

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

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

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**Senate Confirmation Session  
September 16, 1977**

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KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Friday, July 8, 1977

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

Prayer by the Reverend Bruce Meyer of the Price of Peace Church, Augusta.

The journal of yesterday was read and approved.

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

**Non-Concurrent Matter**

Bill, "An Act to make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 590) (L. D. 1896) which was passed to be engrossed as amended by Senate Amendments "A" (S-374), "B" (S-375), "C" (S-377), "E" (S-380), "F" (S-381), "G" (S-382), and "H" (S-389); and House Amendments "A" (H-901), "B" (H-904), "C" (H-906), "D" (H-907), "I" (H-913), "J" (H-915), "K" (H-916), "L" (H-917), "N" (H-919), "O" (H-920), "R" (H-923), "S" (H-924), "T" (H-925), "U" (H-926), "V" (H-927), "W" (H-928), "Z" (H-931), "BB" (H-933), and "DD" (H-935) in the House on July 7.

Came from the Senate, passed to be engrossed as amended by Senate Amendments "A" (S-374), "B" (S-375), "C" (S-377), "E" (S-380), "F" (S-381), "G" (S-382), "H" (S-389) and House Amendments "A" (H-901), "B" (H-904), "C" (H-906), "D" (H-907), "I" (H-913), "J" (H-915), "L" (H-917), "R" (H-923), "S" (H-924), "T" (H-925), "U" (H-926), "V" (H-927), "W" (H-928), "Z" (H-931) and "BB" (H-933) in non-concurrence.

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

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:

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 Senate today again Failed to Finally Pass 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).

Respectfully,

Signed:

MAY M. ROSS  
 Secretary of the Senate

The Communication was read and ordered placed on file.

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

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

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.

Thereupon, Mr. Palmer of Nobleboro requested a roll call vote.

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

A vote of the House was taken, and more than

one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

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

**Finally Passed  
 Emergency Measure**

RESOLVE, Designating 2 Bridges Over the Kennebec River in Skowhegan as the "Margaret Chase Smith Bridges" (H. P. 1807) (L. D. 1897)

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. 117 voted in favor of same and 9 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**Enactor  
 Reconsidered**

"An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled" (S. P. 440) (L. D. 1531) (C. "A" S-186)

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

On motion of Mrs. Kany of Waterville, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted, and on further motion of the same gentlewoman, the Amendment was indefinitely postponed in non-concurrence.

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

House Amendment "A" (H-899) was read by the Clerk.

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

Mrs. KANY: Mr. Speaker and Members of the House: The purpose of this amendment is to include all disabled persons age 55 or over under the provisions of the bill. This item is within the elderly householders tax and rent refund program, and the dollar amount which was on the committee amendment reflected the number of persons eligible and an appropriation necessary before the Part II Budget lowered the threshold to 10 percent, and the threshold being a percentage of the property tax or rent in relation to household income, and this would clarify, and assuming passage of our Part II Budget, this would then put a proper appropriation on the bill, as well as including all disabled persons, not just widows and widowers over the age of 55.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that we are getting in the final moments here, but is this the right L. D. number that we are talking about. According to my book, it is

The SPEAKER: The Chair would advise the gentleman that the Clerk has just informed me that neither the computer nor engrossing caught the error. The original document is L. D. 1531 rather than 1534. It is covered by the present engrossed copy. It is a bill to lighten the burden of property taxes on the elderly, widowed or disabled.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

**Passed to Be Enacted**

"An Act to Amend the Maine Criminal Code and Related Statutes" (S. P. 574) (L. D. 1892) (H. "A" H-905; S. "A" S-360)

"An Act Concerning Displaced Homemakers" (H. P. 700) (L. D. 842) (S. "A" S-367; H. "A" H-620 to C. "A" H-599)

"An Act Relating to Suitability of Employment" (H. P. 764) (L. D. 903) (C. "A" H-532)

"An Act Concerning the Operating Expenses of Public Utilities" (H. P. 836) (L. D. 1009) (C. "A" H-255)

"An Act to Prohibit the Practice of a Mandatory Retirement Age" (H. P. 1310) (L. D. 1634) (S. "B" S-384 to S. "A" S-376)

"An Act to Encourage Energy Conservation by Means of Reform of Utility Rate Designs" (H. P. 1553) (L. D. 1774) (S. "A" S-152)

"An Act to Establish the Maine Juvenile Code" (H. P. 1794) (L. D. 1894) (S. "A" S-387; S. "B" S-388)

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

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

The following Communication:  
 STATE OF MAINE  
 ONE HUNDRED AND EIGHTH  
 LEGISLATURE  
 COMMITTEE ON JUDICIARY

July 6, 1977

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

The Committee on Judiciary is pleased to report that it has completed all business placed before it by the 108th First Regular Session of the Maine State Legislature, and reports the following:

Total number of bills received	161
Unanimous reports	131
Divided reports	30
44 bills were given Leave to Withdraw	
4 bills were referred to other Committees	
3 bills were recommitted	
3 studies were recommended by the Committee	
39 amendments were prepared and	
32 new drafts	
Public hearings were held on 51 Legislative days.	
The Committee held working sessions on 61 days and on 16 evenings.	

Respectfully,

Signed:

RICHARD A. SPENCER  
 House Chairman

The Communication was read and ordered placed on file.

**Orders**

On motion of Mr. Carey of Waterville, the following Joint Order: (H. P. 1817) (Cosponsors: Mr. Davies of Orono, Mr. Brenerman of Portland, Mr. Immonen of West Paris)

WHEREAS, the overall tax structure in Maine is regressive, which means the higher income person often pays a smaller percentage of his income than the low income person does; and

WHEREAS, the State has enacted many tax exemptions which provide relief to persons whether they need that relief or not; and

WHEREAS, the State has largely ignored tax rebate programs which can be tailored to go to those Maine citizens most deserving of assistance; now, therefore, be it

ORDERED, the Senate concurring, that the

Joint Standing Committee on Taxation study the methods and experience of the New Mexico tax rebate system which is designed to equalize the tax burden of low and high income persons; and be it further

ORDERED, that the committee also investigate the basic question of whether Maine should pursue tax equity through rebates or through exemptions; 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 Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Once again, I am going to oppose an order for numerous reasons, one being that we now have 29 on the table in the Senate and the problem we are going to have in funding these orders is going to be very extreme. I am sure. But this particular one, I want to address in spite of my great respect for the gentleman from Waterville, and I do respect him very highly.

I have read the order, and this morning in my office for just a few moments, I picked up three documents which every legislator here has received this last year at one time or another. One is, is the State Valuation Accurate? That particular report, the Ford Foundation gave \$15,000 and this legislature appropriated \$25,000 more, for a total of \$45,000 for that report. I have one here, A Tax Policy of Maine, An Idea Whose Time has Come, the Governor's Task Force, you have all seen it, I don't know how many have read it, but it contains most everything that is in that order. I have one here, A Progress Report on Maine State and Local Tax Structure. There are three right there, and I probably could spend some more time and bring some more in here, and I challenge anyone in this House to say they have read those three. I would guarantee to you that everything mentioned in that order at one time or another has been addressed in one form or another in any one of these reports. This represents, I believe, close to \$70,000 worth of studies that have been made on the tax structure of Maine in the last year or year and a half, and we all have these reports available to us.

It just seems to me that we are now asking to pass another order which is duplicative, which is unnecessary, and I believe that we have to, at some time or another, face up to the situation and just can't keep passing orders that are going to cost thousands of dollars to address the same subject we have been addressing for years and years in this House, and particularly, these three that we have had this last year are available to every one of you and the Taxation Committee, so I oppose this order, I oppose its passage and I move the indefinite postponement of the order.

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

Mr. CAREY: Mr. Speaker and Members of the House: I understood the gentleman from Nobleboro, the Wiscasset area, to say he opposed this order because there are 29 on the Senate table already, and I am wondering if he opposes it because 29 is the magic number for orders that should be resting on the table someplace, or maybe if he had spoken a little sooner, we could have cut off the number at 18 or 15 or 10. It seems strange that he would oppose a study of exemptions when he, himself, has probably one of the most expensive exemption bills resting on the table on the other side of the hall.

He mentioned the study on state valuation, he mentioned the study on tax policy and there were three on tax policy, and he questioned if anyone here had read them all. I would point out to him that part of my job being on the Taxation Committee demands that I read all three of those as well as other material, and I have read all three of those as well as other material and none of them did, in fact, address themselves by majority to the rebate system.

I would also like to point out to the gentleman that as a municipal officer, we have been steadily eroding the tax base, the only tax base that municipalities have, the property tax exemption base, and if there is anything that we need at all, it is a study. And what this order does is simply do what 14 or 15 other states in the country are doing, they may very well be getting away from the exemption type thing where exemptions have actually no concern for whether or not you deserve it because of your income or what have you and going into more the rebate system. We had a bill in front of us that was presented by Representative Davies and others that talked about rebates, and we could not make the determination to pass that bill in Taxation for a very simple reason, that we have committed ourselves to being a state based on the exemption procedure. New Mexico has started going towards the rebate approach. Now, that is an extremely drastic change, and if you look at some of the orders that are resting over there in the other body and compare them to the importance of this thing and the amount of money that this one could very well mean, I would assume that you would say that this one would have an extremely higher priority than many of the 29 that are on the other side of the aisle.

I think the gentleman is wrong. He may misread something into this thing and I certainly hope he doesn't. It is a pure and simple approach — are we going about things the wrong way? Are we exempting things when we should be getting into the rebate process? This is what the Taxation Committee has got to study before we get into any more of these exemptions. The Taxation Committee, obviously, has been known as the exemption committee, and we have got to have some direction, and this problem has not, as the gentleman falsely thought, been approached or addressed.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Just a brief response. No. 29 is not a magic number with me. As a matter of fact, I have opposed some of the 29 that are on the table there and would oppose more, but I believe I have been the only one in leadership to stand to oppose some of these orders, even though leadership agreed at the outset of this session that we couldn't have as many study orders as we had the last time, and I believe they cost us in the vicinity of \$170,000.

I do not say that this is any worse or any better than any other order, I am only opposing it on principle because I know, I realize that there is in your possession at the present time many reports that have never been read that have addressed the same subjects we are asked to address at this particular time.

I do have great respect for the gentleman from Waterville. I still believe that there are many areas in these three studies I have pointed out to you which have addressed this problem, but I would submit to you that the Joint Standing Committee on Taxation is well able to address the subject of exemptions and rebates in their own deliberations during the first session of this legislature and during the second session. I think they can do it and give it and give it some continuity as they consider various bills.

I realize that I have an expensive bill on the table in the Senate and it has nothing to do at all

with my favoring or opposing this particular order, because that will live or die on the basis of whether or not we have the money or the Taxation Committee feels that it is a sincere effort to do something for the jobless people of this state.

I still believe, however, that we have been and we do, along toward the end of the session, pass orders which have been passed over and over again, and I think sometime we have to face up to that situation and say no. I still have respect for the gentleman and for his disagreement with me on this particular matter, but I believe we should say no once in awhile, and I think the legislative council is going to have to do some soul searching and some deliberating when they take these orders and try to determine how much money is available for the funding of all these orders, many of which have been addressed many many times in the past, and that is why I oppose this particular order, not for this particular order alone but I could have opposed many others, but it gets a little bit discouraging to stand here time after time and take your blood out into the hallway afterward and wipe off your wounds, but once in awhile you have to do it just for the sake of your own good conscience, and that is what I am doing here this morning.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the Joint Order be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Carey 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 pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that this Joint Order be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berube, Birt, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carter, F.; Churchill, Cote, Cunningham, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gauthier, Gill, Gillis, Gould, Huber, Hunter, Hutchings, Jackson, Kane, Laffin, Lewis, Littlefield, Mackel, Marshall, Masterman, Masterton, McPherson, Nelson, M.; Palmer, Peltier, Peterson, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Theriault, Torrey, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brennerman, Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Gray, Green, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Immonen, Jensen, Joyce, Kany, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, Mills, Mitchell, Nadeau, Nelson, N.; Norris, Peakes, Pearson, Post, Prescott, Quinn, Rideout, Spencer, Strout, Talbot, Teague, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carrier, Carter, D.; Connors, Devoe, Dutremble, Goodwin, K.; Greenlaw, Higgins, Jacques, Jalbert, Kelleher, LeBlanc, Lougee, Lunt, Lynch, McBrearty, McKean, McMahan, Moody, Morton, Najarian, Perkins, Plourde, Truman, Tyndale.

Yes. 55; No. 71; Absent. 25.

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

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

An Expression of Legislative Sentiment (H. P. 1818) recognizing that: The Maine Mariners Hockey Club, Inc., a member of the American Hockey League, has, by coming to the Cumberland County Civic Center, brought clean industry, jobs and professional hockey to the State of Maine

Presented by Mrs. Nelson of Portland. (Cosponsors: Mrs. Tarr of Bridgton, Mr. Talbot of Portland, Mr. Laffin of Westbrook)

The Order was read.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I was very honored by the good lady from Portland when she asked me to be a cosponsor on this. This is a step forward for professional sports to come to Maine. I have worked for five or six years to get professional baseball here and there are five clubs that we could get, to come to Maine right now but we don't have a suitable place to play. I certainly commend her for her actions and her thoughts, and this is certainly a good thing for the State of Maine.

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

#### (Off Record Remarks)

On motion of Mr. Palmer of Nobleboro, Recessed until the sound of the gong.

#### After Recess 11:45 A.M.

The House was called to order by the Speaker.

#### Non-Concurrent Matter

Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-734) as Amended by House Amendment "B" (H-881) in the House on June 30, 1977.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-371) in non-concurrence.

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

Mr. GREENLAW: Mr. Speaker, I move that the House recede and concur and would like to speak to the motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves that the House recede and concur.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentlewoman from Lewiston, Mrs. Berube, to the rostrum to act as Speaker pro tem.

Thereupon, Mrs. Berube of Lewiston assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

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

Mr. GREENLAW: Madam Speaker, Men and Women of the House: Let me apologize, please, for not being in my seat this morning in order to debate this issue. As you know, the Appropriations Committee has been busy trying to resolve the issue of setting priorities on the bills on the Appropriations Table. Please accept my apologies.

The Senate Amendment that has been attached to this bill, which now is the bill in effect, I think accomplishes three basic things. I

think it accomplishes three things that I heard many people in this branch express opposition to the other day.

First of all, the Senate Amendment abolishes the Maine Turnpike Authority once the revenue bonds are finally paid off in approximately 1981. The turnpike facility itself would come under the umbrella responsibility of the Department of Transportation and a special turnpike revenue account would be established to receive the revenues from that particular facility.

The other major objection that I heard last week was the fact that the legislature did not have specific approval of a decision regarding the widening of the turnpike. We have included in the bill a requirement that this legislature provide approval to any recommendation which the Department of Transportation might make pertaining to widening of the turnpike.

A third change was removal of the Wells barrier. It seems to me that members of the York County delegation raised some legitimate concerns about a majority of the toll barriers being within that area. I think the concern was legitimate, and for that reason one of the barriers was removed. The bill provides for legislative review of any recommendations which the department may make regarding additional interchange roads and interconnecting access roads. The barrier fee of 35 cents is not changed and there would be four barriers presently on the turnpike itself.

I think the other parts of the amendment are self explanatory and I do hope that we could recede and concur today with this amendment. I think it is very important that this legislature take a stand on this issue at this time. As I have indicated previously on the floor of the House, the Commissioner of Transportation feels that he needs the time between now and the time the revenue bonds are paid off to address the so-called pay-back issue with Congress, and if I may address that just very briefly, I would.

There were 90/10 interstate federal funds used on the construction of the access between the Maine Turnpike and Interstate 95, and it is the commissioner's proposal to go to Congress and to amend the present agreement which says that once the revenue bonds are paid off, the tolls will come off the highway, and because of the interstate funding that is used, Congress is the only entity that can nullify that particular agreement.

There is considerable precedent, I understand that as many as 20 or 25 states have, in fact, approached Congress on this matter and they have received relief from particular agreements, so I don't believe this is a problem, but I do believe that it is necessary that the commissioner has sufficient time to do this before the revenue bonds are paid.

I would remind you that if the tolls are not continued, there will be a substantial cost to an already overburdened highway budget to the tune of approximately \$5 million, and I would remind you that if the barriers that are proposed in this amendment are not utilized, there will be very little opportunity for any additional interchanges to be constructed along the turnpike corridor or perhaps for improvements to interconnecting access roads.

As I indicated before, I think the amendment is a good improvement, a good compromise, and I hope it receives your support and, Madam Speaker, when the vote is taken, I request the yeas and nays.

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

Mr. BIRON: Madam Speaker, Ladies and Gentlemen of the House: The amendment that you have before you today is basically the same amendment that was passed by this body the other day, which was my amendment, with the exception of one thing. It has four barriers in-

stead of one, that is it. The Senate has put in four barriers, because when we accepted my amendment here the other day and we sent it to the Senate, we said that there would be no Maine Turnpike Authority. This has no Maine Turnpike Authority.

You have to realize, ladies and gentlemen, that the Maine Turnpike Authority or the Department of Transportation, through its own admission, has said that they would need approximately \$5 million to maintain the highway as we know it now. That figure is a little hard for me to believe, and I don't know how many of you here have worked with the Department of Transportation budgets, but I would challenge anyone in this House to stand and to show me another hundred mile stretch of road in the State of Maine that cost \$5 million a year to maintain. There is no such animal anywhere, but yet this one is going to cost us five million. The difference between the two amendments that you have is that the four barriers, instead of bringing in \$5 million, are going to bring in eight to nine million. Now they said themselves they needed \$5 million; why do they need \$3 more million? What is this funny money? The other day, the Department of Transportation came in here and said, "we need a tax increase, there is no more money." But all of a sudden they found \$5 million overnight. Now we are going to give them \$4 million in funny money? Ladies and gentlemen, the funny money is going to come from the constituents from the southern part of the state, and I can surely understand that some of you do not want to take over the burden of the Maine Turnpike, I understand that and I sympathize with you. This is why we need, today, to adhere to our previous action which, quite honestly, brings in the money they said was needed; the one toll system.

I realize that the one toll system is a very complex thing, it is difficult for the Senators to understand. It is only one thing to work with and I realize it is a problem for the other body. However, I think this House can be reasonable enough to send it back to them and say — this provides the money that you need, and it does take the burden — and ladies and gentlemen, just in the interest of fair play, it does provide the money necessary and it takes the burden off the people in the southern part of the state who have been paying tolls for 30 years — 30 years. If you accept this, you are going to say "ladies and gentlemen down there, another 100 years — keep paying tolls." Then, not only that, we are also going to have three or four million dollars of funny money each year. Why should they pay for something they don't need? That is what this amendment does.

I understand that the turnpike is a very very important thing to the sponsor of this legislation; after all, he travels it every day. However, some of us who have constituents in those areas realize what the turnpike has done and there is a law on the books, ladies and gentlemen, and the law says in 1981 the turnpike will be paid for, no more tolls. That is what the law says; it says that right now. Yet, we are going to change the law and we are going to say to those people, you have to continue paying. You have to continue paying because Mr. Mallar, the Department of Transportation, and the Maine Turnpike Authority feel that we need four million a year more than they said we needed before. That is what this amounts to. The plain and simple fact of what you are voting on here today is, are you voting for four or are you voting for one? One is on the coast, four are all over the state. Four puts the burden on people who have been paying for 30 years. One puts the burden, quite frankly, on the tourists. They use our roads, and some of you might jump up and defend the tourists, I think they are an asset to this state, they pay 45 cents — those same tourists pay 45 cents to go 18 miles in New

Hampshire, for 18 miles they pay 45¢. We charge them 75 cents to go a hundred miles in the State of Maine, that is fair, I don't care what anybody says. And under their system, you are going to charge them even more, so if you are concerned about the tourists, you have to go with the one-toll system. Therefore, I urge you to vote against the motion to recede and concur.

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

Mr. BUSTIN: Madam Speaker, I move that the House recede from its previous action.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Bustin, moves that the House recede.

Mr. BUSTIN: Madam Speaker, I don't want to cause you any undue concern up there, but I have got to get this in a position to offer an amendment. I don't know if I need to do anything else or not.

Thereupon, Mr. Strout of Corinth requested a vote.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: I certainly hope today that we will not follow the advice of Mr. Biron, I hope that we will follow Representative Greenlaw.

The other day, we had a bill before us that Mr. Biron spoke very highly of and I supported him to keep 80 people working. He thought it was too bad to put 80 people out of work, but today you want to put 90 fulltime employees out of work plus 30 summer employees out of work. How can you justify being against the sign bill by putting those people out of work — that is all right. Now you want to turn around and you want to put Maine Turnpike Authority people out of work. Regardless of whether you support the Maine Turnpike Authority or whether you support the state's position on this, the question is to keep those people working.

If we are going to stand here today and debate the issue that is before us, I think we ought to be informed of the facts that we are talking about. I challenge anyone and I challenge Mr. Biron on the \$4 million in revenue that his amendment will bring. This did not come from the Maine Turnpike Authority's figures, and if I wanted figures, I would certainly go to their treasurer or their secretary treasurer, whatever his title is, and that is where I went.

The Turnpike Authority, at the present time, does take in over \$14 million. But you see, when the State of Maine tries to borrow money, they cannot borrow it in the same fashion that an authority can borrow because we are elected officials, elected people change. The 108th is not going to tell the 109th what to do, and the 107th could not tell the 108th what to do. Consequently, the big money that you need for bond issues is not raised in the State of Maine. You have to raise big money from the big money people, which are big cities, big banks like in Boston. Bonds and money cannot be raised in this way that we are talking about from the State of Maine.

To be sure, there are a lot of questions as to why they have not paid off their bond issue faster than they have. I am not an expert on figures and money and I cannot answer that for you today, but I do say this, I do not want to see the people coming into the State of Maine, enjoying our lakes, enjoying our rivers and camping areas and ride free on a road that the people of Maine are going to have to pick up the tab for.

I say to you today, let's consider this very, very carefully. We have until 1981 to make a decision on this. The 109th Legislature could come in here and they could say, "well, we don't care what the 107th did. We want to do it this way," and by law, they will have a right to

do it because the Authority does not expire until 1981.

Now, if we are going to say to these people who have big money in the bond issue market that we want to borrow X number of dollars, they hesitate, and why do they hesitate, because they are not an authority, they are not elected people, they are guaranteed the payment by the bonds of the indebtedness of the Authority. The State of Maine Legislature is an elected body. Consequently, we could promise something which I believe the 1973 Legislature promised, that the inventory tax, as you recall, would be done away with this year. I am telling you, we had a lot of fighting over that, as you all know, because we were not bound by what the Legislature said in 1973, we didn't care what they said in 1973, all we care about is what we as legislators are going to do this year, that is why we had a big hassle. Consequently, if you go along with the figures that Mr. Biron read off the other day, I disagree with them one hundred percent. We cannot get the kind of money that is needed on a toll road by one exit barrier, it is an impossibility, plus the fact that I don't want to put 90 working people out of work. Who is going to lose these jobs? It is not going to be the trustees, it is not going to be those people, they are not going to lose those jobs, it is going to be those people, men or women, working at a toll booth eight hours a day, depending on that for a living, they are going to be put out of work, and we have 90 of those people. You can't hire 90 people for one exit, you know that. So, 90 people plus 30 summer people are going to be left without jobs. How long can this legislature keep cutting jobs off?

You passed a foolish bill the other day on signs that didn't amount to anything, just to beautify, and half the time it doesn't amount to a thing. The trouble is, we have too many environmentalists around here, you put 80 people out of work.

The SPEAKER pro tem: Mr. Marshall, you may make your point of information.

Mr. MARSHALL: Madam Speaker, I would ask the Chair to rule whether the line of questioning promoted by the gentleman from Westbrook is germane to the motion to adhere.

The SPEAKER pro tem: The Chair would remind the gentleman from Westbrook that he should restrict his comments to the issue before us if he will, please.

Mr. LAFFIN: I apologize Madam Chairman, but I was only trying to make a point.

The SPEAKER pro tem: The gentleman from Westbrook, if he wishes to resume his debate, the Chair would rule that he should continue on the issue before us.

Mr. LAFFIN: Thank you Madam Chairman, Ladies and Gentlemen of the House: I don't want to offend anyone here this afternoon for the simple reason that it is getting late. We are almost ready to go home, and we have survived these trying last few days and I am sure that we are going to make it. We made it. We made it two years ago and I think we will make it again this time. But the point that troubles me and the most important part about this is the motion of my very good friend Mr. Bustin. Don't let that confuse the issue.

The members of this legislature, in my belief, should either — and I say this very reluctantly — go along with the other body or kill the bill. If we are going to represent the people on certain issues where we can change our position one day and support a type of a bill that causes jobs, that puts people out of work, then you same people should support this bill. But if you really and truly want to keep the people of Maine working, if you really and truly want to see this a working situation on the Maine Turnpike, the best thing we can do is to keep the tolls as they are.

I do not believe that any of us want to see the out of staters come into this state and ride free for 100 miles. I believe that the majority of the traffic that comes into this state in the summer-

time where money is spent on the turnpike is in the southern part of the state. I don't believe they even go to Lewiston. I believe they stop at Old Orchard, I believe they stop at Ogunquit, I believe they stop at Wells, and if you don't believe me, go down and look at the out-of-state cars, you won't even find a Maine car unless they are riding around. But the people that are spending the money to come into this state are the people that use the turnpike, and don't let them come in for nothing. I don't want to see one tourist come into the State of Maine and take any money back home with him. I want them to spend every penny they have right here in the State of Maine. I want to take it on tolls, I want to take it in summer resorts, I want to make it so that everybody spends their money when they come into this state, so that the chambermaids in the motels, the busboys, the clerks, they can all take home a week's pay. The season is short. Don't open the Maine turnpike, don't discourage people from using it because they can shoot over to Wells and they can shoot over to Old Orchard Beach on Route 1 very very quickly. Make them pay to come into this state, make them enjoy what sunshine we have.

Now, if the 108th Legislature is going to pass this bill, we have no guarantee whatsoever that the next legislature will think as we think. There have been many figures given and many figures that have been quoted here today that we have until 1981 to make a decision. Why now? Why do we have to make this decision now? I don't understand why we have to. We have had study orders, we have had all kinds of decisions. I have a stack of study orders home that thick on one issue, and I don't remember the State of Maine doing one thing about it. Why? Because a new legislature came into power and they didn't care what the 104th or the 103rd or the 102nd did. They don't care about that, they care about the problems and the needs of the people now, and if we do not take care of the needs of the people now, how can we expect the next legislature to take care of them then?

Ladies and gentlemen, if we are going to let the Turnpike Authority continue in existence and have the State of Maine take it over, I don't want the people of Maine to dig out of their pockets one penny to support it. That is my big reservation about one toll, because I feel that the people of this state are going to have to pick up the money, the people in Bangor and Aroostook county and everywhere else, to pay for the use of this road. If they want to use the turnpike, then they should pay for it. If they don't want to use the turnpike, then they have back roads that they can use, I use them sometimes when I don't want to pay.

I think that my record will speak for the fact that I am not too very familiar with the other body. I don't usually say too many good things about that body, but today I feel it may not be the best situation, it may not be the answer to all the problems, and I am not saying it is, I am not saying they are right, but at least I firmly and I truthfully believe that it is a step in the right direction on two points. Keep our people working, don't put 90 regular people out of work, plus the bond issue indebtedness, that the Authority would have a much better chance to raise money from the big money people, the Boston banks, than we would ever have here in this state. I would urge you to consider that very carefully, because those are the two important issues that you are going to have to face in case the Maine Turnpike Authority, as it is now known, in 1981, 1982 and 1983, when the state takes it over, cannot come up with money. Who is going to have to pay for it? The people of Maine are going to have to pay for it. Who is going to have to raise the money for it? You are, if you are in these seats. Those are the two important issues. They can come up with all the figures that they want, they can come up with



all those freeloaders and free riders and everything else, fine and good, but the two issues that boils down to the Turnpike Authority are the two that I have just mentioned, and if you don't listen to anything else I say, pay attention to those two, because we are going to be saddled with them, you are going to have to live with them. Those of us who are not going to be here won't have to, but those of us who are not going to be here will be home and you will have to be paying taxes to pick up for this free ride.

I would certainly urge the members to support my very good friend, Mr. Greenlaw.

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

Mr. BUSTIN: Madam Speaker, Men and Women of the House: First of all, I would like to congratulate the gentleman from Westbrook on his new found friendship with the other body. This goes to prove that relationships in here are sometimes fleeting.

I did not make this motion to recede in order to confuse the issue, I made it for a very sincere purpose. The sincere purpose in House Amendment "A" that I will present if you vote to recede is to eliminate the toll barrier in West Gardiner. Now at first blush, if Mr. Palmer were in his seat, and of course he isn't because he is busy drawing up money somewhere, he would probably suspect my motives. He would probably suspect that what I was really up to was a break for my own constituents. At first blush you probably would think that too, but I am asking you to think a little further.

Who is going to use that? Here is point number one. The West Gardiner toll barrier is not a toll on the Maine Turnpike. It is a toll on Interstate 95. The most you can go south if you use that toll is six miles, and the only people paying it coming north are those that are going to use that same six miles at the top of the turnpike. I am asking you to apply a little equity to this thing.

I admit, I am in sympathy with Mr. Biron's position, I would like to see one down yonder where most people from my area would not pay anything, unless they were going to a ball game in Boston, that would be all right. However, people all over this state, from Aroostook County, Penobscot County, every place, probably, except the coast, in coming south will want to use Interstate 95. They are going to ride six or seven miles on the turnpike, get on Interstate 95 and have to pay a toll there. What the toll is, it is a toll on Interstate 95, even though the money goes into the Turnpike Authority. I am asking you to please pass this motion to recede and give me a chance to put this amendment on the bill.

The SPEAKER pro tem: The Chair recognizes the gentlelady from Kittery, Mrs. Durgin.

Mrs. DURGIN: Madam Speaker, Members of the House: Mr. Biron made the statement that New Hampshire charges 45 cents to travel 18 miles on their road. Let me tell you, Mr. Biron, if you do not know what your amendment does, I will tell you. You are charging 75 cents to travel 10 miles on the Maine Turnpike from York to Wells, because you just have to travel down Route 1, get on "enter" on the turnpike at Wells and go from there to Augusta scott free. Don't say, well, the tourists wouldn't know that, because it wouldn't take long for the tourists to find this out. Your amendment wouldn't even pay for the tollkeepers at the York booth, let alone maintain the road.

I talked to my constituents at home, many of them, and they agree that the tolls should be left on this road. The Maine Turnpike is very well maintained. We do need that road from York to Portland widened, and I hope today you people will vote to recede and concur.

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

Mr. MacEACHERN: Madam Speaker, Ladies and Gentlemen of the House: I don't have any particular personal reason on this, but I would just like to rise to support the gentleman from Augusta, Mr. Bustin. I have looked at the proposal for the four toll proposal and it is just a short way before the Gardiner exit that the West Gardiner approach is proposed. I think it is a little unfair. I think if anybody would like to put it below the West Gardiner approach, I think it might be acceptable, but it seems very unreasonable that someone who wants to drive from Augusta to Gardiner would have to pay a 35 cent toll. It is only a matter of a few miles. It is less than 20 miles to Gardiner from Augusta. It seems very unreasonable and I would like to support the gentleman from Augusta in his proposal to either remove the toll barrier, or whatever you want to call it, above the Gardiner exit and either move it down below the Gardiner exit or remove it completely. I hope you will support the motion of the gentleman from Augusta and go along with him on that.

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

Mr. GREEN: Madam Speaker, Ladies and Gentlemen of the House: I would just like to briefly ask this House to vote against the motion to recede for the simple reason that the community that I happen to come from, and I suspect most of the communities below the Auburn-Lewiston area, need that toll up there in West Gardiner to help protect the tourists or the people traveling on the Maine Turnpike heading up in that direction. Right now, without that, it would mean that they would bypass us completely. As I understand it, there would be a barrier placed in Gray, south of Auburn, between Auburn and Portland. I would just hope you would vote against the motion to recede.

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

Mr. NADEAU: Madam Speaker, Ladies and Gentlemen of the House: I am from York County and it seems like the motion before us to recede just does away with a barrier in the northern part. The motion to recede and concur gives us four barriers with two of the barriers in York County. What I want to do is get rid of the whole darn bill and to me, procedurally, the only way we are going to do that is to adhere. I ask you to vote against the motion to recede, to vote against the motion to recede and concur, then we can adhere, send this lovely bill back to the other body in non-concurrence and hopefully it will die, we can all go home. We can keep the tolls the way they are. We have got until 1981 to do something. For heavens sake, don't keep slapping us down York County. We don't mind paying the tolls, but don't stick two barriers down there on us. Give us a break for once, please. I have not asked you for anything since my Sanford Liquor Store — give me a break.

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

Mr. BUSTIN: Speaker, Ladies and Gentlemen of the House: I was just motioning to Mr. Green that he was confused and it struck me that there was a real possibility that I am confused. Would Mr. Greenlaw tell me precisely where this barrier is? I thought it was at the same place at the entrance of I-95 and not on the Maine Turnpike at all.

The SPEAKER pro tem: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to the gentleman from Stonington, Mr. Greenlaw.

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

Mr. GREENLAW: Madam Speaker, Ladies and Gentlemen of the House: The gentleman from Augusta is quite correct. The proposal in the Senate Amendment does leave the proposed

barrier in West Gardiner in the same place it is. If I can perhaps encourage the House to recede so that Mr. Bustin can offer his amendment, because there is another amendment that I understand will be offered, and at the time Mr. Bustin offers an amendment, I should indicate why I think it is not a good amendment.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Madam Speaker, Ladies and Gentlemen of the House: I just had one question to ask about the location of these barriers. Do I understand that if the barrier is left on I-95 at the West Gardiner interchange, that there will be no barrier at Augusta? And if so, you pay only going one way?

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

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

Mr. GREENLAW: Madam Speaker, Ladies and Gentlemen of the House: The answer to Representative Bachrach's question is that there would, in fact, be no barrier left at Augusta. You would pay both ways, whether you are coming north or south. The rationale on this is very simple. The third barrier is between Portland North and the Gray exit and, obviously, people coming either north or south, what the attempt is to try and provide some equity between using the turnpike or the interstate. The question that we are trying to resolve here is if a person is coming north toward Augusta and comes through the Portland north barrier, you would pay 35 cents. If you want to try and avoid that, you could go up the interstate and pay no toll if there was no barrier at the West Gardiner interchange. What we are suggesting is that a person should pay 35 cents going north or south, either way. I think it is just a simple question of equity and fairness and I think to some extent the gentleman from Auburn, Mr. Green, has some legitimate concerns in that regard.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that the House recede. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Moody of Richmond 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 Stonington, Mr. Greenlaw.

Mr. GREENLAW: Madam Speaker, Men and Women of the House: I asked the House to vote to recede to allow the gentleman from Augusta, Mr. Bustin, to offer his amendment. I believe there is also another amendment that is to be offered.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: This is where we are going to part company. I hope you will not give Mr. Bustin or anyone else the chance to put any more amendments on this bill, because we are in the final days. Can't you see what is happening? I have seen it and you have seen it; the handwriting is on the wall. Don't play this game: stop him right here. Don't let any more amendments come on because you are going to end up with nothing. If that is what you want, that is what you are doing right now. The game

is on. If you know how to play the game, you are going to fall right into their hands. If you don't know how to play the game, you are going to kill it all today anyway.

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

Mr. GREEN: Madam Speaker, a point of parliamentary inquiry, please. That is, if the motion to recede is defeated, then obviously Mr. Bustin cannot offer his amendment. Would another motion to recede be in order after that so that another amendment could be offered?

The SPEAKER pro tem: If the motion to recede is defeated, there would have to have been another motion entertained, then another motion to recede could be reintroduced.

The Chair recognizes the gentleman from Gardiner, Mr. Kilcoyne.

Mr. KILCOYNE: Madam Speaker, Ladies and Gentlemen of the House: A point of inquiry. When would a motion to indefinitely postpone this bill and all its accompanying papers be in order?

The SPEAKER pro tem: The Chair would state that this is a matter of non-concurrence and therefore it is not in order at this time.

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

Mr. DIAMOND: Madam Speaker, Ladies and Gentlemen of the House: I am not really in favor of receding but I have a cause and some constituents to look out for also. If we do recede, I have an amendment. That is the amendment that has been referred to by the gentleman from Stonington and also by the gentleman from Auburn. The amendment I have is to do away with the toll at Gray.

I shall now explain just what I am doing. What I am trying to do here is, again, I am not really in favor of this, but if you do decide to recede I have to put this amendment on because the people who live in North Windham travel daily to their employment in Portland.

The SPEAKER pro tem: The Chair would interrupt to remind Representative Diamond that the amendment is not before us. What is before us at this precise moment is the motion to recede.

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

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Bennett, Benoit, Biron; Blodgett, Boudreau, A.; Boudreau, P.; Bustin, Carey, Carroll, Clark, Connolly, Dow, Durgin, Flanagan, Greenlaw, Hall, Hickey, Howe, Huber, Hughes, Hunter, Jackson, Jensen, Kane, LaPlante, MacEachern, McHenry, McPherson, Mitchell, Moody, Nelson, N.; Pearson, Plourde, Rideout, Silsbv, Smith, Talbot, Tarr, Tozier, Trafton, Wood, Wyman.

NAY — Aloupis, Austin, Bagley, Berry, Birt, Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Dudley, Dumbrele, Elias, Fenlason, Fowlie, Gauthier, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Henderson, Higgins, Hobbins, Hutchings, Immonen, Jacques, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Locke, Lougee, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, McMahan, Mills, Morton, Nadeau, Najarian, Nelson, M.; Norris, Peltier, Perkins, Peterson, Post, Prescott, Raymond, Rollins, Sewall, Shute, Spencer, Sprowl, Stover, Strout, Tarbell, Teague, Theriault, Torrey, Twitchell, Valentine, Whittemore, Wilfong.

ABSENT — Berube, Garsoe, Goodwin, K.; LeBlanc, Lizotte, Lunt, McBreairty, Palmer,

Peakes, Quinn, Stubbs, Tierney, Truman, Tynedale.

Yes, 45; No, 91; Absent, 14.

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

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

Mr. PETERSON: Madam Speaker, having voted on the prevailing side, I now move we reconsider and hope you all vote against me.

The SPEAKER pro tem: The gentleman from Caribou, Mr. Peterson, moves that the House reconsider its action whereby it failed to recede. All those in favor will say yes; those opposed will say no.

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

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

Mr. BIRON: Madam Speaker, Ladies and Gentlemen of the House: It is interesting that we should have this bill today because, obviously, there has been a little bit of levity and the time is going by and we are waiting for bills to be engrossed, so it is a good afternoon to spend on debating an issue which was decided in the House several days ago.

There were several questions that were brought up in earlier debate. I might try to answer them at this time. The good gentleman from Westbrook, Mr. Laffin, pointed a question as to how the revenue figures were figured and where that came from on the one toll amendment. Based on the Maine Turnpike Authority's figures, York, where the one toll is being proposed, in 1976 there were 3,087,215 cars which came into the state. In the same year, 3,144,481 went out. If you total those two up, that gives you 6,231,000, times 75 cents, gives you \$4,700,000. I am sorry, that is the way the numbers roll. I am sure Mr. Laffin figures differently than I do, he might use a different calculator.

Again, the issue before us has been debated by the lobby. I am sure if you walk out there now and attempt to walk five to ten feet, you are going to get lobbyists on both sides and you can surely be confused in a very short period of time.

Mrs. Durgin talks about spending 75 cents to go 10 miles in the State of Maine. Well, Mrs. Durgin, if I personally were to represent your constituents, and under my amendment they were offered a pass to travel on a daily basis at a reasonable rate; if not for nothing, I would much prefer that than to have my constituents pay 35 cents four times in the State of Maine. That is what you are saying you would prefer to have.

I have serious problems, as if your constituents really understand what is being offered here. The money that is needed is \$5 million. The one toll system provides \$4,700,000. The four toll system provides eight to nine million dollars, and I am not quite sure how much. They say they need five, why give them nine? I cannot understand that. If you want your constituents to pay more than they have to, that is your choice. I don't want my constituents to pay more than they have to.

True, the out of staters are the ones who will pick up the burden. I see absolutely nothing wrong with that. My constituents have paid for 30 years; your constituents have paid for 30 years. I am not interested in having them pay for another 30 years. Let the out of staters pick up the burden of the Maine Turnpike. That is the issue that we have before us. It is very simple. Do you support one toll? Do you support four tolls which brings in more money than they need — the funny money? What do they do with it? I don't know. I understand that some were told that the extra money is going to be used to

help the roads in their areas. I don't think they can do that, because even under Mr. Greenlaw's bill, the money has to be used for turnpike purposes. Somebody is misinforming you if you were told that and if you are going to vote in that direction.

They want to widen the turnpike. Under Mr. Greenlaw's amendment, they have got to come to this body and get approval. They cannot do it even under his amendment. If you are in favor of that, you cannot vote for him.

Mr. Laffin says he does not want to put it to the people of Maine? That is what my amendment does. You should support my amendment, Mr. Laffin. You are mixed up.

The question that you have is that the people of Maine are going to pay just what they have to through a one toll system or they are going to pay more than they have to through a four toll system. That is the question before you. I hope you do not support the motion to recede and concur.

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

Mr. GOODWIN: Madam Speaker, Ladies and Gentlemen of the House: I am not going to talk long. All I would like to say is that I feel that we can get this matter out of the way very quickly and very cleanly today if we just oppose this motion to recede and concur then we can adhere. I think that will solve the whole problem for today and maybe we will even get out of here a lot sooner. I hope that we could just go ahead with the vote.

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

Mr. CAREY: Madam Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston, Mr. Biron, mentioned that we had to work within the constraints of the turnpike as we know it today because of the bill that was put in by the gentleman from Stonington, Mr. Greenlaw. That is not exactly true. If you look at Page Three of the bill, you would find that what the State Department of Transportation is doing is widening the turnpike 10 miles on either side so there is a 20-mile wide strip running up through the state. I would like to read that little paragraph to you. The term "interconnecting access roads" shall mean any and all highways including bridges, underpasses and overpasses within 10 road miles of the turnpike — that is 10 miles, obviously, on either side, so you are talking about a 20-mile wide strip — which are under the control of the State Department of Transportation which directly or indirectly connects with the turnpike with respect to what the authority shall have made determination required by Section 11-F of this act.

The State Department of Transportation, in my mind, has already lost all the credibility that they ever had as far as I am concerned. For them to come in here now and to try to tell us that they are going to widen the road so that in effect any road that finally leads to an interchange is therefore indirectly connected to the turnpike, then what is happening is that you are going to be using toll money for the State Department of Transportation to do road work on any road within 10 miles of the turnpike. If that is the case, you will never retire any bonds and that road will not do what it was supposed to do originally in the law, in Chapter 69, back in 1941 — the termination of the Authority. When all bonds and the interests thereon shall have been paid or a sufficient amount payment of all bonds interests shall have been set aside, the Authority shall be dissolved. The turnpike its connecting tunnels and bridges and underpasses and franchises shall become the property of the State of Maine and all revenue is to become payable to the Treasurer of the State. It shall be a free road. This is what is happening to us.



Now the turnpike is actually being expanded to a road 20 miles wide.

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

Mr. JENSEN: Madam Speaker, Ladies and Gentlemen of the House: In response to the comments of the gentleman from Waterville, I would like to make a couple of comments. First of all, presently, the bill no longer exists. The amendments are the bill, be it Senate Amendment "A" or House Amendment "B", it is one or the other. There would be no bonds outstanding under either proposal.

It is my feeling that what this chamber ought to do, if we are going to adopt a turnpike bill in any form, what we ought to do is adopt the Senate Amendment. It does away with the Authority, it does away with the bonding, it provides a reasonable degree of legislative control and does a number of other things which I think are beneficial. The way the system will be set up, anybody going from one end of the turnpike to the other will hit three tolls, not four. If you ultimately decide to do away with either the Augusta or the New Gloucester exit, you are going to have to do away with the other out of interest of fairness, I think. When you start doing that, you are causing a reduction in revenues that are available and you are going to create some problems.

I intend to support Senate Amendment "A" and I hope you would as well.

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

Mr. HOWE: Madam Speaker, Ladies and Gentlemen of the House: I have to disagree with the gentleman from Portland, Mr. Jensen, when he says that he feels Senate Amendment "A" provides a sufficient degree of legislative control. The reason I say that is not so much to do with where the barriers are located but the amount of money that is generated. It seems to me what Senate Amendment "A" does is to generate enough money to do all of these things, widen the turnpike and improve or build other roads. In fact, I don't think the Senate Amendment even restricts that to 10 miles either side of the turnpike, and a quick review indicates to me that there is not any such limitation. It could be even further than that possibly.

If the money is already there in the next few years and the Legislature is asked to approve a widening or improving access roads, there is going to be a lot of pressure because the money is already there to spend it. That decision, I think, in effect will have already been made for us. I would rather that we adhere to our previous position, raise, for the time being, only the amount of money that is needed to maintain the turnpike and then, someday in the future, should the Legislature decide that the turnpike needs to be widened, for example, then we raise the money to do it and not raise the money before we have decided to do it, so I intend to vote against the pending motion.

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

Mr. HUGHES: Madam Speaker, Ladies and Gentlemen of the House: The issue before us is no longer whether or not to continue the Maine Turnpike Authority and whether or not to continue those jobs. Whichever version you adopt will abolish those jobs and abolish the authority, and judging by the vote in this body last week, that is certainly the will of this House.

As the gentleman from Lewiston, Mr. Biron, has said, the issue now is simply, do you want a Turnpike Authority with a one-toll concept or a Turnpike Authority with a three-toll concept? That is three, whichever route you take. I hope we can focus in on that decision.

It seems to me that the question is what is this

additional money to be used for? The one-toll concept has two advantages I see. The first and most important one is that if you have accepted the concept that we want the out of stater to pay as much as possible of this cost, and I guess that is why we are going to tolls in the first place, because out of staters pay a bigger percentage of the cost of the Maine Turnpike than they would with a gas tax increase, for example, so if you accept the concept that you want the out of stater to carry a bigger share, then it seems to me you also have got to extend that concept one step further and say, put a one-toll concept into effect and have that toll at York where you have all the out of staters, virtually, who come into the state, or about 90 percent of them, where they all have to come through the toll booth and they can carry a large percentage of that burden. I don't see that as morally unfair in any way, because those tourists are also the reason we have to widen our highways to handle summertime peak traffic, for example. They make us incur a lot of costs and I think that is a fair concept. That is the first attraction to me of this one-toll concept vs. the three-toll concept, which is the alternative.

The second is that the three-toll concept raises too much money. It raises about twice as much money as is really needed to operate the turnpike by the highway department's figures. I think in this time of stringency, when we are really talking about a tax, and this is a tax in another form, then we certainly ought to provide no greater taxes for our people than are absolutely necessary and justified. There simply has not been a justification for a \$9 million tax vs. a \$4.7 million tax. That, to me, is the second attraction to this. I guess I am also very worried about what might happen to that other \$3 million or \$4 million that would be raised through the three-toll concept as opposed to the one-toll concept.

I know that all kinds of offers have been made. It depends on where you live in the state as to what is going to be done with that money. If you live in part of the state not directly served by the turnpike, I suspect you have been told that whatever few million extra to widen and straighten out some roads and fix some potholes, that may be what the money goes for. If you live in my part of the state, you have been told that this extra several million will pay for some good access roads and some additional interchanges and things of that sort. That money just 'ain't' going to go that far and I think we ought to be awfully skeptical about those promises which are floating around this week in an effort to get this bill passed.

I would simply say that we ought to stay with what we passed overwhelmingly last week, which is the one-toll concept. It raises enough money but not too much. I ask you to oppose the motion to recede and concur and go with the motion to adhere.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: My good friend Mr. Biron mentioned a few things that I was confused on and I would probably be the first to admit it. When you look on Supplement No. 2, you have got 48 amendments. Yet, I am confused on that, but I am not confused on the bill that we are talking about today. Mr. Biron is the one who is confused. He does not even know what he is talking about when he comes up with the figures that he is using on X-number of people using it, he is not going to count on because you have got those barriers that are going to turn off. It is my good friend in the corner that is confused. He is using figures on an exit-on, exit-on deal. That is where people know that they can use the turnpike, because when they do get on, they pay to get off and they expect it. But

under his proposal, that is the figure that he used. Those figures are not right. He doesn't know what he is talking about on those type of figures. He is trying to confuse the members of this House.

My good friend from Lewiston has come up with \$4.7 million that would be raised on figures that he took, or wherever he did get those figures, but the point is, ladies and gentlemen of the House, they are not going to get on and get off like they do now. That is the big thing. Somebody, and I think it was Mrs. Durgin who hit it right on the head, they are not going to go to Wells and Old Orchard and those places, travel a short distance and pay 75 cents. Route 1 is going to be loaded. It is going to be crowded. That is where they are going to go. That money is not going to go into the toll booths. If the money does not go into the toll booth, it cannot be used on paying for the highways. The people of Maine are going to pick it up. That is why Mr. Biron does not know what he is talking about.

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

Mr. BAGLEY: Madam Speaker, Ladies and Gentlemen of the House: I am disturbed about a lot of the debate that is going on here today. It seems to me that there are all kinds of misconceptions, all kinds of emotional statements, all kinds of things that are being said that probably would be better off not said.

Simply, one of the references has been the fact that the legislature is not going to have control, that they are going to build a road 40 miles wide and so forth. Now listen to what the law says, some of you haven't read it, apparently. It says, no funds for construction or reconstruction of exchanges or interconnecting access road shall be extended until the department proposals for such construction or reconstruction have been included in the capital budget and have been reviewed by the Legislature. It also says, no funds for reconstruction or construction on the turnpike as provided by section, etc., shall be extended until the department proposals for construction or reconstruction have been included in the capital budget and have been reviewed and approved by the Legislature. Now, I think we can stop worrying about this excess money. I think we can stop worrying about all of the Department of Transportation building roads without our authority, and I think we should vote to recede and concur.

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

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

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

Ms. CLARK: Madam Speaker, Men and Women of the House: People have asked me why the Representative from House District 27 would rise to speak on the Maine Turnpike issue. I would rise to speak because my legislative district encompasses the towns of Freeport, Pownal and Gray and that fine gentleman from New Gloucester, Representative Cunningham, also shares the Town of Gray. It is the Town of Gray's position that I will attempt to reflect on the floor today. The Town of Gray testified at the hearing on this measure against passage. They have two concerns. Like all Maine citizens, the citizens of Gray would like the maintenance of the turnpike to be assumed through the toll process rather than taxes. The Town of Gray would also like the interchange moved to Route 26, which would clear up some of the traffic problems

which that town experiences particularly during the high tourist season of summer.

I also represent Freeport and Freeport and Pownal also contributed to the construction of that magnificent new road which begins at Exit 6A in Scarborough and continues to West Gardiner and that road was built with tax monies, highway user taxes. During the latest annual reporting period, Maine Motor Vehicles paid \$101,979,699 in state and federal use taxes. The Commissioner of the Department of Transportation, in his latest turnpike proposal, would place toll barriers at each of the extreme ends of that I-95 from 6A to West Gardiner. That is the road that tax money built so that those of us who funded the building of that road would have to pay, if we entered at Scarborough and would have to pay if we exited at West Gardiner, and I call that, in a form, double taxation. Maine's fuel taxes, during this same reporting period, were \$51,956,714; 22 percent of that fuel was consumed on the turnpike, where the user was required to pay a user toll. This is, again, double taxation. The entire turnpike barrier system proposal, I believe, is unfair, not only to the constituents in my legislative district but to the constituents of all of your legislative districts.

It is a long time until 1980 and 1981 and I ask you people, what is the rush? There is obviously controversy, confusion and just plain mixed up emotions circling around this issue.

I am not going to vote this afternoon to recede and concur. I will vote to adhere and I will also vote to indefinitely postpone. There is another day.

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

Mr. VALENTINE: Madam Speaker, Ladies and Gentlemen of the House: During this entire issue, I have found myself a little bit between a rock and a hard place in terms of the barrier proposals themselves. As a resident of York and a Representative from York, whether we have one barrier or three barriers or a hundred barriers, for me or my constituents to go from south to north, we are going to go through all of them, regardless of where they are located but I am not going to get into that part of the issue. I think it is obvious that no matter where you put most of these things, some people are going to be unhappy.

A little while ago, the gentleman from Windham, Mr. Diamond, indicated that people in his area would be unhappy with one of the barriers. The gentleman to my left has a possible amendment, because of some unhappiness about another barrier in York County, and earlier the gentleman from Augusta, Mr. Bustin, attempted to have an amendment to deal with a barrier up in this area. I think it is very obvious no matter where you locate these things, there is going to be unfair to some people. I am not going to bother to argue with that. It is something that I feel we will end up being most unfair to everybody in my area regardless of where they are located.

What I want to talk about is a couple of side issues that haven't been brought up. I don't know if it will clarify things or make it more confusing but I am going to go ahead and mention them anyway. This bill, no matter what form, is basically nothing more than an expression of sentiment, because in 1981, when those bonds were paid off, unless there is a positive act of Congress to the contrary, that road will become a free road.

I got curious toward the end of last week about the possibility of where the barriers will be located so I started to make a few phone calls both to Washington and to some federal highway people here in Maine and learned a few things that I discovered many of the members in here are not aware of. They are not aware of the fact that it will take a positive act of Congress to approve, although I do believe that

the gentleman from Stonington, Mr. Greenlaw, did mention it, to continue the tolls being on in 1981, no matter what we pass here or don't pass here. Unless we get caught up in another situation which involves payment, we accepted money from the federal government to do a lot of highway work in the state and part of that agreement was that in 1981, as soon as those bonds were paid off, that that would be a toll free road. When we entered into that agreement, the monies at that time collected on the tolls were to be used strictly for their retirement and for normal routine maintenance. The widening of the turnpike to six lanes in my town in York was a violation of that agreement. What kind of violation, I don't know, but they never got pressured but got a wrist slapping and that was about it. I guess, theoretically, we could have been made to pay that money.

What is going to happen down the line is that if we do decide to pass something that will continue the tolls and if we can get some sort of Act out of Congress to do so, that it is entirely possible that we are going to as part of that agreement since we have already used those federal dollars under that agreement, we are going to have to pay back some money to the federal government to keep that process going. I don't know what the figures are. The only figure I have heard so far is something in the neighborhood of a couple of million dollars. I don't know what it is but I think you all should be aware that in 1981, that is going to be a free road unless the United States Congress says otherwise; either nullifies our agreement or makes an agreement whereby we pay back the money that we have taken from the federal government for the expansion of those roads.

There are a number of other comments that come to my mind in listening to other people speak here today and I would rather just let this ride. I will oppose the motion to recede and concur. I am very much in favor of adhering but my ultimate goal is to kill the whole thing, quite frankly. That is all I am going to say right now on this particular issue. I hope maybe we could get around to a vote.

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

Mr. JACQUES: Madam Speaker, Ladies and Gentlemen of the House: I don't know if you noticed when this bill came into committee, I was on that particular committee, a member of that authority was appointed for 10 years. There have been so many changes with this: There have been four or five amendments. The committee amendment was as big as the original bill. If you notice the sponsors of this, none of them were from our area where the turnpike is being used. I don't want you to forget the smaller towns. If you do kill this turnpike authority, you are going to be in trouble. Everyone of you with the road money that you are getting, Lewiston, Auburn, Bangor, Portland, they aren't going to be hurt by it because they are not getting much money from the state, at least Lewiston doesn't anyway, so we aren't going to be hurt by it but you people are because you are going to have a \$5½ million upkeep for that turnpike if you do refuse those tolls. Lewiston will be in the same boat as ever, we hardly receive anything from the state anyway.

I was never for an authority, I never voted for this particular authority when I was in city government and I never will. This authority, if it don't stay, you can kiss the money that you are getting right now from the state, the small towns, because you are going to have to upkeep that turnpike and I certainly don't want the state to take over the turnpike. I think they are doing a pretty good job and I think we have one of the safest highways in the country. It is a pleasant highway, it is a beautiful highway and it is a state highway. Ask anyone, they will tell

you that — those people that travel it. I wouldn't travel anything else but the turnpike and I spend about \$150 a year. I don't mean the Legislature part of it, I mean my own business. I use that Lewiston-Auburn bridge maybe three or four times a day because traffic is so heavy in our community after three o'clock that we can't move, so I urge you to look this thing over before you do make a decision. Don't wait; the same problems will be here next year. If you don't take care of it now, it will be here next year. I urge you to take care of it today.

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

Mr. GREENLAW: Madam Speaker, Ladies and Gentlemen of the House: I would like to try and resolve what I think are some ambiguities that have developed and perhaps answer some questions.

I would like to indicate that the gentleman from York, Mr. Valentine, is correct when he indicates that federal Congress will have to take action to alter or change an agreement that exists between the State of Maine and the Federal Highway Commission. I just want to make it perfectly clear that it does not take an Act of Congress per se to continue the tolls; that is the decision we make and if we make the decision to continue the tolls in some form, then the Commissioner of Transportation is prepared to go to Congress to ask them to alter that agreement.

The gentlewoman from Freeport, Ms. Clark, who made response about the Town of Gray opposing the bill at the public hearing and expressing a concern about the people coming down Route 26, I would indicate that I think the committee and the sponsors of the bill have heard that and I think one of the provisions or one of the goals of the bill or the amendment, if you will, would be to allow for additional interchange on the west side of Route 26 onto the turnpike so that the people coming from the north would not have to go into the Town of Gray and relieve, what I understand, a great deal of congestion during the summertime. A number of people have asked, why do we need all this extra money? Well, perhaps we don't need this extra money. The whole proposal is predicated on the fact that by 1981, we will need approximately \$4.9 million to continue the maintenance of the turnpike facility.

The bill addresses two or three additional questions. It addresses the question of trying to provide some additional interchanges on the turnpike, one on Forest Ave. in Portland to relieve that congestion; trying to provide some better access into Lewiston-Auburn area and the same thing with the Saco area. If we don't decide that that is desirable, I suppose that is the decision we make but I think the additional revenue that we are talking about is an opportunity to do some of these things that it seems to me that some people would like to do.

I think there is a very important aspect of this amendment that has not been touched upon and that is, the amendment directs the commission to come up with some commuter fares. It seemed to me what the commuter fares would do would be to further reduce the burden upon Maine people. Even if a person was to go the whole length of the turnpike, they would be paying a maximum of \$1.05. That is a reduction of better than 50 percent of the present toll between York and Augusta. If there were shorter ones where people would still be paying tolls it would seem to me that they could buy a commuter pass and still pay a reduced rate from the 35 cents barrier fee that is proposed.

I want it perfectly understood that the Senate Amendment contains no ability whatsoever for the Department of Transportation to issue revenue bonds for any purpose. I think that that is very important. That seems to be one of the objections too. That provision of the original

bill has been taken out. We require the department to bring proposals for interchanges and intersection access roads to the Committee on Transportation and to the Legislature so I think, as the gentleman from Winthrop, Mr. Bagley indicated, there are the type of controls that we would like to see.

Finally, I would like to say that I think it is important that we recede and concur on this particular measure. I think the amendment is a good one and a good compromise. I would ask for your support.

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

Mr. COTE: Madam Speaker, Ladies and Gentlemen of the House: I didn't intend to get into this debate because whether we pay tolls on the turnpike, that doesn't bother me too much. As I sat here and listened, it brought back memories. I was here when they first passed the Turnpike Authority and I can remember that the same people from the same districts, people from York County at the hearings, coming out with red bandana handkerchiefs and crying, Old Orchard Beach was going to become obsolete; Kennebunk was going to disappear; York Beach was going to become obsolete and the businesses would go elsewhere in the center of the state and the beaches and all of these people in that area would go broke. Well, the truth of the matter is that the businesses have developed a thousand fold because of the turnpike.

I heard the lady from Freeport, Ms. Clark, who has a special place in my heart, by the way, being a bachelor you know, talk about Gray and Freeport and about the million dollars that they spent on the roads. The roads that they spent a million dollars on have brought in new industry. That is why you spent the money in order to develop yourselves economically so it is an investment that was made that is paying off for these towns.

Whether we have one toll house or three toll houses, I don't care really. Another thing that was mentioned here today, we have one toll house at Kittery — how about the people who are coming from New Brunswick, the western part of New Hampshire, from Quebec, who come down to Old Orchard Beach and these places, they aren't going to help pay for our roads. If we don't keep the tolls on the turnpike, the turnpike of today will become the potholes of tomorrow.

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

Mr. CARROLL: Madam Speaker, Ladies and Gentlemen of the House: I rise here today with a lot of reservations in my heart because I see great problems ahead. I think it is very simple to talk about a one barrier, one toll area but I live on Route 11. You know where Route 11 is? It comes from Route 16, just outside of Rochester, New Hampshire, goes along and you hit Route 25 and then you come to Gray and hit the turnpike. Everytime they start weighing trucks on the turnpike, you begin to see the big boomers come by. I own land on both sides of Route 11 and we will have to have an underpass there to get our machinery across the road if you put in a one toll system down there because the people are coming more and more through our area.

I would like to address the credibility of the Transportation Department, being House Chairman. I think I expressed some of my regrets to some of you privately that when Brother Jensen got up on the floor and told about the \$400,000 that we were lifting out of the General Fund, unknown to some people, that my right hand was all bloody because it was in the cookie jar and I got caught pulling it back. I was a little bit embarrassed because I had a letter in my pocket that I had just received saying

that this could be done and there would be no repercussions. Hindsight is always better than foresight. We all seem to have a lot of it.

What I am worried about is what is the federal government going to do with the fuel crisis. Are we going to have gasoline rationing ahead? How are we going to solve that problem? If the revenues in the department continue to escalate, that is wonderful but suppose that they start going the other way, due to the coupon books and the rationing of gas? Where are you going to get your money from for highways? Don't talk about funny money to me. That is circus talk. There is no funny money. The money would go into a surplus account and we would do with that money, if it is under the Department of Transportation, just what we did when you directed us to go back and go into that budget. In the coming months ahead, the Legislative Finance Department is going to play a very prominent role on dedicated revenues, I can see it approaching very fast. They are the people who deserve the credit for finding the money. They went into this budget, went over the estimates, decided that the estimates had been too prudent, that on the basis of some good hard facts, they could increase the estimates and come up with the money. We also went into a fund of \$3,000,000 and we took \$1,500,000 of that that had been used off and on throughout the years, what they called an emergency fund.

I think this is wonderful to open this all up to debate and I would like to sit here all afternoon and let everyone expound on their theory of what to do with that turnpike but I also want to tell you that I come from York County and I got sick of paying tolls back here in the 102nd and the 103rd and we weren't reimbursed and I went through the beautiful City of Lewiston, a man came through a red light and he almost did me in and I got back on the pike. Whether your life is worth anything to you or not, I will tell you now, my life is worth \$2 a day anytime. I intend to continue to ride the pike whether I have to pay tolls or not. I think it is one of the safest, one of the best maintained highways we have in this state. I think it is going to be standing up a lot longer than I-95. I think it is maintained wonderful and I shudder to think that if you take all the business away from it, that it is going to be what Representative Cote said, a highway where you are going to dodge potholes. You ride back in the wintertime and they do a wonderful job of maintaining it. I think it is awful easy to hit a man when he is down, to come out swinging as Roger Mallar and I have a great deal of respect for Roger Mallar. We have not agreed, we have disagreed and we disagreed on this very bill here and I will tell you now, that if the motion of the gentleman from Stonington, Mr. Greenlaw, fails, then I will make a motion to recommit this legislative document back to the Committee on Transportation.

We had a hot afternoon that afternoon. We didn't want to send it out and I don't want to see this legislation go down the drain. I want to see you address it, and if you aren't going to address it in a responsible manner, then I would urge you all to join with me in recommitting this Legislative Document back to the Committee on Transportation and take it up when we come back in the special session. I think we have to act responsibly and we have to stop playing a little joke about funny money, because this is serious, serious business.

Mr. Moody of Richmond moved the previous question.

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

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

The SPEAKER pro tem: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

79 having voted in the affirmative and 18 in the negative, the main question was ordered.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Madam Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. Lizotte. If he was here, he would be voting no and I would be voting yes.

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

#### ROLL CALL

YEA — Bagley, Benoit, Bunker, Burns, Carrier, Carroll, Churchill, Conners, Cote, Cox, Dexter, Durgin, Dutremble, Fowle, Gould, Gray, Greenlaw, Hall, Huber, Hunter, Immonen, Jackson, Jacques, Jensen, Kilcoyne, Laffin, McBreaarty, McMahon, McPherson, Morton, Palmer, Peakes, Pearson, Perkins, Peterson, Plourde, Raymond, Shute, Silsby, Sprowl, Stover, Stubbs.

NAY — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennet, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bustin, Carey, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cunningham, Curran, Davies, Devoe, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Joyce, Kane, Kany, Kelleher, Kerry, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, Mills, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peltier, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Smith, Spencer, Strout, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafion, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Jalbert, LeBlanc, Lougee, Lunt, Truman, Tyndale.

PAIRED — Hutchings, Lizotte.

Yes, 42; No, 100; Absent, 6; Paired, 2.

The SPEAKER pro tem: Forty-two having voted in the affirmative and one hundred in the negative, with six being absent and two paired, the motion does not prevail.

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

Mr. STROUT: Madam Speaker, Ladies and Gentlemen of the House: I have, up 'til this time, not made any comments on this bill. The reason that I haven't got into the debate is that I felt that the committee amendment hadn't done the job properly.

Therefore, I would move that this bill and all its papers be recommitted to the Committee on Transportation. The reason that I make that motion is that sometime ago, when this was discussed, we felt that we hadn't had the time to travel over the turnpike and really in all honesty with the people here today, I, as a committee member, didn't feel up until today that I could vote on any proposal that was before us. I recommended this to the Commissioner, the Commissioner couldn't go along with my recommendations and I feel that sometime ago, maybe, the members of this committee felt that we ought to do something. I realize that

there is a time limit that we are faced with. However, I feel that in the next six months, the committee will have a chance to look at this proposal more thoroughly and maybe come back in the second regular session and present a bill to this body that would do what a lot of us would like to do that maybe we can't go along with the one toll barrier. Therefore, Madam Speaker, I would hope that the members of the House would follow the motion that is before us.

The SPEAKER pro tem: The Chair would advise the gentleman from Corinth, Mr. Strout, that the motion to recommit is not in order.

Thereupon, the House voted to adhere.

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

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

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

Mr. STROUT: Madam Speaker, a point of order? I was under the impression that a motion to recommit could be made at any time.

The SPEAKER pro tem: The Chair would advise the gentleman that the only motions before us are to recede and concur, to insist or to adhere. Therefore, it is not in order.

The motion now before the House is the motion of Mr. Nadeau of Sanford that the House reconsider. Those in favor will say yes; those opposed will say no.

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

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent:

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851) asks leave to report: that the House recede from Passage to be Engrossed as Amended by Committee Amendment "A" (H-746) and Recommit the Bill and Papers to the Committee on Marine Resources;

that the Senate recede from acceptance of Report "A" "Ought Not to Pass" and Recommit the Bill and Papers to the Committee on Marine Resources in concurrence.

Signed:

Mrs. POST of Owls Head  
Messrs. JACKSON of Yarmouth  
GREENLAW of Stonington

— of the House.

Messrs. CHAPMAN of Sagadahoc  
HUBER of Falmouth

— of the Senate.

Thereupon, the Committee of Conference Report was read and accepted.

The House receded from Engrossment and the Bill was recommitted to the Committee on Marine Resources in non-concurrence and sent up for concurrence.

The following enactor appearing on Supplement No. 4 was taken up out of order by unanimous consent.

#### Constitutional Amendment Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee to be Exercised when the Legislature is not in session (H. P. 1397) (L. D. 1658) (H. "A" H-897; H. "A" H-855 to C. "A" H-676)

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

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

Mrs. NAJARIAN: Madam Speaker, Members of the House: This bill, this constitutional amendment has been tabled here for many days now and I think there are a lot of questions in many of your minds about what this bill or this resolution is designed to do. We haven't had any debate on it and I just would like to briefly explain what its purpose is.

It is primarily designed for the legislature to keep some control and watch that our priorities are being carried out when we aren't in session. It has primarily to do with the monitoring of federal money. We have several other bills dealing with federal funds here in this legislature for the first time and I hope and believe in a very comprehensive manner, the problem is that according to our constitution the legislature can't delegate its authority to one of its committees when we are not in session at the present time. What this would do, it would give the Committee on Appropriations and Financial Affairs the functions that our Executive Council used to have to approve or disapprove the transfer of funds within a department when that amount is more than 10 percent or \$100,000, whichever is less.

Oftentimes, federal money, at the end of the federal fiscal year, some of the states haven't used the federal money that has been allocated to them, they then go back to the other states and say "we have \$2 or \$3 million in LEAA money and if you can use it, we will give it to you. Often this is the way new programs get started without any legislative involvement or oversight or approval of it in the first place. Then, later on these funds aren't continued, employees are hired, programs are in place and the state is asked to come back and pick up these programs with state money and it is very difficult for us to refuse when the program is going, it has a constituency and employees have been hired. I don't think there is anything for you to worry about with this bill. It is very permissive. It says the legislature "may" do this, and before we could do that even, it has to be approved by the people. What is happening now is these decisions are being made by an appointed bureaucrat and I don't mean that in a negative sense, but it is just one person, maybe the commissioner of a department is making a decision on how to use this money and it just seems to me that it would be much better to have some oversight from a committee of your legislature monitoring what is happening when we are out of session.

I think we have let a lot of this slip away from us. We have been told by the National Conference of State Legislatures, by the Advisory Commissions on the States, that if the states don't finally begin to get some handle on the federal money, it is becoming such a large percent of our total state dollars that we are just becoming an obsolete body and decisions on programs and priorities are being made outside the walls of this chamber and the one down the hall and it is happening all over the United States.

Right now, over 36 percent of our total state budget is federal money. Some of this requires a state match, so we would have some say about what level we want those programs funded. But there are a lot of other federal programs, federal money, coming in the state that don't require any state match. We don't know what is happening. The Governor, by himself, is so monumental he can't keep a handle on what is happening. He signs his name to a lot of these things where there is no human possible way that one person can monitor these federal funds because of their magnitude and I just hope that you will vote to enact the bill.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Lewiston, Mr. Raymond.

Mr. RAYMOND: Madam Speaker, Ladies and Gentlemen of the House: When we got rid of the Executive Council, we were told that they were there for no reason at all because we didn't need them anymore so we might as well get rid of them. Since we got rid of them, it seems we need them now more than ever, because the job they used to be doing, now we have to have all kinds of commissions to replace them. They don't want to give this to a commission so they are going to give it to the legislative council. All year we have been told by various members of this House that our constituents, the people outside these walls, are sick and tired of legislators and the policymaking here. So, what we are going to do, we are going to give it to a select few. We are elected by the people here also and if we can't make these decisions then lets get another commission going or bring back the Executive Council to do that job because I for one am not in favor of giving any more authority to the legislative council. In my opinion they have too much the way it is now.

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

Mr. KELLEHER: Madam Speaker, Ladies and Gentlemen of the House: I can understand the feelings of the good gentleman from Lewiston. However, in the interim there has got to be some legislative panel dealing with duties that fall into an emergency nature. I don't care whether it is a special interim committee, the Appropriations Committee, or whether it is the council itself.

I would hope this afternoon that we support the position of the good Representative from Portland and adopt this proposal. If he has any frustrations with it, or any of the rest of us, at the next session of the legislature we are coming back and we can create a cure for it. However, we are in a position right now where we need some type of an instrument to operate state government when the legislature itself is not in session. I think it behooves us this afternoon anyways to at least support this proposal. We will be back in the next session of the legislature and if he or I or any of the rest of you are unhappy, then we can apply the medicine needed to change and correct the illness. I would hope that you support Mrs. Najarian this afternoon.

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

Mr. HIGGINS: Madam Speaker, Ladies and Gentlemen of the House: I would pose one question to the good lady from Portland. It isn't like we haven't been seeing each other lately but I haven't had a chance to ask about this bill. I guess the one problem that I have with it, or a question that I would pose is, if we have state budgeting of federal expenditures, is this bill absolutely necessary, or as necessary as it would have been if we didn't have the other bill that deals with federal expenditures?

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

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

Mrs. NAJARIAN: Madam Speaker, Ladies and Gentlemen: To answer the gentleman's question, the federal expenditure budget is one step, I think, in the right direction. However, there is no method to deal with federal money that becomes available in quantities that were unanticipated at the end of the federal fiscal year which is now in October when we are out of session. The federal expenditure budget does not deal with the approval of transfers, also when we are not in session. When we are not in session, we just have to leave that up to the



Governor and he can make any amount of transfer that he wants to so it is completely out of our hands when we are out of session.

Just to clear up a few statements that were made earlier. The amendment I put on yesterday, it is the Committee on Appropriations and Financial Affairs that will be doing this and not the Legislative Council, that is number one. Number two, the next legislature can do nothing with this if they so choose. It says the legislature "may" delegate this authority to the Committee on Appropriations and Financial Affairs. The decision is still up to the next legislature whether or not they want to do this. It is very permissive.

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

Mr. LAFFIN: Madam Speaker, Ladies and Gentlemen of the House: I hope today that we won't vote to enact this study before us. It has been on the table for some time. I have asked several questions about it. I have a lot of reservations about it. I am a member of this legislature. I am not going to be able to say where this money is going and neither is Representative Mills, or Representative Cote, it can pick you all out. Who is going to say where this money goes? The Appropriations Committee and I don't believe that the members of the Appropriations Committee should rule for us what we may want to do with that money. First of all, it isn't going to be available until the fiscal year, which is in the middle of the summer. We are back every year. How long does it take Congress to designate money for different states? How long? It takes a long time and we will be here by then. As far as leaving it up to the Governor, whoever he may be, whether he is this Governor or another Governor, when it comes to handling the people's money, I have faith in the Governor. Why? Because the majority of the people chose that man to be Governor, regardless of who he is. We may have a new Governor next time or in four more years we may have a new Governor. I don't believe that the Appropriations Committee is going to represent 184 members of this legislature. At least, I don't want them to represent me on something that they would spend money on that I don't know about. If it all comes before this Legislature and the majority of the members say that is the way it will be, I will accept it.

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

Mr. BIRT: Madam Speaker, Ladies and Gentlemen of the House: I appreciate the problems that are involved in this particular bill and the desire to want to have some agency monitor the federal funding in the amount of money that is involved. However, I, for one, am particularly disappointed that a bill of this magnitude, which is an amendment to the Constitution, a particular document that we should be most careful as to how we treat and what we add to it is being debated and probably the decision being made without one member of the leadership of this House on the floor of the Legislature. I think that is completely wrong. I think if they are busy, and I don't care how busy they are, they have the responsibility to be back here. The big problem I see with this is, you are putting into the Constitution, particular committees. There has been a reluctance over many, many years to put into the Constitution, established committees. The amendment that was put on yesterday makes it even worse in that it particularly specifies what the committee is. If the name of that committee is ever changed by one word in any of the Joint Rules, then that automatically nullifies the entire action of this Constitutional Amendment. I don't think we should put articles of this type into the Constitution. To put them in statutorily, and put

them into the statutes, yes, this could be done. I have no problems with that. I can understand and I have read many of the articles about this, about the federal funding and how it should be monitored by the Legislature. If this is done by statute, I would take a good look at it, but to put it in the Constitution, establish a committee which will be appointed by two people, regardless of who they are, one of them being the President of the Senate, the other the Speaker of the House, and giving them almost complete authority when the Legislature is out of session to monitor the disposition of all federal funds, I think is completely wrong. I hope that you will not vote on this. Frankly, I think it should be tabled until at least the leadership is back here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Madam Speaker, Ladies and Gentlemen of the House: I would agree with the remarks of the gentleman from East Millinocket, Mr. Birt. I have watched the power of this Legislature go from the legislative body into the leadership and now it is going from the leadership into special committees, hand picked committees of the leadership, and I am kind of tired of seeing the legislative power being delegated to certain committees within the leadership of this body. I think if the Legislature or the leadership has any intentions of passing a Constitutional Amendment such as this, they should be elected by the membership of this body. They shouldn't be elected by the leadership, they shouldn't be appointed by the leadership, they should be elected by this body.

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

Mr. MORTON: Madam Speaker, I move this item lay on the table until later in Today's Session.

Mr. Kelleher of Bangor requested a Division. The SPEAKER pro tem: The pending question before the House is on the motion of the gentleman from Farmington, Mr. Morton, that this be tabled until later in the session. Those in favor will vote yes; those opposed will vote no.

Mr. Raymond of Lewiston requested a roll call.

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of 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 pro tem: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Farmington, Mr. Morton, that this be tabled until later in the day's session. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Birt, Brenerman, Brown, K. L.; Brown, K. C.; Burns, Carey, Carroll, Carter, F.; Connolly, Cote, Cunningham, Curran, Davies, Dexter, Drinkwater, Dutremble, Fenlason, Flanagan, Goodwin, K.; Gould, Gray, Huber, Hughes, Jacques, Jalbert, Jensen, Kany, Kilcoyne, LaPlante, Littlefield, Locke, MacEachern, Mackel, Mahany, Masterton, Maxwell, McBreairty, McKean, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Peterson, Post, Prescott, Rideout, Rollins, Shute, Smith, Spencer, Sprowl, Stubbs, Teague, Tierney, Torrey, Tozier, Trafton, Twitchell; Wilfong.

NAY — Aloupis, Ault, Bagley, Blodgett, Boudreau, P.; Bunker, Bustin, Carrier, Carter, D.; Churchill, Clark, Cox, Devoe, Diamond,

Dow, Elias, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Green, Henderson, Higgins, Howe, Hunter, Hutchings, Jackson, Joyce, Kane, Kelleher, Kerry, Laffin, Lewis, Lynch, Marshall, Martin, A.; Masterman, McHenry, McMahon, McPherson, Mills, Moody, Norris, Pearson, Peltier, Perkins, Raymond, Sewall, Silsby, Stover, Strout, Talbot, Tarbell, Tarr, Theriault, Valentine, Wood, Wyman.

ABSENT — Berube, Biron, Boudreau, A.; Chonko, Conners, Dudley, Durgin, Gauthier, Greenlaw, Hall, Hickey, Hobbs, Immonen, LeBlanc, Lizotte, Lougee, Lunt, Plourde, Quinn, Truman, Tyndale, Whittemore, The Speaker.

Yes, 69; No, 59; Absent, 22.

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

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

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

#### Committee of Conference Reports

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission" (H. P. 1128) (L. D. 1345) asks leave to report:

that the House recede from enactment, recede from passage to be engrossed, recede from adoption of Committee Amendment "A," (H-496), indefinitely postpone Committee Amendment "A," read and adopt Committee of Conference "A," (H-936) submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A". That the Senate recede from passage to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" (S-251) thereto, recede from adoption of Committee Amendment "A" as amended by Senate Amendment "A" thereto, recede from adoption of Senate Amendment "A" to Committee Amendment "A", indefinitely postpone Senate Amendment "A" to Committee Amendment "A", indefinitely postpone Committee Amendment "A", read and adopt Committee of Conference "A", submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

(Signed)

Mr. CURRAN of South Portland  
DIAMOND of Windham  
Mrs. MASTERTON of Cape Elizabeth  
— of the House.  
Mr. MORRELL of Cumberland  
CARPENTER of Aroostook  
— of the Senate.

The Committee of Conference Report was read and accepted.

The House receded from enactment and passage to be engrossed; receded from adoption of Committee Amendment "A" and indefinitely postponed Committee Amendment "A".

Committee of Conference Amendment "A" (H-936) was read by the Clerk and Adopted.

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

The Committee of Conference on the disagreeing action of the two branches of the Legislature 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) asks leave to report:

that the House recede from passage to be engrossed as amended by House Amendment "C" (H-884), recede from adoption of House Amendment "C", indefinitely postpone House Amendment "C", read and adopt Committee of Conference Amendment "A" (H-937) submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A".

that the Senate recede from passage to be engrossed as amended by House Amendment "B" (H-817) as amended by Senate Amendment "A" (S-332) thereto, recede from adoption of House Amendment "B" as amended by Senate Amendment "A" thereto, recede from adoption of Senate Amendment "A" to House Amendment "B", indefinitely postpone Senate Amendment "A" to House Amendment "B", indefinitely postpone House Amendment "B", read and adopt Committee of Conference Amendment "A" submitted herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "A" in concurrence.

(Signed)

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

— of the House.

Mr. COLLINS of Aroostook  
Mrs. SNOWE of Androscoggin  
Mr. MERRILL of Cumberland

— of the Senate.

The Committee of Conference Report was read and accepted.

The House receded from passage to be engrossed as amended by House Amendment "C"; receded from adoption of House Amendment "C", and indefinitely postponed same.

The Committee of Conference Amendment "A" (H-937) was read.

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

Mr. GREEN: Madam Speaker, could I just have a brief explanation of this please?

The SPEAKER pro tem: The Chair gratefully acknowledges the gentlelady from Brunswick, Ms. Bachrach.

Ms. BACHRACH: Madam Chairman, Members of the House: I would just like to say that this Conference Committee Amendment embodies exactly what I wanted to do in Amendment "C", which was to say that if the state imposed any more tax exemptions or credits that they would be responsible for reimbursing the municipalities from state sources rather than from the General Fund. That is the principal change in the amendment, from state tax sources for 50 percent of the property tax revenue loss. This will insure that any new exemptions that are allowed by the state will be looked at very carefully by the legislature before they are imposed and the cost of reimbursement will not be returned to the municipality.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Madam Speaker, Members of the House: Does the bill and amendment now provide that a municipality may impose a sales tax or an income tax on the people within the municipality?

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

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

Mrs. KANY: Madam Speaker, Members of the House: The answer is, no. The reimbursement to the municipality would have to be from state tax sources, not from municipal sources.

Whereupon, the Committee of Conference Amendment "A" was adopted.

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

The following Communication:  
THE SENATE OF MAINE  
AUGUSTA

July 8, 1977

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

The Senate today voted to Adhere on 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).

Respectfully,

Signed: MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Carleton Day Reed, Jr. and Cynthia Murray-Beliveau are retiring as members of the Board of Trustees of the University of Maine after having served with personal dedication and great distinction (S. P. 595)

Came from the Senate read and passed.

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

The following Joint Order, An Expression of Legislative Sentiment recognizing that: Rudolph Marcoux, William Labine and Edward Stanley are retiring as members of the Board of Trustees of the Maine Maritime Academy after having served at personal sacrifice and with high distinction (S. P. 596)

Came from the Senate read and passed.

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

The following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKERS' OFFICE  
AUGUSTA, MAINE

July 8, 1977

Mr. Edwin H. Pert  
Clerk of the House  
State House  
Augusta, Maine 04333  
Dear Mr. Pert:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 108th Maine Legislature.

Sincerely,

Signed: JOHN L. MARTIN  
Speaker of the House

The Communication was read and ordered placed on file.

On motion of Ms. Clark of Freeport, the following Joint Order: (H. P. 1819) (Cosponsor: Senator Pierce of Kennebec)

WHEREAS, The Joint Standing Committee on Business Legislation had referred to it, during the First Regular Session of the 108th Legislature, many legislative documents affecting complex business transactions; and

WHEREAS, the number of bills and their complexity made it impossible within the time available to the committee for them to completely and properly study these various matters; now, therefore, be it

ORDERED, the Senate concurring, that the

Joint Standing Committee on Business Legislation shall study the following matters:

1. Insurance company practices regarding the renewal and cancellation of property and casualty insurance, health insurance and life insurance;

2. The sale of credit, life and disability insurance;

3. Variable interest rate mortgages;

4. The activities of financial institutions and financial institution holding companies; and

5. The authority, adequacy and effectiveness of the Bureau of Insurance and the statutes regarding the regulation of insurance; and be it further

ORDERED, that the committee in conducting these studies shall have all the powers set forth in Title 3, Section 165, Subsection 7; and be it further

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

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

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

On motion of Mr. Spencer of Standish, the following Joint Order: (H. P. 1820) (Cosponsors: Mr. Carey of Waterville, Mr. Tierney of Lisbon Falls, Senator Collins of Aroostook)

WHEREAS, the Local and State Government property tax currently may be being assessed in an unconstitutional manner; and

WHEREAS, to cure such unconstitutional taxation requires a mechanism whereby property in the unorganized territory may be efficiently and equitably taxed; and

WHEREAS, the possible repeal of the Uniform Property Tax lends great urgency to the resolution of how the property in the unorganized territory should best be taxed; now, therefore, be it

ORDERED, that the Committee on Taxation study the different ways in which property in the unorganized territory can most equitably and efficiently be taxed; and be it further

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

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

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

An Expression of Legislative Sentiment (H. P. 1821) recognizing that: the hard-won skills, calm efficiency and great labors of the members of the Office of Legislative Assistants have been instrumental in the successful labors of the joint standing committees and individual members of the First Regular Session of the 108th Legislature

Presented by Mr. Ault of Wayne.

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

An Expression of Legislative Sentiment (H. P. 1822) recognizing that: the Legislative Research Office and Information Office personnel, through their dedication, special knowledge and tireless hard work have contributed immeasurable to the success of this session

Presented by Mr. Ault of Wayne.

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

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



At this point, Speaker Martin returned to the rostrum.

**SPEAKER MARTIN:** The Chair wishes to thank the gentlewoman from Lewiston, Mrs. Berube, for acting as Speaker pro tem.

Whereupon, Mrs. Berube returned to her seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

(Off Record Remarks)

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

**ORDERED,** the Senate concurring, that the Joint Standing Committee on Business Legislation undertake a study to determine whether marriage counselors should be licensed or registered and whether the present social worker registration law should be amended in order to provide more adequate protection to the public utilizing such services, and whether out-patient community mental health services should be covered in group health care policies and contracts; 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 and concurrence, that a suitable copy of this order be forwarded to the members of the committee.

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

On motion of Ms. Clark of Freeport, the following Joint Order: (H. P. 1825) (Cosponsors: Senator Pierce of Kennebec, Senator Chapman of Sagadahoc)

WHEREAS, Legislative Document 41, "An Act Relating to the State Board of Social Workers Registration Law," Legislative Document 1022, "An Act to Establish the Certification of Marriage and Family Counselors," and Legislative Document 1700, "An Act to Require that Insurance Coverage for Out-Patient Community Health Services be Provided in Group Health Care Policies and Contracts," were all introduced during the first regular session of the 108th Legislature; and

WHEREAS, there are presently no laws in Maine defining the practice of marriage counselors, nor requiring coverage in group health care policies and contracts for out-patient community mental health services and Title 32, chapter 62-A provides only for permissive registration of social workers; and

WHEREAS, professional practitioners providing social work and marriage counseling services should be prepared to comprehend the needs of their clients and to have the skills necessary to act in ways that will truly help them; and

WHEREAS, the degree of knowledge and skill necessary to provide such services requires defined educational preparation and experience, as well as a discipline in behavior, that meet and are accountable to professional standards; and

WHEREAS, the public must be afforded a clear, relevant definition of professional practice; and

Whereas, the services provided by community mental health services should be scrutinized to determine whether they are of the type which should be included in group health care policies and contracts; now, therefore, be it

A Joint Resolution (H. P. 1824) in memory of  
**RICHARD R. ROGERS** of Caribou  
 Presented by Mr. Peterson of Caribou.  
 (Cosponsor: Mr. Martin of Eagle Lake)

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

On motion of Mr. Birt of East Millinocket, the following Joint Order: (H. P. 1827)

WHEREAS, the Legislature has passed an order carrying over certain bills in committee from the first to the second regular session of the 108th Legislature; and

WHEREAS, this procedure of carry-over is a new and untried procedure in the Maine Legislature; and

WHEREAS, it is important that any new procedure in the Legislative process be carefully scrutinized to ensure that it is understood by all members of the Legislature and to ensure that it efficiently accomplishes the purposes which it is intended to accomplish; now, therefore, be it

**ORDERED,** the Senate concurring, that the Legislative Council shall study the process of bill carry-over from a first regular session to a second regular session, this study to include the relationship of the carry-over procedure to the constitutional provisions relating to annual legislative sessions; and be it further

**ORDERED,** that the Legislative Council shall complete this study no later than December 1, 1977 and shall report its findings, together with complete and final drafts of any changes to the Joint Rules or recommended legislation, to the second regular session of the 108th Legislature; and be it further

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

The Order was read.

On motion of Mr. Kelleher of Bangor, tabled pending passage and later today assigned.

(Off Record Remarks)

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

— In House, 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.

— In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-134) in non-concurrence.

Tabled — July 7, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

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

By Unanimous consent, ordered sent forthwith to the Senate.

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

An Act Relating to the Regulation of the Blueberry Industry (H. P. 598) (L. D. 739)

Tabled — June 20, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mr. TIERNEY: Mr. Speaker, after exhaustive analysis on the part of the State Government Committee, the non-partisan staff, the partisan staff of both parties and the members of the Public Utilities Committee, I move this bill be passed to be enacted.

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

On motion of Ms. Goodwin of Bath, the House voted to take from the table the third tabled and unassigned matter:

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

Tabled — June 30, 1977 by Ms. Goodwin of Bath.

Pending — Acceptance of either Report.

On motion of Mr. Curran of South Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

Mr. Bustin offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-941) was read by the Clerk.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: If you have seen House Amendment "A", under filing No. H-941, you will see that it looks a little familiar. It is precisely the same amendment that our good friend Mr. Devoe from Orono tried to attach to the Errors and Inconsistencies Bill and which was defeated. While that debate was going on, probably 20 people came up to me as Chairman of the Labor Committee and said, "what do you think about this?" I said, "I don't know anything about that," and afterwards I was approached and said, "we really ought to have that passed." Some good arguments were given to me which I will give to you subsequently, but what we were doing, in effect, is using L. D. 200 as the vehicle for passing it and nothing else remains in L. D. 200 except this if you pass it.

The reason why we feel the law should be amended to provide for this exemption is that a great many if not all of the apprenticeship programs that there are in this state will be in jeopardy. The federal anti-discrimination laws have been interpreted by the Bureau of Labor as follows, and I read directly from the federal regulations:

"Age limitations for entering into bona fide apprenticeship programs were not intended to be affected by the act. Entering into most apprenticeship programs has traditionally been limited to use under specified ages. This is in recognition of the fact that apprenticeship is an extension of the educational process to prepare young men and women for skilled employment. Accordingly, the prohibitions contained in the act will not be applied to bona fide apprenticeship programs which meet the standards specified."

Among the things that are in jeopardy are the Great Northern Paper Company's apprenticeship program, and I am told another thing that is very much in jeopardy unless this is passed is a quarter million dollar grant to Bath Iron Works for an apprenticeship program. So I would hope that in order to protect these things that the House will pass this amendment and the bill, the amendment will be the bill if you pass it.

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

Mr. DAVIES: Mr. Speaker, I would pose a parliamentary inquiry to the Chair. Since this amendment is identical in wording to an amendment that was offered by the gentleman from Orono, Mr. Devoe, yesterday, to the Errors and Inconsistencies Bill and was defeated by this House, House Amendment H-932, I would question whether this amendment is properly before this body?

The SPEAKER: The Chair advises the gentleman from Orono, Mr. Davies that fortunately or unfortunately the rules do not provide for duplication of amendments, so the same amendment can actually be offered as

many times as there is a vehicle to offer it to, provided that the other body has not defeated it in concurrence. The rules specify (Joint Rule 3) and deals with rejection of bills and therefore the Chair would rule that the amendment is properly before this body.

The gentleman may continue.

Mr. DAVIES: Mr. Speaker, I would move the indefinite postponement of this amendment, this bill and all of its accompanying papers.

The SPEAKER: The Chair would advise the gentleman that the motion is not in order. The only motion at this point would be to indefinitely postpone the amendment if he so desires.

Mr. DAVIES: Mr. Speaker, I so move.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to go so far as to move for indefinite postponement of this, but I would like to hear a rehash of some of the arguments that were levied against the bill that was put in here to limit bank trustees in age and the arguments that were brought up for retirement at age 65. It seems to me we are dealing with much the same type of thing here, and I would like to know why this forms a special exception that we would set above these other two areas.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I will do my best to answer the question posed by the gentleman from Yarmouth, Mr. Jackson. The basic difference in the situations which he has chosen to draw up comparisons with is that we are dealing here with an educational function, not a pure employment function. You can ask yourselves this question: Is any corporation or any company going to enter into an apprenticeship program without age limits? Are they going to train someone for seven years and have them come into the job and then ask for another training program for some other job. The obvious answer is no. When they get through the apprenticeship program for seven years to make somebody, for example, a paper maker, they are not going to back up again and train them for doing something else. If they do go to the expense and the cooperation of the seven year training program, it is quite likely they would like to have quite a number of years of service on that job, not train somebody who is 72 to be a paper maker and who knows how long he is going to make paper.

The Speaker; The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, Members of the House: Yesterday, this legislature took momentous action on the subject of mandatory retirement. It was the action of this body and the body at the other end of the hallway that no longer would public employees be forced out of work simply based on their age and it should only be done on the basis of their ability to do or not to do the job that they have. This is not exactly related to that but it is on the same subject. It is an insidious attempt by the gentleman from Augusta to subvert the actions that this body and the other body took yesterday. If the individual is capable of doing a job, is capable of learning the trade, regardless of what his or her age might happen to be, then we should have no laws discriminating against the ability of that individual to take the training program, to take the job and to do that job. It was a momentous action that we took, and for this amendment to be offered to this bill and for this amendment to be passed into law would be to say to the people of the State of Maine, particularly those people who are currently senior citizens and people who are approaching retirement age once again that they are nothing, that they are insignificant, their value as human beings is reduced by their age, and the fact of the matter is that that is not true. Their

abilities should be the matters that we judge this upon and not upon their age.

I would call upon you to defeat this motion to indefinitely postpone this amendment, and keep clean the statement that we so very very clearly made last evening, that the only discrimination that should be allowed in this state in terms of employment and the training that leads up to that employment should be based on ability to do the job and not on a person's age.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: Me thinks the gentleman protests too much. This has nothing to do with mandatory retirement, it has only to do with job training. Now, if the gentleman would ask himself this question, if he denies the fact that the apprenticeship programs in this state are going to be in jeopardy, he is only to ask himself whether or not any corporation will willingly enter into, they do have to willingly enter into job training programs, these people who are well into middle and late age. Obviously, they are not going to do it.

If we don't put this amendment through, these programs are going to be in jeopardy. It has nothing to do with retirement. In fact, people are not going to be retiring with as good pensions as they would be if they were well trained and got higher paying jobs through apprenticeship programs.

Mr. Speaker, I ask for the yeas and nays.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment makes me very nervous. It seems to me that last night we summarily dismissed the same thing. All of a sudden here we are faced with a crisis in the state that no one had even heard about until today. And one question I would like to pose to the gentleman from Augusta, Mr. Bustin, about this bill is, there is nothing in the amendment as to what the age might be, and we are all here talking about senior citizens and sort of feeling bad for them, which I certainly do, but it seems as though if this amendment were passed, they would be able to set an age of 25 or 30 or 21, or any very low age, I should think, for the maximum age for the apprenticeship programs, and what would stop industries from doing that, not just eliminating the senior citizens who it might be argued would not be productive for too many years after they are trained, but what is to stop them from discriminating against people who are 30 or 35?

The SPEAKER: The gentleman from Augusta, Mrs. Kane, has posed a question through the Chair to the gentleman from Augusta, Mr. Bustin, who may respond if he so desires.

The Chair recognizes the gentleman.

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I certainly do not intend with this amendment to make the gentlelady from Augusta nervous. The fact of the matter is that most apprenticeship programs carry a maximum age limit not of 35 years old. That can be raised with negotiations between the two parties to the agreement, which is to say the labor organization involved and the company involved.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I would pose a question through the Chair to Mr. Bustin? Could you tell me, Mr. Bustin, what effect this might have on the state apprenticeship program?

The SPEAKER: The gentleman from Bridgton has posed a question to the gentleman from Augusta, who may proceed if he so desires.

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

Mr. BUSTIN: I am not aware of the program specifically that the gentlelady refers to.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question to Mr. Bustin through the Chair, please. If a company decided that their maximum age limitation would be 35, what would happen, for example, to a man who is 40, getting out of the service and wants to train as an electrician or a plumber? What would happen to a man who got hurt on the job and decided to participate in a rehabilitation program in that kind of field and then tries to get into an apprenticeship program?

The SPEAKER: The gentleman from Portland, Mrs. Beaulieu, has posed a question.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I am getting awful tired of answering all these questions, Mr. Speaker, I wish we could proceed with the vote. The answer is quite obvious to the gentlelady's question. I think it was rhetorical more than interrogatory. The answer is they would not be able to participate in those programs under those circumstances.

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

Mr. DEVOE: Mr. Speaker, Men and Women of the House: This amendment was a good amendment last night; I submit to this House that it is a good amendment this afternoon being offered to a different bill and I urge the House to adopt the amendment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I just simply would like to comment that what you are experiencing now is just the tip of the iceberg in the prohibition against mandatory retirement that you are going to further experience in the future.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House; I have my own position on this amendment, but I am not really here to speak to that, I am here to just crystallize the issue. I am going to do it very simply, and I think everyone will understand it and we will all be able to make our own decisions, not easily, but we should be able to make our decisions. I think I can crystallize this for you.

This amendment allows discrimination against people on account of age. I personally feel that is wrong. However, no one is required in this state to run an apprenticeship program, no corporation, no company. I have been told by the representatives who run the apprenticeship programs in at least two major industries in this state that if we do not pass this amendment, they are currently being investigated and will be brought into court by the Maine Human Rights Commission, and at that time, rather than to put up with the problems of the apprenticeship programs, they will scrap and kill the apprenticeship programs. The issue is very simple. We are faced with two very bad alternatives. On the one hand, we legitimize age discrimination and if we don't, we lose very valuable apprenticeship training programs. It is a very difficult decision for us all, but that is the issue, clear and simple.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to underline the words of the gentleman in the other corner. I think the bottom line on this whole issue here is that both labor and management are in favor of this amendment. It does not fly in the face of federal regulations as given to you by

the gentleman from Augusta, Mr. Bustin. What you are faced with here is simply the fact that if you don't pass it, some very fine apprenticeship programs in this state are going to die.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I supported the mandatory retirement bill that was before the Human Resources Committee. Yesterday, I also voted against tacking this bill, which is now presented to us, on the Errors and Inconsistencies Act. I didn't think it was properly before us. As ruled by the Chair today, this amendment is properly before us in regard to this particular bill which it addresses. I don't believe that the apprenticeship program has anything to do with mandatory retirement. Without this amendment, the apprenticeship programs, in my community, would be adversely affected. I believe that the argument that Mr. Bustin has submitted is certainly convincing in my estimation. I urge you to support the amendment.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I wish to pose a question to anyone who can answer it. Have these companies also threatened to move out of state if we don't pass this amendment? Where do they intend to get skilled workers if they threaten to close down their apprenticeship program?

The SPEAKER: The Chair would advise the gentlewoman that it is not a proper question. The Chair recognizes the gentleman from Portland, Mr. Flanagan.

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: Having served on the apprenticeship committee for the State of Maine here, I would like to say that there is no age limit. It isn't necessary. All they do is attempt to put apprenticeships into industry. There is no force. There is no pressure there. The setup is made and the industry can pick and choose and accept whomever they want for their apprentices.

The gentleman from Orono, Mr. Davies was granted permission to speak a third time.

Mr. DAVIES: Mr. Speaker and Members of the House: I would like very briefly to read to you a section of the mandatory retirement age bill that was passed by this House, enacted into law and sent to the other body earlier today. "It is the intent of the Legislature that discrimination based on age against any person who seeks employment in the public sector or who is already employed by a public employer shall not be tolerated. It is further the intent of the Legislature to ensure that any older person who seeks or wishes to continue employment in the public sector and who is capable of fulfilling the duties and responsibilities of such employment shall be treated like any other person who seeks or wishes to continue such employment. "Any person who would like to enter into an apprenticeship program with the intent of improving their status in life, their ability to earn money, to live a decent life, to provide for their retirement when they choose to do so, and would like to enter into an apprenticeship program in the public sector as the good lady from Bridgton, Mrs. Tarr, has brought up, would find themselves, if this amendment was added on, even though the laws of the State of Maine say very clearly that they shall not be discriminated against, we will have allowed this small piece of legislation to slip in through that door and to counteract on its face what we have done with mandatory retirement age. While the case may not be exactly clear, certainly a person who seeks employment by entering into an apprenticeship program would not be allowed to be discriminated against.

This amendment would be in conflict with the laws of the State of Maine and would certainly

bring forth a number of court cases that would be expensive to all parties involved. It would tie up our courts. The result, I am certain, would be that this amendment would be struck down by the court. Rather than force the employers in the state and individuals in this state to go through that process, let us take care of it right here where it isn't going to cost the people a cent.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would think that any company that is establishing an apprenticeship program would use certain criteria in selecting the individuals that would participate in this program. I don't look upon age as discrimination. I would suggest that probably that it is just another criteria that is being used. I would call it a selective process rather than a discriminatory process. I am sure that they would consider the interest of the individual, the capacity of the individual, the motivation of the individual and the age of the individual. Those are all important factors because the industry would be investing a great deal of time, money and effort into these individuals. They have a right to expect a return, a return in years of efficient service to that particular company. This isn't unusual. It isn't strange.

I know that I have spent 29 years with the federal service in the Marine Corps. We always used certain criteria for selecting individuals. We used age among other things. There is absolutely nothing wrong with it. I think we are really going to an extreme when we talk about discrimination in the case of an apprenticeship program.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I have two points I would like to make. I have been a strong advocate of an apprenticeship program for many years. I think it is one of the solutions that we ought to use more and more for the training of young people. In some cases, our educational system doesn't seem to reach the needs of certain individuals. A good apprenticeship program where young people can be trained in a skill, a trade, a craft or something of that sort, I feel this to be highly desired. I think that this is a program for young people and I think that companies should be encouraged to create more apprenticeship programs.

Now I want to make my other point. I am old. I am a senior citizen. I am not discriminated against. I live very well. I don't want to be in an apprenticeship program and I doubt very much if many of my old colleagues want to get into one either. We are doing very well. I recommend the adoption of this amendment.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Orono, Mr. Davies, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Beaulieu, Brennerman, Carter, D.; Connolly, Curran, Davies, Elias, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Howe, Hughes, Jackson, Jensen, Kane, Kany, LaPlante, Nadeau, Najarian, Nelson, M.; Pearson, Post, Tarr, Trafton, Valentine, Whittemore, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Bachrach,

Bagley, Bennett, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Bustin, Carey, Carrier, Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cox, Cunningham, Devoe, Dexter, Diamond, Dow, Drinkwater, Dutremble, Fenlason, Fowle, Garsoe, Gill, Gillis, Gould, Gray, Green, Greenlaw, Hall, Hickey, Huber, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Locke, Lougee, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier.

ABSENT — Benoit, Boudreau, A.; Burns, Carroll, Dudley, Durgin, Gauthier, Higgins, Hobbins, Jacques, LeBlanc, Lizotte, Lunt, MacEachern, McMahon, Talbot, Truman, Twitchell, Tyndale.

Yes, 30; No, 101; Absent, 19.

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

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### (Off Record Remarks)

On motion of Mr. Gillis of Calais.  
Recessed until 7:30 in the evening.

#### After Recess 7:45 P.M.

The House was called to order by the Speaker.

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

On motion of Mr. Jensen of Portland, the following Joint Order: (H. P. 1830)

WHEREAS, several bills, including L. D. 388, "An Act Relating to the Maine Turnpike Authority" have been introduced in the first regular session of the 108th Legislature; and

WHEREAS, these bills have raised serious questions concerning the continuation of toll charges on the Maine Turnpike and the continuation of the Maine Turnpike Authority after the payment of outstanding turnpike bonds; and

WHEREAS, it is in the best interests of the citizens of this State that the possible alternatives for dealing with the future of the Maine Turnpike be thoroughly examined before taking action to ensure that the best possible means of operation of the turnpike be selected; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Transportation shall study the implications of the adoption of legislation such as L. D. 388, the necessity or desirability of retention of the Maine Turnpike Authority, the possibility of implementing alternative toll collection methods and the interrelating federal and state agreements governing the existence of the Maine Turnpike; and be it further

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

that a suitable copy of this Order shall be forwarded to members of the committee.

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

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

On motion of Mrs. Post of Owls Head, the following Joint Order: (H. P. 1823)

ORDERED, the Senate concurring, that notwithstanding Joint Rule 19, the following bill may be retained by the committee to which it has been referred during the course of the interim between the first and second regular sessions of this Legislature and may be considered by that committee during that time under the supervision of the Legislative Council and shall be reported to the appropriate House on the first day of the second regular session:

Marine Resources (H. P. 715, L. D. 851)  
An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish.

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

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

#### Non-Concurrent Matter

Bill "An Act to Revise the Judicial Retirement System" (S. P. 497) (L. D. 1776) which was Passed to be Engrossed as Amended by House Amendment "A" (H-809) in the House on June 23, 1977.

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

In the House: The House voted to recede and concur and sent up for concurrence.

#### Non-Concurrent Matter

Bill "An Act to Lighten the Burden of Property Taxes on the Elderly Widowed or Disabled" (S. P. 440) (L. D. 1531) which was Passed to be Engrossed as Amended by House Amendment "A" (H-899) in the House on July 8, 1977.

Came from the Senate, with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed as Amended by Committee Amendment "A" (S-186) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

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

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

July 8, 1977

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

The Senate today voted to Adhere on Bill, "an Act Relating to the Maine Turnpike Authority" (H. P. 343) (L. D. 388).

Respectfully,

Signed:

MAY M. ROSS  
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 8, 1977

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

The Senate today voted to Adhere on 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).

Respectfully,

Signed:

MAY M. ROSS  
May M. Ross  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

July 8, 1977

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

The Senate today voted to Adhere to its action whereby it accepted the Majority 'Ought Not to Pass; Report on Bill, "An Act to Require State Level Assessment of Industrial Real Property with a Value in Excess of \$1,000,000." (H. P. 1329) (L. D. 1606).

Respectfully,

Signed:

MAY M. ROSS  
May M. Ross  
Secretary of the Senate

The Communication was read and ordered placed on file.

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 to Change the Sales Tax Basis on Fuel Oil from Price to Volume" (H. P. 784) (L. D. 936)

— In House, Indefinitely Postponed on April 26.

— In Senate, Majority "Ought to Pass" Report Read and Accepted.

Tabled — May 12, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

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

Mr. CAREY: Mr. Speaker, I move that the House adhere.

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

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

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: It is only appropriate that industry have only its share of what happens in the legislature this session. It has been able to get away without having its property valued justly. Therefore, it shouldn't be enriched by having any more benefits. I would hope that you would adhere.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: Could the Clerk read the Committee Report?

Thereupon, the Committee Report was read by the Clerk.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to have the distinction of having the last bill on the unassigned table for this session.

To give you a little history on this bill, essentially what we are talking about is putting a ceiling on sales tax revenue derived from industrial fuel oil. Three or four years ago, most manufacturers in the state were paying about \$2 per barrel for industrial fuel oil. Therefore, on 5 percent sales tax, the state was getting approximately 12 cents or so in sales tax revenue. Since then, however, the OPEC countries have quadrupled the price of oil, therefore, forcing manufacturers to pay four times the amount on each 42 gallon barrel, which now is approximately about 70 cents. My feeling is that because the price of oil is essentially dictated by OPEC, that we should, in some way, protect Maine business and manufacturers from excessive sales tax on whatever the price might be as dictated by OPEC. What this bill essentially says now and it basically is a bill to protect manufacturers, it says that once the price of oil reaches \$15 for a 42 gallon barrel of oil the sales tax will kick off. In other words, if the price of a barrel of oil is \$16, the state would get a 5 percent sales tax on the first \$15 and not on that one dollar. For those who would argue that potentially there would be a loss of revenue, they aren't incorrect. However, my feeling is that because the price of oil is dictated by OPEC and because I think I believe that OPEC, in the next few years, will raise the price of oil dramatically, I see nothing wrong with trying to protect manufacturers from real excessive jumps in the price of oil.

I think when you talk about business as opposed to labor or anything else, I think that if Maine manufacturers, and they have paid four to five times the amount they were paying two years ago just in sales tax for the oil they burn in the manufacturing process, I really think they have paid their share, I really think if the state is going to get 5 percent sales tax on the first \$15, that we are basically just protecting them.

If OPEC should decide tomorrow the price will be \$20 dollars a barrel, we are giving them a little bit of a break.

I hope we would recede and concur.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Since Representative Boudreau is interested in the history of this bill, I thought I would bring one other point to light which is history of the bill in the legislature which he neglected to mention. That is, last time this body dealt with this particular bill, the motion was made to indefinitely postpone. The motion to indefinitely postpone carried by 99 votes to 47. If you are going to consider the history of the legislation, I think you ought to keep that in mind. I hope that we would continue that method by adhering to the motion to indefinitely postpone tonight.

The problems that I had with this bill when it came out of committee were twofold. One is that we are giving a tax break without having to face up to the fact of actually setting it along with all the other priorities. Later on tonight or tomorrow morning, we are going to be faced with a lot of good bills that are going to come back here because there isn't enough money to pay for them. We will either recede and concur or we will go through the sort of useless action of sending them back to the Senate again and they will adhere and those bills will be dead. If this still had a price tag on it and if it was sitting over there on the table and had to go through



the same priority process as everything else, my vote might have been different but it wasn't that way.

This bill only gives a tax break to some of the bigger industries, only to manufactured industrial industries. It doesn't give a tax break to the storeowners. Their oil is also controlled by OPEC. It doesn't give a tax break to the farmers and the fishermen and the loggers who have to pay sales tax on gasoline and our costs have gone up from 30 cents to 60 cents per gallon and it will be going up even more. It doesn't in any way, take into consideration the normal inflationary process of what the oil prices will go through. It is very very special interest legislation for a special group of people. You are being asked to make an easy decision now and somebody down the road will have to pay for it.

I hope that you vote against the motion to recede and concur.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I happened to be present the night this bill was hatched. It was at a gathering where we were all wined and dined in Waterville. My good friend, Mr. Boudreau, was there. He was shaking his head yes at everything the Scott Paper Company wanted us to do. This is one of the things that they wanted above anything else because they said it was costing them \$2,000,000 for the cost of extra fuel, nothing about the farmers in my area, nothing about the people in Monson, Mr. Palmer. You know what my answer was to them? I have had it up to here with what you fellows want. I could care less. All you have to do when you want to make a profit is put that toilet paper up a quarter of a cent a roll and you are back in business. This is what will happen.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: This bill meets the billing of "oh, come on now". It is incredible that we should have a bill like this. It is absolutely incredible. Let me just give you one example of what we will be doing to help this one industry. There are many industries I know but I don't want to have to go through all the different industries. There are oil companies and large manufacturing companies, there is Central Maine Power Company, there is Bangor Hydro Company, there is all of these various sundry large industries.

Let me just give you an idea about one company, Central Maine Power Company, which takes a legitimate tax break now that has been written into the federal law that allows them to retain for Central Maine Power Company itself \$25,000,000 worth of federal and state income taxes that have been collected from consumers. For every dollar they pay, they can collect \$2 from consumers. They have \$25,000,000 in four years that is accrued that is interest-free capital. Maine Yankee has collected \$29,000,000 in four years and they haven't paid any federal income taxes. Although this year they collected \$7,000,000. I just can't find it in me to give large industry another break, when they have the tax benefit that the average, common, ordinary person doesn't even begin to have. I don't see any bills in here to give a sales tax break for you or I when we go out and buy a shirt. I don't see anything that brought a sales tax break for gasoline. OPEC, as Mr. Boudreau points out, has raised the price of crude oil. That is true. I don't see anything in here to give us a break on the sales tax on gasoline. Even though my constituents drive an average of 25 miles a day, one way, I don't see any break for them getting to work. They make the minimum wage.

This is pure and simple a welfare bill for industry. It is interesting that the great defender

of all the unemployment bills this session has got a welfare bill in for industry.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me this is a very simple thing. As far as I know, sales tax is charged on price. If you buy something for so much, there is so much sales tax. I can't see that there is much of anything else to it. If we start in changing from price to volume or to weight or to capacity, can you imagine the number of requests we are going to get? I say, lets vote not to recede and concur and to just kill this thing.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: The one thing that has disturbed me a little is that we are talking about volume and sales tax and so forth. Several people have mentioned gasoline. At the present time, the tax on gasoline is by volume.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: When a logger pays tax on gasoline for his chain saw, he pays sales tax. He gets a rebate on his gas tax, it is a sales tax. When a farmer pays tax on his gas, it is a sales tax. When a fisherman pays tax on gas, it is a sales tax. It is based on cost, not on volume.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think we all realize that every time a tax is imposed on any industry, the product that that industry manufactures has to increase its cost. The cost is passed onto the consumer. If you are a consumer advocate, you certainly want the tax to be as low as it possibly can. If the industry can't pass its cost on and still be competitive, then the industry has to go bankrupt. There is no other way to do it. It isn't like state government or federal government or municipal government that can increase its taxes. It has to be competitive. It has to keep its costs down. If we can possibly give any industry a break as far as taxes go, we are really helping the consumer.

I would hope that you would agree with Mr. Boudreau from Waterville. Presently, the sales tax has gotten so high that it does make some of our industry non-competitive. Either that industry is going to move out of the state where it can become competitive or it is going to increase its price and go bankrupt. If you are a consumer advocate, you would have to go along with what Mr. Boudreau is proposing.

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

Mrs. HUBER: Mr. Speaker, Members of the House: I would like to correct two points the previous speaker just brought up. One, this is not a tax increase. It is a continuation of an existing tax. I think that is important. The second point involves the competitiveness of industry. Obviously, this is something that is important to the consumer.

When this bill came up on the floor back in April, I spoke in favor of killing it because I felt that higher prices did mean conservation of what is essentially a very finite fossil fuel. I still feel that way. However, I was interested in trying to find out more about how this would affect the competitiveness of industry.

I asked Mr. Robert Cleaves in Portland what, in fact, was in store as far as Maine industry and competing with other industries in New England particularly. He sent me some interesting information. As a matter of fact, the electricity cost for Maine industry is very low compared to other New England states. I would like to quickly give you a couple of examples. In Massachusetts, the cost of 2,000,500 kilowatts of electricity is \$96,000 plus. In New Hampshire it

is \$50,000 plus. In Maine it is \$41,000. He is using these figures in advertisements that are being placed all over the country, perhaps all over New England, I don't want to be incorrect on that, to encourage industry to move to Maine. He considers this an extremely important incentive to bring new industry to Maine. I would agree and I am delighted to see that kind of fact the public can use to encourage companies to come to this state.

I guess I would just have to say that at this point in time, it doesn't seem to me that Maine industry is not competitive. I do think it is important that we not close out our options. In a few years, it may be quite relevant to consider legislation of this type. But I think that the time isn't here yet. When we do have evidence that Maine industry is being hurt, that is the time to act. Frankly, I think, at the same time, we will have to consider and hopefully have some hard information on what kind of revenue loss this will mean to the State of Maine. Remember, the State of Maine is going to have to pay for products and services at the same time that it may, in fact, have to limit its source of revenue. I would urge to indefinitely postpone this bill.

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

Mr. DAVIES: Mrs. Speaker, Members of the House: There are a couple of points that I would like to bring out for your consideration before you make a decision on this bill finally. First of all, the proposal to do what this bill suggests goes contrary to the energy policies that have been proposed by the Carter Administration. What it tends to do, is it tends to make oil relative to other fuel sources, at the present time, seem to be a much more valuable resource for people to put their money into, to buy oil instead of going to coal or to other forms of energy. Unfortunately, what this does is it makes us more dependant on oil. What this country needs to do is to develop these alternative sources whether it is coal, whether it is solar, whether it is additional hydroelectric, but we have to find ways to get away from oil as an energy source. This bill is going to make it something that, in the short run, might seem to be a little bit cheaper than the other energy sources but it is going to lock us into a horrible consumption pattern in the next 25 years that we badly need to avoid.

The second point, one of the things that the Energy Committee has done this year is it has examined exactly what kind of energy use there is in the state, who uses it and how much they use. If you look at current energy consumption in the State of Maine in the industrial sector of fuel oil that would be covered by this bill, every time the price of oil goes up to an equivalent of 10 cents per gallon and it is predicted that this is going to be happening very rapidly, as you have seen in your own home heating bills in the last two winters, the price of oil is going to go up. Whereas we would be collecting only 75 cents on a barrel of oil under this proposal, from now until forever if this bill was placed on the books, under the current system, charging a sales tax based on price, the State of Maine would be making approximately \$125,000 per year more on sales tax revenue. That is just at current consumption rates. Assuming a steady growth, which is projected until 1985 of about 5 percent a year, the cost will exceed \$250,000 a year just based on our own projections now and there is no telling what is going to happen in the next 15 or 20 years. I suggest that the price tag in the future is going to steadily go up. It is going to cost us sizeable amounts of money from a sector of our economy that certainly has gotten enough other benefits already and we don't need to extend them one more under this rather innocent guise of shifting from price to volume in charging the tax.

I hope you would indefinitely postpone this bill tonight.

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 thank everyone for debating this bill but I think everyone is here now and Mr. Speaker, 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 on 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 Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House:

First, I want to thank you all for this great going-away party.

Secondly, I would just like to answer some of the comments of some of my friends here. I am really not all that bad of a guy, you know?

As far as Mr. Hall's comments about the meeting with Scott Paper, I don't recall saying yes, yes, yes to everything they were talking about but that is beside the point. I don't want to belabor that. Secondly, as far as this being a special interest bill, I think that Mr. Hall's bill on assessment of industrial property involved about 25 or so companies in the state. This bill involves a lot more companies than that so I would say his bill is much more special interest than mine.

Thirdly, I would say that as far as Mrs. Post is concerned, with special interest bills, I have sat here all session listening about clam flats and lobstermen and that was pretty special interest also.

As far as Mr. Wilfong's statement about the corporations, I used that same speech on my labor bill, charging that all the corporations don't pay any taxes and that this is very very bad.

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

Mrs. KANY: Mr. Speaker, I would like to pair my vote with the gentleman from Brunswick, Mrs. Martin. If she was here, she would be voting no and I would be voting yes.

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

#### ROLL CALL

YEA — Alopous, Ault, Austin, Bagley, Birt, Boudreau, P.; Brown, K. L.; Carter, F.; Conners, Devoe, Dexter, Drinkwater, Garsoe, Gould, Gray, Hutchings, Immonen, Jackson, Laffin, Lewis, Littlefield, Lougee, Lynch, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hunter, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, MacEachern, Mahany, Marshall, Masterton, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Peakes, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Smith, Spencer, Stover, Stubbs, Tarr,

Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carrier, Churchill, Dudley, Gauthier, Hobbins, Jacques, LeBlanc, Lizotte, Lunt, Mills, Peterson, Sprowl, Talbot, Truman, Twitchell, Tyndale.

PAIRED — Kany, Martin, A.

Yes, 35; No, 98; Absent, 16; Paired, 2.

The SPEAKER: Thirty-five having voted in the affirmative and ninety-eight in the negative, with sixteen being absent and two paired, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1828) recognizing that:

The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

The following Joint Order, An Expression of Legislative Sentiment recognizing that:

The Cape Elizabeth High School Baseball Team has won the State Class B Championship for the 3rd time in the last 4 years and has also won the Western Maine Class B Championship and the Cumberland County Conference Championship for the 4th consecutive year (S. P. 597)

Came from the Senate, read and passed.

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

An Expression of Legislative Sentiment (H. P. 1828) recognizing that:

The Boys Baseball Team of Sacopee High School has won the State Class C Championship Presented by Mr. Carroll of Limerick, (Cosponsor: Mr. Wilfong of Stow)

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

An Expression of Legislative Sentiment (H. P. 1829) recognizing that:

CARL E. HEILSBERG of Stockholm has retired as superintendent of schools for the towns of Woodland, Stockholm, Westmanland and New Sweden after 29 years of service in the education field

Presented by Mr. McBreaity of Perham, (Cosponsor: Mr. Peterson of Caribou)

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

The Chair laid before the House the following matter:

RESOLUTION, Proposing an Amendment to the Constitution, to delegate Certain Emergency Budgetary Powers to Joint Legislative Committee to be Exercised when the Legislature is not in Session (H. P. 1397) L. D. 1658) which was tabled earlier in the day and later today assigned pending final passage.

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

Mrs. NAJARIAN: Mr. Speaker, Men and Women of the House: I can read the handwriting on the wall and I know that a lot of people are very uncertain and upset about this constitutional amendment. In the interest of saving time and besides, I peaked on this thing about a month ago. I just don't feel like talking about it any more. Therefore, I move its indefinite postponement.

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

Ms. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I will just say one word on this. That is, when the State Government Committee first considered this amendment, I felt that it was a very good thing because there was, in effect, no legislative break on whatever funds were transferred when we are not in session. The amounts being

transferred were quite astonishingly large. I felt that perhaps the legislature should have some oversight over the transfer of funds within state government when we are not in session. I am surprised that the gentlewoman from Portland, Mrs. Najarian has decided we don't need it. I feel we still do.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentleman of the House: I was a co-sponsor of this proposed amendment. I think it is an important and necessary thing. I know that the gentlewoman from Portland has been working very hard on this and has run into some concern from various quarters. But it seems to me that it is going to be the legislature that sets the priorities for this state, there has got to be some mechanism for controlling and approving fund transfers from one account to another. One of the things that we tried to do with a number of these things is to get greater legislative control over the appropriation of federal funds and the transfer of funds. I think this is a very good idea and I would urge the gentleman from Portland to do what I did on my motion on the juvenile code, which was to vote against my own motion.

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

Mr. JALBERT: Mr. Speaker, Members of the House: I think this is not only a good bill and it was a good thought and a good situation but an extremely necessary one. I stood on the floor of this house here and told you just how much power any Governor was being given when you eliminated the Governor's Council. I, by no means, want to be partisan. But my own party that was in power in this House became partisan of the opposition party. They not only left all the money with the executives but all the power that counts, with the Senate. Sure a legislative committee can meet but you don't want to give any power to the Appropriations Committee. As far as I am concerned, I could care less anyway. But I am not going to sit down and just rest easy on something that I know isn't right. Any of you can come out and give a unanimous report on any appointment that is made but where does the final say lie? Now you are lying, not just this Governor, any Governor to do with what he wants as far as funds are concerned.

Many years ago, I presented a bill on line budgeting. As a matter of fact, I wanted to go so far as to have line item budgeting. Now you can take and pass a measure here for \$700,000 for a program in one department and it can be shifted from one area to six or seven or nine or ten different areas within that department and not one dime of that \$700,000 would go for what it was meant. If you don't want to give any power to the judiciary appointment, go to the judiciary committee, I don't object to that. Insurance and things like that go to business legislation. I don't object to that. Education matters go before the education committee. I don't object to that. Where do you want money matters to go to?

I don't think this item should be killed at all. This is very, very important. You are giving complete and absolute control. When we go home without doing something like this and when we don't pass for whomever is going to be the next Governor somewhere along the line or pull up, that individual becomes in complete control of the budget. And that isn't right.

I would like to see the lady from Portland withdraw her motion or else I urge you, if she won't do it, I urge you to vote not to indefinitely postpone this item. This is a very serious problem and it should have been passed a long time ago.

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

Mrs. NAJARIAN: Mr. Speaker, Members of



the House: I very happily withdraw my motion.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I stand in support of this particular L. D. Mr. Speaker, I ask that when the vote is taken that it be taken by the yeas and nays because I want my people back home to know that I want some control over the federal monies coming into this state. I might also add that the present Governor of this state has said that he doesn't want the sole responsibility for that money and he does favor this kind of legislation.

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

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

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the last two speakers and I am very glad that the gentlewoman from Portland has withdrawn her motion.

I think that we ought to go ahead and pass this Constitutional Amendment. I came before the State Government Committee and as I remember, it had a very good report, if not a unanimous "Ought to Pass" Report. It came to our attention that it was an oversight on the part of the Legislature when they wrote the very sick piece of legislation that replaced the powers of the Executive Council in other departments of government. They left out this very important function of the former Executive Council to approve transfers of funds made within departments, not between departments but within departments. Our Constitution provides that the powers of this government shall be divided into three distinct departments, the Legislative, Executive and Judicial. You will remember that the Executive Council was a creature of the Legislature. It kept watch on the Governor and the Executive Branch but it was a creature of the Legislature. The Constitution goes on to say that no person or person belonging to one of these departments shall exercise any of the powers properly belonging to either of the others except in cases herein expressly directed or permitted by the Constitution. The Legislature is responsible for passing laws, the Governor for executing those laws. We control our state governmental program by establishing a budget which, of course, does come up from the executive branch but it is the Appropriations Committee and the Legislature which sets the budget.

Some very good evidence came to our attention showing that great amounts of money were transferred within departments, amounting to millions of dollars in some cases. I think if the Legislature is really serious about gaining oversight over the Executive Branch, if we are really serious about these programs that we have set up through our budget. We should go along with this Constitutional Amendment which provides that the Appropriations Committee, when the Legislature is not in session, will be keeping watch over the funding that we have provided for our state programs. I would urge you to vote for this measure.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I spoke at some length on this, this afternoon. I guess I agree with the intent of all of the previous speakers in that there needs to be a handle put on the federal funds. My biggest reservation is the method of

going at it. This was done by statute, it was done by writing.

The SPEAKER: The Chair would advise the gentleman that this is not dealing with federal funds. The Chair would state that the bill contains transfers of funds between departments.

The gentleman may continue.

Mr. BIRT: Mr. Speaker and Members of the House: Well, I think whether this relates to the allocation of federal funds or a transfer of funds between departments, I guess it would be effective either way. I am reluctant to write language into the Constitution. I think this could be done statutorily or it could be done by language in the Preamble to the Appropriations Act.

I think when you start to spell out — there has been a reluctance down through the years that I know of mentioning a committee or legislature or any formation of that type as spelled out specifically in the Constitution, when we start to spell out a particular committee, and actually a committee that is a creation of only two people, I have some serious reservations whether this is the direction we ought to go. When we take a look at the Appropriations Committee or any committee, they are, actually, the creation of two people, the Speaker of the House and the President of the Senate. This is no reflection on either one of the people presently in office or people who have previously been in there, but I do think that we should not delegate this authority spelled out in language that is so bound in cement as it is when you put it into the Constitution.

I would hope that you would not vote for this. If sometime this could be changed over into a statutory provision, I would take a good look at it and probably would support it, but I do feel that it is a complete mistake to go in the direction we are going today.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would have to be honest with myself and agree in some part with the gentleman from East Millinocket, Mr. Birt.

I didn't mention it to the good gentlewoman from Portland, Mrs. Najarian, yesterday when she quickly told me about it, when she explained this amendment to me, I didn't pay that close attention to her, but I should have. This is what I think we should do. We are going to be here anyway and we can do it, we are going to have time to do it, believe me, we are going to have time to do it. What we should do with this thing is, this should be tabled and the amendment that Mrs. Najarian put in should be withdrawn. Let the thing to a vote at a referendum. When and if it passes, then we can come back next January and then we can give the authority to whatever committee or whoever we want to then. That is what we really ought to do.

I would suggest that we table this thing pending an amendment. Mr. Speaker, I move that the rules be suspended for the purpose of reconsideration. I want to strike out House Amendment "A" to Committee Amendment "C".

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

Mrs. NAJARIAN: Mr. Speaker, it is House Amendment "A" to the bill, 1658, under filing number 897.

Thereupon, on motion of Mr. Jalbert of Lewiston, under suspension of the rules, the House reconsidered its action whereby this Resolution was passed to be engrossed.

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

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

Mr. JALBERT: Mr. Speaker, I now move

that House Amendment "A" be indefinitely postponed.

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

Mr. GARSOE: Mr. Speaker, I would ask the gentleman from Lewiston if he is proposing to indefinitely postpone the amendment that removes from the bill the power of this special committee to put into being a new activity based on the receipt of federal funds while the Legislature is not in session?

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

Mr. JALBERT: Mr. Speaker, I would be happy to answer that. No, I don't. I merely want to put the bill, in answer to the gentleman from Cumberland, Mr. Garsoe, in a position where when we do come back, then, as Representative Birt from East Millinocket suggested, we can decide who is going to be the committee or the group that is going to be the watchdog of these transfers of funds. That is all I want to do.

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

Mr. PALMER: Mr. Speaker, I really didn't intend to speak on this measure and I just want to clarify a few points.

I think it is pretty bad, number one, that we stay here on the night before adjournment and we are dealing with an amendment to the Constitution of the State of Maine and we are now amending on the floor — and many people don't even understand what bill we are talking about. We have already had some confusion. The gentleman from Standish, Mr. Spencer, said he cosponsored the bill and he did not cosponsor the bill, he cosponsored a bill which dealt with the federal funds, which has already been passed, I believe, and is part of the law of the State of Maine. The gentleman who cosponsored this bill is the Speaker of the House. That is number one. He is chairman of the Judiciary Committee, and we are amending the Constitution.

Number two, we have also taken care of some transfer of funds in L. D. 1618, which has already passed this House and passed the other body and is a part of Maine law. I am just going to submit to you tonight that I think we should do what the lady from Portland originally tried to do, indefinitely postpone it, and sometime between now and the next sessions of the Legislature we should all find out what we have done, what we want to do, what we have sponsored and what we think needs to be done.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to inform the gentleman from Nobleboro that the temperature has changed around here since 1949. When the vote is taken, I ask for a Division. This is just as sound and solid as it can be. And, Mr. Speaker, while we are at it, speaking about the night before we adjourn — you know, I am not particularly happy that we have still got about a hundred bills that haven't been decided upon and only one more day to go. We have got to sit around and wait around here like puppets after we on the committees have worked for six months while certain people have dilly-dallied over them in the waning ours of the next to the last day of the session.

This is a sound piece of legislation, and the gentleman from Nobleboro knows it. Anything is possible; that is what we are in session for. How many times has the gentleman from Nobleboro heard me get up, in the few times that I have gotten up this session, and urged you and urged you, have gotten you out back, gotten our leader out back, spoken to the Speaker and said, let's move. Well, we are at the top of the stretch and I said two weeks ago, I am in no hurry. And I can tell you one thing right now, you may look at me and smile, but I will tell you one thing, the book is open that I will see you

here Monday and Tuesday morning, make up your mind to that.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I am disappointed to hear that I am not the cosponsor of this, because I did work with the sponsor on this and all of the other matters that dealt with this area and I thought I was also cosponsor of this one. I do know what we are discussing, I have it on my desk in front of me, it is L. D. 1658, and I would urge you to support the position that has been taken by the Representative from Lewiston, Mr. Jalbert. If we indefinitely postpone the amendment, we are simply authorizing the legislature to delegate to a committee the authority to approve the transfers from one account to another. Then, when we come back, we can delegate that authority to a specific committee, and it can be the Appropriations Committee or, if the gentleman from Nobelboro wants it to be some other committee, I am sure that we would entertain his suggestion on that.

I think that it is an improvement not to write one committee into the Constitution, because it makes it very hard to change the committee structure in the House. I think this is a very important bill. With the amendment indefinitely postponed, it will be better. It has been very carefully worked out and reviewed by the Attorney General's Office, and although I am apparently not the cosponsor, I would still urge you to support it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

104 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

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

Mr. LAFFIN: Mr. Speaker, I move that this be indefinitely postponed.

Thereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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

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

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

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berry, Berube, Biron, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gillis, Goodwin, H.; Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Laffin, Lewis, Littlefield, Lougee, Mackel, Marshall, Masterman, McPherson, Moody, Morton, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Post, Quinn, Raymond, Rollins, Sewall, Shute, Smith, Stover, Strout, Stubbs, Tarr, Teague, Torrey, Tozier.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins,

Hobbins, Howe, Hughes, Jalbert, Jensen, Kany, Kelleher, Kilcoyne, LaPlante, Locke, Lynch, MacEachern, Mahany, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Plourde, Prescott, Rideout, Silsby, Spencer, Tarbell, Theriault, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Carrier, Dudley, Gauthier, Gill, Jacques, Kerry, LeBlanc, Lizotte, Lunt, Martin, A.; Mills, Peterson, Sprowl, Talbot, Truman, Twitchell, Tyndale, Whittemore.

Yes, 61; No, 72; Absent, 18.

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

Mr. Laffin of Westbrook requested a roll call vote on passage to be engrossed.

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

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

The SPEAKER: The pending question is on passage to be engrossed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Devoe, Dow, Elias, Flanagan, Fowlie, Gill, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jalbert, Jensen, Kany, Kelleher, LaPlante, Locke, Lougee, Lynch, MacEachern, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Plourde, Prescott, Rideout, Silsby, Spencer, Tarbell, Theriault, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Berry, Berube, Biron, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cote, Cunningham, Dexter, Diamond, Drinkwater, Durgin, Dutremble, Fenlason, Garsoe, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kilcoyne, Laffin, Lewis, Littlefield, Mackel, Mahany, Marshall, Masterman, McPherson, Moody, Morton, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Post, Quinn, Raymond, Rollins, Sewall, Shute, Smith, Stover, Strout, Stubbs, Tarr, Teague, Tierney, Torrey, Tozier.

ABSENT — Carrier, Dudley, Gauthier, Jacques, Kerry, LeBlanc, Lizotte, Lunt, Martin, A.; Mills, Peterson, Sprowl, Talbot, Truman, Twitchell, Tyndale, Whittemore.

Yes, 69; No, 65; Absent, 17.

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

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, House Rule 22 was suspended to permit business to be conducted after 9:00 P.M.

#### (Off Record Remarks)

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

After Recess  
9:35 P.M.

The House was called to order by the Speaker.

#### (Off Record Remarks)

On motion of Miss Brown of Bethel, Adjourned until Monday, July 11, at nine o'clock in the morning.