

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

## ***One Hundred and Eighth Legislature***

OF THE

STATE OF MAINE

### **Volume II**

**May 26, 1977 to July 25, 1977**

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**Senate Confirmation Session  
September 16, 1977**

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KJ PRINTING  
AUGUSTA, MAINE

## HOUSE

Wednesday, June 29, 1977

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

Prayer by the Reverend Steven Park of the Calvary Baptist Church, Pittsfield.

The journal of yesterday was read and approved.

## Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Amend the Powers and Duties of the Maine Committee on Aging" (H. P. 229) (L. D. 292) asks leave to report:

that the House recede from passage to be engrossed, recede from adoption of House Amendment "A" (H-701), indefinitely postpone House Amendment "A", adopt Committee of Conference Amendment "A" (H-869), submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A", (H-869).

That the Senate recede from acceptance of the minority Ought Not to Pass report of the Committee on State Government, read the bill twice, adopt Committee of Conference Amendment "A" (H-869) and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

Signed:

Messrs. CURRAN of South Portland  
VALENTINE of York  
CHURCHILL of Orland

— of the House.

Messrs. COLLINS of Aroostook  
JACKSON of Cumberland  
MINKOWSKY of Androscoggin

— of the Senate.

Report was read and accepted.

Thereupon, the House receded from its action whereby the Bill was passed to be engrossed and receded from its action whereby Committee Amendment "A" was adopted and the Amendment was indefinitely postponed.

Committee of Conference Amendment "A" (H-869) was read by the Clerk and adopted.

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

## Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Impose a 4-Quart Limit on the Taking of Smelts Throughout the Entire Smelting Season" (S. P. 320) (L. D. 1077) asks leave to report: that they are unable to agree.

Signed:

Messrs. CHAPMAN of Sagadahoc  
HEWES of Cumberland  
LEVINE of Kennebec

— of the Senate.

Messrs. BLODGETT of Waldoboro  
NELSON of Roque Bluffs  
TYNDALE of Kennebunkport

— of the House.

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

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

## Papers from the Senate

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

June 28, 1977

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

The Senate today Adhered on Bill, "An Act to Establish the Legal Rights of Hospital Patients" (H. P. 755) (L. D. 901).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

## Non-Concurrent Matter

Bill "An Act Concerning Arbitration for Municipal Fire Departments" (H. P. 522) (L. D. 640) on which the Majority "Ought to Pass" Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by House Amendment "B" (H-849) in the House on June 27, 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:

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

Mr. LAFFIN: Mr. Speaker, I move the House adhere.

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

Mr. SISLBY: Mr. Speaker, I move that the House recede and concur.

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

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

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

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

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

## ROLL CALL

YEA — Aloupis, Austin, Berry, Birt, Brown, K. L.; Bunker, Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Huber, Hunter, Immonen, Jackson, Littlefield, Locke, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McPherson, Nelson, M.; Nelson, N.; Norris, Palmer, Peltier, Peterson, Rollins, Sewall, Silsby, Smith, Sprowl, Strout, Tarbell, Tarr, Tozier, Tyndale, Whittemore.

NAY — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Carey, Carroll, Chonko, Clark, Cote, Cox, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Henderson, Hickey, Hobbins, Hughes, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mills, Mitchell, Nadeau, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Shute, Spencer, Theriault, Tierney, Torrey, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Bustin, Carrier, Carter, D.; Connolly, Curran, Dudley, Goodwin, K.; Green, Greenlaw, Hall, Higgins, Howe, Hutchings, Jalbert, Kane, LaPlante, LeBlanc, Lizotte, McBairty, McMahon, Moody, Morton, Najarian, Peakes, Perkins, Stover, Stubbs, Talbot, Teague, Twitchell.

Yes, 50; No, 70; Absent 31.

The SPEAKER: Fifty having voted in the affirmative and seventy in the negative, with thirty one being absent, the motion does not prevail.

Thereupon, on motion of Mr. Laffin of Westbrook, the House voted to adhere.

Non-Concurrent Matter  
Later Today Assigned

Bill "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (L. D. 1573) which was passed to be engrossed as amended by House Amendment "B" (H-781) in the House on June 22, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-781) as amended by Senate Amendment "E" (S-339) thereto in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, tabled pending further consideration and later today assigned.

Non-Concurrent Matter  
Later Today Assigned

Bill "An Act to Provide Legislative Oversight of Appropriated Fund Transfers" (H. P. 1391) (L. D. 1618) which was Passed to be Enacted in the House on June 23, 1977. (Having previously been Passed to be engrossed as amended by Committee Amendment "A" (H-680))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-680) as amended by Senate Amendment "A" (S-341) thereto in non-concurrence.

In the House: On motion of Mr. Palmer of Nobleboro, tabled pending further consideration and later today assigned.

## Non-Concurrent Matter

Bill "An Act to Improve the Effectiveness of the State's Development Financing Mechanisms" (H. P. 1727) (L. D. 1886) which was Passed to be Enacted in the House on June 23, 1977. (Having previously been Passed to be engrossed without amendments)

Comes from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-344) in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to recede and concur.

## Messages and Documents

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND EIGHTH  
LEGISLATURE  
COMMITTEE ON EDUCATION

June 28, 1977

Honorable John Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Committee on Education is pleased to report that it has completed all business placed before it by the first regular session of the 108th Maine Legislature.

Total number of bills received	117
*Recommitted bills	5
Unanimous Reports	94
Leave to Withdraw	27
Ought Not to Pass	18
Ought to Pass	15
Ought to Pass in New Draft	8
Ought to Pass as Amended	26
Divided Reports	23
Total Number of Amendments	44
Total Number of New Drafts	12
*Recommitted Bills	5
Unanimous Reports	4

Ought Not to Pass 1  
 Ought to Pass in  
 New Draft 2  
 Ought to Pass as  
 Amended 1  
 Divided Report 1

Signed:

Respectfully submitted,

ARTHUR P. LYNCH  
 House Chairman

The Communication was read and ordered placed on file.

The following Communication: (H. P. 1786)  
 STATE OF MAINE  
 OFFICE OF THE GOVERNOR  
 AUGUSTA, MAINE

June 28, 1977

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. 1138, L. D. 1380, An Act Concerning Equine Infectious Anemia.

This bill is unnecessary since the Department of Agriculture already has regulations which parallel the substance of this law; consequently, if signed into law the bill would create a potentially serious situation by negating the Department's ability to make adjustments to handle and control equine infectious anemia in the event that the disease should become a real problem.

Currently, the Department of Agriculture has adopted regulations which for all intents and purposes reflect the procedures which this bill would mandate by law. The obvious advantage of handling disease control situations with regulations is that the Department has the ability to react to emergencies or crises where more stringent or less stringent regulations are required.

The Commissioner of Agriculture is already charged by law to prevent the introduction and spread of contagious, infectious and parasitic diseases and to prevent exposure to those diseases among domestic animals in this state. The Commissioner is given by law the necessary authority to control and eradicate diseases of domestic animals, and in all other cases he exercises this control with the necessary flexibility to do an effective job in carrying out the statutory charge. This bill is directly contrary to that purpose since it would handcuff the Commissioner and restrict his ability to function effectively.

In summary, this bill is unnecessary and sets a bad precedent. I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY  
 Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor?

The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, the sponsor of this bill is not present. May I make a motion to table this until later on in today's session?

The SPEAKER: The Chair would advise the gentleman that he has debated the tabling motion, but I am sure that someone else will take care of it. The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, addressing the subject the last gentleman just had, the sponsor is perfectly willing to attempt the override this morning and has left instructions with us to proceed on the override. He feels so certain that it will be overridden and if the Chair will indulge me, I will address it just briefly.

This bill was a unanimous report of the com-

mittee and went through the Consent Calendar both times in both Houses. I won't address the substantive questions of the bill; there are experts on the Agricultural Committee who can do it here. I will simply make a couple of observations from the Governor's veto message itself.

He says that his department already has the authority to do these kind of things by establishing regulations, and to that extent, he is correct. But this particular case is as clearcut and as classic an illustration as you will see of a bureaucracy that fails to be responsive and of a bureaucracy which is really out of control. There can be no doubt that the overwhelming majority of people who are concerned with horses in the State of Maine want the kind of regulations which this bill provides, and there also is no doubt that the Department of Agriculture has consistently refused to give it to them. Therefore, I think that the Agriculture Committee, in its unanimous report, and the Legislature at large are simply responding to the felt need of the people to provide something that a non-responsive and high-bound bureaucracy will not give them. I respectfully urge that you do override this veto.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: This was discussed very thoroughly with the Commissioner of Agriculture and a good number of all the horse associations in Maine. They all had a lot of input in this, and there was a unanimous agreement amongst all of us that everyone had to give a little bit. I think this is a good piece of legislation. I would hope that you override the Governor's veto.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In regard to this bill, I sincerely feel that the Agriculture Committee has acted in good faith and with concern for the horse owners of the state. Much time was spent in consideration of this measure, and a good hearing was held. The proponents of this measure felt that the Department of Agriculture had not always acted in the best interest of many involved with the ownership of these animals. Therefore, it is my honest opinion that this act should become law and the veto overridden.

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

Mr. MAHANY: Mr. Speaker and Members of the House: This is a good bill, and it is needed on the statutes. We had a good hearing on the bill, and three or four work sessions. It has already been stated the bill was voted out of committee with a unanimous "Ought to Pass" Report after all of these discussions. I know and everybody on the committee knows that the commissioner does have authority to make regulations at present; however, he may do so and he may use these regulations that he makes at his own discretion. If this bill were to become law, the commissioner is guided to the effect that he has and shall use the regulations.

I think this is a good bill, I think it is needed. The racehorse people were represented, the pony people and the show horse people were represented in the work sessions, and this was a compromise from all concerned. The only person that is a little disappointed is the commissioner, but I don't think we are here to make laws, regulations and resolves just to please the heads of the departments. I would urge you to stay with this bill and override the veto.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor? This requires a two-thirds vote of all the members present and voting. Pursuant to the Constitution, the vote will be taken by the yeas and nays. All those in

favor of this Bill becoming law will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jensen, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Spencer, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Brown, K. L.; Carter, F.; Connors, Durgin, Gauthier, Jacques, Joyce, LaPlante, Lewis, Mackel, Morton, Raymond, Sprowl.

ABSENT — Birt, Bustin, Carrier, Dexter, Dudley, Hutchings, Jalbert, Kane, LeBlanc, Lizotte, Masterman, McBairty, Moody, Peakes, Smith, Stover, Stubbs, Talbot, Teague, Twitchell.

Yes, 118; No, 13; Absent, 20.

The SPEAKER: One hundred eighteen having voted in the affirmative and thirteen in the negative, with twenty being absent, the veto is not sustained.

Sent to the Senate.

#### Orders

An Expression of Legislative Sentiment (H. P. 1780) recognizing that: Michael Harris of Kittery has achieved the high personal honor and distinction of Eagle Scout

Presented by Mrs. Durgin of Kittery.

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

An Expression of Legislative Sentiment (H. P. 1781) recognizing that: Dana Langton of Kittery has achieved the high personal honor and distinction of Eagle Scout

Presented by Mrs. Durgin of Kittery.

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

An Expression of Legislative Sentiment (H. P. 1784) recognizing that: Camp William Hinds Boy Scouts of America located in Raymond, Maine is celebrating its 50th anniversary of outstanding service to scouts

Presented by Mr. Goodwin of South Berwick (Cosponsors: Mr. Tierney of Lisbon Falls, Mr. Valentine of York Senator Merrill of Cumberland)

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

On motion of Mr. Henderson of Bangor, the following Joint Order: (H. P. 1782)

WHEREAS, under state law certain counties have become prime sponsors under the Comprehensive Employment and Training Act of 1973, PL 93-203, and other counties and most municipalities participate in CETA programs indirectly; and

WHEREAS, both the state and county CETA programs have a large and unexamined effect on municipal and county budgets; and

WHEREAS, the individual funding decisions under CETA programs accumulate into a de facto pattern of priorities in state, county and

municipal programs which may or may not be consistent with state policies; and

WHEREAS, the administrative costs of these programs has not been fully examined since these programs were established; and

WHEREAS, the CETA programs should be reviewed to study these issues; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized to study, through the Joint Standing Committee on Local and County Government, the CETA programs in this State, and to particularly study:

1. The funding of CETA programs since their inception, identifying the levels of government allocating funds, the categories of allocations and the amount involved;
2. The proportion of municipal and county budgets derived from CETA programs;
3. The nature and scope of continuing obligations under these programs;
4. The apparent de facto priorities and policies reflected in the allocation of CETA funds; and
5. The administrative costs of these programs; and be it further

ORDERED, that for the purposes of this study, the committee may solicit and receive information from individuals and agencies expert in the field; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977 or no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within either 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 and to each county and to the State CETA office.

The Order was read.

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

Mr. WHITEMORE: Mr. Speaker, more for information, I am not too knowledgeable about CETA funds, but does the state legislature have any control over how the counties and towns handle these funds? I know there are individuals hired in counties to handle these, and I am wondering if we have any control over it. If we don't, I hate to see any state money spent to try to do something that we have no power over. Just a point of information.

The SPEAKER: The gentleman from Skowhegan, Mr. Whittemore, has posed a question through the Chair.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: As I am sure many of you know, our county budgets do involve something that the Legislature passes on as well as our state budget, and very often CETA positions are allocated, if not in the budget, as sort of additional services and then later on they get to be part of the budget that we are talking about. So, it certainly has a great impact on those two budgets that the Legislature has to deal with. We can't directly tell the CETA agencies how to spend their money, and I am not sure that we should, but I think we ought to have an understanding of the impact of these various programs on our own budgets, the ones that we are responsible for.

In addition to that, the CETA program has become a major policymaking institution in this state and it has allocated funds to a variety of programs which may or may not be in conflict with the priorities that we have been setting in the state budgets and in the county budgets and, of course, it does affect municipal programs as well. In addition, I believe, it has been the state Legislature which has allowed the counties to have their own separate programs; otherwise, I

think it would have to come through the state, so there is that degree of influence over whether counties administer these programs.

The purpose of this order is not necessarily to go into the nitty-gritty administration of things, but that may be a consequence of our looking at the proposal, but mainly to try to understand what are the broad policy impacts of this program, is it an uncoordinated kind of thing or is it something that we ought to keep our eye on? I think many members of this House and their people have had issues that would come up in their own county budgets or in their own areas about what is the CETA program doing and how does it affect the kinds of things that we do up here, and I think it is important that we do get that information.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether I am opposed to this, but this is another one of those summer vacation study orders. I am just wondering how much this is going to cost and what avail it is going to be to us to have the Local and County Government Committee study this, because we are all privy — I know in our county budget, and the same with Mr. Henderson from Bangor, we have had a great deal of input into it and we thoroughly discussed the CETA funds, we thoroughly discussed the CETA money with the commissioners and they gave us all of the knowledge that I felt was necessary for the delegation. I really don't see to what advantage this is going to put the Legislature other than to study, and I see in here practically the right to subpoena.

It is quite an all encompassing order and I certainly would hope that perhaps somebody would table this for a day before it goes any further and give us all a chance to discuss it in our caucuses and so forth.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning, too, to oppose passage of this order as I have done on a number of orders during this session with the same idea in mind, that we are gradually now, in the closing days of this Legislature, passing order after order to keep us busy during the summer and fall at a tremendous cost to the taxpayers and, once again, I ask any member of this House how many of the reports from the last session they have read which were given to us at the beginning of this session.

I submit also that if you read one, two, three, four and five that this committee is going to have to do, the duties that they would have to do, I submit that it is impossible for the Committee on Local and County Government to do that in the period of time required and do an effective job. So I would also, with the others, oppose the passage of this, and I would hope that we would not have a great proliferation of these orders in the closing days to really expend huge sums of money this summer and fall on projects which we need little of.

The SPEAKER: The pending question is passage of Joint Order, House Paper 1782. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Over the past several years, there has been a variety of questions about the CETA program, and purely coincidentally there is an article in this morning's news having to do with that. "Kennebec CETA to Withhold State Job Slots." There is a basic question about whether the state has been misusing the CETA money that they have been getting. Whether it is true or not, I don't know, but I just want to point out to you that it does have a direct impact on our budgeting process. If we want to ignore that, that is fine. I know that there is a lot of power behind the CETA programs because they dole out a lot of jobs in the state, and I think that is one of the major reasons why we have to understand the impact of this program on all of our priorities, because it is becoming the major employer and it is getting bigger every year, the major employer in many counties and certainly in many towns, and nobody in this state has a comprehensive view of what the impact of that is. This is a case where at least it is suggested that the state has not been hiring people in order to get CETA funds, which is directly against the federal regulations.

In many counties there have been thousands of dollars spent through the program for sometimes strange priorities, but in other cases committing the counties and the municipalities and, in many cases, the state, to pick up money in the future. We rail against in this House over and over again passing bills which we don't have the nerve to fund this year but which we are obligated to pick up next year; yet, we are not even seeing that obligation in many cases through this very program.

Now, I wonder why the interest all of a sudden about this particular order and not some of the other orders that have gone through. I would argue that it is because it basically hits a lot of interests because the CETA program is very powerful and it does put out many jobs in this state. You know, if you study smelts or whatever else, it does not have that great an impact, and if there is any reason or need to put a limit on study orders, I would be the first one to agree with such an order, that no study order, whatever it studies, could exceed a certain budget, and that would have to go for everybody, not just for this or anything else. It probably could go for the Legislative Council that meets all summer. They have their little summer vacation themselves, but I don't know whether there is any kind of a reaction there or not. I don't mind having a limit on the cost.

There is nothing in here about subpoena powers, by the way, and I am just very interested in the reaction.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: You all know how I feel about county government, and this is one thing that I am very interested in. Money is spent and sometimes it is not spent wisely. I have seen it happen in towns, in cities, I have seen it happen in my own town where we have had CETA programs and they were just for a certain amount of days and before we knew it, the person was on a regular payroll for the town, and this added tax money to the taxpayers in Brunswick. This, I think, is a very much needed study, because I think that people do abuse the CETA program and there are certain counties that do it worse than others.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning in support of this order. It is something that has concerned me for some period of time and I have discussed it with quite a few people. We

are adding people onto the tax rolls, or being paid from taxed property, because they are first being employed as CETA employees and then moved into regular employment, which they should be. I am not trying to stop that, but I think we should have control on it.

I would like to review briefly with you our own county, and I am casting no aspersions on our CETA program at all because they are doing an excellent job, but for this year, we have \$1.8 million worth of funds. Under the federal guidelines, 10 percent of these funds may be expended in administration. This means that Somerset County has got \$180,000 that they could expend in just the administration of the CETA program in our county of 40,000 people. It has been calculated that if all the CETA monies coming into the state, if all the people eligible under the CETA criteria were employed in the state, we still would have a surplus of \$5 million that we could not spend. With this type of money around, I think that we should get on top of it right away and be aware of what is going on in the CETA area before we have to come in here and start making laws behind the fact. This one time, let us get ahead of the federal program instead of waiting until the federal government tells us what we are going to do.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: As one who has been concerned with the CETA program, I just want to say this. I think the CETA program out of Washington, in the first place, allocated this money, the largest part of it, toward county government. Secondly, I think the CETA program is really headed in the wrong direction. I think the CETA program should have been created to train people so they could be employed in the private sector and not in the public sector.

As has been said here, these jobs are then infiltrated into our city governments and our county governments; this is true. If this has been done, it is because we of the county delegations have let it be so. I know that there are some sentiments right now in Washington — I was privileged to go to the National League of Cities in Washington last year along with another 70 or 80 Maine officials and I remember speaking about that during our meeting, that the CETA program should be oriented toward the private sector and not the public sector. There seemed to be some sentiment along those lines. At least several people have told me that I was right, but what Washington is going to do is a different story. I think it is headed that way. I think the movement has already started, slowly as usual, because things in Washington take a long time to develop. I don't see any need right now to study the CETA program in Maine when Washington says the county shall administer the program. At least the greater bulk of the money is given to the county and it is up to us as delegations to stop that in the future when our budgets come up and we see that these jobs are being absorbed into the public sector.

So, for that reason, seeing that it is coming, I would oppose the order.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore. Mr. WHITEMORE: Mr. Speaker and Members of the House: When they can show me that this money is going to come from the federal government to the state for us to handle, I will go along with it. Until such time when we have control of it, I hate to waste the taxpayers' money studying this joint order for nothing.

So, I hope you will go along and defeat this order.

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

Mr. PALMER: Mr. Speaker, Ladies and

Gentlemen of the House: I want to make a point clear to my good friend from Bangor, Mr. Henderson. I am not opposing this order because it is his order and I am not opposing it because it is something to do with CETA and they can pass out thousands of jobs. I think, if you recall, I have been one of the very few people here who once in a while this winter opposed orders without regard to who the author might be, that we could just get a handle on this situation which ran wild with us in the last session. I hope that it doesn't in this one, so I am opposing it on that basis, not on the subject, plus the fact it is my firm and candid opinion that it doesn't make any difference what you study about CETA. I don't think that local and county government can do very much about it after they make their study. I doubt that they could be a very effective instrument in doing anything to correct any of the ills which they might find. I certainly agree with them that there may be ills.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would like to speak in support of this order, at least from the state's point of view. I am not too familiar with how CETA is operating in counties, although I have heard before, there is abuse to the funds in Cumberland County. Time and time again when we have been going over the budget, we found out that CETA employees' money would be terminated in September, December or next April and we would be asked to pick up the CETA employees and we did even though they were there in the first place.

I think this is one of the better orders that has come across. I think it is worthy of some study. There is an awful lot of money involved here and it does require picking up, in many instances with state monies, work that CETA employees have been doing. Lots of times we have been adding personnel not knowing that they had CETA employees over there in the first place; then you have to go back and cut back. I think it is something that we ought to learn more about, at least as far as the state agencies are concerned.

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

#### ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connors, Connolly, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Dutremble, Fowlie, Goodwin, H.; Goodwin, K.; Gray, Hall, Henderson, Hickey, Hobbins, Hughes, Jensen, Kane, Kany, Kelleher, Kerry, LaPlante, LeBlanc, Locke, Martin, A.; McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, N.; Pearson, Plourde, Post, Prescott, Quinn, Sewall, Shute, Spencer, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Bagley, Bennett, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Cote, Cunningham, Devoe, Dexter, Dudley, Durgin, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Gould, Greenlaw, Higgins, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Joyce, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreaity, McMahon, McPherson, Mills, Morton, Nelson M.; Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Silsby, Smith, Sprowl, Strout, Tarbell, Tarr, Teague, Theriault, Torrey, Truman, Tyndale, Whittemore.

ABSENT — Carrier, Green, Howe,

Hutchings, Moody, Peakes, Stover, Stubbs, Talbot.

Yes, 67; No, 74; Absent, 9.

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

On motion of Mr. Wilfong of Stow, the following Joint Order: (H. P. 1785) (Cosponsors: Mr. Davies of Orono, Mr. Spencer of Standish, Mr. Wyman of Pittsfield)

WHEREAS, one of the most important functions a legislature performs is deciding upon the financial priorities of State Government and then appropriating funds to implement those priorities; and

WHEREAS, the Maine Legislature now, by statute, funds certain state programs at different times than it funds others, a method of funding which makes it difficult, if not impossible, for the Legislature to set comprehensive funding priorities for State Government; and

WHEREAS, while several bills introduced into the First Regular Session of the 108th Legislature have recognized this problem, and suggested a number of varying solutions to it, no suggested solution has won the support of a majority of the Legislature; and

WHEREAS, in view of this situation, it is obvious that the Legislature needs to conduct a thorough study of the various methods for setting budgetary priorities for State Government and of the various methods for implementing these priorities; now, therefore, be it

ORDERED, the Senate concurring, that there is established a Joint Select Committee on Legislative Financial Policy, to consist of 3 members of the Senate, appointed by the President of the Senate, and 10 members of the House of Representatives, appointed by the Speaker of the House, the members of this committee to receive the same reimbursements and allowances as members of a Joint Standing Committee; and be it further

ORDERED, that this committee shall investigate various methods of setting, at an early date in the legislative session, budgetary priorities of all state programs, both existing and proposed, and shall also investigate various methods of implementing these established priorities; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to each member appointed to this Joint Select Committee.

The Order was read and passed and sent up for concurrence. (Later Reconsidered)

#### Consent Calendar

##### Second Day

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

(H. P. 972) (L. D. 1169) Bill "An Act to Amend the Special Education Tuition Reimbursement Law" (Emergency) (C. "A" H-861)

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

#### Emergency Measure Later Today Assigned

"An Act to Eliminate Tax on Marine Worms and Replace it With a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities" (H. P.



913) (L. D. 1119) (H. "A" H-787 to C. "A" H-726)

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

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

#### Orders of the Day

The Chair laid before the House the first 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 24, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I have several questions in regard to this in view of two other bills that we have passed through here. One was L. D. 224 and the other one was the collective bargaining for county employees. Would anybody respond to that please?

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

Mr. SPENCER: Mr. Speaker and Members of the House: In response to the questions of Representative Burns, this bill does deal with the same subject of a couple of other bills that are in the process, and I think we might save some legislative time if we held off on this one until we saw the state of the other two. I would ask that someone table this for one legislative day.

On motion of Mr. Bustin of Augusta, tabled pending passage to be engrossed and tomorrow assigned.

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

"An Act Increasing the State Gasoline Tax" (Emergency) (H. P. 1159) (L. D. 1383) — In House, Failed of Enactment on June 22. — In Senate, Passed to be Enacted.

Tabled — June 27, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, retabled pending further consideration and tomorrow assigned. (Later Reconsidered)

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (4) "Ought to Pass" as Amended by Committee Amendment "A" (H-841) — Committee on Appropriations and Financial Affairs on Bill, "An Act to Require the Payment of AFDC Benefits for Unborn Children" (H. P. 673) (L. D. 858)

Tabled — June 27, 1977 by Ms. Goodwin of Bath.

Pending — Acceptance of either Report.

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

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

Mr. Marshall of Millinocket requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Bath, Ms. Goodwin, that the House accept

the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Berry, Boudreau, A.; Brennerman, Bustin, Carey, Carroll, Chonko, Connolly, Cox, Davies, Dutremble, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LeBlanc, Locke, Lynch, Mahany, McHenry, Mills, Mitchell, Nadeau, Nelson, M.; Norris, Pearson, Quinn, Rideout, Tarbell, Theriault, Tierney, Trafton, Tyndale, Valentine, Wood, The Speaker.

NAY — Aloupis, Ault, Austin, Benoit, Berube, Birt, Blodgett, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carter, F.; Churchill, Clark, Conners, Cote, Cunningham, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Fowle, Garsoe, Gauthier, Gill, Gillis, Gray, Green, Higgins, Huber, Hunter, Immonen, Jackson, Jalbert, Laffin, LaPlante, Lewis, Lizotte, Lougee, Lunt, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreaity, McKean, McMahon, McPherson, Morton, Najarian, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Teague, Torrey, Tozier, Truman, Twitchell, Whittemore, Wilfong, Wyman.

ABSENT — Biron, Boudreau, P.; Carrier, Carter, D.; Curran, Gould, Hutchings, Jacques, Littlefield, Moody, Peakes, Post, Stover, Talbot, Tarr.

Yes, 53; No, 83; Absent, 15.

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

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

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

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

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This is one of those bills on which is very difficult to come to a decision. In fact, I signed one way and then signed the other way and signed back the other way again, as I had a lot of difficulty with it. I was not convinced in the final analysis by the Department of Human Services that they, indeed, have enough programs to take care of young women, especially those young women I am talking about now in their first pregnancies, who have no jobs, nowhere to stay and not getting proper nutrition and not being taken care of. It is my strong feeling that the cost to us in later years, in terms of physical and mental handicaps of these children who are not properly taken care of in the prenatal state, may come upon us and be a lot larger than it would have been had we taken care of it now.

I am not going to give you a long speech. I think it is obvious where this bill is going, but the final thing that made me change my mind was a philosophical point and that is, I know this is a different legislature, but the 107th Legislature went firmly on record supporting a "right to life" amendment which confirmed the legal status of a fetus as a person. If you believe that, then I think it is very difficult to vote any other way than "Ought to Pass". I realize that there are people who are probably much more strongly "Right to Life" than I am who have signed the other way and I in no way impugn their motives as a personal, ethical, moral decision that each of us must make.

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

Mr. PEARSON: Mr. Speaker, Ladies and

Gentlemen of the House: The gentlelady from Bath, Ms. Goodwin, hit the nail right on the head as far as I was concerned in voting the way I did, and that was for aid to unborn children. That is, if you accept the premise that a fetus is a living thing as I do, then you would have to, it seems to me, logically say to yourself, if you provide aid for dependent children after they are born, you would have to provide for them before they are born.

I wanted to put that remark on the record for anybody who might doubt why I voted in the future, because I do strongly believe that way.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: When this bill came before the Appropriations Committee, as Ms. Goodwin said. We had a tough time trying to decide what to do with the bill and then someone came up with the idea of perhaps we can just get coverage for those women who are pregnant for the first time because there are many, many women in the State of Maine who are pregnant out of wedlock, have no income and no method of getting prenatal care. So we explored that idea and the Attorney General said it would be perfectly legal for us to cover those women who are pregnant for the first time but the federal regulations would not reimburse the state three to one as they do, and we had to cover all unborn children.

I have tried to figure out if we just put state dollars into that program and it costs the state almost as much as if we covered all the women presently on the AFDC program and those who are not eligible for it and because of the federal regulations, it just couldn't be done. I see this as a health issue.

At the present time, the State of Maine does not provide AFDC coverage to women who are pregnant for the first time until the birth of the child and by this time it is too late to provide prenatal care, AFDC cash payments, and food stamps during the pregnancy.

In 1974, there were close to 1,000 mothers who delivered babies and received no prenatal care and the figures for 1975 show that we made very little progress, 900 mothers received no prenatal care. In 1975, there were 1,500 infants born out of wedlock, a 50 percent increase in the illegitimacy rate and nearly half were teenagers and nearly 70 percent were under 21 years or younger. I think some of you might have received a handout yesterday from the March of Dimes which says medical authorities have found that malnutrition before birth appears to be a major factor in low birth weight as well as mental retardation. These high risk, or teenage mothers are very high rate pregnancies and their babies generally are born with low birth weight and therefore there is a direct correlation between low birth weight and mental retardation and other birth defects.

The federal government has a Women's, Infant's and Children's Program, but at the end of 1976, that was only available in one county in Maine. It is not available in some of our most populous counties. They have talked about having the V-6 program, which is another federal program, but you can't find out how much money is being spent for it and, as a matter of fact, it is very little. We have had women appearing before our Appropriations Committee saying that they have gone to the department, they can get no help and I know I have gotten calls myself from young girls who were really out on the limb and there is just no help for them.

The Supreme Court ruled the other day that states don't have to pay for abortions and it says that the state may make a policy choice favoring normal childbirth and that the state's regulations show strong and legitimate interest in encouraging normal childbirth and subsidizing costs for a child's birth is a rational means

of encouraging childbirth. I agree with that and I think if this House overwhelmingly desires to encourage women to have their babies and if we believe that, then I think we ought to put up the money to make sure that they have healthy babies.

Our neonatal intensive care units are filled with teenage pregnant women and their babies and this is a problem for the State of Maine for the rest of their lives through mental retardation institutionalization. If we want these children to be born, we should insure that they are born healthy, and I hope you will reconsider that vote of a while ago.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I think my position as far as healthy born babies without abortion is quite clear in this body. I have been battling it for the last 20 years. I have gone to the Supreme Court and, as a matter of fact, through the United States Supreme Court ruling, I am thinking of going back now.

Just in passing, I might also say that this bill here was 17-A, and when I wound up in the hospital, I come back and — boom, it is back in business again. This was a 17-A bill.

We have 13 and 14-year-old children that are on AFDC. You mean to tell me that if they are on AFDC and they wind up with child, that somewhere along the line, they are not going to get taken care of? There is a certain way that I don't want them taken care of. That is the major reason why I am against this bill and why I made the move to reconsider and asked you to vote against me. Incidentally, I will ask for a roll call on that.

The thing that aggravates me a little bit is that a bill winds up 17-A and now we want it revived.

I would like the Clerk to read the report.

Thereupon, the Report was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: Just a quick observation. It is rather interesting reading this title that we are asking for money and benefits, we are talking about unborn children and we are talking about abortions and we are talking about fetuses and that, to me, raises a lot of questions.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not as good with words as the two previous ladies, but I am going to tell you how I feel about this. I am all for the right to life, but this bill has nothing to do with right to life. There are so many ways and means on the market for these women to take care of themselves, they wouldn't be pregnant to start with. I am sorry, but I have to take a stand on this bill. These ladies, and I have nothing against them, I don't know who they are, but people on ADC, I have seen them buy beer and cigarettes and if they can buy beer and cigarettes, they can buy things to protect themselves.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: A few moments ago, I voted to indefinitely postpone the bill, I guess. I did so because I have many reservations or rather many doubts. I am such a strong believer and I think those of you who have served with me the past few terms know my stand on abortion or "right to life." I am also a very strong defender of parental responsibility and duties by their children and I somehow felt that perhaps if we give the means to a young girl to get away from home, she would. However, some of the words that Ms. Goodwin said made their mark on me, I suppose, and I will now vote

to reconsider and if we reconsider, we will be getting this back into second reader and perhaps some of my reservations can be addressed in amendments that could be placed on the bill. I want the assurance that the money would be used for the benefit of the unborn living person, and I think that can be addressed in amendment form. So please go along with me and reconsider this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have debated on this measure several sessions and I never cease to wonder how the "right to life" people are so strong for everything except the fact of paying and I will guarantee you that if the fetus is considered as the "right to life" people believe, an individual within the womb, the accident of circumstance that puts him into the womb of a poor woman, shouldn't make their lot or way into this world with any less protection and nutrition than the fetus that is in the womb of the middle income or the rich woman and that is what you are talking about this morning. You are talking about prenatal care for poor people and you can talk all day long about the responsibility of being for or against it but this is where you put your money — where your mouth is. This is where you pay so I hope you will reconsider and I hope you will pass this bill along.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Prenatal care for the poor. The poor 13 or 14-year-olds getting AFDC winds up down there — abortion. There is no way you can amend this bill to make it palatable. It is a money bill, purely and simply. The only thing you can do to it is to up the money or down the money. Where were these arguments before this bill wound up with the unanimous "Ought Not to Pass" Report and then all at once it is brought back and before you know it, there are three or four names on it, and one said, I am going to sign the report but I am not going to speak on it and then — boom. I don't like that kind of an operation. I know what is going to happen to this bill anyway. That is why I am that way and I don't want to have people proclaiming themselves champions when there are other champions.

You can amend this thing up or down as far as money is concerned. Prenatal care will be given. There might be a suggestion of abortion that might be tossed in also and that is my big reservation. I am going to stay with that reservation because I believe in that.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think I agree 100 percent with Mr. Norris from Brewer on this issue. This, basically, is a human rights issue and it is a very complex issue and oftentimes ends up being sidetracked and sidetracked to an ideological or emotional issue dealing with the very fact of an alternative, one alternative, to the problems that these women are facing and that is abortion.

I was a director of a program for unwed mothers and people with problem pregnancies for about a year and still work very closely with St. Andres Home and other facilities that do count for people in this state.

The one major issue was that there was only one alternative available for people in these circumstances, that is certainly after the Supreme Court's decision and that was an abortion. This is an alternative. It is one solution to a very complex problem and since this is being a human rights issue, this being a woman's issue, therefore, it shouldn't be, just say, "pro life or a non-pro life" issue, this is basically a woman's

issue. This is a maternal health issue. This is a health issue, this is a family issue.

One of the major problems that people faced when they were faced with this, it wasn't AFDC that we were talking about, although it is tied into this because, as Mr. Norris said, this is directly aimed at poor people, a class of people obviously who don't have money but yet the problem is faced by upper and middle-classed people. They can solve their problems because they have the resources to do so, but what about the woman who wants to have good prenatal care for her child and she can't afford it? Well, the point is that she won't get it and she won't seek it and we at the legislature, for once, have to come to the position that we do have to pay for it. It does cost money to provide good prenatal care for children. If these children come into life with the handicap at the very beginning, they are not going to improve as time goes on. In fact, they are starting behind the eight ball anyway.

The main problem I see here is that we are making this an ideological issue with AFDC. I think for a lot of people, it goes against their grain to give anything to recipients of AFDC, but I see this as protecting the unborn child. This is an issue that goes at that child who can't articulate its problems. It can't defend itself and the 13- and 14-year-olds that people are talking about, unfortunately, these children, and admittedly they are children, but they are also at this point in life mothers. They can't articulate their problems because most of the time their parents are controlling their existence and many times I saw father and mother, uncle and aunt, grandmother and grandfather disagreeing with what was right for the child. What did they choose? They chose the easiest way out. They chose, as Mr. Jalbert has stated, that he is against, abortion; that was one alternative. They didn't have the means to use the proper conception control. This isn't the issue, conception control. That has gone by the board. The child has been conceived, now we, as a state, must set policy, are we going to provide protection for this child?

When you look at the figures of what we are talking about, we mentioned the V-6 program, we have mentioned other programs dealing with AFDC, it looks to me there would be at least in the State of Maine approximately 800 cases that would be involved with this issue, and I am not going to sit here and wait for Dave Smith or the Commissioner of the Department of Human Services to say, "It is great, our AFDC rolls are going down, we are going to make sure we are going to do it in this way." That isn't the issue here. The issue is, are we going to provide adequate protection for these children and these mothers who need adequate health care?

Basically, the cost, as far as I can see, for the 300 mothers that would have first-born children who are not currently on AFDC, would be somewhere in the vicinity of state dollars of approximately \$390,000. The main reason I would see having the Department of Human Services provide this through this program is because it is universal. Anyone would have a right to apply for it. It would be applicable to anyone in the state. They wouldn't have to try to just go through family planning. They wouldn't have to go through the local municipalities if a county doesn't provide the service. This is the key issue. I see this as a human rights issue and I don't think it should be related to just abortion and non-abortion.

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

Ms. BENOIT: Mr. Speaker and Members of the House: First of all, I would like to say that I am not opposed to AFDC benefits in any way, but I am a little confused about one point and perhaps Representative Najarian or someone else will clear it up for me.



I believe that I heard someone say during the debate that unwed mothers on AFDC need proper prenatal care. Well during the debate, I went out and made a quick telephone call to Commissioner Smith because I understood that AFDC mothers were eligible for prenatal care and they are right from the beginning of pregnancy. I wish someone could clarify that for me because I have been led to believe that they are not eligible for prenatal care.

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

Mrs. NAJARIAN: Mr. Speaker, in answer to the question. The women who are already on AFDC, have living children, and if they are pregnant, naturally they already are covered for medical care. It is the woman who is pregnant for the first time who is not eligible for AFDC for the unborn child, any payment. There was no way. Because of the federal regulations, we could get coverage for just that group, that woman who is pregnant for the first time, without covering all the women who are presently on AFDC and pregnant again. I tried to see if we couldn't just get medical coverage for the woman who is pregnant for the first time, and that, again, was not possible.

Now, the reason that we had a 17-A in the first place, we did vote it out that way and then I asked if they would hold it up for me so I could explore the possibility of seeing if we could just provide coverage for the estimated 300 women who would be pregnant for the first time and don't come under the AFDC program until the baby is born. When the baby is born, they get their delivery costs paid and their prenatal care three months retroactive, after the fact, if they have had any. But most physicians require them to put the money out front and a lot of them don't have it.

There are still a lot of girls whose parents throw them out of their home when they become pregnant. They have no place to go, they have no money for rent, they have no money to buy food, they don't qualify for food stamps. What alternatives do they have?

This year, there were 1,500 babies born. The mothers wanted to have the babies but they had no prenatal care. It is a human rights issue, it is a health issue and I think this is a preventive measure in the health sense and I think this legislature should really start considering putting more money up front for prevention in many of these areas.

If this survives the first reading, I would like to propose an amendment tomorrow which would limit this to the biennium and put a sunset on it so that we can really evaluate whether this program is reaching the women that we want to reach. You couldn't do it for the first year, it is only a \$90,000 cost for the first year, because they expect a time lag, and for people to be informed that this is a program available again, so it would be in the second year that we would get any idea of its effectiveness and that is what I would like to do, have the department really keep good records on this program.

I still think that the department has over estimated the cost. Presently, a woman with one child receives an AFDC payment of \$184 a month, but that is the maximum payment. If they have any other income, that is deducted from that payment. So they are assuming that all the 300 women who would become eligible for this program would have absolutely no income. I have asked them to give me what the average income payment is for a mother with one child and they were supposed to have that ready for me today, but I still think that these costs are inflated. It is the very maximum amount they are providing for the maximum amount coverage and I don't think it would be that much but I am trying to get some different figures on it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: There is a new program that has come in here now. "I am going to put an amendment on it with a sunset clause. Every bill is just going to be for two years." Every bill is for two years anyway. You don't have to fund things. But we have a new thing now, we are going to put an amendment on it, a sunset clause, two years from now, so when two years from now comes, anything that gets in this kind of a program, "sorry, it was for two years, we stop the program." That is a new program that suddenly cropped in here, that is a great amendment.

Any youngster that is thrown out of their home, 13, 14 and 15, Commissioner David Smith told the Appropriations Committee ten days or two weeks ago that there are several youngsters who were out of their homes. I didn't even know it, I couldn't believe it, and they were on AFDC. Do you mean to tell me that if a child is on AFDC at 13, 14 or 15, do you mean to tell me that if that child winds up with child that they are going to say, how are they going to take care of the AFDC supported mother but not take care of the fetus inside the mother? Does that make any sense? They can get stamps. If they are alone, if they are on AFDC, they have no work, they have no visible means of support and no one to take care of them, they can get stamps. I know the food stamp program because I put it in originally in 1965 and I have had a million battles about it ever since.

The gentleman from Old Orchard Beach Mr. Kerry, and I, before he was a member of the legislature, have stood shoulder to shoulder until one, two and three o'clock in the morning fighting for abortion, fighting to get more money for St. Andres. I will ask him if there is a young mother or young lady of 13 or 14 or 15, if that child is out of the house, thrown out by the parents or otherwise, if that child is not going to be received with open arms at St. Andres? Give St. Andres \$200,000 or more a year if you really want to do something, but not this way.

I would like to welcome the lady from Portland, Mrs. Najarian, to the anti-abortion ranks — finally. We have lunched together at least two, sometimes four times a week — never believes any figures that are given by anybody. I asked her yesterday, would you believe God if he sent some figures down? Is there anybody on the Lord's earth? Before I would see a child, if it meant taking care of the child myself, I would do it, I would help, I would continue to help.

There is a reason for a bill to be given a unanimous "Ought Not to Pass" Report and suddenly it winds up with a nine to four deal. I don't know what we are going to do about it but the fact of the matter is, \$91,875 for the first year, \$400,528 for the second year. I would like to ask the lady from Portland one question, as a very capable member of the Appropriations Committee, could we kill this bill and then would she support giving \$91,875 for the first year and \$400,528 for the second year for St. Andres? We will take care of them and we will take care of them right. Will she do that?

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Mr. Jalbert for your question and it is true that we have stood side by side, maybe I was a little bit in the rear most of the time, I admit, trying to fight for pro life and human rights issues. But just to answer your question about St. Andres and this could apply to the Good Samaritan Home, the Home for Little Wanderers and other counseling agencies for people with problem pregnancies. They can't handle the case load of over 300 people that would be eligible for this first time pregnancy. You could put one million dollars

into St. Andres Home or the Good Samaritan Home, you will not get at the core issue here. The core issue is a universal state-wide issue that literally could hit every family in this state. If St. Andres can't handle it, neither could the Good Samaritan Home, neither could the group homes that are being developed through the St. Andres services, which this legislature is providing funds for and resources.

The main issue here is that it comes down to the individual family — and the individual family, believe it or not, if they are going to be in the home or outside of the home, it is always a problem of money. It is always a problem of resources to get that food, to pay for that rent, maintain independent living, to provide for that necessary medical care for the children in the family.

I just have to say and I would not want to be uncharitable in saying it but it seems that this body has a choice, they have a choice to provide these resources for these families or if they take the other attitude, it is almost as if you are saying "let them eat cake."

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I feel that the implication is being made here that only mothers with first children need help and although I would go along with the idea that they need it most, I would suggest to you that a mother with one child on AFDC, living on \$184.00 a month, could certainly use a little more assistance so that she might eat better and the child would be healthier.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think members of the Appropriations Committee, at least I know myself, agonized for a long period of time on this particular piece of legislation. It is a controversial piece of legislation but it is also a very important piece of legislation.

The gentleman from Lewiston was correct when he said at one point in time that this had a unanimous "Ought Not to Pass" Report. Then one of the committee members asked one of the AFDC recipients that had testified at the hearing to make a telephone call, and the reason why he did that was that the Commissioner of Human Services had indicated to the committee, and I would submit that this was the reason why it had the unanimous "Ought Not to Pass" Report, that there were a variety of agencies in the state, both public and private, that in fact would provide these types of services to women who were pregnant for the first time and who were not eligible for medical care benefits. That young woman did, in fact, make a telephone call to one of the regional offices of the Department of Human Services and attempted to get some information the Commissioner said was available and she drew a blank. She couldn't get the name of an agency or person to contact. I think at that point, that was when I changed my mind on this issue. On the one hand, we had the Commissioner telling the services are available, and on the other hand, we had a resident of this state trying to identify those services and finding that she couldn't get the assistance that she desired.

I do realize that this is an emotional issue and perhaps it is an emotional issue because it ultimately gets tied to the issue of AFDC. But it seems to me that we do have responsibilities to both the unborn child and the mother to make certain that during the period of pregnancy, both receive the proper medical care, and if the proper medical care is not available during the pregnancy, then as the good gentlewoman from Bath, Ms. Goodwin suggested, we may be the losers in the long run in a sense of the dollars that we have to spend to care for that particular individual, if that individual is born with birth

defects or other ailments the state ultimately has to assume the costs for. If this is not sufficient reason to vote for this bill, I ask you to consider it very carefully from a human rights point of view. Certainly protecting the health of an unborn child, regardless of the status of the mother or father, is something we can't disregard.

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

Mr. JALBERT: Mr. Speaker and Members of the House; I might suggest that the gentleman from Stonington, Mr. Greenlaw, another very capable member of the Appropriations Committee, decided on a lot of reasons why he should change his mind on this bill. I never heard him mention about the human rights issue of it before but I sure did listen to him this morning so I would like to join him in this way, and I would like to suggest this to the good lady from Portland, Mrs. Najarian, I might discuss the amendment with her at lunch, if she will be my guest, that, we do this. That if there is so much worry about the unborn child, and certainly I am worried about it, I am just saying that if a person is on AFDC and she winds up with child, whether it is the first, second, third or fourth, she is going to get taken care of and she is taken care of. But regardless of that fact, what about this? Never mind the sunset amendment for two years, I would never vote for that. I would vote for it forever, not for two years. Let's suggest another amendment. We are giving the Appropriations Committee an extra \$650 million beyond what we are giving now for AFDC, plus \$250,000 of matching Medicare money. What about amending, and if the figures are not right, I would suggest to the lady from Portland, Mrs. Najarian, if the figures are not right, and if she can get better figures, I presume the figures would be downwards from this, and she nods to that effect, but what about my suggesting this amendment? The amendment would be that the language would be put in that the \$650 million plus that we are going to give to AFDC, which has to be matched with \$250,000 of Medicare money, that the amendment would be put in that the unborn children will be taken care of out of the \$650 million extra that we are giving them?

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am a sponsor of this legislation and what the good gentleman from Lewiston would have you do is rob from the poor to pay for the poor, a similar situation Mr. Kelleher and I were put in the other day and I told him I wouldn't do it, take money from ADC to pay for foster care. I wouldn't take money from an ADC program to pay for other people. This program should stand or fall on its own merits and the money shouldn't come from another source.

It is too bad that a lot of the debate around this particular issue is centered around the issue of abortion, the right to choose and the right to life.

I am one person who has always stood in support of the woman's right to have an abortion if that is what she has decided. But on this particular issue here, and it has been expressed best in this debate by the Representative from Brewer, Mr. Norris, it is an issue that if a woman decides after she becomes pregnant that she is going to carry that baby and have that baby, that she should be entitled to the same type of medical care that every other person who can afford it can have. That is the issue. And for the life of me, I can't understand the position of Representative Jalbert and others who are opposed to abortion and yet would not support this particular bill. If this kind of legislation doesn't pass, it seems to me that what you are doing is you are encouraging abortion.

In 1974, the state, because of a lower court decision, had an unborn children's program. The court, and I am paraphrasing now, said that the fetus within a woman was considered a dependent, and because of that, if that woman, because of her finances, was eligible for ADC benefits or otherwise because of that fetus, that fetus would be considered a dependent and she would be on the program.

The program operated for two years. There were some 800 women who participated in the program and there were never any complaints that those women spent the money improperly, or that they didn't take advantage of the program in the way the program was designed.

In 1975, though, the Supreme Court ruled that that program could be optional, that the state wasn't required to provide the money, that it could do it if it wanted to, and based on that, this administration and this Commissioner over here said, their position was "we want to save money", so they stopped the program. That is the only reason that the program was discontinued because they didn't want to spend the money and that is the issue. It seems to me, no matter where you stand on the issue of abortion, if you believe in the right of a woman who is poor, to have proper prenatal medical and financial help, prior to her pregnancy because that is going to enable her to produce a healthy child, then you should support the bill, regardless of how you feel about abortion. It seems to me, if you feel that way, you would vote for the gentleman's motion to reconsider.

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

Mr. McBREAIRTY: Mr. Speaker and Members of the House: I had no intent to speak on this bill but I feel one point should be brought out. The Appropriations Committee will be recommending in the Part Two budget an \$800,000 increase for the AFDC recipients. If this bill passes, it has been agreed by the proponents that the funding will come from the \$800,000. I signed the "Ought Not to Pass" Report because I was convinced that the present recipients were badly in need of all the \$800,000. Now, I have set my priority, it is up to you to set yours.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to note in the debate this morning that the price figure for this legislation has been brought up several times. I don't know if my figures are right, we are talking about \$100,000 the first year and \$400,000 for the second year or something in that area. But yet, two days ago, this House sat here and spent \$200,000 on billboards, \$200,000 on billboards and you passed that. Now you are talking about kids, the lives of people, and you have problems with that. Where are your priorities? Where are your priorities? That is the time that we start making decisions. That billboard bill should be as dead as it comes, so that we can start helping people.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am still trying to make up my mind on this legislation. It is tough for me, especially being new. There are four things that come to my mind and I haven't heard the questions answered yet, perhaps they will be during the course of the debate.

First of all, a little story. I have a young lady in my particular district who has two sets of twins. She has never been married, she is working on the third set and I ask her, I said "why?" and she said, "Well, I heard somewhere, that if I get three sets of twins, the state is going to give me a little more money and there are three department stores that will give me free fur-

niture." And this was the type of rationale that I heard.

The four questions that I have on this particular bill are — could this be an incentive for a young girl to leave home, to not have to face her parents because she knows if she does leave home she will have the extra money that she needs? That is one question. Then, if she does leave home, this again compounds the problem. The second question, is this an incentive for a young girl and the father of the child who she is perhaps living with not to get married, because there again, this is a source of added income? The third thing that is on my mind, are there any safeguards built into this legislation that require that families of the young girls who have the means to help them, to require them to help these girls rather than the taxpayer? The fourth thing, what assurances are you going to give me and the people of my town who pay taxes, that the money that is coming from this program, the checks that are being sent to that young lady, is going to be spent on prenatal care? Because if it is going to be spent on prenatal care, I am all for it. But if it is going to be spent on something else, then I am not. Can you assure me? I don't think you can. If you can, I am for you. Another question: How many states have adopted similar legislation?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I voted against this bill at the first consideration because of a concern that is somewhat similar to the concern of Representative McKean.

The problem that I have had with this bill and I had it last session as well is that the AFDC program, is based on a set of assumptions that deal with children who have been born, who are being raised by their parents. There is a formula and the formula is outdated. The funds are not sufficient but they are supposed to be based on the needs of having children living in a family. The feeling that I found almost universally among the people that I talked in my district to about this whole question is similar to Mr. McKean's. They are willing to support prenatal care, they are willing to help young girls who become pregnant for the first time but they don't feel that the AFDC program, as it is set up, is the proper vehicle to do that. It is not tailored to this situation, it is not aimed at the situation of the woman who is pregnant but who hasn't given birth to a child. The formulas, as I understand it, are not geared to that situation.

The problem I have is that it appears from what has been said so far that the federal regulations, as they are established, don't provide us with any mechanism for getting the federal matching dollars to provide the help and the assistance to the women who find themselves in this position. As a result, as I gather from the debate, because of these regulations, we can't address the problem of the woman who is pregnant, as a separate problem. We can't deal with that and say these are in fact the needs of women who have become pregnant and who have these medical needs which are different, who may need support of certain kinds that are different from women who have families and a number of children who have been born and whom they are trying to raise. The concerns are different, the child going to school has very different needs from the unborn child or the fetus who is two or three months along the way and it offends the sense of how to solve problems of an awful lot of people that I have talked to, to do it in this manner. But on the other hand, if under the federal regulations there is no other way that we can provide the assistance to the people that need it who are in this situation, if the federal rules provide that this is the only mechanism, and the only approach that this problem can be dealt with, I think there is a terrible problem with

those federal regulations, but if that is the fact, and if that is the reality that we have to deal with, then I would be willing to change my vote and vote in favor of reconsideration.

So, I would pose a question through the Chair to the Chairman of the Appropriations Committee or the Representative from Portland, or somebody who is familiar in detail with this problem. The question is, have the federal regulations put us in the position where the only way that we can provide assistance to these people is to deal with it through the AFDC program?

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

Mrs. NAJARIAN: Mr. Speaker, the answer to that question is, yes. I think the federal regulations are very arbitrary and illogical, they make no sense at all, because the women who have children, are on AFDC, receive an income supplement and they receive medical care. It is the women who are pregnant for the first time that the federal government will not apply any match to our money unless we cover everybody. Now, I think that if everybody were willing and the department, we could challenge that in a court, and we would win it, but I don't know whether anybody is ready to go to bat for it. I have no qualms that their regulation is arbitrary and according to the statement by the Supreme Court Justice, he says the states can use their money economically in programs to help encourage childbirth and their limited financial resources, but it is the federal regulations that are holding us up. As of now, this is the cheapest way for us to help these 300 some women. There isn't time to establish prenatal clinics in different areas of this state or to build up St. Andres. This is the cheapest way, for now, that we can do it and cover these women. Heaven knows, I have tried for the last two weeks to find ways that we could do it more cheaply, and to just cover the women that we see are in most need of help but without federal participation it ends up costing just as much. The women who are already on AFDC are receiving such a paltry sum, that it is not money that we are wasting, for Heaven's sake, they are living on 85 percent of 1969 standards of living, which is really, really poverty level. We aren't paying any excessive sums to them now. Just in response to the gentleman, Mr. McBreairty, who said that there was agreement among the committee that if this bill passed, it would be deducted from the \$600,000 we are planning to give to the present AFDC recipients, that was suggested by the Chairman of our Committee, and as I remember, I bit my tongue, nobody said anything and there was no agreement to do that.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: With that response from the gentlewoman from Portland, I will vote to reconsider my earlier vote on this matter but I would like to say on the record that I think there is a terrible problem with the existing regulations that puts the legislature of this state in the position where we have to vote to deal with this problem through the vehicle of AFDC coverage and can't respond specifically to the problem that I think all of us are concerned about, which is adequate prenatal care and support for the people that need it.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I thought I was going to address this bill with a new concept but the gentleman from Limestone, Mr. McKean, almost stole away my speech.

I call this an inducement bill. It has been mentioned here that 300 people last year could have been eligible. Then I heard 900, then I heard 1000. I guarantee you this, and I know this

for a fact, if you pass this bill, you will have 3,000 women on those rolls next year. This is an inducement for them to go out and get children with a "devil may care" attitude, "because I am going to be taken care of by the state." And don't think that it is only poor people on this program, there are plenty of other people who know how to earn a living but they don't want to work. We are talking about the right to quit, the voluntary quit bill, and this is one of these things, voluntary getting babies so they may get more and more money.

And another thing I know for a fact, in Lewiston right now, it happened last year and it will happen again, some of these girls are going out and asking men to get them pregnant so that they can collect more ADC, and that is the truth.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to speak on this bill because there has been so much debate and I feel as though people pretty much have their minds made up, but after the last speaker, I feel as though I have to. If anyone in this body seriously believes that a woman is going to get pregnant, who has no children, for the sole purpose of receiving \$184 a month to live on from the state, I think that they had better think again. For heaven's sakes, we are getting \$180 a week and we don't think we are overpaid I don't even understand how a person can live on \$184 a month. And to think that passing this bill is going to induce women to get pregnant, it is just ludicrous to me, aside from the fact that I just can't imagine a woman having to beg someone to get her pregnant.

The gentleman from Limestone, Mr. McKean, had several points that I feel might be bothering people and I don't feel they are valid points. He gave the example of the woman with two sets of twins, working on her third set. I feel this is a case of trying to induce us to have negative feelings towards people on AFDC, which I think all of us know there are some abuses and we all have some negative feelings and many of us have a great many negative feelings, but this is a case of the sins of the mother falling on the child.

(A) The mother does something she is not supposed to do, she is unmarried and she has sexual relations. (B) She further compounds this by being foolish enough to get pregnant, and not use some sort of precaution. These are terribly immoral things in the minds of some people. Therefore, we should punish her unborn child by not giving her the money to take proper care of herself, not for her sake, not for her sake, for the sake of the child. No, there are no guarantees that she is going to use this money to take care of herself. What guarantees do we have on anything, absolutely what guarantees?

As far as I am concerned, if we put the money into this program and we help a few children not to be born mentally retarded, not to be born with some sort of physical defect that they will suffer with and, incidentally, we will pay for, for the rest of the child's life, well I think it is worthwhile. Also incidentally, it seems to me the last legislature gave a great deal of money to Commissioner Smith to eliminate the fraud in the AFDC program. I don't know the exact figure, I am sure Mrs. Najarian does, she probably knows the exact figure and she probably knows the number of people, and my understanding is that he has been successful, by his own words, in eliminating fraud in this program. So if the girl is living with her boyfriend and isn't going to get married, she shouldn't qualify for the program. I am sure Commissioner Smith's valets would there would ferret this out and would not allow her to be on the program.

I would urge that we would reconsider our passage of this bill.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I didn't intend to speak on this again but I guess like the gentlewoman from Augusta, I am incensed by the argument that somebody is going to get pregnant because we are going to provide this. It is obvious that the gentleman from Lewiston and the gentleman from Limestone have never been pregnant. Well, I have and I can tell you that the little pittance that you would get from this would be no inducement for me to carry another child. In fact, \$5,000 a month wouldn't be enough for me to deliver another 8½ pound baby. Now, that argument is just completely ridiculous.

The other thing, the question which was raised about shouldn't the parents be made responsible for the young children, under Maine law? I believe, and I am sure some attorney can correct me, parents are liable for the support of their minor children. In fact, it might interest you to know that women are liable for the support of their husbands if they are in need as well, for those of you who don't like ERA. But I don't worry very much that a 13 or 14 year old girl who has been thrown out of the home by her parents is going to seek legal redress.

Mr. Goodwin of South Berwick moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no. The Chair opens the vote.

A vote of the House was taken, and more than one third of the members present having voted for the previous question, the motion was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: There were two questions that were asked that haven't been answered yet and I would like to be able to respond to that and consequently I hope you wouldn't vote for the pending question.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have not made up my mind on this particular issue. It is one of the few issues where I haven't really felt how I should go. I did vote against it originally and I have been listening to all of the debate and I would hope that we would vote against putting the question now so we can have further discussions on this because I think there may be others who are wrestling in their mind over this very complex issue.

The SPEAKER: The Chair will order the vote. The pending question before the House is, shall the main question be put now? Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 49 in the negative, the main question was ordered.

Mr. Jalbort of Lewiston was granted permission to speak a fourth time.

Mr. JALBERT: Mr. Speaker, Members of the House: The good young lady from Augusta just put her finger right on it. "Are they going to take care of the mother with child through AFDC but not take care of the unborn child?" There is your answer. We will take care of you but not the fetus. I will ask her a question, what do you do with the fetus?

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: Representative McKean and that was followed up by Representative Cote, had a series of questions and I think most of them were adequately answered by Representative Goodwin and Representative Kane. But one of the questions that were asked was were there any safeguards built into this? And I have received several notes asking the same question, that if they got the money, would they spend the money on the right thing? The answer to that is, there are no safeguards. But it just seems to me that if a woman is pregnant and has what is going to be at some point a human being growing inside of her, that she feels something for what is inside of her and is going to do everything within her power to take care of that which is going to be her son or her daughter and that she isn't going to go on and spend it on beer, if she understands that drinking beer is going to be harmful to what is growing inside her body, if she has access to the medical programs that are going to tell her what she should do and what she shouldn't do. I am sure in some cases there is going to be abuse but in the majority of cases, there wouldn't, but there are no safeguards built in.

The other question that was asked, are there other states that have an unborn children's program? The answer that we just got from the Department of Human Services is, yes, there are 29 or 30 states that have an unborn children's program.

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

Mr. WILFONG: Mr. Speaker, Members of the House: I have a couple of questions I would like to ask so that perhaps I can clear my mind up on this a little bit.

First of all, would a woman who didn't have any children and was pregnant be eligible for Medicaid? That is the first question. I see heads shaking saying, no.

Secondly, would she be eligible for the WIC program, the nutrition program that is being set up? I understand that the WIC program nationwide has about a \$230 million budget. I know that they have a lot of money in the State of Maine. The WIC program works with nutrition for mothers who are carrying child. Mrs. Najarian perhaps would answer?

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian, who may respond if she so desires.

Mrs. NAJARIAN: Mr. Speaker: The answer to the first question is no, on the Medicaid program. A mother pregnant for the first time wouldn't be eligible for the medical programs, Medicaid or the Medical Needy.

The WIC program, from what I have seen of it, and that is called Women, Infants and Children Program, I think would be an excellent program. However, it is just beginning in some parts of the State of Maine. Cumberland County doesn't have it, Androscoggin doesn't have it, Arrostook County doesn't have it and probably some other counties. For whatever reason, I don't know why the state has not encouraged that program and it is not available now, and this looks like a quicker route to go for the present time. If that got started and was available in all the counties in the state and doing in Maine what it seems to be doing in some other areas throughout the country, I don't think we would need this. But we just don't have the WIC program now.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I think that there is a statewide WIC coordinator now. I know I talked with the woman who is in charge of the program in the tri-county area, which is Franklin County, Androscoggin County and Oxford County, and they have a lot of money available. I believe she told me around \$400,000 just in those three coun-

ties. I know that she has an assistant and that they are out working hard and that they have, I believe, as many as a hundred volunteers who are working to help them, in the Farmington area at any rate, nutritional people from the university. Apparently, they have a very extensive program set up at least in that tri-county area and she did tell me that there was a statewide coordinator.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby this body failed to accept the "Ought to Pass" Report. If you are in favor of reconsideration you will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Carey, Carroll, Chonko, Connolly, Cox, Curran, Davies, Devoe, Dow, Flanagan, Gillis, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lizotte, Locke, Lynch, Mahany, McHenry, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Pearson, Peterson, Plourde, Post, Quinn, Rideout, Spencer, Tarbell, Theriault, Tierney, Trafton, Twitchell, Tyndale, Valentine, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Benoit, Berry, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cote, Cunningham, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Fowle, Garsoe, Gauthier, Gill, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Laffin, Lewis, Littlefield, Lougee, Lunt, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBairty, McKean, McMahon, McPherson, Mills, Moody, Morton, Nelson, N.; Palmer, Peltier, Perkins, Prescott, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Torrey, Tozier, Truman, Whittemore, Wilfong.

ABSENT — Carrier, Talbot.

Yes, 67; No, 82; Absent, 2.

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

Sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Kelleher of Bangor, the House reconsidered its action of earlier in the day whereby it passed Joint Order (H. P. 1785) relative to a study of the various methods for setting budgetary priorities for State Government and of the various methods for implementing these priorities.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of the Order.

I was a little late getting in my seat this morning and I just happened to notice this order, perhaps most of you have read it but I didn't. But if you look on Page 6, it says: Order that the Senate concurring that there be established a Joint Select Committee on Legislative Finance Policy. Now, if there is anything in my opinion that I don't think this

legislature needs, it is another joint select committee. We have a Taxation Committee, we have an Appropriations Committee and we have a Performance Audit Committee, plus the Standing Committees, now. Because of the fact we have a Legislative Council, that we abolished the old Research Committee, each committee generally stand, review and understand what legislation they have before them. I can't honestly understand why we need to create a Select Policy Committee for this legislature when we have the Appropriations and Financial Affairs Committee which, in fact, monitors, in my opinion, the operation of state government, as well as the distinguished committee on State Government and the distinguished Committee on Taxation dealing with our tax programs.

I think this is a needless order. I request the yeas and nays and I would hope that this House would stand and vote against creating an additional select committee which, in my opinion, is not needed because of the governmental operation programs that we presently have.

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

Mr. WILFONG: Mr. Speaker, Members of the House: I am not sure I know just exactly what Mr. Kelleher is talking about. At any rate, we are not establishing a new committee that is going to be the same as a Joint Standing Committee. What we are doing is establishing a committee that was the recommendation of leadership when Mr. Palmer and I withdrew our budget reform bills so that we could study the budget process in the state and come up with some recommendations for the second annual session of the 107th or 108th Legislature so that we could come up with some budget reform measures that we all know we need badly. That is what this committee would be doing, trying to come up with some new budget procedures and make its recommendations known to us in the second session. It is not a new joint standing committee or anything of the sort.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think my good friend from Stow understands my position quite well, because I had discussed with him before dealing with his alleged budget committee in the early part of the session. I believe the good gentleman from Nobleboro understands what my position was at that time dealing with the Select Budget Committee. I think that we have the mechanics now to operate our state government, and if the Appropriations Committee, and there are a number of veteran legislators serving on that committee, can't come back at the next session to set priorities or recommendations dealing with the operations of state government in terms of our financial obligations, then I can't for the life of me understand how 13 other people or 10 other people in this House could do any better or any different. I think it is needless, I believe it is a waste of the taxpayer's money, simply because we have standing committees now that can do just that.

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

Mr. WILFONG: Mr. Speaker, Members of the House: It doesn't establish a new committee to do what the Appropriation's Committee does, not at all. All it is doing, is establishing a committee to look into whether this budgetary system is working properly, that everything is oiled and greased and working the way you would like to see it work, you don't think we need budget reform, then I guess you ought to vote against the order. But if you don't think that the budget system is working properly, and you do think that we need to perhaps have some budget reform and you would like to have somebody looking into it, between now and the



second session, I would urge that you vote for the order.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen: Just a little brief past history. We structured a new committee, the Performance Audit Committee in this legislature and I was privileged to serve on that committee last session and we studied extensively and we made recommendations to the legislature, and to my knowledge, not one of the recommendations to the legislature, and to my knowledge, not one of the recommendations that were made to the legislature were accepted. They were turned down. Fish and Game, Lottery Commission, I could go on and on, and we were doing not exactly the same thing, but semantically probably the same thing that this order calls for and absolutely nothing happened. We spent all summer and every one of the reports went in the round file, went in the trash can. Reams of papers.

So, I hope that you go along with the gentleman from Bangor this morning, Mr. Kelleher, and indefinitely postpone this order.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you not to vote for indefinite postponement of this order. For the last two sessions of the legislature, at every session, the problem has come up that we have to fund part of the budget before we fund the rest. The legislature has tried to come to grips with the problems of establishing state priorities, there were a number of bills that were put in this session, there were bills in the last session and the bills dealing with the budget process that were submitted this session, have been withdrawn because the committees that they were referred to felt that they could not handle them within the time limit that was left. It seems to me that this is one of the fundamental, structural problems facing the legislature and that it is of utmost importance, both to the legislature and to the state as a whole, that we resolve this, the timing problems and the other problems with the budget process, and this is the mechanism that can do it.

Every session that I have been here, this issue has come up. It has been discussed on the floor, it has been debated in the press, there have been editorials in every paper in the state saying that we need to change the system and so far nothing has been done. We have agreed to withdraw the budget bills that were put in because the committees didn't feel that they had time to pull them together and this order is an effort to keep that process going so that the various suggestions that have been made can all be considered and when we come back to the next regular session, we will have budget reform legislation that this legislature can act on. I think this is perhaps one of the most critical issues facing this legislature and I would urge you not to indefinitely postpone this order.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If this issue is so critical, my good friend, Mr. Spencer, then I am surprised that you as the sponsor of this order didn't pursue the fact of the budget proposed bill that was before the legislature. And if it was so critical, the committees that those bills were assigned to I think would have just as much judgment in determining whether, in fact, it was necessary to report them out. I think the problem might have been, and maybe I am misunderstanding my own judgment at times, but there would probably would have been a negative report coming out. Here is an example of where we are going. If you can't

throw a forward pass, let's see them run with it, that is all.

I personally don't think this is necessary. I have the greatest respect for the Joint Standing Committees, which are both Appropriations and Financial Affairs, as well as Performance Audit, and as Mr. Norris so correctly pointed out, that was the reason it was created, to monitor, to supervise. And if that committee is not getting the necessary bills to do that, then perhaps the Reference of Bills Committee can change their method of putting bills in different committees. But, ladies and gentlemen, this is not necessary. I think it's a waste of money and I would hope that you would support my motion.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of the State Government Committee that had three of the Budget Reform Bills, I would like to give you just a brief history of what transpired.

It was almost the last week of the committee's working sessions when we got the final bill on budget reform. There were five sections in all three of the bills, the one sponsored by Mr. Wilfong, the one sponsored by Mr. Palmer and the one sponsored by the Governor. However, the State Government Committee, as hard working as they are, did not feel that they could address the entire issue of reforming the budget of the state, the process, in a week and felt that this was a critical area and the best way to approach it was in the study form.

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

Mr. PALMER: Mr. Speaker and Members of the House: I favor this order. Not necessarily do I consider the structure of the order exactly the way I would like to have it. I am not too sure that we need a special joint committee to do this. It may well be that the State Government Committee, which dealt with all three bills, might very well be the vehicle that could be used to bring out one bill.

I think that the problem, this last session, speaking quite honestly, is a problem of politics. We had a bill by the Governor, we had a bill by Republican leadership, we had a bill sponsored primarily by Democrats. I think that perhaps the committee felt, and I am just surmising this, that it was just too much of a problem politically to handle all three and it pooled the three together into a good, workable solution.

I think there is no question about the fact that we do need a different and a better budget process in this state and whether this vehicle is perfectly written, I don't know. I am sure it could be changed. I am sure that changes and amendments can be made to properly grease it so that it can do the job which needs to be done and I think perhaps if a recommendation in a bill came out of the committee, which is a bipartisan committee, one bill, with all forces working together, that perhaps it will stand a chance in the next session of the legislature of being passed. That I think is one of the primary needs in the state right now, and with this order, whether it be a perfect order or an imperfect order, I think it is a vehicle we can use for something which is totally necessary to help us revise the budget process.

So, I hope that we would not reconsider, that we would indeed pass this order and have it go on from there.

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 Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Members of the House: I concur wholeheartedly with the gentleman from Nobleboro.

Last night, Mr. Sanford, the head of WGAN, inaccurate section of reporting on government, took us to some task over our budget procedures.

I have no idea what kind of work this committee will produce but to deny them the opportunity to do it would seem to me to be very shortsighted. I consider the idea of a select committee to have some particularly attractive advantages. I don't believe there is anybody in state government who has yet served on appropriations, for example. I think that this cross fertilization of expertise is a very desirable and a very good thing and I would urge, strongly, that you do not reconsider.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I would say that the good gentleman from Nobleboro, Mr. Palmer, has never ceased to amaze me since 1947. He took a little conge for a few years but he hasn't changed a bit. If this passes, I guarantee you, before things are all over, this bauble will wind up united under one roof with both Democrats and Republicans.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will go along with Mr. Kelleher this morning, not because I don't think we have a perfect budget process, but I do in fact think we are picking on the gentleman from Bangor, Mr. Henderson, if we pass this order and not his order.

The SPEAKER: The Chair would advise the gentleman to restrict his remarks to this order and to nothing else.

Mr. BOUDREAU: I would think that we should treat all orders the same, and I would think this order should suffer the same fate as other good orders that we have killed before.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: I suffer the same reluctance as some of you, apparently, about establishing a select committee when there seems to be adequate and ample expertise in the joint committees to do this work.

I wish to pose a question to Mr. Curran or any other appropriate committee chairman. Is there any sentiment amongst the members of any of the regular committees to have an order introduced charging their committee with doing this?

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: There are several members of the State Government Committee who have a very active interest in budget reform and would like to serve on such a committee. Originally, there was a suggestion that there would be several members of the State Government Committee, members of the Appropriations Committee, three members of the Performance Audit Committee, and then someone said, what about the expertise of people serving on Taxation? We felt, on Mr. Wilfong's particular study order, that this would leave it wide open so that the appointment could be made from any and all committees and it could be a variety of people with a variety of experience in the legislative and budget reform process.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that Joint Order, H.P. 1785, be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

## ROLL CALL

YEAS — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Birt, Boudreau, P.; Brown, K. C.; Bunker, Bustin, Carter, D.; Clark, Connors, Connolly, Cote, Cox, Cunningham, Devoe, Dexter, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gillis, Gould, Green, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Lougee, Mahany, Marshall, Masterman, Maxwell, Moody, Norris, Peltier, Perkins, Plourde, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Twitchell, Whittemore.

NAYS — Austin, Bennett, Benoit, Berry, Berube, Biron, Blodgett, Breneman, Burns, Carey, Carroll, Carter, F.; Chonko, Churchill, Curran, Davies, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hobbins, Howe, Jensen, Joyce, Kane, Kany, LaPlante, Locke, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Masterton, McBairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peterson, Post, Prescott, Quinn, Raymond, Rideout, Silsby, Spencer, Strout, Tierney, Tozier, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Boudreau, A.; Brown, K. L.; Carrier, Hughes, McKean, Talbot, Trafton. Yes, 70; No, 74; Absent, 7.

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

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

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

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

Tabled — June 27, 1977 by Ms. Clark of Freeport.

Pending — Passage to be Engrossed.

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

Mr. HOWE: Mr. Speaker and Members of the House: Let me review briefly the bill the way it came out of committee. The blue-sky law, as you may recall, is a law that requires a person offering securities for sale on the market to register with the Securities Division of the Bureau of Banking. They have to file a fairly complex body of information so that people who are potential investors, potential buyers of these securities will know what they are getting into. It is to provide people with information so that they know what kind of a risk they are going to be taking with their money. There is presently on the books an exemption to this registration requirement if no more than 10 security holders are going to be involved. The bill, as originally proposed, would have raised that exemption from 10 to 25. The majority of the committee felt that raising the exemption at all was improper, but a minority of the committee felt that it ought to be raised to 20, so it came out of the Business Legislation Committee and was amended so that the 25 limit became 20.

The reason for the exemption in the first place is so that small businesses do not have to come up with two or three thousand dollars in lawyers' fees which they need to pay in order to comply with some pretty complex registration requirements.

I was one member of the committee, in fact the majority of the committee felt that going from a fairly complex disclosure to potential investors to none at all was wrong. So Senator Chapman and I, and I am not speaking necessarily for all the members of the majority report on the Business Legislation Committee,

but Senator Chapman and I sat down with Senator Merrill, the sponsor of the bill, with the Assistant Commissioner of Banking and the head of the Securities Division, and we have come up with a short form of registration which you will find in House Amendment "A" to the bill under filing number H-863. The form is actually printed right in the bill, and the sponsor, I think, properly urged this be done so that we would know that the short form of registration was going to be a short form and wasn't going to block them into something that again would cost two or three thousand dollars in lawyers' fees. So the form is right in the bill. We have agreed that this is something that will provide potential investors with the information about the circumstances, the corporation they will be getting into, and yet not require that small corporation to come up with relatively large legal fees. In fact, I believe it would not have required their hiring an attorney in most cases to even fill this out. For the most part, it is a fill in the blanks kind of a form.

In the course of discussing this with the sponsor, his position was, well, if we are going to agree to a short form of registration or anything, we should go back to the original bill, raise the exemption to 25 instead of the committee's position of 20. I, for one, have agreed to that, so I am going to ask this morning that we remove the committee amendment and then adopt a House Amendment.

Thereupon, on motion of Mr. Howe of South Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-863) was read by the Clerk and 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 fifth item of Unfinished Business:

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

Tabled — June 27, 1977 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This is a bill that came out of our committee as sort of a backup to another bill on full advertising for all optometrists, their services, dentists, chiropractors and everything else. Since that other bill has been enacted on both bodies, this one is no longer needed, so I will move the indefinite postponement of this Bill.

Thereupon, on motion of Mr. Goodwin of South Berwick, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

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

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 27, 1977 by Mr. Carey of Waterville.

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

Thereupon, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

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

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 27, 1977 by Ms. Goodwin of Bath.

Pending — Acceptance of either Report.

On motion of Mr. Davies of Orono, retabled pending acceptance of either Report and tomorrow assigned.

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

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 27, 1977 by Mr. Strout of Corinth.

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: This bill pertaining to the Maine Turnpike Authority, to my dismay, has come out late in the session. The sponsors of the bill, Representative Morton, Representative Jackson, Representative Kelleher and myself, distributed a fact sheet earlier this week that I think lays out very briefly the whole thrust of this legislation. And without my going down point by point what the bill attempts to do, let me just see if I can summarize very quickly the thrust of this legislation.

Number one, as you all know, the revenue bonds that constructed the turnpike are due to be paid off sometime in 1981. The Maine Turnpike Authority has received results of consulting work that would indicate that come 1981, the maintenance costs for the Maine Turnpike Authority will be approximately \$4.9 million. It seems very clear to me, and I think to probably all of us, that the maintenance of that facility is an unavoidable cost which, if the tolls go off the turnpike, will have to be absorbed in part of the transportation budget.

It also seems to be rather obvious that given the type of problems that we are having at the legislature, at least this House up until this point in time has not seen fit to increase a penny on the gasoline tax, and it would be very very difficult, if not impossible, to absorb that maintenance cost into the Transportation budget.

Very briefly, what the bill with Committee Amendment "A" attempts to do, it attempts to maintain the tolls on the turnpike after the revenue bonds are paid off and to change the system of collecting the tolls from a so-called closed exit system to a barrier system. There would be four barriers along the Maine turnpike at which people would deposit 35 cents, regular cars would deposit 35 cents as they travel on the turnpike.

The bill also proposes to construct additional access roads onto the turnpike that would, I think, alleviate some congestion problems and allow easier access onto that particular facility. The bill also would allow revenue to be allocated to what will be known as interconnecting access roads for 10 miles on either side of the turnpike. That type of funding, it seems to me, which will ultimately be included in the



biennial bridge improvement program, will reduce some of the financial burden on the department's budget, and I think that probably is a very wise recommendation.

The bill also, as it is presently written with the Committee Amendment, does authorize the expansion of the turnpike from roughly York to South Portland, that it be expanded to three lanes. I am prepared, at second reading of this bill, to place an amendment onto the bill which would, in fact, make this a legislative decision. The Turnpike Authority would have to come back to the legislature in 1981 with some additional facts and justifications, and I think it is appropriate that the legislature make that type of decision in what would be the 110th Legislature.

The Maine Turnpike Authority remains intact, and I think that is an issue I would like to address very directly here. One of the additional things that the bill does is, it provides for a maximum bond issue of up to \$25 million to make the so-called conversion. The conversion would be the tearing down of the present exit toll facilities and the erection of the barrier facilities, plus the new interchanges that are listed on the fact sheet which we have distributed. It seems to me that if in fact we are going to have a bond issue, and there can perhaps be arguments there about that, that it is perhaps practical, necessary and desirable to have a Turnpike Authority that would be responsible for issuing those bonds.

The Attorney General has written me a letter which indicated that he feels there is no reason why the state could not issue revenue bonds, but at the same time, he obviously cannot address the issue of the marketability of those particular bonds and what reaction bond council would have to the state issuing those revenue bonds. The reason I say that is because he makes the point very clear that the legislature can decide to change things from what a previous legislature has done, and that may have some effect on the bond council.

I think the other reason for perhaps keeping the Turnpike Authority is that if we were to put this revenue in a special account under the Department of Transportation, I think there always will be the temptation, when we can't balance our highway budget, to raise that particular revenue. I think if we are going to collect tolls from the turnpike, they ought to be used for the maintenance, for the possible expansion, if that is what the 110th Legislature desires, and for the interconnecting access roads.

The question has been raised to me, 1981 is four years away, what is the necessity of dealing with this issue at this point in time? That is a legitimate question and I will try to answer that as directly as I can.

When I-95 was constructed between Portland and Gardiner, there were some barriers constructed and some interchanges connecting the turnpike at that particular facility. The federal government, it is my understanding, underwrote that cost on the same cost-sharing basis as the interstate was constructed under with the understanding that once the bond revenues were paid off, the tolls would, in fact, be taken off. The Turnpike Authority feels they can go to Congress and ask for some special legislation that would ask that we only pay back a portion of that cost. It is the feeling of the Turnpike Authority and the Commissioner of Transportation that it will, in fact, take some period of time to formulate the proposal, submit it to Congress, go through the hearing process and with the feeling that Congress works in a much slower way than we do, that it would take some time to accomplish that end.

Committee Amendment "A" which has been attached to the bill, which also would have enumerated some of the changes, I think were made as the direct result of some well thought

out suggestions, or criticisms if you will, that were made at the public hearing on this particular bill. It seems to me that that addresses most of the issues.

I don't want to say anymore at this time because I have spoken enough already, but I certainly will be happy to try to respond to any questions you might have.

I also might add, in terms of keeping the tolls on the turnpike, I think it is important to realize that what we are talking about is the people who use the facility paying for that particular road. Presently, the toll revenue that we receive comes from approximately 50 percent resident and 50 percent nonresidents. So if it should be what I hope does not come to pass, the decision of the legislature to discontinue the tolls, what we are in effect doing is placing an additional tax burden, if you will, upon the people of Maine.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

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

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

The gentleman may proceed.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken with many of you in the halls privately on this and you have spoken with a good many other people. This has been an issue, I think, that has been well discussed outside of this chamber.

I have the utmost respect for my friend and colleague, the gentleman from Stonington, Mr. Greenlaw, and I regret having to oppose him on this bill, but I do, most strenuously in fact.

I speak from several perspectives. I will try to be brief but I wish to make certain points and ask you to think about them. If my motion is not successful today, I will certainly not be perturbed but I would ask you to think about the points that are raised in any event.

First, I speak from a perspective as a York County legislator whose area will be impacted very severely by the bill in its present form. At least three of the toll facilities will be in York County. The York County delegation caucused on this matter and all of those present agreed to oppose this bill for that reason. You might say, well, that is a very self-serving reason, and perhaps it is, but I suspect you will understand that our obligation to our constituents requires us, we believe, to take the position for that reason.

However, I have other reasons for wishing to comment on this bill. First of all, as the preceding speaker stated, the argument can be made that there is no compelling reason to address this subject now. The proposed action does not have to be taken before 1981. I will concede that it is not unwise to discuss the issue, however, although I do believe the argument can be made that we don't have to make the decision now, I do believe the discussion of it might be a good thing.

The second point, I will also concede that the maintenance cost is as has been stated, and I personally have no problems continuing the tolls, although not in the manner suggested by the bill. I personally would favor continuing the tolls as opposed to dumping the whole cost of the pike onto the Department of Transportation and the taxpayers and the general tax monies from the gas tax. So that is not really the issue either that I am concerned about. You might say, well, what are your concerns? Well, I am first of all, I question very very much the wisdom of continuing the Maine Turnpike Authority as an entity and, furthermore, allowing that Authority to sell more bonds — number one, for the widening of the road and, number

two, more importantly, for the tearing down of the existing toll booths and facilities and the building of new barrier-type tolls, which I submit are both unwise and also very energy inefficient.

Aside from the fact that I have driven on the Connecticut Turnpike and the Garden State Parkway, as perhaps you have, and have driven up to the barrier type tolls and dropped my quarter into them, and conceding the fact that we might go with mechanical tolls in such barrier types here in Maine which, of course, would put out of work all of the existing toll collectors if we did do that, making those two points, I submit to you that those types of toll booths are very inefficient.

During my tenure as a full-time teacher, I worked for five summers as an employee of the Maine Turnpike at the toll in York. So I know of what I speak, because that toll, along with the Augusta toll, is the one at which the traffic backs up. And, ladies and gentlemen, we had the maximum number of booths and they were always open on the holidays, and I can recall traffic backed up three-quarters of a mile.

I submit to you that if we are asking people to traverse this road under this proposal, particularly during the summer, to pay tolls on an on-system barrier type facility, we are not really energy efficient compared to off-system tolls which we now have and which allow people to get off the main road and pay where they want to get off. I also, to repeat myself, feel it is unwise and rather foolish fiscal policy to authorize the sale of bonds to tear down existing facilities. I would think it would be much more prudent to authorize the establishment of a commuter pass or expand the present pass system that the MTA presently has for high volume users on the road. That can be done now by the MTA if they had a mind to do that.

I do feel we have an opportunity here to eliminate an agency, a bureaucracy, to sunset the MTA, the Maine Turnpike Authority, and I hope we do. In light of all the discussion we have had in recent weeks, with which I agree, we should take advantage of these oversight, sunset approaches whenever possible and I think we have an excellent opportunity to do that now.

The bill runs contrary to that. The bill would continue the MTA and I wish to read excerpts from an article that appeared just last week in the York County Star which was the result of an in-depth interview with Mr. David Stevens, and I submit this article to prove to you that the Maine Turnpike Authority's previous management of its affairs does not inspire my confidence nor should it inspire yours as far as allowing them to rebond and control the repayment of those bonds. The article is entitled "Turnpike Cost has Doubled — Bill for Maine Highway to be \$143 Million," written by Miss Lynne Langley with whom I have spoken and verified the comments in this article.

"The price tag for the Maine Turnpike is rapidly climbing toward \$143.2 million, nearly twice the cost of the initial construction.

"Construction of the State's superhighway was financed with the sale of \$78.6 million in bonds in 1953. Interest has been adding up ever since.

"Between 1953 and 1964, the Maine Turnpike Authority retired none of the bonds. The Authority was paying \$3,144,000 annually in interest alone, according to David Stevens, secretary-treasurer of the Turnpike Authority.

"Before the first penny was ever re-paid on the principal, the Turnpike Authority had spent more than \$34.6 million in Turnpike users' tolls on interest alone.

"More difficult to estimate is the interest paid during the last 18 years. In that 18 years time, \$50.6 million in bonds have been retired.

"I haven't attempted to determine it," Stevens said. In other words, Mr. Stevens was unable to

answer the reporters questions as to why the MTA has followed the policy that it has. In due deference to the gentleman, he has fairly recently joined the staff of the Maine Turnpike Authority and he is not responsible himself for the policies I am describing.

"No one at the Turnpike Authority has, he added.

If anyone knows, First National Bank of Boston does, Stevens said. First National purchases bonds for the Authority and has records of transactions.

"As to the interest paid, I couldn't even guess," said First National's Max Goldsmith, who is familiar with the Turnpike Authority's portfolio.

"Goldsmith did note that at the current retirement rate of \$5.25 million annually, it will take the Turnpike Authority more than five years to finish purchasing the nearly \$28 million in outstanding bonds.

"The Turnpike Authority has been saying it expects to complete bond purchase in 1981, four years from now.

"Although it is impossible to determine a precise interest figure, interest paid since bond purchase began in 1964 will be in the vicinity of \$30 million if all bonds are retired in 1981.

"That brings the cost of the Maine Turnpike to \$143.2 million not including the additional expense of projects such as the \$7 million program to lower the median strip of the Turnpike along 30 miles in York County or the widening of six miles of Turnpike to six lanes from York to Wells."

I am skipping ahead somewhat to save you from having to listen to all of this. "The Turnpike Authority currently is purchasing its \$1,000 bonds at \$1,015 or slightly less, he said," (he being Stevens). "Buying the bonds at premium adds a bit more to the total cost to the turnpike, making the \$143.2 million a bit conservative. By law, all tolls would be removed from the Maine Turnpike and the Authority would cease to exist when the bonds are paid. Stevens does predict final bond redemption in 1981."

Elsewhere in here and I don't see it right now, but elsewhere in this article is the listing of the priorities of the turnpike. That is, what do they do with their revenues which are quite high and why has so little been paid off, relatively speaking, during the life of the MTA? The point is made in the article that due to extremely conservative management which may or may not be good, what you might call the contingency account is extremely healthy to the detriment of the bonds that are still not repurchased.

The point I wish to make in reading all this, and I do apologize for doing so, is that the previous fiscal management of the Maine Turnpike Authority does not inspire my confidence as a citizen or as a legislator. For that reason, I don't believe that we ought to turn right around and entrust to them the continuing responsibility and authority over a turnpike entity. I personally would be quite comfortable with continuing the tolls, although in a different fashion than the bill calls for, and arranging the laws in such a way that the Department of Transportation is in a position to run the turnpike as a turnpike. I would further feel quite comfortable if the DOT were able to do that keeping the existing toll facilities and taking into the state employment service the employees of the turnpike.

I guess I have said enough. I am sorry for belaboring the point. Whether or not you support my motion, I truly hope that you will consider the ramifications of this issue very very thoroughly.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Lisbon Falls,

Mr. Tierney. My question is as follows: Yesterday, in a Democratic caucus, this issue began to be discussed. The sponsor of the bill, Representative Greenlaw, discussed it, the sponsor of an amendment, Representative Biron, discussed it. I got up to discuss it, questioning this entire bill and questioning my amendment, raising a few points. The gentleman from Lisbon Falls, at that point, said we were in a hurry, we wanted to get going, we wanted to get back in session. He assured us we would not be taking the bill up yesterday, that we had more time and there would be plenty of time for a caucus and perhaps a joint caucus would be in order. I would raise a question to that gentleman as to what has occurred and why a joint caucus was not ordered.

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

Mr. TIERNEY: Mr. Speaker, a parliamentary inquiry. In order to answer that question, which I am more than anxious to do, it has nothing to do with the merits of this bill and I would like to ask you if I would be able to answer that question.

The SPEAKER: The Chair would answer in the affirmative.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: The answer, to the best of my conclusion, is the gentleman is absolutely correct. I had hoped to have a caucus or perhaps a joint caucus on this issue. In discussion with the Minority Leader, Mr. Palmer, and with the Speaker this morning, however, after lengthy debate over the two orders, one dealing with CETA and one dealing with legislative reform, given the fact that we have just a great number of other pieces of legislation, I just felt that we had run out of time and that is why I made the decision I did.

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

Mr. BIRON: Mr. Speaker, I would like to pose a question through the Chair to anyone who wishes to answer. If the motion to indefinitely postpone does prevail, will it be the condition of the Maine Turnpike Authority that in 1981, when the bonds are paid, that the Maine Turnpike Authority would be dissolved and at that time the roadways which we now consider the Maine Turnpike would become a free roadway in the state of Maine?

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

Mr. MORTON: Mr. Speaker, to the best of my knowledge, the answer to the question is yes, pending legislation that might intervene between now and 1981.

Mr. Speaker, I would like to proceed on the question. I would like at this point in time to discuss the remarks of the gentleman from Kennebunk, Mr. McMahon. He obviously has made the motion to indefinitely postpone this legislation and has given you some good reasons why he feels that that should be done. I would like to attempt to shoot holes in a couple of the arguments that he made, and I think they were the two principal arguments he made. The first one was that he questioned the wisdom of the authority in its plans to widen the road and change the method of collecting tolls from entry-type systems to barrier type systems. He cited in particular the barrier or the entry problem that exists at the lowest end of the turnpike where you enter Maine and the tremendous backup that existed. I would suggest, ladies and gentlemen, if any of you have ridden the turnpike, and I presume you have, or other barrier-type systems, this particular entrance to the turnpike is nothing else now but a barrier. That is exactly what exists. The barrier-type system does pass traffic more rapidly than the other type entries. That particular entrance is always going to be a barrier

system. I submit that it is capable of expansion. If a backup situation is taking place, then a barrier-type system can be widened and more booths can be installed and this can be done on a scientific basis on the number of cars that are going to use this facility and hence a barrier-type system at that point is the most flexible method of entry and it is the method that is there at the present time. I don't feel that the argument that there is a big backup at the entrance to the turnpike on the southern end is due to the barrier-type system. In fact, the barrier-type system would tend to alleviate that backup and make it so that it could be alleviated even further if the need arose.

He discussed in great detail the financial running of the turnpike, the paying off of bonds and that sort of thing. I trust that if any of you have ever bought anything on time, which is what we did when we bought the turnpike and paid for it with bonds, you know just as well as I do that the first years of an amortization of that sort of thing are mostly interest. You have just got to pay the interest as it comes along. That portion of your amortization payments is necessarily small with respect to the principal. That is what takes place anytime you amortize anything, whether it is a turnpike bond or an automobile.

I don't think the argument that in the early days of the turnpike a great deal of money was spent on interest and none on reduction of principal holds much weight, because it is the nature of the thing and how you can do these things. It is the only way you can do them. It certainly is, I think, on the plus side now, it has turned over.

The gentleman says he has no quarrel with the maintenance cost estimates that have been put forth, that it will be a burden on the people of the State of Maine if we do not continue the tolls, and he is in favor of continuing the tolls. I would submit to you that the traffic on the turnpike has continued to increase, particularly in late years much more rapidly than was originally contemplated. There are times when the turnpike is becoming rather heavily loaded in the lower sections so that the third lane on each side that has been added is a boon in the first five or six miles and that we certainly need to continue to think in terms of that widening, at least as far as Portland, eventually.

The only question now, ladies and gentlemen, that comes in is to whether or not you feel that it should be done with money all from the people who live in the State of Maine and pay taxes, gasoline taxes and all the rest of it, or whether you think we should charge the people who are willing to pay the premium to use this kind of a highway and get the money, at least half from out of staters and half from in-state people who choose to use the turnpike.

The barrier system will allow for a great deal of free use of the facility, because the areas around the metropolitan sections of the turnpike will be given free use through the barrier system to the citizens of those areas. We are expanding the ability of the turnpike to serve the people of Maine and apparently the only question now is to whether you feel it should be done, or the gentleman from Kennebunk thinks it should be done, by an authority or the state. Frankly, I think the Authority has done a pretty good job of fiscal management in that they are paying it off as it was originally contemplated, even though it was slightly slower in the first years.

The proof of the pudding, ladies and gentlemen, is in the eating. We have enjoyed the use of the turnpike. The people who have been paying the tolls have not been unhappy about paying those tolls. They have been willing to pay them. It has been proven by the fact that there are alternative roads to the turnpike and if we continue in the system we have, I think the

Turnpike Authority has done a fine job and has shown that it can financially manage the thing very well. I hope you do not go along with the motion to indefinitely postpone.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I am disappointed that the good gentleman from Lisbon Falls had told me, and other members at the caucus, that this issue would not be taken up until after the caucus was held on it. I assumed I could believe that; apparently something else has occurred.

On the bill itself, I would like to raise a couple of issues. If you will notice, coming out of the committee are two reports, Committee Report "A" and Committee Report "B". Committee Report "B" is the amendment that I sent out. There is only one real difference between the two amendments. Committee Amendment "B" says the legislature is going to have some authority over the Maine Turnpike if it ever decides it wants to exercise it. Committee Report "A" says continue the turnpike, allow them to issue bonds for 20 years. That is fine. But just remember, when you issue a bond, you are issuing a contract. The Constitution says we may not violate contracts. What that means is that when those bonds are issued, we give up any and all control. You say, well, okay, it is a 20 year bond. No, it is not. It is not a 20 year bond. It is bonding authority. Issue one 20 year bond, wait five years, issue another 20 year bond, wait five years, issue another 20 year bond. You are creating an authority that is above the legislature, that is above the law for as long as it wishes to continue. This is something that I do not believe in.

I have questions about authorities generally. Where possible, I don't think they should exist. I think the government, through the State of Maine, ought to control them, ought to control the functions, ought to be influenced by the elected officials of the people.

It seems to me that if we are going to continue to collect tolls and to run this road, and I have no problems with that, at the very least what we ought to do is prevent those bonds from being issued. The fact of the matter is, there is no reason whatsoever to issue bonds for 20 or 30 or 40 or 50 years except to prevent the legislature from ever having any control over that institution. The fact is that they want to issue bonds for a maximum of \$25 million to cover the initial start up costs, build a few new interchanges, buy back some federal sections that have been previously paid for with tax dollars and finally to institute some new toll barriers. That is fine. But take out a piece of paper and put down \$25 million. Then jot down on that same piece of paper the cost of maintaining the turnpike, and say it is \$5 million I don't believe it is anywhere near that yet, but assume that it is \$5 million. The revenue for the Maine Turnpike Authority last year was approximately \$15 million. By the year 2000, the estimates are that the turnpike revenue will be well in excess of \$25 million. You are talking a minimum \$10 million a year excess surplus revenue, call it anything you want.

It does not make any sense to me whatsoever to borrow \$25 million, put that out on a bond that lasts at least 20 years when you can pay it back in three years. These are maximum figures. The \$25 million figure is one they hope they will not have to borrow that much money for. If they need to borrow the money, let them borrow it for a couple of years once. Let them do whatever they feel is necessary as an ongoing proposition with no outstanding bond. If there are outstanding bonds, we lack control. The people of Maine lack control. The Turnpike Authority has all control over that.

I am not saying that we are going to have to step in and interfere and say do this or don't do

that, but I very much object and the constituency that I represent very much objects to the idea that an Authority is going to continue under nobody's control except members of that Authority. The present Authority members serve for 10 years. That is an excessive amount of time. Under the bill, it will still be six years. I consider that, again, an excessive amount of time.

I would urge that when you give some thought to this bill and you are deciding in your own mind what is going to happen, that you remember this, that if we enact the Majority Report with Committee Amendment "A", we are preventing any future legislature, we are preventing the people of Maine, through their elected officials, from controlling or having any real impact over what occurs.

This is something that to me is paramount. It is far more important, this issue of control, than anything else in this entire turnpike issue.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the motion of the gentleman of the House: I rise to support the motion of the gentleman from Kennebunk, Mr. McMahon, to indefinitely postpone this bill. I will begin by confessing to a very distinctly parochial interest in this matter. I live in York. I live where it begins or ends, depending on which direction you are heading in. I am not so sure but what I might take exception to the gentleman from Farmington, Mr. Morton, suggesting that people who use that road and pay the tolls are happy to do so. I use that road and pay the tolls and I am very unhappy about it.

The use of the Maine Turnpike, particularly for people going from York County in the southern part of the state to any place further north, is not an option, is not a luxury. If any of you have ever driven on Route 1 in York County, particularly the southern part of York County, in the summertime or on weekends, in the spring or in the fall, you would be faster to walk than to drive. For me, using the Maine Turnpike is not a luxury, it is not a convenience, it is a necessity in order to get anywhere from where I live to any point in this direction.

I can remember that probably from about the time I got my driver's license 18 years ago in the State of Maine, talk about how someday through the paying of the tolls that all of the bonds of the Maine Turnpike would be paid off and that someday it would become a free highway. For years and years and years I have waited and now, suddenly, I understand that in 1981 that might become a reality. Yet, here I see a bill which would extend that Authority, would extend the use of the tolls and I find that absolutely unacceptable. I am very much opposed to extending the existence of the authority and extending the tolls.

I will probably be speaking on this further as this goes along rather than use all the time right now, but I think one of the issues being used to get people to support this particular bill is the concern about the cost of maintaining the highway, be it \$4.9 million, \$5 million or whatever. I resent the fact that I and people in my area are the ones who, as far as Maine residents are concerned, are the ones who are going to be paying the bulk of that toll to maintain that highway and yet we also all pay our gasoline taxes to support all of your other roads in other parts of the state. I would suggest if we want to be fair and equitable about who is going to be paying to support what roads, maybe we had better put a toll barrier between Augusta and Lewiston on Route 202. Maybe we ought to put one on Route 1 between Houlton and Presque Isle so we can distribute this a little more fairly.

I don't know what the barrier situation would be, but if I want to go to Portland, a distance of

all of 42 miles, and that is the nearest large city in Maine, it is \$1.80 round trip. With the opening now of Interstate 95 between Topsham and Gardiner, that pretty well precludes the necessary use of at least the upper end of the Maine Turnpike. People now at least have an option.

What we are really talking about is use of the turnpike from York to Portland. I would hope that all of you would think about this and think about how you would feel if you had in your part of the state a road that was really basically the only road that you could use to get anywhere and you had to pay tolls on that road. I am sure the people coming down from Aroostook county really don't have much choice. You have to come down route one. Then you would have to come down Interstate 95. It would take you three days if you tried to go any other route, I am sure. I don't think you would be very pleased about having to pay tolls to get down to Augusta. I hope you give that some consideration and I hope you will support the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I wish to respond to Representative Morton's comments in what I suspect will be my last comments on this bill and on my motion. The gentleman made two points in rebuttal to what I said. I, frankly, knowing Mr. Morton's abilities, had expected him to make more accurate rebuttals. What he said is totally inaccurate and I wish to rebut his rebuttals.

Number one, he said I missed the point that the York toll is nothing else but a barrier, and that is quite untrue. I think I made the point, having worked in the toll house for five summers, that it was a barrier-type toll and that the traffic did back up at York tolls, sometimes as far as three quarters of a mile, and it was because of that that I saw the barrier-type toll as being an inefficient toll. That is what I said, or I thought I said, and if I have said it wrong, I restate it in that way.

Any of you who have travelled down the Garden State Parkway or the Connecticut Pike, you know what a barrier-type toll is; you can judge for yourself whether they are more efficient than the off-system type toll booths that we presently have. I submit that they are not, because with the exception of York and Gardiner now and Augusta, you have non-barrier type tolls along the Maine Turnpike.

The second point the gentleman made was even more interesting. He justified as perhaps being good business practice the payment of 11 years worth of interest on the MTA bonds. Perhaps the gentleman is right; perhaps this is the way you amortize a bond issue, I don't know. I surely hope it isn't, because I don't think it is in the public's interest to do it that way.

Furthermore, the gentleman seemed to be implying that the Maine Turnpike Authority was a good manager over the years. Well, I have found the additional comments that I couldn't find earlier from this article, and I wish to end my comments by telling you just how good managers they are. According to the gentleman from the bank, Mr. Goldsmith, "although the turnpike grossed \$14,177,000 last year, only \$4.7 million of the total ever went toward bond retirement." Now, if the gentleman was justifying 11 years worth of payment of interest, it would seem that the MTA is not much more interested in paying off the bond principal even now. I don't believe that that is the way an authority, supposedly acting in the public's interest, should act.

Furthermore, the gentleman in this article goes on to say, and this is very revealing, according to the way that the turnpike accounts, their policy, their structure exists. First, administration and operating budgets come off

the top. All the tolls, all the revenue comes in and this is how it is disbursed. First, administration and operating budgets. Second is the deposit into the bond interest account to assure that both twice-annual interest payments can be met. Third in priorities is the reserve maintenance account which pays for larger maintenance projects. Fourth comes the reserve account, never tapped in recent years. Fifth, and last, is the bond's redemption account. Ladies and gentlemen, I submit to you that the Maine Turnpike Authority over the years has not been interested in putting itself out of existence. I don't feel that this is a record that deserves our approval and deserves continuation.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know the first thing about the bond issues and I don't know the first thing about how it is run, but I do know this. Regardless of what we do, in my area we are the most users of the turnpike. We have Exits 6, 7, 8, 9 and 10 right in our area.

I disagree with the gentleman in the back row. If I want to go to one of those places, to Portland or to Falmouth or to Scarborough or to South Portland, I can either take the back roads or I can pay to go on the turnpike. I can assure you that Saco Street and Spring Street and Stroutwater Street and Pride Street and Brook Street are not Route 1. Those are back roads and they are very heavily used. But if I want to pay to travel on the turnpike to get off at any of these other places within the county, I can pay to do so. I think we have got too many freeloaders in this state anyway. And if you people who live on the outskirts don't use the turnpike, you want to pay more taxes to pay for the freeloaders to use that turnpike, then there is something wrong with you.

I say to you ladies and gentlemen, keep the tolls on, make the people who use the turnpike pay for the use. This talk about Route 1, sure it is heavily traveled. All the roads are heavily traveled today. No one denies that, but why let all the people use that road, and I am not talking about the barriers, I have traveled as much as anyone and I know what barriers are and I know what the backup is in York and it is only there during the summer months. If they get most of the tolls open like they are supposed to, they wouldn't even have that, but I am not telling the Turnpike Authority how to run their business. I am only telling you people here today, do not let the taxpayers of this state pick up the tab for the freeloaders. If the people in York don't like to use Route 1, then let them pay to use the turnpike. I pay to use the turnpike when I don't want to use Spring Street.

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 Sanford, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take much of your time. But in quick response to the gentleman from Westbrook, Mr. Laffin, we will pay for use of the turnpike in our area, but we just don't like three barriers in York County. If you want to slap us in the face, pass this bill.

I urge you to vote for indefinite postponement.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be on the Committee on Transportation and we had a

good discussion on this bill. I will tell you that Lewiston and Auburn is not very satisfied with what has happened but we are in agreement with what is happening. But I will tell you one thing right now, the smaller towns, if they want to lose the money they are getting now from the Highway Department, all they have to do is vote against this bill. You are going to be caught with a \$5 million deficit in our budget and you are going to be forced to vote for a gas tax. If you want a gas tax, go ahead and vote against the bill.

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

Mr. HUGHES: Mr. Speaker and Members of the House: The Androscoggin County delegation spent a great deal of time on this issue because the original bill, as it came out, dealt very unfairly with Androscoggin County. I think those parochial concerns have been dealt with in the amendment, and as far as Androscoggin County is concerned, this bill is fair. We are, therefore, as members of the Androscoggin County delegation, free to say what we wish about the principle of the bill and look at the bill from a statewide perspective. And I wish to join those who are very concerned with continuation of the Authority.

Don't let the speakers confuse the issue between continuation of the tolls and continuation of the Authority. They are very distinguishable issues. We have heard from the Attorney General's opinion that we don't need the Authority to float bonds and to do the other tasks necessary to collect tolls and I think it is very important that we keep those issues separate.

I have reluctantly concluded that we ought to continue the tolls on the turnpike. I say reluctantly because I can hear the people reacting when we do it, people saying, oh, we knew those politicians would never take those tolls off when they promised us that years ago. But I think that viewing the fact that 20 percent of the gas tax is paid by out of staters but 50 percent of the tolls are paid by out of staters, then I guess I think, given our present situation, we ought to continue the tolls. Which form and where you put the barriers is an open question, but continuing the Turnpike Authority would be a major breach of faith with the people of this state. To provide an agency whose main purpose is always to continue itself, to give it the power to spend hundreds of millions of dollars to widen its own function, to continue its own function just seems to me irresponsible. The time is now to get that authority and turn that task over to the State Department of Transportation over which we have at least some measure of control and return to the people some control over how great sums of money are going to be spent in the future.

So the issue is not tolls as far as I am concerned. The issue is continuing the Turnpike Authority. I will vote against the pending motion to indefinitely postpone this bill, but I will never vote for the bill at enactment or even second reading if it still contains the Maine Turnpike Authority.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, I would like to pose a question. I would like to know whether we have means of continuing the tolls without the Authority?

The SPEAKER: The gentlewoman from Brunswick, Ms. Bachrach, has posed a question through the Chair to anyone who may care to answer.

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

Mr. GREENLAW: Mr. Speaker, to answer the question of the gentlewoman from Brunswick, Ms. Bachrach, yes, I suppose we do have the means to continue the tolls if, in fact, the legislature wishes to enact legislation that would direct the Department of Transportation

to do that, assuming the Authority would be abolished.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Kennebunk, Mr. McMahon, that this Bill, L. D. 388, and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Berry, Biron, Birt, Boudreau, P.; Carey, Carroll, Carter, F.; Churchill, Clark, Connors, Connolly, Cunningham, Curran, Davies, Diamond, Drinkwater, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gray, Green, Hobbins, Howe, Immonen, Joyce, Kane, Laffin, LaPlante, Lewis, Lizotte, MacEachern, Mackel, Marshall, Martin, A.; Maxwell, McBrearty, McMahon, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Palmer, Pearson, Peltier, Post, Raymond, Rideout, Shute, Smith, Spencer, Stover, Tarr, Teague, Tozier, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood.

NAY — Aloupis, Ault, Austin, Bagley, Benoit, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carter, D.; Chonko, Cote, Cox, Devoe, Dexter, Dow, Durgin, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, Jalbert, Jensen, Kany, Kelleher, Kerry, Kilcoyne, LeBlanc, Littlefield, Locke, Lougee, Lunt, Lynch, Mahany, Masterman Masterton, McHenry, McKean, McPherson, Mills, Morton, Nelson, M.; Peakes, Perkins, Peterson, Plourde, Prescott, Quinn, Rollins, Sewall, Silsby, Sprowl, Strout, Stubbs, Tarbell, Theriault, Tierney, Torrey, Trafton, Whittemore, Wyman, The Speaker.

ABSENT — Carrier, Dudley, Norris, Talbot. Yes 67; No, 80; Absent, 4.

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

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-734) was read by the Clerk.

Mr. Biron of Lewiston offered House Amendment "C" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-743) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, I move the indefinite postponement of this amendment and would like to speak to my motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves the indefinite postponement of House Amendment "A" to Committee Amendment "A".

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think what the amendment does, the gentleman perhaps could have explained it, is to establish one toll facility at the Maine Turnpike in York with a 75 cent charge. I think the argument the gentleman would make, and I don't want to make his argument for him, although we obviously have discussed it back and forth, is that this would provide sufficient revenue to pay for the maintenance costs of the turnpike facility. That may or may not be. I think that is conjecture at this point in time, because I don't think we know how many cars would attempt to bypass that one particular facility. I would suggest to the people who live in that York County area of Route 1, that all this would do is add more congestion, more confusion, more frustration to



the already understandably overcrowded Route 1.

I think the other thing it does, it precludes us from doing, and that is the possibility of considering at a later date whether or not we want to expand the turnpike. So for those two reasons, I do hope that you will support the motion of indefinite postponement.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman is quite correct in saying that what this amendment proposes to do is set up a one-toll system in the State of Maine. Let me explain to you my reasoning behind this. Obviously when the Maine Turnpike Authority bond issues were floated, the people in the southern part of the state were led to believe that when the bond issues were paid there would be no longer a toll on the Maine turnpike. Then the great surprise came this year when it was said that it will cost approximately \$5 million to maintain that turnpike once the bond is paid off.

This amendment does several things. First of all, it does away with the Maine Turnpike Authority. Number two, in 1981, when the bond issue is paid, the Maine Turnpike Authority turns over to the Department of Transportation that road system. At that time, the Department of Transportation, according to this piece of legislation, would set up a one-toll system. The one-toll system would be at York, at the entrance of our state. The charge would be 75 cents coming in and 75 cents going out. The estimated revenues, based on the figures given to me by the Department of Transportation and the Maine Turnpike Authority, would be \$4,700,000 a year, which, according to their own arguments, is enough money to maintain that road without putting the burden on the people of Maine, the people who need to use that road every day.

One argument has been brought up that the people who use this road will circumvent the one-toll system. Well, I will attempt to prove to you that they won't, because if there are any legislators who are from the York area who say to me that they would prefer to use Route 1 to the Maine Turnpike, I would tend to agree with that argument, but in talking to those representatives, they have said that no one in their right mind will circumvent a one-toll to use Route 1. And if any of you know what I am talking about, you have been in that part of the state. You have to realize that you would have to go direct route on the turnpike to get off at the next exit is 11 miles. You would have to go 14 miles to circumvent that 75 cent toll, where if you go to New Hampshire, which is 18 miles long, right now they have a toll that costs you 45 cents. You can go three miles in New Hampshire to circumvent that toll, but nobody does. They pay the 45 cents and just go on their way. The exact same thing will happen in the State of Maine. They will pay the 75 cents and it will be fair for everyone.

There has to be a consideration in this amendment for those people who use that every day, and that consideration is there in this amendment because it says that if you use it every day, you can get a pass. If you work in Portland, you can get a pass and you don't have to pay the 75 cents. I did not spell out exactly what it would be, and I would be agreeable to an amendment that would say exactly what that charge would be if there would be any for those people who live there and use it every day. I have no problem with that because I know the large majority of the money that will be taken in will be taken in from those people who travel in and out of our state. Those are from the figures that have been given here this morning, 50 per cent of the people. Why shouldn't 50 per cent of the people who travel the Maine turn-

pike pay for it, those out of staters? I can't understand why not.

This is a fair amendment. It does, in my opinion, hurt a little bit in the southern part of the state. You have to realize that if you live in Biddeford right now and you travel to Portsmouth, New Hampshire, it is going to cost you 65 or 70 cents. I might be incorrect, but it is pretty close to that figure. This amendment, for those who use it every day, the people who live in Biddeford and the people who live in Kennebunk and the people who have had those problems, if the bill passes as it is now, they are going to be paying tolls no matter where they go, but under this amendment, the only time they pay a toll is when they go out of state.

Some of you have voted to keep this bill alive and I hope you didn't vote to keep the bill alive to keep tolls all the way up the road. I think you voted to keep the bill alive for a reasonable alternative, and this is a reasonable alternative. It is 75 cents, it raises the money that we need, it doesn't put the burden on the people of Maine who were told that this is going to be free in 1981. I am willing to pay the 75 cents if I go out of state and I think everyone else here is too, but if we have to travel to Portland and if we have to travel from Biddeford to Portland, that will be free the same way as from Waterville to Bangor. That is fair.

I would hope you would seriously consider this amendment because it is in the best interest of the people of Maine and it does bring in the revenues necessary to keep the road open.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I also hope you will support this amendment. I realize that many of you voted against my motion, or some of you at least, because you didn't want to eliminate the bill, the vehicle for making some of the changes that you would like to see made. I accept that fact. I knew it when I made the motion.

If you share my concerns about the desirability of eliminating the Authority and the concern about tearing down the existing booths only to build new barriers, then I think this gentleman's amendment is the perfect vehicle to go with because it does both those things and it also creates a one-toll situation at York which we are told will provide enough money to keep the maintenance of the road up and I also share that desire.

I also agree with the gentleman that not too many people coming into the state are going to detour around York tolls up to Wells, over a very very poor Route 1, and then back out to the Wells exit, which is the only way they could do that. It would be a circuitous route, to say the least, and I expect that most people would be quite willing to pay the 75 cents to avoid doing that.

So I think in the gentleman's amendment and his proposed amendment he has the bases for solving certainly my concerns and if you share my concerns, I hope you will support his amendment, realizing that perhaps the amendment needs further refinement and that it will get that because you have already voted to keep the main vehicle alive.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly support the indefinite postponement of this particular amendment. I can't help but observe that the good gentleman from Lewiston did not establish this toll facility in the City of Lewiston, he put it quite some distance away, down in York, and I am very thankful that he didn't put it in Hallowell either.

It may be true that not everybody will try to circumvent this, but I would suggest that enough people would try to circumvent this particular toll facility, in particularly the large,

great big trailer trucks which nobody really likes on side roads. I am sure they would all attempt to circumvent it because they are always looking for a way to avoid payment of tolls. I think what we would end up with is a rather large, in fact a monstrous traffic jam continually and constantly in the Town of York, in York County. I can see what he is attempting to do, but I wonder if he has made any definite study to determine whether this 75 cents is adequate. Right now, they get over \$2 to travel the entire length of the turnpike. It just doesn't appear to me that this particular amendment will solve any of the problems that we hope to solve.

Mr. Greenlaw of Stonington requested a roll call vote.

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

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

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

Mr. HUGHES: Mr. Speaker and Members of the House: The gentleman from Lewiston and I have not agreed in the last few days on many issues and I suspect we are not going to agree later this afternoon when we discuss billboards again, but on this point, he has hit it right on the head, and because we are from the same community and I have been talking to him about this issue for a long time, I know he has done his homework. I know that he has been working on this exact proposal since last fall and I know that it is sound.

The tolls are not put in Lewiston for a very good reason, it is not simply for parochial interests, it is because it is at York County that we have the best access to those tourist dollars. That is where they are coming into the state. In fact, to be reasonable, north of Portland you are not going to get many tourists on the turnpike anyway. You are going to get mostly Lewiston, Auburn people and people going to Farmington, Rumford and those areas. So the tourist dollars are located in the southern part of the state.

Now, if we are willing to go along with tolls on the turnpike because we know that through tolls you place more of the burden on the out-of-state tourist, then I think we ought to extend that principle one more step and say that the location at which you can put even more of the burden, a relative proportion of that burden upon the out of staters is at the southern entrance to the State of Maine. We are not picking on York, it is just that is where the state starts and that is where the toll ought to be. People living in York County can very easily avoid getting on beneath that turnpike, south of that entrance, so I think this is a proposal which is fair to York County. We have heard from some members of the York County delegation in favor of it. It is fair to the people of Maine because it puts the largest part of the burden of maintaining the turnpike upon the out of staters.

Two objections have been raised, one, that a lot of trucks are going to start avoiding this toll. Well, trucking costs money; time is money to trucking companies, and I just don't think they are going to send the trucks 18 miles around the barrier at the cost and the salaries that truck drivers maintain simply to avoid a small toll.

The 75 cent figure, as Mr. Biron has found in his research, is adequate to support the cost of maintaining that turnpike, but what it does not do and what the present system and the present \$2 tolls do is provide great sums of money for future construction and future widening. If that money is needed, they can come to the legislature and we will find a way to fund it, either through additional tolls or whatever

mechanism this legislature wants to find, but we don't need to provide them a guaranteed source of a lot of extra money which they will find a way to spend if they have it.

I support the amendment and I hope you will too.

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

Mr. PETERSON: Mr. Speaker and Members of the House: Mr. Biron mentioned in his talk about amendment 743 the demise of the Turnpike Authority, and after reading it, we haven't been able to see that anywhere. I wish he would respond to that.

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

Mr. BIRON: Mr. Speaker, in Section 1 of the amendment, "The Maine Turnpike Authority, prior to the effective date of this act, the State of Maine, acting through the Department of Transportation, shall assume all responsibilities." Obviously, the Maine Turnpike Authority passes all responsibility on to the DOT, and it says this in Section 1.

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

Mr. MACKEL: Mr. Speaker, when Mr. Biron first suggested this particular amendment to me, my reaction was quite negative to it, but, quite frankly, in thinking about it further, I think it is a workable solution that he has offered to us.

I do believe that anyone during the summer months may circumvent that toll booth just once and I don't believe he would make that mistake again during the summer months. He would try it once but never again.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am going to support this amendment, although I do have some problems with it. One problem, during the summer months, the towns of Kittery and York will still have to pay a toll to go north on the turnpike because they would have the same problem circumventing — people living in those towns going up, as would the tourists. But I think this is a start in the right direction and maybe we can work something out with Mr. Biron as a friendly amendment, because contrary to what a few people here seem to suggest, my good friend from Auburn, Mr. Hughes, actually there are Maine people living in southern York County, in the towns of Kittery and York and South Berwick and Eliot and every once in awhile we do like to come north into Maine here.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I just have a couple questions through the Chair, if I may, to Mr. Biron. In 1981, you might say at the demise of the present system, there is no doubt in my mind that there is going to be a fairly decent amount of money that is going to have to be set aside to go from the present toll system into the single barrier system. My question is, is this going to be funded from the present funds generated by the Maine Turnpike Authority or is this money going to come from the Department of Transportation? How much money is going to be involved in regenerating the new system?

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

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

Mr. BIRON: Mr. Speaker, in answer to his questions, I presume his question is that to set up this new system it is going to cost some money and where is this money going to come from? I am not sure, but I can guarantee you one thing, it is going to cost a lot less to put up

one barrier than it is to put up the monstrosity that was in this bill.

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

#### ROLL CALL

YEAS — Aloupis, Bennett, Berry, Brown, K. L.; Bunker, Burns, Carroll, Cote, Dexter, Elias, Gill, Greenlaw, Immonen, Jackson, Jacques, Jalbert, Kelleher, Kilcoyne, Laffin, LeBlanc, MacEachern, Mahany, McHenry, Mills, Morton, Palmer, Peakes, Peltier, Perkins, Smith, Stubbs, Valentine, Whitemore.

NAYS — Austin, Bachrach, Bagley, Beaulieu, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bustin, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Conners, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jensen, Joyce, Kane, Kany, Kerry, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; Masterman, Maxwell, McBairty, McKean, McMahon, McPherson, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Shute, Silsby, Spencer, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Willfong, Wood, Wyman.

ABSENT — Ault, Carrier, Dudley, Rideout, Talbot.

Yes, 33; No, 112; Absent, 5.

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

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

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

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I was a little confused here on this vote, and I would like to go on record as changing my vote from yes to no on indefinite postponement.

Thereupon, the Bill was assigned for second reading tomorrow.

#### (Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until two-thirty in the afternoon.

#### After Recess 2:30 P.M.

The House was called to order by the Speaker.

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

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

Tabled — June 27, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

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

The same gentlewoman offered House

Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-876) 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 Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Members of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

I have a great deal of respect for both the gentleladies whose names are on this bill, but I do have many problems with it and I want to share them with you very briefly and give you the reasons why I believe it is an improper bill for us to pass. I hope that we will, indeed, indefinitely postpone it. Perhaps the subject which it is addressing could be addressed in some other manner or some other time, I don't know, but I think the philosophy behind the bill may be very good indeed, but the damage that could be done by it, I think, could be much more severe than any correction that could be made by passage of the bill.

As you know, if you look at the bill, it does deal with the subject of absenteeism on various boards and commissions as well as the right of a member on those boards or commissions to abstain from voting on certain issues. I looked at the bill and, frankly, my very first thought was that it looked too much like a report card for Johnny to bring home and have checked off and signed by a parent in order to proceed on to the next grade. While the sentiment may be there, the fact is that there is just too much in this bill which would tie the hands, I believe, of both the legislature and the Governor and would make it very difficult, indeed, for the Governor or others to get people to serve on boards.

I will just call your attention to a few things. The reasons why, for example, a member, now with the new amendment, I will apologize, I have not looked it over, and I can't speak to that full amendment, but I want to give you the generalities of the bill as I understand it before the amendment was put on. But we are dealing with when a member of a board or commission could perhaps be made to resign, or would automatically be off that board or commission if he did not do one, two, three, four, five. For example, the bill provides for the removal of members who fail to vote; it provides in part, absent when the vote is taken; the members on annual leave and has notified the agency in advance that he will not be in attendance; the member has a family emergency due to death or sickness in his immediate family or the member is ill or incapacitated; or due to weather conditions, go down the line, these are some of the various reasons why a member might automatically be dropped from a board or a commission. I maintain that they would create havoc in trying to get someone to serve on a board or commission and I would like, to just save time, to read you a few of the comments of some of the various department heads and commission members who have either, at the hearing or other times, made comments on this bill and the problems that it might create. For example, there may be many legitimate reasons for being absent that are not included in the bill, car trouble, family events of a non-emergency nature. It might be of a very important nature, unavoidable business conflicts, or this bill would prevent well qualified but busy people from serving because they face the possibility of embarrassment if they were removed because of an unforeseen conflict with just one meeting. Under this new confirmation procedure, it is the legislature's duty to probe into a nominee's background and to determine his ability to meet these needs. It is our duty to probe when a man is brought before the various joint committees. If we find in that probe that



he can't meet those commitments, that is our responsibility to make, so that he is not named to that commission. There are so many other things. The time became the prime criterium for membership on a board, the quality and diversity of the board members would decline. It is not always whether a board member is there every meeting, or misses a few to determine whether or not he, indeed, might be the best man for the job. We all know of cases where someone might be there half the time and be a more effective member than someone who is there 100 percent of the time.

Also, I believe that there are provisions, according to one here, for removal already provided by statute that are adequate. Mention was also made by someone in the labor field that it would be dangerous to require voting in labor cases, abstentions are sometimes preferable to a vote which will change the decision of a whole board. One other comment was made by a department head that members of the Industrial Accident Commission for example, do not vote, so L. D. 1441 should not apply to them. The commission merely holds non-public hearings without intervenors to adjudicate the question of whether or not an insurance carrier is required to pay a claim. All appeals go directly to the Supreme Judicial Court. There are many variances as to how these various commissions and boards operate and there is some question, and I hate to drag this one across — I know it is an old one, this question has been sent to the Attorney General to check its constitutionality as to the invasion or the powers of the legislature and the Governor, I have not received anything back from the Attorney General, so I wouldn't even use that as an argument in this debate. But I do submit to you that it is a very difficult thing today to get good people to serve on boards and commissions. And I think that to tie them down to this kind of a procedure may unduly tie the hands of a chief executive or anyone else in trying to get someone to serve on a board. Indeed, there are many other reasons why a man or a woman could be missing from a meeting that are just as vital as those that I mentioned and yet, because of that, the board itself could by this law, if it were passed, demand that that person resign.

I feel it is the wrong kind of legislation when we are trying to get people to participate in government, and I would hope that we indefinitely postpone it and address the problem which this addresses in some other manner.

The SPEAKER: The Chair recognizes the gentleman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Members of the House: (1) The amendment would take care of those boards and commissions who have their procedures for attendance and voting already in the statutes. That is what it was meant to do, and it is something that I picked up today.

(2) What is a good person? What is a person who is eligible for a board, to be a member of a board? It seems to me that if a person accepts an appointment to a board or a commission or an agency or whatever, that this person should meet some requirements for attendance and for voting. Because, after all, the public depends on the people that are appointed. They depend on their judgments, they depend on their wise decisions because the decisions affect their lives. I know, personally, people that I don't feel should be on some boards and commissions and I don't know what you mean by a "good" person. I think that this is part of being a "good" person, to serve as a member on a board or commission or whatever. It just seems to me that individuals are the key to this question, not decisions that are made by some blur or something out there called the board or commission. But decisions made by individuals, and your individual decisions are important, and they

should make them. That is why I worked very hard on this bill. Also, I should mention that I worked with the Assistant Attorney General to draft it. So I think, I am quite sure that it is constitutional and I think that people should give this a lot of consideration.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen: As cosponsor of this bill, I dislike intensely speaking against my good leader. I do think that this is a good bill and an important one. It is protection for the people of the State of Maine, and I certainly see no reason why it would fly in the face constitutionally of either the legislative or executive branches. What the legislature is doing is putting a nominee on notice that he has a responsibility to attend meetings and to vote when a vote is called for. We are talking here about such important boards and commissions, such as the Board of Environmental Protection, the Maine Land Use Regulation Commission, the Commission on Governmental Ethics and Election Practices, the Maine Milk Commission, the Industrial Accident Commission, the Maine Labor Relations Board, the State Parole Board, the State Personnel Board, the trustees of the Maine State Retirement System and any member of any other board which operates in an appeals capacity, which some of our boards do on certain occasions. What we are trying to get at here is the occasional member of one of these boards who does not attend regularly. Therefore, is not able to make a decision based upon evidence that has been presented at a meeting or a series of meetings, and therefore, is not able to cast a vote and as a result must abstain. I think we should think of this as a protection in the public interest for the people of the State of Maine.

So I urge you to vote against indefinite postponement of this bill.

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

Mr. GREEN: Mr. Speaker, I would like to ask a question through the Chair, if I could, to the sponsors of this legislation. That is that I see a section in here, Section 421, it not only would affect the boards mentioned by the good lady from Cape Elizabeth, Mrs. Masterton, but it also says here that it would affect state and local agencies which act in an appeals capacity, other than in an advisory manner. The only question I would like to ask is, would this affect local boards of appeal, such as Zoning Boards, Planning Boards, things of this nature that are appointed by elected officials to serve in that capacity, and if so, aren't we perhaps undermining local control with regards to selection of appointments?

The SPEAKER: The gentleman from Auburn, Mr. Green, has posed a question through the Chair.

The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: In response to that question, if the good gentleman refers to the Committee Amendment "A", filing No. H-758, he will see that that section of the original bill has been removed so it doesn't apply to local planning boards, local boards of any type.

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

Mr. GREEN: Mr. Speaker, am I correct in assuming that Committee Amendment "A" has been indefinitely postponed?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this, it is the last time I shall rise on it.

I do hope that you will look at L.D. 1441, and look at it very carefully before you do vote and I would call your attention especially to the very first section 1-MRSH Section 421, Paragraph 421, which in my way of thinking, gives the majority of a board too much discretion. In fact, I believe if this bill is passed, that a majority of two on a three man board, could get rid of the third member if he disagreed with them. There are so many other things that were not put in. For example, "other circumstances when approved by a majority of the board," other circumstances when approved by a majority of the board would be reason for dismissing a member of a commission or a regulatory body. Frankly, I think it would be very very difficult for the Governor or the legislature or anyone else to get good men to serve under these circumstances.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman to my left has serious problems because this legislative document addresses a serious problem that we have with the boards in the State of Maine. This is right on target. It puts them right on the ball, where they belong. They serve on the boards, they accept the honor of being appointed, they should be there, they should vote and they shouldn't be hiding behind lame excuses.

We have had cases here where we had long and prolonged hearings in which certain members have declined to vote. We have other cases where certain members have had a very bad absentee record, and I assure you that the citizens of the State of Maine are being ripped off by appointing people to boards who have no intention of serving or no intention of being there. They like to see their name on the letterhead. Many many times it looks nice when you can look at something, you are on something, but when it comes time to perform the duties, they are very neglectful, they forget, and they have many lame excuses, and this is right on target. It is right there, it puts them right on notice, you are serving on this board, you are going to hear testimony and we expect you to vote. If you don't vote, you have to have a very very good reason not to, and I think it addresses a very serious problem in state government. I am sure that you are all with me on this and you will give this an "Ought to Pass" Report.

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

A vote of the House was taken.

Mrs. Masterton of Cape Elizabeth requested a roll call.

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

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

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

Mrs. KANY: Mr. Speaker, Members of the House: If the gentleman from Nobleboro, or anyone else has a problem with one or two words in this bill, I would suggest that they vote against indefinite postponement and try and amend those words out of the bill. The "other circumstances", certainly that line could easily be amended out of the bill. I think this is very important and we are required to vote while we are members of the legislature and I think that

this is of sufficient importance that we should at least try and work further on this bill to assure it's passage.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Nobleboro, Mr. Palmer, 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 — Aloupis, Austin, Bagley, Berube, Biron, Birt, Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Carter, F.; Conners, Cote, Cunningham, Devoe, Durgin, Fenlason, Garsoe, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Kane, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Marshall, Masterman, Maxwell, McBreaarty, McPherson, Moody, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Tarbell, Tarr, Teague, Torrey, Twitchell, Tyndale, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Blodgett, Boudreau, A.; Brennerman, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Elias, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Locke, Mahany, Martin, A.; Masterton, McHenry, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Plourde, Post, Prescott, Quinn, Spencer, Strout, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Carrier, Churchill, Dudley, Dutremble, Gauthier, Hobbins, Jalbert, Kerry, LeBlanc, Lynch, MacEachern, McKean, McMahon, Morton, Peakes, Silsby, Stubbs, Talbot. Yes, 63; No, 69; Absent, 19.

The SPEAKER: Sixty-three having voted in the affirmative and sixty-nine in the negative, with nineteen being absent, the motion does not prevail.

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

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

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)

Tabled — June 27, 1977 by Mr. Palmer of Nobleboro.

Pending — Final Passage. (Roll Call Ordered)

On motion of Mr. Palmer of Nobleboro, retabled pending final passage and later today assigned.

Under suspension of the rules, the following matter, which had previously been tabled for one legislative day pending further consideration, was removed from the tabled matters:

An Act Increasing the State Gasoline Tax (Emergency) (H. P. 1159) (L. D. 1383) — In House, Failed of Enactment on June 22. — In Senate, Passed to be Enacted.

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

Mr. GREENLAW: Mr. Speaker, I move that the House recede and concur and further move that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and

voting. Those in favor will vote yes; those opposed will vote no;

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Stonington, Mr. Greenlaw, that the House recede and concur.

This being an Emergency Measure, it requires a two-thirds vote of all the members elected to the House. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Beaulieu, Benoit, Birt, Blodgett, Boudreau, A.; Brown, K.L.; Carey, Carroll, Carter, F.; Conners, Cox, Cunningham, Devoe, Dow, Drinkwater, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Greenlaw, Hall, Hickey, Hunter, Hutchings, Immonen, Joyce, Kilcoyne, Lewis, Littlefield, Locke, Lougee, Lunt, MacEachern, Mackel, Mahany, Masterman, Maxwell, McBreaarty, McHenry, McKean, Mills, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Rollins, Sewall, Shute, Silsby, Smith, Strout, Stubbs, Tarbell, Teague, Torrey, Tozier, Whittemore, The Speaker.

NAY — Bennett, Berry, Berube, Biron, Boudreau, P.; Brennerman, Brown, K.C.; Bunker, Burns, Bustin, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Curran, Davies, Dexter, Diamond, Durgin, Elias, Fowle, Goodwin, H.; Goodwin, K.; Green, Henderson, Higgins, Howe, Huber, Hughes, Jackson, Jacques, Jensen, Kane, Kany, Kelleher, Laffin, LaPlante, Liozotte, Lynch, Marshall, Martin, A.; Masterton, McPherson, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Pearson, Post, Raymond, Rideout, Spencer, Sprowl, Stover, Tarr, Theriault, Tierney, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman.

ABSENT — Ault, Carrier, Dudley, Dutremble, Gauthier, Hobbins, Jalbert, Kerry, LeBlanc, McMahon, Peakes, Silsby, Stubbs, Talbot. Yes, 71; No, 68; Absent, 12.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-eight in the negative, with twelve being absent, the motion does not prevail.

Thereupon, on the motion of Mr. Martin of Eagle Lake, the House adhered.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act Concerning Administration of the Judicial Department" (H. P. 635) (L. D. 838) — In House, Passed to be Engrossed on June 23. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-698)

Tabled — June 27, 1977 by Mr. Kelleher of Bangor.

Pending — Further Consideration.

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

Mr. SPEAKER: Mr. Speaker, I move that the House recede and concur.

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

Mr. DeVoe: Mr. Speaker, Members of the House: I will be brief. I would like to explain the significance of the motion to recede and concur. If we do this, it will adopt Committee Amendment "A" which 10 of the 13 members of the Judiciary Committee voted on.

The Committee Amendment does two significant things. In several ways, it limits the power of the court administrator over the District Court. Secondly, it expands the Chief Judge's power over and above what he presently has.

Just to summarize briefly, and I will be brief because it is a complex issue, first of all, it empowers the court administrator to recommend to the Chief Judge concerning assignment of judicial personnel, but it leaves in the Chief Judge of the District Court, the final power to make assignments of judicial personnel. Only with the written approval of the Chief Judge of the District Court, will the court administrator have any power to prescribe administrative and business methods and practices to be used in the District Court. Section 3, of Committee Amendment "A" removes from the court administrator any right to assign District Court Judges. Section 4 relates to statistics and expenditures of public money for the judicial department and it permits the court administrator to make reports to the Chief Judge of the District Court. Section 5 and Section 6 provide that at the request of the Chief Judge the court administrator may provide assistance for the preparation and planning of clerical offices.

The second basic section of the bill starts with Section 7 and goes through Section 10, and these are significant ways in which the present Chief Judges powers are increased. Section 7 of Committee Amendment "A" permits the Chief Judge to have the sole power to assign judges. Section 8 permits the Chief Judge solely to assign judges outside of their own judicial district on a temporary basis. Section 9 of the bill permits the Chief Judge to utilize such assistance from the court administrator as the Chief Judge may request in the preparation of the court budget. Section 10 of the bill enacts a new section of the law which does not presently exist, and basically this section of the law would require the Chief Judge to carry on a continuous survey and study of the management and practices followed in the district court and would empower the Chief Judge to make recommendations to the Chief Justice concerning matters relating to efficient administration of the court. It permits the Chief Judge to recommend guidelines and policies for the scheduling and trial of matters for the district court to the Chief Justice and, finally, it provides for a consultation between the Chief Judge of the District Court and the Chief Justice of the Supreme Judicial Court.

This amendment leaves firmly in place the principle that the Chief Justice of the Supreme Judicial Court is the judge in charge of the entire court system in this state.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, I move that we recede.

The SPEAKER: The gentleman from Newcastle, Mrs. Sewall, moves that the House recede.

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

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

Mr. KELLEHER: Mr. Speaker, Members of the House: This bill, L. D. 838, is a bill that Representative Dudley and I sponsored, dealing with the Administrative Court. I think we are all quite aware of what happened two days ago or three days ago, when Representative Norris, being a member of that committee, made the motion to substitute the bill for the reports. I believe there were three of them, A, B, and C. Thank God there was no D. What it does is it eliminates the court administrator and her assistants from administering the courts. In other words, the District Court would be running itself and the Superior Court would be under a separate administration as we had in the past.

I am a little confused right now, on what the good gentle lady wants to do because she was one of my big supporters in that committee. Outside of Representative Norris, I didn't know of anyone else who I had to rely on but

Representative Charlotte Sewall, and now I am somewhat confused because I think she wants to bail out and she doesn't know just how she wants to do it. I am hoping that she just stays firm and stays right where she was and the House stays where it was and that we don't accept the motion of Mr. Spencer to recede and concur or the parliamentary motion that I think she is trying to get at to recede. I am asking the House to stand by its action of four days ago, defeat all the motions that are presented, and then I would like to make a motion that we insist.

I appreciated the good explanation given by the gentleman from Orono, Mr. DeVoe. However, let me tell you something, if you accept his arguments, you are really not changing anything, nothing. It will be the status quo as it was in the past year. It sounds good but it really doesn't do what I think this House wants it to do. I know it doesn't do what Chief Justice Dufresne wants it to do. However, I think and hope that the House in its good wisdom would hold its position and we can defeat all the other motions. The motion today that I would like to give is on the low priority but if you just stay with me, we will get to it, I hope, sometime this afternoon.

The SPEAKER: The Chair recognizes the gentleman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, Men and Women of the House: I know exactly what I wanted to do today. I wanted to offer a third alternative to court administration. We have Report "A", which we now have the motion to recede and concur. Report "A", in essence, leaves everything the way it is. We have Report "B", which has never been considered, which was the one I signed out from the committee on the committee report and that report gave both sides they wanted. We have been in the midst of a fight between the District Courts and the Supreme and Superior Courts. The Supreme and Superior Court Justices all came and said "we want this court administration, we like it". The District Courts said, "we don't like it, we don't want it" and those of us on the committee have been in a nutcracker somewhere in between.

I came up with a compromise which said, "alright, let the Supreme Court and the Superior Court have the administration and let the District Court be out of it". I simply wanted to offer that amendment for consideration.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: It is a rare pleasure to be on the same side as the gentleman from Bangor, Mr. Kelleher on a matter related to court administration. But I would urge you to vote against the recede motion. I think that the ultimate objective of the recede motion is to completely separate the District Court from the court administrative system and I think that that would, in the long run, be very detrimental to the Judicial Department. The courts, at the Superior Court level, have had tremendous problems and there are problems in the District Courts in some of the southern counties of the State.

I would urge you to take the advice of Mr. Kelleher on this and then reject it on the next motion.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: There are three reports, essentially, that have been placed before the House. The other day we went with the Kelleher bill which was Report "C". The Collins bill, or the Majority Report, was Report "A" that Representative Spencer supported. Report "B" was a compromise report in between "A" and "C".

There is a myth that has been floating and a misrepresentation that has been floating

through this House that I think is unfair to the House and unfair to the debate, and that is, if you go with one report or one bill, there is not going to be administration in some courts. If you go with another, there will be administration in those courts. All three reports before us provide a court administration. The question is, what kind of court administration does this House want? What is the structure going to look like? What kind of lines of authority do we want? That is the question the House should be deciding, on the merits, not the misrepresentations that if you do this we are going back to the Dark Ages when we didn't have court administration. That isn't true.

The Kelleher bill radically changed the pilot project that this House and this legislature brought in under an LEAA grant a couple of years ago for a pilot project study of court administration. That pilot project study was to try to improve court administration where there wasn't any, in the Superior Courts. The reason there wasn't any, and there was a vital need for it, is that we have 16 counties, a Superior Court in each county. We have 20 Superior Court Judges or so that ride the circuit. They will spend a couple of weeks in each county court and go on. So what that means essentially, in most cases it is that no single Superior Court Judge hears a case from start to finish. So when a new judge comes in to the Superior Court and a hundred cases are dropped in his lap, it takes him five days to figure out where to start. You are losing time. You need continuity to coordinate the 16 Superior Courts. That is what court administration did essentially in our Superior Courts.

We need a court administration because the judges don't sit in the same court for any length of time. The District Courts by nature are absolutely different and if we are going to propose an administration system, I think it is necessary to recognize the inherent difference in the nature between the two courts. District Courts generally have your resident judge who is there. He hears the case from start to finish, generally. He becomes familiar with the parties. That need of coordination and continuity between judges and cases isn't needed in the District Courts.

The Kelleher bill says that the Chief Justice of the Supreme Judicial Court will appoint a Chief Judge of the Superior Court, a Chief Judge of the District Court, both of whom are answerable to him alone. They, in turn, will have a court administrator on the Superior Courts to run all of the 16 Superior Courts. The District Court Chief Judge will have his court administrator and staff to run the court administration of all those courts. All of the administration advances and techniques and improvements that have been made will be maintained and perpetuated but it would recognize clear lines of delegated authority from your Chief Justice of your Supreme Judicial Court down to his chief judge of the District Court, his Chief Judge of the Superior Court with court administration within the orbit of each of those court systems. That is the Kelleher bill.

So, to misrepresent to the House, that if we take one over the other, we are going back into the Dark Ages is really an unfair clouding of the issue. The question before you is what type do you want?

I would urge you to support and stand pat with our action that we took last week in adopting Report "C", which was the bill, the Killeher-Dudley bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In a way I am kind of glad the debate is turning in the direction it has today because we are getting the thing out where everybody can get a chance to see it and understand it. We are talking now about a mo-

tion to adhere which will bring us to Report "B" and it has been very carefully described to you as to what that will do and I won't go into it here.

The gentleman who just preceded me, the gentleman from Bangor, talked about administration and I think he has laid out a very good case in favor of administration, for administration. It seems to be pretty well agreed here in this House. I want, at this point in time, to focus on the word "administration." Because that is exactly what we are talking about.

The bill which we sent to the Senate the last time, Report "C", provides for the judges as was described to you and it provides that they be the administrators. It calls for the addition of one judge in the Superior Court, who will be called an Administrative Justice. There is an additional position there, and if you look at it carefully, that Administrative Justice will take the place of the existing Court Administrator, the only difference being that he will be a Justice with all the powers of a judge and a justice and paid the salary of a judge and a justice whereas the administrator, of course, is exactly that, an administrator. But presumably, if you are going to have a justice administrator, he would also be trained as an administrator in addition to being a justice. I submit to you, ladies and gentlemen, that there is a difference. Administration is one thing, the dispensing of justice is another. It certainly could be combined in one person but the likelihood of that happening, I think, is relatively rare. Be that as it may, we are talking about administration and while I am on my feet this afternoon, I would like to correct in your minds the cost impressions. I am on my feet to discuss the dollars involved. If you want to do what this bill calls for, L. D. 838, you are laying on the administrator, whomever he may be, be it an administrator per se or be it an administrative justice, in Section 17, on Page 2, 14 requirements for administration. I won't read them through. They are in front of you and I don't want to take your time. But they are exactly the requirements that presently exist in the law for administration.

You are also laying on the Chief Judge of the District Court, those same 14 requirements. This job is presently being done with a Chief Administrator and nine other employees for the Superior Court and that job can be done by that same identical number of people for both courts under the bill that you have, under "A", which is the way it came back to us from the Senate, without any additional cost. The bill on that is \$173,000 a year, mark that number. If you want the administration that is called for in this bill, the requirements on the justices, the Administrative Justice in the Superior Court, and the Judge Administrator in the District Court, then you will have to provide those men the horses with which to do the work. You are not providing it in the Kelleher bill nor will you be providing it for the District Court with Report "B", which you are trying to get to. All you are providing, if you go with either one of those reports, is a maintenance situation, a keep-the-store-open thing, which will provide enough people to do the bookkeeping, the dollar and cents bookkeeping. But if you are concerned at all with administration, which includes such things as investigating complaints, examining the status of dockets, prescribing uniform methods, implementing standards and policies, examining arrangements for use and maintenance of facilities, developing a uniform set of accounting, collecting statistical data. If you want those jobs to be done, and that is what administration really is, then you have to give these people enough people to do it. If you do that, you will require, in the District Court, probably three administrators at roughly \$16,500 a year charge.

You have 33 courts out there and 11 courts is

probably the number that one man can handle. In addition to that, you have a \$3,000 charge for the Chief Judge and if the Chief Judge becomes a full-time judge of administration only, it means you will be cutting down the number of District Court Judges by one. The load is pretty heavy at the present time. I can't see how you are going to avoid, eventually, and in a rather short time, coming up with another judge in the District Court. So you are talking a great deal of additional cost.

I won't go on any longer, but if you want administration that is administration and not just maintenance, you are talking about \$173,000 a year if you stay with the report that we got from the Senate. You are talking about \$240,000 odd a year if you go with Report "B", which we are shooting for and you are talking about \$250,000 a year if you go with Report "C". This is the whole thing, ladies and gentlemen. If you want administration, you have to pay for it, if you don't want true administration, then that is okay, but that is what you are going to get.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just for a point of clarification. Mr. Morton under the old court administration in the District Court, Mr. Berry and his staff cost \$34,000. Right now, there are four additional court administrators, as you well know. Do you know that four of them are judges? Did you know that? I didn't hear you express it here on the floor of the House, that the four court administrators that assist the Bellshaw operation are judges. Therefore, my bill, or the Dudley bill, or the bill that this House accepted a few days ago, is not putting any more of a burden on any judges in the state, for one thing. Because what you would be doing is eliminating four of them, in terms of administering the court and also running the court themselves. That is point one you didn't make.

The second point is the total operation of the court and how they would handle it. When Mr. Berry ran the District Court, he managed 19 courts and there are 22 in the District Court I believe, today. But he managed 19 of them. And what have we got today? We have a system that I supported, a pilot system. In my opinion, I voted wrong on it but I, like other members of the House at that time, thought we would try a change, and the change didn't do anything for the good. That is why L.D. 838 was back in here for your consideration.

I would hope the House would vote against the motion to recede or whatever the motion is presently, and I hope, at some point this evening, I can get on my feet and make a motion that will perhaps be compatible to the other body as well.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe there is anyone in this entire House that has been more critical of the court system over the last few years, than I have. But during the last week, I have taken the time to talk to attorneys back home, to talk collectively to the surrounding police departments, police officers that go before the court system and I have talked to citizens who have been in the court system and I support the motion to recede. I am impressed by what I hear from the people that are involved in court work. Court calendars are fuller, there are fewer postponements than there used to be.

Unlike Mr. Kelleher from Bangor, I dislike Ms. Bellshaw. I find her overbearing, domineering and unyielding and, yet, maybe it took a person of this particular caliber to bring together a court system that was as fragmented as it could possibly be, a system that was geared for delay, a system that was truly and

strictly for the defense. Now, finally, at least in my area, that person who has been aggrieved is being taken care of in a reasonably short period of time. So, I am more than happy to say that I will go along with the motion to recede and I would certainly hope that all of you here would also.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen: I rise just on a point of clarification. Never, Mr. Carey, have I ever uttered a word of dissatisfaction for that lady nor am I unhappy with that particular lady; I am unhappy with the system. I can appreciate what you said, Representative Carey, but I have never personally made any comments about that lady. I know because of the involvement dealing with that situation, there are a number of other people that have. I haven't.

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

Mr. BURNS: Mr. Speaker, I ask for a roll call please.

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 Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to make one point of clarification, which is that if you want to retain the present court administrative system and have it apply to the Superior Court and to the District Court, with some modification in strengthening the role of the Chief Judge of the District Court, you would vote against the recede motion and then in favor of the recede and concur motion.

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

Mr. CAREY: Mr. Speaker, Members of the House: I would certainly thank the gentleman from Standish for pointing that out to me.

The SPEAKER: A roll call was ordered. The pending question is on the motion of the gentlewoman from Newcastle, Mrs. Sewall, that the House recede. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS — Blodgett, Boudreau, A.; Carter, D.; Gill, Gray, Hutchings, Lewis, Masterman, Palmer, Sewall, Shute, Sprowl.

NAYS — Aloupis, Austin, Bachrach, Bagley, Bennett, Benoit, Berry, Berube, Biron, Birt, Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, F.; Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterton, McBreairty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Silsby, Smith, Spencer, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Ault, Beaulieu, Carrier, Chonko,

Dudley, Dutremble, Elias, Gauthier, Hobbins, Jalbert, Kerry, LeBlanc, Maxwell, McMahon, Morton, Nadeau, Peakes, Prescott, Talbot, Whittemore.

Yes, 12; No, 119; Absent, 20.

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen. I would hope that you would vote against the motion to recede and concur. I will finish the debate that my good friend from Orono, Mr. DeVoe made and I will read you the final paragraph under Section 10. The final paragraph says: "The final decision as to the management of personnel and the implementation of guidelines, policies and procedures for the scheduling of trials and management of matters before the District Court shall be made by the Chief Justice only." I bring that out simply to inform you, just as I did the other day, and I am not uptight either way, but if you vote to recede and concur, you are leaving the system just exactly as it is now. If you want to leave the system just as it is and if your people are happy with it, then by all means, vote to recede and concur. If you folks aren't happy, and I am not going to take the time to question the dollar figures with my good friend from Farmington Mr. Morton, I got the figures that I have from the best reliable sources that I could get them from, I would tell him that in the budget figures of the so-called "Senator Collins Report", which are cut from the request from the Administrator of the court system, that the administrator has made arrangements to get a federal grant to make up the difference between what this Legislature will appropriate and what will be needed in the opinion of the administrative office, and I am sure, the Chief Justice, to properly implement the administration of the court. So, if for no other reason, than to have the legislative handle on the cost, which is our function as I understand it, then you would defeat this motion and then let the gentleman from Bangor, Mr. Kelleher, make another motion.

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

Mr. HUGHES: Mr. Speaker Members of the House: I will be very brief. I haven't spoken on this bill before but it is too important not to speak upon. Because, really the principle of the question before us is whether or not the court system can determine the most effective way to dispense justice to the State of Maine. The previous legislature made a wise decision in saying that there needs to be some administrative expertise applied to the various courts of our state to bring order out of chaos. What I hear my people saying, in my own town is, we are beginning to see something happen. We are no longer having long delays, which favor only the criminals. We are beginning to see some justice and people getting trials in two or three months. We are beginning to see some movement on the civil side.

I remember dealing with a problem of a member of the House here, who has a whole town back home frustrated because a matter that is very dear to them is tied up in the courts and it has been tied up because they can't get those civil cases. Well it is beginning to happen finally, under the administration of the Superior Courts that we have. Whenever you bring something together and you change entrenched mechanisms and entrenched systems of justice, somebody is going to get upset. I agree there are going to be a lot of clashes and we have seen that happen and we have seen the evidence of them in the judiciary committee room as every judge of the court system of Maine came before us and sort of spilled out their guts about this is-



sue. But my constituents want justice for the people, they want efficiency and that is the kind of thing that this woman and this administrator and her expertise has been able to bring to the Superior Court. Okay, the problem has not been as serious in the District Courts as it has been in the Superior Courts, and I am willing to say, as 10 members of the 13 of the Judiciary Committee did say that the administrators ought to stay out of the district court system unless they are invited in, and that is essentially what Report "A" says. But we can't gloss over the fact that there are problems even at that level, and to finally break up the court system, separate district courts and superior courts and create an artificial division, does not serve the cause of justice in this state. We have to stick by our action of the last session; we ought to move to a vote to recede and concur and I hope you will do so.

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

Mr. BURNS: Mr. Speaker, I request a roll call vote.

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

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I beg your indulgence for just a couple of more minutes. The gentleman from Brewer said when he stood up a few minutes ago that if you pass Report "A" you will have absolutely no changes in the law. I say that is patently incorrect and just want to give you a couple of examples.

In Committee Amendment "A", on the first page, No. 5, one of the requirements is to prescribe uniform administrative and business methods, and this will now be done with the written approval of the Chief Judge of the District Court in addition to the Supreme Judicial Court Justice. Going on to Paragraph 4E, it is necessary to develop a uniform set of accounting and budgetary accounts. Again, this is with the written approval of the Chief Judge of the District Court for the District Court.

Under Section 12, we have to prepare and plan clerical officers, and only at the request of the Chief Judge of the District Court will the administrator get in on this. In other words, the Chief Judge can do it all on his own if he wants to.

Assigning judges at large, under Section 13, they will only be assigned if in his sole judgment they are needed. So the Chief Judge of the District Court is given greater additional powers under this act than any judge had under the old administrator.

I would point out to you, that the Chief Justice of the Supreme Court of the State of Maine has, and I hope always will be in final charge of the justice system of this state. That is no change, and I am glad the gentleman from Brewer emphasized it, because I think it is highly important that we do have a Supreme Justice who has the final say.

Finally, I would point out to you, ladies and gentlemen, that the gentleman from Bangor, Mr. Kelleher, may be absolutely correct in designating the four administrators who presently are on board as judges. I have no way of knowing whether that is correct or not. But I do know that they are trained administrators, they are trained to do the things which administrators are supposed to do. If they are judges, I would assume that is even better. Finally, neither the gentleman from Brewer nor the gentleman from Bangor questioned the need for administration nor did they question

the dollar and cent figures that I raised.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Farmington. In his remarks he indicated how much cooperation there could be between both the lower court, meaning the District Court, and the Superior Court and the Chief Justice because of the Chief Judge of the District Court. My question is, at whose pleasure does the Chief Justice of the District Court serve at?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Farmington, Mr. Morton, who may respond if he so desires.

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

Mr. MORTON: Mr. Speaker, to the best of my knowledge, again, the Chief Justice of the Supreme Court of the State of Maine has final jurisdiction.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, to answer my good friend from Farmington, Mr. Morton, under the present system, when I said you wouldn't be changing the law, the judges are doing just exactly as you read. The administrator started to come down to the District Court and then held back after the famous or infamous meeting and is waiting for the determination of this legislature. So at the present time, the judges are performing the functions that the good gentleman so ably demonstrated.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to judge today on the merits of the two structures, which are the only two alternatives before you today. Which do you think is the most efficient and the best administrative structuring system?

The system that we now have in place that we are being asked to perpetuate and extend indefinitely into the future is a sloppy system structurally. You have taken 16 courts, the Superior Courts that serve our counties, you have taken four regional judges, you have divided up the state into four geographic regions. You have four regional administrator judges, and in addition to each one of those, you have four regional court administrators. So you have eight regional administrators paired up. Then you have the court administrator who sits underneath in the supervision of the Chief Justice of the Supreme Judicial Court. He cannot physically and possibly administer the details. He is an administrative judge and there are four other judges below him. He cannot possibly watch over the details of court administration. Our law court has been without a judge for a year now. They have a year or a year and a half backlog in their appeals. The four regional judges who are administrators, and the four regional court administrators who are so called experts in court administration, trip over one another, there are no clear lines of authority delineated. Nobody knows what the other one is supposed to be doing. So there is no real efficiency there, there are blurry lines of delegation of authority in what is supposed to be done.

The Kelleher bill is simple and clean and it delegates authority. The Chief Justice delegates authority to his Chief Judge of the Superior Court, with a court administrative staff under that Chief Judge of the Superior Court to run all the 16 Superior Courts. The Chief Judge of the Superior Court isn't going to look at the details from day to day, but he is going to make sure that broad policies are carried out and those broad policies will be set by the lower court Chief Justice. The lower

court Chief Justice also appoints his Chief Judge of the District Court with sufficient court administrators and staff to run all of the District Courts. There are clear lines of delegation of authority. There is no way that one individual or one judge can run from a central focal point all of the details of all of the courts in this gigantic state. There have to be clear lines of authority delegated. In the current system, they are tripping over one another, and it only is applied to the Superior Courts; there are only 16 of them, and it took them \$196,000 to do 16 courts, when the District Courts has been doing it for \$34,000 with far more courts.

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

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

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

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Bennett, Benoit, Berry, Biron, Boudreau, A.; Brennerman, Burns, Bustin, Carey, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Elias, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, McBrearty, McKean, Mills, Mitchell, Morton, Najarian, Nelson, M.; Peltier, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Sewall, Spencer, Sprowl, Stover, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Berube, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carroll, Conners, Cote, Drinkwater, Durgin, Fowlie, Gillis, Gould, Gray, Green, Hickey, Hunter, Lizotte, Locke, MacEachern, Masteron, McHenry, McPherson, Moody, Nadeau, Nelson, N.; Norris, Pearson, Perkins, Peterson, Shute, Smith, Strout, Stubbs, Tarbell, Tarr, Teague, Truman, Twitchell, Tyndale.

ABSENT — Ault, Beaulieu, Carrier, Dudley, Dutremble, Gauthier, Hobbins, Kerry, LeBlanc, Maxwell, McMahon, Peakes, Prescott, Silsby, Talbot, Whittemore.

PAIRED — Jalbert, Kelleher.

Yes, 90; No, 43; Absent, 16; Paired, 2.

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

By unanimous consent, ordered sent forthwith to Engrossing.

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

Bill "An Act Relating to Providing Information Services to Maine Travelers" (H. P. 1505) (L. D. 1738)

Tabled — June 27, 1977 by Mr. Biron of Lewiston.

Pending — Passage to be Engrossed.

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

Mr. GARSOE: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers and would like to speak very briefly.

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

The gentleman may proceed.

Mr. GARSOE: Mr. Speaker, Ladies and

Gentlemen of the House: I am going to be brief, so I hope you will listen very carefully. I am not going to get up to rebut any misleading or inaccurate rebuttal to my comments. I know that this bill had substantial majority support the other day, and we have seen evidence presented to us, and I guess from our own personal knowledge we know that there is overwhelming press support for this measure. I guess if a referendum were held in my district, it would have the majority of support. It is that very majority that I would like to bring to your attention, because when you have a majority, especially such a large one, you naturally have a small minority, and I am not going to feel comfortable if I don't put this point before you because I think it is an important point. Anytime a majority rides roughshod over the rights of a minority, we are setting a dangerous precedent, and who knows who the next minority will be.

Now, I think the people that we are dealing with today have a basic right to the enjoyment of their property, whether it is the enjoyment of the property that they own and which they rent to the billboard company or the enjoyment of the property of an individual who owns a company, or the enjoyment of the property rights of an individual to his job. I have got to see an overwhelming and compelling public need before I am ready to take action that I don't believe, to my recollection, this legislature has ever taken. We are going to legislate out of existence a tiny minority of our citizens.

As I try to find this compelling need, I have to say that I can't. I am not offended by what I see along the roadside in signs. I have never been particularly aware of billboards, but this matter has brought it to my attention and on the way here this morning I made a little survey. On the approximately 30 miles between my home and Brunswick, I found 14 billboards and 64 on-site signs. Of the two, the on-site signs, if I were to be offended, were much more offensive. They were less well done, they were less well kept. Therefore, I submit that this bill, I think it is agreed, does nothing to the on-site signs. So, I can't find a compelling public need that would allow me to vote for this measure and thus my motion.

I regard this as a straining, a reaching, for aesthetic purity, nowhere near in relation to the harm we would be doing to certain individuals. It is for this reason, and I hope a few of you might consider this point as you vote on my motion, it is for this reason that I have made this motion and I commend this matter to your consideration.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I request that when the vote is taken, it be taken with the yeas and nays and I, too, will be brief. I hope you vote against the current motion, because for too long the controversy about billboards has been presented in terms of aesthetic consideration versus economic consideration. In fact, this is not the real issue. If we can find ways, and we have in the vehicle of L. D. 1738 of providing the information travelers want or we satisfy the needs of the tourist-oriented businesses, without creating visual blight, we have resolved, at last, the billboard question.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote in favor of the motion to indefinitely postpone this bill for several reasons, some of which I talked about the other day, but there are a couple more here that I think should be brought to light.

In the bill itself on Page 7, Item 7, it says that governmental agencies shall be exempt from this law. I wondered about that and I checked

with a friend of mine in the Department of Transportation, and I said, why is it that governmental signs should be exempt? He said the signs that are proposed are going to be too small, people won't be able to see them on the turnpike. So, what is good for the goose should be good for the gander, ladies and gentlemen. We are going to leave the governmental signs up, but we are going to take all the other signs down. That is what this bill says right now.

Another reason, one thing that wasn't brought up the other day, the state of Vermont, they said they have it in Vermont. They didn't bring up the fact that the State of Vermont is presently faced with lawsuits on that bill, on that law that they passed, and they are still in court today.

Another consideration and a most important consideration is state dollars. This morning, this House refused to help people, to spend \$200,000 on a people issue. Now you are going to spend \$200,000 on billboards? I urge you to vote for the motion.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I also hope that you will vote to indefinitely postpone this bill. We all went out last fall and did our thing, knocking on doors and this type of thing, and I cannot for the life of me remember of one person who said to me "I am offended by billboards." This issue has come out of the ashes like a phoenix. It has come here and it is a very popular thing to support this bill, a very popular thing to do with the people. But I say to you, when I look at this political process we have and I look at the Republican Party, and the Republican Party is supposed to be for the businessman, now the Republican party is going to put some people out of business, the Democratic Party is for the workman and they are going to put people out of work, all in the name of taking down a few signs the people find offensive. There are many many many things in this cold, cruel world that are offensive. I find telephone poles very offensive. I find neighbors of mine who won't paint their house or mow their lawn. There is nothing worse than a lawn that is not mowed; that is very offensive. I just don't believe this legislature should stand here and say we are going to put people out of business, we are going to spend whatever the appropriation is, \$800,000 because there are some people that are offended by billboards.

I will tell you something else. One of the most boring roads in this whole state to drive on, if you drive on it constantly, is Interstate 95. There is not a sign, there is nothing. That road puts you to sleep. I hope you will vote to indefinitely postpone.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: In the last two summers, I have taken camping trips to New Brunswick, Prince Edward Island and Nova Scotia, and the Canadian Provinces up there use a very similar system to what is being proposed here. My experience has been that those are very easy to read, even traveling along the Canadian Highway at 65 or 70 miles per hour, which is legal there, no problem reading those signs, and more important, they were very helpful, because when I saw a sign pointing to a camping area, I knew what services would be there. I didn't have some big, glaring billboard promising everything. I knew there was a restaurant down that road, I knew that there was a camping area or a park. The Canadian Provinces, I feel, really cater, really know how to impress a tourist, and I feel that that is the best way and will really improve our tourist industry if we go along this route.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker, Members of the House: A couple of comments here. First of all, in response to the comment that the good gentleman from Waterville, Mr. Boudreau, made a minute ago by making this slightly partisan by just mentioning it I think both he and Mr. Garsoe might be interested in knowing about the pressure that I have had relative to this bill. I think each of us has an issue somewhere here in the legislature that is the one that we get the most input from, and I suspect that this is probably the one that I have gotten the most input on. All but one person, and there were an awful lot of them, that called me on this were very much in favor of the bill. But I think the thing that was interesting was that I kept a record of all their names and looked them all up just in case, although I knew who most of them were, and without exception, every single person that called me in favor of this bill was a registered Republican, including the widow of a former owner of the largest advertising agencies in the country.

My other points is, in reference to what Mr. Goodwin just said and also what Mr. Biron said about sign size, just for the heck of it, last evening while I was riding around out here in the country, I started looking at signs from a distance to see how easily they could be read. I noticed for example, signs that say "Speed Limit 45," although the figure 45 was about two feet high, the words "Speed Limit," which I could see from a great distance, were only about six inches high. I saw a sign that showed Augusta in one direction and Gardiner in another direction, and the letters on that sign were about seven inches high. So all along as I was driving, each time I would see a sign at a distance, admittedly I have good eyesight, I found that almost all of them had their lettering somewhere in the neighborhood of five inches, six inches or seven inches, including one that said "Caution — School Children" which was only about five inches high and one that you would assume that we would want to have large enough so that people could see it all right. I don't think that signs of this size would cause anybody any problems, and vis-a-vis the argument we had earlier this year about whether or not people ought to have eye examinations to retain their drivers' license, I would suggest that people who couldn't read signs of those magnitude probably ought not to be driving.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am trying to read through L. D. 1738, and as a municipal officer, I would take some objection to L. D. 1738. It would appear that on Page 4, Section 1906, municipal officers now are going to be confined to having an agreement which the commissioner may enter into with the municipality for the erection of some signs, but none of that is going to transpire unless the commissioner has the approval of the Travel Information Advisory Council, which has actually nothing to do with the municipality, but it is interesting to note that the Travel Information Advisory Council has the power to select the size, the color, the lettering and the location of the signs, which pretty much precludes the municipal officers having much to say about their own municipality.

I am a little upset on a point that was brought up. One of the sponsors the other day, jumped up when we talked about bargaining rights for county employees, and he said, "Is there any reason why we are carving out one group" when we talked about collective bargaining. I would say the same thing here. Is there any reason why we are carving out one particular industry when we are talking about amortization, because as a municipal officer, I could see that we could run urban renewal programs and com-



munity development programs a heck of a lot cheaper than we are running them now by going up to people who own homes saying, "You have lived in that house for 40 years, therefore, you have amortized that property, therefore, we don't owe you anything for that property," and that is exactly what you are doing to people who own billboards. Now, if you take their billboards, pay them for it.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: A comment to the gentleman from York, Mr. Valentine. I think you hit it right on the head. I would characterize this kind of legislation as upper middle-class type legislation. How much does a little farmer who has a billboard on his property, or the factory worker who is struggling to put food on his table care about billboards. Who cares about billboards? People that come from out of state to live in Maine? The people with these great college educations and all the degrees behind their name? They say "this is a great bill, we are going to clean up the state. We are going to take these signs out and we are going to make a very aesthetic state." That is what the issue is. Maybe I would agree if we would accept the myth that the Republicans are rich. It is an upper middle-class issue, that is what it is.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I sat here without saying too much in this session. But on this one bill here, I have received a lot of phone calls and some letters. Some of those letters you wouldn't want to put in a newspaper, they were kind of nasty. But the whole point of it is, down in my county where jobs are scarce and money is hard to get at, and I am not saying the Republicans have it all either. The simple question is, do they work or don't they? Do they have a chance to do business the way they want to or don't they? I will support Mr. Garsoe on this one.

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

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

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

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

Mr. DRINKWATER: Mr. Speaker, I would like to pair my vote with Representative Burns of Anson. If he were here, he would be voting no and I would be voting yes.

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

Mr. CONNORS: Mr. Speaker, I would like to pair my vote with Representative McMahon of Kennebunk. If he were here, he would be voting nay and I would be voting yea.

#### ROLL CALL

YEAS — Austin, Bagley, Bennett, Berry, Biron, Boudreau, A.; Boudreau, P.; Brown, K. L.; Bunker, Carey, Carter, D.; Carter, F.; Churchill, Cote, Curran, Devoe, Dow, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Hunter, Immonen, Jacques, Kany, Laffin, LaPlante, Littlefield, Lizotte, Lougee, MacEachern, Masterman, McBreairty, McHenry, Mills, Nelson, N.; Norris, Peterson, Plourde, Raymond, Rideout, Shute, Smith, Strout, Tarr, Teague, Theriault, Tozier, Twitchell.

NAYS — Aloupis, Bachrach, Benoit, Berube, Birt, Blodgett, Brennerman, Brown, K. C.; Bustin, Carroll, Chonko, Clark, Connolly, Cox, Cunningham, Davies, Dexter, Diamond, Durgin, Fowle, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Lewis, Locke, Lunt, Lynch, Mackel, Mahany, Marshall, Masterton, McKean, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Pearson, Peltier, Perkins, Post, Quinn, Rollins, Spencer, Sprowl, Stover, Stubbs, Tierney, Torrey, Trafton, Truman, Valentine, Wilfong, Wood, Wyman.

PAIRED — Burns, Connors, Drinkwater, McMahon.

Yes, 53; No, 73; Absent, 20; Paired, 4.

The SPEAKER: Fifty three having voted in the affirmative and seventy three in the negative, with twenty being absent and four paired, the motion does not prevail.

Mr. Higgins of Scarborough offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-858) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Members of the House: I must admit, my good friend from Cumberland, Mr. Garsoe, outmaneuvered me on that one. I think I am just getting around to recovering.

House Amendment "B" is the amendment that is agreed to by members of not only the committee but by sponsors of this legislation. If you look at the Statement of Fact, I think it pretty well explains itself, but for the benefit of those who might not be able to find it, I will go over it with you a little bit. The first section deals with membership and the amendment adds two members to the advisory commission, one that represents nonprofit historical and cultural institutions, and one to represent the general public. Further along, the second change allows for nonprofit historical and cultural institutions to erect two signs with a surface area not to exceed 50 square feet. The third change deals with the possibility, or some people were afraid that some on-premise signs might be affected. This section insures that they are not affected at all and that we are only talking about off-premise signs. The last section deals with compensation. Under the existing legislation, it is my understanding that when the subject of removal of the sign is in dispute, the change here is that when it is compensation that is in dispute, the sign will be removed. I think under the existing law, whenever the location of the sign is in dispute, it says that it should come down. I don't think that is quite fair. So what we are saying here is if it is a quid pro quo that the sign will come down and the subject of litigation is compensation, then the sign will come down immediately and it will go through the courts and some deferment on the cost of the sign or the reimbursement of the sign will be determined at a later date.

I move for passage of House Amendment "B".

Thereupon, House Amendment "B" was adopted.

Mr. Biron of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-856) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, I move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Freeport, Ms. Clark, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Ms. Clark: Mr. Speaker, Men and Women of the House: House Amendment "A" embodies almost in part a singular minority report from the Committee on Business Legislation. It does not reflect the majority of that committee nor would it hopefully reflect the majority of this body.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring this amendment to your attention and tell you exactly what it does.

First of all, it does not destroy the industry, which the bill that you have before you presently does. The bill does, in Section 1, set up a travel information advisory council like in the original bill. Section 2 of the bill — and this is an important part of this legislation — permits that there will be no more advertising, billboard sign permits issued in the state. So what you have got is all you are going to get, an important factor for those of you who feel that you are going to have a blight of billboards.

Section 3 deals with the fact that on the open road right now, we have what we call commercial areas where a building is built and within 300 feet of that building, you can presently put up billboards. Present law allows that you can put up to six structures containing up to 24 billboards within that one space or within that one area. My amendment says that you can only have one structure on the open road.

My amendment does allow billboards in a downtown area. Now, I can't see the reasoning why you can have neon signs downtown but you can't have billboards. Let me give you a good reason why you should have billboards downtown. Take two businesses, two motels, doing the same type of business. One of them is a multi million dollar complex and they build a \$25,000 neon sign, the other being a small motel. The only way he can advertise during the summer months is to purchase a billboard to identify his place of business. His total costs for three months would be approximately \$300; \$300 compared to \$25,000, and that is his advertising for the summer. There is a substantial difference there, so it does allow billboards in the downtown areas.

Another major difference in this amendment is that those billboards that the environmentalists, if I may call them that, are objecting to, this bill will take down 500 billboards immediately. The date set in this amendment, not six years from now, is 1979. The unfortunate part of this amendment is a fiscal note, like the original bill, because there are 500 billboards which will be affected, those billboards have to be purchased and paid for.

I urge you to support this amendment and I would like to bring to your attention at this time a list of people which was circulated yesterday who are in favor of removing billboards in the state. It is an interesting list, Sierra Clubs, conservation groups, garden clubs, that is what this whole thing is with the exception of newspapers. You say to yourself, why newspapers? It is obvious if you are not going to advertise on billboards, you are going to advertise in newspapers, right? Why do you think newspapers are in favor of it? Of course, take the money and put it into newspapers. That is the reason.

You want to hear of some constituents who are in favor of keeping the billboards? Here, they are right here. That is not a garden club. It is not a newspaper, it is people you represent.

I urge you to support this amendment.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call.

The fact that we have before us one amendment and perhaps a couple more to go is really a compliment to this bill. I was beginning to get

worried because we never saw many amendments in the committee process and we finally theorized that it was because they didn't think the bill had a chance. Things have changed. It does have a chance. The House gave it overwhelmingly approval at first reading by a better than 2 to 1 margin. Between this body and the other body, if one was to walk down there today, you would have a great deal of trouble making your way through strangers. The number of lobbyists that I have picked out working on this bill, paid mostly by out of state, now totals eight, which is better than one for each undecided Senator at the other end of the hall.

The amendments that you are seeing are also the result of the same kind of effort. The amendment now before us is virtually the same as the minority of one on the Business Legislation Committee presented. It leaves out one feature, to me, the most attractive feature of that bill. I suspect it leaves it out so that it would meet the requirements of House Rules for submission.

But let's talk about what the three features are, and lest these be attractive to you superficially, I think you ought to know what the bill really does.

First of all, there can be passage of the bill. If amended as the Biron Amendment would suggest, it would not guarantee the elimination of one billboard in the State of Maine. It would cost the same price tag for this biennium as the original bill, \$200,000. Yet, it would not guarantee the elimination of one billboard. Now, remember that. What it does do is guarantee the relocation of some billboards. It would provide for about 400 or 500 billboards, to use their figures, and we haven't had time to verify these and I don't in any way concede their accuracy, but to use their figures, 400 or 500 billboards would no longer be conforming to the law and would have to be taken down from those locations and those companies would be generously paid for taking down those billboards. Then what would impede them in any way from re-erecting those billboards in other locations, which still meet the requirements of the law? So, this is a massive industry subsidy bill, a relocation bill, not an elimination bill. That is point number one.

Secondly, there is a major unfairness in this amendment, which will split up even the billboard industry, because this billboard puts a hardship on the kinds of advertising that we are most concerned about. When I think among the minority, which voted against this bill, your concern was for small businesses of Maine, who might find it more difficult to advertise, pass this amendment and they would find it impossible to advertise and let me tell you why. Because you would then say that a certain 1500 foot strip of land could only have four billboards in it instead of the presently allowable 24 billboards. That sounds like a magnanimous compromise but I think you won't find many stretches that have 24 billboards in them and four would probably be sufficient. What you would then be saying is that those sites would become more and more valuable, the remaining sites which are allowed. The billboard companies are the only companies that can afford to bid for that kind of site from the landowners. All of the major billboard companies have people whose sole job it is to cover the State of Maine, looking for sites, permissible to erect billboard signs on and then begin the process of taking options upon those sites to use. Now, the only people who can afford to take those sites in the competitive process would be the two billboard companies, who generally deal in billboards that are leased. This is Donnelly and United. The billboard company which erects signs to order for individual customers, to meet the needs of one customer, would probably not be in an economic situation to bid against the

billboard company which can erect four billboards on any given structure. So, it works to a disadvantage to that segment of the industry. You completely rule out the possibility that a small business can go down and outbid for that property one of the three major billboard companies in the State of Maine, all of which, of course, are national companies. This amendment works against, not only the small businessman in Maine but even works against one of the billboard companies to the advantage of the other two. That is point number two.

We have heard from the sponsor of this amendment, that we ought not to be spending \$200,000 to do this kind of job, that we could use it in better ways. I suggest to you that we ought not to spend the same \$200,000, not to guarantee the elimination of a single billboard in the State of Maine but simply to subsidize the billboard industries so they can put up more and better billboards elsewhere.

One final comment I would make. Another attractive feature superficially of this amendment is that it would put a moratorium on new billboards and I like that notion and I suspect most of you do. My offhand, and it is purely that, legal opinion of whether or not you could sustain in the courts a moratorium which said, no new billboards signs and permits without any ongoing programs such as the original bill provided for their eventual elimination is that you just wouldn't have a chance. What you would be saying is that if you have a sign up now, good. If you want to open a business next week, sorry, you can't put a sign up and the bill, as amended, would not put into effect any alternative sign systems such as the one we suggested and which was available in the rotunda for your inspection. It would simply say to a small business in Maine, sorry, you are locked out but the three billboard companies, which already have their fair share of the signs, may continue.

Constitutional questions aside, I don't think this is the policy this legislature would want to follow so I would suggest to you members that this amendment constitutes a massive subsidy for the billboard industry. You have voted twice to abolish billboards, vote a third time and vote against this amendment and the two that may follow.

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

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I had an opportunity about six months ago to read the legislative records from last year and the paragraph that struck me was that I believe it was Mr. Quinn in reference to Mr. Kelleher, called him a "bubbling fountain of misinformation" and I think that applies right here to what Mr. Hughes has just said.

It is interesting to note that the sponsor of the bill says that this amendment won't stand in the courts. It won't work but yet his bill will. His bill is presently being contested in the court in Vermont. My amendment won't work but his bill will. It just doesn't make any sense and I urge you to support this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Freeport, Ms. Clark, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Benoit, Birt, Blodgett, Brennerman, Brown, K.L.; Bustin, Carroll, Chonko, Churchill, Clark, Connolly, Cox, Davies, Diamond, Drinkwater, Durgin, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kelleher, Kilcoyne, Lewis, Lynch, Mackel, Marshall, Masterton, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Post, Quinn, Sewall, Shute, Spencer, Sprowl, Stover, Stubbs, Tierney, Tozier, Trafton, Truman, Valentine.

NAY — Austin, Bagley, Bennett, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brown, K.C.; Bunker, Carey, Carter, F.; Connors, Cote, Cunningham, Curran, Devoe, Dexter, Dow, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Green, Hall, Hunter, Jacques, Kany, Laffin, LaPlante, Lizotte, Locke, Lougee, Lunt, MacEachern, Masterman, McBrearty, McHenry, Mills, Moody, Norris, Peterson, Plourde, Raymond, Rideout, Rollins, Smith, Strout, Tarr, Teague, Theriault, Torrey, Twitchell, Wilfong, Wood, Wyman.

ABSENT — Ault, Beaulieu, Burns, Carrier, Carter, D.; Dudley, Dutremble, Gauthier, Hobbs, Jalbert, Kerry, LeBlanc, Littlefield, Mahany, Martin, A.; Maxwell, McKean, McMahon, Peakes, Prescott, Silsby, Talbot, Tarbell, Tyndale, Whittemore, The Speaker.

Yes, 64; No, 60; Absent, 27.

The SPEAKER: Sixty-four having voted in the affirmative and sixty in the negative and twenty-seven being absent, the motion does prevail.

Mr. LaPlante of Sabattus offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-864) was read by the Clerk.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take issue with the good gentleman from Auburn, Mr. Hughes deciding that these amendments are flying through because of the lobbyists in the hall. I have not been lobbied and I would not expect to be pressured by any lobbyists.

This is supposed to be a billboard issue but the bill goes further than that. Of course, the billboard signs possibly cause a blight on our scenic highways. I know probably there are a lot of people unhappy with that. If you ask someone if they would like to see the billboards go, they will say yes. But if you ask small businessmen and say, we are going to take away billboards but also we are going to take away your little signs and make them all uniform, you may have a different story and might get different answers.

I noticed on what was passed on the desks here from the good gentleman from Auburn, Mr. Hughes, the organization of business endorsing L. D. 1738 billboard proposal, has approximately 124 whatever, garden clubs, chamber of commerce, fish and game, a lot of small businesses on there. I think there are 5 percent possibly businesses, I don't know what they are but I decided that I would give them a high count, so I don't really think that small businesses know what is going on and I don't think that these people on here care about small business anyway. It is not because of lobbying that I decided to put this in.

I want to tell you a little something about the background of something that my wife and I have gone through in the last seven years. We built a building, hopefully, to open up in a couple of years. We have been building it for seven years, all the rough lumber, it has a specific color, specific log, and we spent the last two years purchasing a little bit of lumber, having the letters and everything routed out, conforming with the size of the building because we are a long way from the main road and we can't af-

ford to buy a billboard and we can't afford to advertise in the travelers pamphlets that the Chamber of Commerce would put out. The Chamber of Commerce doesn't particularly care about small businesses. Now, someone would come along and say, forget the last seven years you have put into this. You have to have a uniform size 16 by 6 foot because there won't be any billboards and you have to have all uniform signs. That is really great.

If you want to attack billboards, let's do it and this is what this amendment does. This amendment says, we concur with what has been found that some signs are offensive, whatever, and I concur with that. From Section 2 on of this amendment, deals strictly with billboards. Those that are licensed by the state that meet federal requirements and this is the issue or supposed to be the issue of what we are leading people to believe that this is the issue, a billboard bill so let's deal with just billboards. If we want to attack little signs later, let's do it later.

This amendment also would provide the continuation of jobs and not a complete loss of unemployment, not a complete loss immediately of the investments of those companies, there is a little virtue in patience. This would eliminate them over a period of 20 years and I guess here in America we are always in a rush, that we like to do everything in four or five or six years. These people who have jobs doing this, we are giving them 20 years to say, well, look at it down the road, 20 years to get either retired to start looking for another job. You people have money invested in your business and you have 20 years to reinvest someplace else. We are telling the farmer and the small landowner, look, you have 20 years, either you turn it over to your children, maybe, they will have a little more money than you when you retire, they can pay the tax on the land but you have 20 years to think about it. This is the billboard bill, not an attack on small businesses, not an attack on small owners of property, it is a billboard bill. You want to attack billboards, do it. Don't make the people believe that you are just attacking billboards because I think you had better go out and see the small businessman. Ask them about it and explain the whole thing to them and what it does.

I noticed the other day that there were some signs that people were leaning a little bit this way which meant turned that way but they had their own logos. You could understand what the business was all about and I saw one pointing to a golf course and pointed upwards. I assume someone was trying to get a laugh and it was kind of unique. This is Maine, not New York, not where everything is square, concrete and blacktopped. People who come out of New York, they don't want to see uniformity all over the place, they are getting away from that. They come to see Maine. Maybe Ma Bean's Restaurant down in Skowhegan has a little thing, she has a kidney bean for a sign or something, what is wrong with that? That is her logo. She can't afford a billboard, she can't afford newspaper advertisements. I just use that as an issue. She can't afford the pamphlets or travelers agency bureaus or the Chamber of Commerce.

Maybe Joe whatever's restaurant has a little firehouse pottery and he has a little pot for a sign, that is unique. People come out of New York, Boston, big cities to see Maine. They don't want to see the squared off areas like they have up in Boston and New York. We are different here in Maine. We do things a little differently, do things with a nice New England atmosphere.

I urge you, if you want to attack billboards, this is the amendment to do it. If you want to attack the other signs later, then at least, label it as such and let the people know exactly what you are doing.

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

Ms. CLARK: Mr. Speaker, I move the indefinite postponement of House Amendment "D" and when the vote is taken, I request a roll call.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: While I might concur with what the good gentleman from Sabattus was trying to do here, I think we should look at what this 5 percent reduction each year amounts to.

I think the good gentleman from Auburn, Mr. Hughes, brought it up originally when we were talking about House Amendment "A" and that is, as the number of these signs decrease the value to the owner of the remaining signs increases and therefore, the rental or whatever they charge to the people who do the advertising is going to escalate. So, if we are looking to help the small businessman in the State of Maine, I don't think this is going to be the answer. It may be for awhile but after three or four years, when they are only supposedly 60 percent of the existing signs left, the small businessman is not going to be able to afford any billboards. What we are going to be left with are the one signs of the people who can afford it. I submit to you those are the ones that are the most offensive signs, in other words, the ones that are non-directional.

I have a campground in my area and he uses a billboard for a directional sign. Obviously, he is much opposed to this bill but I think this particular amendment is going to make it even worse because there are going to be signs available but he is not going to be able to afford them.

I would further submit to you that the issue is that people come to see the State of Maine. Let's let them see it by removing some of the billboards.

I guess my last question would be, I wonder if, under this amendment, we have the right to take these signs down without reimbursing the people who own the signs and the people who rent or lease the land to people who construct these signs. I would say that this amendment doesn't provide for any reimbursement and I don't think that is fair to the people who own the signs or to the people who lease the land to them. So, I would hope that you will go along with indefinite postponement.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think Mr. Higgins understands the ones that are licensed by the state are federally regulated billboards, they are not signs. They are not signs that would affect the small businessmen. These are billboards that small businessmen can't afford now anyway. It would not affect your on premise signs at all. This is only affecting the ones that come under the federal requirements, which are licensed by the state. They are not the ones you have permits for by the state now. They are two different types of signs. One, you have a permit, they are not regulated by the federal government. The ones that have permits have small signs that a small businessman can now have. The signs that I am attacking on this issue is the billboards that you are talking about, that the small businessman can't afford right now and he will not be able to afford then. Now, it doesn't make any difference but this does not attack the ones that have permits from the state.

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

A vote of the House was taken, and more than

one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I must say something very quickly. First of all, this bill provides no compensation for the billboards. That throws it out right there. We have had court decisions already to say that we have to compensate for the billboards if they come down. It doesn't matter if it is 20 years or 6, 2 or 1, we have to pay them. That is under federal law. Since we have to pay them, if you put a bill out that doesn't pay them, the bill is tossed out so if you want a billboard bill, you will have to vote against this amendment.

Secondly, this amendment provides no replacement system for the directional services that are provided by billboards. In other words, there would not be even those forced, modestly sized uniform signs. If you think that is important, you would not want this amendment.

Thirdly, I ask you whether we want to wait 20 years to get rid of these billboards. I suggest the 20 year period is put in because that is the length of 10 legislatures which can be lobbied to repeal this bill. If you are for the billboard bill, you will vote against this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Freeport, Ms. Clark, to indefinitely postpone House Amendment "D". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Bunker, Bustin, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Durgin, Fenlason, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Lewis, Lizotte, Locke, Mackel, Mahany, Marshall, Masterton, McBreairty, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Plourde, Post, Quinn, Raymond, Rollins, Shute, Spencer, Sprowl, Stover, Stubbs, Tarr, Teague, Trafton, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Austin, Berry, Biron, Boudreau, P.; Carey, Carter, F.; Connors, Cote, Dow, Drinkwater, Flanagan, Garsoe, Gray, Hunter, Immonen, Laffin, LaPlante, Lougee, MacEachern, Masterman, McHenry, Norris, Peterson, Theriault, Tierney, Torrey, Tozier.

ABSENT — Ault, Beaulieu, Brown, B. C.; Burns, Carrier, Carroll, Carter, D.; Dudley, Dutremble, Elias, Gauthier, Hobbins, Jacques, Jalbert, Kerry, LeBlanc, Littlefield, Lunt, Lynch, Martin, A.; Maxwell, McKean, McMahon, Mills, Peakes, Prescott, Rideout, Sewall, Silsby, Smith, Strout, Talbot, Tarbell, Tyndale, Whittemore, The Speaker.

Yes, 88; No, 27; Absent, 36.

The SPEAKER: Eighty-eight having voted in the affirmative and twenty-seven in the negative with thirty-six being absent, the motion did prevail.

Mr. LaPlante of Sabattus offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-862) was read by the Clerk.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I spoke to members of the Department of Transportation and they expressed some concern that in some areas that it could possibly create a traffic hazard for out of staters especially who don't really know where they are going and this amendment would

provide some kind of ramp where they could pull off and read these signs for there may be a proliferation of them. I asked them how much it would cost and they didn't quite know so I suggested a figure, they did also, and we came to an agreement. I would say for the benefit of those who travel that this would be a safety feature for people who wish to read these signs because at that speed you would not be able to see them.

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

Mr. GOODWIN: Mr. Speaker, I move the indefinite postponement of this amendment and I request a roll call.

This is what I consider an obvious attempt to drag a red herring across this bill. I just think it is a ridiculous thing. When I was in Canada last summer, traveling on the Canadian highways of speeds far greater than whatever we can travel here, I could read those signs with no problem at all and I never had any problems with traffic or people not being able to read and I think this is just a complete red herring attempt.

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

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

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

#### ROLL CALL

YEAS — Aloupis, Austin, Bachrach, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Brennerman, Bunker, Bustin, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Durgin, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Higgins, Howe, Huber, Hughes, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Lewis, Lizotte, Locke, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, McBreairty, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Pearson, Peltier, Perkins, Post, Quinn, Raymond, Rideout, Rollins, Smith, Spencer, Sprowl, Stover, Stubbs, Tarr, Teague, Tierney, Trafant, Truman, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAYS — Bagley, Biron, Boudreau, A.; Boudreau, P.; Carey, Carter, F.; Connors, Cote, Dow, Drinkwater, Gray, Hunter, Jacques, Laffin, LaPlante, Lougee, McHenry, Nelson, N.; Peterson, Shute, Theriault, Torrey, Tozier.

ABSENT — Ault, Beaulieu, Brown, K. L.; Brown, K. C.; Burns, Carrier, Carroll, Carter, D.; Dudley, Dutremble, Elias, Fowlie, Gauthier, Hickey, Hobbins, Hutchings, Jalbert, Kerry, LeBlanc, Littlefield, Lunt, Lynch, Martin, A.; Maxwell, McKean, McMahon, Mills, Peakes, Plourde, Prescott, Sewall, Silsby, Strout, Talbot, Tarbell, Tyndale, Whittemore.

Yes, 90; No, 23; Absent, 37.

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

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

By unanimous consent, sent forthwith to the Senate.

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

Bill, "An Act to Amend the Employment Security Law to Include Federal Requirements and other Options Available to the State" (H. P. 762) (L. D. 1012) (C. "A" H-821)

Tabled — June 27, 1977 by Mr. McHenry of Madawaska.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I had a good amendment to this bill but I have been told by big brother that I can't put it on because they don't appreciate home rule.

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

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

Bill, "An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407)

In House, House Insisted on its Former Action Whereby Bill Passed to be Engrossed and Asked for a Committee of Conference on June 24.

In Senate, Senate Adhered to its Former Action Whereby Bill Passed to be Engrossed as Amended by Senate Amendments "A" (S-315) and "B" (S-323)

Tabled — June 28, 1977 (Till Later Today) by Mr. Kelleher of Bangor.

Pending — Further Consideration.

Thereupon, the House voted to recede and concur.

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

Joint Order, Relative to Study of Watercraft (H. P. 1775)

Read in House on June 28.

Tabled — June 28, 1977 (Till Later Today) by Mr. Greenlaw of Stonington.

Pending — Passage.

On motion of Mrs. Post of Owl's Head, retabled pending passage and later today assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-843) — Minority (5) "Ought Not to Pass" — Committee on Taxation

on Bill, "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 1290) (L. D. 1537)

Tabled — June 28, 1977 (Till Later Today) by Mr. Palmer of Nobleboro.

Pending — Acceptance of Either Report.

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

Mrs. POST: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

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

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will try and be brief and I will try and break this down into three sections for you.

I hope I can be as exact as possible and I will entertain questions if you want to put them through the Chair to me afterwards.

First of all, the general concept of the tax bill is this body holds it, the personal property tax on boats is the second part as it now stands within the state and third, this bill is amended.

I think the chief duty of this body is to enact tax legislation. I can't think of any way that we can be more damaging to the citizens or more valuable to the citizens in the way we raise the money to run the state's government. I think

that is the paramount thing that we should do and should do it properly and as fairly as possible. I would maintain that the present personal property tax on watercraft is grossly unfair throughout the state. Its problems hits all areas of income but to the most part on the lower income people.

The state, at this point, has approximately 120,000 watercrafts. These watercrafts, if you took a profile of the average boat within the state, you would be talking about 0 to 16 foot boats that are used for pleasure. It is an open hull, amazingly enough it is probably an aluminum hull powered by an outboard motor and it is powered by gasoline. The towns that happen to bother to apply this tax raised about 1 million dollars in 1976 from it. The money is kept in the town and is dispersed by the town.

My problem with this tax is the tremendously wide variation of evaluation. Let's take a small boat. You can go to Sears, Roebuck and you can buy a little aluminum boat for \$250. You can go down to the salt water and you can buy one that will be approximately the same size for approximately \$400, so there is a tremendous difference in the cost of this.

There are towns, and I can illustrate this very clearly in my own district, that are evaluating these watercraft at full value and assessing them and taxing them on that. There are towns right next door that aren't bothering to assess the tax at all, which happens to be illegal but it is happening, it is happening with about 140-odd towns, and there are many others that are undervaluing. So you could have a boat in the state that in one town you would be paying a tax and neighbors in the next town wouldn't be paying any tax at all on exactly the identical boat.

Among the towns that are levying the tax, you have got wide, wide variation in the value put on it. If we move into larger craft, fishing craft, 25 to 45 feet, you are talking a lot of money, particularly in a lobster boat. I don't think you could put a new lobster boat in the water nowadays for under \$35,000. You are also talking yachts and big pleasure boats that can run up to a value well over \$100,000. Here, again, it depends on what town you happen to live in what tax you are paying. You may be paying none, you may be paying a high tax or you may be paying a very low one, or a new factor comes into it, here it becomes worthwhile to avoid the tax.

You can set up an in-state corporation or an out-of-state corporation, and for a course of about \$200 a year, you can avoid paying any tax. So the man with the big, expensive boat is probably avoiding the tax and not paying anything.

Now, with this wide problem, we tried to devise a bill that would solve the problem or at least make the tax equitable and uniform. I have been told that this particular bill imposes a new tax or increases the tax; it does not. It removes the tax from watercraft that don't have motors on them. They are presently subject to taxation. Many towns don't bother, they are too hard to find, but they can be, and any town that wants to bother to do it can. Take, for example, your canoes. All the canoes in the state are subject to tax right now. If they don't happen to be taxed, it is the whim of the town. This would exempt canoes that didn't have a motor on them, in other words, hadn't registered, hadn't put numbers on them.

This would also set up a schedule that is on footage and the schedule is in the bill and the assessment would be straight on footage. I agree, some people may have problems with this, but it does not look to value. I think value is where we have broken down and the inequities have come, so we put it straight on footage.

There are a number of other features of the committee amendment that came out of Taxation, a 7 to 5 report, 7 members for it. The only other thing I would say, and I can't stress this



enough, that if you will open that report and it is a pink sheet, you will see there is a very very high price tag. You can take that price tag and you can cancel it out with your pencil because it is not based on fact. There was a mistake made reaching these figures. I talked to the Bureau of Watercraft today, Larry Gaudreau in the Bureau of Watercraft, unfortunately, he picked, to base his whole computations on, the number of boats registered new every year. This is totally out. It should be \$118,000 and he used a fraction of that. So instead of for the first year \$700,000 plus, we are talking about a very small fraction of that amount. We have not got the figure yet. Taxation is working at it now, the Department of Taxation. But the figures that are in this bill for cost are in no way accurate. They don't even come close to being, and they couldn't, because we are raising \$1,056,000 on this on the present schedule and the figures on the bill are impossible and this is where the mistake lies.

I hope you will vote against indefinite postponement and will accept the Majority Report of the Committee on Taxation on this bill.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I support the motion to indefinitely postpone and whether the fiscal note is correct or wrong, there is going to be a fiscal note on here, so there is going to be some delay in getting this bill along the route.

One of the things I object the most to is the fact that a 65-foot boat — picture one of those beauties with the aluminum hull, with the twin sails and the auxiliary engines and what have you, in the value of probably \$150,000 and paying a tax of \$100. Try to figure out what you are paying on your home, which obviously is not worth \$150,000. That would be the main reason for indefinitely postponing this bill.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: We have heard what is wrong with the laws that presently exist. I think there are a few things I might quote from the amendment that is proposed. One little jewel here is that the Treasurer of the State shall reimburse each municipality on or before December 15, so forth and so on, a percentage of revenues actually lost from the exemption of watercraft from the personal property tax.

Now, let's go over here — for the tax year beginning April 1, 1978, reimburse the municipality up to 100 percent of the actual revenue. Let's skip down to Subsection 2 — for the tax year beginning April 1, 1979, reimburse the municipality up to 80 percent. Skip down to Subsection 3 — for the tax year beginning April 1, 1980, reimburse the municipality up to 60 percent. Skip down to Subsection 4 — for the tax year beginning April 1, 1981, reimburse the municipality up to 40 percent. Subsection 5, for the tax year beginning April 1, 1982, reimburse the municipality up to 20 percent of the actual revenues. It sounds a little bit like one we just finally got rid of this spring that gave us a lot of trouble for years.

The schedule here has already been mentioned and I think that anyone who has that in front of them will see where there are some inequities in that.

Now, there is another little jewel down here. The municipal tax collector shall allow credit for a mooring fee assessed against the boat owner according to Title 38 and so forth. The credit shall be the lessor of the mooring fee or 50 percent of the excise tax owed.

I guess that is enough quotations to show us some of the difficulties with this.

Mr. Kelleher of Bangor moved the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have

the expressed desire of one third of the members present and voting. All those in favor of the motion for the previous question being entertained will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the question now before the House is, shall the main question be put now, which is debatable for five minutes by any one member.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would ask you at this point to vote against moving the question. I know that it is late and I am not any happier about debating this issue at seven o'clock than anyone else. At this point, we have had one person speak in favor of the bill and about three people speak against it. I think people have spoken a relatively short period of time. This is a statewide issue and I would simply ask you to vote against our moving the question.

The SPEAKER: All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 35 having voted in the negative, the main question was ordered.

Mr. Jackson of Yarmouth 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.

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

#### ROLL CALL

YEA — Aloupis, Austin, Bagley, Benoit, Berry, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Bustin, Carey, Chonko, Churchill, Conners, Connolly, Cote, Cox, Cunningham, Devoe, Diamond, Dow, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Hall, Henderson, Hickey, Hunter, Hutchings, Immonen, Jensen, Kane, Kany, Kelleher, Kilcoyne, Laffin, Lewis, Lizotte, Lougee, Lynch, MacEachern, Mahany, Marshall, Masterman, McBreaarty, McHenry, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Peltier, Perkins, Peterson, Raymond, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Stubbs, Teague, Theriault, Tierney, Torrey, Tozier, Wilfong, Wood, Wyman.

NAY — Bachrach, Bunker, Carter, F.; Clark, Davies, Dexter, Goodwin, K.; Gray, Green, Greenlaw, Higgins, Howe, Huber, Jackson, Jacques, Locke, Mackel, Masterton, Morton, Perkins, Plourde, Post, Quinn, Tarr, Trafton, Twitchell.

ABSENT — Ault, Beaulieu, Bennett, Berube, Biron, Boudreau, P.; Brown, K. C.; Burns, Carrier, Carroll, Carter, D.; Curran, Dudley, Dutremble, Elias, Flanagan, Fowle, Gauthier, Hobbins, Hughes, Jalbert, Joyce, Kerry, LaPlante, LeBlanc, Littlefield, Lunt, Martin, A.; Maxwell, McKean, McMahon, Mills, Moody, Palmer, Peakes, Prescott, Rideout, Sewall, Silsby, Strout, Talbot, Tarbell, Truman, Tyndale, Whitemore.

Yes, 79; No, 26; Absent, 45.

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

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

Mr. MacEachern: Mr. Speaker, having

voted on the prevailing side, I move reconsideration and hope you all vote against me.

Thereupon, Mr. Jackson of Yarmouth requested a vote.

Mr. Marshall of Millinocket requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Benoit, Bunker, Carter, F.; Clark, Davies, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Howe, Huber, Jackson, Jacques, Mackel, Masterman, Morton, Post, Quinn, Rollins, Stubbs, Tarr, Trafton, Twitchell.

NAY — Aloupis, Austin, Bagley, Berry, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Bustin, Carey, Churchill, Conners, Connolly, Cote, Cox, Cunningham, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Hall, Higgins, Hunter, Hutchings, Immonen, Jensen, Kane, Kany, Kelleher, Kilcoyne, Laffin, Lewis, Lizotte, Locke, Lougee, MacEachern, Mahany, Marshall, Masterton, McBreaarty, McHenry, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Peltier, Perkins, Peterson, Raymond, Shute, Smith, Spencer, Stover, Teague, Theriault, Tierney, Torrey, Tozier, Wilfong, Wood, Wyman.

ABSENT — Ault, Beaulieu, Bennett, Berube, Biron, Boudreau, P.; Brown, K. C.; Burns, Carrier, Carroll, Carter, D.; Chonko, Curran, Dudley, Dutremble, Elias, Flanagan, Fowle, Gauthier, Gray, Hickey, Hobbins, Hughes, Jalbert, Joyce, Kerry, LaPlante, LeBlanc, Littlefield, Lunt, Lynch, Martin, A.; Maxwell, McKean, McMahon, Mills, Moody, Norris, Palmer, Peakes, Plourde, Prescott, Rideout, Sewall, Silsby, Sprowl, Strout, Talbot, Tarbell, Truman, Tyndale, Valentine, Whitemore.

Yes, 25; No, 72; Absent, 53.

The SPEAKER: Twenty-five having voted in the affirmative and seventy-two in the negative, with fifty-three being absent, the motion does not prevail.

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

"An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (Emergency) (S. P. 410) (L. D. 1418)

Tabled — June 28, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mr. TIERNEY: Mr. Speaker, I move this item lie on the table one legislative day.

Thereupon, Mr. Jackson of Yarmouth requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, 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, Mrs. Sewall of Newcastle requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All

those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that this matter be tabled pending passage to be enacted and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Benoit, Berry, Blodgett, Boudreau, A.; Brennerman, Bustin, Carey, Connolly, Cote, Cox, Davies, Diamond, Dow, Durgin, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Huber, Jacques, Jensen, Kany, Kelleher, Kilcoyne, Laffin, Lizotte, Locke, Lynch, MacEachern, Mahany, McBreairty, McHenry, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Pearson, Peterson, Post, Quinn, Raymond, Rollins, Shute, Spencer, Stubbs, Theriault, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Austin, Bagley, Birt, Brown, K. L.; Bunker, Carter, F.; Chonko, Churchill, Clark, Connors, Devoe, Dexter, Drinkwater, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Lougee, Mackel, Marshall, Masterman, Masterton, McPherson, Morton, Peltier, Perkins, Plourde, Sewall, Smith, Sprowl, Stover, Tarr, Teague, Torrey.

ABSENT — Ault, Beaulieu, Bennett, Berube, Biron, Boudreau, P.; Brown, K. C.; Burns, Carrier, Carroll, Carter, D.; Cunningham, Curran, Dudley, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Hobbins, Howe, Hughes, Jalbert, Joyce, Kerry, LaPlante, LeBlanc, Littlefield, Lunt, Martin, A.; Maxwell, McKean, McMahon, Mills, Moody, Norris, Palmer, Peakes, Prescott, Rideout, Silsby, Strout, Talbot, Tarbell, Truman, Tyndale, Whittemore.

Yes, 59; No, 44; Absent, 47.

The SPEAKER: Fifty-nine having voted in the affirmative and forty-four in the negative, with forty-seven being absent, the motion does prevail.

#### (Off-Record Remarks)

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

"An Act to Establish the Fair Credit Reporting Act" (H. P. 1262) (L. D. 1526) (H. "A" H-797 to C. "A" H-749)

Tabled — June 28, 1977 by Miss Brown of Bethel.

Pending — Passage to be Enacted.

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

Mr. HOWE: Mr. Speaker and Members of the House: This was tabled, I guess, because somebody had questions about the bill. I believe it was the gentlewoman from Falmouth, Mrs. Huber, and I have talked with her about the bill. I wasn't aware it was on the Supplemental Calendar but I am glad it was tabled anyway, because I have another amendment. This is the second time I have stood before you to somewhat weaken my bill, but I will try my hand again at backing it up.

Thereupon, on motion of Mr. Howe of South Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by House 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-878) was read by the Clerk.

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

Mr. HOWE: Mr. Speaker and Members of the House: I will briefly explain the amendment. It provides that medical information in an investigator's consumer report not be disclosed to the consumer except with the consumer physician's permission. Second of all, that the sources of information not be disclosed to the consumer unless through the process of a law suit brought under this act through the process of discovery. I think, although I would have preferred in the latter case to see that the sources of information were in there, it is a legitimate concern of the reporting industry and therefore I have put the amendment in with hopes that the still valuable provisions I see in the rest of the bill will be enacted.

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

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

Mrs. Huber of Falmouth requested a roll call vote on passage to be engrossed.

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

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

The SPEAKER: The pending question is on passage to be engrossed as amended. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Bennett, Benoit, Birt, Boudreau, A.; Brennerman, Brown, K. C.; Bustin, Chonko, Churchill, Clark, Cox, Cunningham, Davies, Devoe, Diamond, Drinkwater, Fenlason, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Hughes, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, Lizotte, Locke, MacEachern, Marshall, Masterman, Masterton, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Pearson, Perkins, Plourde, Post, Raymond, Rollins, Spencer, Sprowl, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Austin, Berry, Brown, K. L.; Bunker, Carter, F.; Connors, Cote, Dexter, Dow, Durgin, Garsoe, Gillis, Gould, Huber, Hunter, Immonen, Jacques, Lewis, Lougee, Lynch, Mackel, Mahany, McPherson, Morton, Nelson, N.; Norris, Peltier, Peterson, Quinn, Sewall, Shute, Smith, Stover, Stubbs, Torrey.

ABSENT — Ault, Beaulieu, Berube, Biron, Blodgett, Boudreau, P.; Burns, Carey, Carrier, Carroll, Carter, D.; Connolly, Curran, Dudley, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Hobbins, Hutchings, Jalbert, Kerry, LaPlante, LeBlanc, Littlefield, Lunt, Martin, A.; Maxwell, McBreairty, McMahon, Mills, Moody, Palmer, Peakes, Prescott, Rideout, Silsby, Strout, Talbot, Tarbell, Truman, Tyndale, Whittemore.

Yes, 71; No, 35; Absent, 44.

The SPEAKER: Seventy-one having voted in the affirmative and thirty-five in the negative, with forty-four being absent, the Bill is passed to be engrossed as amended.

Sent up for concurrence.

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

Joint Order — Relative to Committee on Veterans and Retirement Reporting out Bill regarding funds to cover state's share of retire-

ment costs (S. P. 570) Read in House on June 27.

Tabled — June 28, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage.

On motion of Mr. Quinn of Gorham, retabled pending passage and tomorrow assigned.

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

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

Tabled — June 28, 1977 by Mr. Kelleher of Bangor.

Pending — Motion of the same gentleman to Reconsider Sustaining Governor's Veto.

On motion of Mr. Quinn of Gorham, retabled pending the motion of Mr. Kelleher of Bangor to reconsider sustaining the Governor's veto and tomorrow assigned.

The Chair laid before the House the fifth 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) (H. "B" H-823 to C. "A" H-659)

Tabled — June 28, 1977 by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

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

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

Joint Resolution in Commemoration of the Visit of the British Submarine H.M.S. Finwhale (S. P. 572)

Tabled — June 28, 1977 by Mr. Greenlaw of Stonington.

Pending — Adoption.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I am happy to report to the House that the order is legitimate and I move its adoption.

Thereupon, the Resolution was adopted in concurrence.

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

Bill, "An Act to Reform the Regulation of Watch, Guard and Patrol Agencies and of Private Detectives" (H. P. 1741) (L. D. 1889) — In House, Passed to be Engrossed as Amended by House Amendments "A" (H-806) and "B" (H-807) on June 27. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-342) and House Amendment "A" (H-806)

Tabled — June 28, 1977 by Mr. Burns of Anson.

Pending — Further Consideration.

On motion of Mr. Quinn of Gorham, retabled pending further consideration and tomorrow assigned.

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

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (S. P. 66) (L. D. 137)

Tabled — June 28, 1977 by Mr. Strout of Corinth.

Pending — Adoption of Committee Amendment "A" (S-338)

On motion of Mr. Greenlaw of Stonington, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.



Bill "An Act to Repeal Certain Laws Relating to Conservation" (S. P. 363) (L. D. 1224)

Tabled — June 28, 1977 by Mrs. Post of Owls Head.

Pending — Passage to be Engrossed as Amended by Committee Amendment "A" (S. 276) as Amended by House Amendment "A" (H-813) and Senate Amendments "A" (S-294) and "B" (S-302) thereto.

On motion of Mrs. Post of Owls Head, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" and Senate Amendments "A" and "B" thereto was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-873) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This House Amendment clarifies the language and makes sure that there are no conflicts with municipal alewives fishing. It has the approval of Fisheries and Wildlife and Representative Dow.

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

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

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

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

June 29, 1977

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

The Senate today voted to Adhere to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act Relating to Corporate Expenses in Public Utilities Commission Hearings" (H. P. 132) (L. D. 166).

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 29, 1977

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

The Senate today voted to Adhere to its action whereby it accepted the 'Ought Not to Pass' Report "B" on Bill, "An Act Relating to Utility Rate Making Treatment of Certain Advertising and Sales Promotion Expenses of Electrical Companies" (H. P. 778) (L. D. 965).

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 29, 1977

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

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Prohibit the Exclusion of Manufactured Homes from any Municipality" (H. P. 1151) (L. D. 1369).

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 29, 1977

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

The Senate today voted to Adhere to its action whereby it accepted the Majority 'Ought Not to Pass' Report on Bill, "An Act to Prohibit the Telephone Companies from Charging More Than \$17.50 for the Installation of a New Telephone in a Residence" (H. P. 881) (L. D. 1072).

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: William R. Adams, Jr., of Lewiston is leaving his position as Commissioner of Environmental Protection in order to assume the position of Regional Administrator of the United States Environmental Protection Agency, Region I, (S. P. 578)

Came from the Senate read and passed.

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

The following Joint Order: (S. P. 576)

WHEREAS, the Honorable Edward M. Robinson has served with outstanding devotion and distinction for many years as Administrative Court Judge; and

WHEREAS, the members of the Legislature and the citizens of the State are deeply concerned over Judge Robinson's present illness; and

WHEREAS, Judge Robinson's expertise and ability are sorely missed during his absence; and

WHEREAS, a great debt of gratitude is owed to Judge Robinson for his service to the State of Maine and its citizens; now, therefore, be it

ORDERED, the House concurring, that the members of the 108th Legislature take this opportunity to express to Judge Robinson and his family their deep appreciation for his many years of service and accomplishment; and be it further

ORDERED, that our sincerest wishes be extended to Judge Robinson for his immediate and full recovery from his illness and for his return to his duties of the Administrative Court; and be it further

ORDERED, while duly assembled in session at the State Capitol in Augusta under the Constitution and laws of the State of Maine, that this official expression of sentiment be sent

forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed.

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

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Provide for Legislative Confirmation of Gubernatorial Nominations to the Maine Human Services Council" (H. P. 723) (L. D. 856) asks leave to report: that the Senate recede and concur with the House and Pass the Bill to be Enacted.

Signed:

Messrs. COLLINS of Aroostook  
TROTZKY of Penobscot  
MINKOWSKY of Androscoggin  
— of the Senate.

Messrs. CURRAN of South Portland  
GOODWIN of South Berwick  
SILSBY of Ellsworth  
— of the House.

Came from the Senate with the Report read and accepted and the Bill passed to be enacted in concurrence.

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

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND EIGHTH  
LEGISLATURE  
COMMITTEE ON HEALTH & INSTITUTIONAL SERVICES

The Honorable John Martin  
Speaker of the House of Representatives  
State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the first regular session of the 108th Maine Legislature.

Total Number of Bills Received	100
in Committee	
Recommitted Bills	1
Unanimous Reports	84
Ought to Pass	13
Ought to Pass as Amended	25
Ought to Pass in New Draft	7
Ought Not to Pass	7
Leave to Withdraw	31
Change of Reference	1
Divided Reports	13
Bills Being Held Over to Next Session	3
Total Number of Amendments	38
Total Number of New Drafts	9

Sincerely yours.

Signed:

HARLAND C. GOODWIN, JR.  
House Chairperson

The Communication was read and ordered placed on file.

The following Communication: (S. P. 582)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

June 28, 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 S. P. 251, L. D. 759, An Act to Require that a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy.

Attracting good and qualified people to serve on the various boards and commissions will only be made more difficult as a result of

legislation such as this which requires additional, restrictive categorizing on the basis of technical requirements rather than on the basis of ability to contribute and desire to serve. In addition, this bill is unnecessary in that we are already trying through diversified appointments to achieve fair representation of the profession.

I believe that we have been fortunate to attract qualified people to serve on the many boards and commissions which play an important role in developing policy and in overseeing numerous professions and areas of public interest. However, this effort is seriously hampered by writing narrow restrictions and categories into the law and by further restricting public participation on the basis of not meeting technical requirements with respect to background or current employment.

The inflexibility of mandating this narrow approach also presents problems. For example, an individual could be employed as a pharmacist in one capacity when he or she is appointed, but may change jobs subsequent to the appointment. A host of questions could arise concerning the individual's legal authority to serve, the legal standing of any business conducted during the period in doubt, and in general could have more of a negative than positive impact upon the efficiency and effectiveness of the Pharmacy Commission.

In summary, I feel that the bill is overly restrictive, unnecessary, and contrary to current attempts to increase the participation of good and qualified people in government. For these reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY  
Governor

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The accompanying Bill:

S. P. 251 — L. D. 759, An Act to Require that a Hospital Pharmacist, a Chain Pharmacist and an Independent Pharmacist be Appointed to the Board of Commissioners of Pharmacy.

In the Senate, June 29, 1977, this Bill, having been returned by the Governor, together with his objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

20 in favor and 9 against was the vote of the Senate and accordingly it was the vote of the Senate that the Bill become a law, notwithstanding the objections of the Governor, since two-thirds of the members of the Senate so voted.

/s/ MAY M. ROSS  
Secretary of the Senate

The Communication was placed on file.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This is a very simple bill. It came out of the Health and Institutional Services Committee unanimous "Ought to Pass." It just sets up that three out of the five members of the Pharmacist Board, that one be a hospital pharmacist, another be a chain pharmacist and another be an independent pharmacist. Since the type of pharmacies are becoming very specific and very different, the various groups concerned within the various associations and everything wanted to make sure that out of the five representatives that we have

one from each of these fields so that the board doesn't get too heavily weighed in one direction or the other.

As I remember, there wasn't any real opposition or any opposition to this. It was one bill that everybody could agree on and everybody seemed to feel it was a good idea, and I would urge that you override the Governor's veto.

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

Mrs. GILL: Mr. Speaker and Members of the House: I might just add that the board we have now is the same mix that this bill asks for and it is just to write it into the statutes, that is all.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I think the point that I felt was most important in this bill is that chain pharmacies are becoming evermore powerful, and if you noticed recently in a Maine Times article, they seem to be taking over these independent pharmacies, and I think it is very important that there always be representation by the independent pharmacies on this board. They vastly outnumber the chain pharmacies, but I think in terms of money and resources, probably the chain pharmacies can get the best of the independents and I would hope that we would vote to override the Governor's veto so we would know that the small businessmen would always have representation on this board.

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

#### ROLL CALL

YEAS — Aloupis, Austin, Bachrach, Bagley, Bennett, Benoit, Berry, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Davies, Devoe, Diamond, Dow, Drinkwater, Elias, Fenlason, Flanagan, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Immonen, Jensen, Kane, Kany, Kelleher, Kilcovne, Laffin, Lizotte, Locke, Lougee, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, McBreairey, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peltier, Peterson, Plourde, Post, Quinn, Raymond, Sewall, Shute, Smith, Spencer, Sprowl, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAYS — Birt, Blodgett, Carter, F.; Connors, Dexter, Durgin, Garsoe, Gillis, Gray, Hunter, Jackson, Jacques, Joyce, Lewis, Mackel, McPherson, Morton, Pearson, Perkins, Rollins, Stover, Stubbs.

ABSENT — Ault, Beaulieu, Berube, Biron, Boudreau, P.; Burns, Carey, Carrier, Carroll, Carter, D.; Cote, Curran, Dudley, Dutremble, Fowlie, Gauthier, Hobbins, Jalbert, Kerry, LaPlante, LeBlanc, Littlefield, Lunt, Martin, A.; Maxwell, McMahon, Mills, Moody, Peakes, Prescott, Rideout, Silsby, Strout, Talbot, Tarbell, Truman, Tyndale, Whittemore.

Yes, 90; No, 23; Absent, 38.

The SPEAKER: Ninety having voted in the affirmative and twenty-three in the negative, with thirty-eight being absent, the Governor's veto is not sustained.

#### Orders

An expression of Legislative Sentiment (H. P. 1787) recognizing that:

MICHELLE NADEAU, of Saco, was elected Governor at the 1977 Dirigo Girls' State held at Husson College, in Bangor

Presented by Mr. Hobbins of Saco.

An expression of Legislative Sentiment (H. P. 1788) recognizing that:

DENISE AUBE of Saco was chosen Speaker of the House at the 1977 Dirigo Girls' State held at Husson College in Bangor

Presented by Mr. Hobbins of Saco.

An expression of Legislative Sentiment (H. P. 1789) recognizing that:

This is the 65th anniversary of the participation of Andrew Sockalexis, a member of the Penobscot Tribe, in the 1912 Olympics as a marathon runner

Presented by Mr. Pearson of Old Town.

#### Non-Concurrent Matters

Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) (L. D. 1475) which was passed to be engrossed as amended by Committee Amendment "A" (H-672) as amended by House Amendment "A" (H-815) thereto in the House on June 23, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-672) as amended by Senate Amendment "A" (S-351) thereto in non-concurrence.

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

Bill "An Act Relating to the Powers of Plantations and their Organization: (H. P. 1396) (L. D. 1635) which was passed to be engrossed as amended by House Amendment "A" (H-761) as amended by House Amendment "A" (H-859) thereto in the House on June 28, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-761) as amended by House Amendment "A" (H-859) thereto and Senate Amendment "A" (S-356) in non-concurrence.

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

#### Consent Calendar

##### First Day

(H. P. 1472) (L. D. 1752) Bill "An Act to Revise the Statutes Relating to Services for Mentally Retarded Persons" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-875)

No objections being noted, under suspension of the rules, the above item was ordered to appear immediately on the Consent Calendar of Second Day.

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

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act to Remove the Commercial License of Smelt Fisherman" (H. P. 1045) (L. D. 1272) asks leave to report: that the House pass the Bill to be engrossed as amended by Committee Amendment "A" (H-538)

that the Senate recede from acceptance of the Majority "Ought Not to Pass" Report of the Committee on Marine Resources, read the Bill once, adopt Committee Amendment "A" (H-538), read the Bill a second time and pass the Bill to be engrossed as amended by Committee Amendment "A" in concurrence.

Signed:

Mrs. POST of Owls Head  
Messrs. FOWLIE of Rockland  
BUNKER of Gouldsboro

— of the House.

Messrs. CHAPMAN of Sagadahoc  
HEWES of Cumberland  
LEVINE of Kennebec

— of the Senate.

The Committee of Conference Report was read and accepted and sent up for concurrence.

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

#### Non-Concurrent Matter

Bill "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) which was Passed to be Enacted in the House on June 28, 1977. (Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-283) as amended by House Amendment "A" (H-798) thereto and House Amendment "A" (H-825) and Senate "A" (S-297)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-283) as amended by House Amendment "A" (H-798) thereto and Senate Amendment "A" (S-297) in non-concurrence.

In the House: On motion of Mr. Quinn of Gorham, tabled pending further consideration and tomorrow assigned.

#### Non-Concurrent Matter

Bill "An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places" (H. P. 1260) (L. D. 1489) on which the House insisted on its former action whereby the Bill was Passed to be Enacted on June 27, 1977 (Having previously been passed to be engrossed as amended by House Amendment "A" (H-695)

Came from the Senate with that Body having Adhered to its former action whereby the Bill was passed to be engrossed in non-concurrence.

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

#### Non-Concurrent 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) which was Passed to be Enacted in the House on June 28, 1977. (Having previously been passed to be engrossed as amended by House Amendment "B" (H-817)

Came from the Senate passed to be engrossed as amended by House Amendment "B" (H-817) as amended by Senate Amendment "A" (S-332) thereto in non-concurrence.

In the House:

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

Mrs. KANY: Mr. Speaker, I move we recede and concur.

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

Mr. PEARSON: Mr. Speaker, one quick question. This would require that the state would reimburse the communities for church property that is tax exempt, is that correct?

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 gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I will be happy to answer the question. Yes, the reimbursements will be at 50 percent for future property tax exemptions after April 1, 1978. The Senate Amendment assures that only revenue sources that are new would be used. In other words, we couldn't use federal revenue sharing or some such item as that to reimburse the communities, because the bill as passed now would be a deterrent to enacting future property tax exemptions as it comes to us from the other body.

The SPEAKER: The Chair recognizes the

gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, I just wanted to ask a question. Is this the amendment which says that the state may allow the municipalities other means of taxation to make up the money lost on the exemptions?

The SPEAKER: The gentlewoman from Brunswick, Ms. Bachrach, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. KANY: Mr. Speaker and Members of the House: That amendment is still on the bill. There is a new amendment which requires that the legislature may meet its obligation to reimburse the municipalities for any property tax revenue lost by granting municipalities the authority to pay in the amount of the annual reimbursement through revenue sources other than property taxes, but only if those sources are sufficient to yield the proper amount. For instance, if you didn't have enough boats and you were granted the authority to levy a boat tax, then it would not be acceptable.

Secondly, if the revenue sources otherwise would not be available to the municipality, such as revenue sharing or something.

Thereupon, the House voted to recede and concur.

The following Enactors appearing on Supplement No. 2 were taken up out of order by unanimous consent:

#### Constitutional Amendment

##### Reconsidered

RESOLUTION, Proposing an Amendment to the Constitution to Require the Legislature to Convene in December after the General Election (H. P. 1048) (L. D. 1259)

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

On motion of Mr. Greenlaw of Stonington, under suspension of the rules, the House reconsidered its action whereby the Resolution was passed to be engrossed.

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

House Amendment "A" (H-874) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The purpose of this amendment, as is indicated in the Statement of Fact, is to correct an ambiguity in this Resolution. All that is added in this amendment is the word "even-numbered" that you see underlined on the first page of the amendment. The reason for this is that if this Constitutional Amendment is in fact approved by the people, the first regular session will be coming in the first Wednesday in December, and the way the amendment to the Constitution would read, it would read as if the second regular session would be convening in January of the next year, which would be just a month after. Obviously, that is not what was intended.

Thereupon, House Amendment "A" was adopted.

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

#### Passed to Be Enacted

"An Act Relating to Residency Requirements of Municipal Employees" (S. P. 192) (L. D. 589) (C. "A" S-314)

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the Chairman of the Labor Committee if he would kindly explain to

me what, in effect, this bill does. I am not one who likes residency requirements and I would like to know exactly how this bill addresses that subject.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Augusta, Mr. Bustin, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, I would be glad to answer the question of my colleague from Old Town. The committee amendment essentially says this, where a bargaining relationship exists between the employees and the employer in any municipality, the issue of residency requirement would be bargainable. By the same token, it says, where there is no bargaining relationship, where there is no organization in a municipality, the municipality could enact an ordinance requiring residency, but if it did so, it must grandfather in the current employees, they would not be covered.

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

Mr. PEARSON: Mr. Speaker, a further question to the gentleman from Augusta, Mr. Bustin. As I understand it, and I may be in error, haven't the courts established that residency requirements were not constitutional? If that were the case, and it may not be, but if that were the case, this would not be necessary, would it?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed another question through the Chair to the gentleman from Augusta, Mr. Bustin, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BUSTIN: Mr. Speaker, I would respond. The situation is the opposite of what the gentleman from Old Town theorized. The Supreme Court has ruled that establishment of residency requirements by municipal government is constitutional. Having no state laws on the books, we decided to put this state law on the books to provide the situation which would govern the development of those kind of requirements in any Maine municipality.

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

"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 Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor

##### Indefinitely Postponed

"An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608) (C. "A" S-300)

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

On motion of Mrs. Post of Owls Head, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence. (Later Reconsidered)

"An Act Providing for Changes in the Laws Relating to Property Taxation" (S. P. 479) (L. D. 1742) (C. "A" S-316)

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

"An Act to Provide for no Smoking Areas in All State Offices" (H. P. 818) (L. D. 991) (C. "A" H-757)

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

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

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

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

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

Mr. GOODWIN: Mr. Speaker, I would ask for a division and would hope that this one is not quite as easy as the last one. We had some debate on this initially. I think it is a good bill. I just hope that you don't indefinitely postpone it.

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

A vote of the House was taken.

Thereupon, Mr. MacEachern of Lincoln requested a roll call vote.

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

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

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

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

Mr. MACKEL: Mr. Speaker, I would pair my vote with Mrs. Martin from Brunswick. If she were here, she would be voting no and I would be voting yes.

#### ROLL CALL

YEA — Aloupis, Austin, Bennett, Berry, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Bustin, Connors, Connolly, Devoe, Dow, Garsoe, Gill, Gould, Huber, Immonen, Kilcoyne, Laffin, Lizotte, Lunt, MacEachern, Masterton, McBreairty, McHenry, McKean, Najarian, Peltier, Peterson, Raymond, Shute, Smith, Spencer, Sprowl, Stubbs, Tarr, Theriault, Tozier, Twitchell.

NAY — Bachrach, Bagley, Benoit, Blodgett, Brennerman, Carroll, Carter, F.; Churchill, Clark, Cox, Cunningham, Davies, Dexter, Diamond, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Gillis, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Higgins, Howe, Hughes, Hunter, Hutchings, Jackson, Jensen, Joyce, Kane, Kany, Lewis, Locke, Lynch, Mahany, Marshall, Masterman, McPherson, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Perkins, Plourde, Post, Quinn, Rollins, Sewall, Teague, Tierney, Torrey, Trafton, Valentine, Wood, Wyman.

ABSENT — Ault, Beaulieu, Berube, Biron, Boudreau, P.; Burns, Carey, Carrier, Carter, D.; Chonko, Cote, Curran, Dudley, Dutremble, Fowlie, Gauthier, Green, Hickey, Hobbins, Jacques, Jalbert, Kelleher, Kerry, LaPlante, LeBlanc, Littlefield, Lougee, Maxwell, McMahon, Mills, Mitchell, Moody, Peakes, Prescott, Rideout, Silsby, Stover, Strout, Talbot, Tarbell, Truman, Tyndale, Whittemore, Wilfong, The Speaker.

PAIRED — Mackel, Martin, A.

Yes, 41; No, 63; Absent, 44; Paired, 2.

The SPEAKER: Forty-one having voted in the affirmative and sixty-three in the negative, with forty-four being absent and two paired, the motion does not prevail.

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

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

Mr. QUINN: Mr. Speaker, having voted on the prevailing side, I urge we reconsider our action and I hope you vote against me.

The SPEAKER: The gentleman from Gorham, Mr. Quinn, moves that the House reconsider its action whereby the Bill was passed to be enacted. All those in favor will say yes; those opposed will say no.

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

"An Act Requiring Immunization of Children Prior to Entering Grade School" (H. P. 1072) (L. D. 1264) (H. "A" H-836 and S. "A" S-322 to C. "A" H-754)

"An Act to Increase Payments to Foster Homes for Children and to Small Boarding Homes for Adults" (H. P. 1358) (L. D. 1602) (C. "A" H-805)

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

#### Enactor

##### Tabled and Assigned

"An Act to Assist Municipalities in the Acquisition and Development of Land or Interests in Land" (H. P. 1407) (L. D. 1565) (H. "A" H-790 to C. "A" H-675)

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

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and tomorrow assigned.)

"An Act Relating to Campaign Reports and Finances" (H. P. 1739) (L. D. 1888)

##### 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) (S. "A" S-326 to C. "A" H-653)

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

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

Mr. BUSTIN: Mr. Speaker, having voted on the prevailing side whereby Item 4, L. D. 1608, An Act to Establish the 1977 State Valuation Omnibus Reform Act, was indefinitely postponed, I move we reconsider and I would like to have this tabled until the House Chairman is in the chamber.

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

Mr. JENSEN: Mr. Speaker, I move this be tabled one legislative day.

Thereupon, Mr. Birt of East Millinocket requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Jensen, that this matter be tabled pending the motion of Mr. Bustin of Augusta to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

76 having voted in the affirmative and 21 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (L. D. 1573)

which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I move that we recede so that I may offer an amendment.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the motion to recede and to vote for the motion to recede and concur.

We have worked very hard on this bill, all of the parties that have been concerned. Many of them who were against the bill to begin with, we have tried to amend it so that it would be palatable to all parties. The latest amendment that comes from the Senate was introduced by the Senate Chairman of the Natural Resources Committee, and it seems to cheer up those members of the House who either had constituents in a certain kind of problem or they themselves have a camp that they may have converted over with insulation and deep water and some kind of a heating system and yet they do not spend a hundred percent of their time in that camp. The Trotzky amendment, I think, will satisfy those people and I do urge you to vote for the motion to recede and concur and to vote down this motion to recede.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: I don't use much time in here on amendments. In fact, this is the first one I am offering, so I would ask everybody to have the courtesy to at least let me present them. You can turn them down if you want or pass them.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: I hope you will recede and permit Mr. Hunter to put his amendment on. This would take care of many problems that I have with the bill, and I would like to see this amendment added on. The bill would take care of the people whose water supply is being contaminated and it wouldn't hurt those people who have bought these seasonal dwellings with the intentions of later on moving in after they have retired. I feel that this would give them a chance to fix their homes up so that when they are ready to retire, they can go down there and live.

I hope that you would accept this amendment.

Mrs. Masterton of Cape Elizabeth requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Benton, Mr. Hunter, that the House recede. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Bennett, Berry, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carroll, Carter, F.; Clark, Connors, Connolly, Cunningham, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Garsoe, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Henderson, Higgins, Howe, Hunter, Hutchings, Immonen, Jensen, Joyce, Kane, Laffin, Lewis,

Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, McBreairty, McHenry, McKean, McPherson, Morton, Nadeau, Nelson, N.; Norris, Palmer, Pearson, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rollins, Sewall, Shute, Sprowl, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Benoit, Cox, Gill, Greenlaw, Hall, Hickey, Huber, Jackson, Kilcoyne, Masterton, Najarian, Nelson, M.; Peltier, Spencer.

ABSENT — Ault, Beaulieu, Berube, Biron, Birt, Boudreau, P.; Burns, Carey, Carrier, Carter, D.; Churchill, Cote, Curran, Dudley, Dutremble, Fowlie, Gauthier, Green, Hobbins, Hughes, Jacques, Jalbert, Kany, Kelleher, Kerry, LaPlante, LeBlanc, Littlefield, Martin, A.; Maxwell, McMahon, Mills, Mitchell, Moody, Peakes, Prescott, Rideout, Silsby, Smith, Stover, Strout, Talbot, Tarbell, Truman, Tyndale, Whittemore.

Yes, 90; No, 14; Absent, 46.

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

On motion of Mr. Hunter of Benton, the House reconsidered its action whereby House Amendment "B" was adopted.

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

House Amendment "B" (H-877) was read by the Clerk.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would move indefinite postponement of House Amendment "B" to House Amendment "B" and would speak to my motion briefly.

The SPEAKER: The gentlewoman from South Portland, Ms. Benoit, moves the indefinite postponement of House Amendment "B" to House Amendment "B".

The gentlewoman may proceed.

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment to L. D. 1573 limits the applicability of the requirement for a conversion permit to seasonal homes located on inland lakes that are municipal water supplies. We who want to see L. D. 1573 become a law are concerned about the lakes, streams, ponds and other bodies of water in the State of Maine. Any body of water can become polluted due to the discharge of sewage into these waters. Such pollution could be detrimental to not only water used for drinking but also for recreational purposes such as swimming and fishing. We, in Maine, have worked diligently to clean up our waters. Please, let us keep them all clean and free of pollution.

I would ask for a Division.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't normally get involved in this type of a bill. However, I have had a considerable number of calls from concerned cottage and camp owners.

As Mr. Theriault pointed out, this amendment would take care of a lot of the concerns that have been expressed to me. It seems to be reasonable. It seems to protect the water supplies for a municipality. I don't think that it is necessary really to go to the extent that the bill did without this amendment.

I would hope you would adopt the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Is it germane for me to speak about the Senate Amendment? I hope we would concur.

The SPEAKER: The Chair would advise the gentlewoman that inasmuch as the two are related, she can discuss it.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to read this amendment. I know you have a huge pile of amendments on your desks. I will read it because it is very brief. This subsection shall not be construed to require a permit for any dwelling which will not be occupied on a year-round basis or is not the principal dwelling place of the occupant. I know many people, who have camps on lakes, are concerned that just because they have insulation, just because they have a heating system and just because they have an all year round water supply of some sort, that they are going to be required to get a permit under this bill. That is not so. These people would be exempted because they aren't dwelling in that camp all year round nor is that camp their principal place of residence.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am the secretary of the Annabessacook Lake Association. We have had a study of that lake. It is one of the so-called polluted lakes around here. It is supposed to be dying although I think it is coming to life again. We have had federal money and we have had a person who with a staff has been studying the lake very completely for the last two years and he has finally issued a report. That report shows that there is four times as much pollution from what few farms there are around there and that is not a strictly agricultural place. There is four times as much pollution from the agricultural area around there as there is from all of the camps in the area.

It seems to me that we should vote for this amendment.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: In reference to the water supply, many of these camps don't have the regular water supply because they pump their water from the lake. They have flush toilets but, under this bill, if this amendment is not added on, these people when they move down there and want to put in a water system, they would not be able to do it. This would permit them to do it.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to have to oppose this amendment but I see that it limits the requirements only to converted camps which are located on the shore of an inland lake with a water supply from a municipality. Believe me, on the shore of the salt water, where I live, there is a real problem in having any sort of septic system and the requirement is certainly needed for that area.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was brought in, we were told that this would take care of a problem in the Sebago Lake area and this amendment will do that. Then we found out that this bill went further than that, they want to take in the whole State of Maine and up the water quality all over the state. We have a water quality group in the DEP and that is their job and I think they can take care of it very nicely and we did pass a bill upping the water quality of the state. If we are going to do it here, I think we had better do away with the DEP and save some money.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe this bill was ever intended to be a bill for only Sebago Lake. People keep saying that but it is just not true. That is one point.

Secondly, I wish that Mr. Theriault would — I don't know if I understood him correctly or not but this amendment has absolutely nothing to do with where you get your water supplying your house and, as a matter of fact, if you are worried about your drinking water, when you put in a camp, I would think that that would be all the more reason why you would want the bill. You would want your water to be clean.

The SPEAKER: 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 this amendment. I have been working on this bill to try to make the bill reasonable, to try to provide for exceptions to people who have seasonal camps now so there is a variance procedure so that people who are not going to be living on these lakes year round don't have to get the permit. I think it would be grossly unfair to make this bill only apply to those people who have camps on lakes that are used for water supplies, particularly with reference to Sebago. The lake is about two and a half miles or three miles long from one end to the other. The people up at one end of the lake are miles away from the intake of the water supply to the extent that there is going to be a problem for many of those people. It is going to be the same problem that would occur anywhere else in the state on any other lake or pond. Many of the camps are a great distance from the water intakes and it seems to me that to put this restriction on a few people in those situations where the problem will be a general problem of lake pollution and not directly related to the intake, is to treat those people unfairly.

The bill, as it has been written, has variance procedures so that it applies reasonably to people and it seems to me if we are going to pass it, we either ought to make it apply to all of the shoreland areas or not do it.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have sat through two committee hearings and several work sessions on this piece of legislation. We reviewed the present laws on the books and how this piece of legislation deals with the situation.

I would urge you to vote for the amendment.

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

Mrs. KANY: Mr. Speaker and Members of the House: I urge you to vote against this amendment, just because I submit to you that it is just as bad to swim in it as it is to drink it.

On motion of Mr. Birt of East Millinocket, tabled pending the motion of Ms. Benoit of South Portland to indefinitely postpone House Amendment "B" to House Amendment "B", and tomorrow assigned.

The Chair laid before the House the following matter: Bill "An Act to Provide Legislative Oversight of Appropriated Fund Transfer" (H. P. 1391) (L. D. 1618) which was tabled earlier and later today assigned pending further consideration.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the following matter:



"An Act to Eliminate Tax on Marine Worms and Replace it With a Fee for Inspection and to Specify Certain Offenses Concerning the Sale of Marine Worms and Other Commodities" (H. P. 913) (L. D. 1119) which was tabled earlier and later today assigned pending passage to be enacted.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members present and voting is necessary. Those in favor of passage to be enacted will vote yes; those opposed will vote no.

105 having voted in the affirmative and 0 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

Joint Order Relative to Study of Watercraft (H. P. 1775) which was tabled earlier in the day and later today assigned pending passage.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I move that this order be indefinitely postponed.

The subject with this study order purports to examine — it has been studied and studied and studied, there have been about four or five different studies on it. In fact, the Marine Resources Committee took a look at the subject last year for a day or so and I guess I share the frustration of my good friend from Nobleboro, Mr. Palmer about these study orders and I see frankly nothing to be gained from this study order being passed. I think the best way to address this subject is if two or three of us get together and put our heads together and see if we can't come up with a good sound bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: May it rest in peace.

Thereupon, the Order was indefinitely postponed.

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

Mr. RAYMOND: Mr. Speaker, I move reconsideration on Joint Order (H. P. 1782) relative to a study or review of CETA programs whereby the House failed to pass this order.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the study order with respect to the CETA programs and I promise not to talk long. I have talked with many of you individually and I just want to remind you that this is that order that I hope you would vote to reconsider so that we can pass this order as we did Mr. Palmer's order earlier.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inquire to the gentleman from Bangor, what order Mr. Palmer had passed earlier?

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

Mr. HENDERSON: Mr. Speaker, Item 5 on the same page, the gentleman expressed some interest in having to do with the budget process. I believe.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: That is not Mr. Palmer's order. That was an order Mr. Wilfong and I spoke in favor of it because I did believe that we should change our budget procedure in this legislature.

I would like to ask the gentleman from Bangor, who is apparently persisting in passing this order, what would the Committee on Local and County Government be able to do if, indeed,

they did discover some big, bad problems with CETA programs — what they, as a committee, could do and what we would do as a legislature?

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, has posed a question through the Chair to the gentleman from Bangor, Mr. Henderson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: We are not expecting to find big bad abuses or anything like that but we are trying to discover what the priorities are that are being set de facto and the impact on both the state and the county budget. And, on finding out that information and given the fact that this legislature has authorized the counties to operate the CETA programs, we would give you a report on those impacts so that when you do prepare for your next county budget, you will be much more familiar with this impact as well as the state budget and we could also inquire into whether we wanted to continue the present arrangement. All these would be in a study report.

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

Mr. PALMER: Mr. Speaker, I would request that this lie on the table for one legislative day. Mr. Henderson of Bangor requested a division.

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

A vote of the House was taken.

65 having voted in the affirmative and 23 in the negative, the motion did prevail.

#### (Off Record Remarks)

On motion of Mr. Hughes of Auburn,  
Adjourned until nine o'clock tomorrow morning.