

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

Index

**Senate Confirmation Session
September 16, 1977**

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KJ PRINTING
AUGUSTA, MAINE

HOUSE

Thursday, June 30, 1977

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

Prayer by Father Christopher Piselli of St. Joseph's Catholic Church, Gardiner.

The journal of yesterday was read and approved.

Papers from the Senate

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 Minority 'Ought Not to Pass' Report on Bill, "An Act Concerning Arbitration for Municipal Fire Departments" (H. P. 522) (L. D. 640).

Respectfully,
(Signed) MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Increase the Exemption on Estates of Veterans" (H. P. 70) (L. D. 94) which was passed to be engrossed as amended by Committee Amendment "A" (H-648) as amended by House Amendment "A" (H-747) thereto in the House on June 20.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-648) as amended by Senate Amendment "E" (S-357) thereto in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Provide Lifeline Electrical Services" (H. P. 1669) (L. D. 1867) which was passed to be engrossed as amended by House Amendment "C" (H-860) in the House on June 28.

Came from the Senate with that body having adhered to its previous action whereby it passed the bill to be engrossed as amended by House Amendment "A" (H-561) and "B" (H-656) and Senate Amendment "A" (S-235) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Bill "An Act to Repeal the Personal Property Tax on Commercial Fishing Vessels and Equipment" (S. P. 233) (L. D. 730) on which the Majority "Ought Not to Pass" Report of the Committee on Taxation was read and accepted in the House on June 29.

Came from the Senate with that body having adhered to pass the bill to be engrossed in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, the House voted to adhere.

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

Bill "An Act Concerning the Administration of Laws by the Bureau of Taxation" (H. P. 394) (L. D. 498) which was passed to be engrossed as amended by Committee Amendment "B" (H-800) and House Amendment "A" (H-826) in the House on June 21, 1977.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-779) as amended by Senate Amendment "A" (S-350) thereto and House Amendment "A" (H-826) in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000" (H. P. 1329) (L. D. 1606) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-777) report of the Committee on Taxation was read and accepted and the bill passed to be engrossed as amended by Committee Amendment "A" (H-777) in the House on June 23, 1977.

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

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

Non-Concurrent Matter

Joint Order relative to Joint Select Committee on Legislative Financial Policy (H. P. 1785) which was read and passed in the House on June 29.

Came from the Senate indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, the House voted to adhere.

By unanimous consent, ordered sent forthwith.

Messages and Documents

The following Communication:

State of Maine

OFFICE OF THE GOVERNOR

Augusta, Maine

June 29, 1977

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

From: Gov. James B. Longley

I am returning this date without my signature and approval H.P. 1016, L.D. 1231, RESOLVE, Authorizing John Carlo, Inc. to Bring Civil Action Against the State of Maine and To Resolve the Dispute by Arbitration.

I have been advised that this particular bill would allow John Carlo, Inc. to seek additional compensation over and above that amount which he contracted for with the State of Maine.

First, I understand that John Carlo, Inc. has an adequate remedy at law in that the company can presently bring a legal action against the State for payment of sums agreed to in its contract with the State. If the company is alleging that the State failed to live up to its obligation to pay sums agreed to under the contract, then the company can sue and if successful can recover the funds due.

Second, when John Carlo, Inc. bid on this project it knew the standard and the workmanship which would be expected of it, and its bid was accepted by the State on the basis that the standards would be met and the level of workmanship would be acceptable. John Carlo, Inc. was quite aware of its obligation to the State and of the risk that it assumed given the obligation to provide the quality road under the supervision of the Department of Transportation and in accordance with all the pertinent regulations and requirements. Now, as I understand it, John Carlo, Inc. is requesting permission to sue the State to recover compensation over and above the amount of its contract for work it allegedly rendered beyond and in ad-

dition to that which it was obligated to render. John Carlo, Inc. knew the extent of its obligation and had a commitment to fulfill that obligation. I feel that any company which contracts with the State to provide certain services for a certain amount of compensation has an obligation to do so. Even regardless of any failure to meet their obligation in a timely fashion or of their having caused inconvenience and embarrassment or frustration to numerous Maine citizens, I do not feel that any company should be entitled to demand a waiver of sovereign immunity so that they may pursue compensation from the State beyond that which they are justified to expect under the terms of their own contract and bid.

In summary, I feel that there is an important policy decision with respect to whether or not the State should commit additional taxpayer money and expense to defend a suit against it for compensation over and above the amount agreed upon pursuant to a contract entered into between the State and John Carlo, Inc., especially when there is an adequate remedy at law to address any alleged failure on the part of the State to live up to its legal obligation to pay the sums agreed under the contract. I have seen no evidence which would justify this extraordinary commitment on our part.

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

Very truly yours,

(Signed) James B. Longley

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall RESOLVE, Authorizing John Carlo, Inc. to Bring Civil Action Against the State of Maine and to Resolve the Dispute by Arbitration (H. P. 1016) (L. D. 1231) become law notwithstanding the objections of the Governor?

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

Mr. TIERNEY: Mr. Speaker, I request to be excused from voting pursuant to a conflict of interest.

The SPEAKER: The Chair would advise the gentleman that he cannot excuse the gentleman from voting on the veto, but the Chair would suggest that he vacate himself from the chamber and therefore there will not be a problem with the Constitution.

The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, Men and Women of the House: I sponsored this resolve authorizing John Carlo, Inc., to bring action against the state and to resolve the dispute by arbitration. The bill was changed so that the Department of Transportation could either insist on going to court or go to arbitration.

I had a hard time with this bill from the beginning. I didn't sponsor it as a personal matter, simply as a courtesy. I have no feeling about the new highway, Route 95 which is opened. I don't have any feeling about that. I don't know whether John Carlo is right or whether he is wrong. All the unanimous committee thought was that maybe everyone should be allowed to go to court. The question has come up whether or not there is now a method for the suit under the law. The committee understood that the state would use sovereign immunity for protection and therefore there wouldn't be a chance to either go to arbitration or to court.

In my best judgment, I can only say that although I may not condone work that has been done by this corporation, I did think it was fair that everyone have a chance to sue when there is a shadow of a doubt.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Before we act on this, there is one point that I think is very important

and it is a misunderstanding in the Governor's veto message.

On Page 3, the Governor says, "First, I understand that John Carlo, Inc. has an adequate remedy at law in that the company can presently bring a legal action against the state for payment of sums agreed to in its contract with the state. If the company is alleging that the state failed to live up to its obligation to pay sums agreed to under the contract, then the company can sue and if successful can recover the funds due." The problem in this case is that there is a dispute as to funds that are owed that were not covered in the contract, and the contractor can sue in the courts. When he can bring his suit, he can file his action, he can put all the papers into the courts but then, if the state asserts the doctrine of sovereign immunity, the court says, well, you have the right to sue but we dismissed the suit because of sovereign immunity, because the state can't be held liable in this kind of situation.

The committee felt that there was enough of a claim here that it ought to be decided by the courts after a full hearing. And although he has the right to bring the suit, if the case is dismissed because of sovereign immunity, he will be denied any real remedy. So the feeling of the committee was that the matter ought to be decided by the courts on the merits and ought not to be dismissed because of sovereign immunity. On that basis, I would urge that the original position of the House be upheld and that we vote to override the veto.

On motion of Mr. Palmer of Nobleboro, tabled pending consideration and later today assigned.

The following Communication:
State of Maine
Office of the Governor
Augusta, Maine

June 29, 1977

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

I am returning without my signature and approval H. P. 180, L. D. 242, An Act Relating to an Increase in the Volume Fees Paid by Major Creditors Under the Maine Consumer Credit Code.

I believe that this bill establishes a regressive tax against smaller institutions, such as credit unions, and also perpetuates the dedicated revenue fund in a manner that I feel is contrary to the best methods of management and in the best interests of those consumers who pay the expenses of State government.

First, I am advised that the original bill, unlike the legislation before me, would have established a fee structure based on the volume of credit extended by each institution. In essence, there would have been a progressive rate which I am told was justified on the basis that the more credit an institution extends, the greater the potential involvement of the regulatory agency. Consequently, a fee structure which was tied into volume of credit seemed to be a more equitable way to assess the cost of the regulatory function. However, this original bill was drastically amended, and the current version applies a straight thirty dollar fee to any institution extending credit in excess of \$50,000. The effect of this change was that every relatively small lender will now pay the same fee as the largest banks and credit extenders in the state. I do not feel that it would be fair or equitable to charge a small credit union or the small business the exact same fee that is being charged to the largest financial institutions and credit lenders. It seems to me that the same principles of fairness and equity which the Consumer Protection Bureau is supposed to be enforcing on behalf of the consumer apply equally to their dealings with creditors. I see no justification for a double standard.

Also, this bill would increase the amount of money which would annually accrue to a dedicated revenue fund. I have repeatedly stated my opposition to the dedicated revenue concept, and in fact submitted legislation which would have begun the process of eliminating dedicated revenue funds in State Government. I firmly believe that efficient and effective management of public revenues should be done on the basis of priority funding with each request standing the test of need and priority relative to all others. As you know, dedicated revenues circumvent the necessity of having to stand judgment with the other needs of Maine people and permit special interests or particular programs the exceptional status of being able to perpetuate themselves merely because they have a separate and distinct funding mechanism.

In addition, the dedicated revenue fund is especially inappropriate and subject to abuse where the checks and balances and degree of accountability are absent, and the same procedures for protecting taxpayers' resources and government spending do not exist.

I am advised that this bill is not necessary to support the current services of the Bureau. They presently are operating with a balanced account and I am advised that by exercising the same efficiency standards that apply to every other department and agency of government the bureau can continue with a balanced budget.

In summary, I feel that the funding mechanism is unfair and inequitable and I question the ability to insure the efficient spending of taxpayer dollars in the best interest of Maine people in light of the lack of accountability of the agency and the isolation from checks and balances associated with the dedicated revenue approach.

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 question is, shall Bill "An Act Relating to an Increase in the Volume Fees Paid by Major Creditors Under the Maine Consumer Credit Code" (H. P. 180) (L. D. 242) become law notwithstanding the objections of the Governor?

On motion of Ms. Clark of Freeport, tabled pending consideration and later today assigned.

Orders

An Expression of Legislative Sentiment (H. P. 1790) recognizing that:

Edith Smith, a recent graduate of Winthrop High School and Maine's representative at the 1977 National High School Debate and Speech Tournament in Seattle, Washington, was elected Speaker of the House in the National Student Congress and placed 5th in the overall scoring from over 750 participating students

Presented by Mr. Bagley of Winthrop. (Cosponsor: Senator Speers of Kennebec)

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

By unanimous consent, ordered sent forthwith.

Second Reader

Later Today Assigned

Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388) (H. "A" H-743 to C. "A" H-734)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and later today assigned.)

Orders of the Day

The Chair laid before the House the first 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 29, 1977 (Till Later Today) by Mr. Palmer of Nobleboro.

Pending — Final Passage. (Roll Call Ordered)

On motion of Mr. Garsoe of Cumberland, retabled pending final passage and later today assigned.

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

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

Tabled — June 29, 1977 by Mr. Bustin of Augusta.

Pending — Passage to be Engrossed.

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

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

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

Tabled — June 29, 1977 by Mr. Davies of Orono.

Pending — Acceptance of either Report.

On motion of Mr. Curran of South Portland, tabled pending acceptance of either Report and later today assigned.

The Chair laid before the House the third 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 29, 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 be tabled until later in today's session.

Whereupon, 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 pending passage to be enacted and later today assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

51 having voted in the affirmative and 48 having voted in the negative, the motion did prevail.

The Chair laid before the House the fourth 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 retirement costs (S. P. 570) Read in House on June 27.

Tabled — June 29, 1977 by Mr. Quinn of Gorham.

Pending — Passage.

On motion of Mr. Quinn of Gorham, tabled pending passage and tomorrow assigned.

The Chair laid before the House the fifth 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 29, 1977 by Mr. Quinn of Gorham.

Pending — Motion of the same gentleman to

Reconsider Sustaining Governor's Veto.

Thereupon, the House reconsidered its action whereby the Governor's veto was sustained.

The SPEAKER: The pending question now before the House is, shall this Bill become law notwithstanding the objections of the Governor?

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: In the House debate the other day on the attempted override of the Governor's veto of this bill, the impression may have been given that the Human Services Council make its decisions behind closed doors with no participation by anyone else. That, of course, is not true. They are a hard-working committee, making a great effort to allocate funds equitably. The bill does not deny that and the unanimous committee report does not deny that. However, what is true is that the general public has little awareness of the \$16 million Title XX process, and those few who are aware have difficulty in getting to Augusta to have their voices heard at the council's hearings. This bill improves the present program by providing greater access by the public to the Title XX process through regional public hearings.

Many of you may ask, as the Governor did, if the council supports this bill, why put it in the statutes, they can do it administratively. The answer to that question, of course, is, the Human Services Council did not hold regional public hearings this year and the present membership may not always be on the council and may not wish to hold regional hearings at a later day. Therefore, I have attempted to place regional public hearings in the statutes to insure that the public has a greater opportunity for participation. The Governor wants to deny that chance to the taxpayers — I don't. I urge that you override the Governor's veto.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I can only repeat what I had stated the other day relative to this particular bill. I would say that it is unnecessary and would repeat that the Human Services Council has the existing authority and the responsibility of conducting these hearings. I spoke to the Chairman of the Human Services Council and he indicated he would be more than happy to hold the hearings as indicated within this particular bill, and this bill, to me at least, reflects a glowing tendency on the part of this legislature, in this bill and a few others, that would indicate that some of us would tend to invade, I think, the prerogatives, the authorities and the responsibilities of the Executive Council through legislation. I think this is unnecessary. I think we have a responsible Executive Department and I do believe that we have a responsible Human Services Council and I think they would do this job without this legislation. I think it is entirely unnecessary.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you this morning to override the Governor's veto on this particular item. As I said the other day, I presently serve as a member of that council. I also was a member of this legislature, as many of you were, when we created the Maine Human Services Council. It has been a great aid, particularly to the Appropriations Committee, to leadership, to the Health and Institutions Committee in dealing with priorities and programs from the Maine Human Services Department.

Under our existing authority now, we can hold regional meetings at our own pleasure. I believe when we enacted the Maine Human Services Council there was an oversight. Perhaps at that time we should have, and now we have got an opportunity to correct it, to mandate

through our legislative process, that, in fact, we do hold regional meetings dealing with Title XX money.

As Mr. Brenerman so ably stated this morning, we are handling almost \$16 million in an advisory capacity and the council does have, presently, great influence with the department as well as with this legislature in terms of its credibility in an advisory capacity. So I would urge you to override the Governor's veto this morning and pass this bill into law.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would just like to remind you that this council develops the plans to spend over \$16 million federal dollars that are matched with many many more millions of state and local dollars in nearly every community and every county of this state. They are used for a variety of social services programs to try to do a lot of different things. There are a lot of people out there who would like to have some input on how these dollars are spent. And unless we can make sure that the hearings on these plans are held in various areas of the state, a lot of those people aren't going to get that input.

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

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K.L.; Brown, K.C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Devoe, Diamond, Dow, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, LaPlante, LeBlanc, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Plourde, Post, Prescott, Quinn, Rideout, Spencer, Tarbell, Theriault, Tierney, Tozier, Traiton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Berry, Biron, Birt, Boudreau, P.; Bunker, Carter, F.; Conners, Cote, Cunningham, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gillis, Gould, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Kilcoyne, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, McBrearty, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Raymond, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Torrey, Twitchell, Tyndale, Whittmore.

ABSENT — Carrier, Goodwin, K.; Hughes, Jalbert, Marshall, McKean, McMahon, Moody, Peakes, Talbot.

Yes, 83; No, 58; Absent, 10.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-eight in the negative, with ten being absent, the Governor's veto is sustained.

The Chair laid before the House the sixth tabulated 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 29, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-868) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" to L.D. 1212 is designed to deal with the problem which exists with the bill as it stands right now, which is if the constitutional amendment in the current form of this resolve is adopted, we will have written into the Constitution of the State of Maine that the only tax that can ever be levied on the unorganized territory apart from a uniform state tax would be a tax that was directly limited to services and which created the 10,000,000 acres of the unorganized territory as a single municipality for the purposes of taxation.

In 1970, this state went from a system of taxation for the timberlands of this state based on just value at highest and best use, or the real value of the land, to a system of productivity taxation based on the value of the land for growing trees. At that time, and as part of the committee recommendation for taxing the unorganized territory, the committee that proposed the tree growth law recommended, and I quote from the report: "In unorganized towns, the state tax assessor should apply a mill rate equal to the state adjusted weighted average of the mill rates of all the organized towns and collect for the General Fund the revenues realized therefrom." So that when this state went to the Tree Growth Tax Law, the recommendation in that law, which was agreed upon by the members of that committee, which included Morris Wing of International Paper, John Salisbury of Maine Municipal, Phil Savage of State Planning Office, John Sinclair of Seven Islands, Rand Stowell of Timberlands Incorporated and many others, they recommended that the tax rate in the unorganized territory be established at the weighted average tax rate in the rest of the state, which would leave the possibility that that 10 million acres would contribute to the cost of general services of the state.

If we adopt the constitutional amendment that is now before us without the amendment that I am proposing, and if the public repeals the uniform property tax at referendum, we will then be in a situation where any tax on the unorganized territory would be limited specifically to the services provided in the unorganized territory, and with 10 million acres that are essentially, to a large degree, uninhabited, one half of the state would only be contributing to the services that are directly provided to it and not to the general operations of state government.

I think that we would make a grave mistake with very serious implications for the future of this state if we were to put this language limiting the ability of the legislature to impose a tax that would involve a contribution to the general cost of running the state if we were to put that language into the constitution.

The amendment which I propose simply allows the legislature to impose a separate tax on the unorganized territory. It solves the problem that Maine Municipal has. Once this language is placed in the constitution, the legislature would then be in a position to act in a responsible and reasonable manner in determining the level of taxation that ought to be applied to the unorganized territory. I don't feel that this legislature would or should impose an unreasonable level of taxation upon the forest lands of this state. But on the other hand, I think that we would make a great mistake to put into the Constitution that that 10 million acres, which essentially comprises half the state of Maine, would not be contributing except for services provided.

I would urge you to support House Amendment "A" and allow this bill to go on its way to deal with the problem which has been raised by Maine Municipal.

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

Mr. GARSOE: Mr. Speaker, Members of the House. I move for the indefinite postponement of House Amendment "A".

This bill came in to correct a problem that has been increasing in our organized communities. This state and local property tax has been a very confusing and poorly understood device. I believe we are now up to 180 communities that are really in a constitutional problem because the taxes are increasing every year with the proviso that if it is committed to the operation of the municipalities, it, in effect, is forgiven. We now have 180 communities that can in no way spend the required 10¼ mills on the operation of local governments. Therefore, I believe Maine Municipal initiated this proposal that would correct it and allow the state to assess a tax on the unorganized sections of the state completely and distinctly separate from the rest of the state.

I take you back to the question raised by the gentleman from Standish about a week ago when this first came through in which he inquired if the state and local property tax as it is assessed against the wildlands in any way contributed to the general state services. This, of course, is what the effect of the amendment he proposes would allow. I would only point out that at this present time the state applies no property tax for statewide general services and I believe this is the way it should be. The amendment which is on the bill now, which constitutes the bill, does in effect, dedicate the amounts that would be raised on the wildlands to services to be performed in the wildlands. If you will, it creates a municipality of the wildlands, raises the money from the valuations on those lands and would be predicated on some type of budgeting process that would determine what services, in effect, this municipality requires and therefore what rate of taxation is needed.

I think we should be very careful to stay with this because, I will say again, this amendment constitutes a blank check for the state to start raising general fund revenues from a property tax on the real and personal property of the wildlands. If I could use a parallel that I think would have been repugnant to every one of us or an overwhelming majority of us, had we allowed the uniform property tax rate not to be adjusted to reflect the needs of education as it had been originally intended, we could have had a bonanza to the general fund. I think the figures that came out originally were to the tune of some \$28 million on a tax that was designed to perform a certain function being allowed to stay at an artificially high rate and capture million of dollars that would then have been diverted to the General Fund.

So I hope we can resist this amendment, allow this measure to go on its way to accomplish what it was originally intended to do and not open up this Pandora's box for the state and imposing a real property tax for the purposes of the General Fund.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen: I listened to the gentleman from Cumberland, Mr. Garsoe, with some interest because he did bring up the Uniform Property Tax and the fact that we were going to raise \$28 million more than we needed. Interestingly enough, the Uniform Property Tax is not in the constitution, and therefore, the legislature was able to make the change that was necessary to provide only the money that was required. What he would propose to do is to protect the paper companies and the landowners by the constitution when we don't protect anybody else to that very same degree by the constitution.

Therefore, I would hope that you would not indefinitely postpone this amendment, because if you want to use the parallel, the paper companies are in the same boat that those people who are paying the Uniform Property Tax. They should be covered by statute and not be put in a very protected position of being buried within the constitution so that they can never be gotten at if the need to get at them ever arises.

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

Mrs. KANY: Mr. Speaker, Members of the House: This is a very very tricky subject. The State Government Committee was well informed by the articulate gentleman who sits next to me, Representative Brenerman, the sponsor of this measure. We understood at the time and we understand now that we are in violation of the State Constitution in the method in which we have been taxing the unorganized territories of the state. But I am at the point now, I have been going along with everything, realizing that everything that has been offered to us does present a problem constitutionally, not necessarily with our State Constitution but with the United States Constitution and I find myself today not only in opposition to the amendment before us but planning to vote against whatever is offered because this is so tricky and so confusing.

This particular amendment, I personally question if it is in violation of the United States Constitution under the Equal Protection Clause. The wording that would be put into our State Constitution says that the legislature shall also have the power to levy a tax exclusively upon real and personal property in the unorganized territories. I am really worried about this. I just feel uncomfortable with this, I feel a little uncomfortable with everything else I voted for in this measure and I hope that many people can get together and work on this item this summer and perhaps come up with something which will be satisfactory to all.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the concerns of the gentlewoman from Waterville, Mrs. Kany, concerning the constitutionality of this amendment and I would like to assure the members of the House that that was not a planted question. I do, however, have an opinion from the Department of the Attorney General with regards to the proposed amendment and I will read you the very beginning. It says: "In response to your request for an opinion concerning whether the proposed amendment to Article 9, Section 8, of the Maine Constitution quoted below violates the equal protection clause of the 14th Amendment of the U.S. Constitution pursuant to the proposed." It goes on and concludes that the amendment being proposed would not violate the Equal Protection Clause of the Constitution and if we are to put this language into the State Constitution, then the landowners in the unorganized territory would have an argument with regards to any particular tax that we enacted and they would have the protections of the equal protection clause available to them, but the Attorney General's Office has ruled that the amendment which I am proposing is not unconstitutional.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen: I personally share the reservations expressed by Mrs. Kany relative to this amendment and I would ask this question, does the State Constitution permit now the state government to impose a tax on any municipality for anything over and above the services provided to that municipality?

The SPEAKER: The gentleman from Wells, Mr. Mackel, has posed a question through the Chair to anyone who may respond.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Under the current provision of the constitution and this is the nature of the problem that we have, all state taxes have to be assessed equally so that a tax assessed in one portion of the state has to be assessed on the other portions of the state. As a result of this, the taxes that are now assessed in the unorganized territory are in violation of the State Constitution because there are many municipalities who are not really being assessed the same level of taxation. If this is forced to a head, either the whole tax structure could be thrown out or those municipalities could all be required to raise a lot of money which they don't need and couldn't spend. This is the problem that we are trying to address by this amendment in this bill. I would point out that although the wording is slightly different, the thrust of the amendment that I am proposing, is essentially the same as the original bill and it does solve this problem raised by the Maine Municipal Association without locking us into a situation where the state can never derive any revenue from the unorganized territory.

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

Mrs. KANY: Mr. Speaker, Members of the House: It is highly unusual when I disagree with Representative Spencer, but to tell you the truth, when I get an opinion from the Attorney General's office three days, I take it for just that, an opinion, it is not a ruling. We have many attorneys here in the House who are very very capable too of giving opinions. I just am very leery about this, perhaps because of some of the muddy waters that have been thrown in and people who are interested in repeal of the Uniform Property Tax or whatever. I am very sorry, I just don't feel that we have sufficiently addressed this issue, that we have taken the time necessary to really get into this very, very complicated issue.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just call to your attention one thing which probably doesn't have much to do with this subject, but the gentleman from Wells, Mr. Mackel, did ask whether all taxes had to be equal. The only taxes that have to be equal are real and personal estate taxes. We all know that the tax on liquor at Kittery is different from the taxes every place else. So we have an unequal tax in this state. However, according to the constitution, all real and personal estate has to be taxed equally.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the bill with the amendment that is on it addresses the problem that municipalities face in the State of Maine. I don't think this amendment is necessary because we are addressing a problem that may not occur and we were looking, as the Statement of Fact says, to some possible problem decades into the future. We are talking about land and the impression I get from what I have heard is this is the woodlands in the northern part of the state. Now, there are unorganized territories in this state in which people live. They are not necessarily wildlands entirely and if we put this under the Constitution, what is to prevent a legislature two or three years from now from saying "We are in need of funds and because we have environmental protection people in the northern part of the state, we will now tax the unorganized territories to fund the Department of Environmental Protection entirely." There is no provision that that can't be done and we could expand that to take in many other agencies.

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

Mr. TIERNEY: 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 Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, I would pose a question through the Chair to anyone who might answer. I am confused by what my good friend, Mr. Lynch said. Under the present law, the present circumstance, could we tax wildlands? If we pass this constitutional amendment, would this prevent us without the amendment — my questions are, what is the status right now? What would be our position if we wanted to tax the wildlands for the Department of Environmental Protection? Would that be possible under the present law as it exists today?

The SPEAKER: The gentleman from Brewer, Mr. Norris, has posed a question through the Chair to anyone who may respond.

The Chair recognizes the Gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: If you will accept perhaps an imperfect explanation, I would say that quite simply if it were to be the policy of this state to raise funds through a tax on real and personal property, for any purpose of statewide function, you would have to do it to every organized and unorganized section of the state. Of course, it is not our present policy to raise, let's say, general fund type incomes from the real property tax, but presently, if it were determined to be the policy of the state, you could do it by virtue of this tax, which is forgiven to the organized territories and collected from the unorganized territories.

I submit to you, ladies and gentlemen that Mr. Lynch gave you a very clear, brief and concise statement of where we are.

On the other side of the coin, this amendment gives the state a blank check for any time in the future to determine that "well, in this section of the state, on real property, we will generate funds for the benefit of the General Fund."

The answer to your question, Mr. Norris, is that at this time, the only way it could be done would be to tax the whole state.

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

Mr. BRENERMAN: Mr. Speaker, Members of the House: At the present time, the amount of money coming in from the unorganized territories from the local and state tax does go into the General Fund. If the amendment that presently is on the bill is passed, as Mr. Garsoe wants, then there would be a loss of about one million or 1.2 million dollars to the General Fund. At the same time, there is a dispute over what the services are that the state provides to the unorganized territory. So, if the present amendment is passed, we would have no way of knowing how much money would be brought in from the unorganized territory.

The gentleman from Standish, Mr. Spencer's, amendment is similar to the original bill and that would solve that problem. It would bring in the amount of money that is presently brought in from the unorganized territory, and at the same time, it would solve the problem of the organized municipalities who are not raising as much as they should be.

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

Mr. TIERNEY: Mr. Speaker, Ladies and

Gentlemen of the House: I rise in support of this amendment and I ask each and every one of you to join me in opposing the pending motion.

The bill as currently amended states, and if you are holding onto it, it is under filing No. H-823, "the legislature may impose a tax upon the real and personal property in the unorganized territory" so far, so good. Then it says, "the revenues of this tax shall be used only to provide services in the unorganized territory." Well, let's stop thinking about the unorganized territory as a 50 acre lot in your hometown. What services do the unorganized territories need? What services would be defined under this type of constitutional amendment? We are talking about a constitutional amendment, something that would deprive flexibility for legislatures to come. I would say that the services that are needed are easily controlled by the corporations which own those unorganized territories. We all know that the people who live in the unorganized territories primarily do so on a lease basis, controlled by the holding companies, the corporations that own the unorganized territories. The result, therefore, is that through a manipulation as to the number of people who are allowed to live in the unorganized territories the owners, through this amendment to the constitution, could thereby manipulate and limit the amount of money which could be raised through taxation of their property. It is not like your hometown. In the unorganized territories it isn't like you are going to have a trailer park put up, etc., let's try to dispel that myth once and for all.

Ladies and gentlemen of the House, there is one issue which gets the people of Lisbon Falls upset and it is when they look at the map of the State of Maine and they see that 50 percent of it doesn't have too many roads and towns in it and they know that they are paying property taxes on their property and they look and they find out that the corporations who own the unorganized territories may be paying 50 or 60 or 70 or 80 cents an acre on their property and then if they knew that there was a constitutional amendment which would come in which could allow them to drop that significantly, ladies and gentlemen, drop that tax significantly through manipulation as to what services were needed, I can assure you that the people of my community would be very upset.

Now I know who the lobbyists have been, the paper company lobbyists who have been plying the hallways on this, they wait outside my office to see who comes in and then they talk to whoever leaves.

I feel this is an excellent amendment because it takes care of the municipalities problems, as the gentleman from Waterville, Mr. Carey, pointed out, this amendment takes care of the municipalities' problems, the 108 communities that he talked about, we should have some constitutional amendment to take care of them. But I wasn't sent up here to take care of those corporations and those holding companies who own the unorganized territories, not by a long shot, and I don't think that we should prohibit future legislatures from addressing that problem and from potentially telling those people who own that property that maybe they ought to pay a little bit more of their fair share of the tax burden which is breaking the backs of so many of our people.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Lisbon Falls, Mr. Tierney, to the rostrum to act as Speaker pro tem.

Thereupon, the Mr. Tierney assumed the Chair as Speaker pro tem, and Speaker Martin occupied his seat on the floor.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Members of the House: I rise here as a legislator from northern Maine, as a legislator who represents people who live in the unorganized territory.

I have discussed this bill with the chairman of the committee and with a number in this body. I have reached a point where I am not sure what ought to be done. I am, therefore, going to ask that you indefinitely postpone this amendment and that you indefinitely postpone the resolution as well.

There seems to be a misconception as to what is the unorganized. The gentleman from Lisbon Falls, in his discussion, assumed that all this land was owned by large corporations. About 800 people that I represent in my legislative district, live in the unorganized territory of this state, with no organized government of any kind. The gentleman from Van Buren, Mr. LeBlanc, represents what we know as Sinclair, and there, 700 people live in unorganized territory. In all of Aroostook County, for example, better than 3000 people live in unorganized territory. I don't know what has happened to taxes in southern Maine, in the unorganized territory where people may, in fact, own homes. But we have people in Aroostook County who live in unorganized territory, own that land, and it is not owned by corporations or individuals with large holdings. I am talking of small farms and I am talking of small dwellings where those taxes have tripled in the last two years, because when this legislature chose to go to the 100 percent true valuation system, we imposed the 100 percent system immediately on those people who owned buildings in the unorganized territory. So, I have people who live outside of the Plantation of Winterville who were paying \$75 on a home and are now paying \$550 to the State of Maine for property taxes, and for what? Until I can be guaranteed that this amendment and this constitutional amendment before us is going to resolve that problem, I can't, in good conscience, tell those people that they have to pay more. For what? No services are provided for them whatsoever, unless they have children. Then the state pays for the tuition so that they can travel 28 miles to school in Fort Kent and be home at eight o'clock at night.

There is a problem here and there is the problem of the municipality; I understand that problem. It is one thing if we are talking about attempting to get to the corporate landowners to have them pay their fair share, I support that completely and totally, but I can't support an amendment unless I am guaranteed with more assurances than I have been thus far that the discrepancies that have occurred are not going to force them to move into organized communities.

I would ask you to indefinitely postpone the amendment and the resolution as well today.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with the gentleman from Eagle Lake in dispensing with the bill itself, and if the amendment fails, I would hope we do that. I can sympathize with his 800 or 900 people in his unorganized towns. I am not sure that I totally agree with him in terms of what benefits they may or may not be receiving from the state. Who provides roads? Who provides snow plowing? Who provides police protection?

I talked the other day to Representative Spencer, dealing with this book called "The Robber Barons," it had ten chapters, I would suggest, if this bill ever should pass, that I might send a copy of the bill to the author of "The Robber Barons" so that he could write chapter eleven, because if there is anything, in my opinion, that has come before the legislative body that would help ten major companies or

maybe five or six people who own the many millions of acres of lands that we are talking about as a tax break, it would be this. Can you imagine this legislature being in the position that we want to pass a piece of class legislation that would theoretically protect and help ten major corporations of this state, and I have the greatest respect for them.

You know there is a fellow in my town I know real well, who owns 110,000 acres of land, and he would probably get one heck of a tax break from this. I think that we should heed the good gentleman from Eagle Lake, perhaps kill the amendment and then kill the resolve as well.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As the debate progresses here this morning, it brings back a previous bill that was before this legislature known as "The Great Plantations Bill," which cut the unorganized territories up into districts and these districts were overlapping the county lines and controlled by a regional head who had the mandatory authority to go ahead and build roads anywhere he decided, which would be referred back to our county commissioners and they had to put it on their common tax budget.

Now in this case where they will use the funds in the unorganized territory, it is another ploy in a different form to me than it was in the infamous "Harry Richardson Bill" which killed his chances to be the Governor of this state. There is no question in my mind now, that somebody, very cleverly, has written almost the same ploy into this bill here, and if we pass it, we are going to be in serious trouble in building all the nice roads for the woods people and I am talking about the great lumber companies and that is just what this bill will do. They have been trying for years to find a way to have the citizens pay for their roads.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair would thank the gentleman from Lisbon Falls, Mr. Tierney, for presiding.

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

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

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berube, Birt, Boudreau, A.; Boudreau, P.; Brown, K.L.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Connolly, Cote, Cunningham, Curran, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kany, Kilcoyne, Laffin, LeBlanc, Lewis, Littelfield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Morton, Najarian, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Stover, Strout, Stubbs, Tarbell, Tarr, Theriault, Torrey, Tozier, Twitchell, Tyndale, Valentine, The Speaker.

NAY — Benoit, Berry, Biron, Blodgett, Brenerman, Brown, K.C.; Bustin, Clark, Con-

ners, Cox, Davies, Diamond, Fowlie, Goodwin, H.; Henderson, Hobbins, Howe, Hughes, Jensen, Kane, Kelleher, Kerry, LaPlante, Locke, Mitchell, Nadeau, Nelson, M.; Norris, Pearson, Post, Prescott, Raymond, Spencer, Sprawl, Tierney, Trafton, Truman, Wilfong, Wood, Wyman.

ABSENT — Carrier, Goodwin, K.; Jalbert, McMahon, Moody, Peakes, Talbot, Teague, Whittemore.

Yes, 102; No, 40; Absent, 9.

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

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

Mr. TIERNEY: Mr. Speaker, I move this Resolution and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that this Resolution and all its accompanying papers be indefinitely postponed.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Quite frankly, I would merely like to ask a question to either Mr. Spencer, or Mr. Brenerman, if they would give us an analysis of the situation, what would our situation be if the uniform property tax were repealed and this resolution were not passed, what effect it would possibly have?

The SPEAKER: The gentleman from Wells, Mr. Mackel, has posed a question through the Chair to anyone who may care to respond.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would prefer to start by answering the question of what will happen if the uniform property tax is repealed and this constitutional amendment is passed. What will happen in that case is that the tax on the unorganized territory would be limited to services directly provided to the unorganized territory, and there would be a loss of revenue to the state from what we are currently doing of somewhere between one and two million dollars from the unorganized territories. If the uniform property tax is repealed and we don't do anything, we then are put in a position where we may not be able to tax the unorganized territory at all.

There is a constitutional problem which says that all state taxes have to be levied equally on a statewide basis. We have been taxing the unorganized territory at a different rate than many municipalities for many years, and way back in 1970 when we passed Tree Growth, it was written right into the recommendations that we would do it. This has been an obscure constitutional problem which has gradually developed to become a real question.

If this proposal is not passed and we have a study order and we address the problem in the next legislative session, the problem could be dealt with at that time. But in the meantime, there could be litigation and there could be problems as a result of this provision of the Constitution. My own feeling is that we ought not to pass this in its present form because we are writing into the Constitution a tremendous advantage for the unorganized territory over what we are now doing. I guess I would at this point accede to the wishes of the Speaker and hope that the problem doesn't become acute.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake used up most of my material so at least we don't have to go through that again. I commend him for the wonderful explanation he offered in contrast to the misinformation, I

guess I would call it, of the image of the giant corporation being the reason that I am supporting this proposal as put up by the gentleman from Lisbon Falls.

But to respond to some of the misstatements I believe the gentleman from Standish made, if this were to pass this way, if this were to pass as it is now and the uniform property tax is repealed, the tax assessed on the wildlands would provide for the education of hundreds of children that are in the unorganized areas. This is exactly what it says. The services needed by this section of our state would be reflected in the rate of taxation so that welfare, whatever road needs there are, whatever police needs there are, whatever school needs there are, would be reflected in the tax rate that would be assessed against the unorganized section of the state. It would be a municipality and they would meet their needs just the way we do it in our municipalities. Right now, that great unorganized area is producing, according to my figures, about \$5 million pay-in to the General Fund for the support of education, but that is really another question. What this proposes in its present status is exactly the way it is being done now.

My good friend, the gentleman from Eastport, misled us terribly when he indicated that the state was going in and build paper company roads. I hope I never see the day when the state starts building roads on private property. It is not true. The network of roads up there are private roads.

So really all this intends to do is to maintain the situation the way it is now. We are hearing it as a shortfall of a million dollars. I understand that up until about a week or so ago, this was the figure being used but that they had failed to compute the cost of welfare and several other costs so that it perhaps would be more nearly a washout affair. This was the way it was intended. There would be a budget developed, just like the communities do, there would be a tax rate assessed.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment to the reply of my good friend from Cumberland, Mr. Garsoe. If he agrees with the gentleman from Eagle Lake's analysis of the problem so completely, I would suggest that he join with the gentleman from Eagle Lake's vote on this matter and vote to indefinitely postpone the entire bill.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just simply state that the opinions of the gentleman from Standish, Mr. Spencer, are his opinions as far as constitutionality is concerned. I would point out that with this we are not removing from the Constitution the provision that all property would be taxed equally and I would presume that since the question has been raised, we may well be in trouble if we don't get it answered before we put this in the Constitution.

One final point I would make is that this legislature has determined that a great many acres, and at its requirement because of the size of the acreage in the wildlands, but certainly some in the organized territories, are not taxed ad valorem, they are taxed in a completely different manner, tree growth, etc. Therefore, the problem does not relate and it is unfair to compare the two. If we don't want to continue tree growth, so be it, but the way the great acreages are taxed is on a completely different formula than ad valorem, and we should not attempt to confuse them, and if we want to face that issue someday, fair enough.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to respond to some comments made by Representative Garsoe which I think were not correct. The proposal, as it is amended now, does not maintain the present situation. We are presently levying two taxes on the unorganized territory, the uniform property tax and the municipal tax. The municipal tax is levied on all of the communities in the state. It is only collected from the unorganized territory, and that money goes into the general fund, and what would happen, if the resolve is passed the way it is amended now, there would be less money collected from the unorganized territories and there would be a decrease in revenue of probably about a million dollars from the municipal services tax.

Representative Garsoe mentioned that he thought that we could probably have a higher tax than what was anticipated during the hearings because things such as welfare were not figured in. The amendment specifically states that any kinds of services which are provided on a statewide basis free of charge cannot be figured into the tax which is to be levied on the unorganized territories. So if you have for instance, AFDC figures, for people who live in the unorganized territories who are receiving AFDC, you can't figure that as cost which can be figured into the tax because AFDC is given statewide. I can't think of any other services other than roads, possibly the expenses for LURC, or part of the expenses for LURC, because LURC does zone the unorganized territories, and schools.

Now, as far as the school situation is concerned, the uniform property tax is levied on the unorganized territories, and they are, if you want to consider it, pay-in. The way the wording is in the proposed constitutional amendment, I think what would have to happen is that you would have to consider that the state pays 50 percent of the cost of education, and so that the unorganized territory then, even though the value of that particular land might be high, if we do repeal the uniform property tax and if other towns are subsidized according to their value, even though the value of the unorganized territory may be very high, I think because we subsidize schools on say a 50 percent basis statewide, that with the provision put in in Representative Curran's amendment, we would have to subsidize the schools in at least 50 percent of the unorganized territories. So it seems that it would be at least a \$2½ million fiscal impact on the state.

I know this is a very confusing situation to try to deal with, but at this point, I would urge you, since we did not see fit to adopt Representative Spencer's amendment, to indefinitely postpone the bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentledady from Owl's Head has raised. I think, a significant point and maybe it will help clarify it in our minds. What community through its property tax pays one penny for AFDC? That is obvious, this is exactly what this is designed to do. The unorganized towns will not be taxed for AFDC. They will be taxed for general assistance, which we are all taxed for in our municipal budget, but they will not be taxed for AFDC. This is exactly the point I am trying to make, that it maintains the status quo through a different device, but right now, it is calculated that the services that the state performs in the unorganized territories are just about offset by the amount of tax that is collected from them under the state and local tax, not the uniform property tax, that is a pay-in proposition, but generally the revenues are offset by fire protection, whatever police protection they need, welfare, etc. But the AFDC illustration of the gentledady is very apt, it puts it in its proper

context. None of us pay for AFDC under our local property tax, that is a General Fund obligation and I thank her for that.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Evidently Representative Garsoe has some different figures from those that were presented at the hearing or were available to State Government, and I would hope that he might share them with us, because according to those figures, right now the unorganized territory is probably receiving services for about one million and their taxes are about two million. There was certainly a decrease in revenue. We are not maintaining the status quo by this particular resolve.

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

Mrs. KANY: Mr. Speaker, Members of the House: I hope you will vote with Representative Post on this issue and vote for indefinite postponement now and allow us to put in a study order so that we can really get at this issue.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Tyndale.

Mr. TYNDALE: Mr. Speaker, Ladies and Gentlemen of the House: It is very interesting for me to sit here and listen to the various speakers on this subject talk about equal taxation. For our information, up until the 101st Legislature, the giant corporations of this state numbering about six or seven did not pay any taxes on their land of something like 16 million acres, and if they did it was very very little.

In the 101st, we placed a wildland tax on their land and succeeded in getting it passed over a severe operation and also opposition. So I trust that for your information in the future, a great many of our freshmen legislators and also people who have not been confronted with this situation, you will realize what has been happening to the lands in this wonderful State of Maine. Not only were our brooks and our rivers absolutely polluted, but everything else was taken up until the time of the 101st Legislature, at which time we proceeded to do something about it.

Mr. Pearson of Old Town 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 pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that 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, House Paper 1009, L.D. 1212, and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jacques, Jensen, Joyce, Kutch, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lougee, Lunt, MacEachern, Mahany..

Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Tarr, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAYS — Ault, Austin, Brown, K. L.; Carter, F.; Clark, Devoe, Durgin, Dutremble, Garsoe, Gauthier, Jackson, Kane, Lewis, Littlefield, Lynch, Mackel, Marshall, McBreairty, Palmer, Stubbs, Tarbell, Teague, Torrey.

ABSENT — Boudreau, P.; Carrier, Hughes, Jalbert, McMahon, Moody, Peakes, Talbot.

Yes, 120; No, 23; Absent, 8.

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

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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 29, 1977 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mr. Burns of Anson, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended by House Amendment "A".

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

House Amendment "E" (H-872) was read by the Clerk and adopted.

Senate Amendment "A" (S-342) was read by the Clerk and adopted.

On motion of Mr. Burns of Anson, the House voted to recede from its action whereby House Amendment "B" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed.

On motion of the same gentleman, the House voted to recede from its action whereby House Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "E" and Senate Amendment "A" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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 29, 1977 by Mr. Greenlaw of Stonington.

Pending — Adoption of Committee Amendment "A" (S-338)

Mr. Jensen of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-880) was read by the Clerk.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I will explain my amendment. Actually this is, at least in part, the same amendment that I offered to the gas tax bill some two or three weeks ago. What it does is effective in the next biennium, July 1, 1979, the town road improvement fund would be somewhat changed. Presently, there is a provision in the law that completely eliminates any money from being spent within compact areas within the State of Maine. My amendment deletes that reference within the law to the town road improvement. The effect of that would be to increase the number of miles which would receive town road improvement fund monies by approximately 16 percent. What the law currently says is that the total amount of money in the budget allocated for town road improvement is divided up by the number of miles of local roads that exist throughout the state, except that any miles that exist within compact areas are specifically excluded.

My amendment says that this year you will have your funding for town road improvement exactly the way it is. In the next biennium, if there is funding for town road improvement, it will be allocated to the urban areas and the rural areas in exactly the same fashion. I think it is a fair amendment, it is essentially the same amendment that the House voted well over a hundred votes to put on the gas tax amendment some time ago.

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

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

Mr. KELLEHER: Mr. Speaker, I move that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

Whereupon, Mr. Jensen of Portland requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, 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, Ault, Austin, Bagley, Bennett, Berry, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Churchill, Connors, Cote, Cox, Cunningham, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Hall, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jackson, Jacques, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Theriault, Tozier, Twitchell, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAYS — Bachrach, Beaulieu, Benoit, Berube, Biron, Boudreau, A.; Brennerman, Bustin, Chonko, Clark, Connolly, Curran, Davies, Flanagan, Fowle, Goodwin, H.; Gray, Green, Greenlaw, Henderson, Hickey, Howe, Huber, Jensen, Joyce, Martin, A.; McHenry, Nadeau, Najarian, Nelson, M.; Quinn, Ray-

mond, Rollins, Spencer, Tierney, Trafton, Truman.

ABSENT — Carrier, Devoe, Elias, Hughes, Jalbert, Kerry, Moody, Peakes, Talbot, Teague, Torrey.

Yes, 102; No, 37; Absent, 11.

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

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

Mr. JENSEN: Mr. Speaker and Members of the House: Prior to adoption of Committee Amendment "A" on the Highway Appropriation Act in effect, I would pose a question to the gentledady from Bath, Ms. Goodwin. On Page five of the Committee Amendment, there is a reference in there and I will read it: Section Two, Page Five "each official shall deduct and retain from the use taxes collected pursuant to the subchapter a fee of \$1 is struck out; \$2.50 is reimposed. For each vehicle in respect to which the use tax certificate has been submitted in accordance with Section 203, even though such certificate indicates that no use tax was due in respect to the vehicle in question." I would pose a question: It is my understanding that this figure will result in a \$400,000 cost to the General Fund to be given to the Highway Fund. I would ask the gentledady from Bath, Ms. Goodwin, if she is aware of this and if in fact this \$400,000 is included tentatively in Part II of the Appropriation Act, since obviously that is where it would have to come from?

The SPEAKER: The gentleman from Portland, Mr. Jensen, has posed a question through the Chair to the gentledady from Bath, Ms. Goodwin.

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

Ms. GOODWIN: Mr. Speaker, I am sorry, but I don't know what the gentleman from Portland is talking about. I am the first to admit it and I am afraid I will have to find the answer later.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: If I could explain, I had actually assumed in the past that the Appropriations Committee had been consulted and had approved of this action. The Transportation Committee, in drawing up its budget, changed this one fee from \$1 to \$2.50. What has occurred in the past is that the Secretary of State's Office now collects the sales tax on used automobiles and the like that are transferred from one person to another.

For example: If I buy an automobile for my cousin as I did last December and I paid \$2,400 or \$2,000 or something in that range, I went down to the Motor Vehicle Department and I went to register it. They said "fine. We will register it. What did you pay for the car?" I said \$2,000. They said "Fine, give us a \$100 sales tax." The Motor Vehicle Department collects that and passes it on to the Bureau of Taxation. For doing this, and this was something ordered two years ago by the legislature, the law says that the Secretary of State's Office shall collect a \$1 fee. This \$1 fee goes into the Highway Fund for use as part of the entire dedicated revenue system. This amendment increases that fee from \$1 to \$2.50. The effect of that is to order the Bureau of Taxation, in statutes, to pay an additional \$400,000 or \$500,000 from the General Fund to the Highway Fund to support highway programs.

I have no problems with doing that but I think that the Appropriations Committee certainly ought to be aware of this and be aware that, in fact, if we do this, Part Two had \$400,000 less to deal with than they had previously suspected. In effect, we have appropriated \$400,000 from the General Fund to the Highway Fund.

The SPEAKER: The Chair recognizes the

gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would presume that this matter could be taken care of in the Part II Budget either way. I don't think there is any need of being concerned about it. If it has to be handled in the Part II Budget, it can be handled.

The SPEAKER: The Chair would advise the members of the House that the Chair, while the debate was going on, has found the information and will relay it to the gentleman from Portland, Mr. Jensen. The Commissioner of Transportation was aware of the figure. Ronnie Lord is also aware of the figure. The Appropriations Committee is also aware of the figure.

The Chair would like to inform the members of the House that the information that the Speaker was given by both Mr. Mallar and Mr. Lord were, in fact, accurate. Mr. Lord became aware of the figure sometime in the course of the day yesterday. The Appropriations Committee had not been apprised of the reallocation of dollars that would have to take place from the General Fund. It is obvious that the Chair somewhat made the point of directing it at the Appropriations Committee, who were not involved or aware of it. Based on that, the Chair certainly would apologize to those individuals. The Chair would also like to inform the members of the House that there were certain members of this body, however, that were aware of those figures better than a month ago.

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

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: It is true that this change from \$1 to \$2.50 would reduce our sales tax revenue in Part Two by \$230,000 each year for a total of \$460,000 for the biennium; something as the Speaker has said we were not aware of. I am very sorry that people did not see fit to inform us. It is the intention at least of this member and of other members with whom I have talked on the way back from Legislative Finance that in Part Two, we will reallocate and we will go back to the \$1 fee because we have no intention of losing that \$460,000 from the General Fund.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: In hearing the remarks of the goodlady from Bath, Ms. Goodwin, if this is true, would this not, in fact, put our highway allocation out of line \$460,000? It is my understanding that this money has been allocated.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read a second time.

The Bill was passed to be engrossed as amended by Committee Amendment "A" in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess

The House was called to order by the Speaker.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

"An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 66) (L. D. 137) (C. "A" S-338)

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

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Before we enact this bill today, I feel that I should make a few comments. I am not going to take much of your time but I just want to explain to you that I am not happy with the allocation the way it is written. When I started this session, I prepared a proposal that I thought would help a good amount of communities in the State of Maine. The proposal that I put before this legislative body would have, in fact, done some things that are not in the Highway Allocation and I think for the record, I would like to explain that this allocation does put a million dollars each year of the biennium for town road improvement. I wanted, in my bill, to have a million and a half, which was in the allocation previous to 1975.

There is one other part of this that we had not additional money in the allocation for winter maintenance and snow removal. I felt quite strongly that there should be more money put into this part of the budget.

The other thing that I would like to remind the members of the House is that the summer maintenance program, as written, provides additional hundred miles each year of the biennium. The proposal that I offered would have given additional 500 miles each year of the biennium.

The other thing that I would like to bring to your attention is that there has been a lot of people today ask me what happened last night and I just would like to say for the record that when we were presented with a budget that the estimated increase in revenue for the gas tax in the Governor's budget, was additional \$8,500,000 over the biennium. It is my understanding that the new estimates are additional \$3,000,000 giving us a total of \$11,500,000 more than in 1976. I question these figures in my own mind, I feel that they are hazy and I guess today, there has been a lot of compromising done and I am not going to argue but what we have to have the budget passed before midnight and at this point in time, I am going to support the budget, I am not happy but I have compromised.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I supported an increase in the gas tax because there was needed money to help the small towns and I know that I speak for many here now when I say that I have a feeling of frustration about this matter and I have a very sickening feeling of having been used.

The SPEAKER: This being an emergency measure, a two thirds vote of all the members elected to the House is necessary. Those in favor of enactment will vote yes; those opposed will vote no.

134 having voted in the affirmative and 7 in the negative, this being more than two thirds, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) — In House, Passed to be Enacted on June 28 (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 Amendment "A" (S-297) — In 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)

Tabled — June 29, 1977 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mrs. Kane of Augusta, tabled pending further consideration and later today assigned.

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

"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)

Tabled — June 29, 1977 by Mr. Palmer of Nobleboro.

Pending — Passage to be Enacted.

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

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am going to take just a few minutes. I am not going to speak for myself but I have spoken to the chairman of the board of selectmen in Skowhegan. I have spoken to the chairman of the county commissioners in Somerset County and I have spoken to the administrative assistant for the selectmen in Skowhegan and they all agree that this bill is a bad bill and that it should be killed. I move for the indefinite postponement of this bill and I ask for the yeas and nays.

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 the indefinite postponement motion. This bill had the unanimous "Ought to Pass" recommendation of the Committee on Taxation and this legislature has debated this issue at great length. Previously it has passed this bill. I think it is an important step for the communities of this state.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a couple of questions if I might since the bill has been amended a couple of times.

First of all, I would like to know the dollar amount that this particular piece of legislation intends to raise and also how the money will be distributed? In other words, is it on a per capita distribution or is it a percentage or is it just given out in block grants to anyone who asks for it? If they had \$500,000 and someone puts in for \$200,000, would they get it or only a percentage, depending on how many people were asking?

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't anticipated that we were going to get into substantial debate on this. I don't have all of the figures right in front of me. The bill, in its current form, provides that the funds that are made available will be apportioned among the counties based on the revenue that comes in from the various counties. The program would be administered under the recreation fund which now exists and individual municipalities would make grant applications to the state. The dollars would be matched by federal dollars and the grants would be made to those municipalities with the allocation on a county basis. I think that members of the Taxation Committee can probably respond more specifically on the actual dollars involved. If you give me a minute, I can pull out the figures on it.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just

respond in terms of the figures. Formerly, this municipal recreation fund had \$100,000 to deal with in terms of matching federal and local monies. This would represent an increase of \$600,000 which would be available for that same purpose.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The increase from 55 cents to \$1 would raise \$600,000 of which 45 percent would be available for this fund.

The speaker; the Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I still would like to know, I guess I am a little confused as to whether it is going to be apportioned on a county basis but the state is going to administer who gets the money. I guess my main concern is that if there is \$600,000 available or for example, if it is going to be on a county basis, if there is \$100,000 available and one town should put in for \$80,000 and another town put in for \$50,000 and some small town puts in for \$20,000 and then an even smaller one puts in for \$1,000, what assurance does the small town have that they are going to be treated equitably under this legislation?

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I now understand the gentleman's concern. I would like to try to carry him through maybe Cumberland County. The increase from 55 cents to \$1, unfortunately, was not 45 percent. The bill says 40 percent. The increase in Cumberland County, we will say, raises \$100,000 over what was collected previously; 40 percent of that being \$40,000 would now be eligible for projects within the county for recreational purposes. The reason that the county will not administer it, the money obviously is collected by the registry of deeds within the county and then forwarded to the state. The reason that they would not be administered by the county is because the county commissioners may, in fact, feel there are more voters in Portland. Therefore, we have got to give Portland the money rather than give it to Harpswell or Brunswick or what have you. The pool of money would be available to that county but it would be administered by the state so that everyone would have a fair opportunity at that amount of money toward the total \$40,000. The county would only pick up the money through its registry of deeds. The state would be advised there is a pool of money in this case of the \$100,000, \$40,000 would be available for this fund and then the state would accept applications from different municipalities and it would be the state that determines the merit of the programs and not the county commissioners.

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

Mr. HIGGINS: Mr. Speaker, I have one additional question. I wonder what happens to the other 60 percent of the \$100,000, where that goes? I guess it is obvious that this does not provide any assurance that smaller towns will be treated equitably. I guess it is up to the State Recreation Department to determine which ones deserve funding and which ones don't. If I am correct, that is not unlike the program that we had before. I guess the only problem I have with it now is where the other 60 percent goes.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, the rest of the money goes into the General Fund that is not left to operate within the registry of deeds. They are allowed a certain percentage as well.

The SPEAKER: The Chair recognizes the

gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say again that this is a continuation of the very same fund that has been serving 119 municipalities in the past.

Additional to the program that Mr. Carey from Waterville has mentioned, there is a very special part of this money that will be used for towns under 5,000 population. This would be to include employment of personnel, public access to transportation, selected equipment and supplies. This provides for individual grants over a period of three years for up to \$1,000.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Just to give a flavor of the towns which have in the past received grants under this program, I thought that I might read a couple of letters of the towns. If we start, for example, with the E's, we get Eagle Lake, Easton, Eastport, Edgcomb, Eliot, Eustis, Falmouth, Fort Fairfield, Fort Kent, Georgetown, Gorham, Gray, Greenville, Guilford and Harrison, Haynesville, Hiram, Hodgdon, Houlton. That is pretty representative of the communities that are in the other letters. I think that the smaller towns have been able to compete successfully in this program. Other communities that have received grants are Auburn, Augusta, Bangor, Bath, Belfast, Berwick, Bingham, Bradford, Brunswick and Bucksport in the B's. It seems to have been administered to the advantage both of the larger communities and the smaller communities.

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

Mr. DEVOE: Mr. Speaker and Members of the House: I rise to oppose this bill and wish to address my comments to the principle which is in the bill. That would involve the dedicating of revenue for a specific purpose. I see a potential problem in that if a community and a community particularly under 5,000 population, which then would be getting money to help it pay for employment of personnel, possible transportation to and from the recreational site and selected equipment and supplies, if the state at the end of this five-year test period, decides to do away with this dedication of revenue, then you have communities that have come to depend upon these funds suddenly have them taken away. They suddenly have to face the music that now we have to pay for this "benefit we got from the state" all on our own. I happen to be of the belief that if a community is going on to take a project like this, it ought to believe in it strongly enough to the point where it would completely on its own do the job.

For that reason, if a motion has not already been made to indefinitely postpone this Mr. Speaker, I would so move at this time the bill and all its accompanying papers.

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

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

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Devoe has raised a good point but I would call your attention to the fact that this would be over a period of three years on a matching basis with the local communities. The intent certainly is that the local community will have a heavy involvement in this program and will be declining each year. The first year, the formula would be 70 percent state, 30 percent local. The second

year, it would be 50-50. The third year, the state would only be contributing 25 percent and the local would be 75 percent.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As I pointed out the other day and I will point out again today, the dedication which the gentleman from Orono spoke about is in this bill. You are raising a tax and you are dedicating the receipt from that tax. I will emphasize again, this is a tax increase. If you vote for this matter, you are voting a tax increase. I hope you will support the indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Skowhegan, Mr. Whittemore, 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, Ault, Austin, Bagley, Bennett, Berry, Birt, Blodgett, Boudreau, P.; Brown, K. C.; Bunker, Carter, D.; Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Dutremble, Garsoe, Gillis, Gould, Gray, Greenlaw, Henderson, Hunter, Hutchings, Jackson, Kane, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, Marshall, Masterman, McBreairey, McHenry, McKean, McPherson, Moody, Morton, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Torrey, Tozier, Twitchell, Whittemore.

NAY — Bachrach, Beaulieu, Benoit, Berube, Biron, Boudreau, A.; Brenerman, Brown, K. L.; Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Fenlason, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Immonen, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, MacEachern, Mackel, Mahany, Martin, A.; Masterton, Maxwell, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Post, Prescott, Quinn, Raymond, Spencer, Tarbell, Teague, Theriault, Tierney, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carrier, Dudley, Gauthier, Jalbert, LeBlanc, McMahon, Talbot, Truman.

Yes: 67; No: 76; Absent: 8.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-six in the negative with eight being absent, the motion did not prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

"An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608) (C. "A" S-300)

Tabled — June 29, 1977 by Mr. Jensen of Portland.

Pending — Motion of Mr. Bustin of Augusta to Reconsider Indefinite Postponement.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank Mr. Jensen for tabling this matter yesterday. I certainly want to thank Mr. Bustin for moving reconsideration during my absence. I, unfortunately, had to preside at a council meeting last night so I had to leave a little earlier.

This bill just slipped by while I was not present. I would hope that you do move to recon-

sider. We are talking about state valuation. It is interesting to note that those communities which are referred to as "paying communities" are in general so opposed to state valuation when, in fact, this particular bill is designed to be of help to them. For instance, we would start classifying certain areas within a municipality; whether the homes are seasonal, whether they are urban, residential, rural-residential, commercial or industrial. That is not to say we are zoning. What we are saying is that we are identifying certain areas within a municipality and certain buildings within a municipality as being in one grade or another so that when it comes time for the valuation people to move in as they do, they can then take the declarations of value and work on if seasonal property had attained a fantastic value, then it would be seasonal properties or that percentage of the municipality's valuation which has seasonal property, which would be increased. It would not affect and would be very beneficial to that lady to have this particular system in place. It widow who is away from the shore who because seafront property has been selling at such fantastic prices, the entire town is revalued. It would be extremely beneficial for that poor old lady to have this particular system in place. It would, in effect, give us a much better state valuation than we are having now. I think all of you who have been affected by state valuation, as well as my community having been affected, would realize that then this would be of some benefit to us.

There are two other sections in the bill which are very important. One is that it gives you yet another appeal as a taxpayer to a body which will be of some help to the person who is aggrieved. Yet, another section of the bill will start adding on to the tax bill even more information than has been on before. That person who is paying a tax can justify, better in his mind, why he is paying "X" number of dollars on his particular bill over somebody who has the very same house in the next community. There will be more information printed on the tax bill. You have yet another avenue of appeal as a property owner. It will finally start helping those people in those municipalities whose valuations are escalating by being a little more equitable than it may be now.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important at the beginning for me to reassure you and I am hoping that you will believe that this bill has absolutely nothing to do with the uniform property tax.

I think that what happens is that very often the gentleman from Augusta, when we are in a situation where we don't agree, tries to put on that cloud. If you can't defend yourself against the argument, sometimes what you can do is try to do something to somebody's credibility.

Be that as it may, what the situation is, what this particular bill does is it tells every single town that each of you represent that it will have to classify every single piece of property according to a system which will be set up by the state tax assessor. Every single piece of property would have to be classified according to that system. It doesn't allow the towns to do that. The town can do that now if it wants to. It tells them that they will do that. It will not help the little old lady who lives by the shorefront because the shore frontage is not one of the classification systems that the Department of Taxation intends to use. It has absolutely nothing to do with shore frontage vs. non-shore frontage. It is perfectly within the power of the towns now to classify their pieces of property so that sales ratios can be used for one classification of property and not for another classification of property. It also tells your towns what information they will put on their tax bills. It

also set up another mechanism for appeals. Right now, if you don't agree with the tax assessment, and you go to your municipal board of appeals, you can go to the courts. This was set up something different. Then they can go to the state board of assessment review which are appointed, I believe, by the Governor.

I don't know how it is in your area, but in my area when the town turns down say a liquor license and that person who wants the license appeals to the state and the state grants the appeal like they almost always do, then everyone in the town is furious because something they feel they should have control over has again been taken over by the state. This will be the same situation when you will be able to have local tax assessments or local tax dollars; the assessments that were made locally can be overruled by a state appointed body. They are not necessarily experts. Hopefully, the people who are appointed to that body have some kind of background in tax matters but not necessarily. In fact, the person who is a person or a corporation or whatever, which is making the decision on where to appeal, they can go wherever they can get the best deal. If he wants to, he can go to the county commissioner, if he thinks he is going to get a good deal there or in the courts, he can try to go to the state board of assessment review. If you think that the furor over district assessing was anything, just wait to see if this bill is enacted and you go home and try to explain to all of your municipal officials and your townspeople who have to pay the bill why the state should be able to set up and mandate a system of how property is going to be classified. You are simply removing more local control. If the towns want to do it now, they can.

At this point, a message was received from the Senate, borne by the Majority Floor Leader, Senator Speers of Kennebec, proposing a Joint Convention to be held forthwith in the hall of the House for the purpose of electing a State Auditor.

Thereupon, the House voted to concur in the proposal for a Joint Convention for the purpose of electing a State Auditor and Mr. Tierney of Lisbon Falls was instructed to convey the message to the Senate.

Subsequently, he reported that he had discharged the duty assigned him.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the gentledady while she spoke and, first of all, I would thank her very much for moving indefinite postponement during my absence yesterday on a bill that had been tabled on a number of occasions.

I would also like to pose a question to the gentledady, if it is at all possible, if she could tell me, since I don't have my law books with me here, the makeup of the State Board of Assessment Review, which is obviously made up according to Title 36, where she infers that maybe the people who are going to be on the review board may or may not have a knowledge of assessment practices since they are going to be appointed by the Governor. I am afraid that what the gentledady is doing is trying to divert your attention to several other matters when she pointed out the liquor licenses and that you have to appeal through the state. I may have a little more experience with the granting and the objection to liquor licenses as a municipal official than the gentledady has, and I am well aware of the procedures used in there, and in most instances, if the community has any reason at all that is reasonable for putting an end to liquor licenses, they are upheld by the state.

I would like to direct a question to the gentledady. What is the composition of the

Board of Assessment Review that we are trying to build into this?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentledady from Owls Head, Mrs. Post, who may respond if she so desires.

The Chair recognizes that gentledady. Mrs. POST: Mr. Speaker, Men and Women of the House: I have sent out for a copy of the law book, and if the gentleman would like to meet, e up back, I would be glad to read it with him.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, the Honorable Joseph Sewall, in the Chair.

The Convention was called to order by the Chairman.

On motion of Mr. Tierney of Lisbon Falls, the following members were appointed a committee to receive, sort and count votes for the Office of Auditor of the State of Maine for the fiscal years 1977, 1978, 1979 and 1980:

Senator Chapman of Sagadahoc; Senator Cummings of Penobscot; Senator Merrill of Cumberland, on the part of the Senate.

Mr. Goodwin of South Berwick; Mrs. Kany of Waterville; Mr. Diamond of Windham; Mr. Churchill of Orland; Mrs. Durgin of Kittery; Mrs. Silsby of Ellsworth; Mrs. Trafton of Auburn, on the part of the House.

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

Mr. PALMER: Mr. Chairman, I nominate George Rainville for the office of Auditor of the State of Maine for the political years 1977, 1978, 1979 and 1980.

The CHAIRMAN: The gentleman from Nobleboro, Mr. Palmer, nominates George Rainville for the Office of Auditor of the State of Maine for the political years 1977, 1978, 1979 and 1980. Is it the pleasure of the Convention that this motion receive passage?

It is a vote.

The CHAIRMAN: The Chair recognizes the gentledady from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, I nominate Philip A. Ingegneri for the Office of Auditor of the State of Maine for the political years, 1977, 1978, 1979 and 1980.

The CHAIRMAN: The gentledady from Portland, Mrs. Najarian, nominates Philip A. Ingegneri for the Office of Auditor for the State of Maine for the political years 1977, 1978, 1979 and 1980. Is it the pleasure of the Convention that this motion receive passage?

It is a vote.

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

Mr. TIERNEY: Mr. Chairman and Members of the Joint Convention: As has been the long tradition, the President of the Senate presides over our joint conventions, and this is a tradition which is deep in tradition and one which I always have found greatly significant to me. But I would also like to note that an exhaustive review of both the Constitution and the Statutes of Maine say that the votes shall be taken by ballot and that the ballots which have been made available by two members of the House are equally acceptable under the laws and the Constitution of the State of Maine, as are the ballots provided by the Senate Sergeant at Arms.

The CHAIRMAN: The Chair will rule that any ballots are valid and, of course, only one ballot will be allowed to be put into the ballot box.

The members will form in the center aisle and cast their ballots for the two nominees. To supervise the procedures, the Sergeant-at-Arms of the Senate and the Assistant Sergeant-at-Arms will have two ballots to give each individual voter and any other ballots that people

may care to put in the ballot box will be allowed.

Having attended to the duties assigned to the Committee to receive, sort and cast votes, Senator Chapman of Sagadahoc reported as follows:

Total number of votes cast	176
Necessary for a choice	89
George Rainville had	96
Philip Ingegneri had	79
Spoiled ballots	1

The Chairman declared the Honorable George Rainville elected State Auditor for the political years 1977, 1978, 1979 and 1980.

On motion of Mr. Speers of Kennebec, the Secretary was ordered to notify the Honorable George J. Rainville of his election as State Auditor.

On motion of Mr. Speers of Kennebec, the Secretary was ordered to inform the Governor of the election of George J. Rainville as State Auditor.

The purpose for which the Joint Convention was formed having been accomplished, the Chair declared the asme dissolved.

The Senate then retired to its Chamber amid the applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

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

Mr. CAREY: Mr. Speaker and Members of the House: At the time the convention was called, I had directed a question to the gentledady from Owls Head, Mrs. Post, who has had time, I think, to research the question, and I would like to have that answered.

The SPEAKER: The Chair recognizes the gentledady from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, on the Board of Assessment Review there are four appraisers, four real estate brokers and four attorneys, and three members can form a subcommittee to hear and act on abatement appeals, one, and that would have to be one from each group, so determining whether the town was in fact correct in assessing a tax would be one appraiser, one real estate person and a lawyer.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I am afraid I have to admit, as perhaps many other members of the House, that I haven't thoroughly read this bill nor do I thoroughly understand it. I would like to make a very brief comment and then I would like to pose a question through the Chair, if I could, to the gentleman from Waterville or perhaps some other member of the Taxation Committee. The comment is that I would beg to differ with the gentledady from Owls Head, Mrs. Post, about the appeals procedure.

In the district I represent, we have had a number of homeowners who have appealed valuations to the county commissioners and I find a great deal of satisfaction with that process. I would suggest, at least in our county, the county commissioners, pretty much dismiss any appeals because they don't want to get involved in decisions nor, in fact, are they qualified to review the assessments of the local assessors. So I, for one, find this state assessment review board a welcome change and I hope that the appeals process that will exist will be a meaningful change.

The question I would like to pose to the gentleman from Waterville, Mr. Carey, pertains to the way the state computes the state valuation of a given community. It has been my contention for quite some time that the Bureau

of Property Taxation has not taken into account a number of land use policies which this legislature has seen fit to enact that I think has, in many instances, an adverse effect upon a particular community. The question I would like to ask is, does this particular document or other things this legislature may have enacted require the Bureau of Property Taxation, when they determine the state valuation of a given community, to consider such things as the effect that such laws as the plumbing code, shoreland zoning and other restrictions upon the use of a person's property be taken into account as they develop a community-state valuation?

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not vote for reconsideration on this bill. If you take a look at it and you read it, you will see where the communities lose a little bit more of local control and the control is put in the Bureau of Taxation within the state, a little less control by the communities and a little more control by the state.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: As I understand the question from the gentleman from Stonington, Mr. Greenlaw, does the state take into consideration local ordinances, zoning ordinances, plumbing codes and what have you when they get involved with setting valuations. They set valuations on all of the property within the municipality; they do not put a value on each individual property, and I have the very same problem that the gentleman brought out in that in the City of Waterville we have zoning laws. We are not talking about areas where you have a seasonal home, an urban residence or what have you, the classifications that the state is talking about, we have pure and simple zoning. What happens is that a person in a commercial D Zone has a 400-foot piece of property, and we discussed this in work session the other day, and the zone says that he has got to be a hundred feet from either line, so on the 400 foot piece of property, he only has useable for buildings 200 feet or half of his property. This is an area that we have to address and our local assessor has said that through the Central Maine Assessing Association, he is working to see what they can do to get that type of thing so that we don't zone away all of our land or we don't control somebody's destiny, yet, make him pay the full price.

Efforts are being made by assessor groups to try to clear up the problem, but the pure and simple answer to yours is, no, to my knowledge, the state doesn't have such a particular mechanism.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I thank the gentleman from Waterville for answering the question. It occurred to me that I have a second question I would like to pose to him.

The gentleman from Owls Head, Mrs. Post, has indicated that she feels that this will place a significant additional burden upon assessors of the almost 500 cities and towns in this state. The good gentleman from Waterville is well aware of what a local assessor has to go through in order to come up with assessments, and I would like to know if he would share with us what his assessment of how much additional work, how much additional burden will be placed upon the local assessors of a given community. I ask him to take particular note of those communities that do not have full-time assessors and are, in fact, also selectmen and part-time public officials, if you will.

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

Mr. CAREY: Mr. Speaker, I think the answer would be reasonably clear that the law currently says that an assessor has to inspect each individual parcel within the community at least once every four years. That is the way the law reads currently. So, in effect, we are not placing any undue burden on these people. Once they get that four-year cycle started, then they are only getting involved with new construction as they go along. So the law is already in place that an assessor has to visit the property at least once every four years, make a physical inspection of the property.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think that that perhaps was not a complete answer to the question. The bill doesn't have a four-year lead-in time or a two-year lead-in time. It says, effective as soon as the 90 day period is over. What it would mean is that each town would have to scrap any kind of classification system that they may now be using that fits their needs and would have to classify for the next reporting period each and every parcel of land in their town — every parcel — not over a four-year period, but the next time, which would be the next year that they have to make their report to the State Tax Assessor.

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

Mr. GARSOE: Mr. Speaker, may I pose a question to the gentleman from Waterville? I hadn't looked too favorably on this bill when it first came in, and like the gentleman from Stonington, I am certainly not all that familiar with it, but I am aware of a serious problem we have in my town of Harpswell. They have had a fantastic increase in their state valuation over the past four years, and it is my belief that it is caused by a turnover in the shore front property, creating the transfers from which the state determines the increase in their value, and yet this increase in value is applied to the whole town, interior lands as well. So my question is this, will this classification that is proposed in this bill enable the town of Harpswell if, indeed, the majority of the transfers are taking place in, the shoreland property, will this enable the town of Harpswell to be protected in that their interior land, which has fewer transfers, will not be subject to the overall increase and therefore the rate of increase for the town of Harpswell will more correctly reflect the transfer activity?

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

Mr. CAREY: Mr. Speaker, in my conversations with the people in the Bureau of Taxation, Mr. Halperin, Mr. Lowe, Mr. Ledew, what they have said is that they realize that there has been that very problem that the gentleman from Cumberland has mentioned, that the entire town may very well be revalued on the sale of one particular parcel of land and this classification system would be the way to get at it.

For instance, as Mr. Halperin or Mr. Lowe, one of the two suggested to me, if a community's property, 25 percent of it, is seasonal property, then they would have a weighted factor where one fourth of the valuation being on the shoreline property, obviously, it would carry a weighted factor of a quarter in setting up the new valuation, and it would do exactly what the gentleman from Cumberland would like it to do. If it is shore property that is going up, it would be shore front property in that percentage of the community which would bear the biggest weight, although the state valuation, as I said before, is on the entire municipality and it is up to the local assessor to make the changes within his books, but it would be based on these particular classifications. We don't say shoreline as such, but the committee amendment, which is now the bill, does say "urban, rural, rural residential, seasonal." It says that

these will be some classifications that might be used. Obviously, they are given eight options and they would certainly get into, in some areas, shoreline, rural, farm, commercial, industrial and what have you. So the bill does intend to do exactly what the gentleman from Cumberland would like to have it do.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: As you have probably been reading in the paper recently, Ellsworth is in the middle of a revaluation. The taxpayers are up in arms because these valuations are escalating 200 or 300 percent and there is great concern over it. This L. D. we have in front of us today causes a classification of property, and I am wondering, if this goes through, we will be faced with possible reclassifications of portions of our community and have to go through this all over again. So I am opposed to the legislation and I hope that you vote against it.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I also am opposed to reconsideration of this particular measure. I look at it as just another mandate from the state to the municipalities of this state.

What it is, it is nothing more than forced zoning. Those communities that have voted individually not to have zoning, they will be forced to classify all their property in eight separate classifications. Those that have voted zoning, they will then have to, in effect, rearrange it to suit the state. The state will determine what classifications you have, some eight separate classifications. You have 490-odd communities in this state, an estimated four to five hundred thousand different parcels of land that have got to be classified under this thing. I say this is going to create an unneeded burden on the assessors, just more bureaucracy, more paper work.

Right now, those who appeal to the county commissioners and who are still aggrieved, they can go on to superior court. To me, this is just one thing we do not need.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, could the Clerk read the Committee Report please?

Thereupon, the Report was read by the Clerk. The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify the point about this being zoning or leading to zoning. This is classification of individual pieces of property. It really has nothing to do with zoning, which is basically a restriction on your use of the property.

As I understand the bill, and we discussed this in committee — for instance, you have got a commercial zone that is zoned commercially. You might have residences in that commercial zone and on your classification card, that would be classified as residential property, not commercial. So I think for the protection of taxpayers, it might be well to have on your tax bill whether you were being classified as commercial property or residential property if you happen to be in this situation. It might give you a chance to tell whether or not you have been improperly taxed.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. In response to the question Mr. Garsoe raised relative to classification of shore front property, I don't believe, and I think this is confirmed by the statement made by Mr. Cox, that your shore front property as such will not be classified as a separate category, so you wouldn't be able to solve the particular problem that you have and that we have along the coast.

I would like to point out that I am opposed to this particular and, of course, I am opposed to reconsideration. In looking at this bill alone, perhaps you would say that there is no significant expansion of the controls of the Bureau of Taxation, but if you look at two or three other bills in combination with this one, you begin to get the picture that the bureau is reaching out, is gaining more control of our communities and of the methods that the assessors are using to establish valuations and operate their day to day operations. So what I am concerned about more than anything else is not this particular bill in itself, I don't like it, but if you combine it with other bills that we have been considering, some which are passed and some of which have been defeated, you will see that the Bureau of Taxation is, in fact, expanding their authority, their means of control, and that, to us, is a very serious consideration.

I know comments have been made that some of us who come from the towns that are adversely affected by the uniform property tax perhaps should be looking upon this favorably. Well, we don't because we are concerned even more so, even more than for the uniform property tax, we are concerned about the aspect of local control, which we think is an overriding consideration which overrides even our concern for the uniform property tax. So that is why some of us are really opposing this bill, even though we are concerned about the adverse effect of the uniform property tax as well. Basically, that is the reason why I am opposed, it is this trend, this continuous trend where we did in fact set back the expansion of the powers and authorities of the Bureau of Taxation during the 107th and we see them now coming at us with two or three bills which added together do provide for a substantial increase of their authority.

Mr. Carey of Waterville was granted permission to speak a third time.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief. The gentleman says that the Bureau of Taxation is trying to extend their authority. If you went to the original bill, you could see where they might have been because they were asking for seven new people then and those seven people were originally to administer the program of the one million dollar and over industrial buildings. That has been stripped out of this bill and what we are doing now is presenting to you a citizens' report, a group of citizens who were formed by the Governor, the State Valuation Commission, and this is what is left of their particular report. But the Taxation Bureau is not expanding their authority, rather, they are expanding their knowledge and hopefully refining their methods of setting the very hated valuations.

State valuation is here to stay as long as the state is going to be giving back to the municipalities aid. The only way we can give that aid back to the municipalities is through some equitable formula. Many people feel that the state valuation today is not equitable. The Bureau of Taxation tends to agree and tends to try to refine their method in trying to set a state valuation. That is why this bill is here, that is why I am fighting as hard as I can as the Chairman of Taxation to try to get this thing passed.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I truly appreciate the good gentleman from Waterville's attempt because I know that it is a sincere attempt to try to practice empathy with the coastal community and with the others who have had difficulties with the uniform property tax while many of us, who were not here during the time of the passage of 1995 and some of those other bad numbers that we have heard echoed

throughout the state, I think those of us who are here today, feel that those examples were bad enough and we really don't want to be a part of perpetuating another example of poor taxation. That is why I would urge you not to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Augusta, Mr. Bustin, to reconsider whereby the Bill was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 62 in the negative, the motion did not prevail.

Sent up for concurrence.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, during the debate on the unborn children's bill, I was called out back at a time when apparently Mr. Jalbert made some personal remarks regarding me in his remarks. I was told about that after lunch and I went up to the Reporter's Office on the fourth floor and asked if I could have a copy of those remarks and they read like this: "I would like to welcome the gentlelady from Portland, Mrs. Najarian, to the anti-abortion ranks — finally. We have lunch together at least two, sometimes four times a week, and she never believes any figures that are given by anybody. I asked her yesterday, would you believe God if he sent some figures down?"

I wanted to respond to those remarks yesterday evening but Mr. Jalbert left early so I delayed until today because I wanted to do that in his presence. I am sorry that he is absent again this morning. I understand that he is in the hospital and I am very sorry about that. I have no idea when he will return and so, for obvious reasons, I don't wish too much time to elapse before I respond to his remarks.

I want everybody to understand that I hold no hard feelings for anyone who disagrees with my positions on any issue during debate. Disagreement is basic to this process, but Mr. Jalbert's remarks yesterday exceeded the bounds of propriety and they were inappropriate, inaccurate and disappointing to me, having come from one who claims to be my friend and from one who is frequently honored and recognized in this House as the "dean." In regard to my always questioning figures, the Department of Human Services originally told us, it would cost a \$100,000 the first year and \$442,000 the second year. I reviewed their calculations and asked some questions and they came back with reduced estimates, \$92,000 in the first year and \$400,000 in the second year, a reduction of \$50,000. I asked further questions and their new estimates were reduced another \$21,000 so because of my questioning, the appropriation on the amendment was \$71,000 less than the original amount. Questioning departmental figures is a daily occurrence in our committee by every member on that committee and our finance staff as well. We would be acting irresponsibly if we didn't. This is one reason our budget, Part I, was one million dollars less than the Governor's. If we accept the department's word of what they said they needed, we wouldn't have one cent to work with now.

As a member of the Appropriations Committee, I think I am doing what you would expect me to do in that regard. As for welcoming me to the anti-abortion ranks, without laying out my whole philosophy on this issue, I would merely say that Mr. Jalbert is totally ignorant of my views on this subject. Anyone who knows me well, knows that I have a deep respect for life and anyone who examines my voting record would see that it reveals a deep respect for all life, from An Act to Establish An Open Season on Moose to An Act to Restore Capital Punishment.

I would also like to emphasize that my views on abortion are not simplistic, are not based on political expediency and will not demonstrate hypocrisy.

Mrs. Lewis of Auburn was granted unanimous consent to address the House.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: At the moment, there is being distributed to you a piece of paper that looks like this and is called the Patriot's Pledge and I am hoping that the State of Maine will adopt this as its pledge.

The legislatures of both the states of Maryland and Ohio have adopted this Pledge and I think when you read it, that you will agree that it is certainly something that we would want to live by.

It is conspired by a Swiss teacher who is visiting here and prepared by more than a score of United States citizens. The Patriot's Pledge was formerly the Bicentennial Pledge has in the future months reached into every nook and cranny of American life. It is acknowledged by the President, lauded by many of the state Governor's and Bicentennial chairmen, publicized by United States news and world reports and other national and world news media. It is now being taken up by schools in a number of states to study. Each section deals with a current section of American life and is read from left hand column to right. The left column gives a philosophy of past leaders, the right of pledge or goal for today, a study guide for use of schools and adult study groups is available with a lesson on each issue, that is suitable for the 8th grade on up.

The Pledge was written in the firm conviction that America has a great destiny in the world of nations. It is hoped that acted upon, it will point us again to that destiny of which our fathers' dreamed, that the torch of liberty planted here might yet illumine a darkening world.

At the end of the Special Session on June 14, 1976, a copy of the Bicentennial Pledge was given to every member of the Maine House and Senate and a statement read giving details of its origin and distribution. There was no time to take any action on that day. Reissued now under the title Patriot's Pledge, it could become the pledge of the State of Maine. With this inspiration from the quotations of the founding fathers and other national leaders, white, black and Indian, before them responsible citizens may realize that the kind of society we want starts with the attitude and actions of every individual, with you and me. This could be the inspiration for our whole state as we go forward in the third century of our country. Every legislator could draw inspiration from it in making decisions and every member of the legislature could take initiative in getting organization in his or her district to adopt it and getting high schools, middle schools and adults to study it.

Mr. Speaker, I move that this pledge become the pledge of the State of Maine and would hope that we could vote for it.

The SPEAKER: The Chair would advise the gentlewoman that the motion is not in order.

On motion of Mrs. Huber of Falmouth.
Recessed until 3:45 in the afternoon.

After Recess

The House was called to order by the Speaker.

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

Passed to Be Enacted Emergency Measure

"An Act to Amend or Repeal Certain Laws Relating to Local and County Government" (H. P. 1279) (L. D. 1510) (C. "A" H-645 as amended

by H. "A" H-709; H. "B" H-728; H. "C" H-866; S. "A" S-309)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Relating to the Powers of Plantations" (H. P. 1396) (L. D. 1635) (H. "A" H-859 to H. "A" H-761; S. "A" S-356)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, to Authorize the Conveyance of the National Guard Armory in Auburn to the City of Auburn (H. P. 1249) (L. D. 1471) (S. "A" S-330)

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

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

Mr. LAFFIN: Mr. Speaker and Members of the House: Before we pass this emergency measure, I would like to know — I have heard several comments on this from my hometown and I would like to know if this have any direct or indirect relation whatsoever with the Westbrook Armory?

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

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the gentleman's question is no, and if you refer to the Senate Amendment 330, which is now the bill, this is the negotiated settlement between the National Guard and the Auburn city officials. This received the approval of all parties concerned.

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

A vote of the House was taken.

87 having voted in the affirmative and 81 having voted in the negative, and 87 being less than two-thirds, the Resolve fails of final passage.

On motion of Mr. Greenlaw of Stonington, the House reconsidered its action whereby the Resolve failed of final passage.

Mr. Greenlaw of Stonington requested the vote be taken by the yeas and nays.

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 Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: I do think this bill deserves some consideration. As Mrs. Trafton said just a minute ago, this is a compromise position. I was originally hostile to the bill and voted

against it and considered myself to be on the side of the National Guard as such. I don't believe there are any more sides such as that. I think an agreement has been struck by all parties concerned, I think it is to the benefit of the state financially. The National Guard is perfectly willing to accept it and it certainly benefits the city of Auburn. I do urge you seriously to reconsider your vote in the event you voted against this Resolution before.

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

Mr. MacEACHERN: Mr. Speaker, notice that the sponsor of this measure is not in the hall, and I would suggest that someone maybe table it until he is available.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: There are four sponsors of the bill and at least two of us are here. I can't see from here whether the gentleman from Auburn, Mr. Hughes, is here or not. We all support this, and I think if you read the amendment, you will see that all we are asking now is that if and when the National Guard doesn't need the Armory in Auburn, it will become the property of the City of Auburn. In the meantime the city will rent it for its use at \$10 per time. Everybody in Auburn is agreeable, everybody in the National Guard is agreeable and it seems like one of the most agreeable things I have ever heard of. I would urge you to support it.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. If this passes, the \$32,000 that was in the appropriation budget for the Armory, does the City of Westbrook lose \$11,000 for their Armory?

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

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: The answer, again, would be no. We are not touching any appropriation in any bill at this point.

—Again, I would just say that this Resolve now is merely the amendment, Senate Amendment 330, and we are working out a leasing agreement. We have signed a leasing agreement and the Resolve simply states that at such a time that the National Guard no longer wants to use the Auburn Armory, that at that point, it would be turned over to the City of Auburn.

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

Mr. STUBBS: Mr. Speaker, I would like to pose a question to anybody who might wish to answer it as to whether or not the \$10 covers all cost of electricity, heat, etc. and so forth. If not, might not the state be picking up some of the cost and whether or not it might be better for us to decide as to where the armory might go at such time as the National Guard wishes to get rid of it?

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

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

Mrs. TRAFTON: Mr. Speaker, the \$10 to which the gentleman is referring is in the lease agreement, it is not in the bill. It won't become part of the Resolve, and that was offered at a time even prior to the offering of this Resolve.

The SPEAKER: A roll call has been ordered. The pending question is on final passage of this Resolve. All those in favor of this Resolve being finally passed as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Carrier, Carroll, Carter, F.; Chonko, Clark, Conners, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kany, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBairty, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Shute, Smith, Spencer, Sprowl, Stover, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Bennett, Bustin, Carter, D.; Connolly, Cote, Gould, Kane, Laffin, MacEachern, McHenry, McKean, Rideout, Silsby, Strout, Stubbs, Tozier.

ABSENT — Bagley, Brown, K. L.; Carey, Churchill, Devoe, Dow, Dudley, Garsoe, Gauthier, Green, Jalbert, Kelleher, LeBlanc, Lizotte, Locke, Mahany, Nadeau, Nelson, M.; Nelson, N.; Talbot, Truman, Twitchell, Tynedale.

Yes, 112; No, 16; Absent, 23.

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

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act Concerning the Blue Sky Law" (S. P. 200) (L. D. 598) (H. "A" H-863)

"An Act to Implement the Recommendations of the Pomeroy Commission on Medical and Hospital Malpractice Insurance" (S. P. 205) (L. D. 727) (H. "B" H-810 to C. "A" S-270)

"An Act to Regulate the Dispensing of Prescription Drugs" (S. P. 407) (L. D. 1415) (C. "A" S-324)

"An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes" (S. P. 444) (L. D. 1536) (C. "A" S-325)

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

"An Act Revising the Disqualification Periods for Persons who Voluntarily Quit Work or are Discharged for Misconduct" (H. P. 113) (L. D. 143) (S. "A" S-329)

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

Mr. Wilfong of Stow 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 Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I guess by now we are all familiar with this particular bill and with the attempts that have been made to change some of the provisions that are contained in it.

The effort that was made by myself and some others to try to make this bill more acceptable to the working people of this state failed, and

because all of us are very concerned about doing something about the abuse in the unemployment program, I feel that I have an obligation because I stated that I was interested in getting some kind of bill through the Legislature that dealt with the problem to some extent. I will support this measure and I felt that it was important for me to state on the Record that I do so with the greatest degree of reluctance and I feel that this bill is really going to have the effect of harming some of our working people in certain instances. It is not the best that I had hoped for, and I am not sure in my own mind that it is preferable to the current situation. However, I feel I have an obligation because of the seriousness of this problem to reach out and to make an attempt with this bill to try to do something about the abuse in the unemployment program. But I wanted to say, Mr. Speaker and Ladies and Gentlemen, as far as I am concerned, I vote for this with the greatest reluctance.

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

ROLL CALL

YEA — Aloupis, Ault, Austin, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Clark, Connors, Cote, Cunningham, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kany, Kelleher, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreaarty, McKean, McMahan, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Bachrach, Beaulieu, Brenerman, Bustin, Connolly, Cox, Curran, Davies, Flanagan, Hickey, Howe, Kilcoyne, Laffin, McHenry.

ABSENT — Bagley, Chonko, Churchill, Devoe, Dudley, Garsoe, Gauthier, Hobbins, Hughes, Jalbert, Jensen, Kerry, LeBlanc, Mahany, Mills, Quinn, Talbot, Truman, Tyndale.

Yes, 118; No, 14; Absent, 19.

The SPEAKER: One hundred eighteen having voted in the affirmative and fourteen in the negative, with nineteen being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Constitutional Amendment Later Today Assigned

RESOLUTION. Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses and Credit Losses Enacted after April 1, 1978 (S. P. 366) (L. D. 1227) (S. "A" S-332 to H. "B" H-817)

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

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

Ms. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for not speaking on this last night but it was late and I was a little puzzled about the effect of this amendment.

I would just like to direct your attention at

this time. This is a bill which appeared before us with a price tag of about \$30 million, and at first I thought it was intended humorously almost. After it was amended, it stated that the state would reimburse the municipalities for at least 50 percent of property tax exemption losses only in what exemptions or other types of reversals that would take place after April 1, 1978. At that point, I interpreted this to mean that the bill would put the state on notice that they had better not give out property tax exemptions so freely without considering the effect that they were going to have on municipalities. In that posture, I voted in favor of the amendment, thinking it would be good to have a handle on new exemptions being given out and that we should proceed in that manner.

Subsequently to that, there were two amendments offered which in effect say that the state may escape its obligation to reimburse municipalities by means of allowing the municipalities to raise the money through revenue sources other than property taxes, only if the revenue sources are sufficient to yield the full amount of the annual reimbursement of 50 percent of the property tax revenue loss. Well, to me, this absolutely destroys the intent of the bill because, obviously, the state will not be put on notice not to give out new property tax exemptions if they can, in fact, put the burden onto the municipality in some way by having them, in fact, raise the money.

I have in the works at this time an amendment which will restore the responsibility of the state to do this reimbursement in case they allow additional property tax exemptions and I would hope that somebody would table this until my amendment comes out of the works.

Thereupon, on motion of Mrs. Kany of Waterville, tabled pending passage to be enacted and later today assigned.

"An Act to Amend the Powers and Duties of the Maine Committee on Aging" (H. P. 229) (L. D. 292) (Com. of Conf. "A" H-869)

"An Act Concerning the Administration of Property Tax Laws Administered by the Bureau of Taxation" (H. P. 244) (L. D. 318) (C. "A" H-822)

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

"An Act Concerning Administration of the Judicial Department" (H. P. 635) (L. D. 838) (C. "A" H-698)

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

Mr. Tarbell of Bangor 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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carter, D.; Carter, F.; Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kilcoyne, Laffin,

LaPlante, Lewis, Littlefield, Lunt, Lynch, MacEachern, Marshall, Martin, A.; Maxwell, McBreaarty, McKean, McMahan, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peltier, Perkins, Plourde, Post, Quinn, Raymond, Sewall, Shute, Silsby, Spencer, Sprowl, Stover, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Birt, Boudreau, P.; Bunker, Carrier, Carroll, Connors, Drinkwater, Hunter, Kelleher, Lizotte, Locke, Lougee, Mackel, Masterman, Masterton, McHenry, Moody, Palmer, Peakes, Pearson, Peterson, Prescott, Rideout, Rollins, Smith, Strout, Stubbs, Tozier, Twitchell.

ABSENT — Bagley, Chonko, Churchill, Devoe, Dudley, Garsoe, Gauthier, Greenlaw, Hobbins, Hughes, Jalbert, Kerry, LeBlanc, Mahany, Mills, Talbot, Truman, Tyndale.

Yes, 102; No, 31; Absent, 18.

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

Signed by the Speaker and sent to the Senate.

Later Today Assigned

"An Act Concerning Requirements for Absentee Ballots" (H. P. 1117) (L. D. 1335) (H. "A" H-850 to C. "A" H-688)

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

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

"An Act to Add a Dental Hygienist to the Board of Dental Examiners" (H. P. 1168) (L. D. 1398) (C. "A" H-785)

"An Act Relating to Electric Companies' Fuel Charges" (H. P. 1179) (L. D. 1407) (S. "A" S-315; S. "B" S-323)

"An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) (L. D. 1475) (S. "A" S-351 to C. "A" H-672)

"An Act to Provide for the Periodic Review of Sales and Property Tax Exemptions" (H. P. 1250) (L. D. 1479) (H. "A" H-852)

"An Act Authorizing Expenditures for Health Care Alternatives" (H. P. 1268) (L. D. 1496) (C. "A" H-834)

"An Act to Provide Legislative Oversight of Appropriated Fund Transfers" (H. P. 1391) (L. D. 1618) (S. "A" S-341 to C. "A" H-680)

"An Act Concerning Dispute Resolution under the Municipal Public Employees Labor Relations Statutes" (H. P. 1422) (L. D. 1670) (C. "A" H-838)

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

"An Act Relating to Charitable Solicitations" (H. P. 1451) (L. D. 1736) (H. "A" H-740 to C. "A" H-690)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: At this time, I would like to call your attention to L. D. 1736, a bill which really hasn't been debated in this House. There was an amendment presented to the bill and that was debated, but the bill itself has not been debated, and before taking final action on this legislation, I would like to bring it to your attention because I am sure once we go home, 90 days after the session, once this bill goes into effect, each and every one of you are going to start receiving phone calls and I think you have to know how to answer those.

The problems that I see with this legislation are several. Let me just point them out to you at this time. On Page 4 of L. D. 1736, this deals with charitable solicitation, and Section E of the bill spells out the types of things that are to be sold and what this bill applies to. This bill applies to things such as tickets, candy, cookies and other tangible items — cookies, ladies and gentlemen. This bill also calls for a registration fee. Every organization that is to solicit in this state needs to register with the State of Maine and pay a \$10 fee. We are going to pass a law that tells them they have to register but they have got to pay for the registration. These are your boy scouts and your girl scouts and everybody else.

We debated in this House two days ago a bill that dealt with police departments, the state police, to be exact, and passed the bill, because that was the problem. No one in this House can go around saying that the press we have had in the State of Maine has been primarily because of the police and their activities. We passed a bill to handle that. The argument was that we don't want police going out soliciting because they arrest. Well, I would like to understand why we want to prohibit girl scouts and boy scouts, will you tell me they are going to use the arrest too?

The bill that you have before you is a poor piece of legislation. We attempted to amend it, we weren't able to. But before you cast your ballot today, you should know what you are voting for. In addition to the \$10 fee that each one of these organizations — and you have to remember that the Secretary of State is going to be responsible for this. I talked to the Secretary of State about this bill and he said there is no possible way that he can enforce this law — no possible way. You presently have a law on the books that deals with charitable solicitations that has never been enforced. Now you are going to put another one on that, again, cannot be enforced.

If under this law — it is a Class D crime if you don't live up to the provisions of this bill. And if you raise more than \$2,000, you have got to register during the course of the year. Girl Scouts and Brownies raise more than \$2,000 a year. If a Brownie knocks on somebody's door and says, would you like to buy some girl scout cookies and forget to say that 50 percent of the money is going to go to the company who made the cookies and 50 percent of the money is going to go to the girl scouts and the other 50 percent of the money is going to go to the organization, she is in big trouble; she is going to go to jail. That is what this bill says.

Ladies and gentlemen, I hope we can take the responsibility. There was a serious problem in the state. The state police — we passed a law and we handled it. The professional solicitors for the state police did wrong and I admit it, but I for one am not going to pass a law which will affect boy scouts, girl scouts, little league teams and everyone else in this state and have these people run up to a bureaucracy, register, pay \$10, after they have raised the money, come back, put in another form which it calls for in this bill, pay \$25 for that service and at the end of the whole thing have a financial report an auditor. You can't even get volunteers to work in the state now. How do you expect the volunteers to start filling out these forms? It is totally ridiculous. The problem was with professionals. We have not addressed all of it. I attempted to amend this bill to deal with all professionals; you rejected that.

I want to tell you the facts about this bill so that when you pass it and the people start calling you, you explain to them why they have got to register and pay \$10, because the real problem is with the professionals, and that is not what you are doing here.

Now there is another thing in this bill which has a percentage. The percentage is this, that if

the monies you collect in your charitable solicitation, if more than 30 percent of that money is to be used for your own purposes, you have to divulge at that point where the money is going. Obviously, girl scout cookies fit in there perfectly because they have got to pay for it. But let me tell you the obvious problem with that. The obvious problem is this; many charitable solicitations are just like businesses. When they first get started, they don't make as much money as they do once they have been established. I used that example the other day and many of you weren't here.

Let's take the Heart Fund. Their budget for the year is \$20,000, they are just getting started, they bought an office and they hired two people, and they have a good reason in mind and that is to help people with a heart condition. They go out the first year, not knowing how much money they can raise, and under this law they have to tell people percentages. So, until they reach \$20,000, they have to tell the person they are soliciting that all of the money that they are giving is going to the administration, all of it. How many dollars do you think they are going to get? Zero. That means that we won't have a Heart Fund. When we don't have a Heart Fund, what do we have? We have legislators who walk in here and say, "these people need help, so let's give them money from the state budget." We can't afford it. There is a reason for these non-profit organizations and there are some serious problems, I am the first to admit it, and the serious problems are with the professionals, not with those who are willing to volunteer their time and this bill attacks those people.

The bleeding hearts will stand up and say, "We are saving the world." I will tell you what they are doing, they are increasing the budget of the State of Maine. You look at this bill and you look at those things that we put on the Appropriations Table this year to help those people, and where is that money going? No place. This means that the people that have arthritis aren't going to get the help that they need. Now you might think, let's do it, charitable solicitation act, we are going to save the world. I am telling you, ladies and gentlemen, you are going to cause more hardships than you can ever imagine by passing this piece of legislation.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and ask for the yeas and nays.

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

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

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

Mr. JENSEN: Mr. Speaker, pursuant to House Rule 19, I ask to be excused.

The SPEAKER: The gentleman from Portland, Mr. Jensen, will be excused from voting pursuant to House Rule 19.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, is Mr. Carroll the sponsor of this piece of legislation?

The SPEAKER: The Chair advises the gentleman in the negative.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston has made so many inaccurate statements today in his testimony that I don't know where to begin but I would like to start by reading from a letter from the Secretary of State. As you remember, he indicated that the

Secretary of State said that this was an impossible piece of legislation and I would like to quote now from a letter from Mark Gartley: "This letter is to reaffirm my support of the legislation relating to charitable solicitation. L.D. 1736, An Act Relating to Charitable Solicitation, should help the citizens of this state to identify and be familiar with the operation of those organizations which raise money for charitable reasons."

I would like to briefly just tell you what this bill does. If I had to sum up this bill, I think I would say that it is a right to know approach, an informational approach. There is no regulatory aspect to this bill whatsoever. It deals with two types of charitable organizations. One being the charities in the state, and the other being the professional fund raisers commercial covenants.

There have been a great many problems both within this state and in other states that have necessitated similar pieces of legislation being enacted. This is not a new idea, ladies and gentlemen. Twenty nine other states have very similar legislation and, in fact, much more restrictive legislation.

At this present time, there is also national legislation pending of a similar nature. The bill would deal in two steps with charitable organizations. The first is a very simple registration statement. It fits on one page, we have a sample drawn up, it would ask that approximately 15 items be answered by charities soliciting money from the public within this state. There would be a \$10 registration fee accompanying the registration form. We have taken great pains to exempt certain organizations because we realize that our main focus here is with organizations that, indeed, get very large contributions from the public. To that end then, I would like to tell you what we have exempted from this bill.

First of all, we have exempted religious organizations and some of you may have been familiar with a person who is concerned about the constitutionality of the whole religious question and I do have a ruling from the Attorney General's Office stating that this, in no way, discriminates against any religious organization.

Secondly, we have exempted organizations that primarily solicit within their own membership.

Thirdly, we have exempted any charities or persons who solicit in behalf of specific purpose and all the money is turned over directly to that purpose. We have exempted charities which do not raise more than \$2,000 a year, figuring that this would mainly be your scholarship funds, maybe the volunteer fire department and the more rural community based organizations. All educational institutions, which are approved by the Department of Education and Cultural Services are exempted, as are hospitals, and the thinking behind this is that they currently enjoy, if I could use the word, very extensive review of how they spend their funds. by the State of Maine.

The second step would involve organizations which raise over \$10,000 and we would ask them to file a copy of their audit report with the Secretary of State.

At the hearing, the United Ways of the State of Maine, who represents most of the organizations which the gentleman from Lewiston mentioned, the Girl Scouts, the Boy Scouts, the Red Cross, the YWCA, the YMCA, the Boys Clubs, various foundations, came forward in wholehearted support of this measure. No charities were present to oppose this bill. The co-sponsor Mr. Palmer, and I, made an effort to contact charities and we mailed out over a hundred letters and copies of this bill so that everyone would be well informed as to the nature of this document. Other charities came forward, such as the Pine Tree Camp For Crip-

pled Children, because in the last year they have experienced great problems in the area of fund raising and gave their wholehearted support. The Chamber of Commerce came forward and gave their wholehearted support.

In these times of increasing fiscal economies, many of us who work day to day with charitable organizations are finding that our organizations which attempt to meet the needs of the people of Maine, do not have enough money. Just in the past year, in working with the Red Cross, which has the responsibility for the blood program throughout the state, we almost had to close our doors because of inadequate funding. The reason these charities support this bill is because they realize that when dollars are short, it is very important that the public be informed as to how they are being spent, so that they can make a very wise choice in their giving.

I would urge you to vote against indefinite postponement and move this on to final enactment.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I was very happy to have the privilege to co-sponsor this bill with the gentlelady from Auburn, Mrs. Trafton. I will be very brief and I think regardless of what the good gentleman from Lewiston may say, the fact of the matter is that the real heart of this bill is that it is about time that those who are being requested all the time for gifts for charities in this state know what percentage of the dollar they give goes to the charity and what percentage goes to the fundraiser. I think it is something they should know. I think it is very helpful legislation and I hope, sincerely hope, we will not indefinitely postpone this very good piece of legislation.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: It is very interesting to note that the religious organizations have been exempted and other exemptions that they have had in this bill. I guess the religious organization exemption could be called the "Moon Exemption." You have an organization called the Moonies, the Rev. Moon running around and ripping off the public but they are exempt. They are exempt in this bill and that is exactly the kind of legislation that you have before you. The intent of the legislation is good, it should deal with professionals. It doesn't deal with professionals. The sponsor of the bill has admitted that they are going to have a \$10.00 charge to go in, the sponsor of the bill has done that. The sponsor of the bill has not denied that if you do solicit and if it is a young kid soliciting, that he has to mention the percentages and where they are going. Now, I work with a kid's baseball team and I also have a boys club and there is no way I can get those young kids to give those percentages and give them right, and if they don't, they are breaking this law. That is the way the thing was written. Now, if you want to pass it, fine. But you visit them in jail, I am not going to.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Very very briefly. I am not associated with this bill but I was a co-sponsor with Mrs. Trafton of a similar measure that was heard by the Business Legislation Committee and had to with some of the provisions that are in this bill. There was only one opponent to that bill at the hearing and there were a few proponents. That opponent, to my disbelieving ears, and I believe the disbelieving ears of the Business Legislation Committee said "we can't have this bill, because if we tell people how much money is going to the charities, then they won't give." And that oppo-

nent was the Representative from Lewiston, Mr. Biron. And I would suggest, if you agree with that philosophy, that perhaps we should continue to pull the wool over the eyes of people who are potential contributors. You probably should agree with him and vote to indefinitely postpone this bill but I don't, I think people have a right to know how much of their money is going to charity and I would suggest that we don't indefinitely postpone this bill.

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

Mr. SPENCER: Mr. Speaker, I would like to pose a question through the Chair. I haven't had the opportunity to study this bill but if the Standish Fire Department, as an example, has an auction and raises more than \$2,000 which they use to buy equipment and raincoats and so on, what would they be required to do under this bill?

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to that statement. They would fill out this registration statement and send \$10 to the Secretary of State and then anyone who wished to have that information before they gave to the Fire Department, these would all be public records.

While I am on my feet, I would also like to address the remarks concerning the disclosure element in this which is that if you are a charity and charity solicitations costs were over 30 percent, then you would have to reveal that. I would like to remind you that the United Ways of Maine which do the majority of fund raising have only a 16 percent solicitation cost so most of those organizations that you would be concerned with that I listed prior to this, would not have any disclosure statement whatsoever.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I have had a fairly close association with the charitable solicitation legislation since I first came to this body, and indeed, the first piece of legislation which we ever put on our books, which is the 30 percent figure, was my bill in the 106th Legislature, a bill I am significantly proud of. I feel that this bill is a very reasonable and a very cautious approach to a very complex problem. We all know that charities do a great deal of good, and none of us, especially the gentleman from Lisbon Falls, is about to do anything to make the legitimate charities job more difficult. But the public does have a right to know, the people who are going to give have a right to know, the government which, in fact, grants tax exemption status both to donations and to the real estate owned by charities has a right to know.

Ladies and gentlemen, I had a very interesting conversation with the chief executive of this state on a bill very similar to this which I sponsored last year. He told me that he was constantly besieged by a wide variety of charitable organizations asking him, the Governor of the state, if he would be honorary chairman of that particular organization and he had absolutely no mechanism available to look into that organization to find out whether they were really doing the job, and doing it as efficiently as possible. He felt very frustrated in that capacity. And so those of us who have also been asked to serve occasionally as honorary chairman, or honorary co-chairman or as working people on an association, oftentimes could be placed in a position where we don't even know ourselves whether or not the charity is doing a good job. I think this is a beginning, it is a fundamental consumer protection, it is protection for the public, and I hope you agree with the good gentleman from Nobleboro and the gentlelady from Auburn.

The SPEAKER: A roll call has been ordered.

The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Biron, 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 — Biron, Blodgett, Boudreau, P.; Brown, K. L.; Carrier, Carter, D.; Carter, F.; Connors, Cote, Dutremble, Fenlason, Gillis, Gray, Hunter, Jacques, Kelleher, LaPlante, Lewis, McHenry, McKean, Moody, Post, Spencer.

NAY — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Birt; Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Churchill, Devoe, Dudley, Garsoe, Gauthier, Jalbert, Jensen, LeBlanc, Peakes, Silsby, Talbot, Truman, Tynedale.

Yes, 23; No, 114; Absent, 14.

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

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

"An Act to Improve the Administration of the Maine Tree Growth Tax Law" (H. P. 1509) (L. D. 1734) (C. "A" H-828)

"An Act to Improve the Effectiveness of the State's Development Financing Mechanisms" (H. P. 1727) (L. D. 1886) (S. "A" S-344)

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.

Later Today Assigned

"An Act to Clarify Election Related Laws" (H. P. 1734) (L. D. 1887) (H. "A" H-742; H. "B" H-794)

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

On motion of Mrs. Boudreau of Portland, under suspension of the rules, the House reconsidered its action whereby it passed L. D. 1887 to be engrossed.

On motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" was adopted.

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

Mrs. BOUDREAU: Mr. Speaker, I move the indefinite postponement of House Amendment "B".

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

Mr. DAVIES: Mr. Speaker, a parliamentary inquiry to the Chair? If this amendment that is on the bill currently is removed, in effect, will it reinstate Section 15 of the original bill? Which was similar if not identical to a bill that this House finally killed earlier in the session?

The SPEAKER: The bill to which the gentleman from Orono, Mr. Davies, is referring is L. D. 287, which is a bill to Regulate the Circulating and Initiative or Referendum Petitions. The Chair would call your attention to 287, which was introduced by the gentleman from Biddeford, Mr. Lizotte and contains with it House Amendment "A" and Senate Amendment "A" which was defeated earlier in this session. This particular bill did contain a provision under Section 15 in the original bill, which was on Page 5 of the original, which was removed by the amendment which was introduced by the gentleman from Buxton, Mr. Berry and the Chair would advise the gentlewoman from Portland, Mrs. Boudreau and members of the House that if the amendment "B" which is to be removed from the bill, then the Chair would have to rule that the bill, itself, is improperly before this body, because a previous matter has been defeated which deals with the same question of subjugation and circulation of petitions and nomination papers around the election polls and House Amendment "C" that the gentlewoman from Portland, Mrs. Boudreau is offering there is substantially no difference to allow that the matter be decided in municipalities where there ought to be election officers involved.

On motion of Mr. Birt of East Millinocket, tabled pending the motion of the gentlewoman from Portland, Mrs. Boudreau, that House Amendment "B" be indefinitely postponed and later today assigned.

Finally Passed

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to Take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 1267) (L. D. 1494) (H. "A" H-845; S. "A" S-327)

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

By unanimous consent, all Enactors with the Exception of the tabled matters, were ordered sent forthwith to the Senate.

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

Bill, "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (L. D. 1573)

Tabled — June 29, 1977 by Mr. Birt of East Millinocket.

Pending — Motion of Ms. Benoit of South Portland to Indefinitely Postpone House Amendment "B" (H-877) to House Amendment "B" (H-781) (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Ms. Benoit of South Portland that House Amendment "B" to House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Carter, F.; Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Diamond, Elias, Flanagan, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Jackson, Joyce, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Lynch, Martin, A.; Masterton, Maxwell, McMahon, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Peakes, Pearson, Peltier, Plourde, Prescott, Quinn, Raymond, Spencer, Stover, Stubbs, Tarbell, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bennett, Berry, Birt, Boudreau, P.; Brown, K. L.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Connors, Cote, Dexter, Dow, Drinkwater, Durgin, Fenlason, Fowlie, Gillis, Gould, Gray, Hunter, Hutchings, Immonen, Jacques, Jensen, Kelleher, Laffin, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Masterman, McBrearty, McHenry, McKean, McPherson, Nadeau, Nelson, N.; Norris, Palmer, Perkins, Peterson, Post, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Bagley, Chonko, Churchill, Dudley, Dutremble, Garsoe, Gauthier, Hobbins, Jalbert, LeBlanc, Lewis, Talbot, Truman, Tyndale.

Yes, 71; No, 66; Absent, 14.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-six in the negative, with fourteen being absent, the motion does prevail.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I was kind of hopeful that we might have accepted that amendment. I guess there is just no compromising on this measure and it has always been very difficult for me to move the indefinite postponement of a bill and I don't want to do that but I have had so many calls on this issue. I am not sure if I can win or not but I am going to make a motion to indefinitely postpone this bill and all its accompanying papers and I would like to speak to that motion.

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone this bill is not in order.

Thereupon, House Amendment "B" was adopted and the House concurred.

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

JOINT ORDER — Relative to Study of CETA Program (H. P. 1782)

Tabled — June 29, 1977 by Mr. Palmer of Nobleboro.

Pending — Motion of Mr. Raymond of Lewiston to Reconsider Failing to Pass.

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

Mr. BUSTIN: Mr. Speaker, I request 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 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, Ladies and Gentlemen of the House: If I could have your attention for just a moment and I think first of all, I should apologize for asking for a division last night, that was a pretty stupid thing to do when everybody was tired. But I would like you to think briefly about this.

As I mentioned, I have talked to many of you individually about this study order of the Ceta programs and I am trying to sort out in my own mind what the problems are. One of them, of course, is the general problem about study orders and whether they accomplish anything at all. I think another one is, quite frankly, that people have a dim view of the committee on Local and County Government and it may be because the subject that we deal with is very controversial and it may be that we just don't approach it properly. But I would like to indicate recent history and that is that the com-

mittee did have a study order last year having to do with county government and, as a result of that, two pieces of legislation have passed this House, both Houses I believe, one of which was the L.D. on Deputy Sheriffs, trying to depoliticize and improve the police system in the counties and the other was the county charter bill which was related to reorganization of county structures.

We did offer the House a variety of alternatives that we had worked out, starting with the most severe, let's say, and gave I think a fair continuum of choices and obviously this House and the other body didn't choose those but we did choose another. Another study order we had the last time had to do with the Village Corporation in the middle of Sebago Lake, on Fry Island, and the process of going through that, enabled the people in that situation to finally work out an agreement.

Now, I would like to just talk about the merits of this thing, just again, to remind you that we are talking about what is becoming one of the largest economic and indirectly political forces in our state, and that is the Ceta program which disperses plenty of money and which has had many criticisms or questions raised about it. I don't think that we would be carrying out our own responsibilities if we didn't take a good hard look at that program and how it affects our own activities in terms of our state budgets, our county budgets and the priorities that we try to set for the state.

So, I would seriously hope that you would reconsider our action and finally pass the order before you.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Members of the House: Just a follow up on the gentleman from Bangor's comments. There was one other study that we conducted dealing with county salaries, which this House accepted. But nearly every county budget that comes before the local and county government deals in one way or another with Ceta personnel, personnel either being fired or requesting additional funds for personnel whose funds have expired. Complaints about the program filtered back to the committee that the program is being abused, that it is not being used as it was intended to be used, that regular employees are being fired and then rehired under Ceta. Up until now, our only source of information has been those intimately involved with the program. Those of you who were here during the 107th will recall that we overrode the Governor's veto to allow counties to be prime sponsors of the CETA program. The money required to fund this study is pretty small in comparison to the sums being expended through this program.

Comments are being made that you don't have time to read all the studies now but, of course, the purpose of these studies are not necessarily for your reading entertainment. We try to develop legislation that will correct many of the problems and complaints that we are now getting and hopefully, some legislation or at least some way that we can make intelligent decisions in dealing with county budgets will result from this particular study. I would also urge you to reconsider this order and to allow the Local and County Government Committee to scrutinize this controversial program.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Raymond of Lewiston that the House reconsider its action whereby the Order failed of passage. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carter, D.; Clark, Connors, Cox, Curran, Davies, Diamond,

Dow, Drinkwater, Dutremble, Elias, Fowlie, Goodwin, H.: Goodwin, K.: Gray, Hall, Henderson, Hickey, Howe, Huber, Hughes, Hutchings, Jacques, Jensen, Joyce, Kane, Kany, Kerry, LaPlante, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mahany, Marshall, Martin, A.; McHenry, McKean, McPherson, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Silsby, Spencer, Stover, Tarr, Theriault, Tierney, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Beaulieu, Berry, Birt, Bunker, Carroll, Carter, F.; Churchill, Cote, Cunningham, Devoe, Dexter, Durgin, Fenlason, Flanagan, Gill, Gillis, Gould, Greenlaw, Higgins, Hunter, Immonen, Jackson, Kilcoyne, Laffin, Lewis, Lougee, Lunt, Mackel, Masterman, Masterton, Maxwell, McBrearty, McMahon, Morton, Nelson, M.; Norris, Palmer, Peltier, Perkins, Peterson, Rollins, Sewall, Shute, Smith, Sprowl, Strout, Stubbs, Tarbell, Teague, Torrey, Tozier, Whittemore.

ABSENT — Bagley, Boudreau, A.; Chonko, Connolly, Dudley, Garsoe, Gauthier, Green, Hobbins, Jalbert, Kelleher, LeBlanc, Talbot, Truman, Tyndale.

Yes, 82; No, 54; Absent, 15.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-four in the negative, with fifteen being absent, the motion does prevail.

Thereupon, the Order received passage.

By unanimous consent, the Order was sent forthwith to the Senate.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Committee of Conference Report

Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to Habitual Truants and School Dropouts" (H. P. 1650) (L. D. 1851) asks leave to report:

that the House recede from passage to be engrossed as amended by House Amendment "A" (H-582) and House Amendment "D" (H-636), reconsider adoption of House Amendment "A", indefinitely postpone House Amendment "A", reconsider adoption of House Amendment "D", indefinitely postpone House Amendment "D", read and adopt Committee of Conference Amendment "A" (H-882) submitted herewith, and pass the bill to be engrossed or amended by Committee of Conference Amendment "A"; that the Senate recede from passage to be engrossed, read and adopt Committee of Conference Amendment "A" (H-882) submitted herewith, and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

Signed:

Mr. LYNCH of Livermore Falls
Mrs. TRAFTON of Auburn
Mr. BAGLEY of Winthrop
— of the House.

Messrs. PIERCE of Kennebec
KATZ of Kennebec
DANTON of York
— of the Senate.

The Committee of Conference Report was read and accepted.

The House receded from passage to engross as amended by House Amendment "A" and House Amendment "D".

The House reconsidered adoption of House Amendment "A" and indefinitely postponed same; reconsidered adoption of House Amendment "D" and indefinitely postponed same.

Committee of Conference "A" (H-882) was read by the Clerk and adopted.

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

Mr. PEARSON: Mr. Speaker, Ladies and

Gentlemen of the House: I would just like to have an explanation of what this does?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: What the Committee of Conference Amendment does, it defines what are excusable absences; they are personal illness, appointments with health professionals that cannot be made outside the regular school day; observance of recognized religious holidays when the observance is required during a regular school day; emergency family situations or planned absences for personal or educational purposes which have been approved in advance. Then, I don't know if you have the bill or not, but on Section 5, it says the local school committee board of directors shall be responsible for the administration of this section and shall promulgate reasonable rules with regulations to carry out this responsibility. It simply adds that the local school committee or board of directors shall file a copy of these rules and regulations with the commissioner.

Section 2, Subsection 6, Paragraph E which goes on to say that should we omit our meeting and it adds their right referring to the parents, to inspect the child's records in the principals report.

They have urgent appeals procedure with a fair hearing official and he makes his report to the commissioner and the commissioner shall review and shall affirm, modify or reverse the decision of the local school committee or boards of directors.

There is a section on the responsibilities of parents and guardians and penalty — the penalties are in existing law and we have simply added that as a condition for a probation the judge may require that professional counseling by a qualified professional counselor who shall be selected by the convicted person with the approval of the court or by the court. The counselor shall submit a written report of his counseling to the court and to the person being counseled and that, in essence, leads up to the reports of the superintendents must make prior to October 1, a report which includes an identification of the number of habitual truants designated in the unit during the previous school year, a description of the efforts made by the local unit on behalf of the habitual truants, an account of the number and disposition of actions brought under subsection 8 and any other information relating to truancy which the commissioner deems necessary. Then the next section says that the commissioner shall report to the legislature with prospective legislation if he deems it necessary.

There is no penalty on school subsidy. There is a sentence which was added that says, for subsidy distribution purposes the previous sentence which means the 85 percent clause shall not be in effect until the 1978-1979 school year.

The purpose of the whole thing is to get some sort of a statistical background for truancy in the State of Maine and hopefully, do something about it in the future.

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

The following Joint Order: An Expression of Legislative Sentiment recognizing that: the organization, AMIES, of Brooksville, Maine has shown great dedication to the history of the State of Maine and outstanding perseverance in preserving valuable Maine antiques (S. P. 581)

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

The following Joint Order: An Expression of Legislative Sentiment recognizing that: Penobscot County Clerk of Courts, Miss Beatrice L.

Park, is concluding 31 years of loyal service to the courts of Maine (S. P. 583)

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

The following Joint Order, An Expression of Legislative Sentiment recognizing that: the members of the Commission on Governmental Ethics and Election Practices have served with great distinction and dedication, in a manner which brings honor to themselves and to the State of Maine, and have done a great deal to ensure the continued integrity of the election process in this State (S. P. 584)

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

The following Joint Order: (S. P. 585)
ORDERED, the House concurring, that the Joint Standing Committee on Business Legislation report out a Bill to clarify the powers and authority of nonprofit hospital associations to give or deny participating hospital status under their hospitalization plans.

Came from the Senate, read and passed.
In the House, the Order was read.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I move indefinite postponement of this Joint Order.

It is my understanding that the Joint Order, Item 4 on Page 3 of today's Supplement No. 3 is the reaction of certain members of the 108th Legislature to the confusion which has ensued as a result of the two committee reports on L. D. 1769 whereby this House adopted Committee Report "B" which reflected a minority of the Committee on Business Legislation and where the other body took action.

The point of the matter is that L. D. 1769 and the general thrust of that very positive piece of legislation is being confused and led down the dreary lane to what I perceive as an inevitable negative end. This Joint Order, at this stage, on June 30th, is an order to order the Committee on Business Legislation to report out a bill to clarify the powers and authority of non-profit hospital associations, to give or deny participating hospital status under their hospitalization plans. I don't challenge the sincerity of the sponsors of this Joint Order, whoever they may be, but I do question the advisability of introducing an order which commands a committee to report out a tremendously comprehensive piece of legislation at this late date.

It is on that basis and premise that I sincerely request that this Joint Order be indefinitely postponed.

I would request a roll call.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would help me to try to bring similar bills, similar to the ones twice this House has passed in the hopes that we can bring some control over a monopoly insurance company that, at the present time, is unanswerable to anyone.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I hesitated to get involved in this. Some of you who were here during the 107th will remember that I sponsored a bill which was going to tax Blue Cross. I certainly had a bone to pick with them and I was shot down. But this is sort of a different issue between the Blue Cross and Gould Memorial Hospital. The differences in this issue are distinct and separate — Blue Cross represents 500,000 people, I am told, the hospital entered into an agreement with them, which they have not honored and I think this issue should be set-

tled between the parties concerned and I hope that you will go along with Ms. Clark's motion.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to pose a question through the Chair to any of the sponsors of this Joint Order. I would like to know what the Emergency nature of this Order is? Could someone explain this to me, please?

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: To my knowledge, it is the request of Blue Cross that A. R. Gould submit to another review that would be very costly, which they don't feel at this time, according to Maine Health Care Planning Agency it does not require.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say this, that review would cost at the maximum \$3,500, the Department of Human Services has ordered it and the contractual dispute has been going on since before this session ever started and the hospital had a right to settle this dispute through arbitration with the Superintendent of Insurance. Now, there is talk around here of adjourning this legislature within 100 days, there have been bills in here that have been introduced in February and March that may go down the tube just because people want to get out of here and I, personally, resent another bill coming in when there are many bills going back and forth that have been here a long time, that may die through no fault of the sponsor at all. I am very opposed to introducing a bill at this point of time, particularly when it is not an emergency.

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 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 desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Ms. Clark, that the Joint Order be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Ault, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Clark, Cox, Cunningham, Curran, Diamond, Dutremble, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, Kane, Kany, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McKean, McMahon, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Peterson, Post, Prescott, Quinn, Raymond, Spencer, Sprowl, Stover, Stubbs, Teague, Theriault, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAYS — Aloupis, Biron, Birt, Boudreau, P.; Bunker, Carrier, Carroll, Carter, F.; Churchill, Conners, Cote, Davies, Dexter, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Gill, Gillis, Gould, Gray, Higgins, Howe, Hunter, Joyce, Kerry, Laffin, Lewis, Littlefield, Lunt, MacEachern, Mackel, Mahany, Masterman, McHenry, McPherson, Mills, Nelson, N.; Norris, Pearson, Perkins, Plourde, Rideout, Rollins, Shute, Silsby, Smith, Tarbell, Tarr, Tierney, Torrey, The Speaker.

ABSENT — Austin, Bagley, Brown, K. L.; Carter, D.; Chonko, Connolly, Devoe, Dudley, Elias, Garsoe, Gauthier, Green, Jalbert, Kelleher, LeBlanc, Lougee, Peakes, Peltier, Strout, Talbot, Tozier, Truman, Tyndale.

Yes, 75; No, 53; Absent, 23.

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

Non-Concurrent Matter

Bill "An Act Concerning Required Voting on Certain Boards and Commissions with quasi-judicial Authority" (H. P. 1200) (L. D. 1441) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-758) as Amended by House Amendment "A" (H-876) thereto in the House on June 29.

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

In the House:

The SPEAKER: The Chair recognize the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House recede and concur.

My cosponsor, Representative Masterton, and I wanted to thank all of you who voted for the concept of this bill yesterday afternoon because the concept is good and the need for legislation in this area is real.

I have had an unsettled feeling about this bill for awhile and thought that the time would bring the right words that would properly address the problem. This morning I want to see Deputy Attorney General, Don Alexander, who assured me, as he had the Governor, that the bill is not unconstitutional but policy wise needs major changes and I am sure, at this late date, you would all not appreciate us attempting to do that. He recognized without my asking that there is a problem and again, without my asking, offered to help us to develop a more precise bill to be submitted in the future.

The bill was indefinitely postponed in the Senate this morning at my request, although I have a strong feeling that it would have been killed anyway, and I hope that you will all follow suit.

Thereupon, the House voted to recede and concur.

An Expression of Legislative Sentiment (H. P. 1791) recognizing that: Robert Charles, a student of Maranacook Community High School, has won the Maine finals in extemporaneous speaking, a win which entitled him to compete in the National Forensic League's country-wide competition in Seattle, Washington

Presented by Mr. Ault of Wayne

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

On motion of Mrs. Post of Owls Head, the following Joint Order: (H. P. 1792)

WHEREAS, it is important that the State play a positive and forceful role in the implementation of the 200-mile limit; and

WHEREAS, the state's marine research activities are critical in providing the information to substantiate the state's position in the implementation of the 200-mile limit; and

WHEREAS, the Department of Marine Resources is developing a 5-year plan of marine research to meet their needs; and

WHEREAS, it would be beneficial to have the input of the fishing industry and the citizenry of Maine in the development of this plan; now, therefore, be it

ORDERED, the Senate concurring, that a Select Committee on Marine Research be established, comprised of 9 members to be constituted and appointed as follows: One member of the Senate to be appointed by the President of

the Senate; 2 members of the House to be appointed by the Speaker of the House; 5 members of the fishing industry in this State and one marine scientist, who is not an employee of the Department of Marine Resources, all of whom shall be appointed by joint agreement of the President of the Senate and Speaker of the House; and be it further

ORDERED, that the committee meet with the Department of Marine Resources to give advice on the development of its plan for marine research; and be it further

ORDERED, that the committee shall consider, among other issues, the research required to implement the 200-mile limit and to protect the state's interests in that implementation: marine resources and hazards important or potentially important to the state's fisheries, the research that is necessary in these areas over the 5-year period from 1979 to 1984, the specific goals of that research, the procedures for periodic critical review and oversight of that research, and the procedures required to review the goals of the 5-year plan after its adoption; and be it further

ORDERED, that the committee shall take under consideration the plan and report the same to the Legislature and to the Governor on or before January, 1979, along with any recommended administrative action and legislation to implement its findings; and be it further

ORDERED, that the committee shall hold its organizational meeting upon the call of the President of the Senate, and shall choose a chairman from among its membership, and shall organize its study at that time; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other related and necessary expenditures; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to each member appointed to the committee and to the Commissioner of Maine Resources.

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Frederick Lunt of Presque Isle be excused July 6th, 7th and 8th for personal reasons,

AND BE IT FURTHER ORDERED, that Armand LeBlanc of Van Buren be excused for the balance of the regular session.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the fourth tabled and unassigned matter:

Bill, "An Act Establishing a Consumer Complaint Office within the Public Utilities Commission" (H. P. 170) (L. D. 208) — In Senate, Majority "Ought Not to Pass" Report Read and Accepted. — In House, House Reconsidered Insisting on its former action whereby Minority "Ought to Pass" Report was read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "A" (H-369)

Tabled — May 24, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion to Insist.

Thereupon, the House voted to insist.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the fifth tabled and unassigned matter:

"An Act to Authorize Bond Issue in the Amount of \$11,500,000 for the Highway and Bridge Improvement Program" (S. P. 65) (L. D. 136)

Tabled — June 10, 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. THERNEY: Mr. Speaker, I move that the authorization for a bond issue in the amount of \$11,500,000 be passed to be enacted.

The SPEAKER: This being an emergency measure in the terms of the Constitution it requires a two-thirds vote of the members present and voting. Those in favor of the bond issue being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

96 having voted in the affirmative and 32 in the negative, this being more than two-thirds of the members voting, the bond issue was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Mr. Quinn of Gorham, the House voted to take from the table the eighth tabled and unassigned matter:

Bill, "An Act to Raise the Tax on Beer, Wine and Other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse" (H. P. 731) (L. D. 857) (H. "A" H-622 to C. "A" H-596)

Tabled — June 16, 1977 by Mr. Quinn of Gorham.

Pending — Adoption of House Amendment "B" (H-670) to Committee Amendment "A" (H-596)

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

Mr. QUINN: Mr. Speaker and Members of the House: This bill has simply been held on the table for procedural purposes. There have been some other bills proceeding, the fate of which would have a bearing on this. Speaking neither for nor against the bill, I would like to defer the discussion of it to the chief opponent, the good lady from Owls Head, Mrs. Post.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think I had something passed out to you today. It should be on your desks, which pretty much explains some of the various bills and their positions that this particular piece of legislation would fund. At this point, I support the adoption of the House Amendment and I would be glad to answer any questions that anyone may have. If not, then I simply urge that we move it on its way.

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

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

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

Mr. GREEN: Mr. Speaker, I would request a roll call on passage to be engrossed.

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

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

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

Mr. WYMAN: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Auburn, Mr. Green. I think if he has asked for a roll call, I would like to know his position on this bill and if he opposes it, I would certainly like to know why?

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

Mr. GREEN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to oppose this act and I will give you one specific reason why. L. D. 1340 is a bill that was heard before

the Human Resources Committee, a committee on which I serve. It was a bill which I opposed at public hearing, it was a bill which I opposed at a special subcommittee which was appointed by the Chairman of the Human Resources Committee to sit down with the Judiciary Committee and at that time, I told them — this is a tax bill but, as I understand it, one of the bills that they proposed to fund as a result of this tax is L. D. 1340, which came out of the committee unanimous, one of those who happened to sneak by, I guess, what it essentially attempts to do is to hire and employ. I believe the figure given to us at the time by the lobbyists for ODAP, Office of Drug Abuse and Alcoholic Prevention, somewhere in the neighborhood of 12 probation officers to work with the course, to act as referral agents instilled in counseling, alcoholic counseling and rehabilitative experience.

My basic opposition at that time was the fact that we have detoxification units in this state, which supposedly, act as stations, halfway houses, rehabilitative centers to treat the alcoholic, people who have serious drinking problems. I have some real personal problems with these centers. I have had some experience in the past with them, personal experience. I have some serious reservations as to whether or not this legislature should be passing bills which will fund programs to hire new people to make referrals through the courts for alcoholics to go to the programs of which I don't think are currently being funded or currently giving the appropriate services or programs that are needed. Granted, some of the aspects of this tax will probably go to those centers but I have some real strong, personal reservations about hiring new personnel to work with the courts to send people out into facilities that I don't think are adequate.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't usually get up and speak on these kinds of bills. This is not my field. I have other things that I am interested in besides this type of a bill. Today, I certainly hope the members of this House will show a little compassion as this is definitely a compassionate body, I think the concept of this bill is a good idea. I don't know all the answers, I never have professed to but I do know that alcohol in this state is a very serious problem, not only with the old, but with the young and I feel that, and myself included, I have made a lot of money on selling alcoholic beverages, I was in the business of doing it and I feel that if we can sell it, we can make a profit off it, fine and good. If there comes a time that we have to correct the problems of the injustices that we have done in getting wealthy on selling this, then the tax should be there. I certainly hope that the members of this House will pass this.

I could tell you stories but I am not interested in telling them and I am sure that you are not interested in hearing them. You all know what the score is. You are not children, you have been down this road, you all know what we are dealing with and I certainly hope that we will pass this.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1340. I am the sponsor of that bill to return a phrase and I would just like to clarify what it does so that you will understand that this is one of several bills that will be funded. By the way, less than 10 percent of this proposal will go to funding this, the thick of the bill.

As you know, I am sure, if you have ever reviewed the uniform crime reports or any other similar data, you will find that an amazing amount of crime in this state and throughout the country is committed in the context of alcohol and very often while the people

involved are under the influence of it. You know it is an old saw to say that alcohol is our biggest drug problem and it certainly is and what this bill is trying to do is to identify those people who can't handle alcohol as many of us feel that we can, that are, in fact, addicted to that drug, they do commit crimes. We can do one of two things with them. We can do what we have been doing, which is to put them in the jug for however many days for relatively minor crimes and then they are back.

Overwhelmingly, one of the greatest things that keep law enforcement officers in business is breaking and entering in the night time for beer, wine or liquor, if they can get in the liquor stores and what this says is for the Class B, C, and E offenses, which are the lower range of criminal offenses, that if the court finds that the person who was under the influence of alcohol at the time of the crime, that the court may require that that person undergo a pre-sentence evaluation to discover what their situation is with respect to alcohol. If the courts find out that they are, in fact, alcoholic or on the verge of being that, they can direct them into some of the treatment programs which are either available now or which will become available through other parts of other bills funded under this proposal.

It is certainly the case now that we can't cure, shall we say, many of the people who have problem troubles with alcohol. We can't do much better with people who have cancer or many other diseases but that doesn't mean we stop, doesn't mean that we shouldn't go ahead with it. There are failures for a variety of reasons and ultimately many people think it comes down to willpower, an individual's decision to change his life. This is an attempt to get people to realize their problems, to get into what ever fumbling treatment we have been able to get so far and hopefully, improve that treatment and maybe we can get at some of the roots of our crime problems.

There is a side issue here I must point out and that is the federal program under which this comes, gives us an incentive to develop these items and if we do pass this tax and we do set up these programs, what will happen, in effect, is that we will be able to rematch this money with money in our Title 20 program so that, in fact, there will be more money, in fact, \$1,500,000 available in Title 20 programs because of the matching process of federal and state money so we are not only dealing with the alcohol problem, we are also making available money in other areas which we wouldn't ordinarily be able to do and which would ultimately reduce the tax burden on the people of Maine.

So, I hope you will give it serious consideration.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote to pass this increase on liquor. I also voted for the drinking age, and supporting that legislation which would tend to put greater sanction on those who violate our liquor laws. I do all three of these programs in an attempt to instill and initiate a comprehensive program to try and treat alcohol abuse, not only by the juvenile population in Maine but also by the adult population, and I strongly urge your support of this measure.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: I would remind you that this is an increase in taxes and we have said many times this year that we would not increase any tax. I am not going to vote for it and that is one of the reasons. I am not opposed to setting up some programs to take care of the alcoholics, I think it is a must but this is not the place to take it from.

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

Mr. HUGHES: Mr. Speaker, Members of the House: I would like to respond to the concern just expressed about this being a tax increase and I suppose technically it is. It is the most popular tax increase I have run into campaigning and representing the people that I represent. I haven't spoken to a single person in the last six or seven months, who is against this tax increase. It seems to be a very logical idea that from the liquor industry we take the money necessary to deal with a problem created by the liquor industry. It is an offshoot of the liquor industry. Most of us are responsible, moderate drinkers, know how to handle it, but some of us become addicted and that is exactly what we are dealing with, a drug addiction, whether it is an addiction to alcohol or any of the other hard drugs we are talking about. It is a drug addiction which leads to a physical dependence as well as a psychological dependence upon the drug and it has to be dealt with medically and we have to have programs adequate to deal with it or we simply ignore that for many people, drinking is more than a social problem, it is a medical problem. This kind of program is absolutely necessary, I think. I serve as this House Representative on the Maine Commission on Alcohol and Drug Abuse and it is giving me an additional perspective that I didn't have before serving on that committee and that perspective is simply that we can't continue simply profiting as a state from the liquor industry without realizing that it also creates problems and those problems have to be dealt with and it is a fair idea to tax the industry, to tax the trade to deal with those problems which exist. I am for the bill and I think everybody I have ever talked to about this subject is for this bill, is for this tax increase and I hope the House will stick by its previous action.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am not in opposition to the bill, I am still trying to make up my mind. But I do have a couple of questions that I would like to pose through the Chair to the sponsor or anybody who would wish to answer.

With this much funding, I am certain that there has been some research into the number of alcoholics in the state. We have come up with a 4.3 million dollar figure for the biennium and then if we add the federal matching funds, we come up with almost 6 million dollars and I think that it is fair that we find out what our returns for that 6 million dollars are going to be. Therefore, has there been any research done on the other states that may have a similar type of legislation, to find out the rate of alcoholics that are cured through this type of legislation?

The SPEAKER: The gentleman from Limestone has posed a question through the Chair.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The estimates are that there are about 40,000, I believe, alcoholics in the State of Maine. In terms of the success rate, it depends on the program. I think that one of the programs in my area has had a success rate of about 60 percent. Maine certainly ranks very high in its consumption of alcohol and I have some figures here that I was looking for but I know I was looking at them last night, in most cases, the only places that seem to rank higher than Maine on a per capita consumption were Washington, D.C. and Alaska. Maine ranks about 8th in the nation in the amount of per capita revenue derived from alcohol sales. I think that anyone who has lived in the state would agree that alcoholism is one of our major problems. I think it is particularly appropriate

in this particular instance to fund the treatment programs through the source.

It is not very often that we are able to tie funding sources so closely together with the problem, I guess, if you want to, you can almost think of this as an insurance program. I think the figures are somewhere around that 15 percent of the people purchase approximately 90 percent of the alcohol, and in terms of Representative Green's problem with one particular bill that went through, I think that it is unfortunate that that wasn't addressed at the time that the bill went through the House and the Senate since that bill is now in the Senate on the Senate Appropriations Table. I think that Mr. Henderson has given you a good explanation of that particular bill and the funding level for that bill is on the form that I passed around earlier today.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: We have been talking about drunks and drinking and everything else in this House ever since we have been here, dealing with it in one way or the other. Just a few days ago, we turned down bills that would authorize police officers to do something with an intoxicated individual. Previous legislatures have established rules and regulations and laws as to how we will handle an individual who is incapacitated through alcohol.

The gentleman from Auburn, Mr. Green, has a problem, in the fact that nothing is being done currently because they are not properly funded.

My answer to both of this and all of this is the dollar sign. They haven't had the money to do the job and this is the vehicle we need in order to get the funds to get or attempt to get the job done. My third year being here, I don't believe that I have voted for any bill that said "tax" right straight up front. I may have voted for some that may have had hidden taxes in them but this one, it says "tax" — I mean "tax", and I am voting "yes" for this tax.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Alcohol has been a problem for years. It is nothing new, it was a problem way back in the bootleg days when people used to make their own liquor.

I recall there was a man home who had a still, one night there was an explosion and it blew he, and his wife out the window, that was the first time they had been out together in six months.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I am involved in several programs and I know the hour is late and I will be brief. But just to give you an idea of the magnitude of the problem, it has been touched on by several people, but Maine is ranked 8th in the nation with 50,000 to 60,000 people in this state who are estimated to be alcoholics or problem drinkers. No other disease, drug or behavioral disorder, nothing, has a more destructive impact upon the quality of life in Maine than the misuse of alcohol. It is the only substance that underlies so many of Maine's social, health, criminal and economic problems.

For instance, 46 percent of all divorces and 40 to 50 percent of all reported cases of child abuse and neglect are the result of alcohol misuse. Well over half of all teenage runaways, pregnancies, delinquencies and parent-child disciplinary problems are related to alcohol misuse. At least 60 percent of the 23,000 arrests made in Maine in 1976 were the result of alcohol misuse, including 8,200 drunk driving, 2,500 disorderly conduct, and 900 assaults. In almost 75 percent of the reported cases of assault upon a police officer, alcohol was a factor. At least half of the 1976 highway fatalities in Maine were

caused by people who were legally intoxicated. Maine has the third highest per capita arrest rate in the nation for drunken driving. One out of every three drunk drivers is a repeat offender. The estimate is that \$52,000,000 per year is lost in productions of goods and services in Maine business and industry.

I could go on and on and on and I think that you have some idea of the magnitude of the problem and I think that with the legislation that has been passed in the past and the legislation we are talking about now, the final factor as the good gentleman from Anson, Mr. Burns, put it so aptly, is the funding. Now we can pay for it on the other end, continue to pay for it on the other end, with millions and millions and millions of dollars, life and the social suffering that goes on or we can face up to the problem and pass this tax this afternoon.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I have a question. If we pass this bill, will this remove the financial eligibility of the people who need the service?

My second question is that I understand this will free some \$440,000 for the department to use elsewhere, could we know where they would utilize it please?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube has posed a question through the Chair to anyone who may respond.

The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: While the problems with some of our present funding is alcoholism treatment programs is that they rely heavily on Title 20 funds and those Title 20 funds do have income guidelines and so very often programs are not able to serve people who need the help but simply don't happen to fall into the income guidelines until they have gotten to a position where they have, in fact, lost everything.

So this method of funding would replace the present use of Title 20 funds and they would be able to service a larger number of people. It will free up in fiscal year 1978, \$474,000 in Title 20 funds and in the fiscal year 1979, \$1,000,000 in Title 20 funds. Now Title 20 funds are presently used to fund programs like day care, homemaker service, I believe programs to the elderly, various types of social service programs and what those will be used for will be determined primarily by the Human Services Council and as you remember, we had considerable debate in this House in the last couple of weeks anyway, on the process that we ask the Human Services Council to go through whether or not they hold regional meetings but there is the Human Services Council with representation from all over the state that goes through the process of determining where the greatest needs of social service funds are and this would free that money.

I think that Representative Kelleher is on the Human Services Council and I am not sure what their priorities for funding are with money that might be freed up.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Durgin, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Laffin, Littlefield, Locke, Lunt, MacEachern.

Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreaarty, McHenry, McKean, McMahan, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood, Wyman.

NAY — Austin, Berry, Berube, Biron, Boudreau, P.; Carrier, Carter, F.; Conners, Cote, Drinkwater, Fenlason, Gillis, Green, Hall, Jacques, Kelleher, Kilcoyne, LaPlante, Lewis, Lizotte, Lougee, Maxwell, Mills, Perkins, Raymond, Shute, Silsby, Tozier, Twitchell, Whittemore.

ABSENT — Bagley, Carter, D.; Chonko, Dudley, Dutremble, Elias, Garsoe, Gauthier, Jalbert, LeBlanc, Lynch, Talbot, Truman, Tyndale.

Yes, 106; No, 30; Absent, 14.

The **SPEAKER**: One hundred and six having voted in the affirmative and thirty in the negative, with fourteen being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Exemption on Estates of Veterans" (H. P. 70) (L. D. 94) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mr. **BIRT**: Mr. Speaker, Ladies and Gentlemen of the House: I would move we recede and concur with the Senate and would like to speak briefly to the motion.

This amendment that was worked out in the Senate takes care of the veterans of the First World War and any of the veterans who have already come under the program from the Second World War of which there aren't too many at the present time. It does take care of the change in just valuation which created a real problem to some people last year.

I have talked with the people from some of the service organizations, particularly the Service Officer of the American Legion and he tells me that if we will accept this, then they will sit down this summer and do a real evaluation of the entire program and try to come back with some recommendations next year that might be something the legislature can take a look at.

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

Mr. **BIRON**: Mr. Speaker, just for the record, I request a roll call or a division but I would like to be on record as in opposition to this legislation.

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

Mr. **MORTON**: Mr. Speaker, did I understand the gentleman from Millinocket to say that this did away with the just value provision of the present law?

The **SPEAKER**: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair. The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. **BIRT**: Mr. Speaker, Ladies and Gentlemen of the House: No, I did not ever at any time mention the just valuation. I said that it would take care of the fact that just valuation created some problems and this raises to the 5,000 one year and the 6,000 in the second year under just valuation. It doesn't change the just valuation.

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter: Bill "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000" (H. P. 1329) (L. D. 1606) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Carey of Waterville tabled pending further consideration and assigned for Wednesday, July 6th.

The Chair laid before the House the following matter: Resolve, Authorizing John Carlo, Inc. to Bring Civil Action Against the State of Maine and to Resolve the Dispute by Arbitration" (H. P. 1016) (L. D. 1231) which was tabled earlier in the day and later today assigned pending, shall this become law notwithstanding the objections of the Governor? Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloups, Ault, Bennett, Benoit, Birt, Brenerman, Carey, Carter, F.; Conners, Connolly, Cunningham, Devoe, Gill, Goodwin, H.; Greenlaw, Hall, Henderson, Hobbins, Howe, Huber, Hughes, Jackson, Kane, Kelleher, Kerry, Kilcoyne, Lewis, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, Mitchell, Nelson, M.; Norris, Palmer, Peakes, Prescott, Rideout, Spencer, Sprowl, Tarbell, Valentine, Whittemore, Wood.

NAY — Austin, Bachrach, Beaulieu, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brown, K. L.; Bunker, Burns, Bustin, Carroll, Clark, Cote, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowle, Gillis, Goodwin, K.; Gould, Gray, Green, Hickey, Hunter, Hutchings, Immonen, Jacques, Jensen, Joyce, Kany, Laffin, LaPlante, Littlefield, Lizotte, Locke, Lougee, McBreaarty, McHenry, McKean, McPherson, Mills, Moody, Morton, Nadeau, Najarian, Nelson, N.; Pearson, Peltier, Perkins, Plourde, Post, Raymond, Sewall, Shute, Silsby, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Torrey, Trafton, Twitchell, Wilfong, Wyman.

ABSENT — Bagley, Boudreau, P.; Brown, K. C.; Carrier, Carter, D.; Chonko, Churchill, Dexter, Dudley, Dutremble, Elias, Garsoe, Gauthier, Higgins, Jalbert, LeBlanc, Lunt, Lynch, MacEachern, Martin, A.; McMahan, Peterson, Quinn, Rollins, Smith, Talbot, Tierney, Tozier, Truman, Tyndale.

Yes, 46; No, 74; Absent, 31.

The **SPEAKER**: Forty-six having voted in the affirmative and seventy-four in the negative with thirty-one being absent, the Governor's veto is sustained.

The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

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

The **SPEAKER**: The gentlewoman from Newcastle, Mrs. Sewall, having voted on the prevailing side, now moves that we reconsider our action whereby the Governor's veto was sustained.

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

Mr. **HOBBS**: Mr. Speaker and Members of the House: The veto of the Governor addresses a bill which received the unanimous support of the Committee on Judiciary. It is a bill that will authorize John Carlo Inc., to bring his civil action against the State of Maine to resolve a dispute by arbitration. The facts surrounding this case revolve around the famous legislative highway, that strip that runs from Gardiner to Topsham. The attorneys for John Carlo brought before our committee evidence that there is a breach of contract problem involving the Department of Transportation and John Carlo Inc., in a situation like this, John Carlo Inc., would like to have this dispute resolved. In

order to do so, they would have to bring an action in court.

Unfortunately, the State of Maine, through the Attorney General's Office and the Department of Transportation, has informed John Carlo that they will raise the doctrine of sovereign immunity in this particular case thus barring John Carlo from bringing an action in a court of law in order to dissolve and resolve the dispute concerning the contract. This is a contractual matter and not a tort matter and there is no law in the State of Maine, through much research done by the attorneys for John Carlo and also, I understand, the attorneys down in the Attorney General's Office, that addressed the problem of a contractual matter in whether or not the State of Maine, whether or not sovereign immunity applies to a contractual matter. As you probably realize, sovereign immunity applies to tort claims brought against the State of Maine but this is a contractual matter between two parties, a private contractor and the Department of Transportation to build a highway.

The Governor, in his message, states that there is adequate remedy at law for the company to present a legal action against the state for payment. Unfortunately, if the state of Maine raises the argument and defense of sovereign immunity, John Carlo would be barred from bringing any type of action in order to decide the merits or the issue regarding the breach of contract. Now, this isn't a giveaway to John Carlo Inc. because all we are doing here is allowing them to go to arbitration, allow the issues involved, the issues of the breach of contract to be decided. We are not passing judgment and we shouldn't pass judgment of whether or not John Carlo provided improper road service or didn't construct the highway in a reasonable manner. That is not for us to decide and it shouldn't be for us to decide. I realize that many people here are probably voting in protest of the opening of the road being postponed for a number of months. That shouldn't be the reason we vote.

As I mentioned before, this bill was unanimously endorsed by the Committee on Judiciary. The facts that were presented to us were felt by the committee to warrant John Carlo Inc., to have some forum to bring about the dispute to be resolved. I urge this House to reconsider their action so that John Carlo, like anyone else, like any other ordinary person, even though they are a big multimillion dollar corporation, as many people think, and may be they are an anti-union corporation as some people think, you know, big business and all that, and here I am supposedly a progressive talking about big business, but in this particular case, they are correct. They should have the opportunity to at least have the forum to present their facts and I do hope we reconsider.

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

Mr. **SPENCER**: Mr. Speaker, Ladies and Gentlemen of the House: I think that the issue here is not John Carlo Company and it is not that highway, it is a question of basic fairness and who should resolve a dispute between two parties to a contract. Should the dispute be resolved by one party at the expense of the other by refusing to permit an independent finder of fact to determine who is at fault and who isn't at fault, or should one party say "sorry we aren't going to let you take this case to a jury or to an arbitrator." This legislature has consistently followed the practice that when a case comes before the legislature, where there appears to be strong arguments on both sides, we have consented to suit, not because we favor the plaintiff, not because we favor the defendant, but because we feel that the issue should be resolved by a fair independent jury made up of Maine people who hear all of the evidence in detail and make the decision

as to whether the state was right or whether the contractor was wrong. I think that the basic issue here is whether a dispute over a contract between the state and the citizen is going to be resolved by the Governor of this state or by a jury of Maine people, and I, for one, would prefer, in the interest of fairness, in the interest of justice, to allow a legitimate question of fact and law to go to a jury to be decided on the basis of the facts.

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

Mr. MORTON: Mr. Speaker and Members of the House: There have been quite a few statements made here that don't seem to be exactly in conformance with the Governor's veto message. I don't know whether he is correct or the gentleman from Standish is correct but this says to resolve the dispute by arbitration. I don't know whether that is correct or whether by jury as the gentleman from Standish mentioned.

Also, the gentleman from Saco talked about legal remedy and he failed to finish the sentence in which the message says that the legal action against the state for payment of sums agreed to in the contract with the state and that is all the Governor is talking about.

As far as I am concerned, we have many contracts let in this state, the facts are known before the contracts are let and what total sums are available and I don't see anybody else very often suing the State of Maine in this matter.

I would point out that I introduced a resolve earlier in this session to allow a litigant to get more money from the state after a jury of her peers in the State of Maine had awarded her some half million dollars, and in its wisdom, the state saw fit to stick with the decision made on that before the trial. I don't see that this particular case is any different, the facts were known to these highly knowledgeable people on both sides of this case. I certainly feel as though I am going to vote to sustain the veto.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would direct a question to anyone who may care to answer, I don't think it has been answered.

Has, in fact, John Carlo Inc., exhausted all of its legal possibilities? Has a court refused to entertain their suit based on the principle of sovereign immunity or do they just want us in advance of this decision or perhaps I should say to circumvent the possibility of a court refusing this by, in fact, giving them permission to sue before this question is actually addressed by a court?

The SPEAKER: The gentleman from Brewer, Mr. Cox, has posed a question through the Chair.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Cox's question really goes quite to the heart of this matter. There is a pending suit right now involving John Carlo and the State of Maine. The Attorney General's Office has advised the Judiciary Committee that it is their intention to interpose the defense of sovereign immunity, that a person who enters into a contract with the state, who feels that he is entitled to additional funds for additional work required in addition to the contract, has no remedy at law. If the case proceeds and the court finds, as a matter of law, that the contractor cannot sue the state as a matter of law and that the issue cannot go to a jury of Maine people to decide who was right and who was wrong. At that point, the decision will have already been made and it will be too late to give permission to bring suit, because under the applicable doctrines of law, you can only sue once, so that if this defense of sovereign immunity is interposed and the case

is dismissed, then there would be no remedy and it will be, at that point, too late to grant the remedy. So the Judiciary Committee felt that the appropriate thing to do was to grant consent to the suit and then to allow the matter to be decided by a jury made up of citizens of Maine and taxpayers of Maine who will examine all of the facts and really decide who was right and who was wrong.

I don't think that the Judiciary Committee, by recommending that we consent to the suit, was making any final judgment as to the merits of the case, and I don't think it is appropriate for us to try to do that. If somebody comes in and appears to have a reasonable claim, it seems to me that the matter ought to be resolved in the courts, because as soon as the Judiciary Committee or the legislature start functioning in the role of the courts and the juries and trying to resolve these kinds of disputes, there is a tremendous danger that politics are going to become involved in the basic questions involving fairness and justice. To me, there is a much greater principle here than the question of whether this particular road was built properly, whether the state was at fault or whether the contractor was at fault, and that question is, should a person who feels that he has been injured be able to get his case to a Maine jury?

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: Have not the courts of the State of Maine in past decisions their willingness to overturn the basic argument of sovereign immunity? We have seen it done with matters of torts. Isn't it also a possibility that this matter might also be resolved in terms of contracts by the court and therefore this matter will be once and finally resolved rather than continually giving exceptions to specific individuals through this legislative body and therefore making it unnecessary for further orders of this nature to come before us.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer the gentleman's question. That is the very part of the thing that I wanted to bring to reflect upon this, that we did work for several weeks on the sovereign-immunity bill which was brought about, as you mentioned, by a case when the law court ruled that sovereign immunity, without the statutes written in the proper manner, was no longer valid. We have written a statute that for all rights and purposes should withstand that law court test, and then we amended it again just recently with a bill that the chairman brought forth that we just passed in this House. But that is the point that I want to make. This is a concern that I have.

In our structuring this sovereign immunity, we were very concerned about this very matter, how are people going to be used? Are people going to be treated fairly? Are they going to have a chance to go before someone if they do have a claim? And the trend that ran through the committee was, yes, that even in extenuating cases such as this, the legislature would have the power to authorize a person to go to a board of arbitration or go to a court of equity to determine who was right and who was wrong.

Now, as you know, the sovereign immunity act has a destruct clause on it. In a few short months, this will destruct and this same committee is going to go back and try to restructure it, try to go through it, and I am sure that this case, and the attitude that this legislature takes, is going to have a great deal of impact on the Judiciary Committee in the matter of fairness as to who is going to be heard in the courts and who isn't.

I will add one more brief thing. I would feel that if this is turned down, the state could very well find itself in a position on the next major

highway that they want to put to bid, that the bidders might be few and far between because they would be stepping into a closed box, and you might have to go the route of cost plus or something like that that could be a great deal more expensive than the bidding situation that we now operate under. I hope that answers the gentleman's question.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I voted to sustain the Governor's veto just a few minutes ago, but after listening to the debate and doing a little thinking about it, I think that we ought to move to reconsider. I don't think that we should take the position in this legislature of not allowing any individual or corporation the opportunity and their right to have a decision made on whether or not their contract has been violated or not. I don't think that we have the right to just sit here and say, no, we are not going to allow that decision to be made. We don't know how the decision is going to come out, but we are not even going to listen to it. In the first place, we are not going to allow it to be made.

Now, I can't make a judgment on whether their contract was violated or not, and I would imagine that many of you can't, and I think that we ought to allow them to at least have the opportunity to state their case, because this country was founded upon the right to trial and the right to trial by jury or arbitration or whatever, to be able to state your case and have your day in court and it doesn't seem to me, from what I have heard here today, that these people have had their day in court. And you know that I am not a person who is willing to stand up and try and help a big company out. I don't know if they are big or how big they are, or whatever, but it does seem to me that they are not being treated fairly and I don't think the people in the State of Maine would want us to treat them unfairly and treat them in this manner. So I would hope that you would move to reconsider.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: The specific question that has not been addressed, which I think is the question that is bothering the House is in the second paragraph of the veto message. It is assumed in the veto message that a contract was made between two parties, the state and this corporation, that the corporation did the work in an unworkmanlike manner. Just the same, the state paid the corporation the money due to it under contract, and a contract is a contract, and if the corporation now doesn't like it and doesn't think it got enough, then that is too bad. That is not the essence of the problem. The question surrounds the facts that the Judiciary Committee listened to briefly but didn't really want to get into because that is for a court to decide, and that is, was the contract changed in the middle of the game? Because there was a dispute that arose over the type of concrete mix that was used, the state wanted the corporation to use the state's formula of concrete and the corporation said, no, if we use your formula it will come out wrong, but they went ahead and did it, it came out wrong, and they had to redo the whole thing. So the key question is being bagged and assumed in the veto message, and that is: What was the contract? Was there, in fact, a breach by either party or both parties? So it is far more complex than it appears to be in the veto message, and that is the chief reason that on many occasions I have urged and supported the principle of the right to fair trial and I once again support that right today.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: To hear this debate, I

would assume that Mr. Carlo's Corporation is a babe in the woods. They come walking down the pike and here is a little bystander who had never built a highway. Now I happen to be in a position to think, if I don't know for sure, that when I enter into a bid to perform a task for someone and they come and tell me to change the ingredients of a mix, I would refuse to go ahead with those ingredients in that mix unless I had something in writing saying that they had changed the rules of the game and that I would be reimbursed. And I say to you, Mr. Carlo was no babe in the woods. He owned a business, he was in the State of Maine bidding against other contractors, and I think he is looking for an easy way out. I am against it, and I hope you will join with me and that you will do just what you did before, say no.

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

Mr. DEVOE: Mr. Speaker and Members of the House: I would like to ask all of you to join with me and my colleagues on the Judiciary Committee and vote to reconsider this, and I would like to suggest to you that the very reasoning that the gentleman from Limerick, Mr. Carroll, just gave you should be proof enough by itself that the dispute belongs in a court where principles of law can be applied to it rather than in this House where emotions and prejudice might prevail.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the statement of Representative Wilfong that John Carlo, Inc. have their day in court, and according to the information from the gentleman from Standish, Representative Spencer, there is a court case pending, let him have his day in court. Let him exhaust all his legal options, and then, if he is not satisfied, let him come back at that time. But let's not use this legislature as an insurance policy.

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

Mr. MARSHALL: Mr. Speaker I move the question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent 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.

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 motion for the previous question was entertained.

The SPEAKER: The pending question how before the House is, shall the main question be put now? This is debatable by any member for five minutes.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I really hate to drag this out, but the last speaker, Mr. Gillis, brought up a point that I thought I had answered in my mind by Mr. Spencer from Standish, and I would like the opportunity to ask the question and get an answer. It is very brief.

The SPEAKER: The question now before the House is, shall the main question be put now? If you are in favor of the main question being put now you will vote yes; those opposed will vote no.

A vote of the House was taken. 56 having voted in the affirmative and 20 having voted in the negative, the main question was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Newcastle, Mrs. Sewall, that the House reconsider its action whereby the Governor's veto was sustained. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: The question now before the House is, shall Resolve Authorizing John Carlo, Inc. to bring Civil Action Against the State of Maine and to Resolve the Dispute by Arbitration, House Paper 1016, L. D. 1231, become law notwithstanding the objections of the Governor. All those in favor will vote yes; those opposed will vote no. This requires a two-thirds vote of those present and voting. Pursuant to the Constitution, the vote will be taken by the yeas and nays.

ROLL CALL

YEA — Aioupis, Ault, Bachrach, Benoit, Berry, Birt, Boudreau, A.; Brénerman, Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carter, F.; Clark, Connolly, Cunningham, Davies, Devoe, Dow, Gill, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Kane, Kany, Kelleher, Kerry, Kilcoyne, Lewis, Locke, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Prescott, Rideout, Rollins, Sewall, Spencer, Sprowl, Tarbell, Tarr, Valentine, Wilfong, Wood.

NAY — Austin, Beaulieu, Berube, Biron, Blodgett, Burns, Carroll, Churchill, Connors, Cote, Cox, Curran, Dexter, Diamond, Drinkwater, Dudley, Durgin, Fenlason, Flanagan, Fowlie, Gillis, Gould, Gray, Green, Hunter, Immonen, Jacques, Jensen, Joyce, Laffin, LaPlante, Littlefield, Lizotte, Lougee, McBearity, McHenry, McKean, McMahon, McPherson, Moody, Morton, Peltier, Perkins, Plourde, Raymond, Shute, Silsby, Smith, Stover, Strout, Stubbs, Teague, Theriault, Torrey, Twitchell, Whittemore, Wyman, The Speaker.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Carter, D.; Chonko, Dutremble, Elias, Garsoe, Gauthier, Jalbert, LeBlanc, Lunt, Lynch, MacEachern, Martin, A.; Peterson, Post, Quinn, Talbot, Tierney, Tozier, Trafton, Truman, Tyndale.

Yes, 68; No, 58; Absent, 25.

The SPEAKER: Sixty-eight having voted in the affirmative and fifty-eight in the negative, with twenty-five being absent, the Governor's veto is sustained.

The Chair laid before the House the following matter:

Bill, "An Act Relating to an Increase in the Volume Fees Paid by Major Creditors Under the Maine Consumer Credit Code" (H. P. 180) (L. D. 242) which was tabled earlier in the day and later today assigned pending the question, shall the bill become law notwithstanding the objections of the Governor?

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

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I am not only a sponsor of this measure, but I am a member of the Committee on Business Legislation which, in the majority report, signed this bill out "Ought to Pass." L. D. 242. An Act Relating to an Increase in the Volume Fees Paid by Major Creditors under the Maine Consumer Credit Code, has been amended under filing No. H-485, Committee Amendment. Essentially, the bill has been replaced by the amendment, and for my good friends in the Clerk's Office, Alicia and Dot, I think that the ultimate disposition of this veto will probably duplicate that action which this House just took. But I think it is appropriate that I go down swinging, since this is the first bill that I have sponsored ever to be vetoed by the Governor and I just want to have my day before this body too. I guess we all take turns eventually.

In the Governor's veto message which is contained in the printed calendar of today's advanced journal, pages 4 and 5, I can agree with the Governor on a number of items. I can agree that the original bill, unlike the Committee Amendment, would have established a fee structure based on the volume of credit extended by each institution. The Governor agrees more with this thrust than with the Committee Amendment, and I must say as the sponsor of the original measure, so do I. However, at the public hearing on L. D. 242 and as a result of a compromise, yes, that word again, among the opponents of L. D. 242 and with the Committee on Business Legislation, we have the Committee Amendment.

The Governor also, in the third paragraph of his message, deals with the issue of dedicated revenue, and while I respect that gentleman and his office and, as a matter of fact, thank him for the advance notice I had regarding the veto, I would submit to you that consistency in this matter of dedicated revenue is not forthcoming nor exercised.

This veto item, the second on our printed calendar today, has been lobbied extensively in the Third House. I received a number of questions from members of this body, and I am going to attempt to answer some of them now and hope that the members of the Committee on Business Legislation who supported the Committee Amendment would assist me in those areas which I have not emphasized.

It may be helpful to some of you who are not as familiar with the functions of the Bureau of Consumer Protection or the Maine Consumer Credit Code to distinguish between the difference of a filing fee and a volume fee. Under the present law, all creditors in this state pay a \$10 filing fee regardless of the amount of volume that they extend. Under the present law, creditors pay \$15 for every \$100,000 of credit extended. L. D. 242 directs itself to the filing fee in the amended version, despite the title of the original bill.

Along that line, we have some very interesting figures concerning the credit unions in this state, and that is the fact or the issue which I will attempt to emphasize as the result of the lobbying action on the third floor this day.

Maine has a total of 178 credit unions. Of this number, 29 are state chartered and 149 are federally chartered. All of Maine's 29 state chartered credit unions paid both the filing fee of \$10 and the volume fee for 1976. Of the 149 federally chartered credit unions, 29 have refused to pay either the filing fee or the volume fee for 1976. The 120 other federally chartered credit unions have refused to pay their volume fees and have paid only the \$10 filing fee for 1976, for a total of \$1,200. In other words, the 149 federally chartered credit unions have refused to pay one single cent on the approximately \$152 million in credit extended during the calendar year 1976. The federally chartered credit unions have refused to pay the volume fee based on their claim that the volume fee is a tax despite the fact that this volume fee is necessary to operate the Bureau of Consumer Protection.

The bureau estimates that the federal credit unions refused to pay \$24,000 in volume fees in 1976. If, in fact, these volume fees had been paid as they are paid by the state chartered credit unions, then there would not have been any need for L. D. 242 in the first place. L. D. 242 will cost these 149 federal credit unions a total of \$2,900 in 1978, as opposed — listen, Governor Longley — to \$25,000 in volume fees which they have refused to pay. Is there any serious question that the credit unions in Maine have not benefitted tremendously from the increased public awareness of the cost of credit?

Through the Bureau of Consumer Protection's television ads and the Downeasters Pocket Credit Guide, thousands of Maine borrowers and our citizens are now more aware

of the advantage of shopping for the best credit rate available and many of them are going to their credit unions. Can there be any question that this awareness has not benefitted Maine's federally chartered credit unions as well? Is it fair that these federally chartered credit unions which extended \$152 million in credit in 1976 should go without paying their fair share while the other creditors with whom they are in direct competition must pay the same cost?

L. D. 242, in its amended committee version, would increase the filing fee from \$10 to \$30, only for those institutions extending more than \$52,000 in credit annually. L. D. 242 also affects larger creditors by increasing the charges for branch offices from \$5 to \$20, an agreement which was reached with the people at the public hearing on this bill.

The Governor, in his veto message, has made reference to a balanced budget. He does so knowing full well that it will be necessary, as of this date, to utilize the funds that we have received from the Downeasters Pocket Credit Guide for administrative expenses rather than the distribution of additional educational material for Maine citizens free of charge and thereby violating the Maine Consumer Credit Code in its concept. Interestingly enough, thousands of copies of the Downeasters Pocket Credit Guide have been distributed to members of the federal credit unions as well as the state credit unions in this state. The bureau's budget for the 1978 biennium will be approximately \$136,000 for a staff of seven.

Talking with the Commissioner of Business Regulation this morning relative to this veto message, I was pleased to hear that Commissioner Alfred Perkins has commended John Quinn and said he has done a good job managing the finances of that bureau to date. It is on this basis that I ask, respectfully, that you consider voting not to sustain the Governor's veto.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to the gentlady. These volume fees are paid by all types of creditors, am I not correct, Ms. Clark? Mr. Speaker, she answered it in the affirmative. They are paid by all, which includes every small business in addition to credit unions. I don't know and did not know prior to this afternoon that there was such a feud going on between the credit unions and the Consumer Protection Office. Be that as it may, I don't believe that any bill which goes after one particular segment of the economy is a good bill, but when it hits many many other sections of the economy in order to catch that one, I think it is a much worse bill, and certainly this would apply to every merchant who is in the business of selling credit of any kind, and the \$52,000 limit is not a very high one if you are doing any volume of business. Therefore, businesses such as retail dealers in almost any kind of equipment who are doing over \$50,000 a year have had their fees unilaterally raised from \$10 to \$30 with no increase in business.

Of course there was a compromise struck, it was a great compromise, a compromise between lending institutions who lend millions of dollars, who don't want to be charged on a volume basis, which the gentlady from Freeport agrees is a much better system to operate under and a fairer system, they were opposed to that, so I would feel that the big volume institutions would certainly be making a compromise. But it was a great compromise, you charge the little fellows three times as much and the big ones get off without any big increase, and I think this bill is a bad one and the veto should be sustained.

The SPEAKER: The pending question is, shall this bill become law notwithstanding the objections of the Governor? This requires a two-thirds vote of those present and voting.

Pursuant to the Constitution, the vote will be taken by the yeas and nays. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Carroll, Clark, Connolly, Curran, Davies, Devoe, Diamond, Dudley, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Howe, Huber, Hughes, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Mitchell, Nadeau, Najarian, Nelson, N.; Norris, Peakes, Pearson, Plourde, Post, Prescott, Sewall, Spencer, Sprowl, Theriault, Tierney, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Berry, Berube, Biron, Birt, Brown, K. L.; Bunker, Burns, Carey, Carter, F.; Churchill, Conners, Cote, Cox, Cunningham, Dexter, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Gillis, Gould, Gray, Green, Henderson, Hickey, Higgins, Hunter, Hutchings, Immonen, Jacques, Joyce, Kelleher, Laffin, Lewis, Littlefield, Lizotte, Lougee, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, McPherson, Mills, Moody, Morton, Nelson, M.; Palmer, Peltier, Perkins, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Trafton, Twitchell.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Carter, D.; Chonko, Dutremble, Elias, Garsoe, Gauthier, Gill, Hobbins, Jalbert, LeBlanc, Lunt, Lynch, MacEachern, Martin, A.; Peterson, Quinn, Talbot, Tozier, Truman, Tyndale.

Yes, 52; No, 75; Absent, 24.

The SPEAKER: Fifty-two having voted in the affirmative and seventy-five in the negative, with twenty-four being absent, the Governor's veto is sustained.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388) (H. "A" H-743 to C. "A" H-734) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. McKean of Limestone, 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-881) was read by the Clerk.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Without changing the concept of the operational structure of the very good amendment that Representative Biron put out yesterday on the Turnpike bill, I would like to insure, however, that there is sufficient funding available for the conversion process in 1981, and because of the 1981 date, it is not possible to exactly ascertain the amount of funding that is going to be needed. I have heard the amount of \$5 million. I have heard the amount of \$10 million, depending upon the inflationary rate at that time. However, I think it behooves us to insure that funding is available without, first of all, draining the highway fund or having to dip into the General Fund itself. And I think today, during the allocation act, was a very good example of what can happen if we don't kind of plan for the future.

So the plan that I have is within House Amendment "B" under Filing No. H-881. What it states in effect is this. During the one-year period which Mr. Biron built into his amendment, when the system is turned over to the

Highway Department, the funds that are taken in from the toll system will be utilized for the conversion process. That means when the conversion process comes along within that one year period of time, the funds will then be available. There is no way at this time that the Highway Department could have spent the funding, come back to us and say, we don't have the funds but we need them. So this is a built in process to insure we have the funding to take care of the problem when it does come along.

I would hope that you would adopt House Amendment "B" to Committee Amendment "A".

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

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

Mr. GREENLAW: Mr. Speaker, it seems to me that House Amendment "A" is in conflict with House Amendment "B" and that House Amendment "A" should be indefinitely postponed.

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

Mr. BIRON: Mr. Speaker, if the members of the House look at the two amendments, the language in the two amendments are exactly the same. I think this is the procedural problem we are having right now. The difference in the two amendments is that the good gentleman added the provisions which he talked about in his amendment. Keeping in mind that these amendments are amendments to the Committee Amendment, they have to be done at first reading and therefore we had to back it up, so if one is accepted, the other one can't be, so I am agreeable to indefinitely postponing mine and replace it with the other one which does the same thing.

Thereupon, the House reconsidered its action whereby House Amendment "A" to Committee Amendment "A" was adopted, and the amendment was indefinitely postponed.

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

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

The Chair laid before the House the following matter:

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) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Mr. Palmer of Nobleboro, tabled pending final passage and tomorrow assigned.

The Chair laid before the House the following matter:

House Divided Report — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on State Government on Bill, "An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Ms. Goodwin of Bath, tabled unassigned pending acceptance of either Report.

The Chair laid before the House the following 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) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Mr. Biron of Lewiston requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Beaulieu, Benoit, Berube, Birt, Boudreau, A.; Brenerman, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carter, F.; Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Dow, Drinkwater, Dudley, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lougee, Mackel, Mahany, Masterman, Masterton, Maxwell, McBrearty, McKean, McMahon, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Rollins, Sewall, Shute, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Tierney, Torrey, Trafton, Twitchell, Valentine, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Biron, Blodgett, Brown, K. C.; Carroll, Diamond, Henderson, Jacques, Jensen, Marshall, McHenry, Mitchell, Moody, Nelson, M.; Raymond, Rideout, Stover, Wilfong.

ABSENT — Bagley, Bennett, Boudreau, P.; Carrier, Carter, D.; Chonko, Durgin, Dutremble, Elias, Garsoe, Gauthier, Jalbert, LeBlanc, Littlefield, Lunt, Lynch, MacEachern, Martin, A.; Peterson, Quinn, Silsby, Smith, Talbot, Tarbell, Tozier, Truman, Tyndale, Whittemore. Yes, 104; No, 19; Absent, 28.

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

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

From the Senate: The following Order:

ORDERED, the House concurring, that when the House adjourns, it adjourn until 9:30 in the morning on Wednesday, July 6, and when the Senate adjourns, it adjourn until 10:00 in the morning on Wednesday, July 6. (S. P. 586)

Came from the Senate read and passed.

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

The following Joint Order appearing on Supplement No. 10 was taken up out of order by unanimous consent:

On motion of Mr. Curran of South Portland, the following Joint Order: (H. P. 1793)

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval." (H. P. 1681) (L. D. 1875)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

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

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.

The following paper appearing on Supplement No. 5 was taken up out of order by unanimous consent:

Ought to Pass in New Draft

Report of the Committee on Health and Institutional Services on Bill "An Act Authorizing Emergency Services to Children and Youth" (S. P. 447) (L. D. 1644) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize Family Crisis Workers and Short-term Emergency Services for Children, to Require the Designation of Return to Family Workers and to Enact Objectives and Priorities for Services to Children" (S. P. 579) (L. D. 1893)

Came from the Senate with the Report read and accepted and the New Draft passed to be Engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Establish a Property Tax Exemption for New and Expanding Businesses" (S. P. 416) (L. D. 1457)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington
— of the Senate.

Messrs. MAXWELL of Jay
IMMONEN of West Paris
CAREY of Waterville
TWITCHELL of Norway

Mrs. CHONKO of Topsham

Messrs. CARTER of Bangor
MACKEL of Wells

Mrs. POST of Owls Head

Messrs. COX of Brewer
TEAGUE of Fairfield
— of the House.

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

Report was signed by the following member:

Mr. MARTIN of Aroostook
— of the Senate.

Came from the Senate with the Minority Report read and accepted and the Bill Passed to be Engrossed.

In the House: Reports were read. On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and tomorrow assigned.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Require Filing and Prior Approval of all Rates for Use by Nonprofit Hospital or Medical Organizations" (H. P. 1539) (L. D. 1769) (Emergency) which was passed to be engrossed as amended by Committee Amendment "B" (H-753) in the House on June 27.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-752) in non-concurrence.

In the House: Ms. Clark of Freeport moved that the House recede and concur.

Thereupon, Mrs. Kany of Waterville moved that the House recede.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House recede.

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

Mrs. KANY: Mr. Speaker, I would like to recede so that I may offer an amendment, the amendment which is being distributed. I apologize for the delay. The intention of this amendment is really to require that the Superintendent of Insurance approve in writing or disapprove in writing any request for that rate hike. I have, through experience, decided that this is absolutely essential because there is nothing in what is before us that would actually require that type of action, and if the Superintendent of Insurance fails to so act, that would be grounds to begin proceedings for his removal from office. Impeachment is the only method in which we can remove a Superintendent of Insurance from office. I did not want to change that or really deal with that in this bill. I did not want to complicate matters that much, but I feel that this would be a very reasonable amendment and I hope you will go along with the motion to recede, so that I can offer this amendment to you.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "B". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 61 having voted in the affirmative and 33 having voted in the negative, the motion did prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-752) was read by the Clerk.

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

House Amendment "A" to Committee Amendment "A" (H-886) was read by the Clerk.

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

Mr. JACKSON: Mr. Speaker, we have moved from Blue Cross, the rate structure, we have talked about hospitals and now we are talking about means to remove the Commissioner of Insurance. I don't think this amendment is germane and would ask for a ruling on it.

The SPEAKER: In response to the question of the gentleman from Yarmouth, Mr. Jackson, the Chair would rule, based on the President's ruling in the other body, the amendment is not germane.

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

Mrs. KANY: Mr. Speaker, the House Amendment that had been offered deals with just requiring in writing that the Superintendent of Insurance actually act and there is no change in the method of removal. It would just mean that inaction would be grounds for beginning the present proceedings, which is impeachment. I would question the ruling.

The SPEAKER: The pending question is, shall the ruling of the Chair be sustained. If you are favor of the Chair's ruling being sustained, you will vote yes; if you are opposed, you will vote no.

A vote of the House was taken. 85 having voted in the affirmative and 10 hav-

ing voted in the negative, the ruling was sustained.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question to the Chair. It is a matter of curiosity on my part. You state that pursuant to the ruling of the President of the other body, who had ruled that it was not germane —

The SPEAKER: The Chair would advise the gentleman that basically what took place was that the amendment that had been adopted in this body was ruled not germane in the other body, which was Committee Amendment "B". Therefore, we went back, as a result of that, to Committee Amendment "A". Based on that ruling and the similarity between the type of issues involved, the Chair felt that there was a precedent to rule in the fashion that he did.

Mr. PEARSON: Mr. Speaker, if the President of the other body were to rule any amendment not germane and that same amendment were placed in the House, could you then rule it germane.

The SPEAKER: The Chair would answer in the affirmative, but it would not make any difference since the amendment would be dead in either case, whether the ruling is done here or in the other body.

Thereupon, Committee Amendment "A" was adopted.

Under suspension of the rules, the Bill was read the second time.

Thereupon, the House voted to concur with the Senate.

By unanimous consent, ordered sent forthwith to Engrossing.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill, "An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment" (S. P. 436) (L. D. 1513)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington
— of the Senate.

Messrs. MAXWELL of Jay
IMMONEN of West Paris
CAREY of Waterville
TWITCHELL of Norway
CARTER of Bangor

Mrs. CHONKO of Topsham

Messrs. COX of Brewer

Mrs. POST of Owls Head

Mr. TEAGUE of Fairfield
— of the House.

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

Report was signed by the following member:
Mr. MARTIN of Aroostook
— of the Senate.

Came from the Senate with the Minority "Ought to Pass" Report Read and Accepted and the Bill passed to be engrossed as amended by Senate Amendment "E" (S-359)

In the House: Reports were read.

On motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and tomorrow assigned.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Require that Persons or Agencies Placing Unrelated Children for Adoption be

Licensed" (H. P. 416) (L. D. 523) which was passed to be engrossed as amended by Committee Amendment "A" (H-703) as amended by House Amendment "B" (H-783) thereto in the House on June 24, 1977.

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-703) as amended by Senate Amendments "A" (S-343) and "B" (S-352) thereto in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The following matter appearing on Supplement No. 10 was taken up out of order by unanimous consent:

Non-Concurrent Matter

"An Act to Provide for No Smoking Areas in All State Offices" (H. P. 818) (L. D. 991) which was Passed to be Enacted in the House on June 29, 1977.

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

In the House: Mr. Goodwin of South Berwick moved that the House adhere.

Thereupon, Mr. Nadeau of Sanford moved that the House recede and concur.

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

Mr. BIRON: Mr. Speaker, I move that we table this for one day.

Thereupon, Mr. Green of Auburn requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that this matter be tabled for one legislative day pending the motion of Mr. Nadeau of Sanford to recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

A vote of the House was taken.

Thereupon, Mr. Quinn of South Berwick 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 Sanford, Mr. Nadeau, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

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

Mr. BIRON: Mr. Speaker, I wish to pair my vote with the good gentleman from Gorham, Mr. Quinn. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Aloupis, Austin, Beaulieu, Berry, Birt, Boudreau, A.; Brown, K. L.; Bunker, Burns, Bustin, Carey, Churchill, Conners, Connolly, Cote, Cunningham, Devoe, Dow, Fenlason, Gill, Gillis, Gould, Green, Higgins, Huber, Hutchings, Immonen, Joyce, Kilcoyne, Laffin, Littlefield, Lizotte, Mackel, Masterton, McHenry, McKean, Mills, Nadeau, Najarian, Norris, Raymond, Rideout, Shute, Silsby,

Smith, Sprowl, Stubbs, Theriault, Twitchell, Whittemore.

NAY — Ault, Bachrach, Benoit, Berube, Blodgett, Brennerman, Carroll, Carter, F.; Clark, Curran, Davies, Dexter, Diamond, Drinkwater, Dudley, Durgin, Flanagan, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Hunter, Jackson, Jacques, Kane, Kany, Kelleher, Kerry, LaPlante, Lewis, Locke, Mahany, Marshall, Masterman, Maxwell, McMahon, Mitchell, Moody, Morton, Nelson, M.; Nelson, N.; Peakes, Pearson, Perkins, Plourde, Post, Rollins, Sewall, Spencer, Stover, Strout, Tarbell, Tarr, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bagley, Bennett, Boudreau, P.; Brown, K. C.; Carrier, Carter, D.; Chonko, Cox, Dutremble, Elias, Fowlie, Garsoe, Gauthier, Hobbins, Jalbert, Jensen, LeBlanc, Lougee, Lunt, Lynch, MacEachern, Martin, A.; McBreairty, McPherson, Palmer, Peltier, Peterson, Prescott, Talbot, Teague, Tozier, Truman, Tyndale.

PAIRED — Biron, Quinn.

Yes, 50; No, 66; Absent, 33; Paired, 2.

The SPEAKER: Fifty having voted in the affirmative and sixty-six in the negative, with thirty three being absent and two paired, the motion does not prevail.

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

Non-Concurrent Matter

"An Act to Establish the 1977 State Valuation Omnibus Reform Act" (S. P. 465) (L. D. 1608) which was Indefinitely Postponed in the House on June 29, 1977.

Came from the Senate Passed to be Enacted in non-concurrence.

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

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

The SPEAKER: The Chair recognizes the gentleman from Olws Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that we debated at length this morning. I don't really wish to do it again.

I simply would ask for a division and ask that you vote against the recede and concur motion so that we can adhere.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I won't take too long with this bill either but this morning the gentlewoman from Bridgton, Mrs. Tarr, asked for the Clerk to read the Committee Report. Many people here were impressed by the fact that it was a minority report that we had before us. I would like to point out to the gentlelady as well as to others here that this bill is late in getting here because the Senate chairman carried it around in his pocket and was able to turn around what at one time had been a Majority Report. If anyone is interested in knowing that this bill is here in non-concurrence, meaning that it had been passed to be enacted in the Senate, I would infer that the three people from the Senate who voted against this thing obviously were outnumbered. I would say to you that, in fact, it is still basically a majority report signed by only four people, Mr. Carter, Mr. Cox, Mr. Teague and myself. I think if you know any one of the four of us, you will know that we are reasonably responsible.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: We silently defeated this measure this morning. Who carried what around in whose pocket has nothing to do with the merits or demerits of this bill.

I strongly suggest that we vote against

receding and concurring and then vote to adhere.

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 very briefly concur with the remarks of the gentleman from Hallowell, Mr. Stubbs and the gentlewoman from Owls Head, Mrs. Post. I think if we look at the Statement of Fact in this bill, we all would feel the same way they do. I hope we do, indeed, continue the action we took this morning.

The SPEAKER: The pending question before the House is the motion of the gentleman from Waterville, Mr. Carey, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

43 having voted in the affirmative and 69 in the negative, the motion did not prevail.

Whereupon, the House adhered.

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

Passed to Be Enacted

"An Act Concerning the Administration of Laws by the Bureau of Taxation" (H. P. 394) (L. D. 498) (S. "A" S-350 to C. "A" H-799; H. "A" H-826)

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

By unanimous consent, ordered sent forthwith.

"An Act Relating to Providing Information Services to Maine Travelers" (H. P. 1505) (L. D. 1738) (H. "B" H-858)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Due to the lateness of time and in my opinion, the importance of this legislation, it does represent several hundred thousand dollars that we are making a commitment to send. I would ask that someone table this bill for one day and then when we come back, we could address this and if it is the wish of the House after it is fully debated, to pass this legislation, fine but if you want to, don't vote against my motion and I will keep you here for awhile.

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

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

Ms. Clark of Freeport requested a Division.

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

A vote of the House was taken.

41 having voted in the affirmative and 61 in the negative, the motion to table did not prevail.

Mr. Kelleher of Bangor moved the previous question.

The SPEAKER: For the Chair to entertain the previous question, it has to have the expressed desire of one-third 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-third of the members present and voting having voted for the previous question, the previous question is entertained.

The SPEAKER: The question now before the House is, shall the main question be put now?

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The piece of legisla-

tion before us is, in fact, an important one. I think there are a number of people that want to debate it. I think we have debated a number of bills here at great length. I think it is really unfortunate that on a bill of this importance without any debate at the enactment stage that the previous question is moved. I hope very sincerely that you will vote against the previous question.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I could agree with my good friend from Stonington if there hadn't been any debate on this issue. However, this issue has been debated at great length for the last two to three days. I think the House understands the question. I never learned so much about billboards in my life as I have the last few days. I don't honestly think that one more minute of debate would change anybody's vote in this House. That is the reason I moved the previous question and I would hope the House would support the question when it is presented.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have never learned more about billboards in my life and there is no bill I care about more than this one but I do think if the gentleman has something to say, I think cutting the debate off this early is precipitous. I would hope you would vote against the motion.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I spoke the other day when we were debating a very important bill from Bangor, one important to many of us from Bangor. I feel this is enactment. This is the last chance that we will have in this House to debate this bill. I know that it is important to a lot of people. I realize the hour is late but we are here doing the people's business so I would hope that you would vote against the motion for the previous question and give everybody a chance to say what they have to say about the bill.

The SPEAKER: The Chair will order a vote. If you are in favor of the main question being put now, you will vote yes; those opposed will vote no.

A vote of the House was taken.

34 having voted in the affirmative and 70 in the negative, the main question was not ordered.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: As a gesture to my good friends for allowing me to speak, I will keep it very brief. The bill that you have before you as I said earlier is a very serious bill. It does involve with the doing away with an industry in the State of Maine, an industry that does employ Maine people. There are specific things in this bill that bother me as an individual and as a legislator. If we are to pass legislation in this body, we should treat everyone equally. The part of this bill that is the most offensive to me is that on Page seven, Section seven it says, that governmental signs will not be included. Ladies and gentlemen, the reason for that is that the Department of Transportation has ruled that those signs that you have in the lobby can't be seen from the main highways at a high rate of speed. That is why they are excluded from this bill. Yet, by passing this legislation, you are saying that those signs are good enough for everybody else but not for the State of Maine. Ladies and gentleman, there is no fair play in doing this.

I would hope that you vote against the motion that you have before you which is enactment of this bill.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I will be just as brief as my good seatmate from Lewiston has been. I have been privileged to be one of the co-sponsors of this piece of legislation to have not spoken on the floor of the House before. I contest the fact that my seatmate, Mr. Hughes, has done a superb job on this piece of legislation. Nonetheless, at this point in time, I do want to indicate to the members of this House that I think that this piece of legislation has perhaps sparked more interest in the State of Maine than any other piece of legislation in my memory with perhaps the exception of the bottle bill where I think there was great public acceptance in support for that piece of legislation. It seems to me, for quite some time, the removal of these large billboards has been a desirable goal. I think that this House and the other body has shown good judgment in supporting this legislation. I think it is something that the people of Maine support wholeheartedly.

I would urge you to vote for enactment of this piece of legislation.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I, like some of the other previous speakers, would love to see the countryside cleaned up. I find extremely offensive, however, on Page ten of the bill the six-year amortization provision. I would like to point out why I find it so very offensive.

I have a friend in Waterville, who just in January bought a billboard company for a price in excess of \$500,000. He mortgaged everything he owned. His family mortgaged everything that they owned. They are going to be 20 years paying off that mortgage. Yet, in six months or six years, he won't have anything left to pay that mortgage back because rather than paying him for his billboards, like we pay people when we take their houses or we take anything else that they may own, we are going to amortize. We are telling him that he can have for six years the profits from his particular billboards. Those profits really are going to be going toward making the payments to the company that he just bought the billboards from. I would certainly hope that maybe somewhere along the route somebody would have the guts to stand up here and try to add some type of an amendment to this bill which would have you pay if you are going to take something away from somebody.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I will make this brief. This is why my amendment yesterday and probably it was improperly drafted because it didn't have the fiscal note on it. My amendment actually consisted itself with the billboards. This is what everybody says that we are having, large proponents all across the state that want to see the billboard go. I wholeheartedly agree with that and that we should attest ourselves to that problem. The 20 year requirement that I had in there would take care of people who have invested such as this gentleman. I didn't put in that amendment yesterday because of the lobbyists in the hall because I have talked to no lobbyists on it. I don't know if anybody here has invested money in business before or borrowed for 20 years and see if they could pay it back in six years.

All it would have taken, if you really want to deal with billboards is to take what I had in my amendment, go over a 20 year procedure, people have a chance to reinvest or pay up their business, add a fiscal note to it and you would deal with billboards. But this bill goes beyond billboards. It goes to the small businessman in the countryside that can only afford a small sign on the side of the road. He would have to conform with the state and maybe he doesn't

want to conform with them. Maybe he wants to be a unique individual. Maybe he has his own logo. This is what I mean. Plus the employment factor.

I know Mr. Hughes has problems that maybe somebody else will come in and put in legislation over a period of 20 years and put billboards back. That could be done in the next six years also. You have to deal fairly with people who have invested hundreds of thousands of dollars worth of money in a business. You have got to treat them fairly. Twenty years is really what would be nominal if a person has borrowed money. He would have an opportunity to get his money back. Yet, if you attest yourself just to billboards, then you do exactly what the people believe you are doing, attacking billboards, not the little businessman, not the small signs along the roadways for this time. If you want to do that later on, then let the people know that this is what you are doing. All the publicity on this has been on billboards.

I can agree that we all want to see billboards go. Let's not destroy families who have invested money. Let's not destroy businesses. Let's not destroy employment. Twenty years is not that long a time. Some of us live to be 80 or 90 maybe. It is not. Let the people get their money back. Really I think it should be tabled and possibly some amendments could be made on this to protect some of the people that need protection.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped not to speak on this but there has been such an inaccuracy brought into this debate that it just has to be responded to.

The gentleman from Waterville has suggested that we will not be compensating the billboard companies for their billboards. The whole price tag of this bill is to do exactly that. The federal law requires that we do that. If we pass a law that doesn't do that, we will be in non-compliance with federal law and the bill will have no effect.

The reason the amendment suggested by the gentleman from Sabattus yesterday would have completely gutted the bill is because it didn't do that. We have to comply with that federal law. We have to pay the billboard companies. If the gentleman from Waterville, who is president of United Advertising, paid \$300,000 to \$400,000 for his business, he will be paid more than that sum for his billboards, well over that sum for his billboards. That is where the money goes for this bill. There is just nothing to the point that somehow these billboard companies aren't going to get a fair price for their businesses. I have no explanation for why someone would say that about this bill. The only signs which will not be compensated are those which are not located on primary highways in the State of Maine; that is, on the secondary roads.

There are almost no billboards on secondary highways in the State of Maine because by definition, they are not frequently traveled highways and, therefore, not attractive to billboard companies. The few signs on secondary highways would be those generally older signs that have been put up by businesses down through the years which would have to then conform to the new laws. I just can't understand why someone would say what had been said about this bill.

Regarding a few of the other points, simply that I guess what we are all concerned about and if we have a concern about this bill it is that it somehow does not deal fairly with small business. We designed this bill not to deal fairly with them but to give them a break they don't have now. Small businessmen simply can't compete with the major purchases of billboard space for the attention of the traveling public.

They will have an even break under this new law.

The Holiday Inn will be allowed four directional signs six feet wide by 16 inches. Your local family-owned motel will be allowed four directional signs six feet long and 16 inches high. The small businessman comes out relatively better than the large businessman. The small businessmen are not buying billboards now. He can't afford billboards. If you accepted some of the amendments that came through here, which would have brought the price of billboards up, nobody could afford them except cigarette and liquor companies.

That is all I have to say on this bill. I think we have debated it too much. It has had strong support at every stage of the game from the public, from the other body in this House, from the press and every vote in this chamber. I think we ought to get it off our chests and enjoy a fine weekend without lobbying pressure from either side.

I would therefore simply ask for a roll call.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is the evening for incorrect statements. The gentleman just stood up and said small businessmen can't afford billboards. That is the only thing small businessmen can afford is billboards because a billboard will cost you \$100 a month. Three months, summer months, during your tourist season, it is costing \$300. Want to build a neon sign? It will cost you \$25,000. You tell me a small businessman can afford that and can't afford the billboards.

As far as the amortization of the billboards, correct. He is quite correct in saying that you are going to pay the billboard companies. Ladies and gentlemen, I would say there is 20 to 1 signs in the State of Maine, if you are going to compare billboards against regular signs. It has got to be 20 to 1 on these secondary roads. These are all your constituents. They will not get a dime. The billboard companies will make it. You are attacking the billboard companies? You are not. You are attacking your constituents.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Before it gets too far along into the debate, I would like to try to refer to the comments made by the gentleman from Auburn, Mr. Hughes. I look at Page ten of L. D. 1738 which as my understanding is the bill before us. I look at Paragraph two under Section 1916 which reads, six-year amortization. Any sign lawfully erected as of the effective date of this act may be maintained in accordance with Section 1924 for six years after that date in order to amortize the value thereof. The owner of the sign shall remove the sign within 30 days of the receipt of final order specified in Subsection three. This tells me that Section 1924 that he will have to, during that six year period, pay a fee for keeping the sign up. That fee will go toward the final amortization of the board. Neither he nor I are convinced that, in fact, he is going to be getting paid. We are told that this act provides for the payment. We are told that the federal government picks up three quarters of the tab for billboards. It is my understanding that the price of billboards or the purchasing of them would run anywhere from \$3,000,000 all the way up to \$13,000,000, depending on whose figures you want to use. Yet, we have something like \$100,000 in this bill and I would assume that if we were to pick up 25 percent of the cost of the billboard purchases, the 25 percent of \$3,000,000 as far as some of us who are on Taxation and some of the boys who may be on Appropriations has always come to three quarters of a million dollars.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether I heard right or not but I heard the gentleman from Lewiston, Mr. Biron, say that people that have the small signs like in my area would not get a dime. Only the billboards, is that correct? Have I been deceived in what I have heard of this in the past? If that is so, that makes a big difference to me.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, has posed a question through the Chair to the gentleman from Lewiston, Mr. Biron.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Yes.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I think I should be under the fair assumption that the gentleman who owns United Advertising understands the law. If he is giving the kind of information that we are hearing now, then something is going on which is not wholesome and appreciated. Section 1915 of the law is entitled "compensation" Paragraph one says, payment of compensation. Compensation shall be paid for the removal of any sign lawfully erected as of the effective date of this chapter and which is visible from the interstate or primary systems. . . It goes on from there a few paragraphs. That is the section that deals with it and deals with compensation for any signs, as I said previously, on the interstate system and on the primary system of the State of Maine. They will be compensated for it. The total cost of that is \$3,000,000. We are not hiding any figures here. It is \$3,000,000. Those figures have been estimated by the Department of Transportation economists. Just to be sure, we had them estimated by the Department of Conservation economists, using completely different methods, and they came out about \$3,000,000 apart. That is a solid figure. That \$3,000,000 is raised this way, federal funds available are three quarters, matching three to one funds so they will put up \$2.25 million. The state's share is about \$750,000. That is over a four-year period: \$100,000 the first year,

\$100,000 the second year, \$250,000 the third year, \$300,000 the fourth year. That makes \$750,000.

The billboard company for which the gentleman from Waterville is so concerned because it is a constituent of his, and I certainly understand that, is going to be adequately compensated and that company knows it. They have been compensated for signs they have been taking down for years under the present law. They know how it works.

The Department of Transportation, since 1969, has been taking down signs under the Federal Highway Beautification Act that are in non-conformance with our present laws. They have been paying them. They have got a system set up. They have got assessing methods all set up. It has been going on for years. That same process will continue. This is just the most incredible red herring I have ever seen.

Mr. Hall is right to respond, are there people in my district who will get not one penny for their sign? It depends on whether they are on a primary state highway, yes they will be paid for their signs and quite generously. If they are on a secondary highway, they will then fall under the six-year amortization process. This is a very small percentage of the signs we are talking about. For those signs that will be amortized over a six-year period, that means this, that means they are allowed a deduction upon their corporate income tax in each of those first five years of those six years to depreciate the entire value of that sign, one-fifth per year. At the end of the year, they will have taken that cost as a

deduction on their income tax. This is constitutional. It has been upheld in Vermont. It has been the way that every state that I know of that has done anything on this bill has gone about that process.

Personally, I would prefer doing that for the billboard companies as well, if the billboard had not been so successful in writing into federal law that we couldn't do that. That is why we are paying them outright cash. It is only because we have to. Now, can we talk about the real bill that is before us?

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief but I do want to say just a few words. Because of the fact that apparently yesterday there was some misunderstanding in this body because the assistant minority leader spoke in opposition to this bill. Many people, therefore, have understood that as being the fact that the Republican party has taken a position against this bill. I just want to say that that is not the case. Our party has not taken a position.

I want to speak now as a Representative of District 61 to say that I do favor passage of the bill.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: In the compensation for a billboard and compensation for investment, there is a big difference. I think that is what we are really dealing with here. We have a lot more in this bill that needs to be looked at.

Mr. Hall has had reasonable concern and so do I. The small businessman will not be reimbursed properly. It will be up to the commissioner to decide if a business has a sign in a particular area that he feels serves his purpose for his business. If the commissioner decides that he doesn't want signs there, then his sign will have to go someplace else or it may not get put up.

I really think that it should be tabled. A lot of people have a long weekend. They will have an opportunity to look over this bill. It would give you a chance to maybe understand it a lot better. I can see why it has to be pushed today. I was looking at some of the signs coming up 202 yesterday. I could see some of the signs that has a big elk on there. It deals with a certain type of business. I see who put in the bill. I can see that if those signs go down, it certainly would eliminate competition.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: For the first time, I am not worried at all about this bill. There will be such a hue and cry across the state that in two years from now, the new representatives will come back and vote it out.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted of L. D. 1738. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Benoit, Berube, Birt, Blodgett, Brenerman, Burns, Bustin, Carroll, Carl, Connolly, Cox, Cunningham, Davies, Devoe, Dexter, Diamond, Dudley, Durgin, Fenlason, Goodwin, H.;

Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Jackson, Joyce, Kerry, Kilcoyne, Lewis, Locke, Mackel, Mahany, Marshall, Masterton, McMahon, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Peakes, Pearson, Peltier, Perkins, Plourde, Post, Rollins, Silsby, Spencer, Sprowl, Stover, Stubbs, Tarbell, Tierney, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Beaulieu, Berry, Biron, Boudreau, A.; Brown, K. L.; Carey, Carter, F.; Connors, Cote, Curran, Dow, Drinkwater, Flanagan, Gill, Gillis, Gould, Hickey, Hunter, Hutchings, Immonen, Kane, Kany, Kelleher, Laffin, LaPlante, Littlefield, Lizotte, Lougee, Masterman, Maxwell, McBreairty, McHenry, McKean, Mills, Nelson, N.; Norris, Raymond, Rideout, Shute, Smith, Strout, Tarr, Teague, Theriault, Torrey.

ABSENT — Bagley, Bennett, Boudreau, P.; Brown, K. C.; Bunker, Carrier, Carter, D.; Chonko, Churchill, Dutremble, Elias, Fowlie, Garsoe, Gauthier, Hughes, Jacques, Jalbert, Jensen, LeBlanc, Lunt, Lynch, MacEachern, Martin, A.; Peterson, Prescott, Quinn, Sewall, Talbot, Tozier, Truman, Twitchell, Tyndale.

Yes, 73; No, 46; Absent, 32.

The SPEAKER: Seventy-three having voted in the affirmative and forty-six in the negative, with thirty-two being absent, the bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mrs. Kane of Augusta, the House voted to recede from its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and House Amendment "A" and Senate Amendment "A".

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

House Amendment "B" (H-883) was read by the Clerk and adopted.

On motion of Mr. Burns of Anson, the House voted to recede from its action whereby House Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed in concurrence.

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

The Chair laid before the House the following matter:

"An Act Concerning Requirements for Absentee Ballots" (H. P. 1117) (L. D. 1335) (H. "A" H-850 to C. "A" H-688) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Mrs. Boudreau of 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-885) was read by the Clerk and adopted.

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

Mr. BERRY: Mr. Speaker, I am not sure that I followed all of that. I guess I would pose a question to anybody on the Election Laws Committee. Now that the amendment has been adopted, does this bill still say that if I have an absentee ballot in my possession for six days, that I can be thrown into the slammer for up to one year?

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

The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I discussed this amendment with Mr. Berry. There was an error in the engrossed copy and this corrects the error. As far as keeping the absentee ballot over five days and not returning it, that is already in the law. This amendment doesn't concern that.

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

Mr. BERRY: Mr. Speaker, I guess I am confused. I didn't know that that provision was already in the law. I know that that provision is in the current bill under discussion, or was until this action over here took place, and my question was, is that provision still in the bill?

The SPEAKER: The gentleman from Buxton, Mr. Berry, has posed an additional question through the Chair to the gentleman from Portland, Mrs. Boudreau, who may answer if she so desires.

The Chair recognizes the gentleman from Portland, Mrs. Boudreau.

Mrs. BOUDREAU: Mr. Speaker, I thought I told him yes.

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

Mr. NADEAU: Mr. Speaker, if I understand the gentleman from Portland, Mrs. Boudreau, correctly, if I hold an absentee ballot for six days, it is a Class E crime and I can be put in jail?

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

Mrs. BOUDREAU: Mr. Speaker, no, it is not a Class E crime if you hold it for six days. It is a Crime E crime if you never return it.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, I think the question seems to be a valid question, because I have the document open here before me and on page 3 there is a Section 7 regarding the return of absentee ballots. In the Statement of Fact, it indicates that Section 7 makes it a Class E crime for a third person to fail, without good cause, to return an absentee ballot to the clerk's office within five business days or by the close of the polls, whichever is earlier.

I know that I am relatively inexperienced. As a matter of fact, I have never had any political experience prior to my running for this office last year. I know that these laws are being passed at such a rapid pace that your town clerks and wardens and so forth have a difficult time keeping up with these different election law changes. It would be quite difficult for an experienced person, such as myself, for example, to be able to comply with this law because I would be ignorant of it, and in many of the small towns, I think many of our town officials would be ignorant of the penalties provided in this. I am a little bit afraid of it. Since I am afraid of it, I would move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The pending question is the adoption of Committee Amendment "A" as amended by House Amendment "B", so the motion to indefinitely postpone would not be in order at this time.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending the adoption of Committee Amendment "A" as amended by House Amendments "A" and "B" thereto in non-concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

"An Act to Clarify Election Related Laws" (H. P. 1734) (L. D. 1887) which was tabled earlier in the day and later today assigned pending the motion of Mrs. Boudreau of Portland to indefinitely postpone House Amendment "B".

Thereupon, Mrs. Boudreau of Portland withdrew her motion to indefinitely postpone House Amendment "B".

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "A" and "B".

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:

RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses and Credit Losses Enacted after April 1, 1978 (S. P. 366) (L. D. 1227) (S. "A" S-332 to H. "B" 817) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Ms. BACHRACH: Mr. Speaker, Men and Women of the House: I have now the amendment which provides that the State will reimburse the municipalities for at least 50 percent of loss from property tax exemptions and credits, which is what the title of the bill says and which I feel the bill should do.

Before I present this amendment, though, I must dispose of the two amendments that are on the bill which provide different ways.

On motion of Ms. Bachrach of Brunswick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The rules were suspended for the purpose of further reconsideration.

Thereupon, Ms. Bachrach moved that the House reconsider its action whereby House Amendment "B" as amended by Senate Amendment "A" was adopted.

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

Mr. CURRAN: Mr. Speaker, I object to that and would ask for a division on the motion.

Ladies and gentlemen, I have discussed the proposed amendment with the gentlewoman from Brunswick and I really feel this amendment that she is going to put on this particular L. D. will eventually mean its demise. I think we have in the present bill with its Senate Amendment and its House Amendment the language and the flexibility that there needs to be within the Constitution, and I hope you would oppose the indefinite postponement of either of those amendments.

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

Ms. BACHRACH: Mr. Speaker and Members of the House: My feeling about these two amendments, and I hate to talk to you so late in the day, but I will be very brief, is that it doesn't honestly do what it says it will do in the title of the bill, which is to have the state reimburse the municipalities for 50 percent of property tax exemption losses in new exemp-

tions or credits which are granted by the state.

The purpose of this bill was, in fact, to make the people up here think twice about granting new exemptions and credits. If you are to give the municipalities other means of raising revenue, which is what this amendment does, that will raise the amount of money that the state would have reimbursed to them. You are, in fact, not obligating the state to anything except passage of this particular permission to raise money and, therefore, the state is not at all required under these amendments to think about granting exemptions and credits. They can get right out from under by saying you can raise the 50 percent by other means in your local municipality. I feel that this is a deception which really doesn't carry out the intent of the bill.

If you don't mind if the state passes lots more credits and exemptions that will be picked up by the local taxpayers, why, okay, that is how this can go.

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

Mr. CAREY: Mr. Speaker and Members of the House: I know that the gentlelady from Brunswick, Ms. Bachrach, speaks as a municipal official, and I would stand here this evening and also speak as a municipal official and would point out that unless we go back to doing exactly what Ms. Bachrach is talking about, then we are getting ourselves into the position where we can have a local income tax, a local sales tax, and if you are going to start giving exemptions away, then I think you are going to have to face the responsibility that we are going to have to pay for them.

I have sat here on the Taxation Committee and I have voted for exemptions knowing full well that I am going to have to pay the brunt of it back home on the property exemption, but we are at the point where we have some 16,000 veterans coming up, World War II veterans, they are right around the corner. What is going to happen to us is, these exemptions that we are speaking about now are going to be granted by the state because of the pressure that the veterans put on us and yet we are going to be telling the municipality, fine, we simply don't have the money to give you for that thing so we are authorizing you to go ahead and we are going to let you put in that local income tax or we are going to let you put in that local sales tax. And don't forget, when you grant property tax exemptions, they are not to individual communities, they are to 495 different communities throughout the state. So in effect, you would not have the equity that you are looking for with the constitutional change that is being offered by the committee.

I would certainly urge you to give serious consideration to the gentlelady from Brunswick, Ms. Bachrach's recommendations.

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

Mrs. KANY: Mr. Speaker and Members of the House: I, too, have gone along with all the amendments on the resolution up until now, but I do think that Representative Bachrach has tightened up the language and I really hope that you will go along with this. It is a big improvement and the state must pay, which, indeed, will discourage us from passing further property tax exemptions, and the state should be the one to pay if we decide to do that.

The SPEAKER: The pending question is on the motion of the gentlewoman from Brunswick, Ms. Bachrach, that the House reconsider its action whereby House Amendment "B" as amended by Senate Amendment "A" thereto was adopted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 10 having voted in the negative, the motion did prevail.

Thereupon, on motion of Ms. Bachrach of Brunswick, House Amendment "B" was indefinitely postponed in non-concurrence.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" to House Amendment "B" was adopted, and on further motion of the same gentlewoman, the Amendment was indefinitely postponed in non-concurrence.

Ms. Bachrach of Brunswick offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-884) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The SPEAKER: The Chair would like to congratulate all of you for working so hard today, because I think what we have done today will mean one big difference when we come back on Wednesday. We have managed to engross most of the bills that are left. There will be a few non-con's, etc. that we will have to deal with, but I think we are in great shape and I certainly would congratulate you for the amount of work that you have done today.

(Off Record Remarks)

Mr. McHenry of Madawaska was granted unanimous consent to address the House.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I mentioned that big brother had stopped me from putting in the amendment on a bill, 1012. I did not mean the Speaker, I meant the federal government rules and regulations.

On motion of Mr. Gould of Old Town, Adjourned until Wednesday, July 6, at 9:30 in the morning.