

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume II**

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

**Index**

**Senate Confirmation Session  
September 16, 1977**

**Index**

KJ PRINTING  
AUGUSTA, MAINE

## HOUSE

Monday, July 11, 1977

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

Prayer by the Reverend Herbert L. Reid of the Church of World Brotherhood, Fairfield.

The members stood for the Pledge of Allegiance.

The journal of the previous session was read and approved.

## Papers from the Senate

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 Establish Half Rate for Registration and Excise Fees at the Midpoint in the Registration Year. (H. P. 448) (L. D. 554).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

## Non-Concurrent Matters

"An Act Appropriating Funds to Maine Vocational Development Commission" (H. P. 516) (L. D. 634) (C. "A" H-119) which was Enacted in the House on April 20, 1977.

Came from the Senate with engrossment reconsidered and Passed to be Engrossed as Amended by Committee Amendment "A" (H-119) as Amended by Senate Amendment "A" (S-393) thereto in non-concurrence.

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

"An Act Appropriating Funds to Provide Services to Older Blind Persons to Assist them in Remaining in their Own Homes and in Caring for Themselves" (S. P. 338) (L. D. 1123) which was Enacted in the House on May 12, 1977.

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**RESOLVE,** to appropriate Moneys for Research on Blackfly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Blackflies (Emergency) (H. P. 291) (L. D. 348) (H. "A" H-361) which was Finally Passed in the House on May 26, 1977.

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

"An Act Concerning Recovery of Damages by the Consumer" (H. P. 1303) (L. D. 1541) which was Enacted in the House on June 21, 1977.

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

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

By unanimous consent, the preceding matters were ordered sent forthwith to Engrossing.

On motion of Mr. Tierney of Lisbon Falls the following Joint Order (H. P. 1831):

**ORDERED,** the Senate concurring, that Joint House Order H. P. 837 of the 107th Legislature be amended by striking out all of the next to the last paragraph and inserting in its place the following:

**ORDERED,** that the special committee report the results of its study together with all necessary implementing legislation no later than December 1, 1977; and be it further

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Nadeau of Sanford, it was **ORDERED,** that Harold Cox of Brewer be excused for July 11th and 12th for personal reasons.

## Finally Passed

## Constitutional Amendment

**RESOLUTION,** Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities from State Tax Sources for 50% of Losses Caused by Property Tax Exemptions and Credits Enacted after April 1, 1978 (S. P. 366) (L. D. 1227) (Conf. C. "A" H-937)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken, 97 voted in favor and 5 against and accor-

dingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Passed to Be Enacted Emergency Measure

"An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 590) (L. D. 1896) (S. "A" S-374; S. "B" S-375, S. "C" S-377, S. "E" S-380, S. "F" S-381, S. "G" S-382, S. "H" S-389; H. "A" H-901, H. "B" H-904, H. "C" H-906, H. "D" H-907, H. "I" H-913, H. "J" H-915, H. "L" H-917, H. "R" H-923, H. "S" H-924, H. "T" H-925, H. "U" H-926, H. "V" H-927, H. "W" H-928, H. "Z" H-931, H. "BB" H-933)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I can't vote for this bill today, and the reason is that House Amendment "J" is on the bill. I am very much opposed to it. If any of you have read this particular amendment, it says that the President of the Senate and the Majority and Minority Leaders of the Senate and the Speaker of the House and the Majority and Minority Leaders of the House will have the authority to hire more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant when the Legislature is in session or such other time. I think any of you know perfectly well that when you hire more than one person, if the salary is the same, the salary is just one part of it. There are the fringe benefits that go with it. There could be transportation involved, and it is very easy to extend the time that the person has — I would presume each one of these people are working part time — to extend that time and it is just another way to increase legislative bureaucracy.

When I first came here in the 106th and people who came then or came before certainly will have to see how it has enlarged. I can remember when the post office was down where the Majority Leader's office is now, the Speaker and the Majority Leader were together where the Speaker's Office is now. The whole thing has just increased and been enlarged, and this is just one other way. When you have more than one person, you are also going to have to have more than one desk, probably going to have to have more room, and it is an enlargement, and for that reason, I am going to vote against this bill.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 7 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

#### Passed to Be Enacted

"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)

"An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200) (H. "A" H-941)

"An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission" (H. P. 1128) (L. D. 1345) (Conf. C. "A" H-936)

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders of the Day

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

Joint Order — Relative to Adding Joint Rule 36-A, Carry over of bills and resolves (H. P. 1815)

Tabled — July 7, 1977 by Mr. Tierney, of Lisbon Falls (Pursuant to House Rule 54)

Pending — Passage

On motion of Mr. Tierney of Lisbon Falls, the Order was indefinitely postponed.

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

Joint Order — Relative to Repealing and Replacing Joint Rule 24, Cloture; second regular session (H. P. 1814)

Tabled — July 7, 1977 by Mr. Tierney of Lisbon Falls (Pursuant to House Rule 54)

Pending — Passage

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

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

Joint Order — Relative to Repealing and Replacing Joint Rule 22, Departmental Bills (H. P. 1816)

Tabled — July 7, 1977 by Mr. Tierney of Lisbon Falls. (Pursuant to House Rule 54)

Pending — Passage

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

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

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

Tabled — July 8, 1977 (Till Later Today) by Mr. Palmer of Nobleboro.

Pending — Final Passage (Roll Call Ordered)

The SPEAKER: The pending question is on final passage. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Beaulieu, Benoit, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carroll, Carter, F.; Churchill, Clark, Connors, Connolly, Cunningham, Devoe, Diamond, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jaibert, Kany, Kilcoyne, Lewis, Lunt, Lynch, Mackel, Martin, A.; Maxwell, McBairty, McPherson, Mills, Nadeau, Najarian, Nelson, M.; Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Sewall, Shute, Sprowl, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Berry, Birt, Brown, K. C.; Carter, D.; Chonko, Cote, Dexter, Dow, Green, Hall, Howe, Huber, Jensen, Joyce, Kelleher, Laffin, Littlefield, Lougee, MacEachern, Mahany, Masterman, McHenry, McKean, Mitchell, Morton, Pearson, Raymond, Smith, Stover, Teague, Wilfong.

ABSENT — Ault, Austin, Bennett, Biron, Blodgett, Carrier, Cox, Curran, Davies, Dudley, Dutremble, Fowlie, Gauthier, Hobbins, Hughes, Jacques, Kane, Kerry, LaPlante, LeBlanc, Lizotte, Locke, Marshall, Masterton, McMahon, Moody, Nelson, N.; Norris, Peakes, Post, Silsby, Spencer, Strout, Stubbs, Talbot, Tarbell, Truman, Twitchell, Tyndale.

Yes, 81; No, 31; Absent, 39.

The SPEAKER: Eighty-one having voted in the affirmative and thirty-one in the negative, with thirty-nine being absent, the Resolve fails of final passage.

Sent up for concurrence.

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

Joint Order — Relative to Legislative Council studying bill carry-over (H. P. 1827) Read in House on July 8.

Tabled — July 8, 1977 (Till Later Today) by Mr. Kelleher of Bangor

Pending — Passage

On motion of Mr. Tierney of Lisbon Falls, the Order was indefinitely postponed.

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

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

#### Passed to Be Enacted Emergency Measure

"An Act to Provide Minimum Subsidy Payments for Small Administrative Units" (H. P. 185) (L. D. 247) (C. "A" H-120; S. "A" S-398)

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. 107 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Finally Passed Emergency Measure

RESOLVE, to appropriate moneys for Research on Blackfly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Blackflies (H. P. 291) (L. D. 348) (H. "A" H-361; S. "A" S-405 to S. "A" S-392)

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#### Emergency Measure

"An Act to Establish an Assessment of Student Performance in the Basic Skills" (S. P. 518) (L. D. 1810) (H. "B" H-509; S. "A" S-401)

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"An Act to Raise the Christmas Tree Transportation Registration Fee" (H. P. 179) (L. D. 241) (S. "A" S-194 to C. "A" H-253)

"An Act to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools" (S. P. 182) (L. D. 496) (S. "A" S-397 to C. "A" S-35)

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**HOUSE**

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Dear Clerk Pert:

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Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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RESOLUTION, Proposing an Amendment to the Constitution to Require the State to Reimburse Municipalities from State Tax Sources for 50% of Losses Caused by Property Tax Exemptions and Credits Enacted after April 1, 1978 (S. P. 366) (L. D. 1227) (Conf. C. "A" H-937)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 97 voted in favor and 5 against and accor-

dingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Passed to Be Enacted Emergency Measure

"An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 590) (L. D. 1896) (S. "A" S-374; S. "B" S-375, S. "C" S-377, S. "E" S-380, S. "F" S-381, S. "G" S-382, S. "H" S-389; H. "A" H-901, H. "B" H-904, H. "C" H-906, H. "D" H-907, H. "I" H-913, H. "J" H-915, H. "L" H-917, H. "R" H-923, H. "S" H-924, H. "T" H-925, H. "U" H-926, H. "V" H-927, H. "W" H-928, H. "Z" H-931, H. "BB" H-933)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I can't vote for this bill today, and the reason is that House Amendment "J" is on the bill. I am very much opposed to it. If any of you have read this particular amendment, it says that the President of the Senate and the Majority and Minority Leaders of the Senate and the Speaker of the House and the Majority and Minority Leaders of the House will have the authority to hire more than one assistant if their aggregate salary does not exceed that of the single personal staff assistant when the Legislature is in session or such other time. I think any of you know perfectly well that when you hire more than one person, if the salary is the same, the salary is just one part of it. There are the fringe benefits that go with it. There could be transportation involved, and it is very easy to extend the time that the person has — I would presume each one of these people are working part time — to extend that time and it is just another way to increase legislative bureaucracy.

When I first came here in the 106th and people who came then or came before certainly will have to see how it has enlarged. I can remember when the post office was down where the Majority Leader's office is now, the Speaker and the Majority Leader were together where the Speaker's Office is now. The whole thing has just increased and been enlarged, and this is just one other way. When you have more than one person, you are also going to have to have more than one desk, probably going to have to have more room, and it is an enlargement, and for that reason, I am going to vote against this bill.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 7 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

#### Passed to Be Enacted

"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)

"An Act to Amend the Maine Human Rights Act" (H. P. 162) (L. D. 200) (H. "A" H-941)

"An Act to Amend the Membership and the Legislative Mandate of the Capitol Planning Commission" (H. P. 1128) (L. D. 1345) (Conf. C. "A" H-936)

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders of the Day

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

Joint Order — Relative to Adding Joint Rule 36-A, Carry over of bills and resolves (H. P. 1815)

Tabled — July 7, 1977 by Mr. Tierney of Lisbon Falls (Pursuant to House Rule 54)

Pending — Passage

On motion of Mr. Tierney of Lisbon Falls, the Order was indefinitely postponed.

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

Joint Order — Relative to Repealing and Replacing Joint Rule 24, Cloture; second regular session (H. P. 1814)

Tabled — July 7, 1977 by Mr. Tierney of Lisbon Falls (Pursuant to House Rule 54)

Pending — Passage

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

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

Joint Order — Relative to Repealing and Replacing Joint Rule 22, Departmental Bills (H. P. 1816)

Tabled — July 7, 1977 by Mr. Tierney of Lisbon Falls (Pursuant to House Rule 54)

Pending — Passage

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

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

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

Tabled — July 8, 1977 (Till Later Today) by Mr. Palmer of Nobleboro.

Pending — Final Passage (Roll Call Ordered)

The SPEAKER: The pending question is on final passage. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Bachrach, Bagley, Beaulieu, Benoit, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Burns, Bustin, Carey, Carroll, Carter, F.; Churchill, Clark, Conners, Connolly, Cunningham, Devoe, Diamond, Drinkwater, Durgin, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kany, Kilcoyne, Lewis, Lunt, Lynch, Mackel, Martin, A.; Maxwell, McBreairty, McPherson, Mills, Nadeau, Najarian, Nelson, M.; Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Sewall, Shute, Sprowl, Tarr, Theriault, Tierney, Torrey, Tozier, Trafton, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Berry, Birt, Brown, K. C.; Carter, D.; Chonko, Cote, Dexter, Dow, Green, Hall, Howe, Huber, Jensen, Joyce, Kelleher, Laffin, Littlefield, Lougee, MacEachern, Mahany, Masterman, McHenry, McKean, Mitchell, Morton, Pearson, Raymond, Smith, Stover, Teague, Wilfong.

ABSENT — Ault, Austin, Bennett, Biron, Blodgett, Carrier, Cox, Curran, Davies, Dudley, Dutremble, Fowle, Gauthier, Hobbins, Hughes, Jacques, Kane, Kerry, LaPlante, LeBlanc, Lizotte, Locke, Marshall, Masterton, McMahan, Moody, Nelson, N.; Norris, Peakes, Post, Silsby, Spencer, Strout, Stubbs, Talbot, Tarbell, Truman, Twitchell, Tyndale.

Yes, 81; No, 31; Absent, 39.

The SPEAKER: Eighty-one having voted in the affirmative and thirty-one in the negative, with thirty-nine being absent, the Resolve fails of final passage.

Sent up for concurrence.

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

Joint Order — Relative to Legislative Council studying bill carry-over (H. P. 1827) Read in House on July 8.

Tabled — July 8, 1977 (Till Later Today) by Mr. Kelleher of Bangor

Pending — Passage

On motion of Mr. Tierney of Lisbon Falls, the Order was indefinitely postponed.

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

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

#### Passed to Be Enacted Emergency Measure

"An Act to Provide Minimum Subsidy Payments for Small Administrative Units" (H. P. 185) (L. D. 247) (C. "A" H-120; S. "A" S-398)

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. 107 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Finally Passed Emergency Measure

RESOLVE, to Appropriate Moneys for Research on Blackfly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Blackflies (H. P. 291) (L. D. 348) (H. "A" H-361; S. "A" S-405 to S. "A" S-392)

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. 101 voted in favor of same and 11 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

"An Act to Establish an Assessment of Student Performance in the Basic Skills" (S. P. 518) (L. D. 1810) (H. "B" H-509; S. "A" S-401)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and 11 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

"An Act to Provide for Legislative Review and Automatic Termination of State Agency Rules" (H. P. 173) (L. D. 211) (S. "A" S-37 and S. "B" S-391 to C. "A" H-56)

"An Act to Raise the Christmas Tree Transportation Registration Fee" (H. P. 179) (L. D. 241) (S. "A" S-194 to C. "A" H-253)

"An Act to Authorize the State Librarian to Purchase Town Histories and other Maine Histories for Distribution to Public Libraries and Schools" (S. P. 182) (L. D. 496) (S. "A" S-397 to C. "A" S-35)

"An Act Appropriating Funds to Maine Vocational Development Commission" (H. P. 516) (L. D. 634) (S. "A" S-393 to C. "A" H-119)

"An Act Concerning Displaced Homemakers" (H. P. 700) (L. D. 842) (S. "A"

S-403 and H. "A" H-620 to C. "A" H-599; S. "A" S-367)

"An Act Appropriating Funds to Provide Services to Older Blind Persons to Assist Them in Remaining in their Own Homes and in Caring for Themselves" (S. P. 338) (L. D. 1123) (S. "A" S-394)

"An Act Creating the Maine Development Foundation" (H. P. 1012) (L. D. 1243) (C. "A" H-535; S. "A" S-399)

"An Act Establishing the Maine Small Business Loan Authority" (H. P. 1004) (L. D. 1244) (S. "A" S-404 to C. "A" H-537)

"An Act to Provide for the Licensing of Mobile Homes and Modular Housing Dealers and Mechanics" (H. P. 1376) (L. D. 1702) (S. "A" S-396 and H. "A" H-795 to C. "A" H-750)

"An Act to Improve the Administration of the Maine Tree Growth Tax Law" (H. P. 1509) (L. D. 1734) (S. "A" S-402 to C. "A" H-828)

"An Act to Create the Maine Administration Procedure Act" (S. P. 493) (L. D. 1768) (S. "A" S-395 to C. "A" S-287)

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, the preceding Enactments were ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

#### Non-concurrent Matter

"An Act to Provide for Budgeting of State Expenditures of Federal Funds" (H. P. 1387) (L. D. 1676) (H. "A" H-466; C. "A" H-433) which was Passed to be Enacted in the House on June 9, 1977.

Came from the Senate, with engrossment reconsidered and Passed to be Engrossed as amended by Committee Amendment "A" (H-433) and House Amendment "A" (H-466) and Senate Amendments "B" (S-400) and "C" (S-406) 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-B was taken up out of order by unanimous consent:

On motion of Mr. Tierney of Lisbon Falls, the following Joint Order: (H. P. 1832) (Cosponsor: Mr. Palmer of Nobleboro)

ORDERED, the Senate concurring, that the Joint Rules be amended by repealing and replacing Joint Rule 22 to read as follows:  
22. Departmental bills.

(1) No bill or resolve shall be introduced on behalf of any state department, agency or commission, except the Governor or Chief Justice, after the first Wednesday in November preceding the convening of the first or second regular session.

If the Governor has been newly elected in the November preceding the convening of the first regular session, any bill or resolve introduced on behalf of a state department, agency or commission, except the Governor or Chief Justice, shall be introduced within 30 days after the Governor is administered the oath of office.

(2) Each bill or resolve submitted to the Director of Legislative Research by an executive agency, department or commission for preparation shall clearly designate under the title, the department, agency or commission upon whose behalf the bill or resolve is submitted.

(3) Bills or resolves prefiled under this rule shall bear designation of the title, "President of the Senate" or "Speaker of the House" for purposes of introduction unless a member of the Legislature sponsors or cosponsors that bill or resolve.

(4) A bill or resolve may be filed on behalf of the Governor or Chief Justice under the title of "President of the Senate" or "Speaker of the House" provided that the bill bears on its jacket the appropriate designation that the bill or resolve has been introduced on behalf of the Governor or Chief Justice.

(5) Any departmental bill or resolve filed after the first Wednesday in November in either the first or second regular session shall be considered late filed. All requests for such late-filed bills or resolves shall be transmitted to the Legislative Council by the Clerk of the House or the Secretary of the Senate. The Legislative Council shall ascertain from the department the facts supporting introduction notwithstanding cloture and, if  $\frac{2}{3}$  of the Legislative Council approves, the bill or resolve, following preparation, shall appear on the calendar of the appropriate House, duly noted as having been approved by  $\frac{2}{3}$  of the Legislative Council and the document shall be received.

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

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

The following Joint Order: (S. P. 600)

ORDERED, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out a bill Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979.

Came from the Senate read and passed.

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

The Chair laid before the House the following matter:

Joint Order — Relative to Repealing and Replacing Joint Rule 24, Cloture: Second Regular Session (H. P. 1814) which was tabled earlier in the day and later today assigned pending passage.

On motion of Mr. Tierney of Lisbon Falls, the Order was indefinitely postponed.

The Chair laid before the House the following matter:

Joint Order — Relative to Repealing and Replacing Joint Rule 22, Departmental Bills (H. P. 1816) which was tabled earlier in the day and later today assigned pending passage.

On motion of Mr. Tierney of Lisbon Falls, the Order was indefinitely postponed.

Mr. McKean of Limestone was granted unanimous consent to address the House.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: This is a matter for the record on the hearings that were held at Loring Air Force Base this past Thursday on the proposed reduction at Loring.

Since the hearings which occurred approximately eight months ago, I have continued to study the various reports written on the economic impact the proposed reduction would have on both the Department of the Air Force and the civilian impacted communities. Although the impact figures have changed this past year, there has been no change in the fact that the cost of the proposed reduction to the Federal Government as a whole is still much greater than the savings incurred by the Department of the Air Force. It is inconceivable that we could save the citizens of this country tax money by reducing Loring Air Force Base and saving \$19 million annually for the Air Force and then turn right around and spend \$105 million in the first five years and an undetermined amount from then on to other agencies to ease the economic impact of the

reduction. This is like asking us to put \$10 in a savings account, a few years later, when we draw it out, charge us \$20 because we had the account and then trying to convince us that we saved the money. I don't for one minute believe the taxpayers of this state or of this nation are so naive as to believe this reduction is going to save tax monies.

In the case of Loring Air Force Base not only we and the Federal Government as a whole lose tax money in the process but we also lose the comfort of knowing that we have instant response to any emergency perpetrated by the Soviet Union or many of its satellites. The latest development on the scrapping of the B-1 program again brings the capabilities of the B-52 weapons system to the forefront.

Loring's location in relation to the proximity to targets in the Soviet Union hasn't changed. It is still the most strategically located base in our deterrent program and only under its fully operational posture is the instant response capability realized. As we all know, our present Federal Administration has elected to support the Cruise Missile. This missile may be staged on land, in or on the water, or in the air. It would be a fair assumption that aircraft and underwater craft would be the most logical candidates for launch sites for the cruise missile, because of their mobility and being hidden in the natural elements of water and altitude, detection of the launch sites is tremendously more difficult than sites fixed on land or on the sea in ships. By use of the B-52, we can maintain the greatest element of surprise, which is still the most advantageous military tactic. The use of the B-52 as a launch site gives a missile the range needed to make certain no place in the world is immune to the retaliatory power it would take to neutralize enemy targets after their initial strike.

Loring Air Force Base, through its past performance and inspection reports, has proven beyond the shadow of a doubt that it has the capability to perform its mission expeditiously and professionally. Loring has inspection records which are the envy of any base within the Strategic Air Command, including the majority of our southern tier bases. As a Representative from District 7, as a citizen of the State of Maine and of this nation, I am concerned if, in the interest of savings, which in the overall picture can be a liability, our defense posture is eroded by reducing Loring Air Force Base, the most strategically located base in the Strategic Air Command.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent.

#### Non-Concurrent Matter

"An Act Appropriating Funds for the Acquisition and Construction of a Site and Facilities for Certain Casco Bay Island Ferry Services and to Repair other such Ferry Facilities" (H. P. 844) (L. D. 1029) (C. "A" H-715) which was Enacted in the House on July 6, 1977.

Came from the Senate with Engrossment reconsidered and passed to be Engrossed as amended by Committee Amendment "A" (H-821) as amended by Senate Amendment "A" thereto (S-418) in non-concurrence.

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

#### Non-Concurrent Matter

"An Act to Amend the Employment Security Law to Include Federal Requirements and other Options Available to the State" (H. P. 762) (L. D. 1012) (C. "A" H-821) which was Enacted in the House on July 6, 1977.

Came from the Senate with Engrossment reconsidered and passed to be Engrossed, as amended by Committee Amendment "A" (H-

(21) as amended by Senate Amendment "A" thereto (S-410) in non-concurrence.

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

By unanimous consent, the two previous matters were sent forthwith to Engrossing.

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

#### Non-Concurrent Matter

"An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Joint Labor Organizations" (H. P. 1144) (L. D. 1391) (H. "A" H-368 to C. "A" H-350) which was Enacted in the House on June 6, 1977.

Came from the Senate, with Engrossment Reconsidered and Passed to be Engrossed, as amended by Committee Amendment "A" (H-350) as amended by House Amendment "A" (H-368) thereto, and Senate Amendment "A" (S-415) in non-concurrence.

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

#### Non-Concurrent Matter

"An Act to Provide Home Winterization for Low Income Elderly, Disabled and Other Low Income Families" (H. P. 1243) (L. D. 1468) (C. "B" H-558) which was Enacted in the House on June 17, 1977.

Came from the Senate, with Engrossment Reconsidered and Passed to be Engrossed, as amended by Committee Amendment "B" (H-558) as amended by Senate Amendment "A" thereto (S-413) in non-concurrence.

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

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

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

#### Non-Concurrent Matter

"An Act to Promote Direct Marketing of Agricultural Commodities" (H. P. 1339) (L. D. 1619) (C. "A" H-422) which was Enacted in the House on June 6, 1977.

Came from the Senate, with Engrossment Reconsidered and Passed to be Engrossed, as amended by Committee Amendment "A" (H-422) and Senate Amendment "A" (S-417) in non-concurrence.

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

#### Non-Concurrent Matter

##### Later Today Assigned

"An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) (L. D. 1475) (S. "A" S-351 to C. "A" H-672) which was Enacted in the House on June 30, 1977.

Came from the Senate, with Engrossment Reconsidered and Passed to be Engrossed, as amended by Committee Amendment "A" (H-672) as amended by Senate Amendments "A" (S-351) and "B" (S-411) thereto in non-concurrence.

In the House: On motion of Mr. Goodwin of South Berwick, tabled pending further consideration and later today assigned.

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

#### Non-Concurrent Matter

"An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort" (H. P. 1153)

(L. D. 1371) which was Enacted in the House on May 23, 1977.

Came from the Senate, with Engrossment reconsidered and passed to be Engrossed, as amended by Senate Amendment "A" (S-414) in non-concurrence.

In the House:

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I want to explain to you what this amendment does and I don't think we are going to go anywhere but at least I am going to register my objection to the whole thing.

The Frankfort Dam came to our Committee on Marine Resources and had a majority report against it; it was passed in here. They were asking for funding to the tune of \$16,000. What they have done is, they have removed the state funding from the General Fund from it and pushed it back into the department so the department has to take their money to do it. It also moves it to the top of the department list.

Now, of the six proposed fishways in the state, Frankfort Dam was the bottom one. The top one was in my town, Yarmouth; the second was in Bradley; the third was in Boothbay Harbor; the fourth was in Union; the fifth was in Whiting and the sixth was in Frankfort. This will put Frankfort at the top of the list. It is my understanding that Yarmouth is safe, that the contracts have been committed here, so I am not in any problem. I think the rest of you in the other towns may have some problems and it may be a while before you see your fishway, because this one has been put on the top. The priorities that were set here were the priorities that as far as the area is drained in the watershed, the dam would be open to fishing and to alewife production. Frankfort was not a high priority area. All the other five in front of it would open far greater areas and be, I think, of far greater benefit to the state.

I would like a roll call on the passage of this. I don't imagine it is going to go anywhere, but I think we should have a roll call and I think it is a very unfortunate 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 Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill that I had quite a debate on several months ago in the House, and as the gentleman from Yarmouth said, it does remove the appropriations from the bill. All it does is direct the department to build a fishway when funds are available. You would think from the debate from the gentleman from Yarmouth, Mr. Jackson, that this was the first time this had ever happened in this House but I see quite a few amendments here the same thing is happening on. We have one here under S-422, "An Act to Provide Funds for Road and Bathing Facilities" for a beach at Owls Head where the same thing has happened. We have another to direct the marketing of agriculture commodities that has removed the appropriation and directed the department to do this; another bill to require justification of state government programs to independent agencies, same thing, appropriation was removed, the bill was passed, another bill to provide for legislative review of automatic termination of state agency rules, the amendment removes the appropriation, the bill passed, another one to provide for black fly biology and

continued research, another one to create the Maine Administrative Procedures Act, the appropriation was removed from the public utilities, an act to improve administration of the Maine Tree Growth Tax, appropriation was removed, the department was instructed to do it and another one for a Lincolnville parking lot, the appropriation is removed and the department is directed to do that also.

Some of these amendments here, you can't even find them on a list of priorities. I have looked for some of them, they aren't even listed on priorities. So, I think when we vote on this we should also think of the other bills that we will be voting on in the same manner as this one.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Just so anyone doesn't think that this bill is being held ransom for another bill or that people should vote for this so that other bills are passed, I am not any happier about what happened about the Owls Head beach situation than I am about what happened to this particular bill. I think everybody has to vote their own conscience on all of them.

The problem that we have is that the Department of Marine Resources set priorities for fishways and they do so primarily on what the benefit will be to the whole state, both in terms of production of bait and what the benefit will be in the amount of areas that it will open for the amount of money being spent. Of the projects that they had listed by priority, the Frankfort Dam was last. What this particular bill being passed is, is that either the Appropriations Committee and our leadership make a decision on the priorities of the Department of Marine Resources without really having any understanding of the other programs that won't be funded because this one will be funded. I think that it is a mistake. The majority report on this particular bill when it came through committee was "Ought Not to Pass" and had the lowest priority of funding for the Marine Resources Committee and I would simply urge you to vote against it.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would simply ask a question through the Chair. How high Lucia Beach in Owls Head was on the priority list?

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

Mrs. POST: Mr. Speaker, I would pose a question to the Chair on whether that particular issue has anything to do with the issue before us?

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I spoke on this original bill when it came before the House. I think it is a worthy proposition. If more of you had seen it, more of you would be interested in it. I used to be in that area a lot. I had a camp in that area. This is almost one man's opinion, when you talk to this department, they send a biologist and if he doesn't recommend it, the people here in Augusta will abide by his decision. This is a decision by more than one person, I am sure, that this fishway should be built. When you speak about this department, you aren't speaking about a lot of people, you are speaking about one biologist who makes a decision and brings it back and they okay it. So, it is actually one man's decision, he can place these small projects anywhere he wants. I am sure this is a worthy project and I am sure this House ought to do something to sustain it.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to recede and concur. Those in favor will vote yes; those opposed will vote no.



**ROLL CALL**

YEA — Aloupis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Bunker, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Connors, Cote, Cunningham, Curran, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Hickey, Higgins, Hobbins, Huber, Hunter, Jacques, Jalbert, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Lougee, Lunt, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Moody, Morton, Nadeau, Najarian, Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Raymond, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Wilfong, Wyman, The Speaker.

NAY — Bachrach, Brenerman, Brown, K. L.; Brown, K. C.; Clark, Connolly, Davies, Fowlie, Greenlaw, Henderson, Howe, Hughes, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Lewis, Locke, Mahany, Masterman, Mitchell, Nelson, M.; Post, Talbot, Trafton, Valentine, Wood.

ABSENT — Boudreau, P.; Burns, Carrier, Cox, Devoe, Dutremble, LeBlanc, Lizotte, McMahon, Nelson, N.; Peakes, Rideout, Truman, Tyndale, Whittemore.

Yes, 106; No, 30; Absent, 15.

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

**Non-Concurrent Matter**

"An Act to Require Periodic Justification of State Government Programs and Independent Agencies" (H. P. 1163) (L. D. 1206) which was Enacted in the House on April 11, 1977.

Came from the Senate, with Engrossment reconsidered and passed to be Engrossed, as amended by Senate Amendment "A" (S-409) in non-concurrence.

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

By unanimous consent, the foregoing matters were ordered sent forthwith to Engrossing.

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

**Non-Concurrent Matter**

"An Act Authorizing Expenditures for Health Care Alternatives" (H. P. 1268) (L. D. 1496) (C. "A" H-834) which was Enacted in the House on June 30, 1977.

Came from the Senate, with Engrossment reconsidered, and passed to be Engrossed, as amended by Committee Amendment "A" (H-834) and Senate Amendment "A" (S-407) in non-concurrence.

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

**Non-Concurrent Matter**

"An Act in Support of Regional Library Systems" (S. P. 462) (L. D. 1585) (S. "A" S-122) which was Enacted in the House on May 18, 1977.

Came from the Senate, with Engrossment reconsidered and passed to be Engrossed, as amended by Senate Amendment "B" (S-421) in non-concurrence.

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

By unanimous consent, the foregoing matters were ordered sent forthwith to Engrossing.

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

**Non-Concurrent Matter**

"An Act Appropriating Funds for Increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board" (S. P. 227) (L. D. 705) which was Enacted on May 11, 1977.

Came from the Senate with Engrossment Reconsidered and Passed to be Engrossed, as amended by Senate Amendment "A" (S-408) in non-concurrence.

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

**Non-Concurrent Matter**

"An Act to Increase the Exemption on Estates of Veterans" (H. P. 70) (L. D. 94) (S. "E" S-357 to C. "A" H-648) which was Enacted in the House on July 6, 1977.

Came from the Senate, with Engrossment Reconsidered and Bill Passed to be Engrossed, as amended by Committee Amendment "A" (H-648) as amended by Senate Amendment "F" (S-419) thereto, in non-concurrence.

In the House:

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In order to answer some of the inquiries that I have had about this, I have reviewed this with the service department of the American Legion, the one service department that I have had the most contact with, and they felt that this was acceptable to them. They have also indicated to me that they would like to review the entire program this summer and come in with possibly some recommendations at a later date, either at the next session or the 109th Legislature.

This would take care of all of the veterans and widows of the First World War and wars prior to this and it takes care of an increase in the area that we feel is the most pressing problem.

I would support the motion to recede and concur.

Thereupon, the House voted to recede and concur.

By unanimous consent, the foregoing matters were ordered sent forthwith to Engrossing.

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

**Non-Concurrent Matter**

"An Act Establishing the Maine Student Incentive Scholarship Program" (S. P. 423) (L. D. 1481) (H. "C" H-491; H. "G" H-490 to C. "A" S-133) which was Enacted in the House on June 15, 1977.

Came from the Senate, with Engrossment reconsidered and passed to be Engrossed as amended by Committee Amendment "A" (S-133) as amended by Senate Amendment "A" (S-423) thereto and House Amendment "C" (H-491) in non-concurrence.

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

**Non-Concurrent Matter**

"An Act Concerning Review of Corporate Certificates and Other Documents" (H. P. 679) (L. D. 941) (C. "A" H-625; H. "A" H-668) which was Enacted in the House on June 23, 1977.

Came from the Senate with Engrossment reconsidered and passed to be Engrossed as amended by House Amendment "A" in non-concurrence.

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

By unanimous consent, the foregoing matters were ordered sent forthwith to Engrossing.

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

**Non-Concurrent Matter**

"An Act Appropriating Funds to Provide Road and Bathing Facilities at Birches Point Park at Owls Head" (H. P. 1217) (L. D. 1453) (C. "A" H-499) which was Enacted in the House on June 10, 1977.

Came from the Senate, with Engrossment reconsidered and passed to be Engrossed as amended by Senate Amendment "A" (S-422) in non-concurrence.

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

**Non-Concurrent Matter**

"An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (Emergency) (S. P. 410) (L. D. 1418) which was Enacted in the House on June 30, 1977.

Came from the Senate, with Engrossment reconsidered and passed to be Engrossed, as amended by Senate Amendment "A" (S-416) in non-concurrence.

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

By unanimous consent, the foregoing matters were ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

Bill "An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) (L. D. 1475) which was tabled earlier in the day and later today assigned pending further consideration.

The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

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

**Non-Concurrent Matter**

"An Act to Establish the Maine Food and Farmland Study Commission" (H. P. 1336) (L. D. 1593) (C. "A" H-423) which was Enacted in the House on June 17, 1977.

Came from the Senate, with Engrossment Reconsidered and Passed to be Engrossed, as amended by Senate Amendment "A" (S-420) 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-D was taken up out of order by unanimous consent:

**Constitutional Amendment****Failed of Final Passage**

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-855 to C. "A" H-676)

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

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

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

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I am not terribly hopeful about this amendment, although I think it is a very good amendment and I think it ought to pass. It simply provides for some legislative oversight

of the transfer of funds and perhaps the dumping of federal funds on state agencies when the legislature is not in session. It is designed more or less to replace the functions of the old Executive Council, but I would call your attention to the fact that the bill says this committee, which would presumably be the Appropriations Committee, would only have such powers as conferred on it by the Legislature by law. I think people are unnecessarily up tight about this amendment. I think eventually we are going to come to it, and I just wish it would be this year instead of some other year.

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.

A vote of the House was taken.

63 having voted in the affirmative and 65 having voted in the negative, the motion did not prevail.

Mr. MacEachern of Lincoln requested a roll call vote on final passage.

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 gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: Like Mrs. Najarian, I am not too optimistic and I am disappointed in that I don't think we have the two thirds, but it is so important, I just can't let this item go by without another comment or two.

Emergency itself would also be defined in the statutes, and I really think it is absolutely essential if we are to really have a decent hold on appropriations and policy making. It is any legislative branch's implied power always to appropriate and to make the policies, and if we allow the Executive Branch to take over in our absence totally on these matters, we are truly shirking our responsibilities if we leave the till totally unattended while we are not in session.

I really hope that you will vote in favor of this Constitutional Amendment. The SPEAKER: The pending question is on final passage. This being a Constitutional Amendment, it requires a two-thirds vote of those present and voting. All those in favor of this Resolution being finally passed will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Berry, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Curran, Davies, Diamond, Dow, Elias, Fenlason, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Hughes, Jacques, Jalbert, Jensen, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, Lougee, Lynch, MacEachern, Mahany, Masterton, Maxwell, McBreairty, McHenry, McMahon, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Pearson, Peltier, Plourde, Quinn, Silsby, Spencer, Strout, Talbot, Tarbell, Theriault, Tierney, Torrey, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Berube, Biron, Birt, Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Flanagan, Garsoe, Gauthier, Gill, Gillis, Gray, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce, Kane, Laffin, Lewis, Lit-

(lefield, Lunt, Mackel, Marshall, Martin, A.; Masterman, McKean, McPherson, Moody, Morton, Palmer, Perkins, Peterson, Post, Prescott, Raymond, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Stubbs, Tarr, Teague, Tozier.

ABSENT — Boudreau, P.; Carrier, Cox, Dutremble, LeBlanc, Lizotte, Nelson, N.; Rideout, Truman, Tyndale.

Yes, 81; No, 60; Absent, 10.

The SPEAKER: Eighty-one having voted in the affirmative and sixty in the negative, with ten being absent, the Resolution fails of final passage.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Passed to Be Enacted Emergency Measures

"An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (S. P. 410) (L. D. 1418) (S-416)

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. 106 voted in favor of same and 27 against, and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

"An Act Providing Funds to Acquire Land for a Passenger Terminal, a Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland" (H. P. 844) (L. D. 1029) (S. "A" S-410 to C. "A" H-821)

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. 110 voted in favor of same and 24 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

"An Act to Provide Home Winterization for Older Citizens" (H. P. 1243) (L. D. 1468) (S. "A" S-413 to C. "B" H-558)

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. 135 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

"An Act to Increase the Exemption on Estates of Veterans" (H. P. 70) (L. D. 94) (S. "F" S-419 to C. "A" H-648)

"An Act Appropriating Funds for Increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board" (H. P. 227) (L. D. 705) (S. "A" S-408)

"An Act to Amend the Employment Security Law to Include Federal Requirements and other Options Available to the State" (H. P. 762) (L. D. 1012) (S. "A" S-410 to C. "A" H-821)

"An Act to Require Periodic Justification of State Government Programs and Independent Agencies" (H. P. 1163) (L. D. 1206) (S. "A" S-409)

"An Act Providing Funds for a Fishway at the Frankfort Dam in Frankfort" (H. P. 1153) (L. D. 1371) (S. "A" S-414)

"An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees Vocational-Technical Institute Employees and State School for Practical Nurs-

ing Employees to Join Labor Organizations" (H. P. 1144) (L. D. 1391) (H. "A" H-368 to C. "A" H-350) (S. "A" S-415)

"An Act to Provide Road and Bathing Facilities at Birches Point Park at Owls Head" (H. P. 1217) (L. D. 1453) (S. "A" S-422)

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, the preceding Enactors were ordered sent forthwith to the Senate.

#### Enactor Reconsidered

"An Act to Expand the Availability of Certain Social Services by Increasing Income Eligibility" (H. P. 1230) (L. D. 1475) (S. "A" S-351 and S. "B" S-411 to C. "A" H-672)

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

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

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

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

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

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

By unanimous consent, ordered sent forthwith to the Senate.

"An Act Establishing the Maine Student Incentive Scholarship Program" (S. P. 423) (L. D. 1481) (S. "A" S-423 to C. "A" S-133; H. "C" H-491)

"An Act Authorizing Expenditures for Health Care Alternatives" (H. P. 1268) (L. D. 1496) (C. "A" H-834; S. "A" S-407)

"An Act in Support of Regional Library Systems" (S. P. 462) (L. D. 1585) (S. "B" S-421)

"An Act to Establish the Maine Food and Farmland Study Commission" (H. P. 1336) (L. D. 1593) (S. "A" S-420)

"An Act to Promote Direct-Marketing of Agricultural Commodities" (H. P. 1339) (L. D. 1619) (C. "A" H-422; S. "A" S-417)

"An Act to Provide for Budgeting of State Expenditures of Federal Funds" (H. P. 1387) (L. D. 1676) (C. "A" H-433; H. "A" H-466; S. "B" S-400; S. "C" S-406)

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, the preceding Enactors were ordered sent forthwith to the Senate.

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

#### Non-Concurrent Matters

"An Act Appropriating Funds for the Purchase of Copies of "The Penobscot Expedition" (S. P. 7) (L. D. 12) (C. "A" S-3) which was Enacted in the House on March 23, 1977.

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

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

RESOLVE, to Extinguish Certain Debts Owed by Counties to the State of Maine (S. P. 315) (L. D. 1035) which was Enacted in the House on June 1, 1977.

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

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

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

#### Non-Concurrent Matters

RESOLVE, Authorizing the Purchase of "University of Maine at Farmington — A Study of Educational Change, 1864 to 1974 (H. P. 384) (L. D. 472) (C. "A" H-85) which was Enacted in the House on April 4, 1977

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

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

"An Act Appropriating Funds for the Purchase of Copies of the History of Newfield" (H. P. 137) (L. D. 138) which was Enacted in the House on March 23, 1977

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

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

#### Non-Concurrent Matters

"An Act to Provide for the Purchase of Certain Town Histories" (H. P. 1534) (L. D. 1759) which was Enacted in the House on May 17, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

"An Act to Provide for the Purchase of Certain Town Histories" (H. P. 876) (L. D. 899) which was Enacted in the House on March 28, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

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

#### Non-Concurrent Matters

"An Act Appropriating Funds for the Purchase of Copies of "Archaeological Excavations at Pemaquid, Maine, 1965-1974, by Helen Camp" (H. P. 334) (L. D. 425) (C. "A" H-62) which was Enacted in the House on March 28, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

"An Act Appropriating Funds for the Purchase of Sets of "The History of Old Broadway" by Jasper J. Stahl" (H. P. 286) (L. D. 368) which was Enacted in the House on March 28, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

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

#### Non-Concurrent Matter

"An Act Relating to Recoupment Procedures under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act" (H. P. 514) (L. D. 632) which was Enacted in the House on May 24, 1977.

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

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

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

#### Report of Committee Ought to Pass

Report of the Committee on Labor reporting "Ought to Pass" on Bill "An Act Concerning Minimum Wage Law" (S. P. 250) (L. D. 777)

Came from the Senate, with the Report read and accepted and the Bill passed to be Engrossed.

In the House, the Report was read and accepted in concurrence and the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed without reference to any committee and by unanimous consent ordered sent forthwith to Engrossing.

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

#### Non-Concurrent Matter

An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax (Emergency) (S. P. 9) (L. D. 14) (C. "A" S-15) which was Enacted in the House on March 16, 1977.

Came from the Senate with Engrossment Reconsidered and Passed to be Engrossed, as amended by Committee Amendment "A" (S-15) as amended by Senate Amendment "A" S-412) thereto, in non-concurrence.

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

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

#### Non-Concurrent Matters

An Act to Appropriate Funds to Enable the City of Eastport to Cope with Gale Damage (H.P. 565) (L. D. 690) (C "A" H-453) which was Enacted in the House on June 9, 1977.

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

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

An Act Relating to Expenditures of Municipalities for General Assistance (H. P. 237) (L. D. 300) (C "A" H-393) which was Enacted in the House on June 2, 1977

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

In the House:

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

Mrs. BERUBE: Mr. Speaker, for the record, I move that we adhere.

Whereupon, Mr. Garsoe of Cumberland moved that the House recede and concur.

Mrs. Boudreau of Portland requested a roll call vote.

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

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

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

#### ROLL CALL

YEA — Aloupis, Bagley, Bennett, Birt,

Blodgett, Brown, K. C., Bunker, Burns, Carter, F.; Chonko, Churchill, Clark, Cunningham, Curran, Dexter, Drinkwater, Fenlason, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Jackson, Lewis,

Lunt, Masterman, Masterton, Maxwell, McBreairty, McPherson, Morton, Palmer, Peakes, Peltier, Perkins Peterson, Plourde, Prescott, Quinn, Rideout, Sewall, Smith, Sprowl, Stover, Teague, Theriault, Tierney, Torrey, Trafton, Valentine, Whittemore, Wyman, The Speaker.

NAY — Ault, Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Boudreau, A.; Brenerman, Brown, K. L.; Bustin, Conners, Connolly, Cote, Davies, Devoe, Diamond, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gray, Henderson, Hobbins, Howe, Immonen, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Locke, Lougee, Mahany, Marshall, Martin, A.; McHenry, McKean, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Pearson, Raymond, Rollins, Shute, Silsby, Spencer, Strout, Stubbs, Talbot, Tarbell, Tarr, Wilfong, Wood.

ABSENT — Boudreau, P.; Carey, Carrier, Carroll, Carter, D.; Cox, Dow, Dudley, Gauthier, Green, Jacques, Kane, LeBlanc, Lizotte, Lynch, MacEachern, Mackel, McMahon, Moody, Nelson, N., Post, Tozier, Truman, Twitchell, Tyndale.

Yes, 62; No, 64; Absent, 25.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-four in the negative, with twenty-five being absent, the motion does not prevail.

Thereupon, on motion of Mrs. Berube of Lewiston, the House voted to adhere.

#### Non-Concurrent Matters

RESOLVE, to Evaluate Substate Districts in Maine (S. P. 148) (L. D. 390) (C. "A" S-224) which was Enacted in the House on June 21, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

An Act to Amend the Special Education Tuition Reimbursement Law (H. P. 972) (L. D. 1169) (C "A" H-861) which was Enacted in the House on July 6, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 19 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Require a Cost-Benefit Evaluation of Government Regulation (H. P. 1565) (L. D. 1779) which was Enacted in the House on May 26, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

An Act to Provide for a Sales Tax Rebate for Machinery and Equipment used in Commercial Fishing (H.P. 1405) (L. D. 1614) (C. "A" H-649) which was Enacted in the House on June 23, 1977.

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

The following papers appearing on Supplement No. 21 were taken up out of order by unanimous consent:

**Non-Concurrent Matters**

An Act to Remove Sales Tax from Residential Water (H. P. 1400) (L. D. 1567) (C. "A" H-500) which was Enacted in the House on June 13, 1977.

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

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

An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services (H. P. 868) (L. D. 1061) which was Enacted in the House on May 3, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House, in the House, the House voted to recede and concur.

The following papers appearing on Supplement No. 22 were taken up out of order by unanimous consent:

**Non-Concurrent Matters**

An Act to Provide for a Trade-in Credit for Self-propelled Vehicles used in Lumbering or Agriculture (H. P. 61) (L. D. 82) (C. "A" H-25) which was Enacted in the House on March 23, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

An Act to Provide a Supplemental Appropriation for Instructional Television (EMERGENCY) (H. P. 145) (L. D. 175) which was Enacted in the House on April 13, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 23 were taken up out of order by unanimous consent:

**Non-Concurrent Matters**

RESOLVE, Appropriating Funds for Fire Protection Equipment in the vicinity of State-owned Facilities and the Unorganized Territories at Greenville (H. P. 641) (L. D. 785) which was Enacted in the House on April 19, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

An Act Appropriating Funds to the Department of Human Services for Emergency Medical Training of Ambulance and Rescue Personnel (H. P. 587) (L. D. 714) (C. "A" H-614) which was Enacted in the House June 21, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 24 were taken up out of order by unanimous consent:

**Non-Concurrent Matters**

An Act Exempting Certain Uses of Gas and Electricity from Taxation under the Sales and Use Tax Law (H. P. 307) (L. D. 362) (C. "A" H-737) which was Enacted in the House on June 27, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House:

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

Mr. BRENERMAN: Mr. Speaker, I move that the House adhere and I would like to speak to that motion.

The SPEAKER: The gentleman from Portland, Mr. Brenerman, moves that the House adhere.

The gentleman may proceed.

Mr. BRENERMAN: Mr. Speaker and Members of the House: I realize what the fate of this bill will be considering the hefty appropriation that is involved. However, I feel so strongly that we must have some tax equity and that we should be funding bills that help as many people as possible, as this one does, rather than ones that help some special interest group or even those that improve aesthetic qualities along our roadsides, what I am saying is that it is morally indefensible to force the people of this state to pay a sales tax on an obvious necessity such as residential electricity and gas when other less defensible programs which don't put money in the people's pockets, as this bill does, are funded.

Basically, I would reiterate to the members of the House the three unfair factors that this bill corrects. Then you can see why the Taxation Committee rated this as the second most important bill that they wanted funded in this session.

Number one, there is no sales tax on home heating oil, wood and coal, and that discriminates against the people who use electricity and gas for those purposes.

Number two, sales taxes on necessities, as shown in a number of studies, is the most regressive of all taxes.

Number three, the tax on the fuel adjustment portion of an electric bill brings about double taxation on the consumer.

I could go on at length about this bill, but just so that people back home know that we in the people's House are thinking of them, I ask for a roll call.

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

Mr. WOOD: Mr. Speaker and Members of the House: I, also, would hope that the House would adhere today. When the Governor spoke to us, I think this portion of his speech was the one that received the most applause and obviously now the substance is gone and we are not going to do it, but I still think we should go on record, because we have passed other things, and the message we are sending to the people is, let them burn turbojet fuel.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: While I certainly agree with the remarks of the gentleman from Portland, I would just like to point out that the known surplus at this time is \$4.7 million and the cost of this bill is \$5 million.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brenerman, that the House adhere. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Ault, Austin, Bachrach, Beaulieu, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brenerman, Bustin, Carey, Carroll, Chonko, Clark, Connors, Connolly, Cote, Curran, Davies, Dexter, Diamond, Dutremble, Elias, Flanagan, Fowle, Goodwin, H.; Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jensen, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lynch, Mackel, Mahany, Martin, A.; McKean, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Pearson, Post, Prescott, Raymond, Shute, Spencer, Strout, Stubbs, Talbot, Tarbell, Tarr, Trafton, Wilfong, Wood,

Wyman.

NAY — Aloupis, Bagley, Bennett, Berube, Birt, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carter, F.; Churchill, Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Garsoe, Gauthier, Gill, Gillis, Goodwin, K.; Gould, Gray, Greenlaw, Hunter, Hutchings, Immonen, Jalbert, Joyce, Locke, Lougee, Lunt, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McPherson, Morton, Najarian, Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Quinn, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Teague, Theriault, Tierney, Torrey, Valentine, Whitemore, The Speaker.

ABSENT — Boudreau, P.; Carrier, Carter, D.; Cox, Dow, Dudley, Jacques, Kane, LeBlanc, Lizotte, MacEachern, McMahon, Moody, Tozier, Truman, Twitchell, Tyndale.

Yes, 72; No, 62; Absent, 17.

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

"An Act Authorizing an Increase in Payments to Foster Homes and Boarding Homes (S. P. 444) (L. D. 1536) (C. "A" S-325) which was Enacted in the House on June 30, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 25 were taken up out of order by unanimous consent:

**Non-Concurrent Matters**

"An Act Concerning the effect of Specially Authorized Appropriations upon the Calculation of State Aid to Public Schools" (Emergency) (H. P. 1612) (L. D. 1817) which was Enacted in the House on June 7, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

"An Act to Provide Lifeline Electrical Services" (H. P. 1669) (L. D. 1867) (H. "A" H-561; H. "B" H-656; S. "A", S-235) which was Enacted in the House on June 30, 1977.

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

In the House:

On motion of Mr. Connolly of Portland, the House voted to recede from passage to be enacted.

On further motion of the same gentleman, the House voted to recede from its action whereby the Bill was passed to be engrossed.

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

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

On motion of the same gentleman, the House voted to recede from its action whereby House Amendment "B" was adopted.

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

House Amendment "A" to House Amendment "B" (H-942) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 26 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

"An Act Providing for an Investment Tax Credit and a Credit for the Creation of New Jobs" (H. P. 540) (L. D. 658) (H. "A" H-766; C. "A" H-694) which was Enacted in the House June 27, 1977.

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

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

"An Act to Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax" (H. P. 537) (L. D. 652) (C. "A" H-258) which was Enacted in the House on May 15, 1977.

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

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

The following paper appearing on Supplement No. 27 was taken up out of order by unanimous consent:

"An Act Concerning Review of Corporate Certificates and Other Documents" (H. P. 679) (L. D. 941) (H. "A" H-668)

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

The following papers appearing on Supplement No. 28 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

"An Act to Authorize an Archeologist for the Maine Historic Preservation Commission" (H. P. 781) (L. D. 934) (C. "A" H-404) which was Enacted in the House on June 3, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

"An Act Appropriating Funds to the Maine Chapter of the Arthritis Foundation" (H. P. 473) (L. D. 579) (C. "A" H-164) which was Enacted in the House on April 27, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following paper appearing on Supplement No. 28-A was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

"An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes" (H. P. 221) (L. D. 285) (S. "A" S-167 to S. "A" S-158) which was Enacted in the House on June 3, 1977.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I was having an amendment prepared for this that I thought was supposed to be put on in the other body, so I would appreciate it if somebody would table this until later in the day.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am not going to table this until later on in today's session. This is the 100th day. I had a bill in here this morning that I know if I had debated the thing strongly, lobbied it, worked for it, it would have passed.

On three different occasions, the remark has been made, I would like to put an amendment on but it isn't ready now, and now the amend-

ment was supposed to have been put on in the other body. In that kind of game, I stubbed my toe, I broke my toe crawling out of my crib with that kind of a game and I don't quite appreciate it, not at this stage of the game.

This measure here is gone, just like a measure that the lady from Portland and myself and others were kind enough to back up, back away from, at the suggestion of the gentleman from East Millinocket, Mr. Birt, last Friday. That measure, to me, was very very important. This measure, to me, is very very important. I can assure you of one thing, if you are going to start reopening along this line, then I am going to do all that I can to call off some things that I have got to do for the remainder of the week because I am not going to be in a hurry at all. I don't play that kind of a game. I never have here and I never want to, but if it is a question of having to join, then I will join. I don't see either one of my leaders sitting in their seats, and I wish they were there. I expect the leaders on the lefthand side to keep their word according to this thing and according to any of these measures that were agreed upon, or else all the work that was done was done in vain and it isn't right.

Mr. Speaker, I move that we recede and concur, as we ought to, as the leadership has done, as the other body has done and as we should do.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House recede and concur.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, shall vote to recede and concur, but before I do so, I want to make it clear that someone in the other corner should have done something just a few minutes ago when we were peeling back a bill taking off House and Senate Amendments and sending it over to another fate which we know is going to be. So let's all be smart and follow along here and we will get out. If we don't, we will be here until next Tuesday.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It was not my intent, and I hope the good gentleman from Lewiston doesn't think I am up here trying to play games, because I am not. It was my understanding this bill was going to be amended in the other body and sent back to us in non-concurrence. If that is not their choice, that is fine. We have, on several occasions today, sent back other pieces of legislation of varying degrees of importance that I feel are as comparable as this.

We have had a lot of input from the Department of Education on this bill and I just plain hated to see it die. I talked with the Chairman of the Education Committee in the other body, and he felt that if we had put on the amendment that the bill would survive at the other end.

If the House wishes to recede and concur, that is fine, but —

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, and would ask for purpose he rises.

Mr. JALBERT: Mr. Speaker, I would make an inquiry. Are we speaking on the amendment or on the recede and concur motion.

The SPEAKER: The Chair would advise the gentleman that we are proceeding on the motion to recede and concur. The gentleman from Scarborough, Mr. Higgins, does have the floor and he may continue.

Mr. HIGGINS: Thank you, Mr. Speaker, but I will defer to the gentleman from Lewiston.

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

A vote of the House was taken.

Thereupon, Mr. Birt of East Millinocket requested a roll call vote.

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

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

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

Mr. HOWE: Mr. Speaker and Members of the House: I spoke in support of this bill twice before. I was passed quite handily in this House. The information I have is that the Appropriations Committee was going to report this bill to the Senate with the suggestion of an amendment, but somebody persuaded the leadership to kill the entire bill, which I think is unfortunate.

I would hope we would give the gentleman from Scarborough an opportunity to offer an amendment, at least somehow reconsider this bill before we let it die here today, despite the leadership's position, and that is why I intend to vote against the present motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This bill did not go by this body easily, and when it did finally get on the other side, I wasn't here. I can't be lying in a hospital bed and be here at the same time, and let's start from there with a few facts. There was no such a thought that the Appropriations Committee was going to pass this bill on and it was going to be amended over there. I never heard or knew of any circumstances, no such a thing, and I think the gentlelady from Bath, Ms. Goodwin, would agree, the gentleman from Farmington, Mr. Morton, would agree, and others on the Appropriations Committee, regardless of what their stand is.

While I am on my feet, I would like to say that the remarks of the gentleman from Nobleboro, Mr. Palmer, were very well taken when he made them. If we must talk on the bill, let's talk on it. This is getting a foot in the door. I recall very well the morning that the money was taken off this measure here outside of the money that would be money up and over the estimated revenue. The man from the Education Department, talking with the gentleman from East Millinocket, Mr. Birt, and I remember and he remembers the words, they are in my ear — well, we have got our foot in the door. This is the beginning of setting up another Super U under the vocational school program, and I don't want any part of it.

I beg you to hold to your thinking of receding and concurring, and if a roll call hasn't been asked for, I will ask for a roll call.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go into a little discussion of this bill and just try to bring to you where I think we are at.

This bill was discussed several times on the floor. The legislature, the House at least, decided that this was an acceptable bill and it was passed. It was placed on the Appropriations Table and basically had no reason for being on the Appropriations Table, and I would read to you a memo from the Commissioner of Education.

"You have inquired as to whether a fiscal implication would adversely affect General Fund revenue and expenditures if this bill were to be enacted. In its present form, the bill retains present legislative control over the tuition revenues each biennium by preserving legislative approval of such estimates, and with the continuation of past practices, such tuition

revenues flow into the General Fund. Thus, each biennial budget would contain an authorization of both incoming tuition revenues and outgoing General Fund expenditures of the vocational-technical institutes which, in my judgement, results in the conclusion that there are no negative fiscal implications associated with this bill.

"A great deal of confusion has surrounded the purpose and implications of this legislation from the outside. I believe that some of this confusion relates to a provision contained in the Education Committee's redraft of the original bill, which redraft authorized all tuition revenues to be retained at the vocational-technical institute level while still continuing General Fund appropriation to the level contained in the Governor's budget. As you are aware, this provision was amended out of the bill some time ago; thus resulting in the present bill retaining all the present legislative checks and balances that I referred to above."

This bill will give the vocational-technical institutes some opportunity to be able to develop some programming without interfering with, actually, the overall budget, staying within the budget limitations. I think, frankly, many of us feel that probably the single-most important educational function in this state which should have additional funding and additional opportunity to grow are the vocational-technical institutes.

I would hope that you would not vote to recede and concur today and give us a chance to send this bill back over to the Senate. I do believe there is sufficient support over there and I think it would be too bad at this stage of the game to destroy this bill. I think we do have a chance to keep it alive.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I hate to be dragged into the middle of this one. While I concur with the gentleman from Lewiston that this is a lousy bill and you should recede and concur. My records do show that the Appropriations Committee agreed six to five to pass the bill with the amendment.

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

Mr. JALBERT: Mr. Speaker, I thank the gentlelady from Bath, Ms. Goodwin. What she forgot to mention is this, that we had taken a vote previously in the Appropriations Committee and killed this thing deader than a flounder. She forgot to tell you that. Then when I left and wasn't there, then the vote was reconsidered and then it became six to five. Let's have the facts as they are.

And as far as the remarks of the gentleman from East Millinocket, Mr. Birt, I will tell you what I will do. You recess this House and I will ask the leaders to go to our Finance Office, and if there is not a fiscal note that is demanded on this bill, then I will vote for it. I am not finished, Mr. Birt, and when I sit down, you can have the floor all day and all evening and tomorrow for that matter, and I will be here working out this thing with you.

The Finance Office that we have, I asked them 15 times if this measure needed to be on the Appropriations Table, and the answer was yes, it does. You have already been told by the Chairman of the Appropriations Committee that it is a lousy bill, and the answer is that this has got a fiscal note on it, that is why it was on the Appropriations Table. If we did not have the Appropriations Table, I think we voted for the leadership of this House and the other body and I congratulate the gentleman from East Millinocket, Mr. Birt, for debating the Senate's possible action on this bill as long as he was able to, I assure you, I don't think I could do it without getting gaveled down, but if the leadership of both bodies did not think this thing

here did not need a fiscal note on it, then why did they take it up and vote on it on Saturday and knock it out as one that would be "ought not to pass" or indefinitely postponed? I would like to have those questions answered.

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

Mr. GOODWIN: Mr. Speaker, I move the previous question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable by any member for five minutes.

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

Mr. WYMAN: Mr. Speaker, I have a question to pose to the gentleman from South Berwick.

The SPEAKER: The gentleman may not pose the question. The question before this body is, shall the main question be put now, which is debatable for five minutes.

Mr. WYMAN: Mr. Speaker and Members of the House: I don't believe the main question should be put now because I think there was a deliberate attempt to shut off debate — a deliberate attempt to curtail someone who intended to speak from speaking, and that is the gentleman from East Millinocket, Mr. Birt.

That is what I mean by deliberate attempt. It is a gag rule as far as I am concerned.

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

Mr. JALBERT: Mr. Speaker, I have been allowed to speak as often as I wanted on this thing, and even though I know, Mr. Speaker, what your intentions are, and believe me, I commend you for the work you have done in the last few days, particularly today, but I am in a position where I couldn't vote for the previous question on this. I have spoken twice before the roll call was asked for; twice again, and it could be possible that I might get up again. Who knows! I don't want to shut off anybody who is for or against the thing. This is an important issue. Even though it has been said that it is a lousy bill and I think it is, I think if the gentleman from East Millinocket wants to say something, fine, I think after that maybe we might cut it off.

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

A vote of the House was taken.  
23 having voted in the affirmative and 98 having voted in the negative, the main question was not ordered.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess probably the single question that is in my mind today is, where or how are determinations made on whether bills have cost factors in them. In all the years I have been around here, it has always been the practice to accept the facts from the department. Invariably, when a bill comes through, and every bill that comes through the Legislature, a request is made from the department whether there are any fiscal implications. I read to you a letter from the department indicating that there are no fiscal implications. The problem that develops here is that the Legislative Finance Office has determined that there are.

I think the problem that really bothers me the

most is the fact that the Legislative Finance Office has been opposed to this bill right from the start. They have indicated to me, they have told me frankly that they are opposed to it and I think this is the reason why they have put fiscal costs on it. I think they are completely wrong in involving themselves in a piece of legislation, and I think that the fact that there is no cost on it is the fact that should be accepted from the Commissioner of Education. I think we all know him, we respect him, and I am certainly sure that if he felt there were any costs on there, he would say so. I think the information from the department is what we should accept.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As far as I am concerned, the gentleman from East Millinocket has just played a key ace into my hand, at least whether I would win or lose this thing — we should believe what the Department of Education says. How many of you remember my plan to kill 1994 and Mr. Sawin Millett was sitting right next to Mr. Talbot, and my saying in trying to kill it, you are short \$23 million for the second year? It is in the record of the Legislature, in the library. The actions of the Finance Office on how they feel about a bill is not involved here, it is the Department of Education. Then, the following year, my words going unheeded, sure enough, we are \$23 million short. Then we came up with 1452 and I said, you are short on this one — unheeded words, back we are, short again. You know, my mammy told me not to go back the third time, and I don't go back for third helpings. Twice is good enough for me and I will take a shot on the Legislative Finance Office. At least there is a track record of the Department of Education's quotations as to efficiency and accuracy where figures are concerned. The record is downstairs to prove it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that it is quite fair to compare this bill with L. D. 1994 by any stretch of the imagination. This bill, very simply, allows the Department of Education and Cultural Services and the Vocational Department to accept contributions from businesses who wish to establish programs at the different vocational centers throughout the state. It allows them to retain the dollars from the students that enroll in these programs so that they can in fact reimburse their costs for the additional programs that are needed. I think the biggest thing is that it allows the vocational centers to react immediately to the demands of a business or a corporation that wishes to move into a certain area, such as we had here in Augusta, the Digital Equipment, and in the greater Portland area with the one in Westbrook and I am sorry, I can't remember the name of it, but these businesses are specialized businesses, they need people that are trained in a certain area, and up until now, the vocational centers have not been able to provide that training with the dollars that they had. The money has been able to come but it goes directly to the General Fund, it does not go to the vocational centers to reimburse them for the cost that they incur by developing these programs, and I don't think that is fair.

I think as the bill was originally presented, there was a cost in it because there was a problem with the way the bill was drafted, but I think if you look at the way the bill is drafted now and if you added my amendment, there would be no cost to the State of Maine for these programs, just to allow these people to accept donations, take the money from the increased students that these programs will be offered to. So while I will admit with the good gentleman from Lewiston to some extent that this is a foot in the door attempt, I would submit to this

Legislature that it is a very small foot and the Legislature has a handle on the door on the other side. So I would hope you would not recede and concur, and I would move that the House recede.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves that the House recede. The Chair will order a vote. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Higgins of Scarborough 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 in favor of 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 Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I hope that we continue to vote no on the motion to recede so that we may move to recede and concur with the other body on this piece of legislation.

There are plenty of reasons for being against this particular bill, and I personally concur with the gentleman from Lewiston, Mr. Jalbert. I feel it is a very dangerous precedent to take educational institutions, which is what our VTI's are, albeit vocational, but educational institutions, and essentially open them up to the type of pressures that donations from private industry can result in and the results that that would eventually have to have on the educational processes of the young people who go to those institutions.

But, ladies and gentlemen, there is another proposition, and the real reason I rise is to challenge the statement by the good gentleman from East Millinocket, Mr. Birt, and that is that traditionally we have always accepted without question the revenue estimates that come out of a particular department. Well, I think we all know that that is not true and that would be very dangerous were we to do so, especially when a bill such as this one comes out of the department, to turn around and then to have Legislative Finance ask the same people who drafted the bill originally whether it was going to cost anything just doesn't make any sense, it is not good procedure. We as a legislature have and must continue to have an independent office which will be responsible for determining exactly how much a bill will cost, and I will accept their word for it.

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

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Berube, Birt, Brenerman, Brown, K. L.; Carter, F.; Churchill, Connors, Cunningham, Davies, Devoe, Dexter, Durgin, Fenlason, Gill, Gillis, Goodwin, H.; Gould, Higgins, Hobbins, Howe, Hunter, Immonen, Kany, Littlefield, Locke, Lynch, Mackel, Marshall, Martin, A.; Masterton, Mitchell, Nelson, M.; Peltier, Perkins, Post, Rideout, Rollins, Shute, Silsby, Spencer, Sprowl, Strout, Stubbs, Tarbell, Tarr, Teague, Trafton, Whittemore, Wyman.

NAY — Beaulieu, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Clark, Cote, Curran, Diamond, Drinkwater, Dudley, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Gauthier, Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Huber, Hughes, Hutchings, Jackson, Jacques, Jalbert, Jensen, Joyce, Kelleher,

Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lougee, Lunt, Mahany, Masterman, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peakes, Pearson, Peterson, Plourde, Prescott, Quinn, Raymond, Sewall, Smith, Stover, Talbot, Theriault, Tierney, Torrey, Valentine, Wilfong, Wood, The Speaker.

ABSENT — Bennett, Carter, D.; Connolly, Cox, Dow, Kane, LeBlanc, Lizotte, MacEachern, McMahon, Moody, Tozier, Truman, Twitchell, Tyndale.

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

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

The question now before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House recede and concur. A roll call has been ordered. All those in favor of receding and concurring will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Austin, Beaulieu, Benoit, Berry, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Chonko, Churchill, Clark, Cote, Cunningham, Curran, Diamond, Drinkwater, Dudley, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Gauthier, Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Locke, Lougee, Lunt, Mahany, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Stover, Strout, Talbot, Tarbell, Theriault, Tierney, Torrey, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Bachrach, Bagley, Berube, Biron, Birt, Brenerman, Carter, F.; Connors, Davies, Devoe, Dexter, Durgin, Fenlason, Gill, Gillis, Goodwin, H.; Gould, Higgins, Hobbins, Howe, Kany, Lynch, Mackel, Marshall, Martin, A.; Peltier, Perkins, Post, Shute, Silsby, Spencer, Sprowl, Stubbs, Tarr, Teague, Trafton.

ABSENT — Bennett, Carter, D.; Connolly, Cox, Dow, Kane, LeBlanc, Littlefield, Lizotte, MacEachern, McMahon, Moody, Smith, Tozier, Truman, Twitchell, Tyndale.

Yes, 96; No, 38; Absent, 17.

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

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

Mr. SPENCER: Mr. Speaker, I move the rules be suspended for the purpose of reconsidering whereby we voted to recede and concur on An Act to Authorize an Archeologist for the Maine Historic Preservation Commission (H. P. 781) (L. D. 934) which appeared on Supplement No. 28.

Thereupon, Mr. Garsoe of Cumberland objected.

The SPEAKER: The Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

20 having voted in the affirmative and 90 having voted in the negative, the rules were not suspended.

The following papers appearing on Supplement No. 30 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Increase the Property Tax Exemption for Parsonages to \$40,000 (H.P. 25) (L.D. 34) (C. "A" H-11) which was Enacted in the House on March 1, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

An Act to Provide Funds for the Administration of the Uniform Crime Reporting Program within the Bureau of State Police (H.P. 951) (L.D. 1145) which was Enacted in the House on May 4, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 31 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Establish a Tax Credit to Aid Businesses Providing New Jobs in Areas of High Unemployment (S.P. 436) (L.D. 1513) (S. "E" S-359) which was Enacted in the House on July 7, 1977.

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

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

An Act to Exempt Certain Woodburning Appliances From the Sales Tax (H.P. 1240) (L.D. 1465) (C. "A" H-461) which was Enacted in the House on June 9, 1977.

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

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

The following papers appearing on Supplement No. 32 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Establish Regional Marine Resources Center (H.P. 1564) (L.D. 1778) (C. "a" H-725) (EMERGENCY) which was Enacted in the House on June 28, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

An Act to Increase Retirement Benefits for Teachers Who Taught Prior to July 1, 1942 (H.P. 1530) (L.D. 1756) which was Enacted in the House on May 16, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 33 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act Providing for Changes in the Laws Relating to Property Taxation (S.P. 479) (L.D. 1742) (C. "A" S-316) which was Enacted in the House on June 29, 1977.

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

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

An Act to Improve Public Access to State Agency Rules by Providing for their Publication and for a Rule Review Program (S.P. 415) (L.D. 1411) (C. "A" S-286) which was Enacted in the House on June 24, 1977.

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

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

The following papers appearing on Supplement No. 34 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases (H.P. 1364) (L.D. 1599) (C. "A" H-465) which was Enacted in the House on June 9, 1977.

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

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

An Act to Provide for Local Registration of all Motor Vehicles (H.P. 847) (L.D. 1038) (C. "A" H-567) which was Enacted in the House on June 20, 1977.

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

In the House: On motion of Mr. Wilfong of Stowe, the House voted to adhere.

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

#### House at Ease

Called to order by the Speaker.

#### Off Record Remarks

On motion of Mr. Hall of Sangerville, Recessed until three-thirty in the afternoon.

#### After Recess 3:30 P.M.

The House was called to order by the Speaker.

The following papers appearing on Supplement No. 35 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Relieve the Income Tax Burden of the Elderly Retired (S.P. 442) (L.D. 1530) (C. "A" S-257) which was Enacted in the House on June 21, 1977.

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

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

An Act to Eliminate Dissimilar and Inequitable Taxation of Mobile Homes Owned by Maine Homeowners (H.P. 1401) (L.D. 1656) (C. "A" H-650) which was Enacted 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.

The following items appearing on Supplement No. 36 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act Relating to Training, Counseling and Managerial Service Programs in State Government (H.P. 1547) (L.D. 1772) which was Enacted in the House on June 23, 1977.

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

Whereupon, the House voted to recede and concur.

An Act to Exempt Nonprofit Medical Facilities from the Maine Sales Tax (H.P. 1609) (L.D. 1814) which was Enacted in the House on June 7, 1977.

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

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

The following items appearing on Supplement No. 37 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

An Act to Exempt Energy Conservation

Materials from the Sales Tax (Emergency) (H.P. 1642) (L.D. 1841) which was Enacted in the House on June 10, 1977.

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

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

An Act to Clarify Sex Discrimination in the Maine Human Rights Act (S.P. 260) (L.D. 821) (S. "A" S-182) which was Enacted in the House on June 13, 1977.

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

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

The following items appearing on Supplement No. 38 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Exempt Public Libraries from the Sales Tax (H.P. 1052) (L.D. 1285) which was Enacted in the House on June 2, 1977.

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

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

The following papers appearing on Supplement No. 29 were taken up out of order by unanimous consent:

The following Joint Order, An Expression of Legislative Sentiment recognizing that: the members of the Engrossing Department of the Department of Secretary of State, through their hard work and great dedication, have contributed greatly to the success of the First Regular Session of the 108th Legislature (S. P. 601.)

Came from the Senate, read and passed.

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

The following Joint Order, An Expression of Legislative Sentiment recognizing that: the employees of the Kennebec Journal Printing Department have, through their long hours and faithful service, made a great contribution to the success of the First Regular Session of the 108th Legislature (S. P. 603)

Came from the Senate, read and passed.

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

The following Joint Order, An Expression of Legislative Sentiment recognizing that: the members of the Reprographic Division, through their quick, efficient service, have made a significant contribution to the success of the First Regular Session of the 108th Legislature (S. P. 602)

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. 1835) recognizing that: Abraham Bronn, of Palermo, Maine, has achieved the high personal honor and distinction of Eagle Scout as a member of Troop 222

Presented by Mrs. Hutchings of Lincolnville  
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1834) recognizing that: John F. Bowe of Blue Hill is celebrating the eighty-fourth anniversary of his birth

Presented by Mr. Perkins of Blue Hill  
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1833) recognizing that: Edmond and Mary Boots of Blue Hill are celebrating the 65th anniversary of their wedding

Presented by Mr. Perkins of Blue Hill  
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1826) recognizing that: The Girls' Softball Team of Hermon High School has won the State Class B championship

Presented by Mr. Littlefield of Hermon  
The Order was read and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1837) recognizing that: Edward "Ted" White III of Auburn, has been selected Scoutmaster of the Year for the Northeast Region of the United States

Presented by Mr. Curran of South Portland (Cosponsor: Senator Snowe of Androscoggin)

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

A Joint Resolution (H. P. 1836) in memory of Honorable Edward W. Atwood, Esq. is presented by Mrs. Boudreau of Portland

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

#### Passed to Be Enacted

"An Act Concerning Minimum Wage Law" (S. P. 250) (L. D. 777)

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

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

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Men and Women of the House: We have spent six months debating and passing legislation. We have done some for Education. Unfortunately, some of it has been killed. I think this Legislature ought to have on the record the intent of the legislation.

In the current services appropriations bill, it says the commissioner "shall" ensure that any federal or state funds distributed to any school administrative unit are spent in compliance with and it lists five sections: revenue sharing, governed by federal law; education amendments, governed by federal law; civil rights by federal law; human rights by Maine statutes; and the code of fair practice and affirmative action governed by Maine statutes.

In the Part II Budget, there is a new section which says the Department of Educational and Cultural Services Assistance, the Human Rights Commission and the Department of Attorney General "shall" assist in the Department of Educational and Cultural Services as they shall request in meeting its obligation to respond to complaints raised pursuant to duties under the revised statutes, Title XX, Section 3755.

My question to the Legislature and particularly to the members of the Appropriation Committee and leadership, how does the Department of Education fulfill its requirements under Maine law and under Federal law?

The following paper appearing on Supplement No. 40 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

"An Act to Appropriate Funds to the Maine Chapter of the Epilepsy Foundation of America" (H. P. 5) (L. D. 8) (C. "A" H-3) which was Enacted in the House on March 23, 1977.

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

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

The following enactor appearing on Supplement No. 41 was taken up out of order by unanimous consent:

#### Passed to Be Enacted

"An Act to Exempt Turbojet Fuel used for International Flights from Sales Tax" (S. P. 9)



(L. D. 14) (S. "B" S-424 to C. "A" S-15)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following enactor appearing on Supplement No. 42 was taken up out of order by unanimous consent:

#### Passed to be Enacted

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 44 was taken up out of order by unanimous consent:

An Expression of Legislative Sentiment (H.P. 1839) recognizing that : Mr. and Mrs. Lucien Vermette of Sanford celebrated their 50th Wedding Anniversary on June 23, 1977.

Presented by Mr. NADEAU of Sanford.

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

#### (Off Record Remarks)

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I asked a question some time ago, preferably of some member of the Appropriations Committee, if they would go on record. Apparently, I am not going to get any answer. I would like to spell out, and I hope the legislature will agree with me, that it is the intent of the legislature that the Human Rights Commission and the Department of the Attorney General shall assist the Department of Education in seeking compliance with all state and federal law. What the Human Rights Commission is charged with, and their duties and responsibilities are very similar to what the current services budget says the Department of Education shall do, I don't think there should be duplication, there should be cooperation.

Mr. Birt of East Millinocket, was granted unanimous consent to address the House:

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have a short letter here and a little story that I would like to have go with it. I think it applies to all of you.

We would like to have you convey to the 108th legislature our appreciation for the honor that you and they bestowed upon us. This is one of the many honors given us on our retirement. It has been rewarding to see the big strides that have been made in the field of retardation in the last few years. A great deal of credit goes to me and this isn't the point, it is the legislature.

This is signed by Ruth and Roland Joudry. I think there is a rather interesting story that goes with these two people. Ruth Joudry is one of the first people that got involved in mental retardation back some 15 years ago. It came about through their daughter that they had who was mentally retarded. They spent a great deal of time in this work. Their daughter probably became somewhat a catalyst to inducting them to go into this work. Their daughter died a year ago. In the meantime, it has drawn the family into the tremendous amount of work that they had done for mental retardation. They are presently retiring and moving to Florida. This is one of the examples of sometimes a completely retarded child who may not have had any real great contribution it

could have made, became the emphasis to induce people to put a lot of time into a program that is real worthwhile in the northern part of Penobscot County. They were deeply appreciative of the honors in the order that was put through.

The following item appearing on Supplement No. 45 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Raise the Tax on Beer, Wine and other Alcoholic Beverages to Provide Funds for the Operation of Alcoholic Treatment Facilities, the Establishment of Education and Treatment Programs for Alcohol Abusers Convicted of Operating under the Influence and other Minor Crimes and the Establishment of a Program of Substance Abuse (H.P. 731) (L.D. 857) (H. "A" H-622 and H. "B" H-670 to C. "A" H-596) which was Enacted in the House on July 7, 1977.

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

In the House:

Mr. Davies of Orono requested a roll call on the motion to recede and concur.

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

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I realize that it is late and I don't necessarily want to spend a lot of time on this particular bill. It has been pretty fairly well debated, it had overwhelming support in the House. If the Senate wants to kill it, fine.

This particular bill has overwhelming support in this body. I think we are going to be here for awhile this evening anyway, so, at this point, we don't have to worry about the few minutes that it might take for the supplements to go back and forth. I would simply ask you to vote against the recede and concur motion so that we can adhere.

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

#### ROLL CALL

YEA — Aloupis, Austin, Bagley, Bennett, Benoit, Berry, Biron, Blodgett, Bunker, Carter, D.; Carter, F.; Churchill, Conners, Cote, Devoe, Durgin, Dutremble, Elias, Fenlason, Garsoe, Gill, Gillis, Gould, Hall, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kane, Kelleher, Kilcoyne, LaPlante, Lizotte, Lougee, Lunt, Lynch, Mahany, Marshall, Maxwell, McBreairey, McKean, McPherson, Mills, Nadeau, Palmer, Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Stover, Talbot, Tarr, Tierney, Torrey, Tozier.

NAY — Ault, Bachrach, Beaulieu, Birt, Boudreau, P.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Clark, Connolly, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Flanagan, Fowlie, Goodwin, H.; Gray, Greenlaw, Henderson, Howe, Hughes, Joyce, Kerry, Laffin, Littlefield, Locke, MacEachern, Mackel, McHenry, Mitchell, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Post, Prescott, Smith, Sprowl, Stubbs, Tarbell, Teague, Theriault, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Berube, Boudreau, A.; Brown, K. L.; Carrier, Cox, Dudley, Gauthier, Goodwin, K.; Green, Hobbins, Huber, Jensen, Kany, LeBlanc, Lewis, Martin, A.; Masterman, Masterton, McMahon, Moody, Morton, Quinn,

Spencer, Strout, Truman, Twitchell, Tyndale, Whittemore.

Yes, 66; No, 57; Absent, 28.

The SPEAKER: Sixty-six having voted in the affirmative and fifty-seven in the negative, with twenty-eight being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The following items, appearing on Supplement No. 46 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

"An Act to Provide for the Valuation, Counseling and Referral to Treatment of Alcoholics and Alcohol Abusers Arrested for Class "C", "D" and "E" Offenses" (H. P. 1122) (L. D. 1340) (C. "A" H-719) which was Enacted in the House on June 28, 1977.

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

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

"An Act to Provide Certified Interpreter Service for the Deaf and Hearing Impaired" (S. P. 311) (L. D. 1031) (H. "A" H-294, C. "A" S-133) which was Enacted in the House on May 17, 1977.

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

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

The following items appearing on Supplement No. 47 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

"An Act to Provide for the Prevention of Alcohol Abuse" (S. P. 306) (L. D. 976) (C. "A" S-282) which was Enacted in the House on June 24, 1977.

Came from the Senate, with engrossment reconsidered and Passed to be Engrossed as Amended by Committee Amendment "A" (S-282) and Senate Amendment "A" (S-425) in non-concurrence.

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

By unanimous consent, the foregoing matters ordered sent forthwith to Engrossing.

The following Communication: (S. P. 604)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

July 11, 1977

Honorable Joseph Sewall  
President of the Senate

and  
Honorable John L. Martin  
Speaker of the House

Dear Joe and John:

This is to officially notify you that I have withdrawn the nomination of William B. Manheimer to the Maine Guarantee Authority dated June 30, 1977 and have reposted his name effective this date.

According to the law governing confirmations, the Joint Standing Committee on State Government must hold its public hearing within 20 days of the posting date.

I am reposting Mr. Manheimer's name today in order to cooperate with your request that a public hearing take place when the Legislature reconvenes later this month.

Sincerely,

Signed:

JAMES B. LONGLEY  
Governor

Came from the Senate, Read and Referred to the Committee on State Government.

In the House, the Communication was read and referred to the Committee on State Government in concurrence.

The following item appearing on Supplement No. 48 was taken up out of order by unanimous consent:

The following Communication:  
THE SENATE OF MAINE  
AUGUSTA

July 11, 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 Expenditures of Municipalities for General Assistance" (H. P. 237) (L. D. 300).

The Senate today also voted to Adhere on Bill, "An Act Exempting Certain Uses of Gas and Electricity from Taxation under the Sales and Use Tax Law" (H. P. 307) (L.D. 362).

Respectfully,

Signed:

MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following paper appearing on Supplement No. 39 was taken up out of order by unanimous consent:

An Expression of Legislative Sentiment (H. P. 1838) recognizing that: The Honorable Roland Gauthier is retiring from the House of Representatives after having served in the 94th and in the 102nd to 108th Legislatures, and after having served as House Chairman of the Joint Standing Committee on the Judiciary

Presented by Mr. Jalbert of Lewiston (Cosponsors: Mr. Birt of East Millinocket, Mr. Cote of Lewiston, Mr. Norris of Brewer)

The Order was read.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I knew Roland many years before he served in the Legislature. There are times probably when some of us might not have agreed. By the same token, he served this body honorably. He is, I think, plainly just tired. I think he wants to enjoy himself and live it out as well as he can for the future. I think it was very difficult for him to withdraw himself from this body because I know that he loved it as I do. I think even though he isn't here, we ought to give him a standing vote on this order. I am sure that the feelings expressed toward him will get to him somehow either by hearing us or he will hear it through someone else.

Mr. Speaker, I move passage of this order.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I heard not too long ago that the gentleman from Sanford, Mr. Gauthier, wasn't going to return for the second regular session. As his colleague, during the 107th and the first year of the 108th, I, for the people of Sanford, would like to extend our thanks to Roland for all the years he has served with us and for serving the Town of Sanford and people of Sanford in the State of Maine well. I would hope that we all give this order a round passage.

Thereupon, the Order received passage and was sent up for concurrence. (Applause, members rising.)

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: We, in the Legislative Council, have been faced with a very difficult decision as to what to do with the 75 study orders which have been presented to the 108th Legislature. Last session, with about 50 Study Orders, the total cost ran approximately \$200,000 for us to study the various issues at

hand. With inflation and the increased number of Orders, if we pass them all, we would be talking probably somewhere about \$300,000. As a result, Legislative Leadership discussed this. I don't mind telling you that there were some very strong disagreements within Legislative Leadership on how to proceed. Finally, we hit on the mechanism which we selected and which I think you will all find satisfactory. That is, that each and every one of the Orders has been indefinitely postponed in the other body. Hopefully, we will recede and concur on each and every Study Order. Then the next step would be, all the Orders having been killed, would be for you to fill out to the best of your own knowledge and feelings the sheet which has been prepared by Rod Quinn, which is essentially a list of all the various Study Orders together with a priority list, so you can tell us by committee which issue you feel is the best. I also suggest that you gather in these waning hours, with the members of your own committee, to decide which questions and which issues and which Study Orders deserve the highest priority. Later this week, there will be a subcommittee at the Legislative Council and the members of the House who will be on that will be Representative Quinn and Representative Garsoe. They will meet to review these priority listings which you have sent them and also will be discussing the issues with the various legislative chairmen both Senate and House. At that time, a basic decision will be made and forwarded to the full Legislative Council and we will decide which one of these Study Orders are to be funded and to what level. Hopefully, we will be working with budgets that all of you will be able to work with and live with so that we can report Study Orders back in a meaningful way. The most important Orders will receive the most attention and you will have a maximum amount of input into that decision.

I do hope that we can recede and concur on all Study Orders which will be sent from the Senate.

The following papers from the Senate were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

Joint Order — relative to State Government Committee studying the Status of all Intermittent Employees employed by the State of Maine. (H. P. 1760) which was passed 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.

Joint Order — relative to State Government Committee studying the Reorganization and Affiliation of Certain Boards and Commissions with Departments of Maine State Government (H. P. 1761) which was passed 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.

Joint Order — relative to Transportation Committee studying the Aeronautics Laws of the State. (H. P. 1774) which was passed in the House on June 27, 1977.

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

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

Joint Order — relative to Agriculture Committee studying the bargaining process which takes place among potato producers, shippers and processors. (H. P. 1779) which was Passed in the House on June 28, 1977.

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

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

Joint Order — Relative to Special Committee to study the funding problems of the State Retirement System. (H. P. 1297)

Which was passed in the House on April 13, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Criminal Law Advisory Commission, in consultation with the Joint Standing Committee on Judiciary to study the question of criminal responsibility for criminal conduct of persons with mental diseases or defects. (H. P. 1442)

Which was passed in the House April 20, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Legal Affairs Committee studying Assaults on Police Officers. (H. P. 1552)

Which was Passed in the House May 11, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Judiciary Committee studying the problem of Title Examinations. (H. P. 1574)

Tabled — May 20, 1977 by Senator Speers of Kennebec

Pending — Passage. (In the House — Passed)

Which was passed in the House on May 19, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to State Government Committee studying the training of State and County Corrections Officers. (H. P. 1592)

Which was Passed in the House on May 24, 1977.

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

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

Joint Order — Relative to Local and County Government Committee studying the CETA programs in the State. (H. P. 1782)

Which was Passed in the House on June 30, 1977.

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

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

Joint Order — Relative to Select Committee on Marine Research be established to give advice on the development of its plan for marine research and to implement the 200-mile limit. (H. P. 1792)

Which was Passed in the House on June 30, 1977.

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

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

Joint Order — Relative to Health and Institutional Services Committee studying the area of dental technology education programs. (H. P. 1795)

Which was passed in the House on July 6, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to State Government Committee studying the question of recovery of unclaimed property and the need for the revision of our present escheat laws. (H. P. 1802)

Which was Passed in the House on July 7, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Energy Committee studying the State of Maine Energy Policy Statement. (H. P. 1803)

Which was Passed in the House on July 7, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Marine Resources Committee studying the marketing possibilities for Maine Seafood. (H. P. 1809)

Which was Passed in the House on July 7, 1977.

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

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

Joint Order — Relative to Performance Audit Committee studying the implementation of the Medicaid program in Maine by the Department of Human Services. (H. P. 1806)

Which was Passed in the House on July 7, 1977.

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

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

Joint Order — Relative to Taxation Committee studying the New Mexico Tax Rebate System. (H. P. 1817)

Which was Passed in the House on July 8, 1977.

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

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

Joint Order — Relative to Taxation Committee studying the process of Public Utilities deferring tax payments. (H. P. 95)

Which was passed in the House on January 19, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relating to Legal Affairs Committee studying religious institutions. (H. P. 1198)

Which was passed in the House on April 4, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Public Utilities Committee studying Dams and the Mill Act. (H. P. 1210)

Which was passed in the House on April 5, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Joint Select Interim Committee to Study the Department of Inland Fisheries and Wildlife (H. P. 1300)

Which was Passed in the House on April 12, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Business Legislation Committee studying insurance company practices, financial institutions and financial institution holding companies, and the Bureau of Insurance. (H. P. 1819)

Which was Passed in the House on July 8, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Taxation Committee studying the different ways in which property in the unorganized territory can be taxed. (H. P. 1820)

Which was passed in the House on July 8, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Business Legislation Committee studying marriage counselors, social worker registration law, and out-patient community mental health services. (H. P. 1825)

Which was passed in the House on July 8, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order — Relative to Transportation Committee studying the Maine Turnpike Authority. (H. P. 1830)

Which was Passed in the House on July 8, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following papers appearing on Supplement No. 51 were taken up out of order by unanimous consent.

#### Non-Concurrent Matters

Joint Order — Relative to Fisheries and Wildlife Committee studying the dog and coyote populations in Maine (H. P. 1709)

Tabled — June 13, 1977 by Senator Speers of Kennebec.

Which was Passed in the House on June 13, 1977.

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

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

Joint Order — Relative to Judiciary Committee studying Judicial Tenure and Disabilities and the establishment of a Judicial Qualifications Commission. (H. P. 1730)

Which was Passed in the House on June 16, 1977.

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

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

Joint Orders — Relative to Health and Institutional Services Committee studying posting prices of certain drugs. (H. P. 1732)

Which was Passed in the House on June 17, 1977.

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

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

Joint Order — Relative to Transportation

Committee studying the transportation problems between the Casco Bay Islands. (H. P. 1733)

Which was Passed in the House on June 22, 1977.

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

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

The following item appearing on Supplement No. 43 was taken up out of order by unanimous consent.

#### Passed to Be Enacted

"An Act to Provide Lifeline Electrical Services" (H. P. 1669) (L. D. 1867).

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

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I may be making a mistake by getting up here but this afternoon after this bill was engrossed in both branches of the legislature, I had long discussions with representatives from Central Maine Power and other power companies about the legislation. They saw it is almost inevitable that the legislation was going to become law. They made it very clear to me that they weren't opposed to that. But they did have a problem with the wording of one specific section of the bill. They have prepared a statement which I have gone over and in which I generally concur. They have asked me for the purposes of the record to read the statement. I would just like to take this opportunity at the risk of maybe having other people get up and object to the bill to at least read this statement that was prepared by the representatives for the utility companies.

A question has arisen with Section 88 of the bill. It should be clear that the legislative intent in this lifeline electrical concept is that the utility is to recover all direct and indirect cost in formulating the lifeline rate. The Public Utilities Commission in approving the lifeline rate structure is to provide for immediate recovery of estimated cost estimated by the utilities with the concurrence of the Public Utilities Commission through rate adjustments on non-lifeline rates. The project can only work if the utility is allowed to recover its lost revenues immediately.

I would just also like to make two statements on my own which the utility companies concur that the recovery of any losses that the utility company should experience with this legislation will be as swift and as immediate as occurred under the demonstration project.

The second point, that the language in the legislation, would expressly prohibit the imposition of any surcharge. With that Mr. Speaker, I move passage of the bill.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak this afternoon, not for the Central Maine Power Company but for every rate payer who buys electricity from the Central Maine Power Company, Bangor Hydro or anyone else. I will be very brief but I believe this is terribly bad legislation and sets a precedent. We are going to ask, beginning tonight if we pass this and forever after, that when we can't fund something under welfare programs in this state under Part I or Part II budget, we are going to ask every other rate payer to pay the tabs for those who are getting a break under this particular bill.

I submit to you it is the wrong type of legislation. I submit it is the same thing as going to the First National stores or some supermarket and saying we are going to give everybody with a certain income ten percent off on their grocery bill and we are going to make it up on all the rest of you who buy groceries. I sub-

mit that if we want to do this and I don't see anything wrong, if we want to do this, let us do it, but let us do it with an appropriation from the general fund either through Part I or Part II and let the whole situation rest with the budget as it should be. To start now, through electrical rates, food rates, drug rates, you name it, you could do anything with this type of legislation and say all of those who don't benefit by this will pay the tab. I believe it justly belongs in the budget. It isn't in the budget.

For that reason, I oppose it and I ask for the yeas and nays.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I can sympathize with Mr. Palmer's remarks only to a point, when he is trying to illustrate here the fact that other rate payers in this state would be subsidized because of the cost of this program. If the House isn't aware of it now or Mr. Palmer, there is 15 different electrical rates in this state. We have got a system in this state in dealing with the utilities where the less you use, the more you pay. I submit that the rate payers in this state are subsidizing all the major utility users in this state right at this moment. Individuals who are trying to conserve the cost of electricity are, in fact, subsidizing the major users.

The proposal that is here this afternoon, through the efforts of Mr. Connolly is a workable one. There is time being made allowed so that the Public Utilities Commission and the utilities themselves can work out a reasonable rate program.

I think the good gentleman from Nobleboro is somewhat smokescreening in this issue because it can be worked out and it is workable. There was a lot of input in this bill dealing with a lot of people, not only Representative Connolly or the committee that I served on but the utilities themselves and the commission itself.

It is a strange thing how you, as a legislator, can come to this body and propose legislation that, in fact, seems to be fair and the major utilities will charge time and again against them. An opportunity at this session in dealing with reasonable rate structures were defeated by the very utilities who are trying now to persuade you not to support this type of a measure. It is a decent bill. It is a workable bill. As I said before, there are 15 different rate structures in this state now. It isn't impossible to implement this program and implement it fairly.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Not to take too much time on this but I do feel that this is an important bill. To answer the comments by the gentleman from Bangor, Mr. Kelleher, there may be 15 different rate structures but maybe the poor average person who is struggling to bring up his family and has to pay high electrical rates is subsidizing all these other people. What kind of an argument is it to say, lets put one more burden on the backs of these people? Maybe these 15 other breaks that we give these 15 other groups are unfair. Well lets get in bills here and abolish them if they aren't fair. Why tack another burden onto the backs of these people?

In addition to the arguments of Mr. Palmer, which I think were right on the nose, not only does the average rate payer have to pay for these people who probably legitimately need a little extra break on their electrical bill, but it is based on how much electricity you use. In effect, rather than taxation according to ability to pay, it is taxation, which is exactly what it is taxation, except for not calling it taxation, it is taxation according to how much electricity you use. You could very well be a low income elderly and because of a lot of baking and washing

and drying and heating a large home because of all your children, you would be subsidizing a low income elderly person. Why should you be doing it?

If this is a worthy program that is to be funded from the general fund, where the money would come on the basis of ability to pay, those with more money would help out more than those with no money. This program bases it on electrical usage which bears no relationship whatsoever to ability to pay.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the remarks of the representative from Augusta, I would just like to point out that there is nothing in the bill that mandates that whatever revenues are lost through the lifeline program that they have to be passed back to residential customers. The bill clearly says that the P.U.C. and each utility company will sit down between now and a year and a half from now, January 1, 1979, to develop a rate structure. That rate can go in any one or a combination of the 14 or 15 other rates, the industrial rates, the streetlight rates, the employee discount rates, the residential rates. It can be put on people who use large amounts of electricity instead of people who use small amounts of electricity. That is one of the important features of the bill. It encourages conservation.

I would just point out to you that during the time that the experimental program ran and the P.U.C. did a study of the effectiveness of that program in every community of the six communities in the state where that program operated, it was an overwhelming success as seen both by the people who participated in the program and by the people who lived in the community that had to pay for the program where that program operated.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This particular legislation was just very well addressed by the gentleman from Portland. I think he gave one of the most excellent reasons for completely defeating it out of hand. What he advocated doing was making decisions in connection with welfare and the Public Utilities Commission. I submit, ladies and gentlemen, that is a copout if I ever heard one. Those responsibilities are the responsibilities of this House and the body down the hall. We have no business turning a welfare system over to the utility companies and placing it on the backs of the Public Utilities Commission. This is pure and simple social legislation. It belongs in this hall.

The gentlelady from Augusta was absolutely right. It should be paid for out of the general fund, out of taxes that are based on ability to pay such as the income tax and, in no way, should this welfare program be turned over to the Public Utilities Commission and the electrical utilities. It is bad legislation and it deserves to be killed here and now.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: We are running a welfare program right now under the utility system. The average citizen of this state is running a welfare program for the major users of electrical use in this state. This is not a social welfare program. It is an adjustable program dealing with senior citizens in this state, who are on a very standard living system. Socialism is not a bad thing. It is not bad at all, when you turn around and try to help people, particularly the senior citizens of this state.

I differ greatly with my good friend from Farmington, Mr. Morton. Our philosophies are a little different, Mr. Morton. I am concerned

about the people as I know you are. The question is, what people?

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

Mr. PERKINS: Mr. Speaker: I would like to pose a question through the Chair if I may.

As I think of one of the bigger users of electricity in my area, I think of the hospital. As I think of one of the bigger electricity users in the City of Bangor, I think of Eastern Maine Medical Center and Saint Joseph's Hospital. If these rates are passed through to these hospitals, who then pays these increased rates?

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

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I can't vote for this bill. We had the pilot project in my town. My phone rang all summer because of that. It is welfare and it should be funded somewhere in the tax rebate program out of the general fund. The recipients of the program were very pleased with it. The people who had to pay it didn't like the method. That is what is wrong with it.

I hope you will defeat this measure.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. MCBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: When I came to Augusta six months ago, I pledged to do what I could for the elderly. I was pleased that the formula from the bill I sponsored was used to give senior citizens \$1,450,000 more for tax and rent relief. I was pleased to help report out a bill from the Appropriations Committee that gives senior citizens \$1,000,000 in the next biennium for drug relief.

Passage of this bill will mandate that power companies go into the welfare program. Passage of this bill will force people to help pay light bills for people who are much better off than the people who are paying the extra fees. Last year, with the experimental program, my own mother received the benefit from the program while younger people with families, rent to pay and less income than my mother had had to pay the bill. Passage of this bill will not be taking from the rich and giving to the poor. Passage of this bill, in many cases, will be taken from the very very poor and given to some who are not quite so poor. If we want to help senior citizens with their light bills, let us kill this bill, come back next year and pass a bill and fund it to do so.

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

Mrs. KANY: Mr. Speaker, Men and Women of the House: It seems to me that every time you encourage conservation of electricity, you may be saving all of the citizens of the State of Maine money by perhaps eliminating the cost of the construction of new electrical generating facilities.

I hope that you vote for passage of this bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I think my distinguished colleagues from Bangor and Waterville have put their finger on a very important point. That is, that the current rate structure does not encourage and reward conservation. It is quite the contrary.

However, I would like to pose a question through the Chair with respect to whether or not there is any mechanism in the bill for legislative review of the particular rate structures that might be constructed.

Mr. Connolly of Portland was granted permission to speak a third time.

Mr. CONNOLLY: Mr. Speaker, Members of

the House: In response to the question: There is nothing explicit in the bill that says whatever mechanism is set up has to be reviewed by the legislature.

I would just point out that one of the members of the Public Utilities Committee, before whom this bill was heard, who was opposed to this particular way of approaching the subject and has agreed to support it at this time, says that one of the major features of the bill in addition to the relief that it gives to the elderly in dealing with the subject of conservation is that it deals with the whole area of rate reform and rate restructuring. People now get rewarded for using more electricity. This legislation is the first step in the direction to reward people who use small amounts of electricity. If that doesn't begin to happen through this legislation and hearings that the public utilities intend to hold over the next year that he said and I agree with him and told him I would co-sponsor the legislation in the next session of the legislature to introduce a bill to repeal this lifeline law if that doesn't happen.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you pass this bill. Being on the Public Utilities Committee was a real education. I think that whenever we tried to do anything, the final bottom line was the rate structure. The rate structure in this state, we have 15 different structures and they are based on different criteria. I don't see anything wrong with adding another layer of criteria to the rate structure. If we can give a reduced rate to municipalities with streetlights or businesses or industry or the residential user, I don't see why we can't add another criteria in this.

It was interesting to note that members of the Public Utilities Commission in testifying on this bill felt that there was nothing wrong with adding this level of criteria to the rate structure and that it was about time that we started some meaningful rate reform in this state. I would argue that this is one of the best ways of doing it. There is nothing in this bill that mandates that it is going to be passed on to the residential users. It might be passed onto several different groups. I think it is about time, if we are serious, and it is always interesting when the debate is on this type of issue, then those people are all of a sudden serious about rate reform but when the bills are here for rate reform or reduced taxes to the utilities then the hue and cry doesn't come up but I would say, if you are serious now and want to change the rate structure, then you will be voting for this bill.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I would point out to you that the average income of an elderly senior citizen in this state is \$2,850 per year. Most of these people have been paying taxes for 40 years and supporting everybody else.

You may remember a very angry speech I gave on the floor of this House about two or three weeks ago, in which I talked about one lousy dollar for drugs for the elderly. Even if this is passed on to the other rate payers, I submit it is seven lousy cents a month. The PUC rate structure as it stands now is nothing more than welfare for the rich and it is about time we thought a little bit about welfare for the poor, and I hope that this is enacted.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I don't know of a bill that we have had this session that has been harder for me to decide on. When it came out of committee in revised form and had a general fund appropriations on it, I was thrilled. I think this is where it

should come from, the General Fund. We had it there, the leadership Appropriations Committee, they saw fit not to fund this bill. I think it is important, I think there are a lot of people in need and in my heart, I want to support this bill. I realize that other people are going to have to pick up the charge but I think the responsibility of leadership, and I wish he would get off the telephone, so he could hear this, leadership and the Appropriations people had their opportunity and they saw fit not to use it, so I will support the bill.

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 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 Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly address a few of the remarks made in this debate thus far. They won't be in the order in which they were made but I want to remind you of some of these arguments so that we can think carefully about them as we take this roll call.

I think the biggest red herring that I have heard so far in this debate is the fact that this will be an energy conservation measure. I want to remind you that not over two hours ago almost everybody who wanted to conserve energy in this House voted on the side of a 5 percent decrease in the sales tax on electricity. So on one hand, we vote to decrease the sales tax and on the other, we go this way and we say that we are truly looking at energy conservation? We aren't looking at energy conservation. The thing at issue has just nothing to do with conservation and wasn't born of the idea of conservation.

Secondly, I would remind you that when this bill came before this Legislature originally, L. D. 1867 had a price tag of \$2 million on it. So don't kid yourselves, you are talking about a tax increase of \$2 million, only you are doing it in a very selective way. I don't represent just elderly, nor does anybody else. I represent a lot of people.

I suggest that we aren't representing just one social group, one age group, I submit to you that there are many, many, many poor young people with many children, who, as Mrs. Kane said, have to wash extra clothes, have to dry extra clothes, have extra big refrigerators, they are the ones that are going to pay. There is no sense in saying that it is seven lousy cents a month, because seven lousy cents a month can mean a lot to some people and I don't agree with the seven lousy cents a month figure.

All I am saying here is, it is fine for the good gentleman from Bangor, my very dear friend, Mr. Kelleher, to say what is wrong with helping someone else. There is nothing wrong in helping someone else. I think we all want to help someone else. But it is not exactly to say "we believe in the idea and we are going to tell you to help him." I think if we want to help people in this direct fashion, we should, as we have said before, put this bill in the budget and let the people of the State of Maine, all people, pay for this.

It is kind of silly too for the good gentleman from Portland to say that nothing here says that just the residential users will pay. It doesn't make any difference what it says, any increase you put on anybody else, be it business, industry, residential or anything else, someone is going to pay for it, and usually, usually, it is the consumer.

I submit that we have here an idea which may be fine but we have addressed the subject of the elderly this time. I think we have done fairly well within the resources which we have in the State of Maine. We have increased the elderly rent and relief. We have put a million dollars into drugs. We have done some other things and I think we have perhaps not done as much for the young poor and for the young families with many children, and now we are asking for one more thing and say to these young people, "you pay for it." I think it is wrong. I think if we want to do it, if we feel it is the right thing to do, and I think most of us do feel that we want to help these people, but this, I submit, is the wrong way to do it. For me to say to someone else, "you do it." I submit we should put it into a budget; otherwise, we shouldn't vote it and I hope that we will not pass this measure.

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

Mr. WOOD: Mr. Speaker and Members of the House: I will be very brief. Just a point of clarification in regards to the bill that failed earlier in terms of sales tax, that was based on kilowatt usage, which was a conservation measure.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I have refrained from debating and I realize that this is quite an emotional issue. I think that this House and the majority of the Senate tried to give the message to the Appropriations Committee and to leadership. The good lady from Bridgton, Mrs. Tarr, laid it on the line as the gentleman from Portland, Mr. Joyce said, we wanted to do this and we wanted to fund it out of the General Fund but we weren't allowed to do that. Perhaps if we pass this today, leadership and the Appropriations Committee will get the message. Maybe they will get the message. Maybe they will realize that they can hack away and try everything they want but maybe they will get the message and then when we come back in the special session, maybe, they will loosen up the purse strings and fund this out of the General Fund. I hope you stand firm, everyone of you rank and file legislators today, and put the message across and vote for the enactment of this bill.

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

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cunningham, Curran, Davies, Diamond, Dow, Dutremble, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Howe, Huber, Hughes, Jacques, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, Lynch, MacEachern, Mahany, Marshall, Maxwell, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Peakes, Pearson, Plourde, Post, Prescott, Shute, Smith, Spencer, Strout, Talbot, Tarr, Theriault, Tierney, Tozier, Trafton, Valentine, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bennett, Berry, Biron, Birt, Brown, K. L.; Bunker, Carter, D.; Carter, F.; Conners, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Kane, Lewis, Littlefield, Lizotte, Lougee, Mackel, Masterton, McBreairty, McPherson, Morton, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Quinn, Raymond, Rideout, Rollins, Sewall, Silsby, Sprowl, Stover, Tarbell, Teague, Torrey.

ABSENT — Carrier, Cox, Dudley, Elias,

Fowlie, Gauthier, Green, Hobbins, Jensen, Laffin, LeBlanc, Martin, A.; Masterman, McMahon, Mills, Moody, Stubbs, Truman, Twitchell, Tyndale, Whittemore, Wilfong.

Yes, 75; No, 64; Absent, 22.

The SPEAKER: Seventy-five having voted in the affirmative and sixty-four in the negative with twenty-two being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 52 were taken up out of order by unanimous consent.

**Ought to Pass — Pursuant to Joint Order S. P. 600**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" — Pursuant to Joint Order S. P. 600 on Bill "An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 605) (L. D. 1898)

Came from the Senate, with the Report read and accepted and the Bill Passed to be Engrossed as Amended by Senate Amendments "A" (S-427) and "B" (S-428).

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

Senate Amendment "A" (S-427) was read and adopted in concurrence.

Senate Amendment "B" (S-428) was read.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to lay this on you at this late date but I have decided to put my case on this particular Senate Amendment before this House to get the best judgment and it is really pretty unfair to you because although you represent all the people and are closest to the people, you haven't had much of an opportunity to think about what I am going to say.

What this amendment does is it takes the bond issues and splits them so that some are run with the special election in November and the ones that are listed on this Senate Amendment "B", S-428 are peeled off and are to be run at the primary election next June.

There are many schools of thought on this, and as I say, I am up here to leave it to your judgment, which is best if you are in favor of the bond issues. If you aren't, I guess it probably wouldn't make much difference to you. But regardless of how you feel about them, that is the question, whether you think they can best be addressed by the people next June. There are many thoughts about it. One, of course, is the fact that the November election will also include the initiated referendum on the uniform property tax and there are those who are concerned that the people of Maine will be out in force perhaps to defeat the uniform property tax and those might be the same people that would be against education in general and the University of Maine also. I sincerely question that, but it is nothing more or less than a judgment call, ladies and gentlemen of the House, and so I am not asking you pro or con on this, I don't think. I am asking you to give your best judgment to a vote on this particular amendment. If you vote for it, you will keep these bond issues all in front of the people at one time in November if you vote against it, you will be voting the bond issues down, some of them in June. I, personally, am going to vote to keep them in November and to keep the whole bill intact and I hope you will follow me but I am really looking for your judgment.

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

Mr. BIRT: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to direct a question to the gentleman from Farmington, Mr. Morton. I am not quite clear on it. The comment was made that this would be the date when the referendum on the repeal of the uniform property tax would be held. I think the Governor has to set that date and I haven't had a chance to check it out but it strikes me that that date is not less than four and no more than six months after the adjournment of the Legislature. I guess there may be time for that but I wonder, has this been checked out to find out whether?

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of Senate Amendment "B". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 70 in the negative, the motion did not prevail.

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

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

Mr. HIGGINS: I move that the House reconsider its action whereby Senate Amendment "A" was adopted.

This was brought before the Appropriations Committee this afternoon along with the other amendment that was just defeated by this body. It was the feeling of the Committee, at that time, that this \$15,000 to provide funds and positions for distribution of emergency fuel funds wasn't necessary. It seemed to us, at this late date, that these people that would be hired on a temporary basis could well be found within the Department of Energy or under Mr. Wilson's discretion in his department.

Therefore, I hope you would reconsider adoption of Senate Amendment "A". We are asking to fund two new positions. It just seems to me that somewhere in this state bureaucracy, there might be two people who would be willing or able to work on this program for a temporary period, maybe three or four months, whatever is needed to distribute these federal funds.

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

Mr. DAVIES: Mr. Speaker and Members of the House: A little bit of information about the program that these two individuals would be employed to supervise and oversee and assure that the money is being properly spent.

The federal government enacted a bill called the Special Crisis Intervention Program, better known as the Muskie Fuel Bill. What this bill provides is money in four general categories, the primary one being to elderly over 65 with outstanding energy bills. The money that is coming into the state, approximately \$3.14 million will be used to pay the bills of individuals who are unable, because of their financial situation due to the rather harsh weather that we had this past winter, these people who are unable to pay their fuel bills will be able to look, hopefully, into the future towards the next heating season, knowing that they are going to be able to get fuel oil from their fuel distributor because the state and the federal government have made available money to the source of their energy whether it is an oil company or an electric company, to pay those unpaid bills. Any monies that are left in the state after paying these unpaid bills, will be made available to winterize the homes of low income elderly people and these are two rather essential programs. They mean that a lot of Maine people are going to have their minds put to ease over the \$200 or \$300 oil bill they may have accumulated over the last year or two. It is also going to say to a lot of other elderly people who have been able to scrimp and save and struggle along and pay those heating bills by staying cold and wearing two or three sweaters, that maybe there is a possibility that their homes are going

to be insulated between now and the beginning of the heating season in October.

The federal government wants to make sure that these programs have some concurrence on the part of the state and they want the state to be involved in fiscal responsibility of the programs. So this money makes available the funds necessary to employ two individuals through the Office of Energy Resources, which is a very small organization. There are only two people that are funded by the state who work in the Office of Energy Resources and a total of seven altogether so they simply don't have the manpower to do this program now without an additional appropriation.

If we keep this amendment on here it is going to make it possible for us to use \$3.14 million to its fullest effectiveness and what that means is that an awful lot of our constituents are going to be warmer this winter and they aren't going to have to worry about unpaid heating bills. It also means the utility companies and oil companies that have been holding a lot of receipts for oil that they delivered or electricity they have delivered and not being paid for, they are going to receive some money for that. So, it benefits everybody all the way around. \$15,000 a year is a small price to pay to have \$3.14 million come into the State of Maine.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hope there isn't anybody here that thinks that if we don't fund \$15,000, that the \$3.14 million isn't going to be made available to the citizens of the State of Maine. If you talk to the Department of Energy Resources and if you look at some of the L. D.'s that we funded, I call your attention to L. D. 1468, which provides, I believe, seven new positions, but at any rate, it does provide a considerable number of positions at the cost of \$91,000 to the State of Maine for home winterization, that is one area. There are several regional and local area community projects that are available and I just can't believe and I don't believe anyone here in the House, could even have it enter their heads that if we don't fund two positions, that \$3.14 million is going to go down the drain.

I hope you would reconsider this and indefinitely postpone it.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: You know on occasions I will enter into dialogue with my more conservative acquaintances and I know there are those of you who think that perhaps I don't have any conservative acquaintances, but I do. Usually, they take me to task and they say that the problem with you liberals is that you have good ideas and good programs but so much of the money is wasted, so much of the money is thrown away.

It seems to me we have an opportunity here to invest a very small amount of money one half of one percent of the amount which is going to be eventually distributed, to make sure that this \$3 million is administered properly, that it goes to the people who really need it in the most efficient manner possible. I think it would be foolish for us to turn down the money it takes to administer this money and just ask an agency, which is already overworked and understaffed, to try to administer this very large amount of federal funds which is coming into the state. I think the amendment is good from that standpoint.

My good friend from Scarborough, Mr. Higgins has thrown at least one red herring across your path when he referred to the \$91,000 appropriated for the home winterization program. As the good gentleman most likely knows, those funds are going to the various CAP agencies around the state, one per county, to

hire essentially lead men, carpenters, who will be actually going out in the field and helping with the winterization program. It has nothing to do with the type of paperwork administration which is essential to making this federal program work.

I certainly hope we do go along with the report and adopt this amendment and oppose any attempt to indefinitely postpone it.

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

Ms. GOODWIN: Mr. Speaker and Members of the House: I too hope that you will not reconsider adoption of this amendment. I would hate to see a program as important as this, hinge on whether or not we are going to be able to find two people already in the bureaucracy to administer it. As it has been said before, I think it is a very small price to pay for a very important program and I hope you will not reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from Scarborough, Mr. Higgins, that the House reconsider the adoption of Senate Amendment "A". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Higgins of Scarborough requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Scarborough, Mr. Higgins, that the House reconsider the adoption of Senate Amendment "A". Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Berube, Birt, Boudreau, A.; Burns, Carey, Carter, D.; Carter, F.; Connors, Cote, Cunningham, Devoe, Dexter, Durgin, Fenlason, Gill, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, Kane, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Marshall, Masterton, McBreairty, Morton, Najarian, Norris, Peltier, Perkins, Peterson, Raymond, Rollins, Sewall, Silsby, Smith, Strout, Tarbell, Tarr, Teague, Torrey.

NAY — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Blodgett, Brenerman, Brown, K. C.; Bustin, Carroll, Chonko, Churchill, Clark, Connolly, Davies, Diamond, Dow, Drinkwater, Dutremble, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Howe, Huber, Hughes, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, Lynch, MacEachern, Mahany, Maxwell, McHenry, McKean, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Pearson, Plourde, Post, Prescott, Quinn, Rideout, Shute, Spencer, Sprowl, Stover, Talbot, Theriault, Tierney, Tozier, Trafton, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Boudreau, P.; Brown, K. L.; Bunker, Carrier, Cox, Curran, Dudley, Elias, Fowle, Gauthier, Green, Hobbins, Jensen, Laffin, LeBlanc, Martin, A.; Masterman, McMahon, McPherson, Mills, Moody, Palmer, Peakes, Stubbs, Truman, Twitchell, Tyndale, Whittemore.

Yes, 54; No, 69; Absent, 28.

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

Thereupon, the Bill was passed to be engrossed

as amended by Senate Amendments "A" and "B" in non-concurrence and sent up for concurrence.

"An Act to Establish More Convenient Hours to Permit Easier Access to Small Claims Court" (H. P. 431) (L. D. 538) (C. "A" H-234) which was Enacted in the House on May 10, 1977.

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

In the House:

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to offer a one minute eulogy for this little bill. The intent of this little bill was simply to set aside one evening a month or one Saturday morning a month as an opportunity for the working people of the State of Maine to appear before a small claims court and the Court Administrator felt that a \$10,000 appropriation was necessary. I completely disagree. I don't think any appropriation is necessary but obviously the Senate wasn't interested in passing this in any form and so I think it is silly to try and take that appropriation off. I think that the logistics and working hours could have been worked out without any appropriation. I believe and the reason I submitted this bill was that all branches of government are in existence to serve the citizens of Maine at their convenience, not for the convenience of the judges, the bureaucracy or the Legislature, and I consider this a highly symbolic bill in that it actually would serve the people of Maine as originally intended in the legislation when the Small Claims Court was originally passed. That is the eulogy I offer to that little bill.

Thereupon, the House voted to recede and concur.

The following Communication appearing on Supplement No. 53 was taken up out of order by unanimous consent:

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

July 11, 1977

The Honorable Edwin H. Pert

Clerk of the House

108th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Joint Order — Relative to Joint Select Committee on Legislative Financial Policy studying budgetary priorities. (H. P. 1785).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

(Off Record Remarks)

At this point, House Rule 22 was suspended in order to conduct business after 9:00 p.m.

On motion of Mr. Morton of Farmington,  
Recessed until 9:30 P.M.

After Recess 9:30 p.m.

The House was called to order by the Speaker.

The following Enactor appearing on Supplement No. 55 was taken up out of order by unanimous consent.

"An Act to Provide for the Prevention of Alcohol Abuse" (S. P. 306) (L. D. 976) (S. "A" S-425; C. "A" S-282)

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

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

Mrs. POST: Mr. Speaker: I move that this bill and all of its accompanying papers be indefinitely postponed.

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

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

The SPEAKER: The Chair would advise the gentleman that the motion is not in order. The pending motion is the motion of the gentlewoman from Owls Head, Mrs. Post, that this bill and all of its accompanying papers be indefinitely postponed. The gentleman may proceed on that motion.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for the yeas and nays on it. I think we have come this far down the path to do something in this area of prevention of alcohol abuse. I think about everything has been said that should be said on this subject. The hour is late. I urge that we go on and do what we can for this bill now.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: It is said that we have only wound up with one L. D., 976 from a group of four that were originally put in to deal with the alcoholic problem in this state.

I feel a great deal like the gentlelady from Owls Head, Mrs. Post, that possibly this isn't enough. I think we should have gone ahead with the alcohol tax and funded the entire program. At this point in time, at this late date, let us go ahead and pass this as to the best we can do at this time.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: What this particular bill does is this particular bill was a part of the package which would have been funded by the increase in the alcohol tax which this House and the other body has indefinitely postponed. It was a part of a coalition of people who had different philosophies of how to deal with the problem of alcohol and alcohol treatment. Part of the coalition of those people coming together in funding different parts of the program and what has happened is for various reasons, this part of the coalition is the only one that is now presently funded.

I did feel that this part of the prevention program, now this by the way adds six positions and the House has already gone on record as not wanting to add those particular positions, it adds six positions and has funding from the General Fund for alcoholism prevention. I did feel that the program should be funded, that it shouldn't come out of the General Fund. When we were told awhile ago that there were not any funds for additional programs and then all of a sudden money was found for this particular one out of the General Fund, I think if we want to fund this type of program, it should come from the substance which is being abused in the first place. There are other programs which should have a higher priority. This body already went on record as saying that we didn't want to add the additional positions to State Government at the time. That is my reason for moving indefinite postponement.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add a few comments in support of the motion. That is, that it is tragic that we are at a position today after not being able to do anything about public intoxication and having a law on the books now which says that if people are incapacitated by alcohol that they would be brought to approved treatment centers, that

this collection of bills would have provided and we are now no longer going to do that. We have recognized the problem. We realize that we ought to bring people to approved treatment centers and yet, what is left, is only a few bucks for a few more social workers and not really enough to get at the basic part of the problem.

I hope you will move to indefinitely postpone.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am saddened the same as the good lady from Owls Head and the good gentleman from Bangor that the tax package did die. I do, however, believe that this is a necessary piece of legislation. The people have decided to fund it out of the General Fund. I would simply give you this axiom, then sit down and be quiet.

If we could get some young people, if we could turn them around before they become statistics, it would be wonderful and I think that this bill is the first leg up and attempting to do. It is a question of getting to the people that might have potential problems, before the fact, rather than after. Forgetting the politics of the situation, I would hope that you would think of the people out there that this might help and vote against indefinite postponement.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would agree with the good gentelady from Owls Head, Mrs. Post, that it is a shame, as I said the other day, that the alcohol tax didn't pass. I voted for it before. As you recall, I changed my mind and I think I explained myself on that one.

If you will recall also in Part Two of the Budget, we included \$100,000 in each year of the biennium additional money over and above what was in Part One of the Budget for Alcohol Abuse. In addition to that, you will recall that the other body instituted an amendment which called for another \$170,000 in each year of the biennium for a total of \$540,000 over and above what was in Part I. This is 20 percent more than was received in previous years. I would say that maybe it isn't adequate but perhaps it is all the state can afford at this time.

I look at the budget figures and the newly released ones that I have show that the state, after tonight, will have less than 4.4 million dollars in surplus. While that is great, I would remind this body that we will have to deal next year with collective bargaining, other L. D.'s and a possible increase in funding of education, which we all know is bound to happen, and is near and dear to our hearts. This would be another \$250,000 that we wouldn't have next year for whatever other purposes that we decide. I think that perhaps the additional money that we have provided, the \$270,000 in this year, perhaps we should reassess that in the next year, six months from now, reassess that position and then if we do feel that we still need more money at that time, we can make that decision at the same time as we were making the other decisions that I spoke of just previously.

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: These six positions

that are being discussed this evening, this House, without a whisper, supported an amendment to remove them less than a week ago. I would hope that the House would listen to the remarks made by Mrs. Post and Representative Higgins and indefinitely postpone this item.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am disappointed that we didn't do more on some of these other bills. It seems to me that we are taking the wrong attitude. If we kill the last bill, we do have to lose something. Just because we didn't get some of the things we want, I hope you will not indefinitely postpone this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against indefinite postponement of this bill. Lets take the half loaf at the 11th hour. We are talking about only six people. Well, think hard. Education may be our only salvation in making progress in handling the problem drinker.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Owls Head, Mrs. Post, that this Bill be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Beaulieu, Boudreau, A.; Brenerman, Brown, K. L.; Conners, Connolly, Cote, Devoe, Dexter, Dudley, Fenlason, Gill, Gillis, Hall, Henderson, Higgins, Hutchings, Jalbert, Kane, Kelleher, Kilcoyne, Lougee, Lunt, Maxwell, McHenry, Morton, Peltier, Perkins, Post, Raymond, Sewall, Silsby, Talbot, Wilfong.

NAY — Bachrach, Bagley, Bennett, Biron, Birt, Blodgett, Brown, K. C.; Burns, Bustin, Carroll, Carter, F.; Chonko, Churchill, Clark, Cunningham, Diamond, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Garsoe, Goodwin, K.; Gould, Gray, Hickey, Hobbins, Huber, Hunter, Immonen, Jackson, Joyce, Kerry, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterton, McBreairty, McKean, McPherson, Nadeau, Nelson, M.; Norris, Palmer, Pearson, Peterson, Plourde, Quinn, Rollins, Smith, Spencer, Stover, Strout, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Wood, Wyman, The Speaker.

ABSENT — Ault, Benoit, Berry, Berube, Boudreau, P.; Bunker, Carey, Carrier, Carter, D.; Cox, Curran, Davies, Dow, Fowlie, Gauthier, Goodwin, H.; Green, Greenlaw, Howe, Hughes, Jacques, Jensen, Kany, Laffin, LaPlante, LeBlanc, Lizotte, Martin, A.; Masterman, McMahon, Mills, Mitchell, Moody, Najarian, Nelson, N.; Peakes, Prescott, Rideout, Shute, Sprowl, Stubbs, Tarbell, Trafton, Truman, Twitchell, Tyndale, Valentine, Whittemore.

Yes, 36; No, 67; Absent, 48.

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

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the following Joint Order: (H. P. 1840)

ORDERED, Senate concurring, that when the House of Representatives and Senate adjourn, they both adjourn to nine-thirty in the morning on Monday, July 25th; at which time the House of Representatives and Senate shall meet for one legislative day for the purpose of considering possible objections of the Governor

to any Bill or Resolve presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2.

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

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 54 was taken up out of order by unanimous consent:

#### Passed to Be Enacted Emergency Measure

"An Act Making Additional Appropriations for the Expenditures of State Government and for Other Purposes for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (S. P. 605) (L. D. 1898) (S. "A" S-427)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 56 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

"An Act to Provide Lifeline Electrical Services" (H. P. 1669) (L. D. 1867) (H. "A" H-942 to H. "B" H-656) which was Enacted in the House on July 11, 1977.

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

In the House: The House voted to adhere.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 57 was taken up out of order by unanimous consent:

#### The following Communication: THE SENATE OF MAINE AUGUSTA

July 11, 1977

The Honorable Edwin H. Pert

Clerk-of-the-House

108th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Provide Lifeline Electrical Services," (H. P. 1669) (L. D. 1867).

Respectfully,

Signed:

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Pursuant to the Joint Order,  
Adjourned until Monday, July 25, at 9:30 in the morning.