

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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HOUSE

Thursday, July 7, 1977

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

Prayer by the Reverend Peter L. Misner of the Winthrop United Methodist Church and the Wayne Community Church.

The journal of yesterday was read and approved.

**Papers from the Senate
Report of Committees
Ought to Pass**

Report of the Committee on Appropriations and Financial Affairs on Bill, "An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 588) (L. D. 1895) reporting "Ought to Pass" — Pursuant to Joint Order S. P. 553.

Came from the Senate with the Report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendments "B" (S-369) and "C" (S-370).

In the House, the Report was read and accepted and the Bill read once.

Senate Amendment "B" (S-369) was read by the Clerk and adopted.

Senate Amendment "C" (S-370) was read by the Clerk and adopted and the Bill specially assigned for 11:00 A.M. today.

Orders

An Expression of Legislative Sentiment (H. P. 1797) recognizing that:

Wallace H. Cunningham, of Pittsfield, is retiring after 20 years of faithful and efficient service as a teacher at Maine Central Institute, Presented by: Rep. Wyman of Pittsfield

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

An Expression of Legislative Sentiment (H. P. 1798) recognizing that:

William H. McKenzie, III, of Albion, has achieved the high personal honor and distinction of Eagle Scout,

Presented by: Rep. Hunter of Benton
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1799) recognizing that:

Donald Hines, of Albion, has achieved the high personal honor, and distinction of Eagle Scout.

Presented by: Rep. Hunter of Benton
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1800) recognizing that:

Blane Casey, of Weeks Mills, has achieved the high personal honor and distinction of Eagle Scout.

Presented by: Rep. Hunter of Benton
The Order was read and passed and sent up for concurrence.

The following Enactors appearing on Supplement No. 2 were taken up by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Clarify Actual Notice Under the Recording Laws in Regard to Exceptions and Reservations (H. P. 1119) (L. D. 1337) (H. "A" H-847)

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

necessary, a total was taken. 112 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

"An Act to Revise the Fish and Game Laws" (S. P. 363) (L. D. 1224) (C "A" S-276 as amended by S "A" S-294; S "B" S-302; S "D" S-353; S "E" S-361 and H "A" H-813 and H "B" H-873).

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

**Passed to Be Enacted
Emergency Measure**

"An Act to Revise the Maine Tort Claims Act" (H. P. 1680) (L. D. 1874) (S "C" S-365)

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. 118 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.

By unanimous consent, ordered sent forthwith.

Passed to Be Enacted

"An Act to Amend the Child Abuse and Neglect Laws" (S. P. 337) (L. D. 1122) (S "A" S-368, and H "A" H-798 to C "A" S-283; S "A" S-297; H "B" H-883.

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

"An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment (S. P. 436) (L. D. 1513) (S "E" S-359).

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.

Subsequently, on motion of Mr. Wilfong of Stow, the House reconsidered its action where-by the Bill was passed to be enacted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. WILFONG: Mr. Speaker, before we pass this, could somebody explain what this bill does, especially with the Senate Amendment? Is there anybody here who could explain it?

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This is not my bill, it is Senator Pray's bill. It is similar to mine, except it differs to the extent that in the other bill dealing with this same subject, two things are taken care of: one is an investment credit and jobs. This one is simply jobs in high unemployment areas. So the two are, in a way, companion bills, except this one does not deal with the problem of investment credit where the other one does.

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 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 — Ault, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. D.; Bunker, Bustin, Carroll, Carter, D.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Cunningham, Curran, Diamond, Dow, Drinkwater, Elias, Fenlason, Flanagan, Gill, Goodwin, K.; Gould, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hutchings, Jackson, Jacques, Albert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, MacEachern, Marshall, Masterman, Masterton, McMahon, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Perkins, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Strout, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Alopis, Austin, Bachrach, Birt, Brown, K.L.; Burns, Carter, F.; Cox, Dexter, Dudley, Durgin, Garsoe, Gillis, Goodwin, H.; Gray, Green, Hunter, Immonen, Littlefield, Locke, Lougee, Lynch, Mackel, Martin, A.; Maxwell, McBreairty, McHenry, Morton, Peltier, Peterson, Stover, Teague, Tozier, Whittemore.

ABSENT — Blodgett, Carey, Carrier, Davies, Devoc, Dutremble, Fowlie, Gauthier, Hall, Howe, LaPlante, LeBlanc, Lunt, Mahany, McKean, Mills, Moody, Norris, Peakes, Post, Stubbs, Talbot, Truman, Twitchell.

Yes, 93; No, 34; Absent, 24.

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

Signed by the Speaker and sent to the Senate.

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) (H. "A" H-888)

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

Later Today Assigned

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; S "A" S-362)

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

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

Mr. COX: Mr. Speaker and Members of the House: The Senate amendment on this makes what appears to me to be a substantive change and I would like to have a little more time today to check this out. I notice the Chairman of the Taxation Committee is not in his seat, and I would appreciate it if somebody would table this until later in today's session.

Thereupon, on motion of Mr. Greenlaw of Stonington, tabled pending passage to be enacted and later today assigned.

An Act Concerning Requirements for Absentee Ballots (H. P. 1117) (L. D. 1335) (H "A" H-850, H "B" H-885, H "C" H-889 to C "A" H-688)

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

An Act Permitting the Director of Public Lands to Sell Small Parcels of Public Reserved Lands with Legislative Approval (H. P. 1681) (L. D. 1875) (H "A" H-887)

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

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't like this type of legislation. I don't like this House delegating authority to any small group of people. Even though those pieces of land may be small, they have always come to the legislature to be decided, and I don't believe there are that many of them. I inquired of a member of the committee, and I think it is generally under 10, or it may even be 20, but I think they should be considered by more than a few people. On this bill, as all others, I stand firm against delegating our authority from this House.

I move the indefinite postponement of this bill because that is the way I feel about it.

The SPEAKER: The gentleman from Enfield, Mr. Dudley, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This is the L. D. that I amended yesterday that we called back from the Governor's desk. Historically, yes, they have come to the legislature continually and historically it has become very expensive to go through this process with these pieces of land.

This bill is designed so it has some very explicit requirements for the sale of property. It also has review by the State Government Committee and then final approval of the Governor, so I really don't think it is being placed into the hands of just a few people.

This property that we are talking about is when the state comes in and moves a road in front of somebody's house and all of a sudden you have nine feet of land that no longer belongs to the owner of the property and it becomes property of the state. This would allow the Director of Public Lands, along with the review by the committee and the Governor, to take that hundred foot strip that was created because the road was moved and if it is of no use to the public and its only value is to the adjacent private property and it only can be sold to the person who owns the private property, then we can take care of this in a less time-consuming and less costly manner and it seems a very practical way to go. It has its safeguards and I hope that you will oppose the motion to indefinitely postpone.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: What he says sounds good, but as I understand it, this involves sometimes small pieces of lake property and property other than what he is mentioning. It is much broader than that. And in the scope of what he was saying, the previous speaker, I might consider that.

These bills have never caused us that much problem in the House and I am not sure that this new method won't be just as bothersome. It certainly is not a very big bother to put this before our committees here and they act favorably on it and it goes through the House fairly quick, and I don't see this as a good thing. This is much deeper than that. This could involve lake property or land between two pieces of property and many other places, and I think the legislature should have a good look at some of them, not all of them but some of them.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: This started out as a very simple bill, one little piece of land, a little less

than a tenth of an acre, and at the hearing, of course the Bureau of Public Lands was there and there was, naturally, some opposition. I think we are all very concerned about public lands. I asked to come back to the platform once more and I said "Maybe we should be thinking of a direction that we would be talking about a small piece of land of no conceivable use to anyone except the property adjacent to it," a piece of land, as I mentioned, with a tenth of an acre. After the hearing, outside, Mr. Schepps, Director of Public Lands, came to me and he said that he thought I had raised a good point but he wouldn't go with the size of a piece of land at an acre. I said, "Well, that was just a trading move. I threw it out as something to think about. How about a half an acre?" He said, "No, I think what we should be considering, and you do have an excellent point, a quarter of an acre which would be of no conceivable use to anyone, of no value to the state, the only value being to the property which was adjacent to it." I said, "Well, that is fine with me because I only have a tenth of an acre which is a nuisance piece of land and I don't know why you didn't help me." He said, "Well, I will write up an amendment for you, if you would like to have me, and I will give it to the committee, and if they go along with it, you will have no problem with the department because I agree with you a hundred percent that this land should be conveyed."

This piece of legislation, which was L. D. 1210, went through both bodies, it laid on the Governor's desk for nine days and he was going to veto it for one reason. He agrees completely with the bill if it could be restructured, which we have done, would give the Governor final approval and also the legislative committee. So, I debated whether to let it go and try to get the override and I thought this might be possible and then I think, well, I have worked too hard on this and it is opened up so it is a good bill for you and for me and for everyone in the state because it is up to a quarter of an acre, a piece of land of no conceivable use to anyone except to the property adjacent to it. So I agreed with the Governor that he had a good point. He said he didn't know who the next commissioner would be. He thought the commissioner we have at the moment is very dependable but down the road he wasn't sure, so he wanted to put more teeth into the legislation and that is why it came back to you before.

I would plead with you to defeat this motion for indefinite postponement.

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

A vote of the House was taken.

12 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

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

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until eleven o'clock this morning.

After Recess

11:00 A. M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter which was specially assigned for Second Reading at 11:00 a.m.:

Passed to Be Engrossed

Bill "An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 588) (L. D. 1895)

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

Mr. Dudley of Enfield offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-896) was read by the Clerk.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: This deletes five officers from the turnpike. First of all, it is my opinion that we do not need more officers on the turnpike. If we did need some, they should be looking after the crime and other things in the state. I feel as though one of these radar sets set up anywhere along the turnpike will pick up those that are speeding. There does not necessarily have to be one every ten miles. They seem to work pretty good wherever they are. This money could be much better used in T.R.I. or this resurfacing project. There are many places where the money could be much better spent. I do hope the House will go along with this amendment.

Before I sit down, I would like to make one brief statement. The facts in the Maine State Library can be acquired there that we now have more state police per acre and more state police per capita than any state in the union. We are going to be a police state if we keep on, every time this legislature meets, employing more state troopers. There is another area where we employed some more, when we increased the sticker on your windshield a nickel. That put some more on to harass the stations inspecting cars, so even taking off this five, they are still going to get some extra ones this year. I don't want the State of Maine to be known as a police state in the union.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of this amendment and would speak very briefly to it.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves indefinite postponement of the amendment.

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to give you just a very brief history of why I think the additional troopers to the Bureau of State Police is important. Prior to 1969, the state police worked six days a week and were on call 24 hours a day. At that point in time, because of the changes in work weeks and standards and what not, there was a decision made where they went to five days a week instead of six days a week. In order to do that, they felt that they needed an additional 100 troopers. Obviously, this legislature nor the governor was not willing to make that recommendation. Since 1969, a period of about eight years, they have only had the addition of 13 state troopers. This was primarily the result of some initial funding from L.E.A.A. for an alcohol prevention program. After those funds ran out, the legislature apparently picked up the funding of those positions.

The past three legislatures that I have served in this body, the state police have made requests to the legislature for additional personnel and those requests have not been funded in any way, shape or manner. I think one of the reasons why the Appropriations Committee, this year, agreed to funding five was a number of reasons.

First of all, there is, obviously, as you all know, some increased responsibility along the new stretch of the Interstate 295 between Brunswick and Gardiner which they have to assume responsibility for. We all know that crime around the state has increased. We are asking them to be more responsible in helping us solve those problems.

I think that those are the two prime reasons. I think this is responsible. I think, in fact, we could justify a lot more additional state troopers than we have, but I think that this is the absolute minimum. I ask your support against the motion of indefinitely postponing. Mr. Speaker, when the vote is taken, I request 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 Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: On this particular amendment, maybe somebody from the Appropriations Committee should explain to us, but my question is, as I read the Statement of Fact in the amendment, this is going to be a three to one match from the highway fund. To my knowledge, at no time was there any discussion that there was going to be more money taken out of the highway fund for state troopers this year. Unless I get some explanation to this effect and, also, I really don't feel that the gentleman from Enfield, Mr. Dudley, is correct that we need to put five more state troopers on the turnpike. I have heard nobody address that. If it is going statewide, it might make some difference, but I would like to have somebody address this before I vote on it.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I intend to vote for this amendment. In response to the gentleman from Corinth, Mr. Strout's question, the \$150,000 from the highway fund that these five additional state troopers will require is already in the budget, something I was very chagrined to find out yesterday as a member of the Transportation Committee, as is the gentleman from East Corinth. The fact is that even after we had gone through the budget a number of times and we had been looking for a series of places to cut or to make changes in the budget to fund the various programs that we fought about last week, T.R.I., stopgap, winter maintenance and a few other things, we never noticed it. I guess this is just one more area where the transportation budget needs to be looked at more closely.

The fact is that earlier today in the Democratic caucus, the Chairwoman of the Appropriations Committee and the Majority Leader made a fairly urgent plea to the members of the House that when we finally enact an appropriations measure, we remember that next year money is very apt to be very tight. Next year, we are apt to be in a situation where, due to collective bargaining and state employee raises, we are going to be in a position where we are going to have to make major cuts within state services or pass a tax increase or do something.

The highway budget is allocated right down to the penny. We have appropriated all the money that we have got. It would seem to me that we would be much better off to stop increasing the number of state police, particularly if what Mr. Dudley has suggested, that Maine has more

police men per capita than any other state in the nation, we ought to pass this amendment, provide some sort of cushion for ourselves and don't get in a situation where we increased the number of state employees this year and cut it right back down next year.

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

ROLL CALL

YEA — Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Boudreau, A.; Carter, D.; Chonko, Clark, Cox, Cunningham, Curran, Devoe, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Higgins, Huber, Hughes, Hunter, Hutchings, Jackson, Jalbert, Kane, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairey, McMahon, McPherson, Mitchell, Morton, Nadeau, Najararian, Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Rideout, Sewall, Spencer, Stover, Stubbs, Tarbell, Tarr, Theriault, Tierney, Torrey, Twitchell, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bachrach, Berry, Biron, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carroll, Carter, F.; Connors, Connolly, Cote, Davies, Dexter, Diamond, Dudley, Fowlie, Garsoe, Green, Hall, Henderson, Hickey, Hobbins, Howe, Immonen, Jacques, Jensen, Joyce, Kany, Kelleher, LaPlante, Locke, Mackel, Martin, A.; McHenry, Mills, Nelson, M.; Nelson, N.; Pearson, Quinn, Raymond, Rollins, Shute, Smith, Sprowl, Strout, Talbot, Teague, Tozier, Trafton, Wilfong.

ABSENT — Blodgett, Brenerman, Carey, Carrier, Churchill, Dutremble, LeBlanc, Littlefield, Lougee, Lunt, McKeane, Moody, Peakes, Silsby, Truman, Tyndale.

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

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

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

House Amendment "C" (H-895) was read by the Clerk.

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

Ms. GOODWIN: Mr. Speaker: I move that House Amendment "C" be indefinitely postponed and would speak briefly.

The SPEAKER: The gentleman from Bath, Ms. Goodwin, moves that House Amendment "C" be indefinitely postponed.

The gentleman may proceed.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I guess you are all familiar with the history of this particular piece of legislation. It started out as an increase of \$7,000 in the first year and then was changed to \$3,500 in each year, then finally put into Part II as \$3,000 in each year. I would like to just briefly run down for you where the salaries of the District, Superior and Supreme Court Justices are now.

The District Court Judge is at \$23,000; the Superior Court Judge, \$25,500; Supreme Court, \$26,000. The Supreme Court Justices are 50th in the nation in terms of pay. The L. D., if it were left intact, without the amendment, would bring them up to 48th. Superior Court Justices are 47th in the nation. The appropriation's Part II would bring them up to 40th.

Since 1967, judges salaries have increased an average of only three percent each year. Even if we pass the appropriations bill and give them the \$3,000 in each year of the biennium, the

Supreme Court Justices will still be making less in two years than the president of any one of the campuses of the University of Maine. There are a lot of other people in state government who are making far more than this. I would hope that you would stay with the committee report and would support the motion to indefinitely postpone.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I can talk a little bit about the history of this bill myself and what happened to it. As you recall, the bill that is before us has an emergency measure on it. It is nice to be in a position to take a bill that you see has got problems in the House and put in an appropriations. I wish we all had that power but apparently we don't. We presently have a bill before us now which, in my opinion, goes against what the majority of the members of this House want.

The 10 percent increase, you have to realize that we talked about the hardship of the judges in the State of Maine. Let's talk about those things and study the facts really as they are. Ladies and gentlemen, after eight years of service as a judge in the State of Maine, you retire at 80 percent of your salary. That does not come out of the retirement fund, it comes out of the General Fund. In addition to that, if this 10 percent amendment passes, and I think it should, that will increase the judges' salaries in this state by \$5,000. In addition to that, when they retire, it will increase their salary at that point by \$4,000. Many of you members of this House did not want to grant a salary at all and there was a close vote taken to that effect. Then there was a 5 percent amendment put on and that did not work, and I voted against it.

This 10 percent amendment is reasonable. It does provide additional monies that I agree they need, but believe me, ladies and gentlemen, the judges in the State of Maine are treated fairly, more than fairly. I urge you to support the 10 percent amendment.

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

Mr. JALBERT: Mr. Speaker and Members of the House: It becomes increasingly difficult for any Governor to find attorneys who want to serve on the bench. Since we have convened the legislature in January, I have had nine attorneys who have spoken to me and have told me that they have turned down a judgeship. If you would speak to the present Governor and any other Governor who is still alive, he would, himself, tell you how many people among the legal fraternity have refused to accept a judgeship.

The retirement is, to a great degree, compensation for the loss of monies, vis-a-vis security, that an attorney who becomes the judge walks into as he puts on his robe.

I think that Maine is very fortunate in having one of the finest judicial systems as far as their membership is concerned than any other state in the union, or at least comparable to it. Somewhere along the line, accidents can happen. We are at the bottom of the pile and I am fully aware that it costs the little fellow as much for a loaf of bread as it costs the big fellow, but those are the facts of life.

I certainly hope that you will follow the lead of the House Chairwoman of the Appropriations Committee in her motion to indefinitely postpone the amendment of a good friend of mine and colleague from Lewiston, Mr. Biron.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: While I might agree with the good gentleman from Lewiston, Mr. Biron, that this amendment is a reasonable one, I would have to differ and say that I don't think it is realistic. When you look at the salaries that

attorneys can make in the private sector of forty or fifty thousand dollars, or more for that matter, I wonder how long the State of Maine is going to be able to attract qualified, interested individuals in the prime of their life to come in and serve as judges?

I think we should look here at the responsibilities that we are placing on these people and the responsibility that they have to the people of the State of Maine. Probably, outside of the legislature or maybe even including the legislature, this group of individuals has the greatest effect upon the lives of the people of the State of Maine. I think it is of the utmost importance that we compensate these people adequately so that we can have top-notch people serving as judges in the State of Maine. I hope you would go along with the good lady from Bath, Ms. Goodwin, and indefinitely postpone this amendment and I would ask for the yeas and nays.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I listened with great interest to the last speaker. I would just like to ask this question of him: If we paid the legislators \$25,000 apiece, would we have better men and women serving in this body? Just to even drive that question a little further, by saying because of the lack of money in terms of attracting (using your words) "better people," are you indicating to this House that perhaps we have not got the type of people that you would like to see sitting on the bench because of dollars?

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 gentlewoman from Bath, Ms. Goodwin, that House Amendment "C" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Cox, Cunningham, Curran, Davies, Devoe, Dow, Drinkwater, Durgin, Fenlason, Flanagan, Fowle, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Lewis, Locke, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Sewall, Smith, Spencer, Sprowl, Stover, Stubbs, Tarbell, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Valentine, Wilfong, The Speaker.

NAY — Austin, Berry, Berube, Biron, Conners, Connolly, Cote, Dexter, Diamond, Elias, Gauthier, Hall, Howe, Hunter, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, MacEachern, Martin, A.; McHenry, McMahon, Nelson, M.; Nelson, N.; Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Strout, Talbot, Tarr, Teague, Tyndale, Wood, Wyman.

ABSENT — Blodgett, Carey, Carrier, Churchill, Dudley, Dutremble, Garsoe, LeBlanc, Littlefield, Lougee, Lunt, McKean, Moody, Peakes, Silsby, Truman, Whittemore.

Yes, 95; No, 39; Absent, 17.

The SPEAKER: Ninety-five having voted in the affirmative and thirty-nine in the negative, with seventeen being absent, the motion does prevail.

Mr. Lynch of Livermore Falls offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-900) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is offered in an effort to keep faith with the young men and women who are entering the health professional fields this September. The bill, when it went through the legislature, offered an inducement to the future health professionals that if they came back to the State of Maine they would have a reduction in the amount they had to pay back of 25 percent for each year. The Appropriations Committee has altered that to say that they must now pay back 80 percent if they come back to the State of Maine; 100 percent if they don't.

I think if that philosophy was to prevail, it ought to have been debated thoroughly when the post graduate bill was being debated on the floor of the House. I don't think the rules of the game should be changed after these young men and women have contracted to enter professional schools. Many of these youngsters or their families are going to have to borrow \$15,000 a year or more. If it had been made clear to them at the time the post graduate bill had been presented that they were to pay back 80 percent, perhaps some of them might have changed their minds, and I offer the amendment to keep faith with these young people.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this amendment. I think that earlier in the session we did pass legislation, as has been pointed out, establishing a program for students going to the various medical schools. At the present time, we have had students that have been accepted under that program for the coming year. I think that having made this agreement, these students at least should be given this degree of protection that was in the original bill. I would hope that you would support the adoption of this amendment.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: While I have great respect for the last two speakers, I would move indefinite postponement of this amendment and would speak briefly.

The SPEAKER: The gentleman from Blue Hill, Mr. Perkins, moves the indefinite postponement of House Amendment "F".

The gentleman may proceed.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Livermore Falls made mention that this was going to create a hardship on the students who are entering this year, I would remind him and remind you that this is a loan which all we are asking is that 80 percent of the loan be paid back. The institution of the payback does not start until after the people finish their formal education, which could be as much as five to eight years. It is not the intention of our committee or any committee who is instituting this that this payback would cause any hardship. This is strictly an interest-free loan. If these ladies and gentlemen return to the State of Maine, they are asked to repay 80 percent of this back. I think that this is not too much to ask for having slots provided for your education.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I understand that the members of the Appropriations Committee feel

a kinship and that they must stick together on opening up the appropriations act and I respect them for that. I think it is getting to the point of ridiculousness when you say that you are going to break faith with a promise you already made on behalf of these students that went on to college. It is one thing to set new rules for people who are going in, but it is quite another thing to break a promise in the middle of the stream.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of respect for the gentleman from Livermore Falls who presented this amendment and the gentleman from East Millinocket who so fervently supported it. I keep hearing this talk about breaking faith. I would point out to you, ladies and gentlemen, that what we are most concerned with is providing the opportunity for these people to attend medical college. I can assure you that there are many many more who would like the opportunity than are going to be given that opportunity.

The original Part I Budget only called for 13 slots at Tufts and 13 slots at Vermont. The committee, together with the deans of those two medical schools and the executive secretary of the Maine Medical Association, Doctor Hanley, have determined that we can provide 20 slots. Ladies and gentlemen, that is where the faith comes in, to provide the opportunity. This is the only way that Maine students are going to be able to get into medical school in the first place. Doctor Hanley told us, representing the Maine Medical Association, that it was the opportunity to go to medical school that was important, that if we provided more slots, we would get more youngsters back to Maine to practice medicine. The deans of the two universities, the medical school deans, said that the Maine students were unique in their wish to return to Maine. They felt with almost certainty that the provision of more slots would bring more doctors to Maine, not the dollars.

I would remind you that when these people get into practice, their salaries are fifty, sixty, a hundred thousand dollars a year and the taxpayers of the State of Maine have provided them with the opportunity to go to school to earn this kind of money. It seems only fair that they be asked to pay back. We have always made those who never practiced in Maine pay back. This particular bill gives them a 20 percent forgiveness and gives them an interest-free loan. That is a fairly good subsidy in itself.

I want you to get off this kick of breaking faith. These people have not gone to school yet, they only start this fall. We provided for all of those that are in the pipeline. We continue the program for those that are in the pipeline, but for those who are entering this fall, we say these are the new rules.

I regret exceedingly that the Education Committee is concerned about this from a jurisdictional standpoint, but we on the Appropriations Committee have to be concerned with the dollars. If we do get a payback, this means that we will be able to set up what in effect is a rotating fund. Either we will be able to expand this program in the future and provide and pay for more slots or reduce the cost to the taxpayers of the State of Maine. But the provision of the slots by the taxpayers of the State of Maine is the important thing. We have increased that almost 50 percent this time, to 20 slots in each school, and that is a tremendous boost to this program. Let's not say we are not keeping faith with the young people who want to go to medical school. A great many more want to go than we are able to provide with 20 slots. I certainly hope you kill this amendment.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I will have to disagree

with the previous speaker on one point. We never had anybody who went to medical school on one of our slots pay anything back. We used to pay for slots for students at the University of Vermont Medical School, and whether those students came back to practice or whether they went somewhere else was absolutely immaterial. They never had to pay a penny back. It has just been in very recent years that we have initiated this new program which says that if these students come back to practice we will forgive one year that we pay for their training for one year that they practice in the state. And if they don't come back to practice in the state, then they have to pay back what the state has paid for them with interest.

The whole idea is to provide an opportunity for students to have medical training but mostly it is to try to get physicians back into this state, especially to practice in the rural areas. So, I feel that this amendment really should be killed, that we ought to give the program more of a chance. It is brand new, give it more of a chance to work. I don't mean killed, I mean I hope that you will endorse Representative Lynch's amendment because it is very good and I think we will be getting exactly what we had bargained for in the first place.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think this points out one thing that you ought to keep in mind next year, and those of you that come back in the future legislative sessions. When bills of this nature are going through the legislative process, I think the Appropriations Committee ought to have these clearly in mind and if there are differences in philosophy they should be brought out at the time that the legislation is going through.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think the whole philosophy of this thing has changed in the last few years. As the gentelady from Auburn said, a few years ago people weren't expected to pay back anything. Suddenly we came to the realization that we were exporting a whole lot of doctors and so it was decided that in order to get some of that investment back for our own people, we should forgive the payment on the part of the people who came back to Maine. It was set up to forgive one year for each year that they would work in Maine and it hasn't been working long enough yet to find out very much about it. It has only been about, I believe, for three years. I think we should keep it in effect for a while, at least for three or four more years, to see if it works. Certainly this 20 percent forgiveness is peanuts and we aren't going to get students who go outside of the state, become accustomed to the bright lights, to come back to Maine for a mere 20 percent of that loan.

I hope that you will support this amendment.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to point out to the legislature that we put in the Part I Budget \$244,000 more into this program in the first year and \$360,000 in the second year for 12 new students at Vermont and Tufts and for veterinary students. Then there were more kids that wanted to get into medical school and these universities had 12 more slots, but that is a lot of money. As you can see in our Part I Budget, that is \$107,000 and another \$181,000. So we are doing a lot, and they were very appreciative that we were putting the money in at all so that they could go to medical school. If we didn't put the money up front, they wouldn't get in at all. If you talk to any of these medical students, they are happy enough to repay the loan after

they had completed all their training. Now, for those that come back to Maine, we require that they not pay back one cent of interest. If they practice out of state, they pay 6 percent interest and the full amount. If they come back to Maine, they pay 80 percent at no interest, which is a pretty good deal when you figure that they are going to make as much money as some of the lawyers we were discussing on the last amendment, \$40,000 to \$80,000. There is absolutely no evidence that forgiving a loan will attract these students back to Maine. That is an assumption, they are either going to come back to Maine and practice or they aren't going to come back to Maine and repaying the loan has nothing to do with it if you talk to those that have come back and those that are aware of this provision in this bill. I reiterate again, we are not breaking faith with any of those students who are now in school. It is for those commencing in September. So, there will be no breaking of contracts and I hope you will indefinitely postpone the amendment.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would like to point out what the amendment does. In the discussion I am not sure it is clear. Mr. Lynch, in his proposed amendment, doesn't take away the 80 percent pay-back, even though we definitely have a philosophical difference as to how much a student who returns to Maine pays. He postpones the effective date for one year because it is now July, and the breaking faith that people are talking about simply means that those kids who have applied for medical school and who are planning to go this fall did not make their decisions now and are not going to make them after we enact this budget. I assume that they have already been accepted in the medical school and when they made those plans, this provision was not the law.

If I am wrong, I would appreciate the correction.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to the previous speaker that during the time that the Appropriations Committee was discussing this issue in committee, we were in constant contact with officials from both schools and they were well aware of what was going on. Consequently, any students that did sign up under these provisions, are fully aware that there is a cost attached to it.

Now, if I may go a bit further, Mr. Speaker, as some of you may recall, at one time in the State of Maine, we were discussing the possibility of a medical school and we found through various discussions that this was nearly a financial impossibility for the State of Maine to carry. Consequently, a contract by purchasing of slots was arranged for with Tufts and Vermont.

The issue here is the issue of providing slots. It is my understanding that approximately 90 students applied for positions for openings into these colleges but they can't get in whether they are qualified or not, they can't get in because the slots have to be provided through the states, and the more slots that we can provide, the more students will be able to benefit. The system that we have arrived at will permit as many as possible to take advantage of these slots, and we hope that in the future, through the revolving nature of this fund, that many more Maine students will be able to attend.

I would hope that you would go along with the motion to indefinitely postpone this amendment.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I would like to clear up one point first. The effect of the amendment that I have

offered says that any contract student commencing his professional education, on or after September 1978, which means that those entering this September don't come under this 80 percent.

I think we have to take a look at two or three other things. Medical schools are going the contract route because they can see it as an easy way to elevate their education costs. It is much easier to get money out of state organizations than it is out of private families. So they are enticing all states to contract for as many slots as they can possibly sell the state. Now, why was the forgiveness feature put into the contracts for this year and for the prior contracts? It was to get students back into Maine to settle in rural areas. You aren't going to get medical students or professionals of any nature back into rural Maine where the economic base is very low, the annual income is low, and you aren't going to get these people back where they are committed to pay the state back close to \$100,000 for their four years of education, counting the contract that the state provides, plus the money that the family has to raise or the student has to borrow on his own. There is no way that you are going to get any person, who puts this amount of money into his education, to go into the boon-docks in Maine, and serve the people of Maine.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: What disturbs me in all the explanations I have heard here today is the lack of the words "shall" come back to the State of Maine, "shall" serve the State of Maine. They say "if" "if". This is not fulfilling the needs of the State of Maine because you don't have the word "shall," you don't have a binding contract and this is where we are being sold short. We are being sold out because we are educating them and other states are soliciting them away from us. And I say the rural areas of Maine will be served only when and if, we put the word "shall" in and we draft up a binding contract in which we can sue if they fail to carry out their obligations.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: To respond a bit to what the good gentleman from Limerick, Mr. Carroll just said. I think we would all like to have "shall" in there but I am not sure that it would be constitutional or for whatever reasons we have not decided to put it in there. But I think the point that he is making is clear and I think it is the intention of the Appropriations Committee that by including more slots, that we will have more people becoming doctors who will, thereby, hopefully come back to the State of Maine for their practice. I think that was the intent of adding the additional slots in Part One of the budget. I think that is another reason why we put this payback feature in here so that it can become a self perpetuating thing, that we can afford each year to send more and more Maine students to colleges to become doctors and thereby they will come back to the State of Maine. As long as we are providing just 12 slots, I think we have hit a level, we are not going to go any higher than that. But if we can provide some additional money so that these kids can go on and more kids can go on, I think our chances of obtaining doctors and more doctors back to the state will be accomplished.

Ms. Goodwin of Bath requested a roll call.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think we should take a look at some of the process of how this whole situation did develop. Initially, at the start of the session, the leadership recommended that a policy be developed whereby members of the various committees affected by particular parts of the budget were to sit in with the Ap-

appropriations Committee during the development of the budget, during the hearings on the budget. The Appropriations Committee was then to work with these members to get some input as to the thinking as to how the budget should be developed. Three members of the Education Committee, the Representative from Vassalboro, Mrs. Mitchell; the Senator from Kennebec, Senator Katz and myself, sat through most all of these hearings. Some of us were there at all of them but one or the other might not have been there for part of them. The Education Committee did hear completely legislation relative to the funding of slots and developing of the number of positions that were to go to the various medical schools including the Osteopathic School, the Tufts Dental College and the Veterinary School in Pennsylvania. Legislation was passed and signed into law establishing these positions with certain conditions attached to them.

The legislation we have before us today changes that whole ball game. At no time, has the Appropriations Committee ever discussed with any one of the three of us, or any other member of the Education Committee, as far as I can find out, anything relative to the language that they intended to develop. I think if we are going to develop procedures for the legislature, and I think the gentleman from Livermore Falls, Mr. Lynch, explained that the Appropriations Committee has a responsibility to take a further look at these bills before they are finally enacted. The amendment that we have before us will not change the appropriation one bit. It will just guarantee or it just will assure that there should be some money returned or paid back by these people after they have completed school. The effects on the appropriation will be at least four to five years away. The adoption of this amendment which at least guarantees the privileges to the students who have already been accepted seems to be a reasonable approach and I hope this amendment is adopted.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to comment on a statement made by Representative Lewis, when she said that it is only very recently that we required even those students who didn't come back to Maine, to pay back. I would just like to point out in regards to that that the rate of return to Maine of those students that we educated at Tufts and Vermont was very, very poor. So, to say that now that we require them to pay back the loan may cause them not to come back to Maine, the evidence of the past just doesn't bear that out.

I would just like to iterate once more, that these students who are entering in September of 1977 are fully aware of all the provisions in the language of this law which we are proposing before you today. There is no point in delaying it for one year. They are well aware that they are required to pay back 80 percent at no interest if they come back to Maine and entirely if they don't. So there is no breaking of faith or anything.

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 Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I suppose everything has been said on this issue that is going to be said. It does appear that the Appropriations Committee is presenting a very strong show of

solidarity on this particular issue. I would remind you that this amendment is really not any kind of a drastic change at all. It is simply changing a date by one year, which is going to guarantee that the people who are already under the program are going to be protected and forgiven 100 percent at least for another year before this change takes place.

Just two brief points. One is, I do believe that the percentage of forgiveness of loans does make a difference to a student who is struggling to get a medical education, which is very expensive. And I also feel that it is going to make a difference in trying to attract people back to the State of Maine to practice medicine in our state. We don't have a medical school but we do have serious medical needs.

Therefore, I would ask you and urge you very strongly to support Representative Lynch in supporting his amendment.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I think several things have been mentioned here today and I would like to give you one more piece of information which led the Appropriations Committee to take the steps that it did.

This step was that if we now figure the amount of money that the taxpayers of the State of Maine are asked to contribute for these programs in the year 1977-1978, they will be contributing \$987,300 for this program. In the year 1978-1979, they will be contributing \$1,177,300 to this program. This led the Appropriations Committee to the feeling that if these taxpayers monies were going to be spent to this extent and we were then having requests for other nibblings away at these slots, the good gentleman from Livermore Falls was interested in two slots for Optometrists, Veterinary schools were interested for veterinarians, if we're going to keep our trust towards physicians or medical practitioners and still offer some other scarce professions equal opportunity, we then had to address a different tact on this and this tact was the fact of the pay-back provision, as the good gentleman from East Millinocket mentioned, it would be four to five years before this would be coming into effect, the four to five years will also take effect for those who start this year, so it will be ten years before they have to pay anything back. As far as affecting those people who are going into school this fall, they aren't required to pay this back until they are in active productive practice.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Perkins of Blue Hill that House Amendment "F" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Beaulieu, Bennett, Benoit, Boudreau, A.; Brown, K. C.; Bunker, Bustin, Carroll, Carter, D.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Curran, Davies, Dow, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Higgins, Hobbins, Huber, Hughes, Hunter, Jackson, Jacques, Jalbert, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Lizotte, Lougee, Martin, A.; McBreairty, McHenry, McMahon, McPherson, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Stubbs, Talbot, Tarbell, Theriault, Tierney, Torrey, Tozier, Trafton, Tyndale, Valentine, Whittemore, Wilfong, The Speaker.

NAY — Alopous, Bachrach, Bagley, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Burns, Carter, F.; Connolly, Devoe, Dexter, Diamond, Fenlason, Gauthier,

Gillis, Hall, Hickey, Howe, Hutchings, Immonen, Jensen, Kany, Laffin, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, Mills, Mitchell, Norris, Pearson, Rollins, Sewall, Stover, Strout, Tarr, Teague, Twitchell, Wood, Wyman.

ABSENT — Brenerman, Carey, Carrier, Dudley, Dutremble, LeBlanc, Lunt, McKean, Moody, Peakes, Post, Spencer, Truman.

Yes, 86; No, 52; Absent, 13.

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

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

Mr. JENSEN: Mr. Speaker and Members of the House: I would like to express one concern and ask some member of the Appropriations Committee to respond.

In Part I of the budget dealing with Educational Television, what we did is, we enacted a law which gave funding for ETV for both years of the biennium through the University of Maine. We also withdrew all funding in Part I for the one independent TV station, and that is WCBB, Channel 10, licensed to Augusta and located in Lewiston. Now in this budget bill, we are putting back money for WCBB, Channel 10, for the first year of the biennium.

I would ask a member of the Appropriations Committee to give some sort of commitment that if, in fact, a study shows that this program isn't necessary, that the money will also be taken out of the University of Maine, and if, in fact, the program is shown to be necessary, that the entire program is funded, including Channel 10. My basic point is, I would like to see either all of them funded or none of them funded.

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

Mrs. NAJARIAN: Mr. Speaker, I think the gentleman from Portland can be assured that that is exactly what we would do.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen: I would like to ask a question. On Page 5, Section 17, this year end closing, I don't really understand it. I thought that we had to operate with a balanced budget and this appears as though bills that are presented after the books are closed will be paid for out of ensuing funds. I just don't understand it and I wish somebody could explain it to me.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: After the gentleman asked the question in the caucus, I did go check on this particular section and I find that this same section has been in the Appropriations Bill for many years and what it does is, of course, it enables the state to carry on its business in a businesslike way. The comptroller closes the books with what figures he has available as soon as possible after the end of the fiscal year but, occasionally, there are bills which come in which must be paid. This clause allows those bills to be paid out of the appropriations for the ensuing year just as it says and these amounts are approved out of allotments by the Governor for that particular quarter.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out one concern which I have with Part II. I will precede that by saying that the Appropriations Committee has done a fine job in putting together this whole budget. I think it is easy for us to sit back and take shots at it but I think the time they put into it is commendable and I appreciate all that.

But on Page 8, the topic that Mr. Jensen spoke briefly about, I had a very strange amendment, which I can't speak to and I won't, having to do with funding this for the second year. I am concerned about ETV not being funded for the second year and I am concerned about the fact that maybe the money is there and maybe it isn't. We were told in Democratic caucus the incredible statement that misuse of the way educational television is being handled is one reason why we should look at this whole thing and possibly teachers aren't using this program within their curriculum the best they should. It is an incredible statement. One, no one person could ever know that. Two, I witnessed several good uses of ETV. The bottom line, which is what I am concerned about, is, will ETV be there for 1978-1979? It is the only thing I am concerned about. I am not trying to play any games like tacking on strange amendments or anything else whatever anybody else might think. It is not the case. I think the statements that I have made to several people this morning, which I want you all to know now, and go on record as saying, is that ETV is not funded in Part II, the money may be there or it may not be and I am concerned about that and it is the only thing I am concerned about.

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

Mr. GRAY: Mr. Speaker, having voted on the prevailing side, I would like to move reconsideration of House Amendment "D" under the Filing H-896. This is the Dudley Amendment. This is the amendment which eliminated funding for five troopers on the Maine turnpike.

I concur with the intent of this amendment. I don't think that we need more troopers on the turnpike. I could support this if the troopers were hired to support the efforts to curb rural crime but I don't think we need them for checking inspection stickers and burned out tail lights on the turnpike.

I recall that this House defeated the bill to add a few more liquor inspectors. We certainly need those more than we need state troopers. There are only fifteen in the state, that is less than one per county. So, I believe there may have been some confusion on the vote on this amendment and I would urge this House to reconsider and pass this amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is reconsideration of the indefinite postponement of House Amendment "D". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Gray of Rockland requested a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Rockland, Mr. Gray, that the House reconsider indefinite postponement of House Amendment "D". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Berry, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carter, F.; Clark, Connors, Connolly, Cote, Davies, Dexter, Diamond, Drinkwater, Fowlie, Garsoe, Gray, Green, Greenlaw, Hall, Henderson, Howe, Hughes, Hunter, Immonen, Jacques, Jensen, Kany, Kelleher, LaPlante, Lewis, Littlefield, Mackel, Marshall, Martin, A.; Masterton, McHenry, Mitchell, Nelson, M.; Pearson, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover,

Strout, Talbot, Tarbell, Teague, Tozier, Trafton, Tyndale, Wilfong.

NAY — Ault, Bagley, Beaulieu, Bennett, Benoit, Berube, Brown, K. L.; Carter, D.; Chonko, Churchill, Cox, Cunningham, Dow, Durgin, Elias, Fenlason, Flanagan, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Hickey, Higgins, Hobbins, Huber, Hutchings, Jackson, Jalbert, Joyce, Kane, Kerry, Kilcoyne, Laffin, Lizotte, Locke, Lougee, Lynch, Mahany, Masterman, Maxwell, McBreairty, McMahon, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Sewall, Stubbs, Tarr, Theriault, Tierney, Torrey, Twitchell, Valentine, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Birt, Carey, Carrier, Carroll, Curran, Devoe, Dudley, Dutremble, Gill, LeBlanc, Lunt, MacEachern, McKean, Moody, Peakes, Post, Truman.

Yes, 66; No, 68; Absent, 17.

The SPEAKER: Sixty-six having voted in the affirmative and sixty-eight in the negative, with seventeen being absent, the motion does not prevail.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to make one further comment about ETV which so many people seem to be concerned about. You are all aware that the Appropriations Committee just didn't sit down there and pull this decision out of the air not to fund the TV at all in the Part I Budget. We did have a State Auditor's report to go by. From April 1976 and it says if I could just read you a bit of it, "The inadequate selection of TV equipment has impeded the effective utilization of ETV services. Since only 4 percent of secondary teachers use ETV regularly, it is recommended that the over the air broadcast for secondary programs be phased out and that, until it is eliminated, one time weekly showings be scheduled at convenient afternoon time slots for in-school teacher video recording". They go on and make a conclusion about this whole study but I will just read the last paragraph of that conclusion which says, "The recommendations of this report are predicated upon the assumption that the Department of Education and Cultural Services and the legislature will assign sufficient priority to the ETV service to allocate necessary funds for full commitment to its objectives. The money we are giving now is not enough to meet those objectives. Unless a higher priority is assigned the ETV service, it is recommended that the present funding level be carefully weighed against the findings and recommendations offered in order to affect maximum educational productivity per expended dollar". Now, there is a study going on and the Appropriations Committee will be looking into this more too and that is the reason we delayed funding in the second year.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly address a concern that was brought out when we were talking originally about House Amendment "D" and subsequent to that the reconsideration and I didn't get a chance to speak, it was a little quicker than I was.

Statements were made, it seemed to be implied that there was no money in the Highway Budget for these five state troopers. I have been down to Legislative Finance, they have checked with the powers to be and they have indicated, in fact, that the money for the five troopers is, in fact, in the Highway Budget. So, I hope you would take that into consideration and realize that we have added our share and that the Highway Department does have their share already in their budget.

Mr. Biron of Lewiston requested a roll call on engrossment.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Could I inquire of any member of the Appropriations Committee what the effective date of the repeal of 60-40 will be?

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

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

Mr. HIGGINS: Mr. Speaker and Members of the House: The effective date of the act is immediately, since it is an emergency. The effective date of 60-40 would be November 1st.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the remarks of the gentleman from Scarborough, Mr. Higgins, in regards to the five additional state troopers. The remarks that I made earlier did not indicate that there was not money within the Highway Budget for it; there is. My remarks were simply to indicate that the Transportation Committee, in reviewing and developing the highway budget, was not aware that the money was in there, and that is something that I consider very unfortunate.

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 passage to be engrossed of L. D. 1895 in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Shute, Silsby, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Austin, Biron, Gray, Hall, Hutchings, Immonen, LaPlante, Lougee, Mackel, Raymond, Smith, Strout, Tarr, Trafton, Tyndale.

ABSENT — Carey, Carrier, Dudley, Dutremble, LeBlanc, Lunt, McKean, Moody, Peakes, Truman.

Yes, 126; No, 15; Absent, 10.

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

By unanimous consent, ordered sent forthwith to Engrossing.

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

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Mandate the Appropriation of Funds for State Employee and Teacher Retirement Costs. (H. P. 2) (L. D. 2) (C. "A" H-572) which was Finally Passed in the House on June 20, 1977.

Came from the Senate, Failing of Final Passage in non-concurrence.

In the House: On motion of Mr. Curran of South Portland, the House voted to adhere.

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

An Expression of Legislative Sentiment (H. P. 1805) recognizing that: Reverend Bertram F. Wentworth of Mechanic Falls has observed his 60th anniversary in the ministry, having served several Methodist churches throughout Maine

Presented by Mr. Torrey of Poland (Cosponsor: Senator Snowe of Androscoggin

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

On motion of Mr. Curran of South Portland, the following Joint Order: (H. P. 1802)

WHEREAS, billions of dollars are presently being held by the Federal Government, by thousands of companies in Maine and by the other states; and

WHEREAS, these funds are unclaimed by their rightful owners, many of whom are Maine residents; and

WHEREAS, the State of Maine has an historic and legal responsibility to recover this property for the citizens of Maine and return it to them; and

WHEREAS, property recovered by the State of Maine, but long unclaimed by the rightful owners escheats to the State; and

WHEREAS, the value of this recovery to the State and the citizens thereof may amount to tens of millions of dollars in the years to come; and

WHEREAS, Maine's escheat and unclaimed property laws are out of date and inadequate to serve the present needs of the people of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Committee on State Government, working in cooperation with the Treasurer of State, make a complete study of the question of recovery of unclaimed property and the need for the revision of our present escheat laws; and be it further

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

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

The Order was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I know anything about the background of this order. It looks as though there are billions of dollars floating around that are unclaimed and there might be quite a bit more to it. I wonder if we could have an explanation about just what the order is.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I must say that when

the order was brought to me and I discussed the issue and I saw the word "billions," I thought that it was a little bit of an exaggeration, but in fact the word "billions" comes from a recent article in the Wall Street Journal. The Treasurer of the State, Mr. Cooney, spoke to me at length about this, and there is a lot of money not only in the State of Maine but in every other state and being held by the federal government which should properly escheat to the State of Maine because there are no heirs to those estates. Just recently, the Treasurer sent 12 letters to 12 companies and it generated \$10,000 in return from just 12 letters of money that properly belongs here in the State of Maine. He has prepared another 500 letters to send out to see if we can generate more money.

There needs to be a close look at the escheat laws. There also, perhaps, should be considered an active program whereby we seek this money, and it may not be totally beyond the realm of possibility that in five years we could bring back into the State of Maine some five or ten million dollars of money that properly belongs here, but it has to be an active program, it needs to be reviewed and I am suggesting to this House that we take a look at that and see what needs to be done.

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

Mr. DEVOE: Mr. Speaker, Men and Women of the House: I have some trouble with some of the ideas that are expressed in this study order. For example, a question comes to mind, and that is whether or not the State of Maine law can affect any funds which may be held by the federal government or by any agency of the federal government. It has always been my belief and understanding that the United States code provisions, over which this House and the other body would have no control, would control the disposition of funds which may be held by any federal agency.

The second question which comes to mind is whether or not the State of Maine does, in fact, have a historic and legal responsibility to recover the property for the State of Maine and return it to the citizens of the State of Maine? My reading of the escheat laws generally has been in the probate field, and I have always felt that the escheat statutes which we presently have in the probate field are relatively clear. It may well be, and it certainly appeals to this House and probably would appeal to the other body, that there may be companies holding funds which belong either to the State of Maine or which belong to the citizens of the State of Maine. But I question whether or not this fact is reason enough for enacting and passing this study order or whether the State Treasurer simply ought to, on his own initiative, undertake a program to enforce the present escheat laws more vigorously. It may well be an area of activity that has long been neglected by whomever has been the State Treasurer, and I certainly commend the present State Treasurer for his apparent initiative in undertaking activities to regain these funds for citizens of the State of Maine or for the state itself. But I really question whether or not we need a review of the escheat laws or whether we need just more vigorous enforcement of the present escheat laws as they exist by the various state agencies that might have the responsibility. I just offer these comments to the House before it may be routinely vote to pass this study order.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I posed at least one of those questions myself to the State Treasurer, the one in relationship to the federal laws, and we are not going to, of course, be implementing laws that supercede federal laws, but what we are doing is implementing state laws which allow us to use the federal laws that are

presently in existence for recovering this money.

I told you about the 12 letters that were sent and I told you about the 500 letters that are about to go. All of that has been done with the spare time of one girl. When things were slow, she would type another letter. I don't think that the State Treasurer has within his office the manpower to create a successful program and I think that the committee should take a look at the possibilities and we should decide and make recommendations to this legislature next January as to perhaps funding of additional positions. Maybe it will require some auditors to visit these corporations, companies, banks, federal agencies, in order to bring the money back to the citizens of the State of Maine. When I am talking about the citizens of the State of Maine, I am talking about everybody.

There is, according to the Treasurer, a need to review the escheat laws to see if they do need changing in order to implement a program if we so decide to implement it. Historically, with the escheat laws, the money has come to the State Treasurer, it has been held for 20 years, the state has used the interest on that money, and my own personal feeling is, if that kind of money is out there and corporations are not going to willingly send it to us, then perhaps we should actively go after that money and put it into the State of Maine.

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

On motion of Mr. Davies of Orono, the following Joint Order: (H. P. 1803) (Cosponsor: Mrs. Huber of Falmouth)

WHEREAS, the State of Maine in the years ahead, will face a serious problem in both the stable supply and price of conventional energy resources; and

WHEREAS, there is a need for Maine to encourage the development of clean and renewable alternate sources of energy; and

WHEREAS, the Maine Executive Department on April 25, 1977 promulgated a State of Maine Energy Policy which outlines goals and objectives for Maine's energy future; and

WHEREAS, several objectives of the Maine Energy Policy require enabling legislation in order to be implemented; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy shall study the State of Maine Energy Policy Statement and shall determine the courses of legislative action that are necessary to implement the plan; and be it further

ORDERED, that the Office of Energy Resources, State Planning Office, State Development Office, Department of Conservation, Public Utilities Commission, State Housing Authority, Department of Transportation and the Bureau of Public Improvements are requested to assist the committee in its study; and be it further

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

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

The Order was read.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we went over this same area with the Energy Committee in the last legislature. I think the information is readily available, and I would ask for a division on this order.

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

Mr. DAVIES: Mr. Speaker and Members of the House: The good gentleman, Mr. Jackson, is mistaken. We did study some matters in the Energy Committee between the last session and this current one, but the energy policy that was promulgated by Governor Longley on April 25th was not in existence during the last session. It has a wide range of areas. What it does is, it presents a skeleton of an energy policy which will have no substance unless the legislature puts some flesh on the bones of that policy. The Energy Committee would like to take this summer and take a look at the proposals that the Governor has put forth in his energy policy, see those areas that do need legislation for implementation and begin developing that legislation so that in the second session we can add additional matters to what we think is a fairly good start on an energy policy in this legislature. So I would urge you to vote in support of this motion.

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.

Mrs. Huber of Falmouth requested a roll call vote.

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 Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I hope you have looked at the State of Maine Energy Policy Statement which was sent out on April 25th. It is extremely interesting, and to the pleasure of the Energy Committee and I think the delight of everyone who has read it, it not only dovetails with the national policy which is critical, but it also lays out a number of ways which this legislature can take to implement the recommendations.

I have been a sponsor of several bills which are currently on the Appropriations Table. To be very honest with you, I think most of you are aware of the price tags on them and the chances of their being funded are pretty slender. This means to me that if the economics that we are looking at right now hold up for the near term, which they probably will, in other words, we are not going to have a great economic bonanza probably in the next few years, it is very very important that this state begin to look for other ways of achieving the desired end other than perhaps tax incentives that we are simply not able to afford in a state that has the economy that the State of Maine does.

I would only say that I hope we can support this order. It is conceivable that the order which follows it on the next page might even be made a part of it, because that does direct itself to wood, which is a natural resource which the state has an abundance of and which does have a great deal of promise.

I came across a clipping, about a month ago, where the Carter people were making a prediction that the cost of fuel was going to go up 74 percent in the next four years. There was another estimate that was coming out from another quarter that said, "Oh well, that is a little extreme, the cost of fuel is only going to go up 49.5 percent in the next four years." These figures are terrifying, they are even more terrifying when you realize that when we are not even talking about affordability, which we must talk about, we are also talking about availability, which is at least as great if not even greater a problem for us in the State of Maine who have done very little to develop what we do have available to us.

I know a lot of people look on these joint study orders as perhaps time consuming and costly. I think anyone who takes the energy problems

this country faces and this state faces seriously, they will agree that we can't just stop here with an energy policy which does not contain provisions for implementation and which may mean a very important situation can be avoided in the state, that we can, in fact, learn to get along with what we have and do more with what we might do, but we just are not sure yet. So I hope you would support this order, in spite of the reluctance to make work, because I don't think this makes work, and if you think we have an energy problem, I hope you will vote yes.

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in this session, we debated nearly an hour on whether or not to send a bill to the Energy Committee, and one of the reasons that was given that we should send this bill to the Energy Committee was the fact that they didn't have any bills to work on and all the other committees were working like a son of a gun on several bills. I would suggest that perhaps the Energy Committee would have the time during the regular session to work on this kind of a study order, to work on this kind of a policy statement, rather than to burden the taxpayers with the cost of operating a committee during the summer months. If they are interested in developing policies and developing legislation by studying the policy statement, I believe they would have the time to do it, since they are the committee that has such a few number of bills. This can be done during the regular session rather than during the interim.

I would move that we indefinitely postpone this study order.

Subsequently, the gentleman from New Gloucester, Mr. Cunningham, withdrew his motion to indefinitely postpone.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would urge that the House pass this order here today. I think Mr. Davies probably did himself a little harm when he said he wanted to spend the summer on this project. We all know, of course, that that committee is not going to spend the summer, they will probably have a few meetings. The amount of money involved is a piddling sum and the Legislative Council, if I am not mistaken, has control over how many meetings and how much expenses would be involved.

In view of one of the very critical problems that faces our state, I think that the least we can do is pass this bill, let this committee have something to report to us. We, this legislature, like every other governmental body, is dragging its feet in facing up to the serious energy problems of the state and the nation. I think there is no reason why this order shouldn't be passed and have some legislative people take a hard look at what is going on in this area.

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

Mr. HOWE: Mr. Speaker and Members of the House: I don't want to spend all summer working on the problem, but I think it does deserve the committee's attention.

I was impressed recently by the value of the work that went into the energy document. My wife was one of two delegates from Maine to a National League of Women Voters Conference on Energy in Washington, and she took a few copies of the state energy plan with her and showed them to some delegates and some officials from other states and they came away extremely impressed with the document and wanting copies so that their states could copy it. I think that unless we are able to put some of the suggestions and implement some of the recommendations of that document, that it will

be of little use setting on the shelves of the Office of Energy Resources.

I do hope we pass the order, and I think it should be a high priority of this legislature to begin dealing earnestly with the problem of energy.

The SPEAKER: A roll call has been ordered. The pending question is on passage of H. P. 1803, Joint Order relative to a Joint Standing Committee on Energy studying the State of Maine Energy Policy. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Birt, Blodgett, Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Flanagan, Fowle, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jacques, Jensen, Joyce, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Mahany, Masterton, Mills, Mitchell, Nadeau, Najarian, Palmer, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Spencer, Talbot, Tierney, Torrey, Trafton, Wilfong, Wood, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berube, Biron, Boudreau, A.; Bunker, Carter, F.; Conners, Cote, Cunningham, Devoe, Fenlason, Garsoe, Gill, Gillis, Gould, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kane, Kelleher, Lewis, Littlefield, Lizotte, Lougee, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Maxwell, McBrairty, McMahan, McMahon, McPherson, Morton, Nelson, M.; Nelson, N.; Norris, Peterson, Raymond, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tozier, Twitchell, Whitemore.

ABSENT — Carey, Carrier, Dudley, Dutremble, Gauthier, LeBlanc, Lunt, McKean, Moody, Peakes, Perkins, Truman, Tyndale, Valentine, Wyman.

Yes, 74; No, 62; Absent, 15.

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

Sent up for concurrence.

On motion of Mr. Davies of Orono, the following Joint Order: (H. P. 1804) (Cosponsor: Mrs. Huber of Falmouth)

WHEREAS, the State of Maine in the years ahead, will face a serious problem in both the stable supply and price of conventional energy resources; and

WHEREAS, an ample supply of wood for heating and industrial purposes is available to many Maine citizens provided that this resource is properly managed and marketed; and

WHEREAS, wood has been proven to be both an economically and technically acceptable alternative source of energy; and

WHEREAS, there are numerous ways in which wood energy can be utilized by Maine citizens, business and industry; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy study the various ways that wood can be utilized as energy source and shall evaluate those methods as to technical and economic feasibility and applicability to the State of Maine. The study shall also include an examination of the research and development needs of various emerging wood energy technologies and applications; and be it further

ORDERED, that the Office of Energy Resources, State Planning Office and Department of Conservation, Bureau of Forestry are respectfully requested to assist the committee

in its study; and be it further

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

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee and the appropriate state agencies.

The Order was read.

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

Mr. DAVIES: Mr. Speaker and Members of the House: One thing has become very clear over the last few years that we have looked at this obvious energy problem that this nation and this state have, and that is trying to locate sources of energy that are relatively inexhaustible, are renewable, can be used in a non-polluting manner and enable us to become independent from outside sources, whether it is other states or other countries. It is obvious that the one major resource that Maine has that most other states do not have and which is not being addressed by national energy policy is wood. We have tremendous amounts of wood in our forest lands, it is a resource that we can rely on for energy in a number of manners. It has the potential of becoming a much wider source of our energy supply in the next few years. However, there are some problems that will go along with it. There are other uses of wood for the pulp and paper and timber industries which are competing with this, and there is a risk that within a few years as the demand for wood as an energy source increases that there will be additional competition for the supply of wood. The price may be driven up, there may be some disruption of the marketing and harvesting systems of wood.

The committee would like to take a look at ways that we can facilitate the development of wood as an energy source in this state in its various manners, whether it is being burned as logs, whether it is being converted into methanol or other forms such as that, so that we can begin preparing for the problems that we know are going to come along rather than waiting until they happen and then reacting in a crisis situation.

Wood does have the great potential of providing us with upwards of 50 percent of our home heating energy by the year 1990 if we take the proper steps now. The committee would like to take a look at this matter, examine it, see what is necessary in the form of legislation to assure that the problems that will develop are kept to a minimum and that we can utilize wood to its fullest extent as early as possible.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Again, I think this information is readily available through the University of Maine or the Audubon Society, and through Robert Monk's office, for a few studies, and I don't think a study is needed. I ask for a division.

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

A vote of the House was taken.

Thereupon, Mr. Davies of Orono 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. All those in favor of this Order receiving passage will vote yes; those opposed will vote no.

ROLL CALL

YEA — Beaulieu, Brennerman, Brown, K. L.; Burns, Carroll, Chonko, Clark, Connolly, Cox, Davies, Diamond, Dow, Drinkwater, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Jacques, Jensen, Kany, Kerry, Kilcoyne, LaPlante, Locke, Mills, Nadeau, Najarian, Pearson, Peltier, Post, Prescott, Quinn, Rideout, Talbot, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Bennett, Berry, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Bustin, Carter, D.; Carter, F.; Conners, Cote, Cunningham, Devoe, Dexter, Dudley, Durgin, Fenlason, Fowlie, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Green, Hickey, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Kelleher, Laffin, Lewis, Lizotte, Lougee, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McHenry, McMahon, McPherson, Mitchell, Morton, Nelson, N.; Norris, Palmer, Peterson, Plourde, Raymond, Rollins, Sewall, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarr, Teague, Theriault, Tozier, Twitchell.

ABSENT — Benoit, Blodgett, Carey, Carrier, Churchill, Curran, Dufremble, Jalbert, LeBlanc, Littlefield, Lunt, Lynch, Masterton, McKean, Moody, Nelson, M.; Peakes, Perkins, Silsby, Tarbell, Truman, Tyndale, Whittemore.

Yes. 50; No. 78; Absent, 23.

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

The following papers from the Senate appearing on Supplement No. 6 were taken up out of order by unanimous consent:

The following Joint Order: (S. P. 591)

ORDERED, the House concurring, that the Law and Legislative Reference Librarian be directed to forward copies of the Legislative Record to members of the Senate and House, and to the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House, at their home addresses.

Came from the Senate, read and passed.

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

The following Joint Order: (S. P. 592)

ORDERED, the House concurring, that the State Budget Officer be and hereby is directed to furnish to the Legislative Finance Officer copies of all departmental budget requests and all information and data relating thereto submitted to him by all State departments, commissions and agencies as soon as same come into his possession.

Came from the Senate, read and passed.

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

The following Joint Order: (S. P. 593)

ORDERED, the House concurring, that there be prepared after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 600 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and Officer of the Legislature and the State Law and Legislative Reference Library

shall receive such number of copies as may be required.

Came from the Senate, read and passed.

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

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Non-Concurrent Matters

"An Act Appropriating Funds for Replacement Volumes of the Maine Revised Statutes Annotated" (S. P. 11) (L. D. 28) which was Enacted in the House on March 23, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

RESOLVE, Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers (S. P. 121) (L. D. 279) which was Enacted in the House on April 12, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

The following matter appearing on Supplement No. 8 were taken up out of order by unanimous consent:

Non-Concurrent Matters

"An Act to Continue Providing Aid to Certain Charitable Institutions" (H. P. 546) (L. D. 663) which was Enacted in the House on April 28, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

"An Act Appropriating Funds for Current Services of the Maine Human Services Council for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (H. P. 564) (L. D. 689) which was Enacted in the House on May 18, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 9 were taken up out of order by unanimous consent:

Non-Concurrent Matters

"An Act to Provide for Tourism Promotion and Information Services" (H. P. 740) (L. D. 945) (C. "A" H-671) which was Enacted in the House on June 24, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

RESOLVE, to appropriate \$20,000 to the Office of Camping Resources at the University of Maine, Portland-Gorham (H. P. 1259) (L. D. 1488) which was finally Passed in the House on June 9, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matters

"An Act to Improve Prosecution Services" (H. P. 1571) (L. D. 1785) (H. "A" H-472) which was Enacted in the House on June 8, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

"An Act to Improve the Administration of the State's Merit System" (Emergency) (H. P. 239) (L. D. 398) (H. "A" H-608) which was

Enacted in the House on June 21, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 11 were taken up out of order by unanimous consent:

Non-Concurrent Matters

"An Act to Award Transitional Allowances to Permanent Full-time and Limited Period Full-time Unclassified Employees and to Award Appeal Period Allowances and Transitional Allowances to All Permanent Part-time Employees, Both Classified and Unclassified" (H. P. 309) (L. D. 400) (H. "A" H-373 to C. "A" H-292) which was Enacted in the House on May 26, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

"An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland, Maine, an Emergency and Extended Shelter for Girls" (Emergency) (H. P. 421) (L. D. 526) (C. "A" H-463) which was Enacted in the House on June 9, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

The following matter appearing on Supplement No. 12 was taken up out of order by unanimous consent:

Non-Concurrent Matter

"An Act to Establish Limits for Elderly Household's Tax and Rent Refunds" (H. P. 952) (L. D. 1146) (H. "A" H-612 and H. "B" H-639 to C. "A" H-574; H. "A" H-610) which was Enacted in the House on June 21, 1977.

Came from the Senate, Indefinitely Postponed in non-concurrence.

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

By unanimous consent, all matters acted upon were ordered sent forthwith.

The following matter which was set aside until later today, appearing on Supplement No. 2, was taken up out of order by unanimous consent:

"An Act to Rastie 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) (C. "A" H-596 as amended by H. "A" H-622 and H. "B" H-670)

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

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

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

Bill, "An Act Concerning Prosecution of Fish and Wildlife Law Violators Who Are 16 Years of Age or Older" (H. P. 193) (L. D. 255) — In House, Bill and all accompanying papers recommitted to Committee on Fisheries and Wildlife on April 27. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-205)

Tabled — May 3, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: This was a bill which was held because it was clearly incompatible with the juvenile code. The juvenile code has obviously been sent back to committee. This bill did receive the unanimous report from the Fisheries and Wildlife Committee, I assume it will go on its way.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that the juvenile code is coming back to us.

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

Mr. TIERNEY: Mr. Speaker, in light of this remarkable piece of information, I would hope that someone would table this until later in the day's session.

On motion of Mr. Quinn of Gorham, tabled pending further consideration and later today assigned.

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

Bill, "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 777) (L. D. 932)

Tabled — May 4, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, the Bill and all its accompanying papers were indefinitely postponed.

By unanimous consent, ordered sent forthwith to the Senate.

The following Enactor appearing on Supplement No. 13 was taken up out of order by unanimous consent.

"An Act to Amend the Maine Criminal Code and Related Statutes" (S. P. 574) (L. D. 1892) (S. "A" S-360)

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I just was told by the staff of the Judiciary Committee that there is an erroneous reference in this bill that can't be corrected in the errors bill. I would ask that this be tabled until later in the day. Apparently, it can't be corrected in the errors bill until this bill has a chapter number.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and later today assigned.

The following Communication appearing on Supplement No. 14 was taken up out of order by unanimous consent:

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

July 7, 1977
To: The Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning without my signature and approval H. P. 1278, L. D. 1509, An Act to Extend Collective Bargaining Rights to County Employees.

I do not believe that collective bargaining should be extended at this time to county employees of Maine.

First of all, the whole structure of county government has been a subject of considerable debate in the Legislature, and there is now

pending an Order which would direct the study of Maine county government. Extension of collective bargaining rights to county employees would increase the pressure for continuation of county government, before a decision is made as to the need for a continuation of this layer of government in its present form. Public employee organizations seeking to represent county employees would become a vested special interest seeking to perpetuate county government, whether or not it was in the best interests of Maine taxpayers.

In a State that already has more government than it can afford, we would again be increasing the bureaucracy as employees would have to be added to implement the collective bargaining process at the county level.

I think we also must consider the fact that employees of county sheriffs departments are required by existing statutes to work 40-hour weeks and are appointed for specific periods of time. Collective bargaining would conflict in this regard.

In contrast to state employees, many more jobs on the county level are political-type appointments and awarded on a patronage basis. By contrast, state jobs are more likely to be of a career nature and thereby better lend themselves to a collective bargaining process; however, questions are now being raised concerning the appropriateness of collective bargaining at the state level. Although collective bargaining was requested on behalf of State employees and granted to them, the Legislature is being lobbied to intervene and it appears that they will, all of which raises serious questions concerning the ability to preserve the integrity of the collective bargaining process in a political setting.

For these reasons, I do not believe that we should at the present time take this step toward the permanent institutionalization of county government, and I respectfully request that you sustain my veto.

Signed:

Very truly yours,

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

The accompanying Bill "An Act to Extend Collective Bargaining Rights to County Employees" (H. P. 1278) (L. D. 1509)

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The veto that we have before us today, after reading what the Governor had to say, I am very disappointed on either the advice he is getting or his actual belief. I know many employees, who work for Cumberland County, who have got 25 years of service and one woman has 29 years of service. That is certainly not given to her because of the political system that exists in county government. The existence that we have in county government is turning more and more today to professional people. People that do a good job are rewarded by keeping their jobs. People that do a good job as well as in county government and in industry and in everything else are not put out simply because new people take office. This is what county government was perhaps 50 years ago. Today, we have many capable people working in county government that are very qualified and they aren't put out because of the political system with a new election taking place.

After reading the reason why he vetoed this, I am very disappointed. I am not upset but I am disappointed because of the fact that today maybe through the fault of the legislature but regardless of whose fault it is, county government is growing just as state government is growing. We need good people. They need job security. They need job protection.

I would urge the members of this House to vote against the Governor today.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: First of all, I would like to congratulate my colleague, Mrs. Berube, on this victory she has at hand here. All of the arguments that she raised on the floor of the House have mysteriously appeared in the veto message itself. I don't think there is any point at this time in trying to rebut these arguments, most of which are totally lacking in merit. That notwithstanding, I do believe that the Governor should be more up front with his veto messages.

I would like to perhaps substitute an appropriate letter that would be forthcoming, that would be more precise and to the point. If he were to write the letter which I think he should write if he were going to be up front, it would go like this: To the Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature: I am returning without my signature and approval H. P. 1278, L. D. 1509, "An Act to Extend Collective Bargaining Rights to County Employees." I don't believe in collective bargaining or unions in any of their insidious forms. I am against all labor bills. I have written the Labor Committee time after time, telling them I don't want these bills passed. I don't understand why the Labor Committee keeps reporting out "Ought to Pass" Reports and these bills keep going through the House and the Senate. I am against workers having a voice in their wages, hours and working conditions. To be consistent with my previous actions and my philosophy on labor relations, I am vetoing this bill. Very truly yours, James B. Longley, Governor."

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: It certainly is hard to follow that one but I do have to make a couple of points on the message. One, he says there is now pending an order which would direct a study of county government. I can guarantee you, we aren't studying them anymore. We have done that plenty of times. I don't know of any order which is pending that is studying county government. The second point that he makes or that I would like to comment on in the last major paragraph indicating that many county employees are chosen on a political patronage type of basis is exactly the reason why I think we ought to pass this proposal because granting collective bargaining rights to these employees will also allow them to gain job security and, therefore, be relieved from the political pressures which they now have to be under. That is the basis of their being employed and their getting benefits and getting raises and whatever. It seems to me that it is to the advantage of us all to have them have an independent basis on which they receive their compensation.

I would urge you to override the Governor's veto today.

The SPEAKER: The pending question before the House is, shall this bill become a law notwithstanding the objections of the Governor? A two-thirds vote of the House is necessary according to the Constitution. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Bustin, Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jackson, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, MacEachern, Mahany, Masterton, McHenry, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Norris, Pearson, Plourde, Post, Prescott, Spencer, Stubbs, Talbot, Tarr.

Theriault, Tierney, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Bagley, Bennett, Berry, Berube, Biron, Birt, Blodgett, Brown, K. L.; Bunker, Burns, Carroll, Carter, D.; Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Green, Hall, Huber, Hunter, Hutchings, Immonen, Jacques, Jensen, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lynch, Mackel, Marshall, Martin, A.; Masterman, Maxwell, McBairty, McMahan, McPherson, Morton, Nelson, N.; Palmer, Perkins, Peterson, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Strout, Tarbell, Teague, Torrey, Trafton.

ABSENT — Austin, Carey, Carrier, Dutremble, Jalbert, LeBlanc, Lunt, McKean, Mills, Peakes, Peltier, Silsby, Tozier, Truman, Tynedale, Whittemore.

Yes, 63; No, 72; Absent, 16.

The SPEAKER: Sixty-three having voted in the affirmative and seventy-two in the negative, with sixteen being absent, the Governor's veto is sustained.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Criminal Code" (S. P. 574) (L. D. 1892) (S. "A" S-360)

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

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

House Amendment "A" (H-905) was read by the Clerk in its entirety and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Goodwin of South Berwick, Recessed until two-thirty in the afternoon.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

"An Act to Provide for the Restrictive Licensing of Certain Financial Institutions" (H. P. 474) (L. D. 580) (C. "A" H-627)

Tabled — July 6, 1977 by Mr. LaPlante of Sabattus.

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

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

The Chair laid before the House the second 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 — July 6, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage.

On motion of Mr. Theriault of Rumford, tabled pending passage and later today assigned.

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

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

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

Pending — Passage to be Engrossed as Amended by House Amendment "A" (H-890).

Mr. Palmer of Nobleboro requested a Division.

The SPEAKER: The pending question before the House is passage to be engrossed as amended by House Amendment "A". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Mr. TIERNEY: Mr. Speaker: I request a roll call.

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

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been before us for a number of days and has been tabled and retabled, amended and reamended.

I would like someone from the Taxation Committee now, if possible, before we vote to engross this bill to explain exactly what the posture is at the present moment.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the report of two studies done by the Taxation Committee in the past two or three years. It is something that I have been very concerned about. I know many of the people from my town and many other towns in the state have been very concerned about how to get a handle on the ability to assess industry or assess any large group of land.

It is pretty hard work for a town like the Town of Sangerville or Monson which we have done, we have seen it and we have made many mistakes in doing it, to get a handle on doing this without the expertise. You can't expect a selectman you are paying \$200 a year to know a heck of a lot about what the value of industry is. I think as long as we are paying a state tax, part of that should be absorbed by the state. They should be the ones that should furnish the expertise. If the towns need it, then it should be at our desire that we have the ability to use it. This is what the bill is all about. To me, it is one of the finest bills that I have seen. I have seen too many towns get ripped off too long because of marriages that they have had between the selectman or between the businessman or between the farmers.

When I was campaigning down through my area, one of the biggest things I campaigned on was surely as sure enough we are going to do something about in regard to readjusting and getting a handle on reassessing taxes in the state. So far, we haven't done a dang thing. To me, this is one of the most important bills that I have seen is to get a handle on it.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think there are plenty of mechanics within the individual communities to be able to hire outside people to come in and take care of the assessing.

Take my own situation in which there is a large paper mill there. We are presently having a professional assessment done by people within the State of Maine to take care of it. I am confident in talking with those people that we are going to get a job done that will give us the

information that we want. Assessing is strictly a local responsibility. The more I find that the state intrudes into a local responsibility, the more upset local people are.

I think this is a type of bill that really should be indefinitely postponed or shouldn't pass. I think this is a case of just intruding in local affairs. I think the local people would prefer these things to be left to themselves.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think that Representative Hall is correct in presenting his bill, because sometime ago the City of Old Town went into a reevaluation of its property, and, of course, as most of you know Old Town is a pulp and paper town similar to East Millinocket and Millinocket. We do have some businesses there, of course, which I understand in East Millinocket they are not as numerous. However, when the reevaluation people came in, we hired a firm from outside of the area to do the evaluation of the pulp mill and the houses in the town. It was really a very hit or miss thing as far as the pulp mill was concerned. They really didn't know. I was a municipal official at the time and we asked them how they were going to go about it. They said "We hope that they will show us their books and their depreciation of the machinery and one thing and another but, frankly, it is guesswork". I think that that is probably true of most of the firms. I know that the pulp and paper company in Old Town and I understand it is true that most places in the state are not opposed usually to reevaluation because they do quite well on it.

I think Mr. Hall's bill is a bill that is designed to answer, what is that really worth? We don't have the people here in the state that really know that.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have seen many reevaluations carried on in the state. Speaking of the residential, small business and those areas of relatively small evaluations, I have seen the appraisal firms do a very hit or miss reevaluation.

I would suggest that in a community that is essentially a one industry town, that they are well able to attack this problem themselves. If the installation is paying 80, 90, 95 percent of the town's taxes, certainly they can well afford to go out and hire a person or one or more persons to appraise the installation and the company itself would pay for it. The town would have to put a small number of dollars behind it. I don't think the problem is in those two or three dozen large installations in the State of Maine. I think the problem resides in the overall residential assessment practices in all the towns of the State of Maine.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The Joint Study Committee on Tax Policy, which worked during last fall, is comprised I think of eight members from the Legislature and seven members of the public from around the state. It was a unanimous recommendation of that committee that industrial properties above \$1,000,000 be evaluated by the state. This original bill has now been amended to read "values above \$10,000,000." I understand there are only 30 such properties that would fall under this category.

Many of you here know Representative Susi from Pittsfield. He gave as many examples where paper companies would have added 260 million dollars to their plant and they are only being taxed at the value of 60 million. I think this is happening all over. I think also as pointed out, it was very difficult in one industry town, four of the citizens when their jobs relied solely

on that one industry to really go after them and tax them for what they were worth. Besides, it would raise more money than the one town needed. For state purposes and for the uniform school property tax, I think it is very important to everybody in the state that properties be valued at their worth.

I hope that you will vote to pass this bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Representative Najarian just told you about the honey in the melon. That is right where the honey is in the melon. It is a one town industry. It is a big pulp and paper industry. It is the body and the soul of many of the people that belong to those communities. They are the assessors who go in and set the valuation.

I am not worried about the resident, God bless him. He is carrying the load of this thing. That poor little resident, every time I turn around, they want to add another \$50 onto him. Who is protecting him against the giants in the State of Maine? It is very amusing.

I noticed Mr. Birt arises. Do you realize what is in Mr. Birt's community? I have never seen him fail to arise and defend the pulp and paper industry, hammer and tong in the 102nd back in '65 we raised the wildland taxes. We raised them up two or three times. The pulp and paper industry has been defended over and over again. They always have a great champion. But the little homeowner in the State of Maine doesn't have a champion. He stands alone. The common man again stands alone to defend his property. I say to you, the estates over a million dollars valuation should be ordered to go in by this legislative body, put it right in writing, "Shall go in there and assess the pulp and paper industry and any industry worth over \$1,000,000." Don't you pass me that song and dance about there is no honey in the melon.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would take issue with Representative Carroll. I have seen more abuses in the towns of the State of Maine where the little fellow, the small, low-wage earner is penalized by taxes far out of proportion to what he owns. Many people with sizable estates are favored. That is where the real inequity exists in the State of Maine. It is the person who doesn't have influence in the community really gets tagged. The person of substance gets off scot free.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Livermore Falls, seeing that I am ending up this session opposing him as frequently as I do because I respect him greatly but he has just propounded something which I think we all would have to agree that two wrongs don't make a right. I have no quarrel with the fact that there are many areas of this state where assessments are made inadequately, unfairly, and every opportunity that we have had in the Taxation Committee, in years when I have been before and I am sure they are doing it again this time, has been an "attempt" to get those assessments more accurately on the books.

Lest anyone be tremendously concerned about this particular piece of legislation, I wish you would address yourself to what is before you, which is the amendment. I would like to read two or three words out of it.

What this does provide for is, first of all, as the gentlelady from Portland brought out, has now been changed to only those properties over \$10,000,000. It reduces the number of them greatly. Then it says that the state tax assessor "shall" for the purposes of determining valuation, "appraise" each industrial property. It is

an appraisal we are talking about here, ladies and gentlemen, not an assessment. That is number one. Don't forget that one. He shall certify the just value of these to the assessors where the properties are located. Then it says the assessors "may use" such values at their certified ratios. This doesn't even require them to do it, much as the gentleman from Limerick would like to have it do. This is permissive as far as the local assessors.

What we are trying to do with this legislation is to bring in the expertise necessary to properly appraise these very sophisticated properties. To be sure, many communities are using state appraisers in their reevaluation procedures. These are plenty competent to do the run-of-the-mill appraising. When it comes to appraising highly industrialized properties with very sophisticated equipment, then you need experts. You need people with a special expertise.

I would remind you again that all this amendment asks for is the ability to appraise these with this special expertise and then if the local assessors wish to, they may use the values that are arrived at. That is the bottom line. If you are in favor of accurate appraisals of property, you will vote for this bill. If you wish these things to be manipulated, you will vote against it.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I am one of those people that don't believe that all the experts are here in Augusta. I believe in home rule. I believe the people I represent are intelligent enough that if they need an outside appraiser, they can hire one out of Boston or even the west coast, if necessary. At least the experts, let me tell you, are not all here in Augusta. They just think they are experts. I don't. And the people I represent don't think they are experts. I am for home rule. I am against this bill because the people where these industries are know the value there themselves. They know what has been installed for new machinery, a new paint machine or what have you, they helped put it in, they will see that it is valued properly. We have a large power station in the town where I live. We just had a reevaluation of the town. The reevaluation from the experts down here cut the property of the valuation of that power station down so that it was something like 20 percent of what the town had it. The electric company was paying the tax before and wasn't kicking. It just put a lot of extra tax on the people. That is what the experts down here did. The townspeople didn't accept it. They paid a lot of money for this tax evaluation. I think when it comes to hiring experts, they can hire them from the local level as well as they can be hired out of here. Bear in mind, that I am one of those that believes that all the experts in the State of Maine don't come out of one of these buildings down here.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I hope everyone was paying attention to the gentleman from Farmington, Mr. Morton. If you were paying careful attention to what he was saying, it would seem that you would wonder just why there would be opposition to this bill. It was explained that the assessors don't have to use these valuations. It is an appraisal, not an assessment. The bill doesn't, shall we say, propose to sweep out any dark corners. Actually, it only lets some light into what may be dark corners. It seems that the people connected with the dark corners would rather not have this light shed in them. Perhaps the people of some of these communities would be upset if they knew what the true value of some of the property in the community is worth.

This is a very simple and permissive bill. It has been greatly watered down from the

original bill which would have required actual state assessment. The first time I heard of this concept was not here in Augusta. It was several years ago in talking with a constituent of mine who had been — I don't recall his exact job but he was in the office of one of these large industries, and he said we should have state valuation of all of these properties. He said, in my years of that office, I saw what was put over on the taxpayers of the particular community of which he was talking about because of the influence that was used over the assessors in that community. As has already been brought out here, these large communities, the gentleman from Livermore Falls mentioned how perhaps 90 percent of the taxes were paid in the community by one of these businesses or one of these industries. It is obvious that when one industry has you might say a stranglehold on the economic life of a community, the assessors and the officials of that community are going to be very gentle in the handling of the taxes of one of these installations.

I would simply urge the acceptance of this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I know what was very upsetting to the citizens in Brewer a few years ago, that is when that big industry was going to close. That was very upsetting to us. That was very upsetting to all the taxpayers in Brewer because that mill does provide a broad tax base.

I have heard mentioned here the mills and the mills of the area that my good friend, Mr. Birt, comes from. In that very same area, Millinocket has the highest standard of living of any city or town in the State of Maine. If that is bad, I am for it. I am for people working and being paid and the people they work for being taxed according to what the people in that community want to tax them for. If they can provide an environment that is conducive to the Millinocket example, I am all for it.

We have got another little mill up here north of my good friend from Farmington, Mr. Morton that is closed. They are going to be paying no taxes because they are out of business. Give heed and realize that it takes both factions in this state to exist. As I said before, I will take that Millinocket example any time you want to give it from the lowest citizen to the highest in the town of Millinocket.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss if I didn't arise now. I point out to you to your high standard of living in that area is subsidized by the low wildland tax of the people of the State of Maine. We are subsidizing the elite corp. I just want this spread out a little better, a little wiser, and I would like to answer him about the mill down there that closed. I was on the Maine Municipal Field's Board and served five years. It came before us. The people of that town were given a special tax break to that industry. They weren't paying their fair share. They never did. What I want to see, I want the evaluation done by people that are not owned body and soul by the industries. When they work in these towns, many of the assessors are employed by these industries. I want the State of Maine to send in a disinterested party, a party professed in industrial evaluation and who knows what to look for in these big plants. That way and only then will the State of Maine go on the way to recovery. Then we can afford a medical school. I am sure you all want one.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think in reply initially to the comments made by the gentleman from Limerick, Mr. Carroll, we are talking about property evaluation, we are not talking about wildland evaluation. The wildlands are a separate issue that has been properly addressed. Whether they are or aren't paying their fair share, I don't know. This has been addressed by the Legislature. We aren't talking about that. We are talking about the assessed valuation or the appraisal of the property. As pointed out by the gentleman from Farmington, there are about a dozen communities in the State of Maine. The strange thing about this whole thing is, not one of those dozen communities are the ones that are doing the complaining. I guess I fail to understand why there is a desire to want to go in and appraise property or assess property in communities where the communities themselves are perfectly happy. Why would the State of Maine want to get involved in appropriating a quarter of a million dollars to do the appraisal?

I have talked to people in the state, Tax Assessing Department. I talked to them a short while ago with the chairman of the board of selectmen in my own community. The comment that was made there was that even we do not have the ability to do the appraisals and that any appraisal of this type is a relative thing and probably is largely done by negotiation. These were the comments made in the tax department by people who are presently doing this type of assessing. The assessing is being done in most of these communities. The people are perfectly happy with it. I fail to see any reason why legislation needs to be passed to go in and involve themselves in things that the people are perfectly happy with the way it is being done.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think I just detected a slight inaccuracy in the debate from the gentleman from East Millinocket in which he said we were appropriating a quarter of a million dollars to do this. The figures that are on here are \$111,000 for 1977-78 and \$46,000 for 1978-79 which is considerably short of a quarter of a million dollars.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I can't imagine anybody in this body being against the passage of this bill. I have been a tax assessor since the age of 18. Within my hometown, we have two factories. Each year on April 1st they submit a list to us and tell us what they are worth. We, as tax assessors, have no idea, no checks and balances on that. I really think that this bill would really provide an avenue and the mechanics for making the system work much better. As far as anybody being against this bill, I can't imagine it. It looks to me that they are afraid of being assessed fairly. I just can't imagine it. As a matter of fact, in our hometown last year, this just happened, on April first, one of the shoe companies there brought us in a list and told us what they were worth. They got the tax bill. We went exactly by what they told us they were worth. They said they made a mistake of some \$60,000. That is fine. Now we have a problem. So, it will not create a mill increase, we have got to get that \$60,000 back to them over a three year period. I am telling you, in your small towns, and I am sure Richmond is no different than any other small community, your tax assessors just aren't qualified to handle these large assessments over \$1,000,000 in no way.

Therefore, ladies and gentlemen, please vote for the passage of this bill and do your constituents a big favor.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I can understand how some people can be against this. It is very easy to understand. I would hope that you support this legislation. Mr. Hall's bill is a good piece of legislation. It provides for a fair evaluation statewide. No matter where your company is located, that multimillion dollar company that we are talking about, will get a fair evaluation by the same people. Therefore, they can't come to the local community and say, if you tax us too high, we are going to move. Where are they going to move? It is going to be a fair evaluation. You have to understand what the local businessman doesn't pay in taxes, your constituent pays. That is what it comes down to. That is the bottom line of this bill. What these people don't pay, your constituents pay and you pay. Let them pay their fair tax and we will pay our fair tax. That is what this bill is, a fair tax bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reply to a comment made by Mr. Dudley from Enfield some time ago. I am familiar with some of the problems that have happened in Enfield in the last couple weeks in the reevaluation of the dam. I can sympathize with him because I know a little bit but at the same time, he made a comment that the local people would know exactly how to do these things. That is not so. In the machinery and the complexities that are involved in a pulp and paper mill is so complicated and so specialized that we don't have any ability in the City of Old Town to do it. The people that we hired from outside the state who were supposed to have known factories and that sort of thing don't have any ability to do it either. At least they said they didn't.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to have to rise a second time, ladies and gentlemen, but this man from Old Town must have misunderstood me. I am sure that I said we knew where to hire expertise and we didn't have to get them from Augusta or these buildings here. We know that if there is a paper machine put in in the

town, if it is made by the Boyd Corporation, that the Boyd Corporation will readily give us the cost of that machine. If it happens to be a wet machine the company that made it will readily get you the price of the machine. Then all you have to deal with is the cost of insulation. If we are satisfied that we can agree locally, there are plenty of places you can send out and get expertise other than Augusta and these buildings here.

What I am saying is, basically what my people want is this, less government, less interference from this capitol here. They think they are qualified to run their own business and I think so too. One thing they don't want is to see state government grow and more people put on the payroll every day to interfere with the running of local affairs. This is just another step to interfere with local affairs, all over the state.

I am sure that the man from Old Town misunderstood me because I think that we are capable enough. I was an assessor for 20 years myself. I didn't start when I was 18 years old but I started when I was 20 and I had to wait a few months to be sworn in. I have been at it somewhere in government ever since. I know that the people where I come from know where to hire experts. If we don't, we will inquire and find out. But if we want to know the price of any piece of machinery, at one time I owned some sawmills, I don't know, it was easy to find out from the Lane Corporation what a rotary cost from an agent from Frest company or any of

these companies. It is very easy to find out the cost of the machinery. Then they have what used machinery is worth, a little book that gives it to you just like you go to swap cars. They have a little book you can look at and tell you what each year is worth. It is the same way with machinery. It is not that difficult. Expertise can be hired from other places other than this town.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I have been in the insurance business for 40 years and worked all around York County. I am in the general business. I sold to firms and I sold to everybody, general insurance. I have talked with selectmen in York County on many occasions when they had reevaluations. I am in favor of what Mr. Hall is trying to do. I have heard these people on many occasions very dissatisfied a lot of times when the state made an evaluation.

In Sanford, we were very fortunate, there is always someone that will criticize but when we had this company, Blair and Trumble that come from Connecticut, Massachusetts or somewhere, I believe the mayor of Biddeford did the same thing in Biddeford, they were very capable. They made the evaluation of the property in Sanford. The next thing, they went in industry and made a very good evaluation in the industries. They have been so good, I think it is about the third or fourth time in thirty years I would say that we have made an evaluation. Everybody has been satisfied. They call the same people back but they have never been, satisfied when anyone from the state came down and other towns were the same way, when the evaluation was made by anyone from over here.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question through the Chair.

Will those who are in favor of this legislation tell me why they opposed the state valuation omnibus bill the other day?

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

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond very briefly to the gentleman's question.

First of all, I didn't oppose the state valuation omnibus bill the other day. I thought it was a very important bill and I think this is a very important bill. I think what we are talking about very simply today is a question of tax equity. Tax equity for the communities, tax equity for the state. It is no secret to anyone in this House about my opposition to the uniform property tax. It is no secret that I have said on the floor of this House, a number of times, that I think it is unfortunate that we put the cart before the horse. What I mean by that is that I think we institute a statewide tax before the assessment procedures were, in fact, replaced to guarantee us some time of uniformity in an assessment practice across the state. We certainly have made strides in that direction in terms of the assessment practices of local assessors by requiring them to get up to certain ratios over given periods of time. I think this is the second step in that process and I think it is very important.

Early in the session, I requested from the Bureau of Property Taxation a listing of the valuation of the paper mills in the state. I was somewhat surprised, perhaps I shouldn't have been, to find that there were some paper mills, if you will, that the Bureau of Property Taxation felt were assessed quite close to full valuation and there were some mills that were assessed

maybe at only 25 or 30 percent of full valuation. I think it is very very important that this bill gets enacted. It has been a long time coming. It has been discussed a number of years. God forbid that we have to continue with the uniform property tax. If we do, it seems to me that this is a necessary ingredient to make that law work and make it equitable and fair.

I think the gentleman from Richmond, Mr. Moody, put his finger right on it. He said, why could people be opposed to this bill, simply because they are afraid of having their assessment raised? I think that is exactly the answer to the question. I think that is the opposition.

I think the gentleman from Farmington, Mr. Morton, has made some very precise remarks about the need for this bill. I hope you would heed his advice and I hope you would pass favorably on this piece of legislation.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for starting a rhubarb here on this bill but I do want to say just a word or two more before we vote. I think it is very possible for anyone to be opposed to this bill for very good reasons and reasons which don't involve the fact that he might live in a little rural town, for example, like I live in where there is no industry at all. I oppose it and I will tell you why I oppose it.

This state last fall hired, at quite a sum of money, outside people to come in and look at our system of valuation. I believe they said that we were doing a good job. Jacobs Associates, I believe, in Chicago was the firm. They also made the statement and our state assessing bureau also said that they, themselves, didn't have the expertise to value industrial properties. To my best knowledge, I think they still don't have that expertise.

What you are doing here is simply saying the state can pay money to hire someone from outside to come in and assess valuations or to appraise properties in excess of \$10 million in worth. I submit to you, the cities and towns of this state can do the same thing, can hire the same people with their monies if they care to do it.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to assure each and every one of you that just because the gentleman from Nobleboro and I happen to be on different sides of this issue, that it is in no way a partisan issue. I would rather say, ladies and gentlemen, that it is a geographic issue. To examine the legislative districts represented by my good friend from Nobleboro as opposed to the legislative district which is represented by myself, I think you would find the ready answer to why we are on opposite sides of this issue.

The real problem with this, ladies and gentlemen, the real problem with our current system was very clearly stated by my good friend from East Millinocket, Mr. Birt. He said, that under the present system, we have assessing by negotiation. That, ladies and gentlemen, is wrong. When you do anything by negotiation, the person who has the upper hand is the person who has the most power, the most information, the most statistics. I would say that that in regard to these 30 towns with industries that have over \$10,000,000, that the power in those communities resides within those industries.

Let us take a hypothetical example. Lets say that somewhere located in the state we have a nuclear power plant. Lets say that in this hypothetical town, they have a hypothetical assessor, who gets in his or her pickup truck and rumbles down to the gates of the nuclear power plant. At that time, that assessor gazes up and looks at the hypothetical nuclear power plant and says, I wonder how much this is worth? He is supposed to make a decision which would be binding on law and on the taxpayers of that

community as to how much a nuclear power plant is worth. Ladies and gentlemen, I would say that it is absolutely impossible for that individual to do. I would say that if we really believe in equity, if we really believe in giving our assessors an accurate appraisal by which they can negotiate, if they must, in good faith and at least on an equal level with these giants of industry, then I say to all members of this House that we must pass this bill and that indeed it is perhaps one of the most important, if not the most important question of tax reform that we have before us. But as every other single piece of tax reform legislation has been defeated in this session, we finally have a chance to do something. We finally have a chance to break open the melon that Mr. Carroll referred to and serve a little bit of honey for all of us. I certainly hope we pass this bill.

Mr. Palmer of Nobleboro was granted permission to speak a third time.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. If there is one thing I can't stand, is to have my motives questioned as to why I oppose a bill. The good gentleman from Lisbon Falls or wherever he is from knows all about negotiations because he does them every day and he gives a very clear expose of how that works. I would remind him that the reason I represent the Town of Wiscasset, which has a Yankee atomic plant is not the reason that I oppose this bill. I am just so sick of honey in the melon and dark corners and accuracy and manipulation of this debate when the true fact of the matter is the State of Maine isn't able today to assess these properties. You are asking in this bill for the State of Maine to assess the properties. The State of Maine is going to ask someone else to do it, someone with the expertise, someone with the ability to do it. I submit to you that Millinocket can do it. So can all the other cities and towns in the State of Maine do it. That is the reason I oppose this bill.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: There is one thing I can't understand either is someone in the left corner that is trying to belittle something that I think is very important and trying to make out because the speaker in the right hand corner mentioned something about Wiscasset, I don't know anything about that, but this I do know, and I don't mind telling you about it. I will tell you a little story. It might take me three minutes but it is worth it. I sat on the steps of a Western Auto store one day, a few years ago. This is what got me started on this and how awkward and how irresponsible it is. The guy that owned the Western Auto store sat beside me and he said, Don, do you think that mill over across there is paying their share of the taxes they should? I said, I don't know, what are they paying? He says, the building I have got here, the upstairs where I live and the camp I am paying \$1,000 on, the mill across the way is paying \$18,000. I said, why don't you do something about it? This wasn't in my town but it has been since I have been a legislator, this has come to me very much pronounced. They said every time that anyone voted to raise the taxes, they would move out. Now, this is kind of ironic. When you have got a mill as big as that, how far are they going to go? They aren't going to take it by a truck and tow it down the road. Now down in my town, they aren't. Let me tell you a little more than that, my friends. Business got pretty rough for them. They went in debt and went in the 11th chapter of bankruptcy of \$7,000,000 and they were being taxed and assessed by the town for \$180,000. Hang that onto your hat and see how you like it. Do you think that is a fair thing for the towns to have to pay? Who was subsidizing that? It was the poor guys that we couldn't even get \$2.50 an hour for, who were subsidizing industry like that.

Another little thing happened that I will tell you about in the little town of Monson. They brought a bunch of these yahoos in from out of state that were proclaimed to be tax assessors. I think the town paid them \$11,000. When they got through, the town was in more of an uproar than it was when they went in there beforehand. The point I am trying to get at is, you mentioned, Mr. Palmer, about the state having the expertise, they don't have it now, but this is what we want is to have the money so they can get it so they will tax the industry in my area, the one in Millinocket, all over the state in the same capacity. I don't want to see my people have to be burdened any longer than what they are now. It is just as simple as that. Then if they say they are going to move out, where are they going to move to? If you have got something that is average done by a group of expertise from the local area, they aren't going to have that to go by. That is the reason why I want this going. I think it is one of the most important pieces of legislation we have got coming through here. Every time I see somebody get up that is against it, I can tell in a minute where they come from.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I am against this bill. I happen to come from the Town of West Bath. When we want to assess a piece of property, we hire a man from Bath to come out on a per diem basis, Mike Austin who does a very good job. I represent part of Bath that takes in Bath Iron Works. They are just getting through a reevaluation down there now. They have spent a lot of money to get this place revalued. They do it every ten years. It would seem to me that this bill is more or less a duplication. Also they seem to feel because they have a map of the state that they can go around to every piece of property and it is going to be valued the same. The only way that could happen is if the same man does every piece of property. They all have the same book. They all have a different interpretation.

Somebody told me one time that Russia has the same constitution that we have in the United States but their interpretation of free speech is quite different than ours is. That is the same way in this thing here. We had a reevaluation in the little town of West Bath. They did it on a part time basis. They had one man do one side of the town and one did another side. They had entirely different sets of values altogether. I don't think there is going to be any solution except that it is going to cost us a lot more money.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I am from a mill town. I think we all know honestly that these large companies can control every election, every official being elected in that town and, in fact, the towns are under a great deal of pressure. I think the towns would welcome this type of legislation, so they don't have this kind of pressure. I think it is very important that this legislation be passed. It is a very small step in the right direction.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to point out to you that I am in complete agreement with the good gentleman from Sangerville and the good gentleman from Lisbon Falls when they say that assessing by negotiation is bad. It certainly is bad. It not only leads to favoritism, inequities, it is also unconstitutional.

I would like to call your attention to Page 26, Section 8 of the House Register Constitution which reads, all taxes upon real and personal estate assessed by the authority of this state

shall be apportioned and assessed equally, I repeat the term assessed equally, according to just value thereof. This is just what this piece of legislation is going to do.

Mr. Birt of East Millinocket was granted permission to speak a third time.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To clear up one thing because I was the one who opened the question of negotiations and I would like to clear up the comments made by the gentleman from Lisbon Falls, Mr. Tierney.

The comment that I made was in a discussion that we had in the State Tax Assessor's Office and the comment was made by the people of the state and not by anybody outside, that if the state was doing the job, they would probably have to do it by negotiations. Now, we are asking the state on want of appropriating a sum of money to hire the state to go in and do this when they admit themselves that their process is negotiation.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am from a mill town and I can assure you I would be the last person that Frazier would own. I am a labor man, a very strong one but I am not for this bill because if you are going or the state is going to assess property, let it assess all industries, not just 30. You are not subsidizing the paper mill towns, not Madawaska at least, because we are the highest paying town in the whole Aroostook County and we are only 6,000 people there and we are 22nd out of the whole state, so we are paying our share.

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

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Elias, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Immonen, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, MacEachern, Mahany, Martin, A.; Masterton, McMahon, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Plourde, Post, Prescott, Quinn, Rollins, Sewall, Spencer, Talbot, Tarbell, Teague, Tierney, Trafton, Tyndale, Valentine, Wilfong, Wood, The Speaker.

NAY — Alopous, Austin, Bagley, Bennett, Berube, Birt, Boudreau, P.; Bunker, Carrier, Carter, F.; Churchill, Connors, Cote, Cunningham, Devoe, Drinkwater, Dudley, Durgin, Dutremble, Garsoe, Gauthier, Gill, Gillis, Gould, Gray, Higgins, Hunter, Hutchings, Jackson, Jalbert, Lewis, Littlefield, Lizotte, Lougee, Lynch, Mackel, Marshall, Masterman, Maxwell, McBreairty, McHenry, McPherson, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarr, Theriault, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Ault, Carey, LeBlanc, Lunt, McKean, Truman, Wyman.

Yes, 81; No, 63; Absent, 7.

The SPEAKER: Eighty-one having voted in the affirmative and sixty-three in the negative, with seven being absent, the Bill is passed to be engrossed.

Sent up for concurrence.

The Chair laid before the House the fourth tabled and today assigned 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)

Tabled — July 6, 1977 by Mr. Palmer of Nobleboro.

Pending — Final Passage (Roll Call Ordered)

On motion of Mrs. Najarian of Portland, tabled pending final passage and later today assigned.

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

Bill: "An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled" (S. P. 440) (L. D. 1531) — In House, Indefinitely Postponed on July 6, 1977 — In Senate, Adhered to Passage to be Engrossed as Amended by Committee Amendment "A" (S-186)

Tabled — July 6, 1977 by Mr. Quinn of Gorham.

Pending — Further Consideration.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE
AUGUSTA

July 7, 1977

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

Dear Clerk Pert:

The Governor having returned:
Bill, An Act Relating to the Term of Membership on the Board of Visitors for Mental Health and Corrections' Institutions and the Baxter School for the Deaf. (H. P. 148) (L. D. 178).

together with his objections to the same, the Senate proceeded to vote on the question: 'Shall the Bill become a law notwithstanding the objections of the Governor?'

According to the provisions of the Constitution a ye and nay vote was taken. Eight Senators voted in the affirmative and twenty-two in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

THE SENATE OF MAINE
AUGUSTA

July 7, 1977

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

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Resolution, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses. (S. P. 366) (L. D. 1227):

Senators:

D. COLLINS of Aroostook
MERRILL of Cumberland
SNOWE of Androscoggin

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Reference was made to (S. P. 366) (L. D. 1227) RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities for at least 50% of Property Tax Exemption Losses

In reference to the action of the House on Thursday, July 6, whereby it insisted and asked for a Committee of Conference, the Chair appointed the following Conferees on the part of the House:

Mrs. KANY of Waterville
Ms. BACHRACH of Brunswick
Mr. STUBBS of Hallowell

On motion of Mrs. Post of Owls Head, the following Joint Order: (H. P. 1806)

WHEREAS, the enactment of the 200-mile limit is likely to generate new fishing opportunities and increased landings for Maine fishermen; and

WHEREAS, the increased fishing activity will demand new marketing methods and procedures to take full advantage of the 200-mile limit; and

WHEREAS, a basic study of the present and potential markets for seafood does not now exist, and is vitally necessary to properly plan for increasing of seafood market demands; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council be authorized to study, through the Joint Standing Committee on Marine Resources, the marketing possibilities for Maine seafood; and be it further

ORDERED, that the study shall analyze the present condition and location of the fishing fleet, dockside and port facilities, the present and potential landings of commercial seafood, the procedure for reporting landings, the landing, handling, processing, transporting and distribution methods currently used, the present instate and regional marketing system, potential marketing systems that could be established, including fish auctions, and the role of the State in improving Maine seafood marketing; and be it further

ORDERED, that all departments of State Government shall cooperate with the committee in the pursuit of its assigned task; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, or no later than 90 days prior to the First Regular Session of the 109th Legislature and submit to the Legislative Council within either time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

The Order was read.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Before we pass this Order, there is just one more attempt I would like to make in pointing out orders which I believe are very significant in the amount of time and monies that they are going to cost in passage. I don't think there is any question in my mind what the good lady from Owls Head is trying to do, it is a correct thing. I think the motives are fine and pure but I would ask you to take a look at this Order a little bit and see how wide a view it encompasses. For example, the first paragraph down, "ordered that the study shall analyze the present condition and location of fishing fleets, dockside and port facilities; the present and potential landings of commercial seafoods; the procedure for reporting landings; the landing, handling processing, transporting and distribution methods currently used; the present instate and regional marketings system; instate regional marketings systems; potential marketing

systems that could be established including fish auctions in the role of the state improving Maine seafood marketing" and so forth. That is only one paragraph and this study is going to be in to us by December 1, 1977.

I submit to you that it is an absolute impossibility. Though it will probably pass, I must say that I want to have the opportunity to vote against it to see if some order which could accomplish the same thing couldn't be done within more reasonable constraints and perhaps give them more time to accomplish the Order. This seems to me to be very, very foolish indeed.

I would request a Division on passage.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Marine Resources Committee and I find that down there when we had our early meetings in January and February and March, we were not getting the information the committee was seeking. We held numerous meetings with people from out of state. Washington, D. C. authorities were contacted and various agencies around the eastern areas of Maine, the eastern areas of the United States and we didn't come up with anything. The potential for the Marine Resources on the coast of Maine with a 200 mile limit reaches into pretty big figures. This is a study that is needed and needed now so we will be able to move when it comes January 1st of next year, so we can move in a coherent and very satisfactory manner to protect the coast of Maine and the fishermen in the industries involved.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to apologize too for misreading this Order because I believed it said, December 1, 1977 or no later than 90 days prior to the first regular session in the 109th; that does make the Order look a little bit more palatable. I still feel, however, that the Order, though all that is in here needs to be looked at and though we need to do a great deal of thinking about our marketing and our problems in marine resources especially since the passage of the 200 mile limit, that this Order is a pretty big order for someone to handle in that period of time.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: First of all, I would like to make it clear that this Order is not mine alone but is the unanimous recommendation of the Committee on Marine Resources. It was an outgrowth of some work that we did during the current session and some needs that we saw. As a committee, it doesn't necessarily intend to take, for instance, an inventory of all dockside and port facilities but rather what we saw happening is when this information is available and some of it may be available from other sources, that we could use our legislative aides and some time that we ourselves are going to put in, to pull together some of this type of information into one body.

In talking with the fishing industry, there is no question that marketing is the biggest problem we have, whether we here in the legislature try to deal with boat taxation or defining a marketing system but the statistical information is simply not available.

While I agree that it looks like a heavy amount for a committee to do some of the information such as dock and port facilities, some of that work is being done by the Department of Transportation and we want to be able to take their figures, put it together with some of the marketing information that we may be able to get from other sources and come up with some recommendations in a coherent policy that this legislature might adopt.

The staff is willing to put some time on it and I think the members of the committee feel very committed and I would simply ask for your support in solving this for now, a major problem.

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

Mrs. LEWIS: Mr. Speaker, I have one question about this. I have never seen an Order written quite this way before, to my knowledge and that says that the legislative council be authorized to study further joint standing committee on Marine Resources and I don't know what that means. Maybe, the gentleman from Owls Head, Mrs. Post, could explain that. Is it the council that is doing the study or the committee or both or what?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I don't have any of the other copies of legislative orders that went before us today. This says that the legislative council be authorized to study through the Joint Standing Committee on Marine Resources for marketing possibilities for Maine seafoods. As I understand it, that is standard language currently in our Orders.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think the motive behind the Order is very good except that I think that there is a problem in that we don't really know what the effect of the 200 mile limit is going to be. Those people who are studying that problem now are in much disagreement as to when or if fishing supplies are going to increase or things are going to get better for our fishermen. I am just afraid that to try to study what we are going to do in terms of marketing when we don't even know when or if we are going to be catching more fish, is a little bit premature.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I hesitate to enter into this debate but after the comments of the gentleman who resides on the banks of the Kennebec, I really can't stop myself from getting in.

I want to indicate very quickly that the benefits of the 200 mile limit are going very rapidly for the American fishermen. I would think the quotas are basically being harvested by mostly domestic fishermen and I think the big problem the fishing industry has right now, as the gentleman from Owls Head indicated, is, in fact, marketing. As a matter of fact, for the gentleman's information and for information for the rest of the House, currently in the Boston, New Bedford area is a glut of fish, if you will, because of the tremendous opportunities that the Senate fisheries jurisdiction has presented.

This really is an extension of a study that we started last year, we worked very hard and we accomplished a number of things. We worked on a study during the session which has been submitted for your approval and we have implemented a number of things and we think we can make a number of other important contributions in conjunction with the Department of Marine Resources and see this as quite important and hope that you will support the Order.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As an example of what this kind of a study order can do for our coastal fishermen, information that I received while working on the Marine Resources Committee, I relayed to a fisherman and his two sons over in Lubec. He established a cooling plant and filleting plant over there. His sons were bring-

ing in anywhere from 1500 to 2800 lbs. of fish and they were selling at 9 cents a pound. They are now cooling, filleting and packaging them and a truck comes up from Rhode Island to pick up their product once a week and they are now getting 90 cents a pound where before they were getting 9 cents a pound. That is what this kind of an order can do for the future.

The SPEAKER: The Chair will order a vote. The pending question before the House is passage of Joint Order (H. P. 1806). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Lewis of Auburn requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I have looked at the three orders that we have had today and not one of them has been written the way this Order has. This is not a standard way to write it. It says "that the legislative council be authorized to study through the Joint Standing Committee." There was one for State Government and it ordered that the State Government do it; two for Energy and it ordered that Energy do it so I don't know whether this means that all legislative aides are going to be called in on this Order and they are going to be collecting \$25 a day extra along with the members of this committee or what this means? I would just like to have an explanation, please.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know about the other three Orders which were passed today or recently but I do know that that is now and has been for some time, the accepted language that we use in the passage of an Order in this way; that this Order does go through the legislative council to whatever joint standing committee that is going to do the study.

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage of Joint Order (H. P. 1806). Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Blodgett, Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carroll, Chonko, Churchill, Clark, Connors, Connolly, Cox, Curran, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowle, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Jackson, Jalbert, Jensen, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Lizotte, Locke, MacEachern, Mackel, Mahany, Martin, A.; Masterton, Maxwell, McBreaarty, McHenry, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Peakes, Pearson, Perkins, Peterson, Post, Prescott, Rideout, Sewall, Silsby, Spencer, Sprowl, Talbot, Tarbell, Tarr, Theriault, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood, The Speaker.

NAY — Aloupis, Benoit, Biron, Birt, Boudreau, P.; Brown, K. L.; Carrier, Carter, D.; Carter, F.; Cote, Cunningham, Devoe, Dexter, Dudley, Garsoe, Hunter, Hutchings, Immonen, Jacques, Joyce, Laffin, Lewis, Littlefield, Lougee, Lynch, Marshall, Masterman, Nelson, M.; Palmer, Peltier, Raymond, Rollins, Smith, Stover, Strout, Stubbs, Teague, Tozier, Twitchell, Tyndale, Whittemore.

ABSENT — Ault, Boudreau, A.; Carey, Davies, Hall, Hobbins, Hughes, Kerry, LeBlanc, Lunt, McKean, Norris, Plourde, Quinn, Shute, Truman, Wyman.

Yes, 93; No, 41; Absent, 17.

The SPEAKER: Ninety-three having voted in the affirmative and forty-one in the negative, with seventeen being absent, the Order receives passage.

Sent up for concurrence.

The Chair laid before the House the following 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) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. JALBERT: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that we don't indefinitely postpone this bill today. I do know that many times when we have this type of legislation come before us and because maybe another part of this legislature of which sometimes we don't know what the left hand is doing but nevertheless, I do understand that there is an appropriation but we are, at this time, not talking about the same thing.

This bill before us we need for improvement for new programs. The people in the alcoholic abuse field that have become afflicted by this, which today, we know it as a disease, a disease that can be corrected, a disease that we, as members of the legislature, must approach, must tackle and must deal with. If we are to let this type of a bill die before us today, I think we are doing an injustice. I think that we are not representing the people in the best wishes of our society.

Many years ago, alcoholism, of course, wasn't considered a disease but today, in our daily lives, we realize that it is. I feel that the members of this House have an obligation to all the people, regardless of who they are. This is not a bill that I support most strongly that I can sit here and support, after I saw what happened today.

Many good bills were killed by this legislature, went right under the hammer because of the other body. We sit here and say absolutely nothing. This is the procedure that we follow in the final few days but this is a procedure that we, and we alone, can correct if we want to. This is a type of a bill that we can correct. We can stick to our guns. We can tell the other body and we can tell the Appropriations Committee, fine and good, you put money in for this program and for that program but we want this bill passed. We, as individuals, must stand firm on our convictions. For the last couple of days, we have been sitting here like a bunch of Mickey Mouses and we have done absolutely nothing. We have lost everything we have done and the months and months and months of work have gone down the drain because of the other body and, in many instances, the Appropriations Committee.

One of the biggest things I worry about up here more than anything else is the fact that if we are going to represent the people, then we are going to represent the people all of the time, not some of the time or part of the time. If we can't represent all of the people all of the time, then we shouldn't be here. This is a

prime example, what happened here today. We sat here under the hammer and good people's bills were killed and not one person in this legislature stood up to oppose it. What we must do is be a representative of the people. We must stand up. We must be counted and we must stand on our own two feet. Don't let the other body, in these closing moments, tell us what is going to pass and what isn't going to pass. Sick to what we believe in, help the situation that is before us today for the new programs, for the alcoholic. Help them in the disease that they are afflicted with, just like you would help any other disease. If we do that, and do the very best we can, we can ask for no more. But, if we sit here and we let bills continue to be killed because we are getting into the final hour, it is a long summer and it is going to be a long fall.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: Before I vote for this tax and I am not going to vote for it, but before members of this House decide that they are going to vote for it, I suggest to you that you take a good, long look at where the revenues of this tax are going to go.

Mr. Laffin, I want to help the alcoholic, believe me. I have some sincere feelings for the alcoholic. I have some sincere feelings for the families of the alcoholics but what I object to, basically, is turning roughly \$5 million over to a state agency to fund some new and expanding programs of which I don't know anything about. There are some serious questions that I think this House ought to address themselves to before you vote on this tax.

First, there were three or four separate bills dealing with alcoholism and the treatment of alcoholism, preventative rehabilitation of the alcoholic and new and expanding programs that went through this House. Each bill was referred to a different committee. One went to the Judiciary Committee, one went to the Human Resources Committee, another one went to the Health and Institutions Committee, and I believe another one went to Taxation. Now, the only question I have is, if all of these bills deal with alcoholism and the treatment of the alcoholic, why were they split up and sent to different committees? I want an explanation for that, if I could have it from someone, and I would also like an explanation of the breakdown of percentages of expenditures of these funds, revenues.

Forty three percent of the money raised from this tax is going to support the replacement of Title 20 fund. Twenty three percent is going for new treatment programs, I would like to know what those programs are. I think I have a right to know. Twelve percent is going to the improvement of the existing programs; I would like to know what kinds of improvements they are going to make. Three percent is going to the training of alcoholism counselors and judiciary; I would like to know what that means, Mr. Laffin. I want some answers to these questions and I would seriously urge the House to consider these things before they vote for this tax.

I don't have any problems with the funding mechanism itself. I think people who drink, partake in the freedom of consumption of alcoholic beverages ought to take that risk, pay a little bit more, I don't have any problems with that, I just want to make sure that the money is expended in a proper manner so that the alcoholic gets the treatment he or she needs and deserves and that it doesn't get eaten up by the administrative bureaucracy at the state level. That is what I object to, Mr. Laffin.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I voted for this tax bill the other day and I did so knowing fully what it encompassed. I try throughout the year not to change my mind too many times, if it is at all

possible, on the same issue, but today I am going to change my mind. I am going to vote against this bill and I would hope you will join with me, at least the majority of you. The reason why I am changing is because if you will look into the Part II Budget, there is an extra \$100,000 in each year of the biennium for alcohol abuse. If you look at Senate Amendment "B" or "C", I can't remember which one it is, there is an additional \$170,000 in each year of the biennium, for a total of \$540,000 over and above what we had in Part I. The \$100,000 that we had in this year of the biennium was a 7 percent increase over what they received in previous years and I think most of you here realize that we tried to stay within a 5 percent limit if it was possible. It was through our good graces or pressure from the other body that we decided to include another \$100,000 in Part II. It was not our intent to add the extra \$170,000 in each year of the biennium. But, as the good gentleman from Westbrook has mentioned, the other body is telling us what to do and they did today, or they did last night by adopting Senator Conley's amendment.

While I have no problems with the intent of this legislation, I would much rather have this piece of legislation than I would the amendment that was put on and the funding that it is, because the people who are, in fact, using and abusing the drug are paying for it, but that is not the case, and I feel today that I am really between a rock and a hard place, and one way to solve that is to kill this bill. We have funded an extra \$540,000 in the budget, and that is about 20 percent more than they got last year. Every social program that falls under Title 20 was cut back, was squeezed, day care, all the ones that are under Title 20. I think we went out on a limb by giving them 7 percent and now we are saying we are going to give them 20 percent. Well, I guess I would have to say that that is enough. If the other body wants to tell us what to do, maybe they ought to try to tell us on some other issue but not on this one. I would ask you today to indefinitely postpone this and I would ask for the yeas and nays.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to point out to you that we are now spending \$3,261,274 on alcoholism. We have just added another \$540,000 in the Part II Budget for this program. I just think that even if we pass this bill, it is really kind of foolish of us to expect that, even if the Senate passes it, the Governor is not going to veto it when we have a surplus. What you are doing, you are putting a tax on people while we have a surplus to take care of this program, and to me, that just can't be justified, regardless of what the program is. I hope you will support the indefinite postponement.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: First of all, I think Representative Green raised a series of questions that I would like to try to address. The first one was procedural. I guess maybe it should have been taken up when bills were referred to committee if he had any problems in that area, and the question was, why were the various bills sent to different committees? Well, I think it is pretty clear that if you have a matter dealing with judicial sentencing, that that matter goes to Judiciary, and that is where that particular bill goes, and if you have a bill dealing with social programs of various places, be it Human Resources or Health and Institutions, it makes sense for that type of bill, when talking about a preventive program for alcohol and its abuse, that that kind of bill go to the committee that has the expertise in dealing with social problems, and that happened. When we deal with a taxation matter, and that was the bill

that we are dealing with now, which was the increase of the tax on alcohol to fund the program, then that bill goes to Taxation. That is why the various bills went to separate committees.

We specifically held up the appropriations bill and the taxation bill on a premise that if people had problems with the various programs that we are talking about, that they discuss those problems with those programs and those bills as they went through the legislative process. That didn't happen in the legislative process and those bills, the two bills that we are talking about, L. D. 946 and L. D. 1340, which are both funded under my tax bill, are now setting on the Senate Appropriations Table, having been approved by this body at least three times.

In terms of the new treatment facilities, 23 percent of the funds that would be raised under this particular bill would go to new treatment programs. Now, I can't tell Representative Green exactly where those particular programs are going to be, and I am not sure if he is concerned with the location or the type of programs, but there will be one quarter-way house, and two half-way houses, there will be one long-term shelter, there will be a program for women's alcoholism, there will be some correctional institution programs. Both programs will go through the same review process that alcoholism programs presently go through, and that includes a regional, there are five alcoholism regions in the state and these programs go through a review process on those councils, anyone can belong to those councils and those councils then elect memberships or boards of directors which have a review committee which review program proposals which are in their region. Then they also go through the Governor's, I don't have the exact wording for it but I believe it's the Governor's Program on Alcoholism and substance abuse, for review by that particular body. It is very similar, I guess, to the kind of review process that we put our Title 20 applications through.

In terms of the improvements of existing programs, I can tell you that some of that particular money will go to allow some of our present programs to be able to serve people that don't necessarily meet the low-income guidelines. That is one of the problems that we have with so many of our alcoholism programs today being funded by Title 20, that they only can serve people who meet the income guidelines, and very often people who have problems with alcohol don't reach those guidelines until they have lost everything, until they have reached the bottom, and that is very often the only time when our present programs can serve people who actually have real needs. So some of this 12 percent of improvements to existing programs will go towards allowing programs which are already working and functioning to serve the whole community instead of just a small segment of the community.

The next question was, what does training of alcoholism counselors mean? What that means is that there will be training available for people who are either involved in or want to be involved in alcoholism counseling. I think especially in alcoholism counseling the situation has been that the people who are most effective are those who have been through the problems of alcoholism themselves, either individually or with members of their family. And very often while those people may understand the kinds of conflicts that someone who is suffering from alcoholism has to go through, they don't necessarily have the skills in counseling, and this kind of money would be available to provide those skills to the people who already have the background.

In terms of money expended in the proper manner, I, too, want to make sure that this money is expended in the proper manner and I think that this legislation and the whole

package it represents probably has more of an evaluation process than any other bill that has ever been before this legislature. The tax bill has a two-year sunset period on it. After two years, this tax will go out of existence unless this legislature, after evaluating the programs that have been funded through it, decides that they have been worthwhile and they want to continue the tax.

The educational program has a very strict review process in that, I believe, 30 days after the legislation is enacted, they have to present a plan to, it was either the Health and Institutions or the Human Resources Committee, and then there is a report yearly after that.

The judicial program which is funded under this, which says that if you are convicted of a crime, a "C", "D" or "E" crime, and you are under the influence of alcohol, the judge can give you probation with the requirement that you are involved in a rehabilitation or an educational program, that also requires an evaluation process and requires a report from the evaluation procedure to be gone through.

I don't have any desire for tax money, whether it be alcohol or income tax, being poured away on something that isn't going to be worthwhile or that isn't going to help people, and this bill has some very strict requirements, probably the strictest requirements this legislature has ever enacted in making sure that we evaluate the programs and the funding in a two-year period.

In terms of the \$270,000, I did not put on the extra amendment and appropriation for that extra \$170,000 for ODAP, it was put on in the Senate, and as I remember it, I don't know that anybody made the motion for that amendment to be killed here in the House. I think what the situation is presently, that that extra \$170,000 is there for what the people who are involved in the program feel would be needed to continue existing programs at their existing level if this particular bill is not going to be passed. It does nothing at all to go any further to solve the problem of alcoholism, and if you are going to vote against this bill thinking that because we put that extra \$170,000 a year in the Part II Budget and you can go home and tell your people that you have anything for alcoholism, it just isn't true, I want you to know that. You are not doing one thing. None of these programs, the extra programs that we have been talking about, are going to be funded under that \$170,000.

The problem we got into is that there was a fear in the other body and with some people here that the alcoholism tax bill was going to be vetoed by the Governor and if that happened, this body or the other body might not be able to override it. The situation we are going to find ourselves in is that we are going to come back 10 days from whenever these bills are enacted, we are going to have a lot of vetoes to deal with and we are not going to have a chance for any choices. So the \$170,000 extra was put in if this particular piece of legislation was vetoed. I will make the commitment, and I have talked to the Office of Drug Abuse and Prevention on this particular matter, I will make the commitment that if L. D. 857, the alcohol tax is passed, and the supplemental budget is passed and the veto of that particular bill overridden, if one should happen, I will be perfectly willing to support and even sponsor legislation which would take out that extra \$170,000 from the Part II Budget when we come back here in January. There is just no other way that I know of to deal with it unless we happen to have the supplemental budget in front of us again to put a section on that particular budget that says "if L. D. 857 is passed, then this money would go back to the General Fund." If anybody else has any solutions, fine, but just don't let yourselves think that simply because we passed the Part II Budget and the Senate put on an amendment

that a lot of us didn't happen to like, that that is going to solve the problem of alcoholism. I see no reason to hurt the people that have that need just because we are a little bit upset that some Senator happened to put on an amendment that we didn't like, and that is what I see happening.

In terms of Title 20 money, I am not particularly happy with a lot of the Title 20 money and the Social Service money being used for alcoholism, and this particular piece of legislation will free up that Title 20 money which is so desperately needed by other programs; \$400,000 will be available in fiscal year 1978, over a million dollars will be available in fiscal year 1979. That is Title 20 money that is used for social service programs like homemaker programs, programs for children, child abuse, can be used for all kinds of social service programs. It is desperately needed by those programs all over the state and is presently being used by alcoholism programs, and this particular bill would free up that money and that money could go back into the other social service programs.

Before the question is asked, I will say that the Title 20 money will go through the same review process that Title 20 presently goes through, and that is through the review committees of the Human Services Council where they set priorities statewide.

I am sorry that I took so long on this, but there were many questions that were asked and I felt that at least at the very beginning, before we went any further, that they had to be answered, and I would simply ask that you vote against the indefinite postponement motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you support Representative Jalbert's motion to indefinitely postpone this bill.

I think Mrs. Najarian illustrated quite well that here we are in state government, we have somewhere around \$7½ million in surplus money and we are going to turn around and put another four to five million dollar tax out on the people of the State of Maine. I was in the legislature, I worked with Representative Norris, with Representative Ethel Baker from Orrington, when they put the first tax on alcohol or beer in this state to implement alcoholic programs. I have some personal experience dealing with alcoholic problems, as perhaps many of you people have in this building.

The thing that bothers me is the accountability in the programs that exist now. I don't believe there is one instance that Mrs. Post or anyone else can show where data is provided that now shows exactly what the programs are doing. In some areas of the state where you have alcoholic treatment centers, in my humble opinion, I think some are overstaffed and others are understaffed, and some are overfunded and others are underfunded. And what Representative Post is asking us to do this afternoon is have another L. D. 1994, throw \$5 million at a problem and not have the accountability of how the money is going to be spent and what the results are of \$3.6 million that the state is spending.

If I could feel comfortable, and I am just a legislator sitting in seat 121, that this three or four million dollars that is going to be raised would help the problems dealing with alcoholics, then I would be supporting where Mrs. Post is coming from, but I don't; I don't think the answers are available.

There are a number of people who lobbied hard for this bill, one was to put four or five million dollars into the programs, what programs? Educational programs or something dealing with drunk drivers? If you get caught for drunk driving, they are going to start a rehabilitation program. That, in my humble opinion, is a lot of nonsense. If you are going to

deal with the problems of alcoholics, you have to educate youngsters, and that is a difficult thing because you hire a teacher to talk about the social disorders of alcohol and they go home and their mothers and fathers are having a Tom Collins or a brew. I mean, it is a difficult problem to deal with, but I don't think that this legislature this afternoon should be pumping \$4 million for new programs. It is another L. D. 1994, that is all it is as I can see it right at the moment.

You know what we should be doing, and I know Mrs. Post is sincere in her efforts, we ought to have the Health and Institutions Committee, and I know this is an old bauble but it is a sincere offer, study the existing programs that we have today and find out what the accountabilities are, and if they are treating 25 people at one facility, how many repeaters? What continuity do they have in terms of treating alcoholics in Bangor versus Portland, versus Madawaska or even Eagle Lake?

We are all aware of what the problem is. The question is, should we be willing to throw \$5 million up in the air and hope that answers the problem? I don't think it does. I would hope you support the good gentleman's motion. There is money in the Part II, there is money in the Part I to handle the programs as they exist now; that may not even be a perfect answer. We are coming back again, we are going to be here next session.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not usually disposed towards voting for taxes; however, in this case, I find the burden of taxation being placed where it properly belongs. In the past, these rehabilitation programs have been supported by the General Fund. Their costs have been sizeable and borne by every taxpayer. We all feel that taxes are generally inequitably established. The people purchasing liquor today may be the ones benefitting from this program tomorrow.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond very specifically to some of the issues that were raised, especially by the gentleman from Bangor, Mr. Kelleher, and on the question of accountability and what data is available. Please be advised that there are reams of information, that data is available. Every quarter, the Office of Alcoholism and Drug Abuse gets reports on what has happened over three months of the year, and that data includes, I can see the gentleman isn't interested in the information; that data includes how many repeaters are at any particular facility, where people go by an ID code, they are depersonalized, but you can see that people move from facility to facility. It says how many total admissions there were and by which different kinds of facilities, and how much treatment different types people were getting, how many hours of detoxification were required in certain facilities, what was the average number of hours, how many people got that, how many people got individual counseling, group counseling, how many people got individual therapy, group therapy, how many people got Alcoholics Anonymous, and in all of these cases, you can find the average number of hours in every facility, the average number of hours in every region, the average number of hours throughout the state of each of these kinds of services, and the number of different times that people had this kind of service, and you can find out what their previous history was, what their reported, at least, drinking habits are, whether they were employed or unemployed at the time they came in, whether this pattern has existed over several admissions, what the general pattern of treatment

has been over the last three years, and if you look at that information, you will see that there has been a dramatic increase in the number of people being treated. You can also see relationships between the kinds of treatment and the kinds of outcome. Now, all of this is within the kinds of limits that anybody can measure in this kind of a program, but please don't be advised that the information isn't available. It is overwhelmingly available.

Otherwise, I would like to point out that one of the programs that is in L. D. 1340, having to do with the screening out of people who are, by the way, not only those operating under the influence but anyone committing a "D" or "E" crime under the influence of alcohol or in the context of alcohol, would undergo a review by officers for advice to the court on what the court ought to do for the disposition of these people. This scheme was not cooked up by any social service do-gooders; this was proposed by the judges themselves. They are saying, "Look, we don't have the time, we don't have the facilities to deal with this kind of problem. We need some advice on what to do." And that is one of the things that we won't be able to do if we don't pass this particular proposal.

Another proposal was before the House having to do with public intoxication and it being a crime. We found that we couldn't pass any legislation on that and right now we are back on the old complaints at least that police officers are not able to take anybody to any facility because there are no approved treatment centers. This bill provides for those approved treatment centers. So if your merchants are worried about the guys lying around on the sidewalk, tell them that you did something for them. Tell them that you did tax the booze that those people were drinking so that you could provide a facility to put them in.

To the gentledady who is a member of the Appropriations Committee, I would like to pose the question, why, if there is a surplus in our General Fund and if that is the way we ought to treat this situation, why the Part II Budget did not include that as an alternative? If it had, my song might be a little bit different today. The fact is that isn't before us, that is not a viable option. The option is either proceeding on a user fee through the alcohol tax or not at all. I certainly hope we do something.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would just like to briefly respond to some of the comments made by the good gentleman from Bangor, Mr. Henderson. That is that L. D. 1340, which is not the bill that we are presently discussing but it is an integral part of this overall package, was not thought up by the so-called social work do-gooders, as he puts it, but the judges themselves, because it would make their job a little easier. I am sure we as legislators could use a few more legislative aides around here to perhaps make our job a little easier too, Mr. Henderson. As far as your merchants in Bangor are concerned, we can go back home, if we vote for this tax, and tell them that we provided additional funds for the facilities to help the alcoholics. But you know something about these facilities, Mr. Henderson, the alcoholic doesn't have to stay. Ten days is the maximum for a lot of those detoxification units, but they don't have to stay, and a lot of them don't. A lot of them leave, get back on the street again. So where are you at that point?

I just want to say, and I won't speak too long on this because I am sure everybody here knows how I feel, but the title of L. D. 1340 is an act to reduce traffic accidents and fatalities by providing for the establishment of education and treatment programs for persons convicted of operating under the influence of alcohol. This came before the Human Resources Committee

and the title sounds nice, one of the overall parts of this package. You are going to reduce traffic accidents, but what they are going to do is hire 12 probation officers skilled in alcoholic counseling to work with the courts to refer people who might have a drinking problem, to facilities of which some are currently underfunded, understaffed, inadequate, or to some that are perhaps just the opposite. There is no standardization of treatment for the alcoholic in the State of Maine right now, and I don't care what anyone says on the subject.

I don't know how many places Mrs. Post has been into, but I have been into a lot of them myself. I have had a lot of personal experience in this area, and I can tell you, we have some real serious problems with the treatment of alcoholism in this state. I don't object to the funding of alcohol treatment by placing a tax on liquor; that is where it belongs. But what I do object to are some of these programs that they have in the overall picture. I am sorry, I apologize to the members of the House for not attacking these things as they came up, but I was under the distinct impression that the big one was the tax bill and that was when we would be getting into it all, which is what we are doing now.

I hope you support the good gentleman from Leiston, Mr. Jalbert's motion to indefinitely postpone this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: First off, to answer one question from the good gentleman from Auburn, Mr. Green. The concept in L. D. 1776 of the approved public treatment facility does allow, in fact and not in theory, the right of the treatment facility to restrain and to hold the person for treatment. It would change, the gentleman may shake his head, but all he has to do is read the law, and if he doesn't want to take the time to do that, fine and dandy, but it is in the law, and the reason that it wasn't done when we passed L. D. 1776 was that this same bill, or one very similar to this bill, failed at the same time and we didn't have the money to fund the approved public treatment facilities.

What Mr. Henderson from Bangor told you is the truth. There are records kept, and to be sure, in the treatment of alcoholics, there is a great deal of recidivism. In AA there is recidivism, and that seems to be the best sustenance for people who suffer from the disease of alcohol, but there is recidivism there. It is an insidious disease and it sneaks up on those of us who are afflicted by it quickly and from many many areas and places, so the idea that you can cure alcoholism is absolutely fallacious. You can arrest it by not drinking, but if a person is an alcoholic, they are always an alcoholic and they will be an alcoholic when they die. Whether they die of it or not depends on whether or not they abstain from drinking.

Now, the problem is out there. My good friend from Bangor, Mr. Kelleher, talked about some figures, talked about money, the problem is out there. In 1975 it was estimated that it cost business and industry \$52 million; that is what alcohol cost business and industry, \$52 million, in the loss of production of goods and services. Cirrhosis of the liver, a bias free indicator of alcoholism, is the ninth most frequent cause of death today in the State of Maine.

We have all gone along with this and we voted for it and we have felt good about it, but now to vote against it is not going to make the problem go away, it really won't. The problem will be out there. There was \$46 million expended for medical care in Maine in 1975 for alcohol related injuries and illnesses. Now, there is a hundred million dollars down the drain from the use of alcohol or the misuse of alcohol. I could go on with these statistics, but I think that everybody in this House agrees that the problem is with us.

With the programs that we are talking about today, and the funding of the programs that we are talking about today, we are talking about perhaps getting to some people before this problem proliferates. We are talking about getting to some of the youngsters in the schools. People say it won't work — it won't work. How do you know it won't work? With a hundred million dollar loss out there in this generation, it is certainly worth the gamble of \$5 million at this time to see if it will work. Nobody can tell me it won't work because it has never been tried. All we have ever done to address alcoholism is to take the poor soul who is ill and treat them after they got there. For the first time, we are trying to look at this from a prevention point of view. There is no question, in our schools — we passed legislation dealing with school children this session, we passed legislation to keep wine out of the grocery stores because one of our good members debated that the young fox could walk through the store and they would pick up that higher concentrated alcohol.

We do have a heavy increase in alcoholism and alcohol abuse in the schools and Maine does not have today a comprehensive alcoholism education and prevention program in our system. The problem is with us, and, God forbid, it is going to stay with us and we are going to be wrestling with it a long time, but I do believe, regardless of how the liquor industry feels, I do believe that it would behoove us today to attempt — and I couldn't agree more with some of the folks here that this is not the ultimate Utopian answer, this is simply an attempt to try for two years to see if we can address probably the most serious health problem that faces the citizens across the state.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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: Pursuant to House Rule 1, the Chair would inquire if there is any additional information to be offered to members of this body?

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

Mrs. BERUBE: Mr. Speaker and Members of the House: My concern is something which has not been addressed in the debate that we have heard and it is the income eligibility. Presently under the system, the household income of a family of four, husband and wife and two children, if it is over \$10,042, they are not eligible.

I think someone mentioned the fact that from this \$4.4 million or more they will keep some 12 percent to help this group of people which is above the income eligibility. Well, I am told that before they can become eligible, there will be a sliding fee scale, but that has not been determined yet and must be negotiated. I wish that had been taken care of before we vote for the bill.

For those reasons, I don't feel I can support this.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I have been responding to many of my people on this particular program since it came here to the House. L. D. 857, when they had the hearings in the Taxation Committee, many many of them were here talking on this particular bill because they realized the need of it. It went through the House, through the readings, through engrossment, and now for enactment, trailing in from the other body.

What confuses me more than anything else that I have seen take place in these last hectic days is the program that was so conceived and is now reaching the brink of enactment and somebody has turned against it. Somebody is willing to allow \$540,000 of appropriation money to be used to fight a program that is set up here in 857 that will pay for itself. I can't believe that this House will allow anything like this to happen, and I do hope you vote against the postponement of this item.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor of this legislation and I do have a few points that haven't been mentioned that I would like to mention to you.

We have spent the last four or five months together and we have talked about child abuse, we have ranted and we have raved about the problems with unemployment. You have talked about dropouts in the schools, and now I am beginning to think it might have been a joke. Here is a revenue source that brings \$22 million into the State of Maine and we have appropriated \$3 million for something I think everyone in this House will admit is a problem. It is not the Fish and Game Department where all of their revenues are dedicated, it is not the Highway Fund. We are all very happy to take the remainder of that \$22 million and spread it all around to all of our favorite programs, but I think if you know anything about alcoholism, you know it is central to all of those things that I spoke about when I first stood up, the child abuse, dropouts, unemployment, self worth. We need those programs in the schools, we need them in a very young age. It is not a program that says you shouldn't drink too much, it is a total mental health program that teaches young children how to deal with their problems, not how to use something to escape. We have gone through that whole period in the late sixties and it is still with us to a great degree, drug use, it is a drug and I think it is time that perhaps we really put our necks on the line. I don't think that my political future is in jeopardy if I vote for a one or two cent tax increase. I think the people of South Portland would be more likely to criticize me if I didn't, because my community and the community that I teach in are very well aware that they need funds for these various programs.

I ran a drug crisis center 10 years ago. I know what it was like to find help for people suffering from all kinds of drug abuse, and especially alcoholism. It is improving, and to stop now would be a horrible position for this House to take. I hope you will oppose the motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the L. D. 857 and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Beaulieu, Berry, Berube, Biron, Blodgett, Carrier, Carroll, Carter, D.; Carter, F.; Connors, Cote, Devoile, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Green, Hall, Higgins, Huber, Jacques, Jalbert, Kane, Kelleher, LaPlante, Lewis, Lizotte, Lynch, Masterton, Maxwell, McKean, Najarian, Perkins, Raymond, Rideout, Shute, Silsby, Torrey, Tozier, Twitchell.

NAY — Austin, Bachrach, Bagley, Bennett, Benoit, Birt, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kany, Kerry, Laffin, Littlefield, Locke, Lougee,

MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, McBreairty, McHenry, McMahon, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Rollins, Sewall, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Trafton, Valentine, Whittemore, Wilfong, Wood.

ABSENT — Ault, Bustin, Carey, Hobbins, Kilcoyne, LeBlanc, Lunt, Truman, Tyndale, Wyman.

Yes, 44; No, 96; Absent, 10.

The SPEAKER: Forty four having voted in the affirmative and ninety six in the negative, with ten being absent, the motion does 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.

The Chair laid before the House the following matter:

"An Act to Provide for the Restrictive Licensing of Certain Financial Institutions" (H. P. 474) (L. D. 580) (C. "A" H-627) which was tabled earlier in the day and later today assigned pending, shall the Bill become law notwithstanding the objections of the Governor?

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I would attempt to be as brief and concise this afternoon — it is getting late and the temperature seems to be getting higher around here — to welcome the gentleman from Dexter, Representative Peakes, to the now not so exclusive Governor's veto club, for L. D. 580 was sponsored by the gentleman from Dexter, Representative Peakes, and is, in the opinion of the Committee on Business Legislation, a meritorious proposal which passed this House with little or no discussion.

If we refer to the Governor's veto message in yesterday's House Advance Journal and Calendar, we are advised that the legislation is not needed, that it would further clutter our statutes with special interest laws. We are also informed by the Bureau of Banking that the present law is adequate in this area, and it was the opinion of the Committee on Business Legislation that if present law was adequate, based on the evidence, testimony presented at public hearing, then this bill would not have been passed out with a positive "Ought to Pass" Report.

I do not fault the Chief Executive of this State on his veto message, for, indeed, this is reflective, I presume, of his opinion on it. But I have read extensively today the testimony taken at the public hearing on L. D. 580. I have reviewed the written testimony which was submitted to our committee, and there are some very interesting similarities, as a matter of fact, some almost duplicative language.

At the public hearing on L. D. 580, way back on the 24th of May of this year, there was one single opponent by the name of John Donovan, Executive Vice President of Casco Northern Corporation, in which he testified that this is a real piece of self-interest legislation designed to inhibit the expressed wishes of the federal regulations dealing with banks and banking. There are no tangible benefits available to the public, nor can tangible evidences or benefits be proved. He also suggested that property damage and liability insurance are not incidental for banking activities but are closely related activities.

Mr. Hilton, Deputy Superintendent in the Bureau of Banks presented testimony which stated that existing legislation appears adequate to sufficiently restrict financial institutions from entering certain facets of the insurance business. Yet, L. D. 580 was introduced

at the request of the Maine Association of Life Underwriters for a very specific purpose, because that organization and related insurance people are very concerned about the potential deterioration of counseling and service, and that is of life and health insurance. They are also concerned that should the banking institutions of this state undertake the sales of insurance products other than credit and health plans, that they not be qualified in the areas of counseling, background and even education in those areas.

When this legislature enacted the new banking code with its broad definition of activities allowable to banks, under the supervision of the superintendent of banking, there was great concern within the industry that the expansion of insurance activities could be undertaken as "closely related activities" of financial institutions. In addition, it is contemplated that if financial institutions could avoid compliance with the insurance code by purchasing control of a licensed agency and thereby do indirectly what is not allowed to do directly, and that is the essential essence of L. D. 580. That is the brand new section of this law, and that is the very basis on which the Committee on Business Legislation reported this bill out with an "Ought to Pass" Report.

The insurance industry sees a serious and immediate need to clarify and, yes, strengthen the law with respect to the relationship of financial institutions and licensed agents and brokers. In addition, new entities are being organized which lack for definition in the insurance code. Remember that this legislature passed the insurance code before we passed the banking code. Therefore, L. D. 580 picks up the new organizations by definition, clarifies the intent of the existing law, closes the loopholes of control thorough employees and officers but continues to accept directors and trustees and grandfathers in whatever present activities are going on. It is on the basis of this testimony that the Committee on Business Legislation respectfully urges that rather than sustaining His Excellency, that you vote this afternoon to override his veto.

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

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and when I was first advised by Mr. Johnson of the Governor's office last Saturday that he was going to veto this bill, I was a little amazed since it does clarify his own industry, and I can only think that possibly, with the failure of his bill on the net rates, that possibly that this is a reaction to that.

If you would take the time to look at the bill, I would like to make it very clear that this would not affect what the banks are presently doing, even though credit, life and disability insurance is being sold in banks in connection with mortgages and auto loans and it is more expensive than what you can get similar insurance from your insurance agent. I think it is a healthy situation in that probably people would not buy the insurance and therefore it offsets the additional expense.

The problem I have, and I am not in the insurance business, is that when somebody has your mortgage, has your loan, and there is a certain imbalance, it is not an arm's length transaction when they say, well, how would you like some insurance on this? If you have a boat, how would you like some marine insurance? Do you have a dog? How would you like some protection in case your dog bites somebody? The possibilities are endless. I think that the insurance business is a highly specialized business and I think there is a big danger of people being overinsured, underinsured, by persons in other industries that do this as a part-time venture, particularly when you have a loss, when you have a death, you have an injury and

you go to your bank manager and he doesn't have the answers for you.

On Page 2, Paragraph C-2, in the middle section, it says "nothing in this section shall limit the activity of these organizations with respect to credit life and credit health insurance pursuant to Chapter 37, Group Health Insurance, authorized in Chapter 35 and group life insurance authorized pursuant to Chapter 31." So in effect, all we are really doing here is, because there is the possibility that the banking commissioner could allow the banks to go out and set up a desk within the banks and with the coverage of some of these branch banks and sell insurance, I think there is a big danger there and it would only add confusion to the real purpose of the bank, that being a financial institution.

I really think this is necessary. I passed out a statement and I don't know if you have read it or tossed it, but there is a real danger of a concentration of power from the banks to get into these other areas of insurance and I strongly feel that we should keep this business separate from the banks unless it relates directly to a loan or credit being extended.

I thank you and I hope you will support me in overriding the Governor's veto.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor. This requires a two-thirds vote of the House. 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 — Aloupis, Bachrach, Beaulieu, Bennett, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cunningham, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, McBreairty, McMahon, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Post, Prescott, Quinn, Rideout, Sewall, Spencer, Sprowl, Strout, Talbot, Tarbell, Theriault, Tierney, Torrey, Trafton, Valentine, Whittemore, Wilfong, Wood.

NAY — Austin, Bagley, Berry, Berube, Biron, Birt, Brown, K. L.; Bunker, Burns, Carter, F.; Connors, Cote, Cox, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Gauthier, Gill, Gillis, Gould, Gray, Hall, Jacques, Jalbert, Joyce, Lizotte, Lougee, Mackel, Marshall, Maxwell, McHenry, Moody, Morton, Peltier, Perkins, Peterson, Plourde, Raymond, Rollins, Shute, Silsby, Smith, Stover, Stubbs, Tarr, Tague, Tozier, The Speaker.

ABSENT — Ault, Bustin, Carey, Hobbins, Immonen, LeBlanc, Lunt, McKean, Norris, Palmer, Truman, Twitchell, Tyndale, Wyman. Yes, 86; No, 51; Absent, 14.

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

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 Mrs. Najarian of Portland, under suspension of the rules, the House reconsidered its action whereby the Resolution was passed to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-855) was read by the Clerk and adopted.

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

Mrs. Najarian of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-897) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 16 was taken up out of order by unanimous consent:

Petitions, Bills and Resolves Requiring Reference

RESOLVE, Designating 2 Bridges Over the Kennebec River in Skowhegan as the "Margaret Chase Smith Bridges" (Emergency) (H. P. 1807) (Presented by Mr. Whittemore of Skowhegan) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

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

Mr. WHITTEMORE: Mr. Speaker and Members of the House: I would like to say just a few words of why this was done. On August 4 of this year, we are having a Margaret Chase Smith Day in Skowhegan. Margaret Chase Smith has brought many honors to Skowhegan and we are very proud of her there. She has been in the Senate and Congress for over 30 years, she was the first lady to run for President of the United States and we feel that she has done a great job of putting Skowhegan on the map and we want to honor her in this way.

At first, she was reluctant to have these bridges changed; she was very much opposed to it. After it was done, she commented how beautiful they were and how proud she was of them, so we decided that on that day we would like to name these bridges after Margaret Chase Smith.

Thereupon, under suspension of the rules, the Resolve was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Joint Order — Relative to Committee on Veterans and Retirement Reporting out a Bill Regarding Funds to Cover State's Share of Retirement Costs (S. P. 570) which was tabled earlier in the day and later today assigned pending passage in concurrence.

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

Mr. TIERNEY: Mr. Speaker, I move that this Order be indefinitely postponed and request to speak to my motion.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that this Joint Order be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This is an order presented in the Senate in order to report out a new bill from the Veterans and Retirement Committee. I have discussed the issue with the Chairman of

that committee and with the gentleman from Nobleboro, Mr. Palmer, and they feel it is awfully late in the day to be reporting out a new bill from any committee, with the obvious exception of naming a bridge after Margaret Chase Smith. So I think we ought to indefinitely postpone this, and if problems do arise, there is no reason why we can't address them in the special session.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the Joint Order was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

House at Ease

Called to Order by the Speaker.

The Chair laid before the House the following matter:

"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; S. "A" S-362) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 18 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Establish the Maine Juvenile Code" (H. P. 1794) (L. D. 1894) which was Recommitted to the Committee on Judiciary in the House on July 6, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendments "A" (S-387) and "B" (S-388) in non-concurrence.

In the House:

Mr. Joyce of Portland moved that the House recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Joyce, moves that the House recede and concur.

The gentleman may proceed.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This Maine Juvenile Criminal Code, there have been two amendments put on here, one is in the form of a preamble, which you have on your desks, and it is S-387. I reviewed this with the Judiciary Committee Chairman, and I feel this will make the bill more palatable to us and we can go back and justify our stands to the people in our areas.

Also, Senate Amendment "B", which is S-388, puts in there the provision making bail available to juveniles, and we won't have to listen to that complaint between now and January. I urge passage.

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

Mrs. KANY: Mr. Speaker, I move we recede and ask to speak to that motion.

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

A vote of the House was taken.

Thereupon, Mrs. Kany of Waterville 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 Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: The amendment which I wish to offer, if the recede motion does prevail, has a filing number of H-914, and would allow for a jury trial for juveniles accused of crime. It just seems to me that it is a question of fundamental fairness, and such jury trials would be allowed for all classifications of crime. There appears to be no constitutional problem with the amendment as drafted. I have double checked with Judge Glassman this afternoon on this and, furthermore, I personally believe, checking with our State Constitution, that in fact, under Section 6, we have a de facto prosecution as opposed to a juvenile proceeding, therefore, it would be inherent in our sense of justice and with the language in our State Constitution to have a speedy public and impartial trial for anyone whose life or liberty was at stake.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise in opposition to this amendment because in principle I personally support the notion of jury trials in at least some juvenile proceedings. The Juvenile Commission recommended that jury trials be provided for "A" "B" and "C" crimes which would be public proceedings and not for "D" and "E" crimes, which under the proposed code would be private hearings that would not be open to the public.

Judge Glassman raised a constitutional question as to whether we could provide jury trials for the "A", "B" and "C" offenses and not for the "D" and "E" offences, and as a result of that and in view of the fact that the effective date of the code was being postponed until after the next session, we felt that in view of the complexity of the issue, we would not put that into the code and that it could be addressed in the interim period between now and the next session.

If we provide, as the proposed amendment suggests, jury trials for all juvenile offenses, "A", "B", "C", "D" and "E" crimes, I don't know at this point how that procedurally would be handled, in view of the fact that the district court is the juvenile court and the district court has no procedures for jury trials, so in order to have a jury trial, the case would have to be transferred up to the superior court.

I think that there is an important issue that needs to be addressed here and can be addressed, but I felt, and I believe that the committee felt, that in view of the fact that we were postponing the effective date, that this matter could better be addressed when we had the time to study it in detail and come back to the next session.

I would urge you to vote against the recede motion so that we could accept the code with the preamble that has been added in the Senate saying that changes will have to be made and with the section that provides that the Judiciary Committee will continue to study this between now and the next session. Then we could address the question raised by Representative Kany in a careful and thought-out manner and then present the recommendation to the next legislature.

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

Mrs. KANY: Mr. Speaker, Men and Women of the House: The amendment, naturally, calls for the jury trial to be before the superior court, and that is why I thought the proponents of the measure at this time wanted something like this to be enacted and then we could work out the procedural problems and other problems before the effective date, so that argument leaves me cold.

I see nothing wrong with enacting this if we believe this is part of our proper procedures, and if we are now treating juveniles more like

adults, I see no reason why they should not be entitled to a jury trial. I would hope the House would go on record in support of the recede motion and of this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House recede. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Burns, Carter, D.; Clark, Connors, Connolly, Davies, Dexter, Diamond, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Howe, Huber, Jalbert, Kane, Kany, Kelleher, Kerry, Kilcoyne, Lewis, Lizotte, Martin, A.; Masterman, McHenry, McMahon, Najarian, Nelson, M.; Pearson, Post, Prescott, Shute, Sprawl, Talbot, Tarbell, Tarr, Teague, Trafton, Valentine, Wilfong, Wood.

NAY — Aloupis, Bagley, Birt, Blodgett, Brown, K. L.; Brown, K. C.; Bunker, Carey, Carroll, Carter, F.; Chonko, Cote, Cox, Cunningham, Devoe, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Gould, Higgins, Hughes, Hunter, Immonen, Jackson, Jensen, Joyce, Laffin, LaPlante, Littlefield, Locke, Lougee, Lynch, Mahany, Marshall, Masterton, Maxwell, McBreairey, McPherson, Moody, Morton, Nadeau, Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Raymond, Rollins, Sewall, Silsby, Smith, Spencer, Strout, Theriault, Tierney, Torrey, Tozier.

ABSENT — Ault, Austin, Bennett, Berry, Bustin, Carrier, Churchill, Curran, Dow, Dudley, Elias, Gauthier, Hobbins, Hutchings, Jacques, LeBlanc, Lunt, MacEachern, Mackel, McKean, Mills, Mitchell, Quinn, Rideout, Stover, Stubbs, Truman, Twitchell, Tyndale, Whittemore, Wyman.

Yes, 53; No, 66; Absent, 31.

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

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The following papers appearing on Supplement No. 17 were taken up out of order by unanimous consent:

On motion of Mrs. Berube of Lewiston, the following Joint Order: (H. P. 1809)

WHEREAS, even though Title XIX of the Social Security Act (Medicaid) is a federal program, the State has some latitude for setting directions within the limits of federal law and regulations; and

WHEREAS, the Maine State Legislature could play a greater role in determining how the Medicaid program should be implemented, and to what extent various types of medical care and services should be covered under the program; and

WHEREAS, the total expenditures of state and federal dollars for medical care and services under the Medicaid program in the State of Maine increased from \$34,000,000 in fiscal year 1972 to \$90,000,000 in fiscal year 1977; and

WHEREAS, the State pays for roughly 32% of the total expenditures for medical care and services under the Medicaid program; and

WHEREAS, especially in light of the tremendous costs of the Medicaid program and the significant effect the program has on needy persons who receive medical care and services under it, it is thought to be appropriate for the Legislature to have a stronger policy-making role with respect to the implementation of the Medicaid program in the State of Maine; now, therefore, be it

ORDERED, the Senate concurring, that the

Joint Standing Committee on Performance Audit shall study the implementation of the Medicaid program in Maine by the Department of Human Services; and be it further

ORDERED, that in carrying out its study the committee shall evaluate both the medical care and intermediate care programs of the Department of Human Services, including at least an analysis of the principles, amount and process of reimbursements to providers of medical care and services under the Medicaid program; and be it further

ORDERED, that in carrying out its study the committee shall also determine which decisions about the Medicaid program should be made by the Legislature and which should be made by the Department of Human Services; and be it further

ORDERED, that the Department of Human Services, as well as any fiscal intermediaries under contractual services with the department shall cooperate with the committee to the fullest extent possible in carrying out this study; and be it further

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

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

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

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1810) recognizing that: Rodney Glidden, of Palermo, Maine, has achieved the high personal honor and distinction of Eagle Scout as a member of Troop 222

Presented by Mrs. Hutchings of Lincolnville.

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

An Expression of Legislative Sentiment (H. P. 1811) recognizing that: Scott Glidden, of Palermo, Maine, has achieved the high personal honor and distinction of Eagle Scout as a member of Troop 222

Presented by Mrs. Hutchings of Lincolnville.

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

An Expression of Legislative Sentiment (H. P. 1812) recognizing that: Daryl McKenny, of Palermo, Maine, has achieved the high personal honor and distinction of Eagle Scout as a member of Troop 222

Presented by Mrs. Hutchings of Lincolnville.

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

An Expression of Legislative Sentiment (H. P. 1813) recognizing that: Joseph Travis, of Palermo, Maine, has achieved the high personal honor and distinction of Eagle Scout as a member of Troop 222

Presented by Mrs. Hutchings of Lincolnville.

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

An Expression of Legislative Sentiment (H. P. 1808) recognizing that: Father William J. Kelly retired on June 15th, 1977 from the active priesthood after 48 years as a priest in the Diocese of Portland

Presented by Mr. McMahon of Kennebunk (Cosponsors: Mr. Mackel of Wells, Mr. Tyndale of Kennebunkport)

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

By unanimous consent, the preceding Orders were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Concerning Prosecution of Fish and Wildlife Law Violators Who are 16 Years of Age or Older" (H. P. 193) (L. D. 255) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mr. Burns of Anson, the House voted to adhere.

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplement No. 19 were taken up out of order by unanimous consent:

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 564) (L. D. 1890) reporting "Ought to Pass" New Draft (S. P. 590) (L. D. 1896)

Came from the Senate, with the Report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendments "A" (S-374), "B" (S-375), "C" (S-377), "D" (S-378), "E" (S-380), "F" (S-381), "G" (S-382) and "H" (S-389).

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

Senate Amendment "A" (S-374) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I wonder if someone would explain what Senate Amendment "A" does.

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

Mr. SPENCER: Mr. Speaker, this amendment clarifies the language in the transitional provision of Public Law 1977, Chapter 422, Section 3. I think what the problem is is that we changed the procedure for redeeming a tax lien and that it is not clear what the payments are prior to the effective date of those changes, and I really can't be more specific than that.

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

Mr. BURNS: Mr. Speaker, a parliamentary inquiry. Would it be possible to table some of these amendments as we go through and continue with the other amendments until we can get explanations of them.

The SPEAKER: The Chair would answer in the negative, that it is not possible to do that. However, it is possible to adopt and then to move reconsideration of them if there is a problem with them, if that is an acceptable procedure.

Thereupon, Senate Amendment "A" was adopted in concurrence.

Senate Amendment "B" (S-375) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, I would pose a parliamentary inquiry. Would this amendment, assuming it is adopted by both branches and signed into law by the Governor, repeal a bill or resolve that has been previously enacted by this legislature?

The SPEAKER: The Chair would answer in the negative.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: The reason I raised the question about this particular amendment, I don't know the reason for it being introduced. It talks about receiving and distributing surplus federal property, and as you well know — I am getting a motion here that perhaps the gentleman from South Portland has an explanation.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: As the result of a

Federal law that was passed, we must come up with a plan by the 14th of July which consolidates all of the federal surplus property under one single state agency. If we do not do that, then the Governor may adopt a plan to comply with the federal law. This particular amendment is the Governor's plan that he would institute if we fail to take action, and what it does, it takes the federal surplus property and it takes it out of the Department of Education and puts it under the Department of Finance and Administration. This does not include any of the school lunch or food programs. This only includes the federal surplus property like radio parts, old refrigerators and other federal surplus that comes into the State of Maine.

Further down the road, on October 14 of this year, the excessive surplus property program is being phased out by the federal government and the entire operation, I understand, over in East Winthrop, is being phased out and moved over to Hallowell, formerly the Stevens School, because it is costing us \$10,000 a year in East Winthrop for the rental of that property and we have some warehouse space.

I have checked this out personally, I have called Washington, I have talked with the Government Services Administration. It all seems to be very appropriate and above board and the logical direction for us to take.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from South Portland, Mr. Curran. The question is, from your explanation, Mr. Curran, I assume that what you are talking about is surplus federal property in terms of commodities and not surplus property in terms of buildings and facilities. Is that a correct interpretation?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from South Portland, Mr. Curran.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: It is as long as you aren't including food as a commodity. It is only the furniture, office supplies, that type of federal surplus. It doesn't include state surplus.

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

Mr. GREEN: Mr. Speaker, I would like to ask a question through the Chair to the gentleman from South Portland, Mr. Curran and that is, a section of this amendment says that the department is authorized and empowered through the Bureau of Purchases to acquire warehouse, allocate and distribute surplus government property to all recipients within Maine who have been or who may later be designated as eligible to receive such surplus property by the Congress of the United States or any other federal official empowered to make such determination, my question is, what determines eligibility?

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

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: The eligibility, in this case, is determined by Congress. It is generally state agencies at this time, towns, municipalities and non-profit organizations. It is all prioritized. They use a bumping system so that if a state agency, for example, wanted a jeep that they were going to retire, they would have first crack at it. From there, it would go to a municipality or town. It is done by that system. That is all established by Congress because we are talking about federal surplus,

not state surplus. If it is state surplus, you are talking about a whole new ball game where they would send a notice out to all agencies and say, is anyone interested in a file cabinet that is being declared surplus? They would have a chance to respond. If no one in state government wants it, then it goes up for bid out here in the parking lot.

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

Mr. GREEN: Mr. Speaker, Ladies and Gentlemen of the House: One further comment. I would like to ask him if armories are included in that?

Thereupon, Senate Amendment "B" was adopted.

Senate Amendment "C" (S-377) was read by the Clerk and adopted.

Senate Amendment "D" (S-378) was read by the Clerk.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would hope maybe that someone could explain this but as I read it, and maybe I am incorrect, does this say that the motorcycle helmet law will take effect immediately and not 90 days after we adjourn?

The SPEAKER: The Chair would answer in the affirmative.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: If I read this amendment correctly, then what we are saying is, that we passed a bill that said that helmets would be taken off the motorcycles 90 days after we adjourn and I was under the impression that was the position we were taking and I would move the indefinite postponement of Senate Amendment "D".

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

A vote of the House was taken. Thereupon, Mr. Goodwin 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. 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 South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I have to put you through this. As you will notice, it is a Senate Amendment, not a House Amendment. Basically, this is put on as the Statement of Fact indicates, that the amendment is to provide that the motorcycle helmet law take effect immediately in order to permit fact finding as urged by the Governor's Committee on Safety to begin immediately. That is a good reason. There are also other reasons why this is being put on. Although I decided not to do it, I do favor it.

I have had quite a few calls in the last month or two since the bike riding season has started. They have been from both bikers and police. One, from the bikers, they have indicated to me that they have a hard time trying to understand as many citizens do the parliamentary process up here. All they understand is the repeal law has been passed but they don't understand why they can't ride without a helmet. Many of them are doing just that. From the several police that I have talked to, they are kind of in a quandry because they know the bill has been passed. They see people riding without a helmet. They stop them. It is kind of a big hassle for them.

They get in a hassle with the riders, they say, well the bill has been passed, we shouldn't have to wear a helmet. They try to explain it is not in effect yet, etc. etc. It doesn't affect me because I have made the decision not to put my bike on the road this summer. I would hope that you would go along with this. I don't want to get into a big debate on the merits or demerits of the helmet law because we have already done that. We have passed it. I do think that there are many people out there that would like to ride now without their helmets. It is going to take effect 90 days after we adjourn. Of course, that means most of the season will be over for those bikers. They will be able to ride next summer of course. I think it is probably logical if we could take this off. It would give some of the statisticians a chance to start compiling some of the statistics so we can really see what will happen on this.

I would just urge you to not vote to indefinitely postpone this.

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

Mr. BURNS: Mr. Speaker, it is my understanding in the Constitution of the State of Maine that any law enacted that goes into effect prior to the 90 days after adjournment must be an emergency. If this is, in fact, placed onto this bill, would this make the entire bill an emergency enactor?

The SPEAKER: The Chair would advise the gentleman that the errors and inconsistency bill is an emergency enactor.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I am concerned about this amendment because I feel it sets a very dangerous precedent for the errors and inconsistencies bill. We have passed over 500 laws already this session which have been signed into law by the Governor. Every one of those bills had to receive at least a majority of this House. What this procedure does, means that any time the majority of the people want to put an amendment and that is all it takes is the majority on the errors and inconsistencies bill, that guarantees essentially an emergency enactor of a bill which we all felt would not take effect until 90 days after the legislature adjourns. Ladies and gentlemen, that is a drastic sideswipe. It has never been done as long as I have been here. I think it is totally improper. It is totally improper and sets an extremely dangerous precedent for all the laws we have. I feel very strongly, without getting into the merits of whether people should have helmets on or not, I do have strong feelings on that. I do feel it would be a very dangerous precedent and I hope we do indefinitely postpone this amendment.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Again, I am not going to get into all the merits as other folks have already stated they wouldn't, but the point is, is that this is the kind of thing that happens. This is the kind of thing that takes away the credibility of this body right here, this body meaning the House and the other body. This is not an error, nor is it an inconsistency. This is just an attempt to make a law that we had already passed to take effect 90 days after this House adjourns. This amendment is trying to put an emergency clause, technically it isn't, actually what it is saying is that it become effective immediately. I think that we should indefinitely postpone this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that Senate Amendment "D" be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kany, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lynch, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairey, McHenry, McKean, McPherson, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer; Peakes, Pearson, Peltier, Perkins; Peterson, Plourde, Post, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Strout, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Tozier, Trafton, Wood.

NAY — Biron, Connolly, Cunningham, Davies, Elias, Fowlie, Goodwin, H.; Green, Jensen, Kane, Kelleher, Kerry, McMahon, Nadeau, Spencer, Sprowl, Theriault, Valentine, Wilfong.

ABSENT — Austin, Boudreau, P.; Brown, K. L.; Bustin, Carrier, Devoe, Dudley, Gauthier, Gray, Hobbins, Jacques, Jalbert, LeBlanc, Lunt, MacEachern, Mackel, Mills, Mitchell, Quinn, Stover, Tarbell, Truman, Twitchell, Tyndale, Whittmore, Wyman, The Speaker.

Yes, 105; No, 19; Absent, 27.

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

Senate Amendment "E" (S-380) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I question the need for this amendment. I have no idea what it is all about. I asked the sponsor of the amendment and he didn't seem to know too much about it either. I am wondering what effect it might have on E. C. Jordan or any other company. It states something about landscape architects but it shall be lawful for a corporation to practice landscape architecture providing at least one third of the directors, if a corporation, or one third of the partners if a partnership are licensed under the laws of the state. I am wondering what is the story behind this amendment?

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: When the gentlelady got up to speak, I checked the particular bill. In the Statement of Fact, it is quite clear why there is a need for including this. We passed two particular bills in this session. They are inconsistent with each other. This particular amendment would clarify the language.

Thereupon, Senate Amendment "E" was adopted in concurrence.

Senate Amendment "F" (S-381) was read by the Clerk.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: This is an amendment dealing with the barbers bill that we had so much controversy about.

I would just like to ask a question through the Chair to someone on the Business Legislation Committee perhaps that could explain to me what the amendment does?

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

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

Ms. CLARK: Mr. Speaker, Ladies and

Gentlemen of the House: I will attempt to respond to the inquiry. The Statement of Fact reflects the purpose for this proposed Senate Amendment "F".

I received a note from the Senator who had received a note from the State Board of Barbers, which indicated that there was some confusion regarding the definition which had been obviously inadvertently left out. When the inquiry from a member of this House was made to me during the passage of the rather infamous barbering and cosmetologist bill about the definition contained in this amendment, I made an inquiry through the Office of Legislative Assistance upstairs and was assured at that time, admittedly, it was a hurried inquiry, whether this definition was incorporated in the current statutes and whether the passage of the originally numbered bill 578 and renumbered bill, whatever it was, would nullify that. I was given assurance, at that time, that this was incorporated and not replaced with the enactment of the other bill. Evidently, we found out since that it was. Therefore, here it is. This meets with the approval of the State Board of Barbers and all of the other people who have been calling.

Thereupon, Senate Amendment "F" was adopted in concurrence.

Senate Amendment "G" (S-382) was read by the Clerk and adopted in concurrence.

Senate Amendment "H" (S-389) was read by the Clerk and adopted in concurrence.

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

Mr. Palmer of Nobleboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-901) was read by the Clerk.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does two things both agreed upon by the Republican and Democratic parties with a little bit of housecleaning work. (1) if you look at the Statement of Fact, this amendment repeals the provisions requiring that political party state committees be elected during conventions. That is the first part of the amendment.

The second one allows committees and candidates from outside the state including the inational party committee to conduct certain activities in the state without having to file separate reports with the commission as long as the copy of their federal reports are filed with the commission.

Thereupon, House Amendment "A" was adopted.

Mr. Greenlaw of Stonington offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-904) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: This amendment attempts to clarify and correct two problems with a bill which I sponsored pertaining to the Board of Registration for Architects and Landscape Architects. Actually, what the bill did was provide for a registration procedure for landscape architects. In the first part of the amendment, there establishes a procedure for appointing those landscape architects to the board of registration. The problem was that the bill, as it was written and as it had been enacted by both Houses, said that the landscape architects had to be qualified to serve on the board. There are none that are qualified in the sense of being registered by the state so we had to set up a procedure whereby the Governor could appoint two landscape architects to the board before they are qualified by the board itself. What the first section of the amendment does is say that they shall be eligible to be qualified for admission.

The second section perhaps is a little bit more of a change to the present law than an error and inconsistency. What the second section does is

change the procedure by which the board could fill vacancies if the Governor didn't fill any such vacancy within a two month period. I think this is probably the only board that could fill its own vacancies if the chief executive failed to act. It seemed rather unnecessary and useless.

Thereupon, House Amendment "B" was adopted.

Mrs. Post of Owls Head offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-906) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This bill strikes out two sections of the errors and inconsistencies law which originated from the Department of Marine Resources. We had decided that we didn't want to put these two sections in the errors and inconsistencies because they were actually substantial changes in the law which should go to public hearing and which we wanted to deal with when we did the complete revision of the Marine Resources statutes.

Thereupon, House Amendment "C" was adopted.

Mr. Greenlaw of Stonington offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-907) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I don't know how to describe this amendment, whether it is an error, an inconsistency or a housekeeping measure or what.

Approximately a month ago, I was informed that the Town of Castine had a problem with transferring some monies in their school account to the general account. It was my understanding that the problem had been resolved by the Department of Education. Frankly, I think there was a breakdown of communication.

Late last week, I discovered the situation hadn't been resolved. Rather than ask to have a new bill introduced, it seemed to me appropriate that we could take care of it in the errors and inconsistency bill. This amendment was prepared at my request by the Commissioner of Education. I will just very briefly explain it so you will know what it is.

The past two fiscal years, the Town of Castine has raised the amount of money that they have been assessed by the uniform property tax through their town warrant. I don't know why it was done this way. It seems rather confusing to me. For some reason, this money was deposited in the school account. As the auditors went through the accounts of the Town of Castine, this came to our attention. What, in effect, was taking place is that there is a balance of some \$98,000 in the school account and a potential overdraft of roughly the same amount in the general fund account. It was the opinion of the Commissioner of Education that there needed to be a change in the statutes that allowed the Town of Castine to transfer this money from the school account into the general account. That is what this amendment does. I think it provides sufficient safeguards to make sure that the procedure is in compliance with all the state laws. I frankly apologize for having to introduce it.

Thereupon, House Amendment "D" was adopted.

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

House Amendment "I" (H-913) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, too, deals with helmets. I would like to explain this. As you remember a short few minutes ago, we killed the Senate Amendment dealing with helmets relating to motorcycles.

This amendment specifically deals with the

moped bill, which we have already passed and passed as an emergency measure. It was my understanding, as a co-sponsor of that bill, from the day one that that was introduced, that it was in the original bill that mopeds would be taken out of the section relating to the requirement to have helmets. It went through the amendment process and everything else. It came out as a committee amendment. I was still under the impression that because of the new classification that was set up that a moped rider would not be required to be wearing a helmet. We did pass this. We passed it as an emergency measure as I stated. If you remember, I haven't had time because I just found this problem out, that during the debate on the bill, the Representative from Portland, Mr. Jensen, introduced an amendment to the bill to require dealers to have helmets available for those people who wanted them, the assumption being, that in the bill itself, the helmets wouldn't be required for riders of mopeds but we wondered if a dealer or a person renting them out, if a person wanted to have a helmet, they could get one from that particular dealer or renter. It went along its merry way.

Then I happened to meet in the hall, a couple of days ago, an attorney from the Secretary of State's Office. He explained to me there was a little problem in the moped bill. Even though we set up a separate classification of mopeds, it was defined as a motorized bicycle in the definition capable of no more than 30 m.p.h. etc., etc. The specific language of the bill didn't delete motorized bicycles from the requirements that they had to wear helmets. I tried to check today with the attorney general. The people I guess were gone to Presque Isle at the hearings or something like that so I checked with Legislative Research and they were unsure as to what would happen because it is unclear.

What I have done is had this amendment prepared that would amend the chapter that we have already passed and the Governor has already signed into law and is now law to set up a separate classification of mopeds. In that chapter, this would appear that this section shall not apply to mopeds. Basically, what this does is it does allow people that will be using mopeds this summer to ride without a helmet.

I will admit and this is why I did not fight the previous Senate Amendment that the Representative from Lisbon Falls was correct that it was setting a bad precedent with the Senate Amendment and everything else. I have to admit that he was correct. However, this amendment, I feel, is a true error because I was under the impression and I feel that the majority of this House was under the impression that when we passed the mopeds that they wouldn't be required to ride with a helmet on. I have found since then that because of the wording of Committee Amendment "A" that we passed, that that is unclear so I am offering this amendment in good faith to do just what I thought the bill did all the way along.

Thereupon, House Amendment "I" was adopted.

Mr. Tierney of Lisbon Falls offered House Amendment "J" and moved its adoption.

House Amendment "J" (H-914) was read by the Clerk.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Under present law, as probably most of you know, the various members of leadership have the authority to hire a personal staff assistant. What this bill does is just to provide a little more flexibility in that process so that we could hire perhaps two individuals as long as the aggregate salary doesn't exceed that of one person. It just simply adds some flexibility and we hope to supplement this with a budgetary process at a later date.

Thereupon, House Amendment "J" was adopted.

Mrs. Najarian of Portland offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-916) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is, prior to the elimination of the executive council, the commissioners of the housing authority had to be approved by the executive council after the Governor made the appointment. What the errors and inconsistency bill does is simply removes the language "Executive Council" and doesn't leave any confirmation proceedings for the Commissioners of the Maine State Housing Authority. What this does is it would require that the Governor shall appoint the commissioners and they shall be subject to the review by the Joint Standing Committee on State Government and then confirmed by the Legislature. The reason for requiring confirmation by legislative committee is that these commissioners are responsible for the oversight of the Housing Authority, which has broad powers and duties including the oversight of \$150,000,000. It is, therefore, most important that these commissioners be qualified and responsible people. That is why they should receive confirmation by the legislature.

Thereupon, House Amendment "K" was adopted.

Mrs. Najarian of Portland offered House Amendment "L" and moved its adoption.

House Amendment "L" (H-917) was read by the Clerk.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The purpose of this amendment is to provide for use of the single phrase, "residential housing" or "housing project," in several areas of the Housing Authorities enabling legislation which now uses language that is inconsistent and confusing. The term "housing project" was redefined in legislation that was passed in 1975 to make it a more specific functional term, but then that term was not keyed into the other areas of the legislation where it should have been used. So this has led to some concern that the difference of the language may cause the story to have slightly different powers in each of the different areas, and this was not the intent, and the amendment should simply clarify this situation.

Thereupon, House Amendment "L" was adopted.

Mr. Gray of Rockland offered House Amendment "M" and moved its adoption.

House Amendment "M" (H-918) was read by the Clerk.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: Certain supervisory personnel in the Department of Mental Health and Corrections are required to live in state-owned housing close by the institution. Under current provisions, in addition to paying utilities, they are required to pay rent and maintenance. Promotion beyond the level of 23-E results in a decrease, because at that level they must pay rent based on 15 percent of the assessed value of the property. I am sure it was not the intent of the new pay plan to in fact promote an individual, saddle him with additional responsibilities and because of the current law have him lose salary in the process. This would eliminate rent and maintenance. However, personnel living in state-owned housing would continue to pay their own utility costs, as they would anywhere else.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am not sure I understood anything the good gentleman from Rockland said, quite frankly. Perhaps he could break this down and tell us exactly where this bill came from and why it is being introduced at this time and in this manner.

The SPEAKER: The Chair recognizes the

gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: This problem was brought to my attention first by the warden at the State Prison. This has caused considerable burden to personnel when they are promoted beyond the grade level. It was 21, then they moved it to 23-E, and the problem is, when they go beyond 23-E, the law says that they must pay rent and maintenance in addition to utilities. In fact, when they reach this pay level they find out that it usually results in a reduction in pay, and this has caused a considerable morale problem with certain personnel at the State Prison.

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

Mr. SPENCER: Mr. Speaker and Members of the House: I would like to pose another question to the gentleman from Rockland. It seems to me that what this amendment provides is that the employees will be charged the costs of the utilities for the houses, and I wonder how that helps the employee who finds himself above the grade level where the state is paying for his housing.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: In response to the previous question, if you refer to the Statement of Fact, the legislative intent in this is that this amendment will not result in additional charges to the state employees. In other words, they will continue to pay utilities but will not be required to pay rent and maintenance, as now is the case.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I am going to follow a time-worn precedent when I don't understand something and it is coming up in errors and inconsistencies at eight o'clock at night. Mr. Speaker, I move the indefinite postponement of House Amendment "M".

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that House Amendment "M" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

44 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

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

House Amendment "B" (H-921) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I am referring now to House Amendment "P", but it also will refer to House Amendment "Q", so I will explain them both at the same time. Under House Amendment "P", the Arbor Week that we enacted was placed into law whereby requiring the Governor to sign a proclamation each year in order to have arbor week set aside. This request, as well as House Amendment "Q", came out of the Governor's office asking that the law be changed just establishing a law whereby it will not require anybody in the Governor's Office to keep track of the time and allow anyone that wants to celebrate the day or the week.

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

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: I am speaking now just in reference to House Amendment "O". This amendment is not a correction of an error or an inconsistency. The Governor is trying to make a substantive change in a bill that had a unanimous committee report, passed both the House and the other body, was allowed to become law. Arbor Day has been a Governor's Proclamation for many years, and I want Arbor Week also to be proclaimed by the Governor.

In light of our ever increasing energy crisis and

air pollution, and the fact that wood is our only renewable resource, it deserves and needs the highest form of announcement it can get. If the Governor wants to make a substantive change in any law, he should do so by introducing a bill in the next session and let it go through the full legislative process. Needless to say, I am very disturbed and I am upset to think our Governor would try to do something like this.

Mr. Speaker, I move for the indefinite postponement of this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Sebec, Mrs. Locke, that House Amendment "P" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

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

House Amendment "Q" (H-922) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: For the same reasons that the gentlelady from Sebec moved the indefinite postponement of House Amendment "P", I am going to move the indefinite postponement of House Amendment "Q". It is a definite change in the law. It was attempted to have it introduced into the Judiciary Committee for the errors and inconsistencies bill, they refused to do it, and I feel this House should refuse to accept it. I hope you accept the motion to indefinitely postpone it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Farmington, Mr. Morton, that House Amendment "Q" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

63 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

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

House Amendment "R" (H-923) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is an inconsistency in the law. We enacted Chapter 442 and it has the exact reading as Chapter 425 does. So this just removes one of the laws. There would be no change in the law, just clearing up the law.

Thereupon, House Amendment "R" was adopted.

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

House Amendment "O" (H-920) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In the amendments to the tort claims act which went through this morning, in establishing the limit on liability and the insurance for state employees, the words "property damage" were used where we should have used the words "property damage or loss." We can't amend the bill that went through this morning because it doesn't have a chapter number, but by amending the original tort claims act, we are able to take care of that problem.

What this does is, it insures that the negligent state employee whose liability is limited to \$10,000 is protected both where there is physical damage to property and also where there might be a loss of income to someone.

Thereupon, House Amendment "O" was adopted.

Mr. Henderson of Bangor offered House Amendment "S" and moved its adoption.

House Amendment "S" (H-924) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is proposed by the Governor's Office and it is the consequence of a bill that we passed earlier, L. D. 224, having to do with deputy sheriffs and their duties and so forth. In that bill there is a line similar to the one that is under "Number 1, Sheriff's duties" and it reads in the bill which has now been signed that the sheriff shall act as the chief law enforcement officer of the county and shall be responsible and so forth. That prompted the State Police to inquire about whether the sheriff would then in fact be in charge of law enforcement in the county and if there were any conflict over jurisdiction, would he be superior, and the answer from the Attorney General was yes. As a result of this, the Governor's Office offered this amendment.

Many people in this House and my sheriff, among others, felt that that was now the case, that the sheriff is supreme within the county whenever there is a conflict over jurisdiction, but upon reviewing the law books, apparently that isn't the case, although many people believed it to be. I spoke to my sheriff who felt that it was the case and felt that it ought to be, in effect, that we ought to leave the law the way it is, that is the way we passed it this session, and there has been some concern expressed that if nobody has ultimate jurisdiction, there is confusion of jurisdiction and that could lead to tragedy in some cases with lack of coordination of law enforcement in a particular case.

The other side of this argument is that there may be cases where after an investigation has been conducted by the state police and local police, that a sheriff's department may come in and bump those people out. Now, I must say that regardless of what we do in this proposal, that may still be the case with respect to the sheriff and the local police as it is now. There is also the question of two county jurisdictions and who should be in charge.

Personally, I just want to give the relatively balanced view because, although I sponsored this, I am not an enthusiastic sponsor, I do think that there ought to be some fixed responsibility and in a county I feel that it is reasonable to have that fixed responsibility held by the sheriff, but I would admit, that was not the original intention of this bill although it is the consequence of it. Others will be speaking on it, so thank you, Mr. Speaker.

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

Mr. PEARSON: Mr. Speaker and Members of the House: I would like to pose a question through the Chair to the gentleman from Bangor, Mr. Henderson, and the question is: If you had suspicion of corruption in the sheriff's department, how would you deal with that with this amendment?

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would make it easier to investigate corruption in the sheriff's department, the amendment would. Because one interpretation of the bill that we passed was that the chief law enforcement officer in the county is the sheriff, and theoretically, I suppose, he could order anybody investigating him out of the way. I think that is impractical on a practical basis, but if you want to insure that sheriffs may be investigated without any interference from the sheriffs themselves, you would want to support this amendment.

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

Mr. GILLIS: Mr. Speaker and Members of the House: I would like to direct a question through the Chair to the gentleman from Bangor, Mr. Henderson. In essence what you are telling us is that the sheriff has jurisdictional authorization over the local police departments?

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

Mr. HENDERSON: Mr. Speaker and Members

of the House: As it is under the law, before L. D. 224 goes into effect, it has been signed but it is not in effect, under the current law, sheriffs are obliged to patrol the whole county. By statute, they are obliged to enforce all laws in a county, so that would mean under current law that if a sheriff felt that a municipal police force wasn't doing its job, the sheriff has an obligation to make sure the laws are enforced in that town and would have to go in. L. D. 224 modified that somewhat and just said that sheriffs may enforce the laws in communities that have organized police forces but they are not obligated to make sure that the laws are enforced. That is a little softer, and it basically says he doesn't have to mess around in Calais or any other place that has an organized police force, but he may. This would not affect that one way or the other; the amendment would not affect that relationship.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: In that the sheriff is the only elected law enforcement officer within this state and is the only one who is answerable directly to the voters, I believe that he should be the supreme law enforcement officer within each county and should know what is going on within that county. If he is not doing his job, there are ample provisions whereby he can be removed from office. Therefore, I would move the indefinite postponement of this amendment.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is a good amendment. If we do not put this correction in there, we are going to have a whole can of worms.

As for any concern that people raised here today about corruption, the Attorney General is really the Chief Enforcement Officer of the state and he certainly would step in and handle any problems in any law enforcement unit. In several places in the statute, the statute speaks directly to state police, giving them prime jurisdiction in homicides in about 99 percent of the state's area, and I think this is a good amendment and I urge, for the sake of good law enforcement, that you defeat the motion to indefinitely postpone.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Anson, Mr. Burns, that House Amendment "S" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 52 having voted in the negative, the motion did not prevail.

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

Mr. CARROLL: Mr. Speaker and Members of the House: I have a question, and that question is: Who is in command now?

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, there is esprit de corps there, cooperation, one depends on the other, and primary jurisdiction will rest with the local police department, and then when they need assistance in major crimes, they will turn either to the sheriffs or to the state police. There is no problem the way it is working now that I know of throughout the state, and it has worked for years that way.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I was present at a shoot-out in Limerick quite a few years ago, and part of the reason why certain people died at this shoot-out was the fact that they came through a barrier, came charging in without reporting to the officer

in charge, and my interpretation of the law at that time was that the county sheriff had complete charge of that. He had taken charge and arrived there, and nobody reported to him when they came there. They were coming from all directions. I don't want to see a repeat performance of that little act.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I did sponsor this request of the Governor's Office and that is why I voted to indefinitely postpone it, but I do want to clarify the answer to the gentleman's question. The answer is, nobody is in charge. I think it is fair to say that nobody would be in charge of any investigations or shootouts or whatever if all three or whatever police departments came on the scene. It is argued that maybe we ought to deal with that question in another bill at another time, but the fact is, if we do adopt this amendment, nobody will be in charge. If we don't somebody will be in charge.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: Having been a police officer for many years and having been chief of the department for many years, I was the Chief of Police in Rumford when the Limerick accident happened, and because of that incident, every department in the State of Maine set up a system where if any such thing were to happen again, the first department that was called to the scene of any accident or any crime was the department that would be in charge, and everyone, as far as I know, agreed to that. So the person in charge at the time that they get a call for anything, any criminal action, any accident, any incident, the department that is called first would be the one that would be in charge.

The SPEAKER: The Chair will order a vote. The pending question is on the adoption of House Amendment "S". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 56 having voted in the affirmative and 18 having voted in the negative, House Amendment "S" was adopted.

Mr. Jensen of Portland offered House Amendment "N" and moved its adoption.

House Amendment "N" (H-919) 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: This amendment was drafted by the Executive Director of the Maine State Retirement System at my request and with his concurrence. What the amendment does is, it grants any recipient of a state retirement check the ability to refuse a portion of or all of that check. Presently the law says he has no alternative.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: As far as I know that is correct. I have been trying to get hold of Mr. Gingrow of the Retirement System and I haven't been able to contact him. But Mr. Jensen had talked to me about this a couple of weeks ago and I then talked to Mr. Blodgett and he saw no problem at that time but he wanted time to check on it. He never did get back to me, but Mr. Jensen says that he is the one who drew up the amendment, so I have no objection.

Thereupon, House Amendment "N" was adopted.

Mr. Lynch of Livermore Falls offered House Amendment "T" and moved its adoption.

House Amendment "T" (H-925) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In the interest of saving

time, I would defer to Representative McMahon who also has an interest in this.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I truly apologize for bringing something that appears to be this complicated before you at this hour, but the whole situation has arisen within the last 48 hours and there was no other way to do it.

I have talked to many of you privately, I wish I could have talked to all of you, it has been an interesting day, but all of you with whom I have spoken I think understand what I am going to say to the rest of you. Because the hour is late and because I am kind of fuzzy-headed at the moment, I wrote down my comments so that I could present them to you in a logical way.

This amendment deals with the present law pertaining to school budget meetings and particularly that part of the law that addresses reconsideration meetings. For any of you that have Title 20 handy, you might want to look at Section 3752, which is the paper supplement, because this law was enacted last session. The present law requires that meeting moderators actually count the votes for or against each appropriation article on the warrant. Whether you have a line item approach or any other format, the requirement, the way this is worded in Subsection 6 of the law, requires the moderators to do that. Due to the wording of the present law, it could also even be interpreted to apply to municipal town meetings and municipal budgets, although it certainly was not intended to do so.

The current law provides that meetings to reconsider action taken by the previous meeting or to ask for an additional appropriation may be called if those meetings are requested within 30 days. This amendment does not change that at all. It in no way affects the ability of people to request a meeting to reconsider. However, it does change the procedure that is followed at those meetings. It is an important issue, it is a procedural change that I am proposing and not really a substantive one, although I think you might interpret it as both.

The law now requires that when a reconsideration meeting is called, the same number or more citizens must vote on each article as voted in the original meeting. The amendment makes the procedure to be followed at school budget meetings, conform more closely to the procedure followed at municipal town meetings. Some meeting moderators, this past spring, have ignored the provisions in the present law and definite problems are on the horizon. I will digress for a moment.

You are aware of Title 30 and municipal laws as they apply to your municipal town meetings, for those of you that live in towns that do not have charters and that operate under the general statutes in Title 30. If you come from a town meeting town or from an SAD, what I am talking about concerns you. If you come from a town that has a charter, what I am talking about has no impact at all on your situation.

You know as well as I, if you come from a town meeting town, that the usual procedure is for the moderator to call for a vote after the debate is over, and he will say, all in favor please rise, or raise your hands, all opposed the same, and then the moderator declares the vote. That is the time-honored way of doing things in Maine since statehood, and most of our old time moderators either did not know about this quirk in Title 20 or, if they did know about it, didn't understand it, and it is that quirk that we are addressing in this amendment.

At least one town in York County, the moderator ran the town meeting which was for school budget purposes according to the regular town meeting procedure, and did not follow the procedure required in this present law, which requires an individual counting of hands. That means that if there are 400 people present, the present law says, if the vote is 300 to 1, the moderator must have all

301 people counted, 300 here, one person there. Needless to say, that takes a tremendous amount of time and it is also inconsistent with the normal procedures followed at municipal meetings. So if you attended your budget meetings for school budgets, think to yourselves, was the procedure that I just described followed or not?

What does the amendment do? The amendment requires, number one, that there shall be a checklist; the checklist is the voting list, and when people come through the door, they check off their names. The amendment requires that there shall be one and that that check list shall be conclusive proof of the number of persons present at the meeting. It eliminates the requirement for the individual counting of the yes and no votes on each article. So in the event of a reconsideration meeting, the only requirement would be that the same number of persons or more be present at the meeting, and not that the same number of persons or more vote on each article, which the present law seems to require.

The adoption of this amendment will not affect requests that might be pending now under the present law for reconsideration. Those meetings could still be held, the only difference is the requirements for the individual count by the moderator and for the recording of individual yeas and nays would not apply. The moderator would simply follow regular town meeting procedures.

The amendment takes effect on January 1, 1978, and it should make the procedures to be followed at next year's school budget meetings much easier to follow in line with regular town meeting procedures and it will result in little or no confusion on the part of the moderator and the people present.

To digress again for a minute. You folks that come from town meeting towns know that the moderator, under the rules, will call for a vote. If the people present at the town meeting disapprove of the moderator's action, they will challenge his action, and the body can direct the moderator to do anything the body wishes him to do. We are not changing any of that. We are simply saying that it is unrealistic to expect our moderators in this state, many of whom have been moderating for 30 and 40 years, to be aware of these peculiar restrictions that exist in Title 20 and, in fact, exist in a section of the law that is entirely different. The section of the law that this present restriction is in pertains to reconsideration meetings, and yet the section itself pertains to all meetings.

The amendment simply repeals and replaces the two offending sections. At the same time, we do not at all destroy the concept that this body voted in the previous legislature wherein you have to have an equal number of people or more present to reconsider action taken at a previous meeting. We keep that concept, we simply change the procedures.

I would be happy to answer questions. This amendment has been worked on with the Commissioner of Education, the Attorney General's Office and the Mine Municipal Association. We hope that it is as perfect as anything can be up here. I do hope you adopt it. I will predict to you that if you don't, serious questions will result in those school districts where the moderators didn't follow this procedure, largely because they didn't understand it or didn't know it.

One final comment. The question might be asked, well, if we repeal and replace Sections 5 and 6 now but make the new Sections 5 and 6 take effect January 1st, what effect will that have on the reconsideration meetings? As I said a moment ago in the prepared text, it won't have any, except it does rule out that the moderator has to perform certain functions. Those meetings can still be held and a moderator would simply function according to the moderator's manual or whatever procedure the body directs him to follow. This is not a devious amendment. Those of you that I have spoken to, I think you will agree with me. In my view it is mandatory that we adopt it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This does amend language which I helped to introduce last year. I have gone over it. I think the amendment is a fine one and I certainly hope that you will go along with Mr. McMahon.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Kennebunk, Mr. McMahon. That question is this, if everybody who goes to a reconsideration meeting has to go through the door and be checked off on a voting list as they enter, in order to establish that there are an equal number or more people there as there were at the preceding meeting, what would happen if you had five or six articles that were going to be reconsidered and they were lengthy ones and say that the third or fourth article, 25 percent or half of your people left? Would the articles that you take up after that period of time be valid articles if there were not, indeed, still as many people or more as were there at the previous meeting?

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, the articles, of course, would be valid. The only requirement that we are proposing in the amendment and the only requirement that exists in the present law is that an equal or larger number of people attend the second meeting. Presumably, if you had people that were concerned enough to petition for a reconsideration meeting and, by the way, that must be done within 30 days of the regular meeting or else it can't be done. If you had people sufficiently interested to do that, under the present law, they would have to stay there and vote on each particular article. The situation the gentleman suggests could happen, more under the present law I submit than under the proposal that we are suggesting. Under the proposal that we are suggesting, they have the previous checklist from the previous meeting. If it shows that 300 people attended the previous school budget meeting, then 300 people or more must attend the second meeting. Whether or not people leave halfway through the meeting would have no bearing at all on the action under the amendment that we are proposing. Presumably, if they came for a reconsideration meeting, they would stay for it.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would point out to the gentleman from Kennebunk, Mr. McMahon, that there were a number of people who were interested enough to run for the state legislature but who are not here today.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from Kennebunk, Mr. McMahon. Correct me if I am wrong but Sanford is unique in that we have representative town meeting members. We do have a quorum. If one night we have 95 members and then we had a reconsideration meeting, even though we had a quorum but we had less than 95, we would then, under this amendment, not be able to attend to the facts?

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentleman's question, Sanford has a charter written in the 30's. It is my understanding that Sanford's town charter would have to be amended to spell out the budget format that the school directors and the selectmen together in Sanford would use. In absent, any amendment to the Sanford charter, none of this law applies to Sanford, either the present law or what we are proposing to do.

Thereupon, House Amendment "T" was adopted.

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

House Amendment "U" (H-926) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "U" would add two words "develop and build upon" into the penalty section of the subdivision law. This change was recommended by the Maine Municipal Association in light of a case, which I gather just came down, which pointed out that although the subdivision law prohibits people from developing or building upon lots in subdivisions, the penalty clause doesn't contain those two words. Although we have prohibited it, there is no penalty for it. This would make the penalty section consistent with the prohibition in the subdivision law.

Thereupon, House Amendment "U" was adopted.

Mr. Perkins of Blue Hill offered House Amendment "X" and moved its adoption.

House Amendment "X" (H-929) was read by the Clerk.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I have two amendments regarding the Maine Guarantee Authority. I would have to frankly admit to you right off that the only thing I am very familiar with the Maine Guarantee Authority is that it deals with monies lent. I would say to you that this H-929 changes the wording and adds into the wording of the lending of this a condition of economic feasibility under this section and this has been requested.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: A question to the gentleman from Blue Hill, Mr. Perkins. Obviously, we are repealing the last sentence of the present law of Title X, Section 702 and I would like him to tell us exactly what we are repealing.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: The sentence we are repealing and I will read it to you. "The Maine Industrial Building Authority is created to encourage the making of mortgage loans for the purpose of furthering expansion of such enterprises in the state." We are replacing it with this, "The Maine Guarantee Authority is created to encourage the making of mortgage loans by using economic factors to determine the probability of enterprises achieving the purpose of furthering the expansion of such enterprises within the state."

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Now, that the good gentleman has told me what we are repealing and what he is trying to replace it with, I am starting to get an understanding. Is the purpose of the amendment to limit the M.G.A. to only using economic factors in making its determination on what funds to lend to that extent excluding other factors such as the development in the area, the rate of unemployment, the whole myriad of various social factors which could be an element?

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: It is my interpretation that the whole economic feasibility would be studied in this area. While I feel it is an incomplete job, I feel it is an improvement over the other. It is my impression that the area of jobs, the theory or the formula of success of the business and the return of the funds lent are to be factors considered in the lending.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I gather from the good gentleman's tone and from some of his facial expressions that he is not entirely an expert in this area. I can assure you that I am not. I think it is clear that we are, in essence, limiting the hands of the M.G.A. in an area that I am not sure any of us fully understand, including the sponsor of this amendment. Again, following the principle which I followed earlier, I move the indefinite postponement of House Amendment "X".

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Before we do that, I would like to ask the gentleman from Lisbon Falls for a further explanation of why he is doing this because the other factors he mentioned that we couldn't take into consideration such as unemployment, item number one, is certainly an economic factor. What factors he is thinking about that wouldn't be economic that the Maine Guarantee Authority should be thinking about in placing of?

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this amendment adds very much. Economic factors are not very well defined. They could include a lot of things and exclude a lot of other things. If the idea is to present a policy or a balance or a weighing of certain items, I don't think this amendment does it. I know there has been controversy over if M.G.A. should be for jobs or for long run profitability or for what; I personally go along with the motion of the gentleman from Lisbon Falls.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentleman from Nobleboro, Mr. Palmer, I think it is time that each and every one of us ask ourselves precisely what we are doing with House Amendment "Y". That means this is the 23rd House Amendment and we have got some more to go. We should very seriously consider what we are doing when we are altering the fundamental procedures and the fundamental criteria that will be used by the Maine Guarantee Authority in granting loans. The answer is, I am not sure. We are dealing with issues which are obviously substantive, issues which have never been placed before us in bill form, issues which haven't had a public hearing. I think it is an extremely dangerous way to make legislation. I am being corrected. We are talking about House Amendment "X". House Amendment "Y" is the next one and I am going to move indefinite postponement of that too. I would say, ladies and gentlemen, that we should be extremely careful about making changes which we obviously don't fully understand at this hour. I am certainly not going to do it with my vote, especially when you consider that this is emergency legislation and whatever we do will be effective for all of the people of the State of Maine within a week.

I urge that we indefinitely postpone this amendment or any amendment that we don't fully understand.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I didn't introduce this amendment but I think that the good gentleman from Lisbon Falls is making a mountain out of a mole hill. The one sentence which is being repealed and I think when we look at the experiences we have had with some of the business experiences with the Maine Guarantee Authority, there may very well be a good reason for changing this. All it says is "the Maine Industrial Building Authority is created to encourage the making of mortgage loans for the purpose of furthering expansion of such enterprises in the state" That is what you are taking out. What you are putting in is a sentence which encourages us to make mortgage loans by using economic factors to determine the

probability of the enterprises, achieving the purposes of further expansion. I think it is about time we did take some economic factors into consideration. When we think about the bills we have had before this legislature one for example recently on the Pittsfield experience, where we are reimbursing the town of Pittsfield for the monies in lieu of taxes because of a loan which has some problems. There are other enterprises throughout the State of Maine that are having problems. Maybe the Maine Guarantee Authority should take into consideration some good, sound, economic factors when they make loans. I think that is all they are asking. It is not a great big problem. I submit that on the basis of what we have been doing up to this point in time with the Maine Guarantee Authority, perhaps we ought to look at economic factors.

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 pose a question to the good gentleman from Nobleboro. I would like to ask him for any evidence he has that the M.G.A. at the present time is not considering economic factors. I would assume that they would be.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: All I am referring to, Mr. Tierney, is a sentence which is being deleted. It simply says that it would encourage the making of mortgage loans for the purpose of furthering expansion of such enterprises in this state without regard to the fact of whether the enterprise can succeed or fail. All this simply says is, lets find out whether or not they can succeed or fail before we encourage more mortgage loans. I think it is a sensible amendment and I hope we won't indefinitely postpone.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think when we dealt with issues like this before, the word "environmental" has always been included too. I am wondering if this was deliberately left out. This is a very important change if that isn't part of it too.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Lisbon Falls, Mr. Tierney, that House Amendment "X" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 46 in the negative, the motion did prevail.

Mr. Perkins of Blue Hill offered House Amendment "Y" and moved its adoption.

House Amendment "Y" (H-930) was read by the Clerk.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: After the editorial, I would like to proceed and lend some more expertise in my area of the Maine Guarantee Authority and suggest to you that this amendment would clear up some ambiguity as regard to the funding of the Maine Guarantee Authority and also inserts the legislative process and the legislature in the funding which hasn't been there in the past.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "Y" is an amendment which I don't fully understand. I think I am in the same position as the sponsor but I may be doing him an injustice. The amendment was presented to me just before we came into session by Andy Brown from the Governor's Office. At that time, the third word in the amendment was "may." The Governor "may" transfer to that fund sufficient monies for the appropriate purpose from the state contingent account and so on. As far as I have been able to figure out, so far, and I haven't had time to really get into this in any great

detail, the current law sets up a mortgage insurance fund. It provides that if the guarantee authority or the industrial building authority needs additional monies to meet obligations, the current law provides that the Governor "shall" transfer funds over to the mortgage insurance account to meet those obligations, whatever they are. I was concerned that if we put the word "may" into the statute instead of "shall" that we might somehow be jeopardizing the status of the bonds of the guarantee authority because bond council might look at the word "may" and say that there was a question as to whether the Governor would transfer the funds if this mortgage insurance fund, whatever it is, needed additional money to meet its obligations.

I got a note after raising the question from Andy Brown which says: "Representative Spencer, the word 'shall' remains in the amendment, amending 10 MRSA, Section 802. Thanks Andy Brown. You ask good questions." The problem is that the word "shall" remains in the amendment but there is an "or". The "or" is that he "shall" transfer from the fund sufficient monies "or" request an appropriation from the legislature. If the word "may" would result in some uncertainty which somehow might jeopardize the guarantee authority and I am not sure whether it would or not, the word that he "shall do it" "or else" request an appropriation from the legislature, I think would strike the same fear in the heart of bond council if... What I am trying to say is that if there was a problem with "may", changing it to "shall" doesn't do any good because we still have that "or" about requesting an appropriation.

I would ask that the sponsor either reassure me that this would not be a problem or table until later in today and I will run out and try to make some phone calls and see if it would create a problem.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I am very obviously in an area that I have a lot of background and expertise in so I would only ask that the gentleman from Standish that my interpretation of this is that the word "shall" is in there and I will read it to him and ask if he still interprets it the same way. It says that the Governor "shall" transfer to the funds sufficient monies for the appropriate purpose from the state contingent account or from the proceeds of bonds to be issued as provided in this section or by requesting an appropriation from the legislature. I have no legal expertise but I would only say that if there were no proceeds from bonds, then he would well then come to the legislature. I don't think it is an "or" thing. I suspect that if there were no proceeds from bonds, then he will come to the legislature, hence, my explanation that the legislative process is inserted into this.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I move that this matter be tabled until later in today's session.

The SPEAKER: The Chair would advise the gentleman that tabling will table the whole bill.

Mr. SPENCER: Mr. Speaker, I move the indefinite postponement of House Amendment "Y" and then will go and make my inquiries and move reconsideration later if, in fact, there isn't a problem.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I was wondering if it wouldn't be much more appropriate if the gentleman would withdraw his motion, if the gentleman from Blue Hill would withdraw consideration of his amendment at this time.

Thereupon, Mr. Perkins of Blue Hill withdrew House Amendment "Y".

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

House Amendment "Z" (H-931) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Sorry folks, this amendment isn't too interesting either. Basically, all it does is to assure that revenue bonds would be evaluated in addition to all bonds which wouldn't be self-liquidating.

Earlier this session, we passed a bill asking the Commissioner of Finance and Administration and the State Treasurer to analyze proposed bond issues except those which would be self-liquidating which would be removed under this amendment.

Thereupon, House Amendment "Z" was adopted.

Mr. Devoe of Orono offered House Amendment "A" and moved its adoption.

House Amendment "AA" (H-932) was read by the Clerk.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: While I realize there are some serious problems with age and apprenticeship programs, I feel that in light of what appears to be about to happen in this legislature as a result of action taken in the other body earlier, that we are about to abolish mandatory retirement in the State of Maine. The legislation will read, "it is the intent of the legislature that discrimination based on age against any person who seeks employment or who is already employed shall not be tolerated." Perhaps this amendment is out of order. I also feel very strongly that this is a substantive change. This is the type of legislation which should have had a public hearing and doesn't belong in an errors and inconsistencies law.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I was approached to sponsor a piece of legislation which is House Amendment "AA" last September, which I think was nine months ago. This bill is directly coming from the cooperation of both the Maine AFL-CIO and the Great Northern Paper Company and a few other large industries that had ample opportunity to put this bill in as a bill during the regular session and they failed to do so. It may be a good bill but I think it is totally improper at this time and I would like to extend my skin to four in a row.

On motion of Mr. Tierney of Lisbon Falls, House Amendment "AA" was indefinitely postponed.

Mr. Hughes of Auburn offered House Amendment "BB" and moved its adoption.

House Amendment "BB" (H-933) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I present this amendment as Chairman of the Androscoggin County Delegation. It bears the rare imprimatur having been agreed to by the sheriff of the county and the county commissioners and all the members of the delegation who attended the meeting they had last week on this subject. That is quite a claim for it. We had a new sheriff in Androscoggin County who made the mistake of ordering the new uniforms he would need before he was officially sworn into office. He has been properly chastened and understands his mistake. We were informed by the attorney for the County Commissioners, who is the District Attorney, that it would be improper for them to pay that bill since it was not incurred properly. The County Commissioners want to pay the bill. The sheriff certainly wants them to pay it. He has paid it out of his own pocket and has borne that expense for the past six months. Everybody agrees, although mistakes were made and people should learn from those mistakes that the bill ought to be paid. It ought to come from the uniform account which is in the budget which we have passed as a legislature. This change will cost no more money. It simply will allow the commissioners to pay a bill they want to pay. As I say, all parties to the often disputatious conduct of county

government and Androscoggin County agreed that this is a good amendment. I commend it to you for adoption.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I can't resist this. "BB" isn't here.

Thereupon, House Amendment "BB" was adopted.

On motion of Ms. Clark of Freeport, the House reconsidered its action whereby House Amendment "N" was adopted.

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

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: The majority floor leader has stated multiple times already the reason for moving indefinite postponement. That would be my ultimate motion. While I hate to do this to my friend and colleague, Representative Jensen from Portland, House Amendment "N" is neither an error nor an inconsistency. It is, in fact, a substantive change in the policies in administrative procedures governing the Maine State Retirement System. As a matter of fact, it would be a very good bill to submit to the second regular session of this 108th Legislature.

Therefore, I move indefinite postponement.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I am just curious. I wanted to ask this question before and the hammer came down on it. Why would any person want to return part of their retirement check or not receive it?

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentlelady's comment, let me explain how this amendment came about. I had a constituent come up to me recently, attempting to get into a nursing home very close to me. What occurred was that in the process of trying to get him into the nursing home, he is in his late 70's or early 80's and simply unable to stay at home at this point, the problem is this, under current state law, regulations, or whatever, in order to get into a nursing home, a person's income has got to be something like \$503 per month, don't quote me on the figures. If a person's income is less than that, what occurs is that person applies to the state. The state takes his entire check, gives him \$25 for spending money and then covers the cost of him going to the nursing home. The state pays a total of \$503 per month for that individual to stay in a nursing home. The idea is that if an individual is earning more than that, he can go into a nursing home and pay for it himself without going through the bureaucracy or any administrative problems. What the nursing homes have done is they have set up a situation where somebody going into a nursing home, if they are a state patient, pays \$503 per month. The state pays it. However, if he is earning more than that, the state refuses to accept him. That individual must then pay another rate. You have a two-tier system, whereas a person who isn't a state patient is forced to pay \$600, \$700 or \$800. The particular constituent that I got involved with was such whose income didn't meet that. He was in the middle, has a tremendous problem, has no assets. I don't know what we are going to do with that individual if this amendment is, in fact, indefinitely postponed. Presently, within the retirement system law, there are provisions I believe for veterans and for teachers, retired teachers, to allow them to do something very similar to this. It is an amendment that was drafted by the retirement system executive director, with his concurrence, it would, in fact, save them some money, very possibly cost the State of Maine some money on a marginal basis within Health and Welfare but I don't believe it would be significant.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Portland very much for his explanation because the City of Waterville just lost such a court case with a gentleman who retired from the state prison as a guard and then went to work for the Waterville Public School System and retired again on Social Security and the two combined incomes put him over the limit. He is unable to get any aid at all. However, I think if you do pass this amendment, you will have to realize that it may end up costing you more in the long run because currently the man is getting a little over \$500.00 in retirement pay but his costs at the nursing home run around \$750.00 a month.

I would certainly support the amendment.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I support the amendment too. This is a problem that I have been aware of for quite some time in working with legislation dealing with nursing and boarding homes. There is quite a discrepancy between what the state pays for state patients in most nursing homes and what they charge for private homes. If you are in between what the state pays as a state patient and what you would have to pay as a private patient, you are just plain out of luck.

I submit to you that this is an inconsistency in the law because the law already takes care of some people, as Representative Jensen has said, they are able to do something, retired teachers or someone to disavow some of their retirement and I also submit to you that there is an inconsistency in the law because it is inconsistent, I think, that we, as a state government, should say that if you have this much money, we will take care of you or if you have that much money, you have to take care of yourself, but if you are in the middle, no one is going to be able to take care of you. I feel that if that isn't an inconsistency in our laws, nothing is.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I hesitate to disagree with the people who have spoken on this floor relative to this amendment. The fact is that it isn't an inconsistency and it has some nebulous, if not large, fiscal impact, whether it be a savings to the Maine State Retirement System and an increased unfounded liability, or unknown liability to the Human Services Program. I will bide by the decision of this House.

The SPEAKER: The Chair will order a vote. The pending question is on the adoption of House Amendment "N". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. Mr. Goodwin of South Berwick requested a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. It has happened to two of my constituents in Old Town. It is a real tragedy when it does happen and they don't have enough money to pay for it themselves and they can't qualify for help. I would ask you to adopt this amendment.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to address two points on this. First, I still believe

that this is an inconsistency in the law. I don't believe that it is intended for any of our laws to set up a class of citizens as we have done with the laws we have presently on the books. I don't believe, in the little time since Representative Jensen has told me about this amendment, I have tried to check into it somewhat and the way this is worded, that it is going to cost any more because it allows a person to not accept a certain amount of his retirement down to a point where he would be eligible. That would mean that the state would have to put in maybe one dollar or so for each individual just to make them eligible for that particular amount.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen: I have just gone through this with a close relative of mine, not my husband, but a very close relative, and I tell you it was awful.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I simply wish to point out that with the particular constituent that I have run into the problem with, what will likely occur is that he is in the hospital right now and he will stay there until we are able to find some solution. I would submit that a hospital bed that costs well over \$100.00 per day is certainly going to be a great deal more than any potential couple of dollars per month that this amendment would ever involve. I would suggest that the fiscal impact is going to be extremely minimal.

The SPEAKER: A roll call has been ordered. The pending question before the House is the adoption of House Amendment "N". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carroll, Chonko, Churchill, Connolly, Curran, Devoe, Dexter, Diamond, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Fowlie, Gillis, Goodwin, H.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Jackson, Jensen, Joyce, Kane, Kany, Kerry, Laffin, LaPlante, Lizotte, Locke, Lynch, Mackel, Mahany, Marshall, Martin, A.; Maxwell, McMahon, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Pearson, Peterson, Post, Prescott, Rideout, Rollins, Spencer, Stubbs, Talbot, Tarbell, Tarr, Tierney, Torrey, Trafton, Valentine, Wilfong, Wood.

NAY — Alopins, Berube, Birt, Carter, F.; Clark, Cox, Cunningham, Durgin, Garsoe, Gill, Higgins, Howe, Huber, Hunter, Immonen, Kilcoyne, Lewis, Littlefield, Lougee, Masterman, Masterton, McBreairty, McHenry, Morton, Nelson, N.; Palmer, Peltier, Perkins, Plourde, Raymond, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Teague, Theriault.

ABSENT — Austin, Bachrach, Brennerman, Carrier, Carter, D.; Conners, Cote, Davies, Dow, Elias, Gauthier, Goodwin, K.; Hughes, Jacques, Jalbert, Kelleher, LeBlanc, Lunt, MacEachern, McKean, Mills, Moody, Quinn, Stover, Tozier, Truman, Twitchell, Tyndale, Whittemore, Wyman, The Speaker.

Yes, 81; No, 39; Absent, 30.

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

At this point, House Rule 22 was suspended in order to conduct business after 9:00 p.m.

Mrs. Boudreau of Portland offered House Amendment "V" and moved its adoption.

House Amendment "V" (H-927) was read by the Clerk.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: This amendment corrects an error in the reapportionment of the City of Portland.

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

Mr. PALMER: Mr. Speaker and Members of the House: I would just like to inquire as to the error.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: In District 9, we had used Mayland Street and Mayland Street doesn't extend all the way as we had it in the reapportionment and if where they think the line of Mayland Street would be, it would have cut the convent right in two.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say that it seems to me like the gentleman from Nobleboro, Mr. Palmer, almost sounded like he was questioning the motives of the good gentlewoman from Portland.

Thereupon, House Amendment "V" was adopted.

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

House Amendment "W" (H-929) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The explanation of the amendment is contained in the Statement of Fact. This could be called the "errors and inconsistencies amendment to the errors and inconsistencies bill" and it is put together by the Committee on Second Reading, correcting all errors that had been uncovered to date that are correctable at this point. There are some other errors that will have to be corrected next year because the bills haven't been chapered yet.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to ask the gentleman from Anson, if there is anything in this five page amendment that has to do with county fairs?

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is the second time that I have had to answer a question in this regard. I answered it a little while ago to another amendment that I have put on and it is most emphatically "No".

Thereupon, House Amendment "W" was adopted.

Mr. Gray of Rockland offered House Amendment "DD" and moved its adoption.

House Amendment "DD" (H-935) was read by the Clerk.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to put in no uncertain terms what the intent of Amendment "M" is and the language may be so simple here that a lawyer might not be able to understand it but the purpose of this amendment is to accomplish what Amendment "M" was to accomplish, which was "indefinitely postpone."

Thereupon, House Amendment "DD" was adopted.

On motion of Mr. Burns of Anson, the House reconsidered its action whereby Senate Amendment "A" was adopted.

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

Mr. BURNS: Mr. Speaker and Members of

the House: Is there an explanation of this amendment now?

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am quite certain that this is an amendment that was created by some problems that developed in an inconsistency where the tax collector would actually have to pay one dollar out of his own pocket to file tax liens because of an error that had occurred, and if you can wait just a second, I will get the Chairman of the Committee.

Thereupon, Senate Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendments A, B, C, E, F, G, H and House Amendments A, B, C, D, I, J, K, L, N, O, R, S, T, U, V, W, Z, BB, and DD in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 21 were taken up out of order by unanimous consent:

On motion of Mr. Tierney of Lisbon Falls, the following Joint Order: (H. P. 1815) (Cosponsor: Mr. Palmer of Nobleboro)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Rule 36-A to read as follows:

36-A. Carry over of bills and resolves.

(1) Any bill or resolve introduced in the first regular session of the Legislature, whose subject matter is germane to the subject matter of the second regular session, may be carried over to the second regular session in the same status it was in at the time of adjournment upon written and signed request of 2/3 of the members appointed to the original committee of reference and the approval of the Legislative Council providing that the request is made at least 2 weeks prior to the final reporting deadline of the committee of reference.

(2) Any bill or resolve carried over must be reported out of committee no later than the 15th day of December preceding the convening of the second regular session in the even-numbered year.

The Order was read and pursuant to the rules, tabled pending passage and tomorrow assigned.

On motion of Mr. Tierney of Lisbon Falls, the following Joint Order: (H. P. 1814) (Cosponsor: Mr. Palmer of Nobleboro)

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 24 to read as follows:

24. Cloture; second regular session. All requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1 p.m. of the first Wednesday in November preceding the convening of the second regular session.

The Legislative Council shall review all requests for bills and resolves in order to ensure compliance with the requirements of the Maine Constitution, Article IV, Part Third, Section 1. The Legislative Council shall complete its review of all requests for bills and resolves by the 15th day of November. Legislators whose bills and resolves have been approved for introduction shall, within 15 days of that approval, transmit to the Director of Legislative Research sufficient information and data necessary for drafting.

All bills and resolves submitted for preparation to the Director of Legislative Research shall be introduced in the appropriate House, in complete final form, not later than 1 p.m. of the second Wednesday in January.

The Order was read and pursuant to the rules, tabled pending passage and tomorrow assigned.

On motion of Mr. Tierney of Lisbon Falls, the following Joint Order: (H. P. 1816) (Cosponsor: Mr. Palmer of Nobleboro)

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 22 to read as follows:

22. Departmental bills.

(1) No bill or resolve shall be introduced on behalf of any state department, agency or commission, except the Governor or Chief Justice, after the first day of December preceding the convening of the first regular legislative session. If the Governor has been newly elected in the November preceding the convening of the first regular session, a bill or resolve introduced on behalf of a state department, agency or commission, except the Governor or Chief Justice, shall be introduced within 30 days after the Governor is administered the oath of office.

(2) Each bill or resolve submitted to the Director of Legislative Research by an executive agency, department or commission for preparation shall clearly designate under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

(3) Bills or resolves prefiled under this rule shall bear the designation of the title, "President of the Senate" or "Speaker of the House" for purposes of introduction unless a member of the Legislature sponsors or cosponsors that bill or resolve.

(4) A bill or resolve may be filed on behalf of the Governor or Chief Justice under the title of "President of the Senate" or the "Speaker of the House" provided that the bill bears on its jacket the appropriate designation that the bill or resolve has been introduced on behalf of the Governor or Chief Justice.

(5) Any departmental bill or resolve filed after the first day of December shall be considered late filed. All requests for such late-filed bills or resolves shall be transmitted to the Legislative Council by the Clerk of the House or the Secretary of the Senate. The Legislative Council shall ascertain from the department the facts supporting introduction notwithstanding cloture and, if 2/3 of the Legislative Council approves, the bill or resolve, following preparation, shall appear on the calendar of the appropriate House, duly noted as having been approved by 2/3 of the Legislative Council and the document shall be received.

Was read and pursuant to the rules, tabled pending passage and tomorrow assigned.

The following enactor appearing on Supplement No. 21 was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

"An Act Making Additional Appropriations for the Expenditures of State Government, to Make Allocations from the Highway Fund, Title II of the Public Works Act, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 588) (L. D. 1895) (S. "B" S-369; S. "C" S-370)

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

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to state for the record a matter of legislative intent on a particular section of this bill dealing with state employee pay increases. It is the intent of the legislature, on this particular matter, that the increases contained herein shall be sufficient for the first year of the biennium and that negotiated settlements shall not contain amounts of money through a retroactive clause

which would come back in the first year of the biennium.

The SPEAKER: This being an emergency measure, according to the Constitution, it requires a two-thirds vote of all the members elected to the House. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

115 having voted in the affirmative and 6 in the negative, the Bill was passed to be enacted, as an emergency measure signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 20 were taken up out of order by unanimous consent.

Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Allow Water Utility Rates Under Bond" (S. P. 79) (L. D. 187)

Report was signed by the following members:

Mr. CARPENTER of Aroostook
— of the Senate.

Mrs. TARR of Bridgton
Messrs. LUNT of Presque Isle
CUNNINGHAM of New Gloucester
KELLEHER of Bangor
McHENRY of Madawaska
WOOD of Sanford
PEARSON of Old Town
— of the House.

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

Report was signed by the following members:

Mr. COLLINS of Aroostook
Mrs. CUMMINGS of Penobscot
— of the Senate.

Messrs. NADEAU of Sanford
SMITH of Mars Hill
BERRY of Buxton
— of the House.

Came from the Senate, the Bill and Papers Indefinitely Postponed.

In the House: Reports were read.

On motion of Mr. Kelleher of Bangor, the Bill and all its papers were indefinitely postponed in concurrence.

Non-Concurrent Matter

Bill "An Act to Encourage Energy Conservation by Means of Reform of Utility Rate Designs" (H. P. 1553) (L. D. 1774) which was Passed to be Engrossed in the House on May 19, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-152) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service" (H. P. 650) (L. D. 794) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-254) as Amended by House Amendment "B" (H-287) in the House on May 10, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-134) in non-concurrence.

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

Non-Concurrent Matter

"An Act Concerning Displaced Homemakers" (H. P. 700) (L. D. 842) (H. "A"

H-620 to C. "A" H-599) which was Enacted in the House on June 21, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-599) as Amended by House Amendment "A" (H-620) thereto and Senate Amendment "A" (S-367) in non-concurrence.

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

By unanimous consent, all matters were ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Bill "An Act to Prohibit the Practice of a Mandatory Retirement Age" (H. P. 1310) (L. D. 1634) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-736) as Amended by House Amendment "A" (H-759) thereto in the House on June 22, 1977.

Came from the Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-376) as amended by Senate Amendment "B" (S-384) thereto in non-concurrence.

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

On motion of Mrs. Trafton of Auburn.
Adjourned until nine-thirty in the morning.