you are just increasing a number of people available, you are throwing in all those children of people who are making between \$25,000 and \$30,000 a year and it makes it that much more difficult for those young people of our real middle-class citizens and I hope we do not enact this piece of legislation.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to the Education Committee and probably somebody might be able to answer it. We are

talking about the eligibility guidelines, in this particular bill, we are talking about the limit, which would be \$17,000, but when the department decides who is eligible, don't they also look at the family size, assets, liabilities, mortgages, etc.? I would like that question answered.

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mrs. NAJARIAN: Mr. Speaker, the answer is yes.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise hopefully not to make this a partisan issue since the majority leader has spoken on it, but I did favor this particular bill earlier in the session. I just want to answer a couple of remarks made by the majority leader. I think he must truly have had his tongue in his cheek when he came to that amazing discovery that because at \$17,000 net income, it meant that someone was really making terrific sums of money and he spoke of the loopholes which have been covered by those people and, therefore, they would be in a good position to pay significant amounts for education for their young people.

I would just remind you that the loopholes generally are, for example, that that man can take out money that he has contributed to his church or to charitable organizations, if you want to call it a loophole. He has paid a mortgage on his house and most people who have three or four young people who have been through high school and are going to college still do have a mortgage on their house. Another loophole might very well be the interest payments he makes on indebtedness he has incurred in putting his children through high school and college. If you want to call these loopholes, that is your choice. I feel that they are just ordinary expenses, par to the cost which this particular person may have in seeing that his children are properly educated.

I realize it is very difficult to stand here and defend someone making a magnanimous sum of money of \$20,000 or \$25,000 with three or four children in college, he needs all the assistance he can get. It is much easier to stand for the person who is perhaps making \$6,000 or \$7,000, but the fact is, there is need on both sides. I see nothing to be gained by denying a middle-income family in Maine the right to have some assistance in sending their young people to college under the guise that you are going to be hurting some other person who perhaps needs the education just as well.

It is not a big issue with me, but I truly think that most of our tax considerations and most of what we do here are geared to lower income people. The rich seem to be able to take care of themselves fairly well. This middle guy who has been hit on both sides over and over again, now with two or three children going to college, asking for a little bit of assistance and certainly if you take \$17,000 net income and you had two or three young people in college at \$3,000, \$4,000, \$5,000, and \$6,000 a year, I don't think that person is going to be wallowing around in lots of excess money.

I do hope that we will not indefinitely postpone this bill, that we will give it passage and give these people, I think, a decent chance.

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

Mr. TIERNEY: Mr. Speaker, Ladies and

Gentlemen of the House: I guess the gentleman from Nobleboro and I are pretty clear. The gentleman says someone who makes \$25,000 is a middle income person. They may be in Nobleboro, but they are sure not in Lisbon Falls.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I would just like to point out that there are very few families in Maine who have a gross income even of \$17,000. If you look at the joint returns filed in the Taxation Department for last year, there are only about 40,000 families total in Maine who make a gross income between \$25,000 on up. The vast majority of Maine people make \$15,000 and below, gross income.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say why I am going to vote for this bill. First of all, we are throwing figures around of family incomes. This is not, when you say \$13,000 or \$15,000, a per capita income. As you are well aware, in the State of Maine, we are one of the few states that has the highest percentage of husbands and wives who work, husbands who hold two jobs, wives who hold one or two jobs. The household income is not \$7,000 or \$8,000 or \$9,000 in many instances. Also, we are saying that the reason we should defeat this bill is to leave more money for those children who need the money, those kids who come from low-income families. I certainly agree with that.

If they are the children of an A.D.C. family, I understand they can qualify for free tuition at the state university. If they are of low income, I understand they qualify for basic education grants. If they are low income, they qualify for the national education grant. They also can qualify, if they are not so low income, for the national direct student loan at only a three percent interest or perhaps no interest at all. The children of the people who are paying the bills, who we zapped last year for around \$18 million additional in state income tax, those are the people probably earning (depending again on the family size) \$14,000, \$15,000, \$16,000 who perhaps don't have large bills that they can deduct when they apply for these grants so that they can reduce the assets or whatever, these people don't qualify. Consequently, many times this class of people, if we are going to say class, pit class against class, which I find abhorrent, are forced many times to send their children or their young people not to secondary colleges but to schools that they perhaps don't want to go to. That is the reason I am going to vote. I could go on and on, but I think it is a good bill. For just one time, why can we not give one sliver of the pie to the people who are paying for the bills?

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that it won't be long before the tuition rates at our public university will be beyond the reach of the majority of our Maine citizens. I suggest that this bill is not a middle income bill, it is a bad bill, and I hope that we don't enact it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: We have been tossing figures around. I would like to give you a few. For the academic year 1976-77, recipients, 1,008; gross income average, \$8,644; net income, \$4,194; need, \$3,317; number of dependents, 3,78.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid I am going to be a little repetitious. I think the time has come to remind you once again that young people are the backbone of the State of Maine and are people that need help. Again I will say, we help everybody else but the average income family. It is the average income family that keeps working, keeps paying our taxes, keeps paying and paying. These are good, smart kids, and I hope you will pass this bill.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the position of the gentlewoman from Lewiston, Mrs. Berube. In the course of my campaigning for the legislature and going door to door, I have come across numerous families who were caught in a terrific bind when they have a number of children who are reaching college age. In many of these situations, the husband is working at an ordinary, middle-income job earning between \$8,000 and \$12,000 a year. The wife has gone back to work now that her children are grown so that she can earn enough so that they will have some possibility of getting these kids through college. If you add up their income and it puts them in the \$20,000 total income category but they are both out working, the husband may be working an extra job in addition to having the wife working because they are trying to get three or four kids through college in a very short period of years when they are all coming of college age at the same time.

The bill as it is written requires a demonstration of two things; One, that your income is less than the amount established, whether it be \$13,000 or \$17,000. The second thing is substantial need. You have to show both things; substantial need and that the family income is less than the amount that we set. There are going to be families with both people working, perhaps some of the kids working who are trying to get through college, who have a number of kids, and they will have substantial need. You cannot get three or four kids through college all at once on anything close to \$17,000. It seems to me that time after time we see situations where the people who are really struggling and are caught in the middle and are all working and are trying to do what they can for their families can't do it. I think that this bill is directly aimed at that situation. Unless there is substantial need, they will not get it. If one member of the family is making \$20,000 or \$22,000 or \$23,000 and they have one kid, they would not get the grant. If they are all working and they have got four kids, there is substantial need and they would be eligible for this, and I think they ought to be able to get it.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was sent a note by our Clerk yesterday as to how I could sit here, and I did sit here, and I have sat more and said less at this session I think than all the other sessions put together. I think probably that sitting and listening makes me learn a little something.

I sent a note to my very dear friend and colleague from Lisbon Falls a few minutes telling him to reconsider this bill because I didn't think much of it. I have listened to the oratory and I have listened to the best oratory that I have heard this session, to tell the truth, and it was done by the gentlelady from Lewiston, Mrs. Berube. Her position completely changed my thinking. Come to think of it, what an idiot I am! I just got through helping a niece of mine to

go through Smith. You don't go through North Hampton even unless it costs you five big ones. I can guarantee that if you stay over for four years, it is going to bounce up a little bit. Besides that, come to think of it, I am getting a little tired of working for nothing after August first. That is what I am doing year in and year out.

I have reread this thing and I have looked it over. I am addressing myself to my really good friend from Lisbon Falls, and we are friends, we are personal and social friends, and I have been thinking about it and I am going to address myself to him. I would like to tell him one thing. If he is from Lisbon Falls, I guarantee you one thing right now, he may not be around that \$25,000 area, but if he sticks around three or four years, he will be hitting five-o so fast it will make your head spin. He is that type of an attorney, he is headed in that direction.

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 remind you people that Mrs. Berube and Mr. Fenlason gave us the reasons why we should vote for this bill. These are the people that earn \$17,000 or \$18,000 a year who are paying for those who are on AFDC, for the elderly, who are paying for others who are not able to pay for themselves and all the other taxes. I think it is only fair that they get a break themselves once in awhile.

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

A vote of the House was taken.

83 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby the Bill was passed to be enacted and hope you all vote against me.

The SPEAKER: All those in favor of reconsideration will say yes; those opposed will say no.

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

On motion of Mr. Tierney of Lisbon Falls, the following matter was taken from the Unassigned Table:

Bill, "An Act Establishing the Maine Student Incentive Scholarship Program" (S. P. 423) (L. D. 1481) (C. "A" S-133)

Tabled — May 18, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Wyman of Pittsfield to Indefinitely Postpone Bill and all Accompanying Papers.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not indefinitely postpone this bill. As I said a moment ago, there are 1,008 young men and women being assisted by this program; 400 of them in this academic year ending about this time are males, 608 are females, 7 are Black American, 3 are North American Indians, 1 Oriental and the rest Caucasian. They have received an average award for this year ending now of \$570. That may not sound like much but for many people, it makes the difference between getting an education and not getting one.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: This House has already three times expressed its support for state aid to students attending private colleges and those of us who oppose this type of legislation are in a distinct minority, so I am not going to speak against this

particular bill with the hope of winning any converts to my position. I don't ordinarily choose either to monopolize the precious time of this House session to debate lost causes but in this case, I want to make an exception. I think it is important that the minority position against this seemingly choice legislation be stated for the record.

Before I tell you why I find this legislation philosophically so distasteful, I will first explain what this bill proposes to do. It is called The State Student Incentive Scholarship Program. It would appropriate \$527,000 next year and \$1,327,000 the following year to provide grants at no less than \$200 and no more than \$1,500 to help Maine students attend any Maine public or private institution of higher education. It appropriates \$42,000 to add two additional personnel to the three positions already administering the present program called the Step Program and then goes on to provide that the work that these three additional people are supposedly hired to do could be contracted out to other agencies or institutions. In determining a student's need for a state scholarship, it limits the actual cost of attendance to \$4,800. This bill is hailed as an improvement over the old step program which was limited solely to private institutions by now making these state dollars available to those attending our public institutions. It is supposed to be an improvement but, in reality, will not be any different from the present program. Including public institutions is mere window dressing because the cost of attending our private colleges is so much greater than any of our public institutions, the unmet needs for students attending private schools will always be greater than those attending the university. The cost of attending our most expensive public school, which is the University of Maine at Orono would never add up to \$4,800 including everything, books, board, room, tuition and fees. On the other hand \$4,800 for many of our private schools does not even go half way towards full cost and who will get the grants? Those students who want to go to private schools and those are the students who will show the greatest unmet need.

I have often heard it stated and I have heard it again this morning by members of the public and by members of the legislature, what does government ever do for me? They say the poor are taken care of, the rich can take care of themselves, but what about the middle class? What about people like you and me? Well, I contend that government in general and state government in particular does a lot for people like you and me, but it does it in such a way that everyone can benefit regardless of income. We have highways built and maintained for our nice new automobiles, or rather your nice automobiles, we have public libraries, the museum, arts and humanities, alcoholism programs, income tax deductions, tree planting and recreation programs, beautiful parks, business regulations, consumer protection and more, available to all, but it is the middle class who benefits the most from these government sponsored activities. The state has supported for over a hundred years the University system, now comprising seven campuses, making higher education conveniently accessible at low cost to Maine residents from Fort Kent to Biddeford. Again regardless of income. We are providing our citizens with a choice already. What choice would thousands have to continue their education if there were no universities, they would have none. The cost of our private institutions would be prohibitive, not to mention their limited and selective enrollments.

This legislation is not a program for which any one, regardless of income, can take advantage. This state aid will only be available to those in the upper middle class, those few thousand Maine families who earn between \$20,000 and \$30,000.

I have always been under the impression that the primary function of government was to help those too disadvantaged to help themselves and to provide those services that could not be provided by private enterprise, either because of the use of huge investment or the lack of profitability, such as building highways or maintaining law and order. But I have never thought it was to sustain those who could help themselves. This is exactly what we are proposing to do, in my opinion. We are proposing to hand out \$1500 checks to the economically comfortable, but we don't call it a handout or dough, we clothe it in socially acceptable language. We give it that name that doesn't have negative connotations, like State Student Incentive Scholarships or the Step Program. Would the average person in Maine know that step means a gift of state money to people who have a relatively high standard of living? Those who are homeowners, have an automobile or two, send their children to private secondary schools in some instances, take costly vacations, own summer cottages and use their Master Charge, Bank Americard and other credit cards rather liberally? Is it any wonder they lack cash reserves when it comes time to send their children to college. Who are those who would not benefit from this program? The working poor, who couldn't afford private college if this maximum grant were doubled and those who live within their income, who pay cash for their purchases and who save over half a working life for their children's education.

There is still another reason why I dislike this legislation so intensely. I believe that the underlined and unexpressed motive is the notion that the university is not good enough for some of our abler students, that the university is primarily for the poor and the mediocre and that a relatively good education cannot be acquired at the university by saying that the purpose of this program is merely to give Maine students a choice, is to disguise the true reasons in a way that not only avoids criticism but actually appears laudable.

If there is truth to the belief that the university is inferior to private schools, then the fault must lie with past legislatures. What the university is, is a reflection of what we want it to be and what aspirations we have for it is reflected through our appropriations process. This legislature and others should have the top priority to improve the quality of the university, to make every program on every campus as outstanding as our law school. There are outstanding quality universities in this country, the University of Michigan, Texas, the California and New York systems, to name a few. Instead of routing our ablest students and our scarce resources to the private sector, we should be providing encouragement to attend the university by insisting on a university that is top notch. But even if the appropriations committee recommendation in the part I Budget is accepted, the university will still be receiving less next year than it did in 1974. No wonder its best faculty is leaving and recruiting is difficult. What we are going to attract are those who can't hack it because of academic mediocrity or personality factors, elsewhere and the quality further deteriorates.

I would like to read to you excerpts from a guest editorial appearing in the Sunday Telegram a month or so ago written by our distinguished Senator from Kennebec, Senator Katz. He said, (1) our VTI's had a smaller budget and accepted fewer students this year than last although more Maine youngsters were clamoring to be admitted, (2) the number of Maine youngsters who belong to any kind of post secondary education is the worst in the nation; (3) our per pupil costs are the lowest in the nation, (4) in cost in dollars we are spending \$254 less on each student in this academic year than in 1970 and 1971, (5) faculty pay in 1974 and 1975 was almost the lowest in the nation, and

last year only South Dakota paid its full professors less, our associate and assistant professors were the lowest paid in the nation.

The author of those words is the same Senator who now brings us L. D. 1481 who would divert \$1.8 million of public money to the private sector when the university needs it so desperately and who freely admits that the university is severely underfunded. The Adhoc Committee of Pecom, that is the Post Secondary Education Commission of Maine, the group who recommends this legislation, by the way, this same group identified approximately 1000 needy Maine students attending private colleges. By comparison, they identified 10,000 needy students attending the university, Maine Maritime Academy and the VTT's. In other words, there are ten times the number of needy students attending public institutions, even with their relatively low cost, as there are students attending private colleges. For every \$1,000,000 the University does not receive, tuition increases \$100 per student, thereby adding an additional burden to 10,000 students already classified as needy, not to mention the increased burden on 15,000 additional families. Members of the House, this legislation is a giant step in the wrong direction.

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

Mr. BAGLEY: Mr. Speaker, Members of the House: I hesitated a long time to speak in opposition to the oratory that we have just listened to but I feel that I must.

In the first place, one reason for this is that it is necessary in order to meet certain federal requirements that our grants be given to both public and private schools.

In the second place, the very facts that the representative from Portland just gave, showing more needy people attending our public schools or trying to, then are attending our private schools, is evidence to me that these grants which, under this bill would permit to go to students attending the public schools as they are not at the present time. It seems to me that the evidence that she gave as proof, that more of those students would be getting the money. It seems to me that it is evident that a lot of our low income people whose income is so low that they simply cannot attend any college will, with this bill, for the first time be able to attend our public institutions. So, it seems to me that it is one of the better bills, it is really important that if we are going to spend money for the education of our post secondary pupils, that they should be permitted to go to either public or private schools. I am certain that a lot of them will go to public schools and I am certain that the University of Maine will benefit indirectly very much from this bill.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I spoke in opposition to this bill a few days ago when it was first considered and in sensing the mood of the legislature this morning, I am not going to take a great deal of time, I believe that Representative Najarian spoke very eloquently and I concur with everything that she said.

It seems to me that this is a very well intentioned bill and it is certainly generous, it is going to expand the Step program, it is going to replace the bill that we have just enacted, which is a point that I wanted to make earlier, because it seems a little inconsistent to broaden the program that as soon as we turn around, we are going to replace with even a more comprehensive program and that is exactly what L. D. 1481 will do. It seems that this, though well intentioned, is a very untimely proposal.

Victor Hugo once said: "There is nothing so powerful as an idea whose time has come." And

to paraphrase him, I would submit to you that there is nothing quite so bad or inappropriate as an idea whose time has not come and it seems that we are considering the very distressing needs of our public institution that this is simply not the right time to be thinking about a comprehensive assistance program for private colleges.

Just briefly, Representative Bagley mentioned, and I know that the proponents of this bill have continually stated and I think that they have done so very effectively, that this bill if enacted would actually give the opportunity of the young person to attend the University of Maine. This grant would also be beneficial to that student. But the bill you see is based upon financial need and financial need, as we all know, if we realize what it costs to go to a private college today, the financial need is almost always going to be greater for the person that chooses to attend a private school. It is always going to be greater than the financial need of the student who attends the University of Maine. It is \$2,200 a year to attend the University of Maine as opposed to \$8,000 up to \$10,000 a year to attend a private college. I would expect and you know very well that the need is going to be much greater to the young person who chooses to attend a private school. We need both our private and public institutions but I think we, as public officials who are responsible for appropriating the taxpayers money have a responsibility to established priorities. It is not easy, it is not going to be easy perhaps to get through this session without considering a tax increase but when we consider higher education, I think we ought to place our first priority with the one institution that this legislature created in 1968, the bill that was sponsored by the same gentleman that is also sponsoring this bill that it is going to subsidize private colleges. We must place our priorities there.

Also, I would remind you that the Board of Trustees of the University of Maine developed a policy statement regarding a comprehensive student assistance and said that they would not oppose this student assistance at all, they were in favor of it. They were in favor of it, however, first at the federal level and there are merit federal programs for student assistance that are available. Then they said, secondly, after we funded the University at a level which is reasonable, then we can consider a comprehensive student assistance program to our private colleges. I guess we have got to put first things first.

The last thing that I would mention would be the fact that I am sure you are aware, we do not have a comprehensive student assistance program to private schools at the lower grades, at secondary level or elementary level. I suppose the principle has always been that the state should not be subsidizing parochial schools or private schools at the lower grade level. It seems to me that the same philosophy would also apply at the higher level.

So, I would urge you to vote for the indefinite postponement of this bill. You have enacted L.D. 327 which increases the ceiling which is going to be more money to those students who attend the private schools and I don't believe that this is a right time to be adopting this bill.

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

Mr. BOUDREAU: Mr. Speaker, Members of the House: I would suggest to the members of this House that this is the right time to enact a bill like this. I think that when we look at all we have done to our elementary and secondary schools and appropriated \$290 million for them and I have been told the Appropriations Committee is now going to give the university \$4 or \$5 million. It seems to me only fair to allow for

a little increase in student aid for students to go to public and private schools and not as Mr. Wyman says, to subsidize private schools in Maine.

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

Mr. BAGLEY: Ladies and Gentlemen of the House: I would point out very briefly and very quickly the fact that the chief opponents of this bill have also spoken against the other bill which we have already passed on the grounds that that favored private schools. Now this bill favors both schools, gives grants to both schools and it seems to me entirely inconsistent for anybody to oppose this bill and then talk about not wanting to help private schools when they have already passed the bill that helps only private schools.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Previous speakers have laid out the picture that I am sure you are all beginning to get on this particular type of legislation. I won't go into the things that they covered because I think they covered them very well, the gentlelady from Portland, the gentleman from Pittsfield.

There is one other facet to this debate that I would like to add which is where I come down on the bill and that is, lest you think that there are no other student aid funds, it has been mentioned here that there are other student aid funds, I can assure you that the bulk of student aid funds comes from the federal government, the vast bulk. Right now, in this fiscal year, we have just passed the total of somewhere in the neighborhood of \$31 million of total available funds outside of family resources available to students who attend post secondary school in the State of Maine, \$31 million, not all federal but a total of \$31 million a great many of those dollars are federal. So it seems to me that the state's responsibility should be to maximize those federal dollars. Now in this particular program, I am informed by the Department of Education that the most federal dollars we could get out of this program is in the neighborhood of \$200,000 or \$225,000 and a fifty-fifty match is what is available in this particular program. So as far as I can see, this is about the amount of money that we should be using to fund it, if we want to say that state dollars should go into the providing of how we are going to deliver these services to the maximum number of Maine students. We don't deliver very many services to a large number of Maine students through anything else except the public institutions, the VTT's and the university. So, if you want to talk in numbers of students helped, these very scarce Maine tax dollars should go to the public institutions over and above those dollars that are needed to maximize the federal governments contribution. That is why I come down on the wrong side or against this type of legislation or at least the way it is funded. I do want you to understand that I feel that this is better than this program we presently have on the books because at least all the institutions will be competing in it but I feel that it is overfunded and that we need to use these dollars here in the State of Maine to maximize the delivery and let the maximum number of federal dollars come down for direct aid to students.

Therefore I shall oppose this bill.

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

Mr. HUGHES: Mr. Speaker Members of the House: I have been reading the bill and trying in vain to figure out exactly what it would cost. So I would ask a question through the Chair to somebody who can describe to us the real cost of this bill in dollars to the state.

The SPEAKER: The gentleman from Auburn, Mr. Hughes, has posed a question



through the Chair to anyone who may respond if they so desire.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I heard a comment a little earlier in the debate that I just can't let pass. Mr. Lynch said as he introduced his remarks that it benefited a number of different groups of people and among them he said there were some Blacks and some Orientals and some Indians. There are three North American Indians that benefit by this scholarship but it bothers me somewhat because those same Indians who benefit by this program can go to the University of Maine at Orono absolutely free.

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

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, there has been a lot of controversy about this bill, I have read the bill, I have also tried to get the amendments together to the bill, I am holding ten amendments here, these are House amendments, there were three committee amendments to this bill, so something must have been wrong with the bill in the first place if it takes this many amendments to try to straighten it out. This is all amendments to this 1481, I am holding ten of them, three of them are House amendments to committee amendments so, basically, there is something wrong with it somewhere.

So, I urge you to go along with the indefinite postponement of this bill.

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

Mr. BIRT: Mr. Speaker, Members of the House: To answer or try to answer two or three of the questions that have been proposed, relative to the number of amendments, I believe there is only one amendment presently on the bill. There may be some other changes suggested, but so far none have been offered.

To try to answer the question that the Representative from Auburn, Representative Hughes proposed, I believe that the gentleman from Farmington, Mr. Morton indicated exactly what the intent of this bill is — it is supported by all of the Higher Education Council including, it is my understanding, the Trustees of the University of Maine. The amount of money that could be used probably is the amount that is in the bill. This could be reduced but in any reduction it would not do as the gentleman from Farmington said, maximize the amount of federal dollars. I think the intent is, as expressed by the trustees, is to try to maximize the amount of federal dollars that could come into the state for tuition assistance to any of the schools. The present bill has been introduced primarily to allow this to be done for the public institutions as well as private. I think one of the things we are really faced with today that bothers me a great deal is the fact that inflation the last few years has created a great deal of problems for the private institutions in maintaining students, the ability of students to attend because tuition has had to go up at a very rapid rate. For many years, the tuition at the private schools, who were able to be very independent because they are heavily endowed and they could help students, but they have reached the point now where the endowments will not allow them to do this. I think there is a real place in the whole educational sector for both public and private schools. I think some students should attend private schools if they so desire because it gives an opportunity for a broad diversification in the whole education complex, and I think that these things are all important to consider, and I hope that this bill is not indefinitely postponed so that then it can be passed along.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker and Members of the House: To answer the gentleman from Auburn's question concerning the cost of this program, I believe it is going to be \$42,000 the first and the second year it will be \$1,483,000, so over a two year period, we are talking about a million and a half dollars for this.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to some of the other questions that have been directed against the bill, private college versus public college, you have the same dissatisfaction within the University of Maine system. Many students elect to go to Fort Kent or Presque Isle rather than go to the University of Maine at Orono, and I think you have to offer the same alternatives to students who want to go outside the university system.

The SPEAKER: The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Najarian 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 pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, 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.

Mrs. Kany of Waterville was excused from voting pursuant to House Rule 19.

#### ROLL CALL

YEA — Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Connors, Cote, Cox, Davies, Dow, Dutremble, Elias, Flanagan, Goodwin, H.; Greenlaw, Hughes, Immonen, Jensen, Joyce, Lougee, Lunt, MacEachern, Marshall, Maxwell, McBreairty, McMahon, Morton, Najarian, Nelson, N.; Pearson, Peltier, Peterson, Prescott, Rideout, Smith, Stover, Talbot, Valentine, Wyman.

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cunningham, Curran, Devoe, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Jackson, Jacques, Jalbert, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lynch, Mackel, Mahany, Masterman, Masterton, McHenry, McPherson, Mitchell, Nadeau, Nelson, M.; Norris, Palmer, Peakes, Perkins, Plourde, Post, Raymond, Rollins, Sewall, Shute, Spencer, Sprowl, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Whittemore, Wilfong, Wood.

ABSENT — Boudreau, A.; Carrier, Connolly, Dexter, LeBlanc, Littlefield, Martin, A.; McKean, Mills, Moody, Quinn, Silsby, Twitchell.

Yes, 41; No, 95; Absent, 13; Excused, 1.

The SPEAKER: Forty-one having voted in the affirmative and ninety-five in the negative, with thirteen being absent and one excused, the motion does not prevail.

On motion of Mrs. Najarian of Portland, un-

der suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "C" to Committee Amendment "A" (H-477) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I had several amendments prepared individually and likewise so did Representative Nelson and Representative Mitchell and after we got together we discovered that three of our amendments applied to the same section of the bill, so we have combined that into this Committee Amendment and the Statement of Fact explains the changes in the eligibility requirements, who is eligible to receive this Student Incentive Scholarship Program. It is to insure that older students who have been long-time residents of Maine are not disqualified because they did not graduate from the Maine secondary school or complete its equivalent in Maine and it insures that the parents, their surrender of parental rights or their immigration from Maine prior to the completion of the student's education does not exclude that student from financial assistance.

The other thing the amendment does, it removes the two personnel that this bill proposed to add to the three already in that department. I would just say again that the Governor had cut 11 positions from the Department of Educational and Cultural Services, and the Appropriations Committee cut 15 more, and I don't think we ought to turn around now and start adding all over again. They have three people over there and this new program is not going to be that much more difficult to administer. It would save \$42,000 in the first year and \$52,000 in the second year. I think that is the extent of what this amendment does.

The SPEAKER: The Chair would advise the gentlewoman that House Amendment "C" deals with eligibility requirements for the program only.

Thereupon, Mrs. Najarian of Portland withdrew House Amendment "C" to Committee Amendment "A".

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

House Amendment "G" to Committee Amendment "A" (H-490) was read by the Clerk and adopted.

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

Mrs. LEWIS: Mr. Speaker, I am trying to figure these amendments out, and do I understand it correctly that House Amendment "G" disallows a student who is a Maine person but who has graduated from a school outside of the State of Maine, for example if he has gone to a prep school or some school outside of the State of Maine, as I read it, I believe that this amendment makes him or her ineligible for this program. If that is so, I don't think that it is right. Maybe Mrs. Najarian can explain it.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: It does amend out that section of the bill that would allow students who attend a private prep school outside the State of Maine to qualify, because it was my impression that families who could send their children to private prep schools outside the State of Maine would not be called needy.

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



Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House; I would agree that if a family in Maine could send their child to an expensive prep school outside the state, probably they are not needy, but there are many young people who can get scholarships to these schools. In fact, some of the larger prep schools have very large endowments and can give scholarships. I know a young man in my area who is at Andover right now whose family is not well off, but he did get a substantial scholarship, and I think if that is the case, I would hope that we would not adopt this amendment and perhaps we can accept part of it but not that part and that we change the amendment.

The SPEAKER: The Chair advises the gentlewoman from Auburn, Mrs. Lewis, that House Amendment "G" has been adopted.

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

Mrs. LEWIS: Mr. Speaker I ask for reconsideration of the adoption of that amendment.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, moves that we reconsider our action whereby House Amendment "G" was adopted.

The Chair recognizes the gentlewoman from Portland Mrs. Najarian.

Mrs. NAJARIAN: I request a division.

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

Mr. GARSOE: Mr. Speaker, I am in my usual state of confusion. I thought that the amendment that the gentlady from Auburn was objecting to was House Amendment "C."

The SPEAKER: The Chair advises the gentleman that House Amendment "C" has not yet been offered.

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

Mrs. HUBER: Mr. Speaker, Members of the House: In addition to the gentlady from Auburn's plight, I think it should be brought before you that there are a number of children who attend special schools outside the state for various problems such as dyslexia, and it is my understanding that many of those children do get federal and other aid and that they are not from wealthy families, so I think that is a consideration too.

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reconsider its action whereby House Amendment "G" to Committee Amendment "A" was adopted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 75 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: If I am not mistaken, if House Amendment "G" fails to pass, a child who has been given to his grandparents for rearing by the father and mother who have gone elsewhere or are deceased will not be protected by this program. If that is the case, I think maybe the amendment would have to be worked over again.

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

Mrs. NAJARIAN: Mr. Speaker. Members of the House: If you want to kill this amendment, you can, because all the other amendments that have been incorporated in this one amendment can be introduced individually. They are already prepared and if the sponsors can find them, they can be introduced.

On motion of Mr. Palmer of Nobleboro, tabled pending adoption of House Amendment "G" to Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Defining the Rights and Responsibilities of Landlords and Tenants in Residential Property" (H. P. 1641) (L. D. 1843) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. TARBELL: Mr. Speaker, it is my understanding that the amendment is about ready to be distributed but they have not brought it out yet. We might table this for a couple of minutes.

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed and later today assigned.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax" (H. P. 339) (L. D. 430) asks leave to report: that they are unable to agree.

(Signed)  
Messrs. JACKSON of Cumberland  
WYMAN of Washington  
MARTIN of Aroostook  
— of the Senate.

Messrs. CAREY of Waterville  
MACKEL of Wells  
— of the House.

Came from the Senate with the Committee of Conference Report read and accepted.

In the House, the Committee of Conference Report was read and accepted in concurrence.

The following Communication:  
The Senate of Maine  
Augusta  
June 6, 1977

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Authorizing Municipalities to Create Development Districts" (H. P. 1216) (L. D. 1482):

Senators:  
JACKSON of Cumberland  
PIERCE of Kennebec  
O'LEARY of Oxford

The President today also appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Prohibit Smoking at Public Meetings" (H. P. 361) (L. D. 453):

Senators:  
HUBER of Cumberland  
TROTZKY of Penobscot  
PRAY of Penobscot

Respectfully:  
(Signed) MAY ROSS

The Communication was read and ordered placed on file.

The following Joint Order: (S. P. 528)

WHEREAS, legislation has been introduced before the First Regular Session of the 108th Legislature dealing with the opportunities and services for certain preschool children presently unserved; and

WHEREAS, the enactment of PL 94-142 "The Education of All Handicapped Children" has significant implications for the services delivered to these children in Maine; and

WHEREAS, there are 3 state departments involved in programs for the handicapped child and it is essential that good coordination exist to make the best possible use of resources; now, therefore, be it

ORDERED, the House concurring, that the Commissioners of the Department of Educational and Cultural Services, the Department of Human Services and the Department of Mental Health and Corrections are respectfully requested to jointly study the provisions of PL 94-142 and to recommend any necessary actions which may be required to put Maine into compliance. They are further respectfully requested to review the issues raised in this session by the introduction of L.D. 393 and L.D. 665 and to make recommendations, including complete and final drafts of any proposed legislation which they deem necessary. Each commissioner is requested to individually outline his perception of his present and future responsibilities to preschool handicapped children. The commissioners are respectfully requested to report findings and recommendations to the Legislative Council and to the Joint Standing Committee on Education not later than December 1, 1977.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prohibit the Use of State Funds for Abortions, Except to Save the Mother's Life" (S. P. 377) (L. D. 1253)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Bill "An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission" (H. P. 1388) (L. D. 1660) which was passed to be engrossed as amended by Committee Amendment "A" (H-431) in the House on May 31, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-431) as amended by Senate Amendment "A" (S-188) thereto in non-concurrence.

In the House: On motion of Mrs. Huber of Falmouth, the House voted to recede and concur.

The following item was ordered to appear on the Consent Calendar under listing of First Day:

(S. P. 102) (L. D. 231) Bill "An Act Relating to Adult Education" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-168)

No objection having been noted, was ordered to appear on the Consent calendar of Wednesday, June 8, under listing of Second Day.

The following paper from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Bill "An Act to Assess a Surcharge on Fines and Penalties for the Operation of the Maine Criminal Justice Academy" (S. P. 179) (L. D. 493) which was indefinitely postponed in the House on June 6, 1977.

Came from the Senate whereby that Body insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-179) and ask for a Committee of Conference in non-concurrence.

In the House: Mr. Jalbert of Lewiston moved that the House adhere.

Whereupon, Mr. Green of Auburn moved that the House recede and concur and asked for a division.

The SPEAKER: The Chair will order a vote. All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

17 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

Whereupon, Mr. Birt of East Millinocket moved that the House insist and join in a Committee of Conference.

Mr. Kelleher of Bangor requested a division. Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House insist and join in a Committee of Conference. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Birt, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carter, D.; Conners, Cox, Cunningham, Devoe, Dexter, Dow, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kane, Kany, Lewis, Littlefield, Lizotte, Locke, Lunt, MacEachern, Mackel, Marshall, Masterman, Masterton, Maxwell, McKean, McPherson, Mitchell, Morton, Nelson, M.; Pearson, Peltier, Perkins, Rideout, Rollins, Sewall, Smith, Spencer, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Valentine, Whittemore.

NAY — Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carroll, Carter, F.; Chonko, Clark, Cote, Curran, Davies, Diamond, Dutreble, Elias, Flanagan, Fowlie, Goodwin, K.; Greenlaw, Hendersen, Hickey, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lougee, Lynch, Mahany, McBreairty, McHenry, McMahon, Nadeau, Najarian, Nelson, N.; Peterson, Plourde, Post, Prescott, Raymond, Shute, Talbot, Tierney, Tozier, Trafton, Truman, Tyndale, Wilfong, Wood, Wyman.

ABSENT — Blodgett, Boudreau, A.; Carrier, Churchill, Connolly, Dudley, Gauthier, Hall, LeBlanc, Martin, A.; Mills, Moody, Norris, Palmer, Peakes, Quinn, Silsby, Sprowl, Twitchell.

Yes, 70; No, 61; Absent, 19.

The SPEAKER: Seventy having voted in the affirmative and 61 having voted in the negative, with nineteen being absent, the motion does prevail.

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

Mr. JALBERT: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider whereby we voted to insist and join in a committee of conference and vote yes.

We had a lengthy debate on this thing yesterday, and in my very humble opinion, this is truly and honestly a door opener for us to inherit a very expensive program which, in my opinion, and in the opinion of several people, is teetering. A national figure spoke very recently in Portland and so stated.

We are going to have to reach a point where somewhere along the line these programs that are federally funded are going to have to do something wherein it concerns itself with getting federal funds, having the federal funds go off and then we wind up picking up the tab on the local level. You can talk all you want about your property taxes and everything else, you can talk all you want about the fact that you are not going to vote for taxes, and I am one of those who does that, but believe me, somewhere along the line, we are going to reach the point of no return, and whether we

like it or we don't like it, in order to fund all these programs, we are going to wind up having to go along with tax programs which we obviously know the people back home are a little fed up with, at least temporarily.

I am not addressing myself to the issue of the Criminal Justice School itself. My position on that is very well known. I am addressing myself to an admission of one of the speakers yesterday who stated in effect that this was in preparedness for a program that would nail it down on a dedicated level, which would be even harder then to cope with.

I am not getting myself excited; I am merely saying that if we keep on going along with programs like this, we are committing ourselves to something higher than just minor taxation. We are committing ourselves to programs of a major nature. We are not always going to have public works programs, and I shudder at what would happen if we had revenue sharing taken away from us or even cut. It gets to a point now where we start a program, we look at a bill, we look at the appropriations act, we start chopping off federal funds, there would be pure chaos and the state would go bankrupt in one year if some of these programs were suddenly to disappear.

Mr. Speaker, I ask for a roll call and hope that you do vote to reconsider, vote yes.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not vote to reconsider. I appreciate the comments of the good gentleman from Lewiston, Mr. Jalbert, and I am fully conscious of the fact that many federal programs have induced the states to get into areas that eventually become costly to them.

I think most of the LEAA programs, as I know them, have been fully understood that they have only funded them for one or two years. I don't know of any of them that have been funded on a permanent basis. When LEAA was passed, it was passed with the idea of probably improving the whole criminal prosecution and police protection within the various states. I fully realize also that LEAA has been subject to a good deal of criticism in some areas, possibly these are areas of management.

I think probably the criminal justice program has been a good program. I think to at least continue with the motion of insisting and joining in a committee conference to take a good look at whether there are alternate methods that can be done for funding this or what can be done is worthwhile before we completely have to close out the criminal justice program. If the committee of conference can't come back with something worthwhile, we will have another chance to kill this bill or indefinitely postpone it.

I hope that you will not reconsider at this time.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The gentleman from East Millinocket just made a statement that I do not feel is correct and I am sure he did not make it in any attempt to try to deceive this House.

As I indicated yesterday, I have served on the board of directors of LEAA and there has been no attempt, none whatsoever by the board of directors of LEAA or by the bureaucracies involved to try and inform this legislature of future costs down the line. It was something on which I was very vocal when I served on the board and something I feel very strongly about.

I think that establishing this type of dedicated revenue from fines is a very very dangerous procedure. I indicated yesterday and I still intend to keep that commitment that I made to

members of the House that as the Appropriations Committee considers Part II of the budget that we will take, or at least I will take a very hard look at the appropriation for the Criminal Justice Academy to see whether or not there may be a need for some additional funds.

I would like to repeat what I said yesterday, that I talked with the present director of LEAA and the Criminal Justice Academy in the present fiscal year that we are operating in has only two grants that amount to something less than \$25,000. So it is not as large a sum of money that the Criminal Justice Academy is receiving from LEAA as some people would like to believe.

The legislature has taken up a great deal of the funding of LEAA over the years, and I think that is where it belongs, in the appropriations act and not through a dedicated revenue like this. I think it is a very dangerous piece of legislation, and I urge you, in the strongest possible terms, to vote for reconsideration.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't enter into the debate yesterday. I am one of the signers of the "Ought Not to Pass" Report. I would just like to point out that in this particular L.D., you will notice that not one dime has been appropriated for the administration of this bill. You are going to put this on the administrative court procedure and you haven't appropriated one dime to keep track of all of these surcharges and refunds. I think if you are really going to go along with this thing, you have got to appropriate perhaps a larger surcharge that will go for the administration of this particular program.

I would like to point out too that the little guy is going to have a 40 percent surcharge on his or her fine, and the real criminals at the top, at \$5,000, are going to have to pay a whopping sum of \$17. What is fair? The Criminal Justice Academy needs the funding, and I maintain this is not the method to use.

I would also point out that it includes your traffic violations and also your fish and game violations, but who is going to administer it without a cost? I hope that you will reconsider this L.D.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I didn't enter into the debate yesterday, either, as I had mixed emotions about this bill and to this point I still have mixed emotions about it. There are several questions that I have with regard to this that haven't been answered, and that is, the good gentleman from Lewiston, Mr. Jalbert, who I have a tremendous amount of respect for as an elder statesman in this body, says that this is just another attempt in opening the door to a funding problem that we are going to be looking at further on down the road and that perhaps LEAA or some other federal agency is cutting back and this is one way to sneak a little appropriation or program or dedicated revenue setup here, and then the good gentleman from Stonington says that is not true, he sits on the board and says there is no attempt on the part of LEAA to do this and says it is a very dangerous procedure.

I don't like dedicated revenue, as well as a lot of people in this body, but I think when the good gentleman from South Portland, Mr. Curran, says, what is fair, we are talking about people who have broken the law, people who have been convicted paying just a little bit more on their fines to support an academy for which we pass laws in this body every day mandating that our police personnel be trained there. I guess the question I would like to ask, and I would direct this to any member of the Appropriations Committee because I guess they deal with all the

money in this state, and that is, if there is a cut-back of funding to the Maine Criminal Justice Academy and we do not fund it through a dedicated revenue program such as this, where will the money ultimately come from? The property tax? The income tax? The sales tax? Where will we find that money?

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to respond to the comments of the good gentleman from Auburn, Mr. Green, and indicate to him that as I indicated just a few minutes ago, the director of LEAA told me yesterday that there are presently two grants that are made to the Criminal Justice Academy for less than \$25,000. They are, I understand, claim grants. They are not operational grants for keeping the Maine Criminal Justice Academy going.

I will repeat what I said yesterday about the fact that the appropriation hearing, when the department came in to present that portion of the budget for the Maine Criminal Justice Academy, they indicated they could get by on the appropriation in the Governor's budget if they ran a very tight ship. I would suggest that that is exactly what this legislature wants to be done, wants every agency in state government to run a tight ship. What I said further is that as the Appropriations Committee considers Part II of the budget, I will personally take it upon myself, and I am sure the committee will take a look at it, to see if in fact there is any legitimate need for increasing the budget of the Criminal Justice Academy.

I think this issue has been blown terribly out of proportion, and I just don't think the people are listening to the facts. There is not a large amount of money from LEAA going to the Criminal Justice Academy at this point in time. The whole thrust of LEAA funds has been to get programs going, and in the area of the Criminal Justice Academy, they get of the ground very well. I support the Criminal Justice Academy very strongly. As a matter of fact, I have introduced legislation a number of times in behalf of that particular institution. I just think really, that this funding issue that we are all so concerned about in terms of the Criminal Justice Academy is a lot of ado about nothing.

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

Mr. BUSTIN: Mr. Speaker, a parliamentary inquiry. I am persuaded by the arguments of Mr. Jalbert, Mr. Curran and Mr. Greenlaw. Yet, as we sit ready to vote on the motion to reconsider insisting and joining in a Committee of Conference, if that ultimately does pass or doesn't pass and the Conference Committee is requested, it seems to me that proponents of the surcharge are asking for the Committee of Conference. Would then the Speaker be appointing from the House people who are proponents of the surcharge instead of people of my persuasion in this?

The SPEAKER: The Chair would answer in the negative. The Chair will be appointing people from the original position that this body took to indefinitely postpone the bill.

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

Mrs. KANY: Mr. Speaker and Members of the House: I am glad to hear that commitment from the Appropriations Committee, but I just wanted to point out a couple of things. One is that the figures that I have is that LEAA funding is approximately \$100,000 now for this year, which is a little more than a quarter of the funds for the Criminal Justice Academy; the others are from the General Fund.

This is something that we have inherited, LEAA. That good federal money did purchase the Criminal Justice Academy, it renovated it and it supported that academy and now it has fallen into our lap. So I think that we must fund

some money to put forth these mandated programs in which we require all our law enforcement officers throughout the state, during their first year, to get some sort of training. I don't care what you do, that is up to you, but I just think if we mandate programs, we must definitely budget for them. But here once again is one of these problems with some federal funds, and they did obligate us and commit us unless we change our laws.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: Since I am the only person from the Waterville delegation, including the member from the other body, who is against this bill, I think I should say why. I am all for funding the training center there in Waterville, but I don't think this is the way to do it. You are probably getting up here and saying you shouldn't give money to Waterville to fund their academy is not being a good politician. Anyway, this is not the way to do it.

If you look at the court records in any newspaper, if I could pick up the Morning Sentinel and read the traffic violations or whatever in the paper, it doesn't exactly read like a who's who in Waterville, believe me. We talk about ability to pay. Well, what we are doing right now is asking that those people who have the least ability to pay are going to be paying and footing the bill for the Criminal Justice Academy, and that is just not the way to do it. It is not the way to fund the academy by saying, we are going to charge you \$20 for a speeding ticket, and since you are a bad guy, we are going to charge you an extra two bucks. This is not the way to do it. I don't think we should fund any program like this, regardless of whether it is in Waterville or Fort Kent or Eagle Lake, and I would hope that you would vote to reconsider.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby it voted to insist and join in a Committee of Conference. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carroll, Carter, F.; Chonko, Clark, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Lougee, Lunt, Lynch, Mahany, Masterman, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peltier, Peterson, Plourde, Prescott, Raymond, Rollins, Shute, Sprowl, Stover, Strout, Talbot, Tarbell, Theriault, Tierney, Torrey, Trafton, Truman, Tyndale, Whittemore, Wilfong, Wood.

NAY — Ault, Bagley, Birt, Brown, K. L.; Bunker, Burns, Carey, Carter, D.; Connors, Dow, Drinkwater, Durgin, Fenlason, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, Littlefield, Locke, MacEachern, Mackel, Marshall, Masterton, McKean, Moody, Morton,

Pearson, Perkins, Hideout, Sewall, Smith, Spencer, Stubbs, Tarr, Teague, Tozier, Valentine, Wyman.

ABSENT — Blodgett, Boudreau, A.; Carrier, Churchill, Connolly, Dudley, Gauthier, Hall, LeBlanc, Martin, A.; Mills, Norris, Palmer, Peakes, Post, Quinn, Silsby, Twitchell.

Yes, 86; No, 46; Absent 18.

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

The SPEAKER: The pending question is on the motion of the gentleman from East Millinocket, Mr. Birt, that the House insist and join in a Committee of Conference. The Chair will order a vote. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Jalbert of Lewiston, the House voted to adhere.

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

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side, I now move we reconsider whereby we voted to adhere and hope you all vote no.

The SPEAKER: All those in favor of reconsidering 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 Defining the Rights and Responsibilities of Landlords and Tenants in Residential Property" (H. P. 1641) (L. D. 1843) which was tabled earlier in the day pending passage to be engrossed.

Mr. Tarbell of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-533) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: The amendment makes three changes in the bill, the changes that I specified yesterday when we took this matter up at first reading. The first change relates to the tenant, to give written notice to the landlord without unreasonable delay of an unfit condition. The second change injects the concept of reasonableness into the landlord's duty to take prompt and effective steps to repair the condition. The language reads that the tenant would have to prove that the landlord unreasonably failed under the circumstances to take prompt, effective steps to repair or remedy. The third change requires the tenant to be current in his rent to the landlord at the time that the tenant serves written notice on the landlord of what he or she believes to be an unfit condition which breaches the implied warranty of habitability. Those are the three changes.

The first change, which requires the tenant to give written notice to the landlord, is a pro landlord change, I think, and without unreasonable delay is a pro landlord change. The injecting of the concept of reasonableness under the circumstances in viewing the landlord's duty to take prompt and effective action to remedy and repair, I think is tilted in favor of the landlord as well, because there might be some circumstances under which it is extremely difficult and not unreasonable for the landlord not to jump right ahead and undergo remedy and repair. The third change requires the tenant to be current in rent only up to the time of giving written notice to the landlord and may be viewed by some as being pro tenant. It would seem to me that there is indeed an unfit

condition and the tenant does give reasonable written notice to the landlord of this unfit condition and at that time that tenant is fully paid up in his rent, there is an incentive on the part of both the landlord and the tenant, I would hope, to informally make an arrangement to repair the condition without going to court.

The landlord's incentive is that he would like to continue getting rent, even if there is an unfit condition, and in order to bargain to continue to get the rent after being notified in writing of the condition, he could agree to go forward if rent came forward from the tenant to make the necessary repairs.

The tenant's incentive is not to rush into court and seek a reduction of rent between the time of the notice and the time that you go to court. The tenant's incentive, it would seem to me, would be to get an unfit condition, which is jeopardizing the health and welfare of he and his family, to get that unfit condition repaired.

Those are the three chief changes in the bill, and I would be prepared and willing to make any further explanation and to debate the policies, pro or con, on those three changes.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker, I would ask that this be tabled to give people a chance to look this amendment over and study it a little more thoroughly.

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

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

Whereupon, Mr. Spencer of Standish requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Caribou, Mr. Peterson, that this matter be tabled pending adoption of House Amendment "A" and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 47 having voted in the negative, the motion did prevail.

Mrs. Najarian of Portland was granted unanimous consent to address the House.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: In relation to the amendments that I offered a while back on the student scholarship incentive program, my amendment does take care of Mrs. Lewis's concern. What happened was, I had asked for the amendment to be prepared to exclude students who went to secondary schools outside the State of Maine; however, they did not draft the amendment to do that, so the amendment still allows for students who attend secondary schools outside the State of Maine to qualify for this program, and I am glad it does because I didn't realize that there were scholarship programs in secondary schools outside the State of Maine or children with special needs who went to secondary schools outside the State of Maine. The amendment presently does take care of that concern. I just wanted you to know that so you wouldn't go home confused tonight about it.

(Off Record Remarks)

The following paper from the Senate appearing on Supplement No. 3 was taken up out of order by unanimous consent:

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-193) on Bill "An Act to promote a Mandatory Hunters' Safety Course" (S. P. 266) (L. D. 824)

Report was signed by the following members:

Mr. USHER of Cumberland — of the Senate.

Messrs. McKEAN of Limestone  
ROLLINS of Dixfield

GILLIS of Calais  
MacEACHERN of Lincoln  
PETERSON of Caribou  
ROLLINS of Dixfield  
DOW of W. Gardiner

— of the House.

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

Report was signed by the following members:

Messrs. PRAY of Penobscot

REDMOND of Somerset

— of the Senate.

Messrs. PEARSON of Old Town.

TOZIER of Unity

MASTERMAN of Milo

— of the House.

Came from the Senate with the Bill and all its accompanying papers indefinitely postponed.

In the House: Reports were read.

On motion of Mr. Dow of West Gardiner, the Bill and all accompanying papers were indefinitely postponed in concurrence.

On motion of Ms. Goodwin of Bath,  
Adjourned until nine o'clock tomorrow morning.