

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, June 23, 1977

The House was called to order by the Speaker pro tem, Representative Greenlaw of Stonington.

Prayer by Father A. Raymond Smith, Interim Pastor of St. Barnabus Episcopal Church, Augusta, and St. Mathews Episcopal Church, Hallowell.

The journal of yesterday was read and approved.

At this point, the rules were suspended to permit the members to remove their jackets.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
AUGUSTA

June 22, 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 to Amend the Powers and Duties of the Maine Committee on Aging" (H. P. 229) (L. D. 292):

Senators:

D. COLLINS of Aroostook
 JACKSON of Cumberland
 MINKOWSKY of Androscoggin

Respectfully,

Signed:

MAY M. ROSS
 Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

June 22, 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 Relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851):

Senators:

PIERCE of Kennebec
 KATZ of Kennebec
 DANTON of York

Respectfully,

Signed:

MAY M. ROSS
 Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

June 22, 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 where-by it accepted the Minority 'Ought Not to Pass' Report on Bill, "An Act to Provide for the Posting of Certain Common Dental Fees" (H. P. 1269) (L. D. 1497).

Respectfully,

Signed:

MAY M. ROSS
 Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, an expression of Legislative Sentiment recognizing that: Lewiston Tomorrow, Incorporated, represents a unique approach to the economic development challenges of Lewiston's downtown business district and as a private sector initiative joins together retail, banking, real estate and the professional business communities in a bold new development (S. P. 568)

Came from the Senate read and passed.

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

The following Joint Order, an expression of Legislative Sentiment recognizing that: approximately 40 residents of North Anson, during an extreme fire emergency from May 27th to June 5th, displayed outstanding community spirit and concern in assisting the North Anson Civil Emergency Preparedness Office to feed and care for fire fighters engaged in combating the blaze, (S. P. 567)

Came from the Senate read and passed.

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

Reports of Committees
Ought to Pass with
Committee Amendment
Later Today Assigned

Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-276) on Bill "An Act to Repeal Certain Laws Relating to Conservation" (S. P. 363) (L. D. 1224)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-276) as amended by Senate Amendments "A" (S-294) "B" (S-302) and "C" (S-310) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-276) was read by the Clerk.

On motion of Mr. Dow of West Gardiner, tabled pending adoption of Committee Amendment "A" and later today assigned.

Non-Concurrent Matter

Bill "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission" (S. P. 92) (L. D. 216) which was passed to be enacted in the House on June 20, 1977.

Came from the Senate having reconsidered passage to be engrossed as amended by Committee Amendment "A" (S-205) in concurrence and passed the Bill to be engrossed in non-concurrence.

In the House: On motion of Mr. Smith of Mars Hill, the House voted to recede and concur. (Later Reconsidered)

Non-Concurrent Matter

Later Today Assigned

Bill "An Act Relating to Campaign Reports and Finances" (H. P. 1739) (L. D. 1888) which was passed to be engrossed in the House on June 20, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-305) in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services" (H. P. 1317) (L. D. 1553) on which the Majority "Ought to Pass" Report of the Com-

mittee on Labor was Read and Accepted and the Bill Passed to be Engrossed in the House on June 20, 1977.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Labor Read and Accepted in non-concurrence.

In the House:

Mr. Laffin of Westbrook moved that the House insist and ask for a Committee of Conference.

Whereupon, Mrs. Tarr of Bridgton moved that the House recede and concur.

The SPEAKER pro tem: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Bridgton, Mrs. Tarr, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Laffin of Westbrook requested a roll call vote.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 pro tem: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: What this bill actually does is a step in the right direction for binding arbitration for public employees. We debated this bill the other day. We went over it. A majority of the members of the Committee on Labor felt that it is a situation we are getting into now where all people, regardless of who they are, should have a chance to bargain for the rights that they feel they are entitled to. I am sure that the members of this House will go along with that thinking. This would include the municipal fire departments and the police, the ambulances and the rescue services and it is also for the municipal hospitals.

Many times when people bargain for things, one side or the other can just sit there. Consequently, nothing has been accomplished and the people who are hurt are the public. This is a situation where we could allow at least some impasse to take place where the people would at least make some decision, and I would urge the members of this House not to recede and concur.

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

Mr. HOBBS: Mr. Speaker, I move this matter be tabled until later in today's session.

Thereupon, Mrs. Tarr of Bridgton requested a vote on the motion.

The SPEAKER pro tem: All those in favor of this matter being tabled until later in today's session will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 pro tem: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that this matter be tabled until later in today's session pending the motion of Mrs. Tarr of Bridgton that the House recede

and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dudley, Dutremble, Elias, Flanagan, Fowle, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hobbins, Howe, Hughes, Jalbert, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Lynch, MacEachern, Mahany, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Spencer, Talbot, Theriault, Trafton, Truman, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lizotte, Lougee, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McMahan, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarr, Teague, Torrey, Tozier, Tyndale, Whittemore.

ABSENT — Bagley, Biron, Carrier, Carter, D.; Devoe, Hickey, Jacques, Joyce, LeBlanc, Lunt, Martin, A.; Mills, Moody, Nelson, N.; Norris, Peakes, Stubbs, Tarbell, Tierney, Twitchell.

Yes, 71; No, 59; Absent, 20.

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

Non-Concurrent Matter

Bill "An Act to Establish Regional Marine Resources Centers" (H. P. 1564) (L. D. 1778) on which the Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-725) Report of the Committee on Marine Resources was Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-725) in the House on June 22, 1977.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Marine Resources Read and Accepted in non-concurrence.

In the House: On motion of Mrs. Post of Owls Head, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Repeal Certain Laws Relating to Local and County Government" (H. P. 1279) (L. D. 1510) which was passed to be engrossed as amended by Committee Amendment "A" (H-645) as amended by House Amendments "A" (H-709) and "B" (H-728) thereto in the House on June 20, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-645) as amended by House Amendments "A" (H-709) and "B" (H-728) and Senate Amendment "A" (S-309) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Concerning the Farm and Open Space Tax Law" (H. P. 1408) (L. D. 1678) which was passed to be engrossed as amended by Committee Amendment "A" (H-711) in the House on June 20, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-711) as amended by Senate Amendment "A" (S-306) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Require Adequate Polling Facilities in Municipalities" (S. P. 445) (L. D. 1535) which was passed to be engrossed as amended by Committee Amendment "A" (S-255) as amended by House Amendment "A" (H-765) thereto in the House on June 21, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-255) as amended by Senate Amendment "A" (S-311) thereto in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish Half Rate for Registration and Excise Fees at the Midpoint in the Registration Year" (H. P. 448) (L. D. 554) on which the Minority "Ought to Pass" Report of the Committee on Transportation was Read and Accepted and the Bill Passed to be Engrossed in the House on June 22, 1977.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Transportation Read and Accepted in non-concurrence.

In the House: On motion of Mr. MacEachern of Lincoln, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Remove the Town of Carrabassett Valley from the Maine Forestry District" (H. P. 664) (L. D. 805) on which the Minority "Ought to Pass" as Amended by Committee Amendment "A" (H-714) Report of the Committee on Taxation was Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-714) and House Amendment "A" (H-775) in the House on June 22, 1977.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Taxation Read and Accepted in non-concurrence.

In the House: On motion of Mr. Dexter of Kingfield, the House voted to insist.

Non-Concurrent Matter

Bill "An Act Concerning the Sale of Prescription Drugs" (H. P. 1033) (L. D. 1265) on which the Majority "Ought to Pass" Report of the Committee on Health and Institutional Services was Read and Accepted and the Bill Passed to be Engrossed in the House on June 22, 1977.

Came from the Senate the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

Mr. Goodwin of South Berwick moved that the House insist.

Thereupon, Mr. Boudreau of Waterville moved that the House recede and concur.

The SPEAKER pro tem: 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.

Thereupon, Mr. Laffin of Westbrook requested a roll call vote.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 pro tem: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Very briefly, I would remind you of what this bill does and I would like to ask you to vote against the motion to recede and concur because I do not believe that this House, after

its vote yesterday, wants to be any part of saying that over-the-counter drugs can be marked up higher than they really should be. This bill says that over-the-counter drugs, and I am talking about everything from Maalox to Preparation-H to Bacetracin Ointment, can be sold at the over-the-counter price unless the doctor says for some special reason it should not.

I would ask you to vote against Mr. Boudreau's motion so we can move to insist.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think this is just another attempt on the part of this House to try to tell the pharmacists in the drug business what they should do and how they should price their items. I just don't think this bill is going to go anywhere in the other body. I think we should just get rid of it right now.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Waterville, Mr. Boudreau, that the House recede and concur. A roll call has been ordered. All those in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Conners, Cunningham, Dudley, Durgin, Fenlason, Garsoe, Gill, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Lewis, Littlefield, Lougee, Lynch, Mackel, Masterman, Masterton, Maxwell, McBreairty, McPherson, Morton, Palmer, Peltier, Peterson, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarr, Teague, Torrey, Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Flanagan, Fowle, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hobbins, Huber, Hughes, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Marshall, McHenry, McKean, McMahan, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Spencer, Stubbs, Talbot, Theriault, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bagley, Bennett, Boudreau, A.; Carrier, Devoe, Hickey, Howe, Joyce, LeBlanc, Lunt, Martin, A.; Moody, Nelson, N.; Norris, Peakes, Perkins, Tarbell, Tierney, Twitchell.

Yes, 48; No, 83; Absent, 19.

The SPEAKER pro tem: Forty-eight having voted in the affirmative and eighty-three in the negative, with nineteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Goodwin of South Berwick, the House voted to insist.

Messages and Documents

The following Communication:
STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04330

June 22, 1977

To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H. P. 1619, L. D. 1820, Resolve, Directing Commissioner of Marine Resources to Lease Land and Buildings in West Boothbay Harbor to the Northeastern Research Foundation, Inc.

I feel that this legislation is unneeded and unnecessary use of legislative time and involvement to the extent that it assumes and takes over Executive Department responsibility.

This bill would order the Commissioner of Marine Resources to lease for one year certain property to a private organization commonly referred to as Bigelow Lab. In addition, it would order the Commissioner to continue that lease for an additional one year period subject to the review and approval of the Joint Standing Committee on Marine Resources. I understand that the Commissioner of the Department of Marine Resources appeared at the public hearing on this bill and expressed his intentions to continue the leasing arrangement with Bigelow Lab. If his commitment was not clear then, it is now, for he has again repeated this with my office in the course of our researching this bill. This bill would do nothing more than order the Commissioner to do something that he has already expressed his intention to do within the proper exercise of his responsibility. Again, the legislation is not needed, and the Commissioner has clearly testified to that effect.

I feel that this legislation also represents an undesirable precedent. This bill would have the Legislature and the Joint Standing Committee on Marine Resources deciding under what circumstances of certain property should be leased;

what should be the terms of that lease; and what should be the length of the lease.

First, Bigelow Lab is a private operation which is partially funded by the State and uses State money to attract or match grants from other sources and to conduct additional business totally divorced from State work. In addition, Bigelow Lab uses State money to provide staff, which has grown over a course of three years from approximately fifteen to fifty-five. I am not being critical in any way whatsoever of Bigelow Lab. I do, however, want to emphasize that it is a private operation, not controlled by the State, and that only a portion of its work is done for the State.

Secondly, the Department only has this land under lease until September. Although the Department hopes to get title to the land eventually, there are no absolute assurances that it will be able to do so. Even under these circumstances, however, the Department has indicated that it intends to try and continue the leasing arrangement with Bigelow Lab.

Thirdly, the details of the lease, such as the actual area and space needs of Bigelow Lab, are matters most properly determined by the department. For example, if there are other competing State needs for this land, and if sufficient land is available for Bigelow to function, then the Department must have the authority and flexibility to make adjustments. This bill would deprive the Department of authority and flexibility.

I recognize and commend those committee members, as well as other legislators, who are concerned with addressing the problem created by the unusual status at Bigelow Lab. However, to the extent that this legislation takes away the management capability of the Department, I question whether Bigelow Lab is directly or indirectly in conflict if they have endorsed this legislation, similar to their resisting our efforts to provide more funding and involvement for the University and a training and development capability for marine and/or oceanography studies for University of Maine students through the grant approach to the University despite Bigelow's competition to secure these dollars directly for themselves.

In summary, this legislation is unnecessary and in my opinion inconsistent with the separate functions of the Legislative and Executive Branches. The Executive Branch has a responsibility for day to day management. The job is difficult now and this kind of legislation would only make it that much more difficult. I believe that the goal that both the Legislature and the Governor are working toward is to bring better management to government. This

bill has just the opposite effect. It interferes with and handcuffs the Executive Branch of government.

I respectfully request that you sustain my veto of this bill.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

On motion of Mrs. Post of Owls Head, tabled pending 'shall this Bill become law notwithstanding the objections of the Governor' and tomorrow assigned.

Orders

An Expression of Legislative Sentiment (H. P. 1762) recognizing that: Wanda Ward, Faye Tenney, Natasha Brackett and Kelly Kimball have graduated from Lake Region High School with top academic honors

Presented by Mrs. Tarr of Bridgton.

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

An Expression of Legislative Sentiment (H. P. 1763) recognizing that: Barbara Brown, Judy Campbell, Michael Duddy, Linda Small, George Taylor and Thomas White have been recognized for their outstanding academic record at Calais High School

Presented by Mr. Gillis of Calais.

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

An Expression of Legislative Sentiment (H. P. 1764) recognizing that: Kathryn J. Amber, T. M. Ryan, Jeri-Mae Coulter, Joanne Margaret Riddell, Becky Linn Varnum and Valerie Sue Wallace have been recognized for their outstanding academic record at Woodland High School

Presented by Mr. Gillis of Calais

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

On motion of Mr. Curran of South Portland, the following Joint Order: (H. P. 1761)

WHEREAS, this Legislature has had under consideration L. D. 1787, "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government; and

WHEREAS, there are still many problems and issues with the reorganization and affiliation of the boards and commissions that deserve careful and thorough review, and this review is necessary to insure added efficiency and responsiveness in State Government; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government be authorized to study the reorganization and affiliation of certain boards and commissions with departments of Maine State Government, including the proposals contained in L. D. 1787; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee.

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

On motion of Mr. Talbot of Portland, the following Joint Order: (H. P. 1760) (Cosponsor: Mrs. Najarian of Portland)

WHEREAS, there are large numbers of state employees presently designated as "intermit-

tent employees" pursuant to Personnel Rule 1.3 (10); and

WHEREAS, many of these employees have been and are employed on a regular and nearly full-time basis; and

WHEREAS, these employees perform duties identical or similar to duties performed by permanent state employees; and

WHEREAS, these employees do not enjoy any of the same benefits and protections afforded permanent employees, such as vacation leave, sick leave, health and accident insurance, retirement benefits and promotional rights; and

WHEREAS, certain state employees are not receiving equal pay for equal work; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government undertake a study of the status of all intermittent employees employed by the State of Maine; and be it further

ORDERED, that the Commissioner of Personnel immediately undertake an investigation of the status of these employees and supply to the Joint Standing Committee on State Government such information, including the names, service history and employment status of all intermittent employees presently employed or employed since July of 1966 by the State of Maine, as may be necessary for the committee to make recommendations to alleviate the inequities suffered by these employees without jeopardizing their continued employment; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this order shall be forwarded to members of the committee.

The Order was read.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Resulting from conversations with some of our constituents, we have become aware and increasingly concerned about the category of employment found in the state service defined as intermittent. Most of you probably will never have heard of what is known as intermittent employees. Under personnel rule, intermittent employee means an employee who is hired from time to time to work irregular hours. My colleague from Portland, Mrs. Najarian, will go into that a little bit further. Since I have found out about this situation, I have tried within the last couple of months to bring this to everyone's attention, and the Committee on Labor will verify that because I have brought it up every chance I could to let people become aware of this. The last person that went before the Committee on Labor, Mr. Ron Farnham, I brought that question to him and he said, and he had spent some time in these halls, that as long as he had been in government service, he had never heard of the term "intermittent employee."

I think the situation is this, that intermittent employees are being used on the state level as a kind of employee that enjoys absolutely nothing, and we are attempting here to bring this to a study to find out exactly what the entire situation consists of. There are more employees now that are intermittent employees than we have been able to ascertain. So with that, Mr. Speaker, I would ask that this particular order be passed and I would defer to my colleague from Portland, Mrs. Najarian.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I served on the State Government Committee in 1973, and we did a study of all the personnel laws and the term intermittent never came up in those whole two years. I first found out about it last year when we were working on the Hay plan and the increase for state employees. As of May 27, there were 141 employees in the State of Maine who are classified as intermittents, and some have been working as intermittents 40 hours a week since as far back as 1961.

If you have read the order, these employees do not enjoy any of the same benefits as permanent part-time employees or regular employees, such as vacation leave, sick leave, health and accident insurance, retirement benefits, promotional rights, and some of the things which we did not list was the time that they spend in that grade does not count whenever they move over as a regular state employee. There is no advance notice required for their termination, they have no employment benefits. I think that it is really a disgrace that we have let so many employees go for so long on this kind of system, but I think one of the reasons that it has not been addressed in the past is that the employees were afraid if they were called to anybody's attention that they might lose their jobs. We were very concerned about that too, but we decided that the time had to come to do something, it just couldn't be allowed to go on and on indefinitely just because of that reason, and that is why the study order is before you.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I had not heard about intermittent employees, at least not by that term, until this year when I served on the Labor Committee and we have had two confirmation hearings for people who were candidates for the State Personnel Board. I would agree that it is a serious problem, but I think that part of this order is very good and would concur a hundred percent, and that is that we do have the Commissioner of Personnel undertake an investigation and report to either the State Government Committee or any committee we might so desire, but I don't see why we would have the State Government Committee studying this at an additional expense to the state when that really isn't necessary. The Commissioner of Personnel could do it and could give the report without the State Government Committee meeting and getting paid for the meetings all summer.

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

Mrs. BEAULIEU: Mr. Speaker, as a member of the Labor Committee, I would ask you to follow suit with Mr. Talbot and Mrs. Najarian. I think this is a critical situation, I don't know how we are going to resolve it, but at least we deserve to sit and try to find out how extensive this is and try to begin to address ourselves to the question.

I am a new member to the Labor Committee, and I don't know it all, but I am distressed and disturbed at the reports that I am getting, and I think somebody has an obligation to find out exactly how extensive this practice is and if we can't put an end to it, then at least begin to try to find some solutions. I ask you to support the order.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel today that the members of this House should support this order. I feel that anytime we have employees who are working with no benefits, it is

detrimental not only to them but to the working people of the state. When we don't have benefits for employees, we are not going forwards, we are going backwards. I didn't know this existed, and I have been up here. I think that when you hire a person on a part-time basis, to be fired at any time with no job security, that is not going forwards, that is going backwards. I feel that the members of this legislature should definitely take steps to correct this, regardless of what it is. It has been said here, well they can correct it. Yes, maybe they can, but if they haven't corrected it all these years, then it is time that the Legislature move in to do it.

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

On Motion of Mr. Nadeau of Sanford, it was: ORDERED, that Gerald Talbot of Portland be excused for the week of June 27th for personal reasons.

AND BE IT FURTHER ORDERED, that Laurence Bagley of Winthrop be excused June 23rd and June 24th for personal reasons.

House Reports of Committees Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-799) on Bill, "An Act Concerning the Administration of Laws by the Bureau of Taxation" (H. P. 394) (L. D. 498)

Report was signed by the following members:

Mr. JACKSON of Cumberland — of the Senate.

Mr. MAXWELL of Jay,
Mrs. POST of Owl's Head,
Mrs. CHONKO of Topsham,
Messrs. TEAGUE of Fairfield,
IMMONEN of West Paris,
COX of Brewer,
TWITCHELL of Norway
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-800) on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington,
MARTIN of Aroostook
— of the Senate.

Messrs. CAREY of Waterville,
MACKEL of Wells,
CARTER of Bangor
— of the House.

Reports were read.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This particular bill is probably more important than it might look, and I think the major difference between the two Committee Amendments is on a definition of "machinery and equipment used for sales tax exemptions." Essentially, what happened was that the Department of Taxation came before our committee asking for a clearer definition of "production." It is my understanding that what has been happening now is that when a firm comes to the Department of Taxation asking for a sales tax exemption and the department tries to actually follow the statute, which is pretty broad at the present time, that sometimes negotiations take place and sometimes the company will go to court if they don't agree with the interpretation the department has given on the meaning of "new machinery" or the meaning of

"production." So what the Department of Taxation asked us to do is to actually put into statute what we intended production to mean, and this is essentially the meaning of production that they have been using in the past couple of years, and that starts, I believe, on Page 3 of the Committee Amendment under filing No. 799.

Now the problem we get into is that some companies are trying to say that production actually starts, if you have a paper mill, that production actually starts when you cut the tree. That may seem kind of crazy to a lot of us, but what some of the companies are trying to say is that if you have a paper company and you have a sales tax exemption for machinery in equipment used in production, the production should include cutting the trees. Therefore, machinery used in cutting those trees. Therefore, exempt from the sales tax. If this were to happen, what essentially would happen is, if you have a private logging firm going out and cutting trees, they wouldn't get the sales tax exemption. It would only be for a bigger paper company which was able to participate in the whole process of cutting the trees and making the paper that would then be able to get that sales tax exemption. I think that is the major difference between the two amendments. That definition is in Committee Report "A", and so I would ask you to vote against the minority report, accepting Committee Report "B".

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I do agree with the lady from Owl's Head, Mrs. Post. It is a very important bill. It is more important than I had realized when I first voted on the bill. I found out this morning that the bill is worth \$3½ million a year in income to the state; therefore, it is very very important that this bill not be lost in route because of some problem over one particular paragraph.

We disagreed, the committee did, on whether or not to include that particular paragraph that is in dispute between the Bureau of Taxation and between the Industrial Representatives. In that particular paragraph, we had agreed that this bill would not make any changes to the concept, it would not make any changes to the definition of production or what is new machinery and so on. The bureau argues that there is no change. The other gentlemen argue that there is change so I, for one, felt that the wisest move would be to remove that disputed paragraph, to sacrifice that paragraph, remove the dispute and thereby retain the bill and hopefully pass the bill, by the exclusion of this particular paragraph which is not really important. But the inclusion of this particular paragraph that is provided for within Report A, which is the report that Mrs. Post is supporting, I say seriously jeopardizes this particular bill. That is why I would suggest to you that you stay with the recommendation of the House Chairman, Mr. Carey, and support Committee B in order to enhance the chances of passage of this rather important piece of legislation.

The SPEAKER pro tem: All those in favor of accepting the Minority "Ought to Pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Post of Owl's Head requested a roll call vote.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present 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 pro tem: The pending ques-

tion is on the motion of the gentleman from Waterville, Mr. Carey, that the Minority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.C.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Conners, Cote, Cunningham, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Higgins, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Tarbell, Theriault, Tozier, Trafton, Truman, Whittemore, Wood.

NAY — Austin, Brenerman, Brown, K.L.; Bustin, Chonko, Clark, Connolly, Cox, Curran, Davies, Dexter, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Hendersson, Hickey, Hobbins, Immonen, Kane, Kany, LaPlante, Locke, Post, Rollins, Talbot, Tarr, Teague, Torrey, Valentine, Wilfong.

ABSENT — Bagley, Biron, Carrier, Churchill, Devoe, Gauthier, Howe, Jalbert, LeBlanc, Lunt, Martin, A.; Masterton, Moody, Morton, Najarian, Peakes, Strout, Tierney, Twitchell, Tyndale, Wyman.

Yes, 98; No, 31; Absent, 21.

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

Thereupon, the Bill was read once. Committee Amendment "B" (H-800) was read by the Clerk.

On motion of Mr. Carey of Waterville, tabled pending adoption of Committee Amendment "B" and later today assigned.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-785) on Bill, "An Act to Add Dental Hygienists to the Board of Dental Examiners" (H. P. 1168) (L. D. 1398)

Report was signed by the following members:

Mrs. SNOWE of Androscoggin,
Mr. GREELEY of Waldo
— of the Senate
Mrs. NELSON of Portland,
TRAFTON of Auburn,
GILL of South Portland,
Mr. TYNDALE of Kennebunkport,
FOWLIE of Rockland
— of the House

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-786) on same Bill.

Report was signed by the following members:

Mr. PRAY of Penobscot
— of the Senate.
Mr. GOODWIN of South Berwick,
Mrs. KANE of Augusta,
Mr. KERRY of Old Orchard Beach,
Mrs. PRESCOTT of Hampden,
Mr. BRENERMAN of Portland
— of the House.

Reports were read

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

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

The SPEAKER pro tem: The Chair recognizes the Gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill. The Health and Institutions Committee took it and went wild with it. I had intended to move to substitute the bill for the report and attempt to bring it back to its original form, but in view of the days we have remaining and in an effort to set a good example for all the rest of you, I am going to support the motion of the gentleman from South Berwick, Mr. Goodwin, and hope we can send this right along.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "B" (H-786) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 1358) (L. D. 1602) Bill, "An Act to Appropriate Funds for Foster Care of Abused and Neglected Children" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-805)

No objections being noted, the above items were ordered to appear on the Consent Calendar of June 24, under listing of the Second Day.

Consent Calendar

Second Day

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

(S. P. 353) (L. D. 1361) Bill, "An Act relating to Secured Transactions under the Uniform Commercial Code" (C. "A" S-291)

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

Passed to Be Engrossed

Bill, "An Act Concerning Administration of the Judicial Department" (H. P. 635) (L. D. 838)

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

Amended Bills

Tabled and Assigned

Bill, "An Act Concerning the Blue Sky Law" (S. P. 200) (L. D. 598) (C. "A" S-260)

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

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

Mr. HOWE: Mr. Speaker, Members of the House: I am working on an amendment to the Blue Sky Law Bill. I have talked with the sponsor and I have talked with the Securities Division of the Bureau of Banking. The amendment, I hope, will be agreeable to the sponsor and the members of this House, but it won't be ready until tomorrow morning; therefore, I ask that somebody table this for one day.

On motion of Ms. Clark of Freeport, tabled pending passage to be engrossed as amended and tomorrow assigned.

Tabled and Assigned

Bill, "An Act to Permit the Advertising of Prescription Eyeglasses and Other Optical Devices" (H. P. 415) (L. D. 518) (C. "A" H-784)

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

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

Tabled and Assigned

Bill, "An Act to Provide Home Health Care Coverage in all Health Care Policies and Contracts" (S. P. 341) (L. D. 1125) (C. "B" S-292)

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

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

Mrs. KANY: Mr. Speaker, Members of the House: I am not going to make a motion, but in our discussion yesterday on this topic, we were talking about mandatory versus optional home health coverage in insurance policies, and I just want to call attention to a fact, basically, something which is written in both Committee Amendment "A", and Committee Amendment "B". It just seems to me, from the debate, particularly, I think, it was Representative Garsoe who kind of indicated that we may have higher rates because of a proliferating service being offered, and I wanted to call attention to the wording in both possible amendments which were before us and just to call your attention to the definition of "home health care services." This means those health care services rendered in the place of residence on a part time basis to a covered person only if hospitalization or confinement in a skilled nursing facility as defined in Title 18 of the Social Security Act, etc., would otherwise have been required if home health care was not provided. I just think that when we are debating an issue that we should at least be debating it on the basis of what actually is included in the bill, unless we are offering an amendment.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House; I think maybe there would be no cost to this bill at all in the other report, and I would like to have a little time to make some inquiries of some of the insurance lobbyists around here to see what their opinion is. If some body agrees with me, I hope they might table it for one day.

Thereupon, on motion of Mr. Talbot of Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.

Passed to be Enacted

An Act to Establish the Maine Nonprofit Corporation Act (S. P. 547) (L. D. 1885)

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. (Later Reconsidered)

Orders of the Day

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

Bill, "An Act to Implement the Recommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance" (S. P. 205) (L. D. 727)

Tabled — June 21, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Adoption of Committee Amendment "A" (S-270)

Mr. Spencer of Standish offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-810) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the Gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment

"B" to Committee Amendment "A" makes a number of changes in the Pomeroy Commission bill which deals with medical malpractice. The changes are several in order to make certain that each individual in the state has the choice whether to go through an arbitration procedure on a malpractice claim or whether to go through the normal court procedures.

What the amendment does is, it provides that Blue Cross and Blue Shield may not include in their contract a provision establishing a mandatory arbitration procedure. This will leave it up to each individual patient whether to sign an arbitration agreement or not. The amendment also makes some other changes. It provides that nobody can be required to sign an arbitration agreement before receiving treatment from a physician or a hospital. It also includes a four-year sunset provision on the arbitration procedure so that at the end of four years of working with the arbitration procedure that is established, the Bureau of Insurance will report back to the legislature as to whether the procedure which has been established has had a beneficial effect on malpractice rates. The amendment is an effort to respond to a number of concerns which have been expressed from members of the legislature and also that were shared by members of the Judiciary Committee and I would urge you to support it.

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

Mr. Kelleher of Bangor offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-804) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against House Amendment "A" to Committee Amendment "A". Essentially, the House Amendment that is now before you would strike out most of the provisions of the Pomeroy Commission Report that are intended to try to establish an alternate mechanism for the handling of malpractice claims as a way of coming to grips with the crisis in malpractice insurance which this legislature responded to in the last session.

In the last session of the legislature, we established a commission that was to work and report back to this legislature and to try to deal with the problem of the rapidly escalating costs and decreasing availability of malpractice insurance for health professionals, particularly for doctors. The commission spent two years studying this problem and submitted a report to the Judiciary Committee recommending that a procedure be established to permit arbitration of malpractice claims as an alternative to the procedures that now exist whereby all these claims would go through the normal court process and finally be resolved in a trial.

The bill, as recommended by the Pomeroy Commission, establishes this procedure for arbitration. It also establishes limits on the time period under which claims can be brought and makes a number of other changes. In addition to that, the commission recommended that there be certain reporting requirements established and self policing mechanisms to try to control the problems of malpractice in the hospitals.

What the amendment before you would do would be to leave the reporting requirements in the internal controls but to strike out all the provisions of the bill that deal with arbitration.

I would urge you not to support this amendment, to consider the bill as a whole with the amendments that have been put on it at this point and then make up your mind as to the validity of the recommendations of the commis-

sion. But essentially what this bill would do would be to gut the Pomeroy Commission report.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: What Mr. Spencer failed to tell you, the Pomeroy Commission Bill is an insurance company's dream, that is the first thing he failed to tell you, in my humble opinion.

From what I understand, there was no evidence presented either to the Commission or to the Judiciary Committee. The passage of this bill would result directly in the reduction of costs of malpractice insurance. Maybe Mr. Spencer, or perhaps the Judiciary Committee and members of the Commission if there are any present in this room, can verify the fact that there will be a reduction in the cost of insurance. I haven't heard of any but perhaps members of the committee have.

There have been no extravagant awards, as I understand it, in Maine, by juries for malpractice cases. The most recent court award in Maine was made approximately eight years ago as I understand it, by a judge sitting without a jury. The Pomeroy Commission, I also understand, found no abuses in the legal system of handling malpractice cases. Insurance company data suggests that at least one insurance company is collecting its premiums approximately five times as much as being paid out in claims here in the state. Maine has one of the lowest ratio of claims to physicians and per capita of dollars to physicians of any state in this nation. Maine already has one of the most restrictive statutes of limitations of any state in this nation. I guess we all understand the fundamental parts of the bill.

The good gentleman, the Chairman of the Judiciary Committee says that my amendment guts the bill. If it does anything, it protects the people's rights in this state dealing with physicians in terms of malpractice as well as the hospitals themselves. We have all received calls from our local hospitals and from our physicians and I am no different than the rest of you but I think in good judgment, this House would accept my amendment because if it does anything, it protects the rights of the people of this state. More importantly, it is not an answer for the insurance companies or the physicians or the hospitals. We need them but I am not about to arbitrarily write my rights off to a board of arbitration of three people made up of a lawyer, whom I have the greatest respect for, a physician, or turning my rights over to any three people, that is more than I want to do.

I would hope the House would support the amendment and not support the bill if the amendment is not adopted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to read a prepared statement that I have ready because I am unable to do so. I will speak, however, a little later very briefly. I would like to ask and I have asked my colleague from Farmington, Mr. Morton, if he would read the statement that I prepared and make whatever statements he wants to make but the statement he would read would be my statement, if he would please.

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

Mr. MORTON: Mr. Speaker and Members of the House: First I want to say that I am honored to represent the gentleman from Lewiston in reading this statement, and although I had not made up my mind prior to the debate, I reserve my right to listen to the

rest of the debate, I am not opposed to what the statement says.

Some of you are aware that Senator Conley and I were the legislature's representatives on the special commission established by the 107th legislature to supervise the preparation and final legislative draft form for the proposal to insure the availability of medical and hospital malpractice insurance to physicians and hospitals throughout the state and to develop a more equitable system of relief for malpractice claims. This commission was composed of fifteen persons. Justice Charles A. Pomeroy appointed by Chief Justice Dufresne served as Chairman of the Commission. Mr. Frederick D. Hayes, a consumer representative from Belfast, served as vice chairman. Susan S. Saunders, a consumer representative from Freeport, served as Secretary Treasurer. Other public members on the Commission were Harold L. Jones of Augusta and John M. O'Brien of Lewiston. Superintendent of Insurance, Frank Hogerty and Commissioner of Human Services, David Smith, served as statutory voting members of the commission. The remainder of the commission were representatives of various entities involved in the malpractice situation: Doctor Eugene Beaupre, President of the Mid-Maine Medical Center in Waterville, represented the Maine Hospital Association. Mr. Roger Gorham, a Vice President of Campbell, Payson and Noyes in Portland, represented the Insurance Industry. Dr. Francis I. Kittredge of Bangor, represented the Maine Medical Association, incidentally, Dr. Kittredge is also a lawyer. Mr. Richard F. Nelson the President of the Maine Blue Cross and Blue Shield represented that organization. Dr. Carmen Pettapiece of Portland represented the Maine Osteopathic Association and Mr. John N. Kelley, of Portland, represented the Maine Bar Association. With the exception of one individual, Attorney Kelley, the Commission was unanimous in its recommendations to the legislature which are embodied in L. D. 727. Many proposals were presented by various groups and organizations which were not finally incorporated into the commission's recommendations. The Commission attempted to the greatest extent possible to balance the competing interests of the various segments of our society.

There are recommendations which I am sure any individual group may prefer not to see in the form of legislation. However, almost every group agrees that only through a process of compromise could meaningful legislation be enacted. It is on that basis that some of the suggestions of various groups were not included and on the same basis that other recommendations were included. The work of the commission, including numerous public hearings throughout the state, confirmed the existence of a substantial problem in this state with respect to the ability of physicians and hospitals to secure malpractice insurance. As recently as March 15th, Superintendent Hogerty determined after a reading that Malpractice Insurance was not readily available in Maine for physicians. Superintendent Hogerty had made a similar determination with respect to hospitals last fall.

In the final analysis, the costs of the malpractice situation are costs that the citizens of Maine will ultimately have to bear. Last year, for example, we know that per patient per day cost for malpractice insurance roes in some hospitals from 50 cents to \$4 per day. Maine people cannot afford these continually escalating costs.

I believe this legislation, as a comprehensive unit, will assist in eliminating some of the causes of the malpractice situation and will create a climate in which private insurers will be willing to underwrite the risks.

I wish to emphasize the importance of dealing

with this bill and the committee amendment as an entity. As the Commission said in its report and I quote: "The recommendations which the Commission does make are pervasive but they are not dramatic. If they succeed, they will succeed in their collective capacity and the Commission strongly recommends that its proposal be considered as an entity". This legislation is composed of many building blocks, all of which must remain in order to achieve the long range goals of the commission, which were to: "Reassure the medical community, to assure the public of controlled quality of health care delivery, to avoid the erosion of legal rights and to demonstrate to the insurance industry that Maine remains a viable market for their essential services."

It is possible that attempts will be made to amend this bill, and these attempts will probably come from individuals espousing the objections of the Maine Trial Lawyers Association. I urge you to defeat any such attempt. This legislation has been thoroughly scrutinized by the commission including its consumer members. It is only a first step in the battle to reduce the high cost of malpractice insurance which, in turn, increases the health care costs of Maine people.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, as a lay member of the Judiciary Committee, I want to assure you that we did work hard, long hours and we tried to make the Commission Report and do those things that would satisfy most, I feel, reasonable thinking people in an attempt, in my opinion, to help the consumers in the State of Maine. I hesitate to say that the insurance companies will continue on and the doctors will continue on and the lawyers will continue on but this bill, in my opinion, and I am sure that the good and able people that served on this commission, their whole thrust was to the consumers, because we are, in the final analysis, the people, who will pay.

So, I would hope that you would defeat this amendment because, as my good friend from Bangor, Mr. Kelleher, says, it does literally gut the bill. I would hate to see, after the many, many hours that the Commission put in, and the many, many hours that the committee put in, and all of the people that provided testimony to us, I would hate to see it all go down the drain this morning.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I wish I could call for the yeas and nays with the vigor that my other good colleague from Bangor can do but I would wish that when we vote it is the yeas and nays.

The second point that I would like to make is this, I think there is some merit to what the gentleman from Bangor has said. But I think his position represents too extreme an approach or reaction to the proposal. His amendment would do virtually nothing, would do virtually nothing, when I think, we can all concede, that at least on the horizon, if not already, there is a grant crisis in medical care costs and much of that is through malpractice costs.

On the other hand, I feel that the committees amendment goes much too far in the other direction. I think it goes far in a couple of areas. One, having to do with the statute of limitations, which the gentleman indicated, is very restrictive and I think too restrictive and we ought not to restrict it even more, which this will not do for certain health care providers. (2) I think it goes too far in saying that if you are too poor to go to a physician and you have to go to a free clinic, you have no recourse against

your doctor or physician or health care provider, if they malpractice on you.

Now, it was testified before our committee, that 80 percent of the costs of malpractice insurance are involved in the process of settling claims and this is the area of the bill which I feel deals with the basic problem but does not deny people some of the very basic rights, mainly, to bring suit in due time. The arbitration proposal I think is reasonable. It has a great deal of flexibility. It is revocable, it means you can get out of it, within 60 days after you leave the hospital or leave your doctor's care or whatever it is. So, it seems like it is an efficient process, it will, most likely, reduce the costs and I hope that we can defeat this amendment so that I can offer two amendments which will not gut the bill but will protect some of the basic rights of consumers of health care.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to thank the gentleman from Farmington, Mr. Morton, a good friend who was kind enough to read my statement. I find myself in a very odd position of opposing a former pupil who sat next to me, Representative Kelleher from Bangor but I was on this Commission as was stated in the statement. I have followed the malpractice problem. I certainly have followed rising costs of hospitals. I think if you would have gone to just one meeting of the commission, you could have gone to 20 others and it would have been the same thing. I received many calls from doctors who did not go to meetings and I sent them copies of minutes of the meetings. I was physically unable to attend some of the meetings.

I will say this, however, this is getting to be an extremely serious problem. Among my chronic illnesses, I have paralysis and arthritis of the spine and the surgeon that treated me for this for one year and four months, suddenly came to me one morning in the hospital and told me that he was leaving for Canada. The rate that he had gotten from \$3,000 to \$18,000 was just something that he could not take any longer, so there I was, left without a surgeon in that area and the one that he gave my papers to, so he told me, couldn't locate them for a while and when he finally did, he was one of those very excellent surgeons, who is also a friend of mine and I would have had to hurdle 30 other people to get to him and I refused to do that, I had just gotten myself in some sort of gear with him.

It is only day before yesterday that a surgeon in Lewiston, who incidentally had the courage to say "no", he had the courage, when he was served papers for malpractice to say "all right, I am going to court". He went to court with a jury trial, a surgeon with an excellent reputation. The trial lasted 10 days. There is this man sitting there, who has performed countless numbers of very intricate and dangerous operations and he had to sit through a suit that had no rhyme or reason to begin with. Naturally, the case was thrown out of court but if you knew the surgeon as some of the people from my area know him, you would know by just looking at him then, and looking at him now, that he has aged 10 years. He told me, as I was being wheeled from one room to another, that his bill has gone this year from \$4,000 to \$17,500. He is an excellent surgeon, he is not a poor man, by any means, but he is not a millionaire but believe me he is giving the medical profession second thoughts. Now, I have never been one that has been unfriendly with the attorneys. I studied law. I certainly can't afford to be unfriendly with physicians, doctors or surgeons because either one is waiting for me at my home or else I am lying in a bed in a hospital, waiting for one to come along to take care of me. So, somewhere along the line and I haven't

got the knowledge, and everybody knows it, to sit down and be able to write a statement like this by myself. I might have thrown in 35 or 40 words, and maybe four or five commas and two periods, but I certainly understand the problem. I understand enough that when you have 15 men on a commission, 13 of the men are lay men or doctors and one of them is not only a doctor but he is also an attorney, the Chairman of the Commission, the Honorable Supreme Court Justice Pomeroy, is a tort lawyer, one of the best tort lawyers in New England before he went on the bench. I know about his being a tort lawyer because he taught me tort law, and believe me, he gave no points away. He knew then what he was talking about and he knows now what he is talking about. If those 14 men, vis a vis one lawyer on the commission, can agree somewhere along the line, I think that they may be right.

This is sound legislation, it is extremely important to your future costs in hospital care and you know you never think of these things until they hit you and I hope the gentleman from Lisbon Falls, Mr. Tierney, is listening, when you get to be 66, you get to a point where you kind of look into these situations and realize just how much it is going to cost you and how long can you stay in a hospital with your Blue Cross and Blue Shield before the axe comes and you are going to be paying the whole freight, like many people are doing in the hospitals.

Mr. Speaker, I move the indefinite postponement of Mr. Kelleher's amendment. Unfortunately, because he is a very dear friend of mine, but that is the way the mop flops. It is a good piece of legislation and when the vote is taken, I ask for the yeas and nays.

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

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

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House. Some of you may have had the chance to see my daughter Josie when she was here a couple of days ago; she is almost three years old. Last night I got home in time to put her to bed and she said, daddy do you remember the time the dog bit me? I said, yes I do and she said, do you remember we went in to see Dr. Bachrach? I said, yes, we did, it was a Sunday morning and Dr. Bachrach came in to help you out and she said, Daddy, is Dr. Bachrach your friend? I said, well, after the speech I am going to give tomorrow, I doubt it.

I think that we have to analyze this particular piece of legislation very closely. Obviously, I have very strong personal feelings about this matter. It is really not a partisan matter, as the good Dean and I have I think, parted company somewhat. I feel that it is important that a certain amount of fundamental information be transferred to you before you vote on this or any of the other amendments. (1) There is no question that Maine physicians have been forced to pay exorbitant insurance rates, rates far out of line with any experience or any problems that they have seen or they have suffered. It is likewise an indisputable fact that there has not been a jury verdict in Maine against a physician in anyone's memory and there has not been any verdict at all in Maine for 8 years against a physician. It is an indisputable fact that no one insurance company came to the Judiciary Committee or to the Pomeroy Commission and said, if you pass this bill, we will reduce the rates of Maine hospitals and Maine's physicians. Not

one. It is an indisputable fact that all but one insurance company refused to give to the Commission and to the Judiciary Committee statistics as to how many claims were filed each year against Maine doctors and how much of the money that came from Maine doctors went into settling Maine cases.

The entire problem with malpractice field, as I see it, an insurance mechanism problem. The insurance companies say that there aren't enough neuro-surgeons in Maine to form a pool to insure Maine neuro-surgeons. So, what they do is take Maine neuro-surgeons, throw them in with all the other neuro-surgeons across the country or east of the Mississippi and they charge our Maine doctors the same rates that they charge the doctors in New York City or California or St. Louis or Philadelphia. That is an insurance problem and has to be addressed as an insurance problem and if we are to try to control the runaway costs of malpractice, we have to address it as an insurance problem. This bill doesn't do that.

The whole thrust behind this bill is to say, we are going to take the case away from juries even though no one in Maine can remember when there was a jury case and we are going to give it to the arbitration panel. It is also an indisputable fact that there is no statistical evidence that shows that arbitration awards are any less than jury awards. Jury awards in Maine have been zero and it would seem very difficult for me to understand how arbitration awards could be any less. That is why, in my opinion, the insurance companies haven't come to any of our doctors or our hospitals and say, if this bill passes, we will lower your rates.

I hate to confront people with these nasty facts because our physicians are very upset about the rates and they have contacted us and I don't blame them. They say do something and here is a bill with a good sounding name and a blue ribbon commission that says this does something but none of the fundamental evidence that we need to make a change in our current system is here and I think if you look at Section 2 of the bill, you will see, even the Commissioner himself, realizes that it doesn't have the information it needs because in that section which I think is excellent it requires a statistical gathering job be done by our Bureau of Insurance in order to find out how many claims, how many premiums it paid. I think that is an excellent idea and I support that part of the bill.

If you want to make some people happy back home, primarily physicians, I am sure you will vote against the good gentleman from Bangor and myself and I have no illusions as to how that will turn out. Don't kid yourself. Don't think that the costs of malpractice for doctors is going down because we don't have any evidence to that effect. Even Charlie Cragin can't produce that evidence and I am sure if it was there, he would produce it.

I think we have to address is whether this mechanism is really going to lead us in the direction we want to go. I would say that it does not.

Someone, I am sure, will now jump up and say, well, spoken like a good trial lawyer and I would like to say first of all, I haven't even been in front of a jury in my life except my colleagues here in the House. I would like to say second of all, my office has a policy of not touching malpractice claims. We have had several individuals come in and we always send them somewhere else for a variety of reasons. They are difficult to take, lawyers don't like them, doctors don't like them and frankly, you can't make any money off them so we send them somewhere else.

I think we should read the bill and analyze it very closely and think for a minute, whether you really want to lead Maine people away from being judged by their peers. An arbitration pan-

el means that you will not be judged by your peers, you will be judged by experts.

If I commit malpractice as an attorney, and you see me I don't think any of you would like to go before a panel of attorneys or a panel of doctors or any so-called panel of experts to determine whether I was guilty of malpractice. You would want to go against twelve people tried and true, take 12 people off the street and I would hope that you would. So don't sue me for malpractice but think very carefully before you vote on this amendment.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I won't rise today to say to the good gentleman from Lisbon Falls, spoken like a true trial lawyer but I will rise today to ask you to vote for indefinite postponement of this particular amendment.

I am not overly convinced that this bill is a great panacea which will solve the medical malpractice crisis that exists in this country and which is creeping to the State of Maine. I am going to support this bill because it has one particular provision which I feel is essential and that is the sunset provision. In four years, at that time, if we find, through evaluation of facts and data, that this bill, the arbitration provision, has no effect at all, one way or the other, on medical malpractice insurance, that I will be the first one to vote to get rid of the arbitration provision. I think right now is premature to vote against indefinite postponement and to strike out the arbitration provision of this bill. I am willing to give it four years and in four years, if we find that medical malpractice premiums in this state have not been reduced or have not been stabilized, and if the cost of medical care continues to rise, that I will be the first one to vote if I am here to get rid of the arbitration provision but today, I do hope you indefinitely postpone my good friend, Mr. Kelleher's amendment, so we can at least try this type of procedure.

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

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I might say first, poor Charlie Cragin. I looked around when I spoke as highly as I did and I do now about my friend from Bangor, Mr. Kelleher. He wasn't in his seat when he said that this bill is a dream of the physicians. It certainly is something that they have been hoping for because of the predicament they have been put in and I might say, in a way, that this might possibly be the dream for the physicians. This bill might be a Christmas everyday for the trial lawyers and that doesn't pertain to my very dear friend in the corner, the gentleman from Lisbon Falls, Mr. Tierney, because we all know that a good lawyer keeps his clients out of court. Certainly he is a good lawyer, I can attest that he is a good lawyer because I know, I had his firm do a little something for me. I told him what the situation was, it took him about four days to write the insurance company and about three days later, I got myself a check. Everybody was happy, nobody went to court. I went to Brunswick and had lunch with he and his partner. We all had a lot of fun and enjoyed ourselves. He certainly is exactly what I would call a good lawyer. I heard it several times when I went to law school, a good lawyer keeps his clients out of court. Mr. Tierney knows just how to do that.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a good supply of business cards in my office available and I

hope many of you will stop in and pick them up on your way out.

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

Mr. KELELHER: Mr. Speaker, Ladies and Gentlemen of the House: As each speaker has indicated, we all have a feeling for the physicians and we also have a feeling for the way that they are abused and I believe that they are abused by the insurance companies for malpractice coverage. However, I don't believe Mr. Hobbins or any other member of the committee, when I asked a few moments ago, was there any guarantees from the insurance industry or was there any guarantees for the legislative agents for the Blue Cross and Blue Shield, Mr. Cragin to indicate before the committee that, in fact, if we pass this bill today, without my amendment, that there would be a reduction in insurance premiums. If we take the bill as it is right now and we make it more difficult for you and I or our constituents because of the possibility of a malpractice suit, to go to court, certainly that is some answer to the insurance companies because of their risks in dollars, paid to them by premiums in return. They want it. They are probably begging this House right now. They are making Novenas, hoping that we would pass this document as it is.

I do respect the good gentleman from Lewiston. However, if you want to place faith and you want to keep everybody honest, that is the physicians, the noble administrators in the hospitals and particularly those fine gentlemen who operate, the great insurance companies across this land, and you want to protect somebody else, the average guy, who probably doesn't understand the consequences of what this bill is going to do to them, then I would urge you to support my amendment.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct what I think are two errors in the gentleman from Lisbon Falls listing of facts. One of which was that this bill takes away your right to jury trial. Error. (1) It says that when you go to your physician or to the hospital, you may sign a form which says, you agree to go to arbitration. You don't have to even sign that form and if you don't sign that form, the bill says that they can't refuse to give you service so it doesn't take that away. Even if you sign the form, and you enter the hospital for six months and you got out, 60 days after that, you could revoke that agreement to go to arbitration. Your friendly neighborhood lawyer, through his wanting to help you out, would probably advise you of that fact so it doesn't take your right to jury trial away, please don't get confused with that.

Another point is the point of agreement, I think, with the gentleman from Lisbon Falls and that is that he said, has anybody shown that settlement through arbitration would be any less than through jury trial and the answer he says is no. I agree. So, I think you can be reasonably confident that people who have complaints and who go to arbitration will not be unfairly treated. Will that affect the rate? Yes, because the major cost is in the process of settling the dispute, jury trial.

The gentleman from Lewiston, Mr. Jalbert pointed out a ten day trial, witnesses galore, cost of the jury, cost of prosecution, blah, blah, blah. That is the kind of thing that builds up the costs and that is still an option if an individual feels and I am one who is a fan of jury trials, as some of you last year may remember when there were attempts to limit that institution, I am against it but I am also in favor of the individual's right to choose which way he wants to have his claim settled. I don't believe that this

will be a big break to the insurance companies, especially the Blues because as we do know, though it is a rocky road, they are regulated and they are a non-profit organization. If, for some reason, because their costs go down, they have some dough left over, insurance regulations system is going to say, you can't increase your rates because you will have too much of a profit and that isn't the way you must function under a non-profit system.

So, I think with these various reasons we ought to reject the current motion so that we can make some changes in the existing bill. I supported the unanimous report because of the principle. I think it goes too far in many respects and we will have a chance to rein those in later.

Mr. Tierney of Lisbon Falls was granted permission to speak a third time.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Now, we are getting down to it. Does it cost less to go to arbitration or go to a jury trial? I say absolutely not because if you read that Committee Amendment as I have done, you will find that the full scope of discovery, in other words, all the depositions and the interrogatories and so on which are available currently under the law, also available under arbitration so there is no change there. But there is a difference, if you have to go to a judge and jury, at least the poor person who is bringing the case doesn't have to pay the judge and doesn't have to pay the jury. But, under this bill, there is absolutely no provisions as to who is going to pay the arbitrator, instead they refer to the rules of the American Arbitration Association and the American Arbitration Association rules state that the parties will bear the cost of paying the arbitrator's salaries so this is a great one. I would put to you that you are increasing the costs of actually coming to an agreement because the person who is bringing the case ends up paying half of the salary of the judge.

Are you taking a persons right to a jury trial? You can sign the form or not. If someone goes to the hospital and if some of you have had an unhappy occurrence, you have a pack of forms and papers you have to sign and if you are hurt and you are sick and your doctor asks you to sign a form, let's face it, you are going to sign it. Let's not pretend any differently. If it wasn't true, if it was purely voluntary, you wouldn't need the bill because you can voluntarily submit your agreement for arbitration right now under the current law. After revocability, you have 60 days after the malpractice occurs. Well, there is nothing in that bill, if you are in a coma, it is supposed to be in the bill but if you read it, it isn't, 60 days after the malpractice occurs, it is pretty hard to revoke. But, even more important, most cases of malpractice, the old leaving the sponge in, doesn't even show up for a year and then it is too late to revoke. Let's not have any pretenses, because if this bill could reduce the costs of insurance, I can assure you that people would be in here telling you and showing you documentation from insurance companies that say, yes, this bill will lower the costs of insurance. They don't have any of that because that evidence doesn't exist.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As I understand the Committee Amendment, it would be 60 days after discharge from the hospital and I would submit that it would be doubtful if you were in a coma, that you would be discharged from the hospital so I would try to allay your fears on that.

There are two things that I would like to address, that the honorable members and learned members of the commission explained to us, some of the jurists, that probably under arbitration, those small cases of malpractice that trial

lawyers won't take because it wouldn't amount to enough money for them, those small cases would be treated so the person with a minor situation could go to arbitration and be given an award. That is the type person the trial lawyer doesn't want to bother with because the case isn't of that great a magnitude.

I would submit also that we were given information and I, don't have it in front of me and I see that we are locked in the House but I would submit that in states, there are a few states, that have accepted similar legislation to this, have had some reduction in the rates of their malpractice insurance. In some other states, the rates have stabilized over a short period of time so don't be completely led astray by my good young friend down here in the right hand corner. Don't be completely led astray because there is evidence, minimal to be sure, but there is evidence that this is reversing the trend so I would hope that you would go along with the indefinite postponement of this amendment and not gut this fine piece of legislation.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Looking over this 22 pages of bill, I don't find anyplace and I would like to have somebody from the Judiciary Committee that might answer one question. Is there any provision in there that I might be able to sue the dentist that makes poor teeth?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman's question, he has that right already and we have not affected that in any way.

In response to some of the points that have been made by my good friend Mr. Tierney, I would like to say to the House the thing that convinced me that some action ought to be taken in this area and that we ought to establish this arbitration procedure entirely as a voluntary procedure as a voluntary alternative to our present system for resolving disputes was the fact that I got in response to inquiries which was that for every dollar paid in premiums, because of the tremendous expense of the system that we now have for collecting or at least in part because of the expense of this system, 16 cents finally goes back to the person who has been injured, 16 cents on the dollar that has been paid. Sixteen percent actually goes out to the people who are injured. There is a lot of elements in that. There is the element of profit, there is the element of administrative overhead, there is the expense of adjustment, there is all of that but a significant portion of that cost is the expense that goes to the lawyers on both sides in a protracted case, going through this process.

I am not somebody who is unconcerned about the people of this state and what happens to them when they are injured as a result of someone's malpractice and either is the Judiciary Committee. We worked long and hard to try to eliminate some of the problems which we saw with the original bill.

Mr. Kelleher suggested, for example, that if you had a claim, you wouldn't want it being decided by a doctor and a lawyer as the original bill provided and we agreed with that. We thought that that created a suggestion of a bias in the arbitration panel and we changed the arbitration procedure so that it would be one person chosen by the patient, one person chosen by the physician and then a neutral who would be chosen by those two or if they couldn't agree, through the arbitration association.

I think there is a problem with malpractice insurance and a problem that all of us end up paying for and the answer that this bill will not lower the premiums in Maine, there isn't going

to be that kind of direct connection, it is true. The day that this bill passes, there will not be a lowering of the insurance rates in this state or least not a very significant one. What is happening across the country is that the states across the country are recognizing this problem and recognizing that we are getting to the point where insurance is not available for a reasonable cost to handle the tremendous expense that is associated with the resolutions of these disputes under the present system and state after state, is adopting provisions that are similar to the provisions of this bill. I think it is a very moderate response. The arbitration procedure is entirely voluntary and I think it is a step that we all ought to take.

There are some other points that will be raised and discussed once we defeat this amendment and I would urge you to defeat the amendment that is now before you and let us get on to those other points.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I stand here today before you as a son of a doctor and I want to tell you that before I begin what I have to say. There are at least two of us here in the House who are sons of doctors and I asked the other day if I would be in conflict to make sure that I would be absolutely clear and I was told that I would not be.

My father is a small town doctor. He is not a surgeon. He is a general practitioner. His malpractice insurance is not that high. It is high enough so that it bothers him but nothing like a surgeon would have to pay.

I want to relate to you an experience I had about three or four weeks ago. I was sitting in this House and I received a note from my father at home, who told me that my niece who is 5 years old had been on a bicycle and run into a car, which was moving. She was thrown off the bicycle, thrown onto the pavement, her head was hit, her skull was broken, she was rushed to the hospital and put into surgery, neurosurgery for a brain injury. Of course, at the time when it happened, it was an emotional experience for me. She is not only somebody who is very dear to me, she is the apple of her grandfather's eye, and when she got into the hospital, immediately they put her into surgery and all of us in the family, her aunts, her uncles, her great aunts, her great uncles, her grandmother and grandfather on both sides would have paid anything in the world. There wasn't any question of money and the surgery was performed and it lasted an hour and a half by a neurosurgeon. God bless him, he was there on the scene. We all wondered afterwards what the bill would be and we had two reactions. One was, it doesn't matter what it is, we will pay it and the other one was, well, kind of curious and as it happened, it was \$1,700 for an hour and a half, that is just for the doctors bill, not the hospital or anything else. If you say at that point, that is an awful lot of money, you have the emotion that you feel, well, of course, she is worth it but at the same time, it is a lot of money and you have guilt feelings for feeling that way. But I would suspect that the reason that it was so much, from a purely materialistic point of view, that that malpractice insurance that that gentleman has to pay probably, is close to \$20,000 a year and he has to pass that off to people. He has to pay that bill in order to perform operations.

Mr. Tierney will tell you, well, that doesn't have anything to do with this bill. He will say over and over again, there is no guarantee that this is going to be lowered. There isn't any guarantee but there is a sunset clause on this bill that says after four years, if insurance has not been lowered with the outcome of this bill, that it will become under automatic review. I just thought I would relate that experience to

you because there are an awful lot of people who really couldn't afford that kind of an operation and yet, none of us can afford not to have that kind of operation.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carroll, Carter, F.; Churchill, Clark, Conners, Cote, Cunningham, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Goodwin, K.; Gould, Gray, Green, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Kane, Kany, LaPlante, Lewis, Lizotte, Locke, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Tozier, Trafton, Truman, Tyndale, Whittemore.

NAY — Benoit, Brown, K. C.; Carter, D.; Chonko, Connolly, Cox, Curran, Davies, Dutremble, Gillis, Goodwin, H.; Greenlaw, Hall, Howe, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, McKean, Najarian, Peakes, Post, Prescott, Talbot, Theriault, Tierney, Valentine, Wilfong, Wood, Wyman.

ABSENT — Bagley, Carrier, Devoe, LeBlanc, Littlefield, Lunt, Martin, A.; Moody, Twitchell.

Yes, 110; No, 31; Absent, 9.

The SPEAKER pro tem: One hundred and ten having voted in the affirmative and thirty-one in the negative, with nine being absent, the motion does prevail.

On motion of Mr. Spencer of Standish, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "B" and later today assigned.

An Expression of Legislative Sentiment (H. P. 1765) recognizing that:

Rep. Richard J. Carey was awarded the First American Legion Father of the Year Award on June 18, 1977, at the Fifty-ninth Maine American Legion Convention

Presented by Mrs. Kany of Waterville (Cosponsors: Mrs. Mitchell of Vassalboro, Mrs. Post of Owls Head, Mrs. Chonko of Topsham)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

(Off Record Remarks)

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

Bill, "An Act Creating Job Security for Deputy Sheriffs" (H. P. 1277) (L. D. 1508) (C. "A" H-713)

Tabled — June 21, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Engrossed.

On motion of Mr. Henderson of Bangor, retabled pending passage to be engrossed as amended and tomorrow assigned.

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

"An Act to Extend Collective Bargaining Rights to County Employees" (H. P. 1278) (L. D. 1509) (C. "A" H-602)

Tabled — June 21, 1977 by Mr. Carey of Waterville.

Pending — Passage to be Enacted. (Roll Call Requested)

On motion of Mr. Henderson of Bangor, retabled pending passage to be enacted and tomorrow assigned.

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

"An Act Creating a Maine State Board for Registration of Architects and Landscape Architects" (H. P. 1390) (L. D. 1733) (C. "A" H-600)

Tabled — June 21, 1977 by Mr. LaPlante of Sabattus.

Pending — Passage to be Enacted.

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

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

Bill, "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives." (H. P. 1741) (L. D. 1889)

Tabled — June 21, 1977 by Mr. Shute of Stockton Springs.

Pending — Passage to be Engrossed.

On motion of Mr. Palmer of Nobleboro, retabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act Recognizing County Charters and Establishing County Charter Commissions" (S. P. 437) (L. D. 1648) (C. "A" S-250)

Tabled — June 21, 1977 by Mr. Davies of Orono.

Pending — Passage to be Engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-789) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As you may have noticed, this bill had already passed without a House Amendment. As we all know, every bill that goes out of here must be amended by the Representative from Owls Head, Mrs. Post, and this is really her amendment that I am offering for her today.

There was some concern in various quarters that this bill with respect to county charters might in some way undermine existing districts in counties, and what this proposal will basically say is that those counties which have districts must, with any new charter, have some form of districts. To just let our people in Washington County feel easy, it also doesn't say that you have to have districts.

I think this is a reasonable amendment and I move that it be adopted.

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

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

Bill, "An Act to Establish the Fair Credit Reporting Act" (H. P. 1262) (L. D. 1526) (C. "A" H-749)

Tabled — June 21, 1977 by Mr. Howe of South Portland.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act to Clarify Election Related Laws" (H. P. 1734) (L. D. 1887)

Tabled — June 21, 1977 by Mrs. Mitchell of Vassalboro.

Pending — Passage to be Engrossed.

Mr. Berry of Buxton offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-794) was read by the Clerk and 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 ninth item of Unfinished Business:

Senate Divided Report — Majority (7)

"Ought to Pass" as Amended by Committee Amendment "A" (S-278) — Minority (6) "Ought Not to Pass" — Committee on Transportation on Bill, "An Act to Clarify and Correct Laws Relating to Aeronautics" (S. P. 340) (L. D. 1154) — In Senate, Majority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-278)

Tabled — June 22, 1977 (Till Later Today) by Mr. Jensen of Portland

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

On motion of Mr. Garsoe of Cumberland, tabled pending the motion of Mr. Jensen of Portland to accept the Minority "Ought Not to Pass" Report in non-concurrence.

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

Bill, "An Act Relating to Judicial Review of Public Utilities Commission Decisions" (H. P. 226) (L. D. 290) — In House, Passed to be Engrossed on June 14. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-267) as Amended by Senate Amendment "A" (S-299)

Tabled — June 22, 1977 (Till Later Today) by Mr. Berry of Buxton.

Pending — Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, the House voted to recede from passage to be engrossed.

Senate Amendment "A" (S-267) was read by the Clerk.

Senate Amendment "A" to Senate Amendment "A" (S-299) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker, I move that Senate Amendment "A" (S-299) be indefinitely postponed and would like to speak to my motion.

The SPEAKER pro tem: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that Senate Amendment "A" to Senate Amendment "A" (S-299) be indefinitely postponed.

The gentlewoman may proceed.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I have spoken with the sponsor of this amendment. We are both in agreement that it is not necessary at this time and causes quite a bit of confusion. We think the Senate version with the first Senate Amendment is the best way to go and I move the indefinite postponement of the amendment.

Thereupon, Senate Amendment "A" to Senate Amendment "A" was indefinitely postponed.

Senate Amendment "A" (S-267) was adopted. The Bill was passed to be engrossed as amended by Senate Amendment "A" in non-concurrence and sent up for concurrence.

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

Tabled — June 22 (Till Later Today), by Mr. Tierney of Lisbon Falls

Pending — Passage to be Engrossed
Mr. Tierney of Lisbon Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-809) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, I would just like to pose a question through the Chair for a brief explanation of House Amendment "A".

The SPEAKER pro tem: The gentleman from Bangor, Mr. Tarbell, poses a question through the Chair to anyone who may care to answer.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: This is just a technical amendment to a bill which I think rather dramatically reduces the pension benefits currently available to judges. My amendment does not affect the benefit levels at all. If you read it, it simply changes the word "each." We put the word "each" instead of "the full." This is to clarify the bill so that years served by a justice or a judge which are used to adjust his retirement allowance must be full years and rules out the use of partial years for the computation of his retirement benefits; it does not affect the benefit level whatsoever.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act Concerning Licenses for Camping Areas and Eating Establishments" (H. P. 869) (L. D. 1062) (H. "A" H-760 to C. "A" H-722)

Tabled — June 22, (Till Later Today), by Mrs. Trafton of Auburn.

Pending — Passage to be Engrossed
Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

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

Bill, "An Act Reinstating Public Intoxication as a Crime" (H. P. 1201) (L. D. 1430) (C. "A" H-718)

Tabled — June 22, 1977 (Till Later Today) by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed
The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move the indefinite postponement of this Bill and all its accompanying papers.

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

Mr. TARBELL: Mr. Speaker, I would like to table this matter for one legislative day.

Whereupon, Mr. Kelleher of Bangor requested a division.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that this matter be tabled for one legislative day. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 pro tem: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that this matter be tabled pending the motion of Mr. Kelleher of Bangor to indefinitely postpone and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Bennett, Benoit, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Burns, Carey, Carter, F.; Cunningham, Diamond, Drinkwater, Durgin, Fowlie, Garsoe, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, Lizotte, Locke, Lynch, MacEachern, Mackel, Marshall, Masterman, Masterton, Maxwell, Morton, Nelson, M.; Peakes, Peltier, Perkins, Peterson, Prescott, Sewall, Shute, Silsby, Smith, Spencer, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Whittemore.

NAY — Ault, Bachrach, Beaulieu, Biron, Blodgett, Brennerman, Bustin, Carter, D.; Chonko, Clark, Connors, Connolly, Cote, Cox, Curran, Davies, Dow, Dudley, Dutremble, Fenlason, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Hickey, Hobbs, Howe, Hughes, Jacques, Jensen, Joyce, Kelleher, Kilcoyne, Laffin, LaPlante, Mahany, McHenry, McKean, Mills, Nadeau, Nelson, N.; Norris, Pearson, Plourde, Post, Raymond, Rideout, Sprawl, Stover, Talbot, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker pro tem.

ABSENT — Austin, Bagley, Berry, Brown, K. C.; Carrier, Carroll, Churchill, Devoe, Dexter, Elias, Gauthier, Gill, Gillis, Hall, Jalbert, Kane, Kerry, LeBlanc, Lewis, Littlefield, Lougee, Lunt, Martin, A.; McBrearty, McMahon, McPherson, Mitchell, Moody, Najarian, Palmer, Quinn, Rollins, Strout, Stubbs, Tierney, Twitchell, Tyndale.

Yes, 56; No, 57; Absent, 37.

The SPEAKER pro tem: Fifty-six having voted in the affirmative and fifty-seven in the negative, with thirty-seven being absent, the motion does not prevail.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope that you oppose the motion before you. The House did pass this with a good vote the other day. I know I had a little trouble with the wording. The amendment that we did accept would allow someone who actually was unconscious to be put into a jail as a last resort. There are amendments which are being drafted to work out some of the problems, but I think that there is a need for something.

We only have something like 13 alcoholic treatment centers in this state to which we can bring people, and about three of those are in Bangor and two in Portland. I believe, believe it or not, there is one in Owls Head, and there is one in Waterville, and I believe Fort Fairfield. I don't have my material with me; I didn't know we would be debating this item now, I assumed it would be tabled. But, anyway, there are not all that many alcohol treatment centers, and there are problems for some people who could be in danger of either hurting someone else or themselves, and I do think that even holding them overnight in a jail, as a last resort, would be proper in certain circumstances. An example that I can think of is someone who has had

way too much to drink, and who might go out in subzero weather and lie down to take a nap or to sleep off that intoxication and could freeze to death. Another gentleman here in the House gave me quite an example, and I asked him if he were kidding, where he said that a town drunk was lying in the middle of the road with his head right on the median strip when he had had too much to drink. I think in cases like that in which there is not an alcohol treatment center near, that perhaps just for someone's own safety or for the safety of others, but you have to be very careful in protecting those rights, and that is why we must be careful as we draw amendments, there are situations in which you would want to take them into protective custody.

So until we get those alcohol treatment centers, and I hope we do, and I plan to vote for taxes so that we can get some, I hope that you will go along with this bill and allow some of us who are working very hard, looking at the constitutional questions and all the rights questions, that you will allow us to let this bill go through so that we can attempt to put our amendments on it at a later date.

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

Mr. GARSOE: Mr. Speaker, I hope we can wait on this bill for what I understand is a pending Attorney General's opinion so that we will be more apt to do the right thing, and I hope someone would move to table this for two legislative days.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we have before us today is a bill that was before this body two years ago. A request at that time was made to the Attorney General's Office as to the constitutionality of it. The opinion came up and later was reversed by the State Supreme Court as being unconstitutional.

Now, I hold in the highest regard my good friend from Waterville, Mrs. Kany. She is very generous with her attitudes, but once in a while she is a little cockeyed in her ideas, and on this particular issue she is way out of line. We all took an oath to uphold the Constitution of this state, and like yourselves, I am just a very lay person when it comes to the law. But in Article 1, of our Constitution, it says that all men are born equal, free and independent, and they have certain natural and inherent and unalienable rights, among those are enjoying the defending life and liberty, acquiring possession, protecting property, pursuing and obtaining safety and happiness.

If you look at this document here, what they want to do is what they are doing in Europe and in other countries, only on a minor scale. They want to intern you, incarcerate you, lock you up for a period of five, eight or nine hours. I really can't give you the definite period of time, but one minute is enough to offend me if my rights are denied, and that is exactly what you are doing.

We are dealing with a problem which is alcoholism, which is defined, I understand, by the medical profession to be a disease. We have some problems in this state with some alcoholics and in my own city where basically the bastion of support for this type of legislation comes from, not from me, not for denying anyone their individual rights, and that is exactly what this document does.

A request was made the other day by the sponsor, Mr. Tarbell, saying that he has solicited an opinion from the Attorney General's Office — I believe that. The bill has been around for four or five months. If there is any delay coming from the Attorney General's Office, perhaps it was before that office as a late request.

The thing that the bill does is, it locks somebody up and it denies them their rights, an automatic lock up. I am not here defending the so-called public drunk, but I am here defending the rights of any individual, be he intoxicated or not, when it comes to being locked up, put away, detained, for an indefinite period of time. I believe in the principle of the right of the individual and I hope you do.

There is no easy answer to the problems that we have in my city, that we have in other cities dealing with alcoholics. We have local ordinances that they can operate by, we have city councils a government body that, in my opinion, can appropriate the necessary personnel to make the streets in Bangor safe, and I want them safe, for everybody, but I don't want to support a document like this, not in the form that it is in. I would urge you to support the motion to indefinitely postpone based on one simple argument, Page 3 of the Legislative Guide, Article 1, Declaration of Rights. It is a wonderful document. It was written in 1820. I commend those fellows for writing such a fine document to protect my rights and to protect yours, and let's not operate under the guise that we are going to do someone a favor by temporarily locking them up for six or eight or ten hours.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I hope the good gentledady from Waterville is within the sound of this contraption that I am speaking into, because I would like to correct what I thought was a horrendous error yesterday and which has been repeated today, which is the amazing conclusion that if there is a drunk face down in the middle of the street, that you can't do anything about it and, secondly, that you can't even take him home. Contrary to that, a police office has no choice. He must do something about it under the current law, and I will read the law. This is Title 22, Section 1372, Subsection 2, I am not a lawyer but it says here: "A person who appears to be incapacitated by alcohol shall be taken into protective custody by the police or the emergency service patrol." There is no choice about that: they have to do that. If they don't do it, they are violating the law that we have already passed.

Then it goes on to say — "and brought to an approved treatment facility, if there is one", and as we know, there are none. "or to a place that is customarily used for people in this condition." What that means basically is hospitals. So a policeman shall pick up that drunk lying face down in the street if he is incapacitated, shall bring him to your general hospital, and the point was made, what if he was unconscious? Many hospitals just don't like that kind of person, it kind of smells the place up, but in any event, he is off the street, he is in a different place, he is out of danger, and I think that they ought to take him but many times they will not.

Another section of this same law, Section 5, says, "a person who is not admitted to any approved treatment facility" (and we know we don't have any, right?) "and is not referred to another health facility and has no funds, may be taken to his home, if any." Now, it seems to me pretty obvious that the police shall pick the person up, that if they can't get him into the hospital, they may refer him to his home, if any. If he has no home, the approved treatment facility shall assist him in obtaining shelter, and as you know, there are many shelters throughout the state that are not approved but there are places where people can be taken.

Somebody else will undoubtedly speak to the funding bill that is before us, but what I am afraid is that if we take the approach that is recommended here, we will take a lot of incentive off our raising money to do the right thing, which is mainly to fund those treatment

centers, because now we will have a dumping ground.

What a lot of people are worried about in my community and many others is that they don't like that problem lying right there on the sidewalk, it doesn't look very nice, it is not very pretty. Couldn't somebody just take them away after they have been tanked up on the drug that is legalized in the state, put them somewhere until they are freshened up a little bit and then they can come back? I just think that we can't condone that kind of thing and, on the other hand, we can't stand still, we must do something to provide a treatment center.

We are not talking just about this principle, by the way, we are talking about Committee Amendment "A" specifically, and for my own money, regardless of what the Attorney General says on the constitutionality, I am opposed to other aspects of the proposal.

You will notice that the proposal will say "any person who appears to be incapacitated by alcohol may be taken to these various places unless no treatment facility is readily available." I wonder what we mean by that; what do we mean by readily available? Then it goes on to say — "If it appears that the incapacitated person could be suitably cared for at some other place, they may be taken there." It also talks about the best efforts of the police, that these alternatives do not appear to be available, the treatment facilities and so forth. That, it seems to me, leaves one heck of a lot of leeway for people to conclude, gee, all of these things aren't apparent to me, the jail was right there it was pretty easy, and that is where they are going to go.

It also has in the amendment, and these are a series of questions that I hope someone can answer, that a person may be detained in the local jail until he is no longer incapacitated, and there is a definition in the law for what incapacitated is, and I am wondering, who is going to make that decision, and what criteria are they going to use for making that decision? What is the liability of the policeman or any other individual who picks someone up who appears to be incapacitated and then is not incapacitated? The wording is unclear, "appears to be incapacitated by alcohol." Does that mean appears to be incapacitated, or must they also be incapacitated by alcohol? They may be incapacitated by some other kind of drug.

I just think there are so many questions in this and so many loopholes and so many opportunities for us not to do what we ought to do, that I hope you will move to indefinitely postpone this proposal.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Representative Henderson raised a series of questions, and I am not sure about all the amendments that are about ready to come to this particular bill, but I hope that you don't indefinitely postpone it.

The question was raised about what if, because of the sentence which is in the Committee Amendment where it states that certain action can be taken if an emergency treatment facility is not readily available, what does that mean. Well, I would simply ask the gentleman from Bangor, what not readily available means in Section 2 of 1372 in the present law? I am assuming that perhaps they mean the same thing, and if one is unclear, then perhaps the other is, and maybe that's one good reason to keeping this bill, to clarify some of these situations.

We are talking about who is going to make a decision when somebody is incapacitated, and maybe police officers are incapable of making that decision. Well, if they are not capable of making that decision under the Committee Amendment, they are not capable of making that decision under the present law. I think that

is another reason why we should keep this bill alive, so we can amend it and make it more specific.

He asked, what does it mean in the Committee Amendment when you say that you keep them until they are no longer incapacitated? Well he didn't read the rest of the sentence; it says no longer incapacitated or 12 hours, whichever is less. But if that is not clear, then maybe it is not clear in the present law where it says a hospital can keep someone until they are no longer incapacitated, and maybe that is another reason for keeping this bill alive until we can make some clarifying amendments to it.

I want to put one thing on the record, there is no emergency service treatment available in Owls Head, I don't think there is even one available anywhere in this state where people who are incapacitated because of alcohol can be taken and kept against their will. There are treatment facilities, but that is very different from the specification which is in 1372.

I think that the Committee Amendment needs some work. I did not vote for the tabling motion the first time around because I was not clear on exactly what the issues were. If someone makes a motion to table it for two days, I would vote for it at that time. My concern is that if we don't take some kind of action, and many people who are involved in the field of alcohol treatment see the need for some protective custody laws such as are in effect in Massachusetts at the present time, if we don't take some steps in this direction, we are going to end up with the whole law repealed and we will have intoxication back as a crime. I don't want to see that happen, so I would hope somebody would move to table this for two legislative days.

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

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

Thereupon, Mr. Norris of Brewer requested a roll call vote.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this matter be tabled for two legislative days pending the motion of Mr. Kelleher of Bangor to indefinitely postpone. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bennett, Benoit, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, F.; Churchill, Clark, Connors, Cunningham, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Gould, Gray, Green, Hall, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Kany, Laffin, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Marshall, Masterman, Masterton, Maxwell, McKean, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Valentine, Whittemore.

NAY — Beaulieu, Berry, Biron, Blodgett, Bustin, Carter, D.; Chonko, Connolly, Cote, Cox, Curran, Davies, Diamond, Dutremble, Elias, Goodwin, H.; Goodwin, K.; Henderson,

Hobbins, Joyce, Kelleher, Kerry, Kilcoyne, Lizotte, Mahany, McHenry, Nadeau, Nelson, M.; Nelson, N.; Norris, Tierney, Truman, Wilfong, Wood, Wyman.

ABSENT — Bagley, Birt, Carrier, Devoe, Dexter, Dudley, Gauthier, Gill, Gillis, Greenlaw, Hutchings, Jalbert, Kane, LeBlanc, Lougee, Lunt, Martin, A.; McBrearty, McMahon, Strout, Trafton, Twitchell, Tyndale.

Yes, 92; No, 35; Absent, 23.

The SPEAKER pro tem: Ninety-two having voted in the affirmative and thirty-five in the negative, with twenty-three being absent, the motion does prevail.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate, with the exception of those held.

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

Bill, "An Act Realing to Approving and Financing School Construction" (Emergency) (H. P. 477) (L. D. 583) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-559) as Amended by House Amendment "A" (H-677) thereto on June 16. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-559) as Amended by Senate Amendment "A" (S-290) thereto.

Tabled — June 22, 1977 (Till Later Today) by Mr. Lynch of Livermore Falls.

Pending — Motion of the same gentleman to Recede and Concur.

Mr. Lynch requested permission to withdraw his motion to recede and concur, which was granted.

On motion of the same gentleman, the House voted to recede from passage to be engrossed.

On motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

On motion of the same gentleman, the House receded from its action whereby House Amendment "A" to Committee Amendment "A" was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed.

Senate Amendment "A" to Committee Amendment "A" (S-290) was read by the Clerk.

On motion of Mr. Lynch of Livermore Falls, Senate Amendment "A" to Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would like to give you a few words of explanation. There are three technical errors, two in the House Amendment and one in the Senate Amendment, and Representative Carter is having an amendment prepared that will take care of these without destroying the intent of the House or Senate Amendments, and I would ask someone to table it until later today.

Thereupon, on motion of Mr. Carter of Winslow, tabled pending adoption of Committee Amendment "A" and later today assigned.

On motion of Mr. Raymond of Lewiston, the House reconsidered its action of earlier in the day whereby "An Act to Establish the Maine Non-profit Corporation Act" (S. P. 547) (L. D. 1885) was passed to be enacted.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: Last Thursday, we were passed on our desk, at least I was, L. D.

1885, a 78-page document. Consequently, Friday when we adjourned, I took it home to read it, but I was unable to do so because I had too many commitments. However, Monday, when we came back in session, we had the first reading in the morning, second reading in the afternoon, so I took the document and I read it Monday night. This went through both Houses, evidently, without one word, and I am very suspicious over any document of this size. I have since then spoken to five or six members, most of whom are from the Judiciary Committee, including the chairman of that committee, about some of my concerns with the bill. My main concern with the bill starts on Page 53 and goes on to Page 59. This is biennial reporting and fees of non profit corporations.

What I don't like about this report, I don't mind so much — at least I could live with it — if we had to send a biennial report to the Secretary of State every two years. I don't know the reason for that, but I could live with it. We have to not only send the name, the address of the organization, but the directors and officers of that organization, their home addresses and so forth, I could possibly live with that. But we also have to give some kind of a brief statement of the character of the activities in which the corporation is actually engaging in in this state. Once we are incorporated and we send the state on a biennial basis the names and the addresses of our officers, I cannot see the point of making any statements — I don't know how brief brief is, what they are asking for here.

I belong to a lot of nonprofit organizations, one of which is the Maine Marching Ambassadors, the Pine Tree Warriors of Lewiston. We have a very difficult time raising funds. As a matter of fact, we are in the hole right now for almost a thousand dollars and we are constantly in the red. They also ask us in here, if we have a change in our by-laws, we have to send that change to the Secretary of State with a fee.

On page 57, Articles of Incorporation as provided by Section 403, we have to send in \$20; an article of amendment, as provided by Sections 702 and 803, an additional \$15; restated articles of incorporations, again as provided by Section 805, \$10; articles of merger — the Pine Tree Warriors last year merged for a trial of one year with the Fifth Regiment of Portland. By doing that, we would have to send this to the state with \$10. If we had a change in purpose, which would naturally if we are merging, an additional \$5, and there are three and a half pages of fees in this book for various reasons. Yet, with all these fees which are all additional to what the existing laws are today, they are still requiring an appropriation of \$13,000 this year and over \$10,000 next year — with all these fees.

Now, I have asked these questions, I have had no answers for the reasons for this bill. Maybe there is a good reason for the rest of it. These foreign corporations probably need to be regulated somehow, I don't know, but our small, nonprofit organizations are having a hard time to exist the way we are now, and I certainly oppose this section of the bill, which is page 56 to 59, and since nothing has been done about it, probably something will be said now because, Mr. Speaker, I move that this bill be indefinitely postponed and I ask for the yeas and nays.

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Raymond, moves that this bill and all its accompanying papers be indefinitely postponed and when the vote is taken requests the yeas and nays.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was submitted as the result of a study of the laws governing non-profit corporations in Maine which are currently extremely sketchy as compared to

the laws governing ordinary corporations. There are no procedures in the statutes for a lot of the things that happen occasionally, such as mergers, consolidations, terminations and so on. In fact, if you go back all the way to 1820, they have the articles of incorporation in the Secretary of State's Office but they have no subsequent records as to whether the non-profit corporations still exist, who the officers are, where the office is, so that if somebody is trying to find out whether a particular organization still exists, there is no way that they can do it.

In the committee, I shared the concern of the gentleman from Lewiston concerning the fee structure, and I specifically had taken out the fees for the annual reports and some proposed penalties for failure to file the annual reports and so on and have set it up so that the organization has to be sent a form by the Secretary of State and there won't be a penalty for failure to file until the thing gets into effect.

The gentleman did speak to me in the elevator a couple of days ago and I have been preoccupied with the juvenile code and malpractice and all of the things that are in the commiffee. I share his concerns about the fees, and if there are other fees that would occur with any frequency, I would like to continue the efforts that I have carried on in the committee to remove the fees and have it covered by an appropriation so that we don't end up harassing rescue units and groups like that. I thought that most of those problems had been taken care of. If there are still problems on that order, I think that we ought to correct them. I think the last thing in the world we want to do is to establish a lot of fees that have to be paid by people who are trying to do beneficial things for their communities.

I would ask that somebody table this and perhaps we could sit down and work out any problems with it. I think that there is some need to establish procedures governing dissolution and merger and consolidations so that these organizations are able to determine what procedures they go through when they are undertaking these kinds of efforts. But I am very amenable to trying to work out the problems regarding the fees and so on, and I would ask that someone table this.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Raymond of Lewiston to indefinitely postpone and tomorrow assigned.

On motion of Mr. Howe of South Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act to Establish the Fair Credit Reporting Act," House Paper 1262, L. D. 1526, was passed to be engrossed as amended by Committee Amendment "A" (H-749).

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

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

House Amendment "A" to Committee Amendment "A" (H-797) was read by the Clerk and adopted.

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

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

Mr. PALMER: Mr. Speaker, could the gentleman from South Portland, Mr. Howe, tell us what he has done?

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

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

Mr. HOWE: Mr. Speaker and Members of the

House: This is a bill that I sponsored with the gentleman from Scarborough, Mr. Higgins, relating to credit reports. I have offered a House Amendment to the Committee Amendment. The Committee Amendment is basically the bill now and the House Amendment is added because there were some things the committee discussed and intended to put in the Committee Amendment "A" which did not get put on when that Committee Amendment was drafted.

The bill has a unanimous report from the Committee on Business Legislation. It deals with credit reports. We have run the bill by the lobbyists for banking and insurance and the Credit Bureau of Greater Portland, the Maine Merchants Association and none of those people oppose the bill, but I did want to make sure that we incorporated changes which the Committee on Business Legislation had intended to put in the bill.

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

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

An Act to Expedite the Construction of Natural Gas Pipelines in the State (Emergency) (H. P. 1247) (L. D. 1477) (C. "A" H-445)

Tabled — June 22, 1977 by Mr. Blodgett of Waldoboro.

Pending — Reconsideration (Returned by the Governor without his approval)

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

Mr. BLODGETT: Mr. Speaker, Men and Women of the House: I would like to make a couple of comments in connection with this veto message, as I am sure several other people will be doing also.

In the veto message which we received yesterday, the Governor pointed out, "Maine right now will receive no benefits from the natural gas which flows through the pipeline." And to go on further, "There is no guarantee that this state will benefit from this project." Well, while the construction phase is going on, which is expected to last for about two years, it is expected that about 1,000 people will be working on this project. It would be a very conservative estimate if we were to say that at least 450 of these would be Maine people who would be working on the construction of the 230 miles of pipeline that will run across the State of Maine.

As far as long-range benefits are concerned, Maine will receive approximately \$8.4 million in total tax benefits by 1986. Towns along the pipeline route would receive thousands of dollars in increased property taxes and the State of Maine would have received \$1,500,000 by 1986 in corporate taxes alone. For these and for some other reasons which will be outlined for you, I would urge that we vote to override the Governor's veto and to pass the bill on as we did earlier.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to call to your attention what appears to me to be an incredible inconsistency as shown by this veto.

The Committee on Natural Resources heard two bills this year which involves bringing cases before the Department of Environmental Protection applying for the permits as a first step in the process. These two bills, in no way, indicate that a project is going to get a shortcut or is going to have a sure-fire environmental approval. It only means that the DEP will hear their arguments before right, title and interest are granted to the project, before that project has right, title and interest.

(L. D. 1477, which was vetoed by the Governor the other day, contains this provision. L. D. 1855, which is an act relating to public utility electrical transmission lines and gas and oil pipelines, also has this provision, and I will read it to you. In the case of a transmission line carrying 100 kilovolts or more, or a gas pipeline, a permit under this chapter may be obtained prior to any acquisition of lands or easements therefore to be acquired by purchase, and such permits shall be obtained prior to any acquisition of land by eminent domain. It seems very peculiar and very inconsistent to me, ladies and gentlemen, to have the Governor sign this bill, 1855, which he did this morning, and veto the bill relating to TENNACO, which is number 1477. I would only stress to you that in neither of these cases is there any certainty that a proposal will be able to meet environmental standards of the state. There is no guarantee that this will happen. This will be strictly up to the applicant and I think the past experience we have had with the DEP has shown that they are extremely careful in granting permits for construction of any kind.

I would only call the apparent inconsistency to your attention and urge you to override the Governor's veto of 1477.

The SPEAKER pro tem: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of those present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, F.; Chonko, Clark, Connolly, Cote, Cunningham, Curran, Davies, Dexter, Drinkwater, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Huber, Hunter, Jackson, Jensen, Kany, Kerry, Kilcoyne, Lougee, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Spencer, Stubbs, Talbot, Tarbell, Tarr, Theriault, Torrey, Valentine, Whittemore, Wilfong, Wyman.

NAY — Austin, Berry, Berube, Biron, Bunker, Carter, D.; Connors, Cox, Diamond, Durgin, Dutremble, Goodwin, K.; Henderson, Howe, Hughes, Hutchings, Immonen, Jacques, Joyce, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Masterman, McMahon, Mills, Perkins, Raymond, Rollins, Shute, Silsby, Sprowl, Stover, Strout, Teague, Tierney, Tozier, Trafton, Truman, Wood.

ABSENT — Bagley, Carrier, Churchill, Devoe, Dow, Dudley, Gauthier, Jalbert, Kane, Kelleher, LeBlanc, Lunt, Martin, A.; Moody, Smith, Twitchell, Tyndale.

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

The SPEAKER pro tem: Ninety-one having voted in the affirmative and forty-two in the negative, with seventeen being absent, the veto is not sustained.

Sent to the Senate.

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

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

Tabled — June 22, 1977 by Mr. Henderson of Bangor.

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

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

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

Senate Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment" (S. P. 233) (L. D. 730) — In Senate, Minority "Ought to Pass" Report Read and Accepted and the Bill Passed to be Engrossed.

Tabled — June 22, 1977 by Mrs. Post of Owls Head.

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

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

Mr. CAREY: Mr. Speaker and Members of the House: Before asking that somebody table this again for us, I think the House is due an explanation because it has been tabled a couple of times.

This is a companion bill to several other bills that are floating through here, and one of them is in the enactment stage today. The other one is the substitution of the excise tax on both rather than the personal property tax, so I would hope that somebody would table it either for one day or possibly table it unassigned so that the other bills might catch up with it.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Carey of Waterville to accept the Majority "Ought Not to Pass" Report in non-concurrence and tomorrow assigned.

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (3) "Ought Not to Pass" — Committee on Labor on Bill "An Act Concerning Arbitration for Municipal Fire Departments" (H. P. 522) (L. D. 640)

Tabled — June 22, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Bustin of Augusta to Accept the Majority "Ought to Pass" Report.

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

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

Bill "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" (H. P. 1362) (L. D. 1667)

Tabled — June 22, 1977 by Mr. Hughes of Auburn.

Pending — Adoption of Committee Amendment "A" (H-717)

Mr. Hughes of Auburn offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-796) was read by the Clerk and adopted.

Mrs. Locke of Sebec offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-731) was read by the Clerk.

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

Mr. NADEAU: Mr. Speaker, could the good gentlelady please explain her amendment?

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker and Members of the House: I would be happy to explain it. In order to explain it, though, I have to explain one part of the bill. The part of the bill that lists the penalties for those who are convicted a second time for driving under the influence includes a fine of not less than \$250 nor more than \$2,000, one year suspension of license that may be reissued after 6 months if the person completes an alcohol treatment or education program, plus a minimum term of imprisonment of either 24 or 48 consecutive hours as the court shall determine, shall not be suspended unless the court sets forth in detail in writing the reasons why, having regard to the nature and circumstances of the violation and the history and character of the defendant, it is in the opinion that exceptional features of the case justify the imposition of the sentence other than imprisonment. The court shall order such a minimum term of imprisonment to be served at a time that will cause the least disruption to the convicted person's employment and other personal affairs, that that is within 30 days of the date of conviction.

I have been told that there are times when a person is prosecuted more than once for a first conviction because the person's previous criminal record is not brought to light in court. In other words, the person can be convicted more than once as a first conviction. This amendment would require that the clerk of courts furnish the courts with the criminal history report of that person if there is any, so that if convicted, the proper penalties can be applied. The reason that we are doing this is that my cosponsors and I would like to kind of keep track of how this penalty system works, if the bill is passed into law, over the next year and a half, just to see how it is working and if there are any problems and if we want to make any changes if we are reelected.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I am a little confused, I guess, as to the status of this bill. I would like to ask through the Chair if the good gentleman from Auburn would explain his amendment and how it affects the bill.

The SPEAKER pro tem: The chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inquire of somebody from the Judiciary. I am a little confused. I like the amendment, but I am wondering how they are going to get in there with second and subsequent offense, you know, bring it in at a later time. It is my understanding in the criminal law that when the complaint is drawn, that it were kept to allege in that complaint that this arrest for operating under the influence is the second or subsequent offense, and my understanding of the law is that you have to spell this out and date it and verify this previous arrest so that the defendant can properly defend himself against this.

I would like to have one of the attorneys clarify this for us. If you could charge for operating under the influence, on that charge alone, and then perhaps 10 days later amend bringing the original charge to a second or subsequent — I have a little problem with that. I really will accept what the attorney tells me.

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

Mr. TARBELL: Mr. Speaker, in response to the question, I really don't know the precise answer. It is an excellent question. The question of whether or not there has been a prior conviction generally, in criminal law, is taken up at sentencing, the date of sentencing and at the sentencing hearing with most crimes. However,

part of the proof in operation under the influence, in order to trigger the quasi-mandatory sentence that you are concerned, would have to be proved at the trial. So you do raise an excellent question and one which I think would be worthy of doing a little more checking into.

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

Mr. MacEACHERN: Mr. Speaker, I am not an attorney, but I have had some experience in this respect, and you do have to allege in the original complaint the date and place of the prior conviction. It would be a little difficult to do under this amendment, I would think. Sometimes an arrest takes place in the evening and court is the next morning, and it is a little difficult to get a record checked in that length of time, but it does have to be alleged in the original complaint.

The SPEAKER pro tem: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, in answer to the question, it is possible to be arrested and to come up for trial and not even have the blood test and so forth. For a person to go in and plead guilty, if the record isn't there, the judge will fine him probably \$150 and maybe discover later that in fact he has had a prior conviction. The prior conviction would have some effect as far as his license in the Secretary of State's Office, but as far as the fine and the sentencing, I think there are many occasions where the judge doesn't have this information available to him because someone pleaded guilty, and it is a problem.

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

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

Mr. GREEN: Mr. Speaker, could the gentleman from Auburn, Mr. Hughes, explain his House Amendment?

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

Mr. HUGHES: Mr. Speaker, I would be happy to reply to my colleague from Auburn. I know his question doesn't have overtones of lack of trust, but the amendment is agreed to by the sponsor and I don't think it is controversial. It was pointed out to me by others that the bill as previously written would have required that if one had two convictions for drunk driving in a 10-year period, then before getting his license back he would have to take an alcohol treatment program, not simply the course that we have developed for defensive driving for those people who have been arrested, but also the alcohol treatment program. It didn't seem to me and others in the field of alcoholism that it was a fair assumption that somebody convicted twice in 10 years for driving under the influence was an alcoholic. These treatment programs, of course, are very expensive and very time consuming and to put someone who is not an alcoholic through them is both wasteful of taxpayers' money and a waste of the individual's time. So this amendment that I have proposed, its main thrust is to give the Department of Human Services an option of requiring that program. If they do determine that the person is an alcoholic, they may require that program of him to get his license back. If they determine that this was two isolated instances in a 10-year period, they would not have to require that expensive program of him.

Thereupon, Committee Amendment "A" as amended by House Amendments "A" and "B" thereto was adopted and the Bill assigned for second reading tomorrow.

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

Resolution, Proposing an Amendment to the

Constitution Allowing the Legislature to Impose a Different Rate of Taxation Upon Properties Outside of Incorporated Municipalities and Plantations (H. P. 1009) (L. D. 1212)

Tabled — June 22, 1977 by Mr. Curran of South Portland.

Pending — Adoption of House Amendment "A" (H-707) to Committee Amendment "A" (H-659)

On motion of Ms. Goodwin of Bath, tabled pending adoption of House Amendment "A" to Committee Amendment "A" and later today assigned.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-703) — Committee on Health and Institutional Services on Bill "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be Licensed" (H. P. 416) (L. D. 523)

Tabled — June 22, 1977 by Mr. Brenerman of Portland

Pending — Acceptance of the Committee Report.

On motion of Mr. Goodwin of South Berwick, the "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-703) was read by the Clerk.

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

House Amendment "B" to Committee Amendment "A" (H-783) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" was adopted and the Bill assigned for second reading tomorrow.

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

Bill, "An Act Relating to the Licensure of Plumbers" (S. P. 256) (L. D. 813) (C. "A" S-258); S. "A" S-273)

Tabled — June 22, 1977 by Ms. Clark of Freeport.

Pending — Passage to be Engrossed.

On motion of Mr. Goodwin of South Berwick, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-816) was read by the Clerk

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: House Amendment "B" amends a section of the plumbing bill in dealing with journeymen plumbers. At the present time, under the definition of a journeyman plumber, a journeyman plumber shall mean a person who customarily performs a work of installing plumbing and drainage under the direction of a master plumber, or not being a master plumber, does plumbing repair work as a regular, part-time occupation.

Now, the change in the bill that is reported out of the committee would change the definition of journeyman plumber to one that would mean any person doing the work of installing plumbing "and" in the employment of a master plumber. Now, what my amendment does is it puts the definition of a journeyman plumber back as it stands. The situation in this state is that there are many people that work as journeymen plumbers on a part-time basis or under the direction but not necessarily in the employ of a master plumber. If the bill passed,

as it came out of committee, it would mean that all of those people working mainly in the small towns as part-time plumbers, with journeymen licenses, would not be able to continue doing the repair work. If your sink doesn't work, you have to call a plumber, they would not be able to do that unless they were hired by a master plumber. In my town, we don't even have a master plumber, that a person could be hired by, so all the amendment does, is it keeps the definition of a journeyman plumber the same, one that has to be working under the direction of a master plumber or who does plumbing repair work as a regular part-time occupation.

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

Mr. MARSHALL: I would like to pose a question to the gentleman from South Berwick.

Also included under Section 2 which he refers to in his amendment, in defining journeymen plumbers, also the biennial renewal fee, I was wondering if his amendment would strike out that biennial renewal fee of \$30 or is that also included?

The SPEAKER pro tem: The gentleman from Millinocket, Mr. Marshall, posed a question through the Chair to the gentleman from South Berwick, Mr. Goodwin, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. GOODWIN: Mr. Speaker Members of the House: I originally had passed out House Amendment "A", this was an oversight on my part, which did strike that out, but House Amendment "B" does include and would put into the existing law the biennial fee for journeymen plumbers licenses of \$30.00 so that is the difference between House Amendment "A" and House Amendment "B", and I am offering "B".

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

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

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

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

Resolution, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses (S. P. 366) (L. D. 1227) (S. "A" S-274)

Tabled — June 22, 1977 by Mr. Curran of South Portland.

Pending — Passage to be Engrossed.

On motion of Mr. Curran of South Portland, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" was adopted.

On further motion of the same gentleman, Senate Amendment "A" was indefinitely postponed.

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

House Amendment "B" (H-817) was read by the Clerk.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: An explanation of what I am offering here. The House Amendment "B" to the L.D. is a rewrite of the Senate Amendment with several people, including the member of the other body who sponsored the amendment. We were concerned that the language in the Senate Amendment was not appropriate language to be placed into the Constitution so there is some house cleaning of language in this particular amendment.

We also struck out the reference to the state municipal revenue sharing. We didn't feel that that should be locked into the Constitution of this state and there was some question as to whether or not, if that were in there, it would mandate that program by the Constitution. So, we have taken that out and have rewritten it in the House Amendment that I have just offered. The L.D., itself, is going to require that after April 1st of next year, which is the tax year for municipalities; that when the legislature grants exemptions in the municipalities, we will reimburse those municipalities 50 percent of the exemptions that we grant here. It also spells out that it can be done in a couple of ways, (1) By a direct grant for the municipality or by waiving the grant and giving the municipality the power to create revenue to make up that exemption in some other form other than property tax. There was a problem with the Senate Amendment in that the use of the word revenue in the Constitution could be construed that if, for example, the shade tree program was increased in your town, the amount of increase would be used to offset the exemption granted or the reimbursement of the exemption and this is another reason why we have rewritten the Amendment to the L.D.

I think it is a good idea. I am sure that all of us who grant exemptions on towns and force property taxes to go up, can look at this as perhaps a help to the communities.

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

Mr. CAREY: Mr. Speaker, did I hear the gentleman correctly from South Portland, that a municipality may get into another form of taxation by his amendment for instance, start a local income tax or a local sales tax?

The SPEAKER pro tem: The gentleman from Waterville Mr. Carey, has posed a question through the Chair to the gentleman from South Portland, Mr. Curran, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. CURRAN: Mr. Speaker, they could, if the legislature granted that power. They can't do it under this amendment. This amendment doesn't address what the new sources would be, they would have to be legislated in some session in the future.

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

Mr. MACKEL: Mr. Speaker, I too have a question. Assuming that an exemption is granted relative to property tax, and of course we all know that the property tax is continuing to rise, would that increase also be reflected in the 50 percent reimbursement?

The SPEAKER pro tem: The gentleman from Wells, Mr. Mackel, posed a question through the Chair to the gentleman from So. Portland, Mr. Curran, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. CURRAN: Mr. Speaker, the only amount that would be reflected in the reimbursement would be that amount granted after April 1st of next year.

Thereupon, House Amendment "B" was adopted.

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

The Chair laid before the House the tenth tabled and today assigned Matter:

An Act to Provide Lifeline Electrical Services (H. P. 1669) (L. D. 1867) (H "A" H-561; H "B" H-656; S "A" S-235)

Tabled — June 22, 1977 by Mr. Connolly of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Connolly of Portland, retabled pending passage to be enacted and tomorrow assigned.

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

House Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on State Government on Bill, "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200)

Tabled — June 22, 1977 by Mr. Curran of South Portland.

Pending — Acceptance of Either Report.

On motion of Ms. Goodwin of Bath, retabled pending acceptance of either Report and tomorrow assigned.

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

House Divided Report — Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-734) — Minority (1) "Ought to Pass" as Amended by Committee Amendment "B" (H-735) — Committee on Transportation on Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388)

Tabled — June 22, 1977 by Mr. Strout of Corinth.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

On motion of Mr. Strout of Corinth, retabled pending the motion of the same gentleman to accept the Majority "Ought to Pass" Report and tomorrow assigned.

The Chair laid before the House the thirteenth tabled and assigned matter:

RESOLVE, to Appropriate \$8,956 to the Town of Milbridge to Reimburse it for Burglary Loss (Emergency) (H. P. 1759) (L. D. 1891)

Tabled — June 22, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Green of Auburn to Indefinitely Postpone (Roll Call Requested)

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

Mr. PALMER: Mr. Speaker and Members of the House: I think an explanation is due on this. This particular problem was brought to me by the gentleman from Franklin, Mr. Connors, due to the fact that there had been a robbery at the Milbridge Town Hall and \$18,000 worth of food stamps had been stolen and the town was insured for \$10,000, so they are about \$8,000 dollars due on the stamps. We took this up. I worked with him and took the problem up with the Department of Human Services and they said that it was not uncommon to have these things happen but they still had to ask for the payment and they suggested that we do one of two things. (1) To either roll back a bill which is on the Senate table which you may remember, which dealt with counties being reimbursed for mistakes which were made in the past about not applying the proper administrative factor to the administration of the food stamp program, either roll that one back and add this to it or to put a separate Resolve in in this amount. They certainly had to clear this in the books so I took this to the Joint Leadership Meeting and it was agreed upon that the best thing to do would be to put a special Resolve in not to refer it to any committee and move it along the way, this being a very common act.

So I just wanted to give that explanation because it looked to me as though this was getting into a hot bed the other day and I want you to know there is nothing nefarious or scheming about the idea at all. This was really the approach which the Department of Human Services suggested to us the time that Mr. Connors brought the problem to me.

So I hope we will not indefinitely postpone and move this along and take care of the matter for the town.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, is it proper to ask a question on this item now?

The SPEAKER pro tem: The Chair will answer in the affirmative.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen: I pose this question to anyone who might care to answer. I have heard of the concerns of the gentleman from Auburn yesterday on this and I still have some questions.

If the town had an insurance coverage to a certain extent, why is the town not liable to make up the additional loss over and beyond that which the insurance paid for? Why does the town come to this body and expect us to reimburse them for a problem which is purely local in nature? Furthermore, I pose this as a second question, is this not setting an unusual precedent for us to follow which might result in all towns eliminating insurance coverage on their town offices?

The SPEAKER pro tem: The gentleman from Kennebunk, Mr. McMahon, poses two questions through the Chair to anyone who may respond.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think I will let the gentleman from Franklin speak to that as well, but our experience was, in this particular problem, that this was not a new experience. Indeed, you may recall, as I mentioned in my initial remarks, that apparently all counties in this state at one time were not keeping their records straight as far as their contribution to the administration of the food stamp program. Early in this session, almost without a whimper, it went through the House and the Senate, a forgiveness from the Department of Human Services for the errors made by the counties. Now, I would agree with the gentleman it is a precedent, there is no question about the fact that it could happen but I would doubt that all towns, as a result of this, would drop their insurance policies so that the state can forgive them for the losses they might have in their town hall but I certainly say this is not without precedent.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I was asked to put this Resolve in to reimburse the town of Milbridge for what they hadn't been insured for and outside of about three or four days in a month, the \$10,000 that they had for insurance would have covered the number of food stamps that they had on hand.

Evidently the burglars were watching and when they got the full shipment of stamps, they broke the safe at that time and there was a full month's supply of stamps.

The state is pressuring for the balance of the money, and if you go to a special town meeting you can't raise the money, you have to wait until the regular session, which could be next March. Also, I think probably what will happen here, and this is part of my concern, is that if we go to a town meeting and the town will probably at that time vote not to handle food stamps, this means that the AFDC people, those who are on welfare, will have to buy their source of supply of food stamps from out of town somewhere. This is another one of my concerns, but this was the reason I put this Resolve in.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: When I saw this on the supplement yesterday, all I could think of was Mr. Biron's comments with regards to the parking lots in Lincolnville and a pier in South Portland

and perhaps a swimming pool in his own back yard if we could get a resolve through the legislature authorizing its construction.

When I saw this, it said "An Act to Reimburse the Town of Millbridge \$8,000 for a Robbery of some food stamps, I, indeed, started to panic a little bit. I will go along, maybe, with the parking lot in Lincolnville, but the reimbursement because there are some crooks in Milbridge, this doesn't set quite right with me. I called the Department of Human Services and I spoke with a lady over there in the food stamp division and she explained the situation to me much the same way the Minority Leader explained it this morning and that was, they did have insurance up to \$10,000 but \$18,000 worth of food stamps were stolen, and I asked her if this was, in fact, going to cost the state some money and she said, "Well we are holding the town of Milbridge liable for that additional \$8,000."

I would just like to ask a question with regards to this, and that is: Where is that \$8,596.00, I can't remember the exact amount, but I would just ask, where is this money going to come from and if indeed it is a reimbursement or is the title of that original resolve perhaps a little misleading?

The SPEAKER pro tem: The gentleman from Auburn, Mr. Green, poses a question through the Chair to anyone who may respond.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I seem to understand the problem the gentleman from Franklin, Mr. Connors has but I suggest the Town of Milbridge buy a better safe.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am not awfully familiar with the food stamp program. I kind of wonder if Milbridge doesn't serve a number of other communities in dispersing food stamps and I am kind of curious as to why Milbridge should be held responsible for this theft in the first place. I would think that if Milbridge were held responsible for this theft, that it might very well say "well, we don't want to store food stamps in any of the town offices again." I don't know who is responsible but I just don't think it is fair for the Town of Milbridge to have to pay \$8,000 for a robbery that involved food stamps.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: If this House today should pass this measure, there should be rejoicing throughout the world, because, indeed, Santa Claus is not dead, he is right here in Augusta.

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

Mr. GREEN: Mr. Speaker and Members of the House: I didn't get an answer to my original question. I would hope you would move to indefinitely postpone this Resolve.

I would like to just respond to a comment made by the good Minority Leader, Mr. Palmer, a second ago, and that is that there is a bill in the Senate that we indeed passed, and if you might remember, I don't remember, but that is not saying terribly much here, bills go through so fast, but I would just say that county errors in accounting or keeping track of food stamps are a little bit different, I would say, than a robbery, someone breaking in and stealing some things. I sympathize with the problem Mr. Connors has in the Town of Milbridge. The same thing could happen in Auburn, the same thing could happen in any town or municipality in this state, but the real issue here is, do we want to set a precedent for reimbursement at

the state level for a crime that happened at the local level? Think about that. Please vote for indefinite postponement.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, I have a question that I would like to ask. In the debate yesterday on this, if my memory serves me correctly, it was said that this robbery took place, November 2nd, it is now June 23rd if they did have their meeting in March in Milbridge, why wasn't the problem dealt with then and why are we waiting until June 23rd to handle a problem that happened last November 2nd?

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if I can answer this because it was just brought to my attention from the Town Manager down there that they were getting pressure from the state on this. This is the only thing that I know. But, there are other towns that are wide open for burglaries of food stamps and I hope that as a result of this, they will all take warning and either let the federal government handle them or the state handle them out of Augusta or put them into a bank vault somewhere and let the people go to the bank to get them.

But I do think that everyone of us here should go back to our towns with this danger in mind because it doesn't matter where you have the food stamps. You can have them in a safe and they will blow it up or lug it off and they haven't been caught yet. This has happened in several towns so I hope we will all take warning from this.

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

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

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I think that we deserve a little more of an explanation of the circumstances surrounding this theft, because, as some other people have suggested, this could lead to a situation where everytime anything was stolen in a town office, they could come and try to get the state to bail them out.

Were these stamps left on top of a desk? Were they left inside the desk, under the desk, where were they left, what was done? I think that just to come forward like this is asking a bit much of the legislature, to bail them out of this problem.

The SPEAKER pro tem: The gentleman from Waldoboro, Mr. Blodgett, has posed a question through the Chair to the gentleman from Franklin, Mr. Connors, who may respond if he so desires.

The Chair recognizes that gentleman. Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: This safe was locked up, the burglars broke into the building during the night and I don't know whether they blew up the safe or whether they took the safe and all out of the building, but they broke into the safe, the safe was locked and they broke into it and stole the stamps, and it was right after a full shipment of stamps had come in. So, somebody knew that those stamps had just arrived.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make

one comment, I do think that some good, at least, has come out of this Resolve because I have timed this now and I know for sure that we have become a fiscally responsible House because we have spent more time on \$8,956 for Milbridge than we did on Part I budget in this House.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the House is kind to the little poor town of Milbridge today. We gave the town of Waterville and the cities inventory tax reimbursement. We give Bangor International \$350,000 and when the poor little town of Milbridge comes along and asks for \$8,000 and for a bill to be put on the Appropriation's Table, all the conservatives get up and scream fiscal responsibility.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I was going to move the previous question but seeing no one rising I will forget it.

The SPEAKER pro tem: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Auburn, Mr. Green, 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 — Beaulieu, Benoit, Berry, Biron, Blodgett, Brenerman, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Davies, Diamond, Dow, Dudley, Elias, Fowle, Goodwin, H.; Goodwin, K.; Green, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Lynch, MacEachern, Mahany, Marshall, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Peakes, Post, Quinn, Raymond, Rideout, Smith, Stover, Talbot, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood.

NAY — Aloupis, Austin, Bachrach, Bennett, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K.C.; Carter, F.; Connors, Cox, Cunningham, Curran, Dexter, Drinkwater, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Greenlaw, Higgins, Hunter, Hutchings, Immonen, Lewis, Littlefield, Lougee, Mackel, Masterman, Masterton, Maxwell, McBrearty, Palmer, Pearson, Peltier, Perkins, Peterson, Prescott, Rollins, Sewall, Shute, Silsby, Spencer, Sprowl, Strout, Stubbs, Tarbell, Torrey, Whittemore, Wyman.

ABSENT — Ault, Bagley, Brown, K. L.; Bunker, Carrier, Churchill, Devoe, Durgin, Dutremble, Gauthier, Gray, Jalbert, Kelleher, LeBlanc, Locke, Lunt, Martin, A.; Moody, Nelson, N.; Norris, Plourde, Tarr, Twitchell.

Yes, 74; No, 53; Absent, 23.

The SPEAKER pro tem: Seventy-four having voted in the affirmative and fifty-three in the negative, with twenty-three being absent, the motion does prevail.

Sent up for concurrence.

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

Bill, "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) (C. "A" S-283; S. "A" S-297)

Tabled — June 22, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Engrossed.

On motion of Mr. Talbot of Portland, retabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Require Filing and Prior Approval of All Rates for Use by Nonprofit Hospital or Medical Organizations" (Emergency) (H. P. 1539) (L. D. 1769) (C. "B" H-753)

Tabled — June 22, 1977 by Ms. Clark of Freeport.

Pending — Motion of Mr. Wood of Sanford to Reconsider Adoption of Committee Amendment "B" (H-753)

On motion of Ms. Clark of Freeport, retabled pending the motion of Mr. Wood of Sanford to reconsider adoption of Committee Amendment "B" and specially assigned for Monday, June 27.

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

Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000" (H. P. 1329) (L. D. 1606) (C. "A" H-777)

Tabled — June 22, 1977 by Mr. Birt of East Millinocket.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Concerning Required Voting on Certain Boards and Commissions with Quasi-judicial Authority" (H. P. 1200) (L. D. 1441) (C. "A" H-758)

Tabled — June 22, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It has come to my attention that there may be some constitutional problems with this L. D. 1441. As a result of that, we have at the present time, asking the opinion of the Attorney General and it will take a day or two so I would ask that someone table this for two legislative days.

On motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed and tomorrow assigned.

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

Senate Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as Amended by Committee Amendment "A" (S-300) — Committee on Taxation on Bill "An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608) — In Senate, Majority "Ought Not to Pass" Report Read and Accepted.

Tabled — June 22, 1977 by Mr. Carey of Waterville.

Pending — Motion of the same gentleman to Accept the Minority "Ought to Pass" Report.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I am assuming that Mr. Carey is within the sound of my voice. I would ask you not to accept the "Ought to Pass" Report on this particular bill. If you want to take a look at it, quite a lot of it has been deleted out, but essentially what is left in is that we would be requiring the towns to do some things. We would be requiring the towns to set up some classification systems on their property. We would be requiring the towns to add several new statements on their tax bills and I think at this point we were not given any good reasons how this would be necessary to the towns or to the state. All of those things which would be required to do are within their power now, so I would ask

you to accept the "Ought Not to Pass" Report.

The SPEAKER pro tem: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Carey, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Carey of Waterville requested a roll call.

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

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

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: It is a very rare occasion when I will ask to speak after everyone is locked in. However, this bill is of great importance to the department, to the people along the coast, to those people who have more than one particular type of land within their community. This amendment would allow for different classifications of land within a community. It is not zoning but it is classifying land so that that poor widow in a pay-in community is not going to be taxed if she is away from the shore front as much as somebody who has shore frontage.

I would hope, because of the importance of this particular bill and this particular part of the bill, that you would at least accept the "Ought to Pass" Report and then you are more than welcome to ask any questions along the route and obviously you could kill it at any time, but this is one measure which would help the poor widow who is land rich but money poor along the coast.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that this bill really is designed more to help the Bureau of Taxation than the poor widow on the coast. If you recall, in the 107th Legislature, it set back the ever growing expansion of the Bureau of Taxation into the affairs of the local assessors and their practices. This year, we find the Bureau of Taxation attempting to make a comeback through this bill and another bill that will be coming along. They are seeking to expand their empire, to extend their influence at the expense of the local assessors, the local officials and the local population. I really believe that those of us who do not want to see the Bureau of Taxation expanding and interfering in our local affairs should oppose this particular bill, and I urge you to support the "Ought Not to Pass" Report.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Over a year ago, there was a state valuation commission that was set up. Senator Hollis Wyman was on it and Representative Drigotas was on it but it was made up of people who are either real estate people or citizens of the state at large and it was their task to see if, in fact, the state valuation was correct, if there was big inequities in the state valuation and you all received and I took mine home but you all received earlier in the session, something about the state valuation. I hope you all got a chance to look at because you will see that there have been tremendous improvements in the way the state valuation is now made and the report also stated that there were further improvement that could be made.

This bill, L. D. 1608, and a companion bill, L. D. 1607, attempted to make those very corrections which would make the state valuation even better than it is now, even fairer than it is now but, more importantly, more accurate and more uniform than it is now. For instance, a part of their recommendations were that when you got your tax bill at home, you were to be told not only what your valuation was and what your tax was, but your tax bill would indicate to you what is the towns ratio of valuation based on as it relates to 100 percent. That is in this package. If you want to have that information on your tax bill, this is the package that you would have to buy along with the other thing. It is for the classification of land, it is for opening that tax bill up so you know exactly what the ratio in your municipality is so that you, yourself, can relate to tax bills in other communities on comparable property. Those are the things that also have a board of assessment review procedure, where you go to the county commissioner at their next meeting if you are denied relief.

It is a good bill, it is a bill put together by citizens, not by legislators. It is not a bill that was put together by the department and therefore, I would certainly hope that you would accept the "Ought to Pass" Report.

Those people who may object to this bill are the very same people who had bills in here to abolish the state valuation period.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Not having had a bill in to abolish state valuation. I would like to have you take a look at L. D. 1608 and in fact, that was put in by the state valuation omnibus. It is called the State Valuation Omnibus Reform Act, which had a couple of legislators on it. However, it was mostly contracted out. I think they spent about \$25,000 to some out of state firm and the Department of Taxation picked the firm and then that firm came up with the recommendation.

You ought to take a look at the Committee Amendment "A" a very important part of that amendment is amend the bill by striking out everything after the enacting clause and inserting in its place the following: specifically what this does, it doesn't allow the towns to set up a classification system, they can do that now. It says that they "shall" classify each parcel of real estate in accordance with the property classification system required by the state tax assessors. It has absolutely nothing to do with shoreland because when the Department of Taxation came in and told us the kinds of classifications that they were likely to set up, they were talking about residential, residential-industrial, land without buildings, etc. even though we asked them, they never once mentioned that they had any interest in classification of any kind of land or shoreland. What we are going to be doing is that we are telling the Department of Taxation to drop the classification system and you go home and you tell each one of your local officials that they have got to completely redo all of their books and all their cards and use this system.

Then, we tell them what to put on their tax bills. Another particular point which I didn't mention before was that the differences in appeals. Now, if you have already set one up, and a tax assessor is not happy with their taxes and they want a tax abatement, they may apply to the local board of assessment review or if they don't have one, they can go to the county commissioners. In this particular bill, what they will not be able to do, if they don't like what the town is telling them the taxes ought to be able to do, we are going to put the state in the business of hearing tax appeals. The state will be the one that will make the abatements and

the kind of situation that is going to put you in, I don't know how many of you come from some of those areas where maybe somewhere along the line, the town has decided that they don't want to issue a particular local liquor license and everybody in the town agrees that they don't want their liquor license but they come up to the state and the state says, oh, yes, you can have it and then the town is sitting there fuming because they can't do anything about it. It is going to put your tax system in the same kind of situation. You are going to have the state review board being able to give abatements to local property taxes. It is such a terrific deal, the local property taxpayer can make a choice. He can go to whichever place he can get the best deal. If he thinks he can get a good deal locally, he will go locally; if not, he will go on the state level.

I heard absolutely no indication in the Department of Taxation — you know, why this particular bill was going to be of any benefit to the towns and it simply mandates; it allows nothing but mandates everything.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My interpretation of this bill is quite different from that from the gentleman from Wells, Mr. Mackel and also the gentlewoman Mrs. Post. The classification system that is mentioned in the bill, the purpose of this is for report for the municipalities when they report to the state. In other words, this is for statistical purposes only and at the state level they will be comparing apples with apples rather than apples with oranges. I really see no objection to this. It is just a question of classifying and sorting their cards and reporting on the report that they are giving to the state by these classifications.

The State Board of Assessment Review already exists. It is not a new thing but what is new here it does extend the appeal privilege so that a person can take this route rather than the route of appealing through their county commissioners.

On the whole, I think this is a good bill and this is really all that is left of the omnibus study. Many items in that have been eliminated, if you compared Amendment "A" with the original bill and I urge your support.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think sometimes we confuse the good of the towns with the good of the people in the towns. They say this bill may not be good for the towns, it will cause them a lot of trouble. It could cause the assessors of the towns some small amount of trouble if these are appealed through the State Board of Assessment Review but I would submit that it is probably a very good bill for the individuals within the town who may feel that their assessment is not properly done.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: All I can see in this bill is more power to the Bureau of Taxation and I, for one, feel that the Bureau of Taxation has all the power it needs. We do not need them to mandate to the small towns or to any town or municipality. If you look at 1742 as it comes along, I think you will see that 1608 and 1742 will have quite a little bit in common.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This is one tax study committee that I was not a member of in the

last couple of years but I have studied the bill and I think that I can see the value in it. I am sure there may be parts of it that some people would like to see changed slightly but I think the notion here that the Department of Taxation has some nefarious plot afoot to gain power in the state is a little overdrawn. Tax valuation is of necessity becoming more complicated because property is becoming more valuable and people care more about how their property is valued and to assess fairly as the constitution of the state requires, it is necessary to have data. This particular bill will provide that and it will improve the administration of taxes. So, if you have things about it you really object to on a substantive basis, I urge you not to kill it today but to let it go along where it can be amended. If you have an amendment to get in, we will take a look at it when it comes but I trust you will not let it die today. I think it is a good start.

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

Mr. MACKEL: Mr. Speaker, I don't really want to prolong this debate but I think the people who are interested should really look at the amendment and note as Mrs. Post has already indicated that this thing does mandate many, many things that I think are unnecessary and undesirable to the administration of our property tax system.

Mr. Speaker, I would like to request that the report be read.

Thereupon, the Committee Report was read by the Clerk.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mr. Carter, that the House accept the Minority "Ought to Pass" Report in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Bennett, Benoit, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carter, D.; Carter, F.; Connolly, Cox, Dexter, Diamond, Dow, Fenlason, Flanagan, Garsoe, Goodwin, H.; Gould, Green, Hall, Henderson, Hickey, Hobbins, Huber, Hughes, Jacques, Jensen, Kane, Kany, Kerry, Kilcoyne, Laffin, Littlefield, Lizotte, Lynch, MacEachern, Mahany, Masterston, McHenry, Mitchell, Morton, Najarian, Nelson, M.; Pearson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Strout, Talbot, Tarbell, Teague, Tierney, Tozier, Trafton, Tyndale, Whittemore.

NAY — Alopous, Berry, Birt, Blodgett, Carroll, Chonko, Clark, Conners, Cote, Cunningham, Curran, Davies, Drinkwater, Dudley, Durgin, Elias, Fowlie, Gill, Gillis, Goodwin, K.; Gray, Greenlaw, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, LaPlante, Lewis, Locke, Lougee, Mackel, Marshall, Masterman, Maxwell, McBreairty, McPherson, Mills, Nadeau, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Post, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Tarr, Theriault, Torrey, Truman, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Bagley, Biron, Brown, K. L.; Bunker, Carrier, Churchill, Devoe, Dutremble, Gauthier, Jalbert, Joyce, Kelleher, LeBlanc, Lunt, Martin, A.; McKean, McMahan, Moody, Norris, Peakes, Twitchell.

Yes, 66; No, 62; Absent, 22.

The SPEAKER pro tem: Sixty-six having voted in the affirmative and sixty-two in the negative, with twenty-two being absent, the Minority "Ought to Pass" Report is accepted.

The Bill read once. Committee Amendment "A" (S-300) was read by the Clerk and adopted in non-concurrence and the Bill assigned for second reading tomorrow.

The Chair laid before the House the

tabled and today assigned matter:

Bill, "An Act to Provide for the Licensing of Denturists" (H. P. 1689) (L. D. 1877) — In House, Passed to be Engrossed as Amended by House Amendment "A" (H-778) on June 21. — In Senate, Senate Adhered to its former action whereby Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-279).

Tabled — June 22, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I had quite a speech I wanted to give on this bill today but I decided since I probably at some point in time have to go to a dentist, maybe I had better not so I am going to move to recede and concur and let it go. It will put something on the books. I don't feel that it will do very much. I think the guts of the bill have been taken out.

I feel like I compromised and compromised to the point where there is nothing left to compromise and we have given the dentists just about everything they want but maybe it is a start and a start in the right direction, I don't know. I am sure there will be intensive changes in the future so I move that we recede and concur.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I, at this time, don't want to recede and concur. I think it is a very unwise move. Rather than recede and concur, I would rather indefinitely postpone it because it does nothing but try to deceive the people, and that is one thing that I do not like. I don't want to deceive any member of my community or this House. This is all this does. Both of these reports were written by the dentists. The Minority Report was written by the dentists who have a very liberal view and the other ones were the old hardcores. At least the liberal view does a little something, and I would like not to recede and concur. I would like to have somebody table this bill, because I think we can amend it so that we could receive something from it, and I now have support in the other body for an amendment that I think we could prepare. This afternoon I would like to have you vote not to recede and concur and then I would like to have somebody table it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Perham, Mr. McBreaarty.

Mr. MCBREAIRTY: Mr. Speaker and Members of the House: I feel that I have to speak briefly on this bill. I am very disappointed in what has happened to this bill for two reasons. I am disappointed because for at least one more year dentists will be allowed to mark up dentures made by dental technicians. Dentures, the dentists do not want to make themselves by over 100 percent.

I am disappointed because thousands of poor people will have to go without or use worn out dentures because they can't afford the prices being charged today.

Very seldom do we have advantages in Aroostook County that you don't have in southern Maine. Presently, we have two which we tried to share with you during this session by bills that have failed. We have many moose in Aroostook County which are being used in Canada and just across the line into Canada, we have many denturists, which are being used in Aroostook County.

If any of you find constituents this summer who are toothless and can't afford \$400 for dentures, please call me. I will make an appointment with a qualified denturist who will make your constituent a 100 percent guaranteed,

satisfaction or your money back, set of dentures for \$150. If you will let me know a little in advance when your constituent will be picking up their finished dentures, I may be able to find a little moose meat to try their dentures on. Even though we will have very little by receding and concurring, I still urge you to do so.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I have the distinct privilege of only serving on one committee in this body and that is the committee on the rules and business of the House. In that capacity, I would like to bring to your attention the parliamentary point on this particular bill.

In order for the gentleman from Enfield, Mr. Dudley, to place any amendment on this bill, the House would have to recede and concur here this afternoon. If you do not recede and concur, the bill is dead. The Seante has adhered to their previous position. Ladies and gentlemen of the House, if you do want to keep this bill alive in any way, we must recede and concur this afternoon. If the good gentleman from Enfield then feels that he is able to, at a later point, put something together to put another amendment on, it would be in order when this bill comes back for enactment to suspend the rules, and in doing so, get this bill back in a position where it might be amended. At the present time, unless you recede and concur on the pending motion, the bill is dead.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Repeal Certain Laws Relating to Conservation" (S. P. 363) (L. D. 1224) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

Mr. Dow of West Gardiner offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-813) was read by the Clerk and adopted.

Senate Amendment "A" to Committee Amendment "A" (S-294) was read by the Clerk and adopted.

Senate Amendment "B" to Committee Amendment "A" (S-302) was read by the Clerk and adopted.

Senate Amendment "C" to Committee Amendment "A" (S-310) was read by the Clerk.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of Senate Amendment "C".

I know it is that time of year when we begin to come a little unglued, but I didn't know it had started this early. I am glad for one thing, at least that process started down that end before it got up this end. If you haven't read Senate Amendment "C," here is what it does. It says that if you want to go fishing or hunting in some area in Maine and you choose to go by helicopter, when that helicopter puts you down on the ground or the ice or the water or wherever, you have got to get two miles away from that helicopter before you can start hunting or fishing. In the case of a frozen pond, can you imagine somebody with their ice fishing equipment going there by helicopter and having to drag all of that equipment two miles away from that helicopter to start fishing? I am not sure what the purpose of this amendment is but I just hope you will go along with the indefinite postponement.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I will try very briefly to explain this. As you noticed in the amendment, it says "helicopter". We are used to going with small planes and getting into the ponds. If we use a helicopter, especially in open water, I would think that this would apply also in the winter. These very small ponds that cause the headwaters of our rivers and streams where your small trout and salmon and so forth spawn and then drop down into the streams to give us stream fishing. They have got this problem in Alaska. They have banned all of this in Alaska. If we allow these helicopters to go into these very small ponds, these are ponds that are too small for a plane to get into, and if we continue to allow them to go in there and fish, whether it is through the ice or whether it is in open water, then your source of supply of fish for your streams is going to be depleted and very rapidly as there are quite a number of helicopters already within the state.

I ask you not to indefinitely postpone the amendment.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is a good amendment. Another factor that the gentleman from Franklin failed to mention was that in taking a helicopter in going hunting. You can find your deer herd or your moose herd or whatever is legal and you can hover above that herd and take pot shots at them or you can scare them and scatter them to a point where you know the members of your party may be sitting.

This is a feature that Alaska has been fighting for years. They have finally won. Hunting and the use of helicopters is prohibited in Alaska at this time. I think it is a good deal for the State of Maine.

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

Mr. BURNS: Mr. Speaker, Members of the House: I am quite surprised to hear someone who is on the Fish and Game Committee make such a statement that is already now illegal to shoot from a helicopter or heard by a helicopter.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have some question how you would know if you had been put down in a helicopter when you had reached the point that is two miles away either on water which is difficult or if you had gone into the woods. What I tried to do was have an amendment drafted that would have corrected that. The proposed amendment was to instruct the Fisheries and Wildlife Department to lay a two mile grid out all over the state with red tape or something of that nature so that when a person did get out of that helicopter, they would feel quite secure in knowing that they had crossed their two mile point and, therefore, wouldn't be in violation of the law. Somehow or other, they got the amendment fouled up and I didn't have time to redo it. That is why I had to move for the indefinite postponement rather than try to fix this amendment.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I have never been able to pass a bill that my good friend, the gentleman from Buxton, Mr. Berry opposed before but I am going to give you just one little bit of information.

The law in Alaska is much tighter than the one that they are proposing. I understand that it eliminates all use of helicopters for anything, even carrying out game or going into the wilderness after either fish or game.

The sponsor of this amendment in the other body indicated that there was a problem in his area with helicopters coming in from across the border as well as helicopters based in the state.

I hope that you do not defeat this amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: If you had a cottage or a hunting camp on a pond somewhere in Maine and you wanted to go in by helicopter, this amendment would require you to land two miles away from your camp and then walk in the rest of the distance.

I would also like to, while I am on my feet, address a couple of the remarks that Mr. Gillis made and Mr. Burns alluded to and that is, it is against the federal law to shoot from an aircraft in the United States. Not only that, you have to be 500 feet above the terrain in any place that is not populated and 1,000 feet where there is population. As far as coming across the border, anybody that comes across the border without clearing customs, that is also against the law. It is also against the law for an aircraft to come across the border for any kind of a commercial enterprise which most of these helicopters would probably be involved in.

The SPEAKER pro tem: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Buxton, Mr. Berry, that Senate Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Boudreau of Waterville requested a roll call.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that Senate Amendment "C" to Committee Amendment "A" be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Brenerman, Burns, Carey, Carroll, Chonko, Connolly, Cote, Curran, Davies, Drinkwater, Dudley, Elias, Fowle, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hickey, Hobbins, Howe, Hughes, Hunter, Jacques, Jensen, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Lizotte, Locke, Masterton, McKean, McMahon, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Pearson, Perkins, Post, Prescott, Raymond, Rideout, Sewall, Shute, Spencer, Stubbs, Talbot, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman.

NAY — Birt, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bustin, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cox, Cunningham, Diamond, Dow, Durgin, Fenlason, Flanagan, Garsoe, Gillis, Gray, Hall, Higgins, Huber, Hutchings, Immonen, Jackson, Kane, Lougee, Lynch, MacEachern, Mahany, Marshall, Masterman, Maxwell, McBreaity, McHenry, McPherson, Mills, Nelson, M.; Palmer, Peterson, Plourde, Quinn, Rollins, Silsby.

Sprowl, Stover, Tarbell, Tarr, Teague, Theriault, Whittemore.

ABSENT — Aloupis, Ault, Bagley, Biron, Brown, K. L.; Bunker, Carrier, Devoe, Dexter, Dutremble, Gauthier, Jalbert, Joyce, Laffin, LeBlanc, Littlefield, Lunt, Mackel, Martin, A.; Norris, Peakes, Peltier, Smith, Strout, Twitchell.

Yes, 73; No, 52; Absent, 25.

The SPEAKER pro tem: Seventy-three having voted in the affirmative and fifty-two in the negative, with twenty-five being absent, the motion does prevail.

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

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

The SPEAKER pro tem: The gentleman from Buxton, Mr. Berry, having voted on the prevailing side, now moves reconsideration.

Those in favor will say yes; those opposed will say no.

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

On motion of Mrs. Post of Owl's Head, tabled pending adoption of Committee Amendment "A" as amended by Senate Amendments "A" and "B" and House Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Relating to Campaign Reports and Finances" (H. P. 1739) (L. D. 1888) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mrs. Boudreau of Portland, retabled pending further consideration and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act Permitting Binding Arbitration for Public Employees in Critical Public Service" (H. P. 1317) (L. D. 1553) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Bridgton, Mrs. Tarr, that the House recede and concur. A roll call ordered.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would strongly urge the House to vote against the motion to recede and concur. Then we can ask for a Committee of Conference.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would strongly urge the House to vote against the motion to recede and concur. Then we can ask for a Committee of Conference.

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

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I would urge that the House recede and concur. This bill, of course, is binding arbitration for critical services in municipalities and also for state employees for binding arbitration. This brings in an arbitrator to settle the affairs of a municipality without any regard for what it might do to the tax base in that municipality. They can look at that. But that doesn't mean to say that your taxes can't go up.

Another thing with this binding arbitration with municipal employees, also with state employees in critical services, they all don't go for their contracts at the same time. If you have binding arbitration say with your firemen and that contract is settled and they come out with a pretty good deal, what is going to happen to the other services, to your other employees in your critical services? I just don't think that the people in the towns want someone else to come in and settle their contracts.

I urge you to recede and concur.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from August, Mr. Bustin.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentlelady from Bridgton.

If she doesn't believe in having binding arbitration as the final step to dispute settlement, what does she have in mind?

The SPEAKER pro tem: The gentleman from August, Mr. Bustin, has posed a question through the Chair to the gentlewoman from Bridgton, Mrs. Tarr.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I might respond to the gentleman from August. Binding arbitration in and of itself, I don't see much problem with it. But when it is mandated from August, that is the problem I see and I think that is the problem many of us see.

Mr. Bustin of August was granted permission to speak a third time.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't ask Mr. Marshall the question. I asked the question of the gentlelady from Bridgton, Mrs. Tarr. If you don't believe in binding arbitration as the final resolution, what do you have in mind?

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: If he insists . . . Mr. Bustin, if they want to go on strike, I will let them strike. But I don't think that some arbitrator has to come in and settle the disputes. I think reasonable people can sit down and talk with one another. Maybe you and I can't do that but reasonable people can sit down and negotiate. I don't think you have to bring in an outsider to settle the affairs on the local level. Does that answer your question, Mr. Bustin?

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mrs. Tarr knows perfectly well they can't strike. In the bill that we are talking about, strike is prohibited by law. It is right in the bill and we all know that. These critical periods that we have, there is no way whatsoever that a decision can be reached. What I mean by that is, that many times when they bargain and the steps they have been taking, management doesn't move and labor doesn't move so consequently, we have had cases where testimony has come before our committee 12, 14, 18 months and no settlement. Therefore, a binding arbitration would have the last best offer on both sides. It would be fair. It would be fair to the people. It would be fair to the unions and it would be fair to management. Because of the fact that many people opposed to binding arbitration, I really and truly don't believe, either they don't understand it or that they want no part of it. When many people who have to work for a living can't receive any settlement, that is what binding arbitration boils down to. It is just as simple as that.

The bill that we are talking about, to be sure, leaves a lot, in my thinking, to be desired. I am sure my very good friend on the other side of the aisle that serves with me on the Labor Committee has a different viewpoint than I do. That is certainly her prerogative.

I say to you, regardless of whose viewpoints you sympathize with, that is not the issue. The issue is, what is going to be best for the people concerned. That is the issue and nothing else. If you think that it is a good deal for people to bargain for 16 and 18 months and receive absolutely no settlement, then join my very good friend. If you believe that there should be a settlement, that both sides should give and take, that both sides should give in and it is only with

disputed area that has not been settled on, nothing else, then I say to you, support Mr. Bustin.

We are at a stage now where we have situations that are going to arrive in state employees that we are going to be faced in this legislature with many harsh decisions to make. We had better accept that fact and realize that fact that that is coming to pass. Binding arbitration is certainly the only answer. Those of you who will come back to this legislature next time, not next year, but next time, I am sure will be faced with many labor problems with management which will be the State of Maine and their workers. You are going to have to deal with those problems whether you want to or not. Those are going to be problems that you are going to have to face. You are going to have to make the decision. If you feel that you can make the decision better than binding arbitration, then this is your chance to prove it.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try and respond to the gentleman from Augusta, my good friend Mr. Bustin's question. I hope it causes him shock, chagrin, dismay and maybe low back pain. He asked, what are we going to do? Well I say, let's let the law that he was the chief architect of operate. We heard quite a bit when this was coming through about how this was going to be the end of everyone's problems. He was the chief architect of it I insist. I suggest that as an architect, we could compare that to the combination of the significant talents that went into the tower of Babel and the leaning tower of Pisa. I say, let it work.

This law would never have been brought in here this way if this had been a facet of the original legislation. No way would it ever have passed. Now, we are suddenly finding that there is some inalienable right to strike on the part of public employees. Now you have set that up, you have got to balance it off since they can't strike with some other solution. I don't agree with the fact that they have a right to strike. Mr. Laffin says it is in the law that they don't have the right to strike. I don't agree that there has to be a counter-remedy for it. I say in answer to that gentleman's question, let us let the law, as he drafted it, operate in the way he promised us it would.

Mr. Speaker, I move the previous question.

The SPEAKER pro tem: For what purpose does the gentleman rise?

Mr. BUSTIN: Mr. Speaker, is it out of order to move the previous question once he has enlightened us with all of his verbiage here today?

The SPEAKER pro tem: The Chair would answer in the affirmative. The motion is not in order at this time.

Mr. Bustin of Augusta was granted permission to speak a fourth time.

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I fear that Mr. Garsoe has not yet gotten over his four o'clock in the morning bargaining session down in the southern end of the state, because, Number one, he is very much in error. I was not the chief architect of this present law. But more to the point of the issue, of course he likes the law the way it is now. When you are in a situation of playing basketball, it is always more fun to play against the team that has both hands tied behind its back.

We are dealing only with critical service employees in this bill, make no mistake about that, fire, police, ambulance, hospital workers. The law was intended to create a balance at the bargaining table, but the balance is not there and we will now be able to see that as a result of the experience under the law over these several years.

The way the law is written right now, management has it both ways. If there can be no agreement through bargaining, through mediation, through fact finding, through arbitration, if there can be no agreement there, then what management essentially says is, "take it or leave it." The real challenge is to the employee union to break the law and strike, and they don't want to do that. I asked Mrs. Tarr, what does she have in mind? The only real answers are: Do you want to maintain the take it or leave it situation and force people to strike? What else do you want to do?

The gentleman from Cumberland knows very well that the quid pro quo for the right to strike is binding arbitration. Mrs. Tarr doesn't like the quid pro quo so I suggest that you vote for this bill and you will have a quid pro quo.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to yell at anybody or make any counter changes or charges or anything. I simply want to tell you what this bill is all about and why it is here. I ask for your respectful attention.

What this bill says is that when a union and a municipality cannot agree, there should be a way to resolve the problem, constructively, effectively, judiciously and quickly. In this state, we are now looking at contracts, negotiated especially in the area of critical service employees that have gone on as long as 22 months without any resolve. Not necessarily because of dollar factors. The result is that the professionalism and the morale of the men, firemen, policemen, winds up in either work slowdown or threat of a strike.

I have put in a year and a half of study into this whole matter and that is why I am here presenting this bill. It is a well written bill. It is not a union bill, it is not a municipality bill, it is a bill for people so they will not have to live or reside in their homes in fear because some union due to disagreement with the municipality, is forcing them to wonder if they can have the kind of protection when they need it from police and firemen. I ask you to remember that the people addressed to in this bill are people who are involved in the potential loss of life, loss of property factor. Now, that is not an emotional kind of statement to make, these are the people we rely on as citizens when we need help.

When I ran for office, I put myself right on the line that I had every intention of filing some sort of bill that would put an end to this kind of situation that we are seeing across the state. I can assure you that we don't have 14,000 policemen and firemen in the City of Portland so that must mean an awful lot of citizens who agreed with me.

There are two very vital questions that need to be asked before you make a decision on this bill. Should citizens, no matter where they live, anywhere in this state, have to be made to live with a possible work slowdown or a threat of a strike by people in this kind of work simply because a union and a municipality cannot agree? And the second question is that it is no secret that we have a strong organization now operating in our state to organize our policemen and our firemen, they are called the Teamsters Union. I would ask you to simply ask yourselves, are the cities and towns of this state prepared to negotiate with them? I say they are not.

John Salisbury of the MMA contends that part of the negotiating problems that we are seeing now in this state is that those sitting at the tables do not understand the collective bargaining process. Another problem is that too often you will have an elected official who is a banker, an insurance man, a lawyer, who sometimes tends to forget what he is supposed

to be negotiating on and winds up tearing down the process by saying, well, you don't need three firemen on the truck, you can operate it with two and then the fight begins.

I am looking for a way to resolve the bottom line when there can be no resolve between the two groups. I don't think anybody, any citizen, young or old, any taxpayer, has to sit in abeyance of 6 or 7 people who can't find agreement. I maintain that with this law on the books that it will be incumbent upon the elected officials and the unions to educate themselves to get to a Resolve before they even get to this step but there has to be something to end it all and we can't afford these long dragged out fights and I say to you, that the day is coming when there will be strikes in this state. We can't afford it and I don't want it. Neither do you.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who may care to answer.

The legislature is, by law or by constitution, charged to raise taxes or levy taxes. If we pass this L. D., are we, in effect, abrogating our duties as legislators and telling the arbitrator that he has now the power to raise taxes? If so, will we not be in violation of the Constitution?

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

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am glad today that my friends, Mr. Laffin and Mr. Bustin, have finally seen the light and have stood up here today to argue for people who work for a living. It is a great change and I am glad to be on their side today.

I think the argument against binding arbitration or any kind of negotiations with government is the argument that government is sovereign and that government doesn't have to bargain with employees. I think in light of the fact that government is increasingly one of the largest employers that that argument does not hold so true. I think in the binding arbitration bill we have before us, the provisions in the bill, which mandate that the arbitrators will include as criteria in the decision they make, the financial ability of the town or city to pay the cost of the decision is very important, a very important provision of the bill.

I think when you are talking about unions in this kind of service and whether or not they can strike or not, the cases have been proven. I think, in cities across the country that if the union does not feel or employees do not feel, that they have some recourse to disaccepting whatever is offered to them, that they, in fact, become very militant and that militancy usually leads to strike. There are many cases across the country of public employees that have chosen to strike even when the law forbade them to do so. So, I think it is just a matter of time now before those in government realize and I would agree with Mr. Bustin on this, that binding arbitration is so far the only answer that anybody has found, especially in larger cities dealing with all kinds of transit unions, etc.

I really don't think that the provisions of this bill are going to increase taxes, not to the extent that they would be prohibitive on the citizens because I think that the arbitrator like I said, will have to make a decision as to financial ability to pay.

One interesting thing that has been happening in some parts of the country and I recently read where in Massachusetts, a Senator was going to offer an amendment to their binding arbitration

bill, which essentially would have said that if the city or town doesn't approve of the decision made by the arbitrators, the question would be put to referendum and that, I think, is an interesting provision. I am not sure if that could ever work or not but for those who are afraid of the taxpayer not being represented, I think that would be one way of doing it. I really think time is on the side of the employee in this case and I just think eventually the cities and towns are going to have to realize that they are going to have to negotiate in good faith and I think binding arbitration is one way to do that so I would hope, this morning, that you will not go along with my very good friend, Mrs. Tarr and instead go along with my friends Mr. Laffin and Mr. Bustin.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Lest there be any concern that there is a referendum clause in this bill, there is not. This bill does not provide for it; that would certainly change the complexion of the bill if it did.

I don't have any idea how this vote is going to go today but it is the bottom line on this bill that if you do vote for the bill, then you are telling this body or any community, which comes under the auspices of this bill, that if an arbitrator makes a decision with regard to the cost of operating a certain department, which is more than the taxpayers are presently paying, that decision will be binding and additional money will have to be raised. That is the bottom line. If that is the way you want to go, vote for this bill. If you don't, vote against it.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Nobody has answered my question and I would like to call your attention to Section 9 on Page 27 of the State House Register, which I will read. It says that the legislature shall never in any manner, suspend or surrender the power of taxation. I think perhaps somebody ought to table this and get an opinion from the Attorney General as to whether it is constitutional or not, if nobody has already checked it.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I really did not intend to speak on this matter and I am not going to speak to try to urge people one way or the other. I hope we don't table it pending the Attorney General's ruling because I know from my own research that the answer to that would be very inconclusive. The occasions of binding arbitration that have gone to the supreme court, I think, now in eleven states as to whether or not those were constitutional or unconstitutional delegations of authority to an arbitrator and the results have been very mixed. Some states are finding those laws unconstitutional, some are finding them constitutional. I have researched Maine's own supreme court decisions and they have been decidedly ambiguous on the point so I am afraid that any reference to an Attorney General's ruling wouldn't move us any further along the way. I would say that if you are for the bill on policy reasons, vote for it; if you are against it on policy reasons, vote against it and the question of constitutionality will just have to wait for the future were the bill ever to pass.

At this point, Speaker Martin returned to the rostrum.

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

Thereupon, the Sergeant-at-Arms escorted

Mr. Greenlaw to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bridgton, Mrs. Tarr, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Birt, Brown, K. L.; Carter, D.; Carter, F.; Conners, Cunningham, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Lewis, Littlefield, Lougee, Lynch, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreaarty, McMahon, McPherson, Moody, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Torrey, Tozier, Whittmore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jensen, Kane, Kany, Kelleher, Kerry, Kilty, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Shute, Spencer, Stubbs, Talbot, Teague, Theriault, Tierney, Trafton, Truman, Tyndale, Valentine, Wood, Wyman, The Speaker.

ABSENT — Ault, Bagley, Biron, Bunker, Carey, Carrier, Davies, Devoe, Dexter, Dretremble, Gauthier, Jalbert, Joyce, LeBlanc, Lunt, Martin, A.; Nelson, M.; Twitchell, Wilfong.

Yes, 56; No, 76; Absent, 19.

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

Thereupon, the House voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Administration of Laws by the Bureau of Taxation" (H. P. 394) (L. D. 498) which was tabled earlier in the day and later today assigned, pending adoption of Committee Amendment "B".

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I believe Representative Carey is preparing an amendment to this bill so I would ask that it be tabled for one legislative day.

On motion of Mr. Kelleher of Bangor, tabled pending the adoption of Committee Amendment "B" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Implement the Recommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance" (S. P. 205) (L. D. 727) which was tabled earlier in the day and later today assigned, pending adoption of Committee Amendment "A" as amended by House Amendment "A".

Thereupon, Committee Amendment "A" as amended by House Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act to Reform the Regulations of Watch, Guard and Patrol Agencies and of

Private Detectives" (H. P. 1741) (L. D. 1889) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

The Chair laid before the House the following matter:

Bill "An Act to Clarify and Correct Laws relating to Aeronautics" (S. P. 340) (L. D. 1154) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Portland, Mr. Jensen, that the House accept the Minority "Ought Not to Pass" Report.

On motion of Mr. Jensen of Portland, retabled pending his motion to accept the Minority "Ought Not to Pass" Report and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act relating to Approving and Financing School Construction" (H. P. 477) (L. D. 583) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A".

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: A question. I understood that House Amendment "A" was indefinitely postponed this morning.

The SPEAKER: The Chair would answer in the affirmative.

Mr. Carter of Winslow offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "C" to Committee Amendment "A" (H-824) was read by the Clerk.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: As pointed out by the good gentleman from Livermore Falls, Mr. Lynch, earlier in the day this amendment corrects errors incorporated in Senate Amendment "A" and hopefully now, we have corrected all the errors. The moratorium on school construction will go off as of the first of July with the exception of three school districts that are now pending. All future schools will have to conform with the life cycle costs factors which is energy conservation in school buildings. I would move adoption of this amendment.

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

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

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

The Chair laid before the House the following matter:

Resolution, Proposing an Amendment to the Constitution Allowing the Legislature to Impose a Different Rate of Taxation Upon Properties Outside of Incorporated Municipalities and Plantations" (H. P. 1009) (L. D. 1212) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" to Committee Amendment "A".

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Is House Amendment "A" in a position where I might ask Leave to Withdraw?

The SPEAKER: The Chair would answer in the affirmative.

Mr. CURRAN: I so request.

The SPEAKER: The gentleman from South Portland, Mr. Curran, withdraws House Amendment "A" to Committee Amendment "A".

Mr. Curran of South Portland offered House Amendment "B" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-823) was read by the Clerk.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I will offer you a brief explanation of what is happening here. Presently, there are about 180 towns, cities in the State of Maine that are in violation of the Constitution because they have not raised tax money. We have a local and state tax that is placed on the Unorganized and Organized part of this state. The state only collects from the Unorganized Territories. The municipalities use that money that is generated for their programs and services within the municipalities. Together that totals some 23¼ mills.

What we are trying to do here is to set up a mechanism so that we can tax the Unorganized Territories for the services that are provided to the Unorganized Territories. A 180 towns who are in violation are in violation because they do not raise all the money mandated by that local and state tax so it is possible that if someone were to go to court and litigate, they could be forced to generate money and believe me, for some communities, for example, the town of Sebago would have to raise an additional \$500,000 — they would have to create a program to spend it or the state would collect it. So, we are talking about equal assessment and collection of taxes. This particular amendment where it says that the legislature may also impose a tax upon the real and personal property in the Unorganized Territories, the revenues of this tax shall be used only to provide services in the Unorganized Territories and the legislature shall not appropriate revenues from this tax to fund their portion of the service which the state would fund if the Unorganized Territories were a municipality or plantation.

The next step to correct the problem would be to repeal the local and state tax. Therefore, the towns that do not have to generate 23½ mills on their state evaluation, would not be in violation or could they be forced to raise that much money, nor we here in Augusta tell them to spend it or turn it into the General Fund.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I just don't understand what was just explained to me. If I am the only one, then let it go along its way. I almost had the impression that Mr. Curran was referring to towns when he meant Unorganized Townships?

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

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: The only way the state has to collect tax revenue from the Unorganized Territories is through a local and state tax at 10¼ mills. The Constitution says that you have to tax equally, so you have 10¼ mills placed on all of the incorporated parts of the state. All of the towns and cities, and there are 180 who do not, don't need to raise, and we do not collect that tax. However, if the issue were forced, we may have to collect that tax. I have here the list of the 180 towns and how much they would owe. They would have two options at that point. The town of Freeport would have to generate another \$30,000; Harpswell, \$200,000; and the state would either mandate they spend it or turn it to the state. So what we have developed here is a method whereby we can charge the Unorganized Territories for their services and

not impose a local and state tax on the incorporated parts of the state and therefore escape this constitutional technicality.

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

Mr. GARSOE: Mr. Speaker, I would pose a very brief question to the gentleman from South Portland. The uniform property tax currently raises about \$5 million on these Unorganized Territories. Would this be a loss of revenue under this approach, or would this be in addition to what you are suggesting now?

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, has posed a question through the Chair.

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

Mr. CURRAN: Mr. Speaker, it is my understanding that this would not involve, at this point, depending on the other referendum question, the part to fund education.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: It would not involve the uniform property tax the way the situation is now, but if the uniform property tax is repealed and if this amendment is passed the way it is, there will be no school tax on the unorganized territories. I had understood the bill was being tabled and I thought an amendment was being drawn up so the state would be able to tax both for services and for what would be a proportionately fair tax for school purposes under this particular bill, but the amendment doesn't do it. So if this amendment passes and if the uniform property tax repeal passes, no matter which way you feel about it, you are going to be giving quite a substantial tax decrease to those people who own property in the unorganized territories. Whether it is the amendment that Representative Curran has proposed or the way it came out of committee, either way, you are still going to be giving that tax break if the uniform property tax is repealed and if this constitutional amendment is passed.

I think there is a problem there and we need to solve it, because sooner or later one of the paper companies is going to take the state to court, but I am not sure we have done it with either one of these amendments.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been assured by those who worked on the amendment, which was the MMA, Mr. Wessler from the Attorney General's Office and several others over the last four days in writing and rewriting, that we have solved the problem and offered protection for the unorganized territories and it would not be wise at this point to write into the Constitution any phraseology that is going to refer to the uniform property tax which may or may not be repealed come next November, and that would be an issue we would have to address at a later time.

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

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair. I apologize for not having been aware of this sooner and being more informed on it, but as this is written, does this prevent the state from levying a tax on the unorganized territory which puts revenue into the General Fund that goes to meet the general expenses of the state that can't specifically be tied to services in the unorganized territory, such as a contribution to the cost of mental health centers and schools and all of the other general expenses of state government?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair.

The Chair recognizes the gentleman from

South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, the last two sentences of the Resolve state that if the service is provided from the General Fund through income tax or through other taxes for the municipalities, we cannot turn around and make a special tax for that item which is provided to the municipalities on the unorganized territories. It would only include those items — for example, much of the state police coverage is done through, number one, the Highway Fund, and number two, the General Fund. We couldn't turn around and create a line item and tax the unorganized territories for the full cost of that state policeman who drives through every once in a while because they are paying income tax and funds are coming out of the Highway Fund. We couldn't unjustly discriminate against the unorganized territory, but we can levy a tax for them to pay for other services.

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

Mr. SPENCER: Mr. Speaker, I would pose a further inquiry. If you had a property owner in the unorganized territory who had substantial amounts of timberland but who was not a Maine resident, are we saying by this that the only tax that can be assessed on that property in the unorganized territory is a tax that will provide services directly to that property? If so, aren't we writing a law and putting into the Constitution a provision which limits the tax liability of perhaps some of our largest property owners in the state and eliminates any need on their part to contribute to the general cost of government, the cost of operating the State House, the cost of operating all these other programs if they are not paying income tax?

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

Mr. CURRAN: Mr. Speaker, we have been through this over and over again, and posed several kinds of questions, what about state wide services like institutions? They are funded out of the General Fund. We do not put a specific tax on the town of Sebago to generate money to fund the mental institutions, and the amendment says we can't do that to the unorganized territory. These are the kind of things we are trying to protect the unorganized territory from.

What we are saying, and we are not talking about tree growth tax, we are not talking about uniform property tax or any other kind of tax, we are talking about finding a mechanism to get the revenue that is currently gotten from the state and local tax which we only collect from unorganized territories and we are not collecting from the rest of the state. So, if this were to pass, then you would repeal the local and state tax, and whatever services are being provided now would then be imposed on that one area of the state and be constitutional. I don't think that it is going to exclude them from any of these other areas but only give us a mechanism so they pay for what they get.

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

Mr. LYNCH: Mr. Speaker, if I and three or four of my associates here were living in the unorganized territory and we were taxed under this proposal, how would you respond to my claim that since the state has traded off the public lot that belong in my township, that portion where I live, I am deprived of the revenue that the township would have in cutting rights? I am afraid that is going to surface before too long. How would that be answered?

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

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

Mr. CURRAN: Mr. Speaker, I am not sure I

understand the question and therefore I can't give the gentleman an answer.

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

Mr. MORTON: Mr. Speaker, having served on the Taxation Committee for a couple of terms, I know this is a dilemma that we have been facing and haven't faced, and that is the problem. I don't see that any area is going to be taxed more than it presently is being taxed under this. All this does is provide us with a means of avoiding what we are presently doing, which is not obeying the law. This does provide us with the means of doing that and charging the areas of the state for the services that are being performed in those areas, and that is all it is trying to do. I think it is a very ingenious solution, one which we cast our minds on greatly in the last four years, and I was on the Taxation Committee a couple of times, and we were not able to come up with a solution. I think this has been very well handled and I hope you let it go.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair if I could. That is, if the State Government Committee has an indication of the amount of money that is presently tapped in the unorganized territory and the amount of funds which would be raised through a tax, which would go only to provide services in the unorganized territory, what I am interested in is, what kind of services are being provided to the unorganized territories now, what their tax liability would likely be, what the tax revenues from those areas are and whether there is going to be an increase or a decrease in revenue? I have a feeling that we are not providing many services to the unorganized territories that we are not already providing to municipalities or plantations, and what we could see is a substantial decrease in revenue, even if the uniform property tax is kept in place, and if the uniform property tax is repealed, it would be more than a substantial loss of revenue.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: We did not talk in terms of how much money was being collected on that local and state tax, that was not the issue. The issue was the technical problem with the Constitution, and we feel we have an amendment here that no matter what the service is going to be, we will be able to charge them for it and not be in violation with the other communities in the state.

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

Mr. GARSOE: Mr. Speaker, I think what Mr. Curran is making clear to me at least, is that this device is a relief for the organized towns and not relief for the unorganized towns. I think he mentioned we have 180 towns that are in violation of the Constitution, and I endorse the remarks of the gentleman from Farmington, this is a unique and ingenious way to get at this. There are communities that are over the barrel for hundreds of thousands of dollars because of this provision in the Constitution. So, I think if you look at it from that point of view, you would see that we are perhaps looking at a problem that does not exist.

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

Mr. PEARSON: Mr. Speaker, I started this out with the first question and I am now sorry that I did that. It seems to me to be a reasonable proposal and I think probably we ought to get to a vote on it.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In a way, I hate to get

up because I haven't had the opportunity to study this, but as I understand the current law, all state taxes have to be assessed equally over the whole state, so if we want to tax property on the unorganized territory, we also have to have a uniform tax on all of the areas in the municipalities. That does and has historically resulted in a situation where some municipalities technically should be raising a lot more tax than they actually do and they never have, and it has always been kind of ignored, and that is the problem that ought to be addressed.

The thing that concerns me is that right now with the uniform property tax, there is income to the General Fund that does not reflect services delivered to the unorganized territory. As I understand it anyway, I think that the General Fund of the state derives revenue on a net basis from all of the 10 million acres that are located in the unorganized territory. If the uniform property tax were repealed so that the state was not assessing a uniform property tax, and if the only additional tax that could be imposed was limited to the services provided for the unorganized territory, what my concern is is that we would then lose some of this contribution to the General Fund.

Now, there are several different reasons or underlying premises in any system of property taxation. One is that the property tax should reflect the services delivered to that property. There are other policy considerations however, such as the fact that for the extent that that property reflects well, that perhaps there should be some contribution from that property to the general needs of the state that are not directly tied to property. I am concerned that if we do this this way, and as I said, I haven't really had an opportunity to study it to know that what I am saying is correct, but I am concerned that if we do this this way and only allow a tax in the unorganized territory to pay the actual costs of services delivered to the unorganized territory, that we may be losing a substantial portion of the tax base of the state.

There is another consideration that comes in here, which is that in many areas of the unorganized territory, the owners have been tremendously reluctant to allow anyone to live in the unorganized territory because then they incur the school costs that are associated with permanent habitation, and that is another side issue that may be wrapped up in this question. I am not at all interested in trying to delay this, but I think that there is a very serious long-range policy question that is at stake here, and I would ask that someone table this either until later today or perhaps until tomorrow so that I could look into this and see if these problems might be created.

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

Mr. GARSOE: Mr. Speaker, I believe this is in acceptance of a Committee Report stage. We still have second reader and two more operations. I wonder if the gentleman would let it ride along.

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

Committee Amendment "A" as amended by House Amendment "B" was adopted and the Resolution assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill, "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) (C. "A" S-283; S. "A" S-297) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-798) was read by the Clerk and adopted.

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

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is insert a phrase which appeared on the original bill which inadvertently was omitted when the amendment was drawn up.

Thereupon, Mr. Talbot of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-825) was read by the Clerk.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is bring the penalty in line with other provisions in the act.

Thereupon, House Amendment "A" was adopted.

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

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

Passed to Be Enacted Bond Issue

"An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Maine Veterans Home" (H. P. 795) (L. D. 939) (C. "A" H-691)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution a two-thirds vote of the House being necessary, a total was taken. 81 voted in favor of same and 16 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Constitutional Amendment Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in Session. (H. P. 1397) (L. D. 1658) (C. "A" H-676)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken.

Thereupon, Mr. Kelleher requested a roll call vote.

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

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

On motion of Mr. Kelleher of Bangor, tabled pending Final Passage and tomorrow assigned.

Passed to Be Enacted Emergency Measure

"An Act to Protect the State Retirement System from the Cost of Abnormal Disability Claims" (S. P. 428) (L. D. 1486) (C. "A" S-269)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and one 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 to Provide a Mandatory Rehabilitation Program for Persons Convicted of Operating a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs." (S. P. 3) (L. D. 6) (C. "A" S-271)

"An Act Concerning an Exemption from the Real Estate Transfer Tax" (H. P. 390) (L. D. 479) (H. "A" H-692)

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.

By unanimous consent, ordered sent forthwith.

"An Act to Redefine "Wages" to Include Fringe Benefits" (H. P. 435) (L. D. 542) (C. "A" H-643)

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

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

Mr. BERRY: Mr. Speaker, I set this aside because I am not quite sure what an act to redefine wages to include fringe benefits means, and I guess I was concerned with the thought that maybe fringe benefits would become taxable under this proposal. Maybe somebody could address this.

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

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: In answer to the question, in the first place, it is unlikely that the Committee on Labor would report out a measure which would do what the gentleman wonders about. In the second place, it has only to do with what counts as wages in the event of the insolvency of an employer. The bill would say that when the priority of paying wages is taken before the group that hears the bankruptcy or insolvency, or whatever it is, then the fringe benefits of the employee are included in that determination so that the employee who is put out of a job because of an employers' insolvency would have a claim, more of a priority claim on all of the benefits owed him.

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

By unanimous consent, ordered sent forthwith.

"An Act to Transfer the Eminent Domain Power of the Penobscot Indian Housing Authority to the Tribal Governor and Council and to Require Referendum Approval of any action Relating to Eminent Domain" (H. P. 490) (L. D. 609) (C. "A" H-554; H. "A" H-727)

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.

By unanimous consent, ordered sent forthwith.

Tabled and Assigned

"An Act Concerning Solicitation by Law Enforcement Officers" (H. P. 547) (L. D. 664) (C. "A" H-678)

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

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

Mr. GREEN: Mr. Speaker, Men and Women

of the House: I would just like to draw your attention very quickly to L. D. 664 and Committee Amendment "A" (H-678). It has to do with solicitation by law enforcement officers with regards to raising funds, and the only reason I set this aside is, I have to confess that I haven't followed it very closely up until now, but I did receive a call on this from someone in my district, the local police department, and they had spoken to me at some time earlier than this with regard to this bill. I believe it went before the Business Legislation Committee, I am not certain, but I think it did have a public hearing there.

The only question I have, and I would just sort of throw this around, I don't know to whom it would really be addressed, perhaps the sponsor or someone on the committee, and that is, what has traditionally been done in my community with regards to the Police Benefit Association when they have an annual fund raiser every year, they have tickets and they sell them and the officers sell them off duty to people in the community, merchants and so on, and I just wanted to know how they would be affected under this bill. I am looking at the amendment, and as I understand it from reading the amendment, and I might be wrong but I am not sure at this point, that is that they would still be allowed to have the fund raiser but they would not go out and sell the tickets themselves, which would mean that they would just be allowed to sell them at the door, I guess, and I just want to have some clarification on this. We have never had any problem in Auburn relative to this with our local department. I don't know who sponsored the bill or what the real need for the bill is, but we have never had any problems locally with arm twisting or whatever in regards to this, and I would just like some questions answered.

On motion of Mr. Quinn of Gorham, tabled pending passage to be enacted and tomorrow assigned.

"An Act to Redefine the Designation of Beneficiaries of Priority Social Services" (H. P. 570) (L. D. 694)

"An Act Relating to the Right of Public and Private Residential Care Facilities to Provide Special Education" (H. P. 610) (L. D. 747) (C. "A" H-679)

"An Act to Revise and Clarify Portions of the Workmen's Compensation Act" (H. P. 638) (L. D. 820) (C. "A" H-642; H. "A" H-693)

"An Act to Terminate Administration of the Industrialized Housing Law" (H. P. 654) (L. D. 797) (C. "A" H-662)

"An Act Concerning Review of Corporate Certificates and Other Documents" (H. P. 679) (L. D. 941) (C. "A" H-625; H. "A" H-668)

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.

By unanimous consent, ordered sent forthwith.

Enactor Reconsidered

"An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) (L. D. 1475) (C. "A" H-672)

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

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

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

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

House Amendment "A" to Committee Amendment "A" (H-815) 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: This amendment is to clarify the Committee Amendment so that it will do exactly what we wanted it to do. After the department took a look at the Committee Amendment on this, they realized it would have put them in a position where they would have had to add a lot of staff and it was doing something that we weren't intending to do. It just would allow various social service programs to collect fees based on income eligibility.

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

"An Act Concerning Standards for the Measurement of Wood" (H. P. 1337) (L. D. 1650) (C. "A" H-624)

"An Act to Provide Legislative Oversight of Appropriated Fund Transfers" (H. P. 1391) (L. D. 1618) (C. "A" H-680)

"An Act to Eliminate Dissimilar and Inequitable Taxation of Mobile Homes Owned by Maine Homeowners" (H. P. 1401) (L. D. 1656) (C. "A" H-650)

"An Act to Provide for a Sales Tax Rebate for Machinery and Equipment used in Commercial Fishing" (H. P. 1405) (L. D. 1614) (C. "A" H-649)

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.

By unanimous consent, ordered sent forthwith.

Enactor Reconsidered Tabled and Assigned

"An Act to Assist Municipalities in the Acquisition and Development of Land or Interests in Land" (H. P. 1407) (L. D. 1565) (C. "A" H-675)

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

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

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

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

House Amendment "A" to Committee Amendment "A" (H-790) was read by the Clerk.

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

Mr. CAREY: Mr. Speaker and Members of the House: In all fairness to the members of the House, this is an amendment which would clarify a glaring omission in the Committee Amendment that was made by the staff, but it would probably generate some debate. Therefore, I would ask that you look at H-790. It deals with the transfer tax. I know some people here are interested in that, and I would ask that somebody might table this for one day.

Thereupon, on motion of Mr. Lizotte of Biddeford, tabled pending adoption of House

Amendment "A" to Committee Amendment "A" and tomorrow assigned.

"An Act Relating to Training, Counseling and Managerial Service Programs in State Government" (H. P. 1547) (L. D. 1772)

"An Act to Improve the Effectiveness of the State's Development Financing Mechanisms" (H. P. 1727) (L. D. 1886)

Finally Passed

RESOLVE, to Require the Department of Human Services to Provide the Legislature with Information Relating to the Determination of Need under the Aid to Families with Dependent Children Program (H. P. 1124) (L. D. 1342) (C. "A" H-653)

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

RESOLVE, to Authorize the Maine Guarantee Authority to Issue a Payment in Lieu of Taxes to the Town of Pittsfield (H. P. 1476) (L. D. 1709)

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: In the absence of Mr. Biron, I thought I ought to take up the cudgels for those who are trying to save state dollars, especially in view of the fact that this afternoon earlier we indefinitely postponed a bill giving the town of Milbridge \$8,956 for stolen state or federal property. I note now that we have a resolve here for the Town of Pittsfield from the Maine Guarantee Authority in lieu of taxes.

I have the highest regard for my good friend from Pittsfield, Mr. Wyman, and I know he is a very honorable gentleman and a good Baptist Preacher, and I know he voted correctly on the Milbridge bill, and I am proud of him for that, but I am not proud of others if you vote this amount of money for Pittsfield when you voted against the amount of money for Milbridge.

I would just like to find out this afternoon if there is a double standard in this House concerning payment of state monies for loss of taxes on federal or state property or just state property alone, so I would ask that when we pass this, we pass it by using the yeas and nays.

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

Mr. SPENCER: Mr. Speaker, I voted for the money for the town of Milbridge and I would urge you to vote for this. I would like to ask the gentleman from Nobleboro, Mr. Palmer, how he voted on the bill to reimburse victims of crime?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, I would like to ask the gentleman from Standish, Mr. Spencer, what the relationship really is between the two?

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

Mr. SPENCER: Mr. Speaker, the town of Milbridge was the victim of crime.

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

Mr. PALMER: Mr. Speaker and Members of the House: I would suggest the town of Pittsfield was, if I know correctly the history of this particular resolve.

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

Mr. HICKEY: Mr. Speaker and Members of the House: It is my understanding that when a town signs up for food stamps, they sign an agreement that they will insure these stamps.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: Before you take a division on this, I just want to point out that I have the greatest respect for my very good friend and fellow Baptist preacher, Mr. Palmer, and I know that he has a sincere concern on this particular matter. I just wanted to point out to him and any others who may have questions on this particular issue that it is not analogous to the issue of reimbursing the town of Milbridge for their loss of food stamps. This particular case dealing with Pittsfield does involve a state agency, does involve a state agency that has voiced no objection to making this payment in lieu of taxes. There has been precedent set in several towns for such payments that the MGA has already made, several millions of dollars to various towns, including the town of Madison, including the town of Pittsfield previously, and also the town of Easton. It does reimburse the town of Pittsfield for loss of taxes that they lost in the years 1975 and 1977 because the Maine Guarantee Authority foreclosed upon the Carriage Inn, Incorporated, property just prior to April 1, which is the tax date.

Mr. Lowe, who I believe is the Chairman of the Maine Guarantee Authority Commission, wrote the Governor of this state a letter and said that he would have no objections to such payment, so I really don't see any serious problems with it. But I am a good humored sort and I appreciate Mr. Palmer raising this in good humor.

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

Mr. PALMER: Mr. Speaker and Members of the House: I want to say again that I have great respect for the gentleman from Pittsfield. I do want to say that there is a great similarity, however, between the Pittsfield payment and the Milbridge payment, because in the case of Milbridge, a department told us the same thing that the Guarantee Authority and others told the gentleman from Pittsfield, that they thought this was the wise thing for us to do, to put a Resolve in and have the town of Milbridge reimbursed, and there was truly in that case, as in this one, there was a precedent for that happening.

I want to just conclude this all by saying that I am going to vote for this Resolve for the town of Pittsfield, as I hope the people will, and I hope that if this does pass, that someone who voted against the town of Milbridge will have the kindness and the courtesy to help us revive the bill for Milbridge.

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 Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, I would just like to ask, if I may, the amount that is involved in this particular resolve.

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

Mr. WYMAN: Mr. Speaker, I would respond to that question by saying that it is a total figure of \$25,000 and that it is not going to be an appropriation from the General Fund at all but it is going to be an appropriation from the Maine Guarantee Authority's funds. I would say by looking at the record and the millions of dollars that they have paid in back taxes, \$25,000 is something that they would be perfectly willing to pay.

The SPEAKER: The pending question is on final passage. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Berry, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connors, Connolly, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Jackson, Jensen, Kany, Kilcoyne, LaPlante, Lewis, Lizotte, Locke, Lynch, Mackel, Masterton, Maxwell, McBreairty, McKean, McMahon, McPherson, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Rideout, Rollins, Sewall, Silsby, Spencer, Sprowl, Strout, Stubbs, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Truman, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Berube, Birt, Green, Huber, Immonen, Kelleher, Laffin, Littlefield, Marshall, Masterman, McHenry, Nadeau, Raymond, Smith, Stover.

ABSENT — Bagley, Biron, Blodgett, Bunker, Burns, Carrier, Churchill, Cote, Devoe, Dexter, Dudley, Dutremble, Elias, Gauthier, Goodwin, K.; Gould, Jacques, Jalbert, Joyce, Kane, Kerry, LeBlanc, Lougee, Lunt, MacEachern, Mahany, Martin, A.; Mills, Moody, Norris, Peakes, Post, Quinn, Shute, Talbot, Teague, Tozier, Twitchell, Tyndale, Valentine.

Yes, 95; No, 16; Absent, 40.

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

Signed by the Speaker and sent to the Senate.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

The following Communication:
THE SENATE OF MAINE
AUGUSTA

June 23, 1977

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

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-304) on Bill "An Act to Amend Certain Provisions of the Employment Security Law" (S. P. 504) (L. D. 1789)

Report was signed by the following members:

Mr. McNALLY of Hancock

— of the Senate.

Mr. BUSTIN of Augusta

Mrs. LEWIS of Auburn

Mr. PELTIER of Houlton

Mrs. TARR of Bridgton

Messrs. McHENRY of Madawaska

DUTREMBLE of Biddeford

ELIAS of Madison

FLANAGAN of Portland

— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mrs. BEAULIEU of Portland

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-304) Report of the Committee read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-304)

In the House: Reports were read.

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

Mr. BUSTIN: Mr. Speaker, I move the House accept the Majority Report of the committee in concurrence.

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

Mr. LAFFIN: Mr. Speaker, I would like to ask a question on this bill. I am not on it because I refused to sign it, and I would just like to ask the chairman; I haven't had a chance to talk to him, but were all the things we took out of it put in as the Committee Report?

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

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

Mr. BUSTIN: Mr. Speaker, the answer to the gentleman is, all the things we took out are still out and were not put into the Committee Report. The Committee Amendment lists the things that were taken out.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-304) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

In accordance with House Rule 49, the following item was ordered to appear on the Consent Calendar, First Day:

(S. P. 167) (L. D. 572) Bill "An Act Concerning Professional Conduct of Chiropractors, Optometrists, Podiatrists and Dentists" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-303)

No objection having been noted, the above item was ordered to appear on the Consent Calendar of June 24 under listing of Second Day.

Bill "An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations" (H. P. 1119) (L. D. 1337)

(Which was recalled from the Legislative Files by Joint Order H. P. 1758)

On motion of Mr. Spencer of Standish, the House reconsidered its action whereby the "Leave to Withdraw" Report was accepted.

On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

Mr. CARROLL: Mr. Speaker, I move that we reconsider our action of earlier in the day whereby the House voted to recede and concur on Bill "An Act Relating to Motor Vehicle Fees Collected by the Public Utilities Commission." Senate Paper 92, L. D. 216.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If you will take time

to look at this bill, the Public Utilities Committee, in looking over the budget of the PUC Commission, there is an overcollection down there in transportation funds of somewhere around \$300,000 that is supplied to the Maine Trucking Industry. They are assessed a certain amount of dollars to operate the PUC pertaining to the interest of the PUC to that particular industry. It is an overcollection, it is a rob Peter to pay Paul, it is unfair because that industry, in fact, the PUC turns that money over to the Highway Department and it should not be.

I urge the House to not consider the reconsideration motion, because what you will be doing is taking \$300,000, somewhere in that amount, from an industry that pays its way in terms of being overseen by the PUC and given to the Transportation Department. Their budget isn't balanced, they need the money. I have talked to Mr. Carroll about it, I would like to help them, but I don't think this is any way to help that department, when you are taking money that doesn't belong to it and giving it to it, so I would urge you not to vote for reconsideration.

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

Mr. GREENLAW: Mr. Speaker, I would like to pose a question to the gentleman from Bangor, Mr. Kelleher, and that is, is the revenue he is talking about the so-called dedicated revenue that goes to fund approximately four of the legal staff in the PUC's Commission?

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

Mr. KELLEHER: Mr. Speaker, I understood the gentleman's question but don't really understand what your meaning is, Mr. Greenlaw, so if you could elaborate a little more, perhaps I could give you an honest answer to your question.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Yesterday morning, some members of the Appropriations Committee met with three people of the Public Utilities Commission regarding the Part II request of the Public Utilities Commission budget, and in reviewing their requests, the Chairman of the Commission, Mr. Ralph Gelder, indicated to us that he was very concerned about the fact that there was some so-called dedicated revenue coming from the motor common carriers of the state that funded certain positions within the commission's staff. He led us to believe that, and I don't know the exact number, but a certain number of the legal staff were in fact funded as a result of these revenues, and one of the things that he felt very strongly about is that instead of it being dedicated revenue for the Public Utilities Commission, perhaps the revenue ought to go into the General Fund, obviously keeping the same people on board for the Public Utilities Commission. So I guess what I am really asking is if this is possibly a mechanism for changing the so-called dedicated revenue into a General Fund account, keeping the same positions in the Public Utilities Commission?

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

Mr. KELLEHER: Mr. Speaker, those positions, as I understand your question, Mr. Greenlaw, are in fact funded out of the assessment on the common carriers. However, there is an overassessment. If in fact it did go into the General Fund, it still would not help the Highway Transportation Department simply because it is dedicated money coming from that particular industry. I don't really think, honestly, it should go into the General Fund, simply because of the fact there is an overassessment on what the operations of the PUC are.

If you remember correctly, we sponsored a

bill a couple of years ago, you and I and Dick Spencer, dealing with the operations of the PUC. Had we at that time been able to use that money in terms of the common carriers, our bill would not have been necessary, we would have been violating the law as it is now. This has been corrected by the other body with a Senate Amendment. I can understand his frustrations, but I don't think that we should be doing it in this manner.

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

Mr. GREENLAW: Mr. Speaker, I would like to pose another question through the Chair, if I may, to the gentleman from Bangor, Mr. Kelleher. I am not debating this issue from the point of view of trying to get additional revenue for the highway fund, although I understand the frustrations of the gentleman from Limerick too. I guess the question I am trying to ask the gentleman from Bangor, Mr. Kelleher, is if this bill could be amended to eliminate the frustrations, if you will, of the Chairman of the Public Utilities Commission, in the sense that he feels very uneasy about this revenue coming to the Public Utilities Commission from people or corporations, if you will, that they are in fact regulating, and what he was trying to express to us yesterday was that he would much rather see this money, and I am not talking about collecting more than is necessary, but would see the revenue come into the General Fund and make the appropriation of the personnel services through the General Fund appropriations bill, and the question I am trying to ask is whether or not this would be a vehicle to make that change?

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

Mr. KELLEHER: Mr. Speaker, in answer to the question, yes. I personally, as well as I think many members of this House, and I know particularly members of the Public Utilities Committee, are not satisfied with the assessment program that we have on the utility industry in dealing and operating that department. However, it is no different than the Insurance Department, for example, who puts an assessment on the companies which, in fact, are laid back onto you and I in operating that department. I understand what you mean, but I don't think that we want to tinker with this particular bill at this time in dealing with it.

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

Mr. SPENCER: Mr. Speaker, in reading the bill, as I understand the present system, these fees are collected from the truckers or the carriers and they go to the Public Utilities Commission to fund the Transportation Division of the Public Utilities Commission. If there is any money left over, that then spills over into the General Highway Fund. What this bill would do would be to reduce the fees paid by truckers so that there would be no spill over into the Highway Fund. If there is still a surplus, it would spill over under the bill the way it is written with the amendment, but essentially what this is, it is a reduction in trucking fees of \$200,000.

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

Mr. KELLEHER: The gentleman is correct in his assessment of the interpretation of the bill, and in my opinion, I think we should leave the bill where it is because of the fact the fees are not in line with the operation of the PUC in dealing with that segment of its industry under the influence of that commission.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: A Statement of Fact is on the amendment. The purpose of this amendment is to establish motor carrier fees collected by the Public Utilities Commission at

a level which should reduce the revenues available to the commission so that it more accurately reflects the needs. Also, it establishes motor carrier fees and level within the permitted limit of federal standards and requirements. True, we picked up nearly \$300,000 out of this. It is true that the Highway department did get some large funds, we picked up a total of approximately \$300,000 that is their estimated total that we could pick up. And if you are out to gun the Highway Department down on every move, just keep doing it. Nobody wants to vote for a penny tax, nobody wants to give them the right time of day, and if it is the mood of the legislature to gun the Department of Transportation down, then I urge you not to reconsider, just keep on the course you are on. We are headed for a collision, head on.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that the House reconsider its action whereby it voted to recede and concur. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 47 having voted in the negative, the motion did not prevail.

(Off Record Remarks)

On motion of Mrs. Najarian of Portland,
Adjourned until nine o'clock tomorrow morning.