

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

INDEX

**Senate Confirmation Session**

June 14, 1978

INDEX

**First Special Session**

September 6, 1978 — September 15, 1978

INDEX

**Second Special Session**

October 18, 1978

INDEX

**Third Special Session**

December 6, 1978

INDEX

APPENDIX

## HOUSE

Tuesday, February 14, 1978

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

Prayer by Father Donald W. Lonsdale of St. Gregory Catholic Church, Gray.

Father LONSDALE: Long ago, as tradition has it, a Priest named, of all things, Valentine, owned a beautiful garden where children came to play. One day this kind Priest was imprisoned for life by the King, but he couldn't forget the children. He sent them a white dove carrying a note addressed "To the Children I Love" and with this note he sent them the key to his garden so that they could continue to play there. For the rest of his life, he remembered all his friends with messages carried by a dove, and these became known as the first valentines.

The valentine custom was started by a good Priest, a wonderful Saint, a long time ago, but the custom continues and flourishes today because the key to bringing people together is still love, and that will forever remain the key.

So we pray, Father in Heaven, for the people here gathered together this morning, where each has a genuine love for one another, not a peace of any price kind of false love, but a genuine concern, a genuine love based on care for one another as persons, let disagreements here be temperate and discussions be respectful, open minds as well as hearts today. Help every person here to be able to communicate with each other, and let that communication be sincere and honest. Father, help those who today speak wisely and those who hear actually listen. Bless the results of today's session. In other words, Father, we beg you to let the key of love continue to bring people together, bring these men and women together. Our Father, we praise your love for us and we thank you for that love, for you are our God who lives and reigns forever and ever. Amen.

The journal of yesterday was read and approved.

**Papers from the Senate  
Non-Concurrent Matter**

RESOLVE, to Terminate any Liability of the Town of Oakland to Clear Debris from the Fish Screen at Messalonskee Lake (H. P. 1874) (L. D. 1911) on which the Minority "Ought to Pass" Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed in the House on February 1.

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

In the House:

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This little bill appeared to be not too much, but it got into a lot of problems lately and otherwise. We have the people talking in this area now, so I think in another year we will bring this back in.

I now move that we recede and concur.

Thereupon, on motion of Mr. Burns of Anson, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Require Certain Out-of-State Sellers to Register under the Maine Sales and Use Tax Law" (H. P. 1883) (L. D. 1937) on which the Majority "Ought to Pass" in New Draft (H. P. 2084) (L. D. 2134) Report of the Committee on Taxation was read and accepted and the New Draft passed to be engrossed in the House on February 9.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the

gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, I move that we recede and concur and would hope that the delegation from the southern part of the state would try to encourage people in Maine to shop in Maine.

Thereupon, on motion of Mr. Carey of Waterville, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act Relating to the Inspection of Dams" (H. P. 2007) (L. D. 2084) which was passed to be engrossed as amended by Committee Amendment "A" (H-1015) in the House on February 8.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1015) as amended by Senate Amendment "A" (S-463) thereto in non-concurrence.

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

**Messages and Documents**

The following Communication:

State Planning Office  
184 State Street, Augusta, 04333

February 10, 1978

The Honorable John L. Martin  
Speaker and Members

Maine House of Representatives

I am today submitting to each member a copy of the Capitol Planning Commission Report of February 10, 1978.

This Report is being made to the Second Session of the 108th Legislature to satisfy the requirements set forth in a Joint Resolution by the First Session of the 108th Legislature. The response to each of the legislative requirements is documented in the Report.

The Capitol Planning Commission, thanks the 108th Legislature for its adoption of the basic concepts of the November, 1976 Plan to guide public investment and other developments in the Capitol Complex area.

Sincerely

Signed:

ALLEN G. PEASE, Chairman  
Capitol Planning Commission

The Communication was read.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the Capitol Planning Commission for their report. As a resident of the capitol complex, for many years we felt very shut aside at all the actions that they were taking. I would like to thank them for inviting us to their meetings for the past two years and giving us awareness of what was going to happen to our property in the future.

Thereupon, the Communication and accompanying papers were ordered placed on file.

**Later Today Assigned**

The following Communication: (H. P. 2108)

Office of the Governor  
Augusta, Maine

February 13, 1978

Honorable Members of the Senate

and House of Representatives

of the 108th Maine Legislature:

I am returning on this date without my signature and approval (H. P. 1880), (L. D. 1934), "An Act to Increase the Bonding Limit of the Maine State Housing Authority."

First, let me assure you that my opposition to this particular bill should in no way be construed as an objection to the overall goals of the Maine State Housing Authority.

However, I must express my concern regarding a number of issues that have arisen in conjunction with this bill. Originally, the bill was submitted for inclusion in the Governor's Call. Since the amount of funding sought would increase the bonding capacity of the Authority by an amount substantially above that which

would be needed to maintain current operations on a short term, "actual needs" basis, the Housing Authority was advised to seek a reduced level of funding on the grounds that this session was limited to strictly emergency matters. I am convinced that despite the position and rushed nature of this bill and after discussion by me with the Housing Authority Board this is not considered an emergency measure by the entire board based on my visit with them and that future study of either in the January, 1979 session would be more prudent as well as measurable and proper.

During the course of the discussion between my Legislative Review Committee and the Maine State Housing Authority, the bill appeared on the list of bills being sponsored by individual legislators.

While I recognize that during the course of legislative proceedings the increase in authorization has been reduced from the original \$150 million to \$75 million, I believe that this increase is still too large to be justified without further study and evaluation of the many questions involved with legislation of this importance. An issue which concerns me deeply is the effect the bonding authorization may have on the State's credit rating. Statistics recently released from R. E. D. Chase and Partners indicate that since 1966, Maine has moved from 11th to 33rd in terms of per capita tax and debt to per capita income. Although there is no precise formula which rating agencies use to establish the quality of a state's debt, we can be assured that every financial aspect is taken into consideration. Consequently, we must take every precaution to protect the integrity of the State's debt rating.

A study of the historical and proposed housing activity of the Maine State Housing Authority indicates that from 1972 to 1977, 4,742 housing units were financed. Under the schedule recently developed, the Authority intends to finance 5,162 units over the next 2½ years. Clearly this is an extremely large increase in the rate of activity, and one which warrants sufficient time to scrutinize all the related housing and financial issues. For example, I am advised that the City Council of Augusta has recently rejected a housing project presented to it. Among the objections raised were the total cost of the project, as well as the continued use of Federal tax dollars for subsidy purposes. While I am not familiar with this particular project, we do have an obligation to study our housing goals and objectives to insure that we are treating all our taxpayers fairly. We have received numerous letters concerning the M. S. H. A. Recently a citizen wrote and stated "I do not object to the project since more tax dollars will be spent in my community. However, as a citizen of this state, and a taxpayer, I do object to the costs of the project." I feel that this comment represents one of the many aspects which deserve further study.

In summary, it is because of the importance of housing to Maine people that I cannot support this bill. To do so would be inconsistent with the necessity to have open and thorough debate and I believe that the next regular session would be a more appropriate time to consider a proposal of this magnitude, which clearly is devoted to a future, long-term funding policy question. Meanwhile I feel a more thorough, independent study of this bureaucracy is in order as well as a measurement of the real vis a vis the intended beneficiaries of this project. I am concerned that perhaps the elderly and low income citizens and taxpayers of this state are not benefiting as much as other unintended beneficiaries of this loan authority under the present structure, purpose and direction. By the same token I believe the present Director, Mrs. Gelder, has made significant and outstanding progress in restructuring and minimizing previous political and bureaucratic disadvantages in the operation of this agency.

Nonetheless, I feel more progress, objectivity and refinement is needed before implementation of a substantially increased loan authority is acted upon particularly when January, 1979 is fast approaching. With more time for study and reflection as well as improvement and documentation we would all be better prepared to act upon a long range plan.

For the reasons stated above, I respectfully request that this Legislature sustain my veto.

Sincerely

Signed:

JAMES B. LONGLEY  
Governor

The Communication was read and ordered placed on file.

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

#### Orders

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Barry J. Hobbins of Saco be excused February 15th and 16th for personal reasons.

AND BE IT FURTHER ORDERED, that Frederick Lunt of Presque Isle be excused for the duration of his illness.

#### House Reports of Committees Ought to Pass in New Draft New Draft Printed

Mr. Tarbell from the Committee on Judiciary on Bill "An Act to Prohibit Child Pornography" (H. P. 1937) (L. D. 2017) reporting "Ought to Pass" in New Draft (H. P. 2106) (L. D. 2141)

Report was read and accepted, the New Draft read once and assigned for second reading tomorrow.

#### Tabled and Assigned Divided Report

Majority Report of the Committee on Human Resources on Bill "An Act to Revise the Effective Date of the Act which Prohibits and Practice of Mandatory Retirement Age" (Emergency) (H. P. 1985) (L. D. 2068) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Authorizing Certain Employees of the State of Maine to Request and Extension of Employment After Their Mandatory Retirement Age, years of Service Requirement or Age and Years of Service Requirement (Emergency) (H. P. 2101) (L. D. 2140)

Report was signed by the following members:

Mr. Mangan of Androscoggin, Mr. Lovell of York — of the Senate.

Mrs. Hutchings of Lincolnville, Mr. Marshall of Millinocket, Mr. Davies of Orono, Mr. Cunningham of New Gloucester, Mr. LaPlante of Sabattus — of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Mr. Hichens of York — of the Senate.

Mr. Green of Auburn, Mr. Peterson of Caribou, Mrs. Kany of Waterville, Mr. Burns of Anson, Mr. Talbot of Portland — of the House.

Reports were read.

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

Mr. TALBOT: Mr. Speaker, I move that we accept the Minority "Ought Not to Pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Minority Report and tomorrow assigned.

#### Consent Calendar First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day.

(H. P. 1912) (L. D. 1973) Bill "An Act to Expand the Elderly Low Cost Drug Program" (Emergency) — Committee on Health and In-

stitutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1028)

(H. P. 2084) (L. D. 2110) Bill "An Act to Support Improvement of Air Passenger Service" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 1947) (L. D. 2026) RESOLVE, Authorizing Cumberland County to Pay Deficits from Unappropriated Surplus (Emergency) — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1029)

(H. P. 1942) (L. D. 2108) Bill "An Act to Revise the Salaries of Certain County Officers" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1030)

(H. P. 1886) (L. D. 1943) RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1900) (L. D. 1957) Bill "An Act to Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 1935) (L. D. 2006) Bill "An Act to Clarify Certain Definitions under the Subdivision Law and to Set Out the Intent of the Legislature in Enacting that Law" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1032)

(H. P. 1931) Bill "An Act to Simplify the Procedure for Submission of Certain Small Claims Against the State" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1033)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 15, under listing of the Second Day.

#### Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the House Calendar for the Second Day:

(H. P. 1958) (L. D. 2040) Bill "An Act to Regulate Hazardous Materials and Wastes and to Provide for a Uniform Response System to Hazardous Materials Emergencies" (C. "A" H-1025)

(S. P. 686) (L. D. 2114) Bill "An Act to Extend until July 1, 1979, the Date for the Newport Water District to Purchase the Property of the Maine Water Company" (Emergency)

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

#### Passed to Be Engrossed

Bill "An Act Providing Allocations from the Unappropriated Highway Fund Surplus for Fiscal Year Ending June 30, 1979" (Emergency) (S. P. 694) (L. D. 2135)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed in concurrence.

Bill "An Act to Appropriate Funds for the York County Community College" (H. P. 1978) (L. D. 2073)

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

Mr. Goodwin of South Berwick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1031) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Ladies and

Gentlemen of the House: All this does is change a misprint in the original bill that had the wrong fiscal year on it.

Thereupon, House Amendment "A" was adopted.

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

#### Passed to Be Enacted

"An Act Establishing Vision Test Requirements for Driver License Renewals" (H. P. 1884) (L. D. 1938) (S. "B" S-451)

"An Act to Increase the Authorized Indebtedness of the Kennebec Sewer District and to Limit the Use of that Increase" (H. P. 2012) (L. D. 2087) (C. "A" H-1011)

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.

#### Orders of the Day

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

JOINT RESOLUTION Declaring Opposition to the Proposed Production of a Film Contrary to the Spirit of Religious Tolerance (H. P. 2086) — In House, read and adopted on February 9. — In Senate, Indefinitely postponed in non-concurrence.

Tabled — February 13, 1978 by Mr. Wyman of Pittsfield.

Pending — Motion of Mr. Davies of Orono that the House Recede and Concur.

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

Mr. Quinn of Gorham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1034) was read by the Clerk.

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

Mr. BIRON: Mr. Speaker, I would move indefinite postponement of House Amendment "A" and would speak to my motion.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, moves the indefinite postponement of House Amendment "A".

The gentleman may proceed.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A"

is an obvious attempt to destroy the intent of this resolution. I hope that you will allow me to put on my amendment, which I cannot speak to at this time under parliamentary rules, which if it were before you at this time I think it would satisfy some of the concerns that you have on this resolution last week when it was adopted in this body.

House Amendment "A", as I said, is an attempt by those that I categorize as who want to allow the freedom of speech under the Constitution for those who choose to use pornography in the United States and to take the life of Jesus Christ and portray him as a homosexual and those who feel that they have a constitutional right to do this through the freedom of speech want to deny us, those who object to it, our constitutional right to speak up. Constitutional rights, ladies and gentlemen, work both ways. They weren't only granted to the minority of the people in the United States, they were also granted to the majority of the people in the United States. And if you pass this amendment, you are again saying that the majority of the people in this country don't have a voice. That is my opinion, and I have the right under the Constitution to voice that opinion.

I would sincerely hope that you would defeat this amendment and allow me to place my amendment before which would satisfy the desires of my learned seatmate who last week was concerned about those who worship priests. I would ask for the yeas and nays.

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

Mr. KELLEHER: Mr. Speaker, I would like

to ask Mr. Biron where in the Quinn amendment it infringes upon his rights to participate and the right to express his feelings or where it hampers anyone else from expressing his or hers?

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In the Quinn amendment, it simply guts out the intent of the resolution that I brought before this body. The intent of the resolution that I brought before this body was that we, as members of this legislative body, opposed the production of a film in the United States which portrayed Jesus Christ as a homosexual. That is the intent of my resolution. Quinn's amendment destroys that intent because it guts my resolution. That is why I think we should defeat this amendment, and if you wish to defeat my amendment, that is your privilege and right.

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

Mr. QUINN: Mr. Speaker and Members of the House: While I do share with the gentleman from Lewiston to some extent his sentiments that perhaps the thrust of my amendment is a little bit at variance with his original proposal. I take some exception to the fact that it guts it. I think perhaps it accomplishes the same thing. If you will notice under the fourth "whereas," it says "We wish no ridicule or blasphemy on any group or individual rights." I would suggest that that more than adequately covers the same thing that Mr. Biron wanted and at the same time does preserve the rights of individuals and small units and does preserve the separation of state, which I know you all subscribe to.

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

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

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

#### ROLL CALL

YEAS: Biron, Birt, A.; Boudreau, P.; Boudreau, Bunker, Burns, Carey, Carrier, Carroll, Churchill, Connors, Devoe, Dexter, Drinkwater, Durgin, Flanagan, Garsoe, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Joyce, Laffin, Lizotte, Lougee, Mackel, Marshall, A.; Martin, McBreairey, McHenry, McMahon, McPherson, N.; Nelson, Palmer, Peakes, Perkins, Peterson, Rollins, Shute, Smith, Sprowl, Stover, Stubbs, Teague, Theriault, Torrey, Truman, Twitchell, Violette, Whittemore, Wyman

NAYS: Aloupis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Blodgett, Brenerman, K. C.; Brown, Bustin, D.; Carter, F.; Carter, Chonko, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dutremble, Elias, Fenlason, Fowlie, Gill, K.; Goodwin, Green, Greenlaw, Hall, Henderson, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, Jalbert, Jensen, Kany, Kelleher, Kilcoyne, Lewis, Littlefield, Locke, Lynch, MacEachern, Mahany, Masterman, Masterton, Maxwell, McKean, Mitchell, Morton, Nadeau, Najarian, M.; Nelson, Paul, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Silsby, Talbot, Tarbell, Tarr, Tierney, Tozier, Trafton, Valentine, Wood, The Speaker

ABSENT: Ault, Austin, Berry, K. L.; Brown, Dow, Dudley, H.; Goodwin, Hobbins, Immonen, Kane, Kerry, LaPlante, Lunt, Mills, Moody, Norris, Spencer, Strout, Tyndale, Wilfong

Yes, 53; No, 78; Absent, 20.

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

Thereupon, House Amendment "A" was adopted.

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

Mr. BIRON: Mr. Speaker, a point of clarification. At this point, Mr. Speaker, is House Amendment "B" germane?

The Speaker: The Chair would advise the gentleman from Lewiston, Mr. Biron, that since House Amendment "A" that has just been adopted reverses or changes the joint resolution as initially proposed, the amendment that he would thus be putting on completely changes the direction of that amendment is not proper at this time.

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

Mr. BIRON: Mr. Speaker, as a member of this body, I cannot understand how one amendment which changes the intent of the resolution

The SPEAKER: The Chair would advise the gentleman that if he wishes to solve that problem, all he would have to do is move to reconsider whereby House Amendment "A" was just adopted, indefinitely postpone that and then put on your own amendment.

Mr. BIRON: Mr. Speaker, I move we reconsider our action whereby House Amendment "A" was adopted.

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

Mr. JOYCE: Mr. Speaker, I think you lost me about three turns back. As I recall, the motion was to recede. I want to know where that disappeared to.

The SPEAKER: The Chair would advise the gentleman that the motion to recede made by the gentleman from Lisbon Falls, Mr. Tierney, was passed unanimously by this body under the hammer. Following that, the gentleman from Gorham, Mr. Quinn, offered House Amendment "A". Following that, the gentleman from Lewiston, Mr. Biron, moved indefinite postponement of House Amendment "A" and that motion did not prevail. House Amendment "A" was subsequently adopted. The present motion before this body is to reconsider whereby Amendment "A" has just been adopted, and that motion has just been made by the gentleman from Lewiston, Mr. Biron, and the gentleman from Lewiston, Mr. Biron, may proceed.

Mr. BIRON: Thank you, Mr. Speaker, Ladies and Gentlemen of the House: With a motion to recede, under parliamentary laws as I understand it, makes the bill available for amendment. The amendment that was proposed before you was at that time. However, the amendment was passed by this body. I then made a motion for an amendment which is contrary to what the amendment says, but it was ruled that it could not be presented.

The SPEAKER: The Chair would advise the gentleman that the problem is not with the purposes of the amendment. The problem is with the process in which the directions take and that the amendment may not amend the other amendment. It is for that reason that the Chair ruled that the amendment could not be entertained at this time and for no other reason.

The gentleman may proceed.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this morning to ask you to reconsider your previous vote on the amendment, Mr. Quinn's amendment. I ask for your reconsideration on this because for the first time as a member of this body, we had a resolution before us which gave you an opportunity to speak up, to voice an opinion as a member of the legislature representing your people as to the problems that we are having today in society. You know, I

haven't had a religious turnover, I am not a born-again Christian, but let me say to you that I am concerned about the moral fiber of the United States, I am concerned about what is happening in this country, and I hope that you share the same concerns that I do.

I do not want to deny anyone his constitutional rights, I do not want to deny anyone the freedom of speech; yet I do not want anyone to deny me my freedom of speech. My freedom of speech in this body is that in the form of a resolution, a resolution which says that I oppose the making of a film which depraves Jesus Christ as a homosexual. I have that right, you have that right, and nobody can say under the Constitution that we don't, because we are not denying anyone anything, we are simply saying that we are opposed to it. When we as a country use words like "In God we Trust", what do those words mean to you? They mean something to me. When we attack that, we are in serious problems here in the United States. I think the State of Maine, the legislative body in the State of Maine, can take the stand today which will be followed by other states. We are not denying anyone his constitutional rights, and let no one kid you. We are simply saying we are opposed to this type of film being produced in this country. We have that right; we have that privilege.

I would hope you will reconsider your previous vote and allow me to put on my amendment which would clear up the issue, which would make the resolution more specific, and I would ask for the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Biron, that the House reconsider its action whereby House Amendment "A" was adopted. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS: Bagley, Bennett, Biron, Birt, Boudreau, A.; Boudreau, P.; Bunker, Burns, Carey, Carrier, Carroll, Churchill, Connors, Cote, Devoe, Dexter, Diamond, Drinkwater, Durgin, Flanagan, Fowlie, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Jacques, Jalbert, Joyce, Laffin, Littlefield, Lizotte, Lougee, Mackel, Marshall, Martin, A.; Masterman, McBreairey, McHenry, McKean, McMahon, McPherson, Nelson, N.; Peakes, Pearson, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Stubbs, Teague, Theriault, Torrey, Truman, Twitchell, Violette, Whittemore, Wood, Wyman

NAYS: Aloupis, Ault, Bachrach, Beaulieu, Benoit, Berube, Blodgett, Brenerman, Brown, K.C.; Bustin, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dow, Dutremble, Elias, Fenlason, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Howe, Huber, Hughes, Immonen, Jackson, Jensen, Kany, Kelleher, Kilcoyne, Lewis, Lynch, MacEachern, Mahany, Masterton, Maxwell, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Paul, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Raymond, Silsby, Talbot, Tarbell, Tarr, Tierney, Tozier, Trafton, Valentine, Wilfong, The Speaker

ABSENT: Austin, Berry, Brown, K. L.; Dudley, Hobbins, Kane, Kerry LaPlante, Locke, Lunt, Mills, Norris, Peterson, Spencer, Strout, Tyndale.

Yes, 64; No, 71; Absent, 16.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-one in the negative, with sixteen being absent, the motion

does not prevail.

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

Mr. BIRON: Mr. Speaker, a point of clarification. How could the amendment that I have to present be presented before this body?

The SPEAKER: The Chair would advise the gentleman that at this point in time, the gentleman may not use the amendment that he presently has available to amend the resolution. The Chair would advise the gentleman that the only way the amendment at this point could be amended would be to have a House amendment to the House amendment. However, the Chair would remind the gentleman that in order to do that, the motion to reconsider would have to be made whereby House Amendment "A" was adopted. The motion to reconsider has just failed, so under the rules, the gentleman would need to have a two-thirds vote of the members present and voting in order to move reconsideration whereby the motion to reconsider failed.

Mr. BIRON: Mr. Speaker, whereby this resolution has been changed from its original intent of the resolution has been changed through this amendment, would it be proper to bring a new resolution before this body tomorrow containing my material I want?

The SPEAKER: The Chair would advise the gentleman that the Chair cannot rule on something which is not before this body and is not in a position to do so. The Chair, however, would rule that if he were to bring a similar resolution as the one just defeated by this body, that would not be in order.

Mr. BIRON: Mr. Speaker, it is not a similar resolution because what this body just passed, it didn't defeat anything it just passed something.

The SPEAKER: The Chair would advise the gentleman that in effect what the amendment that this body has adopted has changed the original resolution which, from the gentleman's own point of view, has defeated the purposes of the original resolution. In light of that, the Chair would rule that the original resolution has been rejected by this body. Therefore, a resolution like it would not be able to be entertained again at this time. However, a resolution that might be different might be acceptable, but the Chair is not in a position to rule on that until he actually were to see the proposed resolution.

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

Mr. BIRON: Mr. Speaker, how can an amendment that is contrary to a resolution be accepted that would ruin the intent of the original resolution in the first place?

The SPEAKER: The Chair would advise the gentleman from Lewiston that neither the gentleman nor any other member of this House asked me to rule on the germaneness of the proposed amendment that was adopted by this body.

Mr. BIRON: Mr. Speaker, I am just trying to clarify myself so that tomorrow, parliamentarily, you will not say that this resolution cannot be brought before this body, because I think you have said it can at this point.

The SPEAKER: The Chair would answer that question in the negative. The same amendment may not be brought before this body.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, I move that this be tabled for one day.

Whereupon, Mr. Tierney requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this matter be tabled for one legislative day pending adoption. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

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

Mr. BIRT: Mr. Speaker and Members of the House: I believe completely in the original intent of this resolution, but I think it has been completely destroyed by the intent of the amendment and I move the indefinite postponement of the resolution, concur with the Senate.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves the House concur with the Senate.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I tried very seriously not to get into this, but right now I am lost myself. Would the Chair please tell me where we are?

The SPEAKER: The Chair would advise the gentleman that at the present time the gentleman from East Millinocket, Mr. Birt, has moved that the House concur. If that motion prevails, it would mean that this body has concurred with the other body to indefinitely postpone the resolution.

Thereupon, the House voted to concur.

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

Mr. GREENLAW: Mr. Speaker, having voted in the prevailing side, I now move we reconsider our action whereby the House concur and hope you will vote against me.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves that the House reconsider its action whereby it voted to concur with the Senate. All those in favor will vote yes; those opposed will say no.

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

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

RESOLVE, to Appeal the Decision of the State Claims Board Regarding Property Loss Suffered by Henry E. Ripley of Liberty Because of Theft at the Augusta Mental Health Institute (H. P. 2011) (L. D. 2086) (C. "A" H-1009)

Tabled and Pending — February 13, 1978 by Mr. Stubbs of Hallowell.

Pending — Final Passage.

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

Mr. STUBBS: Mr. Speaker, I move the indefinite postponement of this Resolve.

The SPEAKER: The gentleman from Hallowell, Mr. Stubbs, moves that this Resolve be indefinitely postponed.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not vote to indefinitely postpone this resolve and let's go into a little bit of history in back of it.

An individual who was working for Human Services as a mechanic in the garage was asked by the department to bring in his own personal tools to do the work. They stated they did not have the money to buy the tools for him to work with, so they asked him to bring in his own tool kit, which he did. They further requested that he leave that tool kit there during the night because the people, the other trucks coming in to do minor repairs at night needed the tools in order to do it.

The building was broken into. This was a questionable type brake because there was no obvious entry made and it was assumed that there was a key involved that got them into the garage. The individual involved, there was no evidence whatsoever that he was involved in this. In the investigation that was brought before the Legal Affairs Committee did not show this.

This matter was taken to the Claims Board and laid out before them and the claims board did award \$500 to the individual. Had they not awarded, I may have taken a different view on

this, but they did award \$500. The total value of the replacement of the tools was \$1,350. I felt that because they had said that the state possibly was in error with the loss of the tools, that they should have paid the replacement value because the individual had to buy the tools again to bring his tool kit back up to where it was before.

For these reasons, I hope you do not indefinitely postpone.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: You heard the sad tale of one particular individual, and I do sympathize with Mr. Ripley who lost his tools.

As Representative Burns said, this did go before the State Claims Board. I am quite familiar with the State Claims Board, having testified before it several dozen times when I was working for the Department of Transportation and it used to be the land damage board. What we have here is a situation whereby if this passes there will be a very bad precedent set.

Numerous times this House has gone on record when bills concerning retirement benefits have come up, we may not have liked to, however, we have voted against awarding certain retirement benefits to people who have pulled their retirement out who had not served quite enough time, what have you.

I discussed this bill with the Chairman of the Claims Board. He admitted they made a mistake, that the award should have been zero, not \$500. I would suggest that we have an opportunity to rectify that mistake right here.

What I am asking you to do is not easy. Nobody likes to deny somebody something that was theirs. However, unfortunately, this man had forgotten or did not care to insure his tools. They were left in a state institution which did have security precautions and so forth. I am told if this went before a regular court, the man's claim would have been denied. If he worked for a private corporation and this had happened, he would not have received a nickel. I don't believe that the state should be held to any higher or lower standard than a private corporation in this type of thing.

If we pass this bill, we are setting a precedent whereby you are going to open the door, somebody is asked to drive their car on a state job and it is stolen, the insurance company is going to come back. Already there is another claim pending against the State Claims Board, only this time it is an insurance company. We will be opening up the door right here.

It is unfortunate, but here is a man, he did not have any insurance on his tools and he lost them. He was not able to recoup that way. Now we are being asked to pick up his forgetfulness. So I hope you will go along with me and indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: This is my resolve. Mr. Ripley's case, I don't think, can be compared to anything that Mr. Stubbs has been talking about as far as retirement and this kind of recoup.

Mr. Ripley, as my friend from Anson, Mr. Burns, explained, was asked to use his own tools because the state could not afford to supply the tools for him.

In this break, the state also lost a considerable amount of their own tools, very expensive things. Fortunately, the state can afford to insure their things; Mr. Ripley could not. If he had not been requested by the state to use these things, then I think perhaps Mr. Stubbs might have a case, but in this case, I think he is mistaken and I hope you will not vote to indefinitely postpone this.

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

Mr. COTE: Mr. Speaker, Ladies and Gen-

tllemen of the House: As Chairman of the Legal Affairs Committee, we heard this gentleman come before the committee, tell us his plight, and we felt that the state, in this instance, was to blame because they asked him, through the supervisors, to leave his tools there, which he did, and they were stolen.

We have had several claims before the Legal Affairs Committee this session. It is not the intent of the Legal Affairs Committee to grant all the claims that come before it, but because of the circumstances, I think each individual, by law, should have his day in court. We deliberated for quite some time on this bill and the entire committee felt that it was justified, and that is why we came out with an "ought to pass" report. I hope we don't indefinitely postpone the bill.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just briefly like to call to the House's attention that an appeal from the State Board is to this legislature, and I for one have a great deal of confidence in the Legal Affairs Committee. We have a unanimous report here, and if we hear from the good gentleman from Lewiston, Mr. Cote, and the good gentleman from Anson, Mr. Burns, and the rest of the committee, I think we ought to support this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Hallowell, Mr. Stubbs, that this Resolve be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

2 having voted in the affirmative and 95 having voted in the negative, the motion did not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

Bill, "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis" (H. P. 1909) (L. D. 1970)—In House, Minority "Ought to Pass" Report accepted and the bill passed to be engrossed as amended by Committee Amendment "A" (H-999) as amended by House Amendment "A" (H-1012) thereto on February 3.—In Senate, Majority "Ought Not to Pass" Report accepted in non-concurrence.

Tabled — February 13, 1978 by Mr. Wyman of Pittsfield.

Pending — Further Consideration.

On motion of Mr. Wood of Sanford, the House voted to recede.

On further motion of the same gentleman, House Amendment "A" to Committee Amendment "A" was indefinitely postponed.

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

House Amendment "A" (H-1035) was read by the Clerk.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I think a word of explanation might be wise at this time. What this amendment does is set up at least five, not more than five pilot projects within the state using this approach, and it will be at the discretion of the school boards and the Commissioner of Education, and the school board will report to the commissioner on the effect of this bill and whether it was worthwhile and he will report to us. In the future, we can resolve this issue of how better to get people to participate in government.

Thereupon, House Amendment "A" was adopted.

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

The Chair laid before the House the fourth

tabled and today assigned matter:

Bill, "An Act Clarifying the Statutes Relating to Municipalities" (Emergency) (H. P. 1921) (L. D. 1982) (H. "A" H-1026 to C. "A" H-1019)

Tabled — February 13, 1978 by Mr. Burns of Anson.

Pending — Assignment for Second Reading.

On motion of Mr. Kilcoyne of Gardiner, the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

On further motion of the same gentleman, the House reconsidered its action whereby House Amendment "B" to Committee Amendment "A" (H-1027) was indefinitely postponed.

The SPEAKER: The Chair will order a vote. The pending question is on the indefinite postponement of House Amendment "B" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. MacEachern of Lincoln requested a roll call vote.

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

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

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

Mr. GREENLAW: Mr. Speaker and Members of the House: House Amendment "B" to Committee Amendment "A" is under filing H-1027 and was offered yesterday by the gentleman from Lewiston, Mr. Raymond. The House did indefinitely postpone the amendment and the intent of the amendment was to allow for local liquor referendum questions to be held during primary, special, statewide or general elections. What this amendment does, if my understand of the thrust of it and the intent of the sponsor is correct, if it were enacted, it would prohibit local communities from holding these liquor referendum questions on municipal election day.

I have no objection to the amendment, except that it repeals the ability of the towns to hold these issues, these referendum questions concerning liquor, on town meeting day. I guess the reason I am concerned is that in a number of towns I represent, there are probably more people who come out to town meetings than vote in a special election or general election. So while I have no objection to letting them make a choice about when they want the election held, I don't particularly like the idea that they no longer would have the opportunity to make a choice on holding these liquor referendum questions on town meeting day. For that particular reason, I hope that you do continue to vote for indefinite postponement of the amendment. Perhaps somebody else would be willing to redraft another amendment that would just add the substance of this amendment to the present law and not repeal the present law in that regard.

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

Mr. LYNCH: Mr. Speaker, I would like to ask a question. If I understand the procedure, local option questions will only be voted on every two years. As I recall, the legislature has been faced occasionally with special legislation allowing a local option vote to be taken between the ordinary voting.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do indefinitely postpone this. Let's give the people in the towns the opportunity to debate the question, that can be debated in town meetings. If it is primary or a general election, there would be

no debate, it would just simply be a vote, a mark on the ballot. This is democracy. We are looking for local control, at least, I am. Let's have it in the town meeting where a full-blown discussion can be aired and the people can make up their minds and act accordingly.

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

Mr. MACEACHERN: Mr. Speaker, I asked a question the other day regarding this proposal that is before us would require a vote by the community every two years and I did not get an answer at that time. Since then, it has been straightened out with me and I am sure that there might be come other people here who are confused. I wish someone who is knowledgeable would get up and answer that question on it.

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

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: The two-year provision is simply this. Once a municipality has taken a vote on a referendum question, they cannot hold another vote until that two-year period has ended, so that vote the municipality took is for two years at least, until such time a petition for another vote is taken, which takes 15 percent of the last gubernatorial election, whatever option the municipality chose at the time, to be wet or dry, will stay indefinitely, until such time as another petition is asked for. This two-year provision only means that once you have voted on this question, within that two-year period, you cannot vote on it again. I hope that is clear.

The SPEAKER: A roll call has been ordered. The pending question is on the motion to indefinitely postpone House Amendment "B" to Committee Amendment "A." Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS: Austin, Bagley, Blodgett, Brenerman, Bunker, Burns, Carter, F.; Clark, Connors, Cox, Cunningham, Dow, Dudley, Durgin, Fowlie, Gray, Greenlaw, Henderson, Hunter, Joyce, Kany, Locke, Lougee, Lynch, Marshall, Masterman, McBrearty, McMahon, McPherson, Mitchell, Morton, Nelson, N.; Peakes, Pearson, Peltier, Perkins, Peterson, Prescott, Shute, Silsby, Smith, Stover, Violette, Whitmore, Wilfong, Wyman

NAYS: Aloupis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Boudreau, A.; Boudreau, P.; Brown, K. C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Connolly, Cote, Curran, Davies, Devoe, Dexter, Diamond, Drinkwater, Dutreble, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Hall, Hickey, Higgins, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalberty, Jensen, Kelleher, Kilcoyne, Laffin, Lewis, Lizotte, MacEachern, Mackel, Mahany, Martin, A.; Masterton, Maxwell, McHenry, Moody, Nadeau, Najarian, Nelson, M.; Palmer, Paul, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Sewall, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Wood

ABSENT: Berry, Brown, K. L.; Hobbins, Howe, Kane, Kerry, LaPlante, Littlefield, Lunt, McKean, Mills, Norris, Strout, Tyndale, Yes, 46; No, 90; Absent, 14.

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

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

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

Under suspension of the rules, the Bill was

read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" and "B" thereto and sent up for concurrence.

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

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

**State Government**

Bill, "An Act to Conform State Statutes to the Maine Administrative Procedure Act" (Emergency) (H. P. 2107) (Presented by Mrs. Kany of Waterville) (Approved for introduction by the Legislative Council pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Increase the Bonding Limit of the Maine State Housing Authority (H. P. 1880) (L. D. 1934) (Veto) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask you to refer to Page 3, Paragraph 3. To me, this is an erroneous statement and I would like to clarify what did transpire.

The Augusta City Council, at their January meeting, turned down a housing location primarily due to the location that was selected. Money was not an issue. At last night's city council meeting, they voted 7 to 1 to accept a new location.

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

Mrs. NAJARIAN: Mr. Speaker, Men and Women of the House: The Governor has sent us a nice valentine message, his first veto this year, on L. D. 1934 "An Act to Increase the Bonding Limit of the Maine State Housing Authority." For the benefit of some of you people who are new here this term and may not be acquainted with the Maine State Housing Authority, I would just like to very briefly describe what it is the Maine State Housing Authority does.

The Maine State Housing Authority is a housing development bank. They serve the needs not met by any other financial institution. They borrow money in the New York market to purchase mortgages on properties in Maine. These mortgages are fully secured by real property and become assets of the authority. The single-family mortgages are insured and the multi-families are guaranteed by federal rent subsidies for the life of the mortgage. The Authority does not depend on the Maine taxpayer and the financing is not an additional burden to the state. They have had no foreclosures on multi-family projects and the delinquency rate on the single families is average for the rest of New England according to Moody's.

I would like to address the Governor's veto message if I might. He begins by saying that his opposition should not be construed as an objection to the goals of the Maine State Housing Authority. My question is, how can the Governor veto the bonding authorization without objecting to the goals of the housing authority. The authority's goals are to build housing through the proceeds of the sale of bonds. If his veto is sustained, there will be no bonding and no housing, which I submit is his intention, contrary to whatever he might say.

The Governor further says that, "it is because of the importance of housing to Maine people that I cannot support this bill." At best,

this is a paradox and completely illogical. I submit that the opposite is true. He vetoed the bill because he does not consider housing important to Maine people.

Then he proceeds to the issues that he brings to our attention regarding the bill. He said that the housing authority was advised by his office to seek a reduced level of funding which would be needed to maintain current operations "on a sort-term actual need basis." The actual needs basis, as defined by the Authority, has been rejected by the Governor's Office since the public hearing in January on L. D. 1934. The Authority's request, however, has been known to the Governor since October. The "Short term" is one year. The original request for \$150 million, which received unanimous support, I might add, from the State Government Committee, reflected two years of operation. The current \$75 million reflects one year's operation. The actual needs for 1978 are \$14 million for multi-family projects currently in the pipeline; \$37 million for single-family mortgages as indicated by Maine banks and at least, \$25 million minimum reserved for the Spring of 1979.

The Governor, even to this day in his veto statement, does not indicate what he thinks is the "actual need" basis or what the "short term" is. That is understandable, since to him "housing is so important to the people of Maine" that he cannot support the bill. The Governor has said that this bill has been rushed. The Authority has been on record since October for recommending an increased authorization. How much time does the Governor need? Will another year guarantee that he will not veto? The record indicates not.

In 1975, the last time it came up before the legislature, a regular session I might add, he also vetoed increased authorization for the Authority. Should this also, as he says, be in no way construed as an objection to the overall goals of the Maine State Housing Authority? How many housing goals would have been achieved and how much housing would have been built if the legislature had not over-ridden that veto?

The Governor indicates that this bill is not supported by the entire Board of Commissioners of the Housing Authority based on his visit with them, and let me set the facts straight. I am informed that after the public hearing on L. D. 1934, the Governor contacted Mrs. Gelder, its Executive Director. He raised his objections to the bill at that time. Mrs. Gelder, in response, invited him to attend the next regular meeting of the Board of Commissioners on January 19. The Governor did so, and after ordering all present at this regularly scheduled meeting to leave the room except the commissioners, he expressed his concerns. The commissioners did not approve or disapprove either the legislation or the Governor's remarks at that meeting. The commissioners, however, back in October, did unanimously authorize the Authority to submit legislation to increase the bonding authorization by \$150 million. No one of the six commissioners voted against or expressed his or her disapproval with the Housing Authority's requested authorization of the \$150 million or the amended \$75 million.

Let me emphasize that decisions of the board are public record and at no time has the board as a whole or as individuals during a public meeting shown disagreement on this measure. I suggest that if the Governor has contacted any commissioner individually by telephone, that might be considered rather inappropriate on the Governor's part.

Another issue which the Governor says concerns him deeply is the effect that the bonding authorization might have on the state's credit rating. I notice that he quotes R.E.D. Chase and Partners, which nobody else in the legislature that I have talked to have ever heard of, regarding the per capita tax and debt to per capita income for Maine. Why doesn't he quote

Moody and Standard and Poor, the two leading credit rating agencies on the state's credit rating as well? Perhaps because the increased bonding authorization has no effect on the state's credit rating. The Maine State Housing Authority, in its last bond issue in August, received a strong rating from both agencies based on financial and operational management of its programs.

The Governor is quite right in one respect, however. There is no precise formula which rating agencies use to establish the quality of the state's debt. Why, therefore, does he suggest that the bonding authorization will jeopardize the state's credit rating?

If every financial aspect should be taken into consideration, why then is the state currently issuing bonds for approximately \$14 million when there is \$41 million surplus this year? If every financial aspect should be taken into consideration, why then does the Maine Municipal Bond Bank not have any authorization limits? There is no precise formula for establishing a state's credit rating, as the Governor says and, therefore, it should be noted that many states with higher ratings than Maine's has housing authorities with no bonding limits.

For the record, Maine's housing bonding limit is the lowest per capita limit in New England. It should be noted again that the Authority bonds are revenue bonds and are not a direct obligation of the state and not supported by the full faith and credit of the state; they are not repaid with taxpayer dollars. This is true for Maine as it is for other states, including the other New England states.

The Governor questions the amount of housing financed between 1972 and 1977 as compared with the anticipated units to be financed during the next two and a half years. The Governor stresses the importance of housing and suggests that he needs time to study housing. Perhaps if he does, he will learn that between 1973 and 1975 virtually no housing was being constructed. President Nixon, another advocate of housing, had vetoed housing by imposing a moratorium on all federally subsidized housing. However, since the Governor is an expert of matters pertaining to bonding and credit ratings, I am surprised he did not know that during 1975 no housing was being bonded due to the market collapse of municipal bonds after the New York financial crisis. It is surprising as well that the Governor does not recall the Indian Claims litigation which delayed bond issued throughout Maine, including the Authority's.

The Authority's estimate for financing during the next two and one half years are based upon housing production which is now taking place, housing subsidies now available from the federal government and present market acceptability of bonds. It is ironic that once the other obstacles to building housing had been removed, the governor now shows that he is not objecting to housing goals or construction by vetoing this bill and suggesting that the Authority wait until 1979 to seek bonding authority. This shows how important he thinks housing is to Maine people, since it would have the effect of eliminating housing construction until at least 1980, since it takes at least a year to begin construction once financing is assured.

The Governor gives an example of his understanding of housing construction. Out of the many units financed by the Authority, he singles out one project in Augusta where the city council rejected the original proposal. If the Governor was familiar with housing, he would understand that this is a normal experience between communities and developers when housing is proposed in a community. It does not signal statewide objection to the Housing Authority, as he would intend this example to make it seem. In fact, such negotiations between communities, developers and the Housing Authority is preferred, since only by the



community's participation in the process can it have the kind of housing that is best for that community. The Governor apparently does not understand the initial objection to a concept does not, for most people, signal a complete veto since he does not understand the rule of give and take of public consideration.

As Representative Hickey has just told you, last night the city council voted 7 to 1 in favor of the housing proposal.

Further, the Governor quotes a citizen who objected to that project based on the cost. The Governor surely, if he knows anything about housing, he knows that housing costs money and inflation makes housing expensive, one of the prime reasons why there is such a need for housing and why lower interest rates the Authority achieves through the tax exempt bonds is so crucial.

If the Governor can quote one citizen, I would like to quote another. I had a letter distributed from a tenant of a Biddeford housing project. I hope you have had time to look at it. It is a very moving letter, I thought, and I am told that in French, "prospect" means hope for better things to come.

The Governor makes reference to bureaucracies. Perhaps he does need a study to learn that the Housing Authority is not a bureaucracy that functions on taxpayers' dollars. The Housing Authority is an independent, self-supporting agency which finances housing through the sales of bonds, that he does not understand what the Authority does is evident in his remarks that "low-income citizens and taxpayers in this state are not benefiting as much as other intended beneficiaries of this loan authority. The declaration of necessity in the Housing Authority statutes speaks not only to building needed housing but also to financing residential construction activities which "is closely correlated with general economic activity and a larger volume of residential construction will assist in achieving and maintaining full employment." The Governor should know by now that one of the benefits of Housing Authority's activities is just this and that is not intended.

If the veto is sustained, \$75 million of new capital, out-of-state money, would be lost. It would be lost to construction workers in wages. It would be lost to suppliers of building materials. It would be lost to local retail furniture and appliance stores and, in addition, hundreds of thousands if not millions of annual federal rent subsidy money guaranteed to this state for the next 40 years would be lost and go to some other state, the loss of increased local property tax revenues, the loss of 2,500 units of housing that is so desperately needed by the elderly and moderate to low income families.

The Governor boasts that the economic ripple effect of his tax plan would be equal to the injection of at least \$200,000 into the Maine economy. This bonding authority increase would be an injection into the Maine economy of \$75 million and not recycled money but new money, and the Governor makes much ado about a mere \$200,000, a paltry sum by comparison, and imagine, in addition, the ripple effect of \$75 million.

Finally, I would suggest that among the things that the Governor should study and reflect upon before 1979 which, according to his own words is fast approaching, is housing. I do not expect he will, however, because November of 1978 is also fast approaching, and no doubt the Governor has other decisions to make that are in no way related to housing, its importance to Maine people or the overall goals of the Maine State Housing Authority. Perhaps, then, we should leave to him his concentrations of 1979, but for our own part, we should decide whether or not housing is important enough to allow the Maine State Housing Authority to continue financing housing for the next year. Clearly, the Governor's continuing veto says it is not important and it never was.

The SPEAKER: The Chair recognizes the

gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to pose a few questions to Representative Najarian. I would like to know what the eligibility is for single-family housing under this proposal?

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

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

Mrs. NAJARIAN: Mr. Speaker, the maximum income of a family for single-family homes is \$13,750 adjusted gross income.

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

Mrs. BERUBE: Mr. Speaker, one more question if you will to Mrs. Najarian, that is the eligibility. I am informed that the mortgage payments are in the vicinity of \$225 a month, so I am told by the local bank which oversees this. Is this correct: If that is so, isn't that a rather exorbitant principal to pay every month — principal and interest plus the taxes?

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair.

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

Mrs. NAJARIAN: Mr. Speaker, I can't respond to that specific one. I can tell you this, though. The Housing Authority sells its bonds and buys mortgages from the banks for families with incomes of less than the amount which I just quoted you. The bank is then required to offer additional housing to families of similar income. They have to do this at an interest rate which is less than the bank itself would offer its own money. So the bank would not be making this kind of mortgage to a person because they can command the higher interest rates on its own money.

The Maine Savings Bank gave us an example that the one percent difference between the Maine Housing Authority's interest and the conventional loan, the one percent interest would save a person \$11,000, or \$30 a month, over the life of a mortgage. They require a lower down-payment than conventional loans and therefore it makes it possible for families with that kind of income level to have their own home. For those who are poorer and cannot afford to make month mortgage payments, there is the rent subsidy program from the federal government. These people, primarily the elderly, pay one quarter of their income for rent and the federal government guarantees the remainder of that rent for that unit for the life of the mortgage which is 40 years.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment the gentlelady from Portland for her remarks this morning. They were almost as long as the veto message itself.

I submit that Mrs. Najarian, in urging this House to override this veto, talked about this being one of the few states that has a limit. I believe that Mrs. Najarian, in her enthusiasm for the Housing Authority, thought that they could pass in this House no limit to the Authority.

I stand and ask you to support the veto message, not entirely based upon the remarks that are in the message from Governor Longley, but I guess I am just a downeast cautious kind of a prospect who over the past eight years, the Housing Authority has spent \$150 million, and when this proposal was before the State Government Committee, they were asking, through the Najarian Bill, for an addition \$150 million. It took them eight years to dispense with \$150 million to begin with, and the committee, I am sure, in its wisdom and through good counseling by the gentlelady from Portland, came up with an amendment which reached \$75 million.

I think the Governor has got a point that if in fact the Maine Housing Authority had submitted a bill, or even if Mrs. Najarian had, dealing with \$20 to \$30 million, that he, and I think others like us in this body, would not have problems supporting it because this is the second regular session and we will be coming back or the next legislature will be coming back and can take, I believe, maybe through capitol study by the State Government Committee and the Appropriations and Finance Committee, a more objective viewpoint in terms of where the state stands in dealing with the Authority and giving the allowance to spend many millions of dollars in bonds.

I have been one who has been a member of this body, along with some others, who has been somewhat careful and cautious in giving money to the Maine Housing Authority. It seems to me that this morning this House should be consistent with good judgment in allowing them the right to expend another \$75 million in the next 12 to 15 months, because I believe the legislature itself can look more objectively to it when it comes back in at the next regular session of the incoming legislature.

I don't necessarily agree with all the comments that are made in the Governor's message, but I think there are some that we should heed. I would urge you to sustain his veto here this morning.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the gentleman from Bangor speak, and one of the reasons it has taken eight years to spend \$150 million, basically it is through the efforts of the gentleman from Bangor and myself who have, year after year after year, tried to keep down the bonding limits that the State Housing Authority had. I recall when we had a \$40 million bonding authority. They wanted to go to \$100 million and we settled for less and then they wanted to go to \$200 million and we settled for less, so it is through our efforts, and I hope that maybe you haven't forgotten that, that is the reason why it has taken eight years to spend that much money.

It is interesting to note, as Mrs. Berube pointed out, that some people are paying as much as \$225 for the principal and interest payments on any mortgage. I don't know how much money that house is worth, but interestingly enough, I have people in my community who are paying over \$200 a month to rent an apartment that may or may not be on the verge of being condemned by our own building inspector, and we only hope that somewhere along the line we can find decent housing for these people.

I am really concerned, for instance, that those people who are paying \$200 a month have absolutely nothing to show for it at the end of the year, while if they are making \$200 or \$225 a month payments, they would have some equity that they were building into that property. That is the difference between renting and owning. I am very fortunate, I have a mortgage that is much lower than that.

The interesting part of this whole matter is that we are talking about an infusion of some \$75 million into our economy. We are going to be getting some houses built, and that is going to give us money as far as the income tax field is concerned. It is going to give us some sales tax money on the materials that are used.

I don't know if Mr. Kelleher is correct when he says they are going to spend that money in 12 or 15 months, I would certainly hope not, Mr. Kelleher, but I have no guarantee to that effect.

I would certainly hope that you do override the Governor's veto in this package. I was one of those who fought to get the thing down to \$75 million from the \$150 million.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to any member of the House. The question is, has the Housing Authority expended all the bonds that have been allowed to them up to the present day?

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

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman from Bangor, the last of the appropriated limit will go out to sale in March. There isn't money left for the single-member, this will be multi-member housing. This is the present status of the available money.

I would also like to make a few brief comments. The bill did come out of our committee with a unanimous "ought to pass," and I would still support the \$150 million limit.

The bill came out of committee without anyone from the Governor's Office appearing at the committee and, as usual, it hit the floor and the requests starting flying to table it. We did, we met and in the spirit of compromise, we brought it down to a level that we thought would keep the program in existence. If anyone is worried about the bonding picture, I suggest to you that there will be more of an impasse with a stop-go program. I think that the bonding companies would take a hard, close look at that feature also.

Yes, it has taken a number of years to use up the original authorization. But remember, you have a new program. It started slowly. It has taken years to develop the cooperation and the faith of Maine's banks. That took some time. We now have that, a very good partnership, and I submit to you that the bottom line in this issue today is that after this March and the last of the money goes out for bonding, that you are going to stop the program until perhaps the summer of 1980, because I don't envision next year's legislature passing emergency legislation in the early part of the session in order to provide the funds needed for the housing that has already been determined there is a need. I think we should take a careful look at that picture and the impact over the next couple of years of a loss of \$75 million in the building trades industry in the State of Maine and what impact that is going to have. There is a great deal at stake here and I hope that the members of the House will join me in overriding the Governor's veto.

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

Mr. VALENTINE: Mr. Speaker, Men and Women of the House: As a member of the committee, as Mr. Curran has just said, in the spirit of compromise, agreed to reduce it to \$75 million in hopes of keeping the people on the second floor happy.

If you would like to compare the numbers to something else, the original bonding limit amount was \$150 million. The State of New Hampshire, which I guess everyone here would agree is not a state that is accustomed to throwing money around, recently established its first bonding limits for housing and they set their limit at \$300 million.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I am rather concerned about this bill and I will vote to sustain the veto. I would like to give you a few reasons why.

It bothers me to see that in every session we have the funding of the Authority come up. They always come up here and ask for more money, and if the program is so effective, why is it that there is so much objection from different communities?

Some people have said that we will lose property tax revenue. Well, I want you to notice that when it comes time to have this type of

program financed by these people, there are a lot of objections from different communities and municipalities around this state and probably they are justified.

I live in a small community of 15,000 and they always have a hard time bringing in public housing. They also have a hard time to bring it six miles from us. Some day you go down there and look at some of the buildings. They are only 4, 5 or 10 years old. It isn't what you build for them, it is the people who live in there.

I submit to you that it was said here this morning that under this proposition I could not qualify for a mortgage for such a house to be built for me. Do you know why? The real truth is this, that I stay up and work 10 or 15 hours a day where some of them don't work and they come under these programs. This is what I object to. If you want to help the poor, let's help the poor, but put some limitations on it. Some people are poor because they want to be poor and they don't work and they say don't force them to work. They push them more and more to welfare, and I say to you, we are on the wrong track.

This Housing Authority, ever since I have been here and this is my fifth term, every time I come up here they come in and want more money, more and more money, and they don't seem to accomplish anything. They don't seem to accomplish anything because — you go back and you look at how this was run, and not passing anything on any particular individual, but you look at how it operates. Every time they come over here they cannot get enough money and actually the program itself is very questionable. Ladies and gentlemen, I submit to you that I am not in favor of anybody. When I want to go out and buy a house, when I go out and borrow money to buy a house, I have to pay the high rate of interest most all of us in here have to. I submit to you that I don't like to pay the high rate of interest when certain people will get it for much less, and that is what this program is. This program is not built for the poor, it is built for the people in between who don't want to work.

My taxes go towards welfare. I agree and I will make it very clear that I am well aware that it doesn't go for this, but on the other hand, there are a lot of ways to give decent housing to people of this state.

People who have the guts and the desire to have decent housing and find it themselves and they work for it. This is the answer; make them work for it, make them pay. They will get their own houses.

You can build houses for the elderly, this is a different section altogether. There are people in there who have more money than you and I will ever have in our lifetime. Whether they should be there or not, that is questionable too, that is questioned by a lot of people within the community.

I say to you, let's help the poor, but let's make sure that the help goes where it should be. I don't think that we should give these people \$75 million. They come over here and ask for money. Do they tell us where they are going to invest it? Do they tell us they are going to build so many units and for whom. Of course they don't that is a big secret. If anybody in this state wants a house, they can have it by working.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: As one member of this body this morning, I am going to vote to override the Governor's veto. But in response to the remarks of my very good friend, the gentleman from Portland, Mrs. Najarian, I want to state for the record that I accept the Governor's message as it is written. I do not subscribe to any questioning of his motives or some of the other characterizations that the gentleman from Portland made. His arguments just don't fly with me and for that

reason I am vote, but I did not want to put on the record the fact that he is only performing his function and I think we should accept his arguments, and if they don't convince us, they don't.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to stand up and urge you to vote one way after that vote a few minutes ago; however, I shall vote to override the Governor's veto because this bill means several things. One thing, it means jobs.

You talk about poor people but this bill will help a lot of people to work and in doing so, it will be very constructive. It is not a make-work project; it will provide homes, dearly needed homes for many people. I am thinking in particular of the elderly, these people who large homes, who need to move into apartments, etc., this is my great concern.

I sincerely believe that he will do a lot of good here today if we override the Governor's veto.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take a minute or two to try to answer my good friend, and he is a good friend, Representative Carrier from Westbrook, and I would speak as an immediate past municipal official. I would tend to agree with him on the position that many cities and towns are upset, but they are not upset with this program anywhere near as much as they are not upset, but they are not upset with this program anywhere near as much as they have been upset with those federal programs that have forced municipalities to take in property and accept PILOT, Payment in Lieu of Taxes; those are the ones that have been affecting us at the municipal level. I would certainly think if this program is not doing the job or if it is not impacting on the communities, then the cities and towns actually would have no complaints, as Mr. Carrier says they do.

Since I have been in office in Waterville, we have had a housing authority formed; we have provided housing for the elderly; we have provided housing for the low-income people; we have seen an improvement not only in the conditions but the attitudes of those people who are low-income people in that finally they are in a decent apartment. They do not get involved in a rat infested type of thing they had before. and if you will give some of those people a chance, they will take pride in what they are doing. I could not agree more with Representative Carrier that there are some people who are out to take advantage of everything and therefore would never try to improve their way of life anyway. But I would certainly hope that when you look at this program, it goes beyond what I think Mr. Carrier was trying to impart on you, it does affect the elderly; it does affect taxpaying property, mortgages that will be made to people who, because of their income, have got to go this way rather than any other way. It is my understanding that default in the loan program has not been as great as it might be with the conventional loans that have been granted.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This morning I ask you to vote to override the Governor's veto because in my community we have elderly people who are living in a rural area, we cannot communicate with each other. They are unable to get to the store to shop and we have a project which has been approved, if funds are available, to build elderly housing in my community. These people are not able to go out and work. You have harvested your crops from the elderly that I know. They paid taxes during the depression. They supported their families. They gave their all. They gave every last nickel

they had to this state in the depression and I say let them live their golden years, let there be a harvest for them, let them live in an elderly housing, a federally subsidized housing program. I am not a double talker, I am a straight talker. I want to lay it right on the line.

I believe in federal funds for the State of Maine. I believe in the Limestone Air Base; I believe in the Portsmouth Naval Yard; I do not talk one way and then talk another. I am talking straight down the line this morning and I want the man on the second floor to start talking straight. I do not want any more double talk — I have had it. We have serious problems in this state and we cannot solve them if we tell the federal government out of one side of our mouth, "we do not want your money" and then on the other side, we run to them and say, "help us, please, we are going under."

So I ask you all here today to vote with us, to give us your support and set the gentleman straight down on the second floor and set his spirit and ship going in one direction, straight ahead for the State of Maine.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Some of the opposition that you have heard this morning deals with the amount of money involved rather than the substance of the bill, and I think the gentleman from Portland pretty well explained that in the compromise that was arrive at. It seems to me that \$75 million is 50 percent of the original amount and with the accelerated work of the program that it is not excessive at this time.

I come from a rural town. We have had several units of housing constructed in my community under the auspices of this legislation and I have watch it. There were some early errors but any program has to grow. Those early errors seem to have been very well ironed out. New units are coming in under the auspices of very careful local planning and had we not had this kind of legislation on the books, I feel that we would not have had the improved housing for the folks that have been described here this morning in a relatively small community such as the one I come from.

Therefore, because I think this is a good program and because I do not think that the amount requested is excessive, I am going to vote to override the veto and I urge you all to do so.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a further question through the Chair to Mr. Curran or any other member of the State Government Committee, who did, in fact, say that they have not extinguished all their bonds and they are going to issue them in March, so my first question is, how much are they going to issue? My second question is, what is the reason that the bonds are there and they have not been issued before?

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

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

Mrs. KANY: Mr. Speaker, Members of the house: I would be happy to answer that question. The Housing Authority plans to go through the New York bond market in the Spring because construction normally begins in the Spring. At that time, they plan to go for \$20 million bond issue.

I would like to remind the House once again — I may not have been able to comprehend all of Representative Najarian's statements because there is so much meat in what she offered to us. This is truly an opportunity for us to expand the amount of capital available to us here in the State of Maine. This is an opportunity for us, with the shortage of capital, to bring

in out-of-state capital for use in improving the housing situation in Maine, and if you have any other detailed questions, Mr. Kelleher, I would be happy to answer them. We can all go into a lot more detail, but I hope that answers your question that you asked at this time.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose another question. I really appreciate the gentlewoman's comments to the first question and you emphasized in the answering of that question that it would provide jobs and building materials in Maine. I guess my question is, will Maine have all the jobs and, secondly, is all the material that is purchased to build these buildings purchased here in Maine?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mrs. KANY: Mr. Speaker, Members of the House, I think we all know the answer to that. I am sure that it all is not but some of it is, and that would help us quite a bit, don't you think?

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

Mr. SILSBY: Mr. Speaker, Members of the House: As a member of the State Government Committee, as has been previously said, this was completely unopposed completely. A fairly large number of people spoke in favor of the bill, including several members of the senior citizen groups, including the chairman of the council for older people and the chairman of the state council for older people.

I was impressed, as an attorney, with the fact that there were very few defaults in this type of market. We were told that in the multi-family housing market, there have been no defaults whatsoever and very minor defaults on the single-family housing projects.

We were also furnished with a list of all the completed projects, the projects under construction and proposed projects under the current bonding limitation, and for the benefit of the members of the House, I think you would be impressed if you could see this list with communities ranging from Auburn to Yarmouth with a great number of units. For Mr. Carrier's information, I could show on the list that in Westbrook there have been eight completed projects. There are proposed projects in the number of 90 for the community of Westbrook. There are many proposed for Bangor, including renovation of the old Bangor House. I think they are being spread over the state fairly uniformly. I must say that there are none in Ellsworth area, which I come from, but I understand they are thinking about it for the future. So, I feel overall that this is a good program and something we should try and support.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to expand just a little bit on the materials and labor questions that Mr. Kelleher raised. I asked that very question to Mrs. Gelder and the response I got was that in the single-family housing, all of the labor comes from the State of Maine, they are small contractors. In the case of multi-family housing, there is a very small percentage of our-of-state developers, because the projects are so large, it is the out-of-state developers who have the upfront capital and the developers within the state are not in a position at this time to take on such big projects like the Bangor House.

In essence, most of the work in the multi-family are in-state workers, subcontracts and all of the single-family are in state.

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

Ms. BENOIT: Mr. Speaker and Members of the House: I would like to rebut one statement

made by Representative Carrier. I hope that I repeat what he said fairly — something to the effect, let them work and let them get their own homes. Well, I work and I work fulltime. I am fortunate enough that I do own my own home or should I say the bank and I do, but if I did not own my own home, I would most likely qualify for this program.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Apparently, somebody is not getting the message here, but I am impressed that Representative Silsby is impressed that we do have good housing working in Westbrook. We do have and I am not against this. I have never opposed it. As a matter of fact, I am working with some of the others on a third proposal for the elderly in Westbrook. We do not have any trouble in Westbrook because we have good working people there. The fact is, the people there need it and I am not against that. The ones that need it, fine, but I meant that category right in between that takes advantage of these programs.

I worked many years without owning a house. If the end result is a reward for me to work quite a few years before I could buy a house, it was worth it because today I appreciate what I have and it was not given to me. I worked for it and I will challenge anybody who questions that. I am sure that most of you have worked. This is not the thing. The people who need it should have it, and if he was impressed with Westbrook, I am very glad. We have a different way of living down there.

If you go five or six miles from Westbrook on some of these financed situations, apartment houses, they have problems down there, and this is what I do not like. I do not say that we should take them from Portland and bring them to Westbrook I don't think they do that. This probably is not anyone's fault, but you have to put a certain desire, a certain amount of contribution for them to appreciate a home and to keep it in good order.

I think we should help a lot of these people, but a lot others in these apartment houses are not really giving their best to the state. They cost us money, they cost everybody money, and it is a very touchy subject.

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

#### ROLL CALL

YEAS: Alopis, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kilcoyne, Laffin, Lewis, Locke, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mitchell, Moody, Morton, Jadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Paul, Peakes, Pearson, Peltier, Perkins, Plourde, Post, Prescott, Quinn, Rideout, Sewall, Shute, Silsby, Smith, Spencer, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Wilfond, Wood, Wyan, The Speaker.

NAYS: Ault, Berube, Bunker, Carrier, Carter, F.; Connors, Devoe, Hunter, Immonen, Kelleher, Littlefield, Lizotte, Lougee, Mackel, Marshall, McMahan, Peterson, Raymond, Rollins, Sprowl, Stover, Torrey, Whittmore

ABSENT: Berry, Brown, K. L.; Hobbins, Kane, Kerry, LaPlante, Lunt, Mills, Norris, Strout, Tyndale

Yes, 117; No, 23; Absent, 11.

The SPEAKER: One hundred and seventeen having voted in the affirmative and twenty-three in the negative, with eleven being absent, the veto is not sustained.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tarbell of Bangor, the following Joint Resolution: (H. P. 2104)

JOINT RESOLUTION  
COMMEMORATING THE BIRTH  
OF ABRAHAM LINCOLN

WHEREAS, February 12, 1978, marked the 169th anniversary of the birth of Abraham Lincoln, the 16th President of the United States; and

WHEREAS, the American people have set aside Lincoln's birthday as an occasion to contemplate our appreciation of a towering statesman who devoted his life to the preservation of the sacred principles of the Declaration of Independence for the eternal benefit of all members of the human family; now, therefore, be it

RESOLVED: That we, the Members of the House of Representatives and Senate of the 108th Legislature of the State of Maine, as representatives of our generation momentarily entrusted with the well-being of the American Republic, faithfully execute our solemn duty to maintain and perpetuate the goodness of this nation, conceived in liberty and dedicated to the proposition that all men and women are created equal, so that the government of the people, by the people and for the people shall not perish from the earth.

The Resolution was received out of order by unanimous consent and read.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I think it is appropriate for us to take a moment from our public deliberations to belatedly reflect upon the recent birthday of a towering statesman who devoted his entire life to the preservation of the sacred principles, the Declaration of Independence, for the eternal benefit of all members of the human family.

During his debates with Stephen A. Douglas and later in Civil War, Abraham Lincoln frequently took occasion to praise Thomas Jefferson for possessing the composure and foresight in American revolution to proclaim the natural rights of all mankind for all times in that document, the Declaration of Independence. In this spirit, our forefathers so acted with the hope that we as subsequent representatives of our generation, momentarily entrusted with the well-being of the American Republic, will faithfully maintain and perpetuate the goodness of this nation conceived in liberty, dedicated to the proposition that all men and women are created equal so that the government of the people, by the people and for the people shall not perish from the earth.

The SPEAKER: The Chair Mr. Speaker, Ladies and Gentlemen of the House: Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I should like to enthusiastically second the Resolution presented by the gentleman from Bangor and compliment on his good taste in selecting this truly outstanding American.

As a leader of the Democratic party, I, too, feel that we share a great many of the more wonderful qualities of Mr. Lincoln. He was concerned with equity and fairness; we feel that we are. He was humble; we think perhaps we are; he was poor; we certainly, too, are poor.

I am glad to see this is becoming a tradition in the legislature. I am sorry to see that so many of our members had other things to do during those remarks. I hoped that they had

stayed, because if this tradition does become a regular thing, I would look forward perhaps to joining in the tradition and wonder who would continue this with me in the event that Mr. Tarbell is no longer with us.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I also want to second the statements made by Representative Quinn and Representative Tarbell, the sponsor of this particular Resolution. I just want to add, as a history major, a little historical footnote, that I think is particularly appropriate. When Abraham Lincoln was nominated for a second term as President of the United States in 1864, he was not nominated and did not run as a Republican. I believe also in 1864, Mr. Lincoln decided to drop his Republican Vice-President, who was a Bangor Republican, I believe.

Thereupon, the Resolution was adopted and sent up for concurrence.

(Off Record Remarks)

- On motion of Mr. Torrey of Poland, Adjourned until nine-thirty tomorrow morning.