

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

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APPENDIX

HOUSE

Wednesday, March 1, 1978

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

Prayer by the Reverend Nellie R. Lane of the North Pownal United Methodist Church, Pownal.

Reverend LANE: Eternal God, our Heavenly Father, it is with praise and thanksgiving that we approach the throne of Your grace. We thank You for the freedom that we have in this beautiful land of ours. We thank You for people who are willing to give of their time, their talent and their experience to help us in this state that we all love. So as we all come this morning hour, we come humbly and yet boldly to the throne of grace asking that Your will be with us this day, as through all our days, but especially we would pray that You would be with each one gathered here today that are making decisions, that those decisions will be in accordance with Your will. And to that end, we will give You the praise in the name of God the Father, God the Son and God the Holy Spirit with thanksgiving. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

**THE SENATE OF MAINE
AUGUSTA**

February 28, 1978

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

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Amend the Crime of Assault on a Law Enforcement Officer" (S. P. 661) (L. D. 2032):

Senators:

KATZ of Kennebec
CONLEY of Cumberland
LOVELL of York

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Katahdin High School Basketball Team has won the Eastern Maine Class C championship for 1978 (S. P. 714)

Came from the Senate read and passed.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Dixfield High School Cougarettes are the Girls Basketball Class C Western Maine Champions, for 1978 (S. P. 716)

Came from the Senate read and passed.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Jay High School Tigers are the Western Maine Class C Boys Basketball Champions for 1978 (S. P. 717)

Came from the Senate read and passed.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Honorable Earl Wing of Kingfield, a former member of the Legislature, a former Franklin County Attorney and Municipal and Probate

Judge, has celebrated the 90th anniversary of his birth (S. P. 713)

Came from the Senate read and passed.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Mexico High School Pintos are the Western Maine Boys Basketball Class B Champions for 1978 (S. P. 716)

Came from the Senate read and passed.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Gorham High School Girls' Basketball Team has won the Western Maine Class B championship for 1978 (S. P. 719)

Came from the Senate read and passed.

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

Messages and Documents

The following Communication:

**STATE OF MAINE
ONE HUNDRED AND EIGHTH LEGISLATURE
COMMITTEE ON HUMAN RESOURCES**

February 28, 1978

The Honorable John L. Martin
Speaker of the House of Representatives
House of Representatives
State House
Augusta, Maine 04333

Dear Mr. Speaker:

The Committee on Human Resources is pleased to report that it has completed all business placed before it by the Second Regular Session of the 108th Legislature.

Total Bills received	4
Unanimous Reports	3
Ought to Pass in New Draft	2
Referrals	1
Divided Reports	1
Total number of New Drafts	3

Respectfully submitted,

Signed:

GERALD E. TALBOT
House Chairman

The Communication was read and ordered placed on file.

Orders

An Expression of Legislative Sentiment (H. P. 2157) recognizing that: Lt. Deputy Chief John Doak of the Caribou Policy Department is retiring after 32 years of dedicated service

Presented by Mr. Peterson of Caribou (Cosponsors: Mr. Bennett of Caribou, Senator Collins of Aroostook)

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

An Expression of Legislative Sentiment (H. P. 2158) recognizing that: the Hermon High School Girls' Basketball Team has won the Eastern Maine Class B championship for 1978

Presented by Mr. Littlefield of Hermon. (Cosponsor: Senator Cummings of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 2160) recognizing that: the Buckfield High School girls' basketball team, coached by Donald Thompson, won the State Class D Basketball Championship for the 3rd straight year

Presented by Mr. Immonen of West Paris (Cosponsor: Miss Brown of Bethel)

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

On motion of Mr. Tozier of Unity, the following Joint Order: (H. P. 2159)

WHEREAS, there is growing concern over certain policies and activities of the Depart-

ment of Environmental Protection; and

WHEREAS, this concern has raised questions about the advisability of continuing state-level control of environmental protection; and WHEREAS, a study is necessary to determine if the environmental needs of the State can best be served by control on the local rather than the state level; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on State Government shall study the advisability of abolishing the Department of Environmental Protection and turning its functions over the various counties and municipalities within the State; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I move the indefinite postponement of this order.

Whereupon, Mr. Connors of Franklin 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.

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I am sure the good gentleman from Unity, Mr. Tozier, has put this order in in jest.

In all seriousness, to carry out such an idea as this would be just unbelievable. I just can't imagine that this would be done in all seriousness. I would hope that we would have our fun with it, but then to indefinitely postpone the order.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Ladies and Gentlemen of the House: My people up home have been harassed and everything else by the DEP. I put this order in for two of my towns that have had a lot of problems. I think it is time that we gave the control back to the towns that want to handle it. I think the DEP has got plenty of work that they can do. I am not requiring that they do away with the DEP but just part of their work so that the towns can have part of the control of what we used to have say 20 years ago.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit;

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would appreciate a definition of the word "abolishing" the Department of Environmental Protection. If that does not mean do away with, I don't know what it does mean.

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

Mrs. TARR: Mr. Speaker, I would like to pose a question through the Chair to Mr. Tozier or anybody who might like to answer. Would this include LURC?

The SPEAKER: The gentleman from Bridgton, Mrs. Tarr, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlemen from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker and Members of the House: There are quite a few people who wanted me to include LURC in this, but I figure that we can wait and do that at some other

time.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I would just like to rise against this study order. If Mr. Tozier's community is having problems with the Department of Environmental Protection, then I would sincerely suggest that he deal with those problems within the respective department and not issue an entire study order advocating the abolition of the Department of Environmental Protection. I am sure if there are personality problems within the department, that can be dealt with, perhaps by dealing with other personnel within the department.

I think the biggest that towns, at least in my short period of time on the committee listening to testimony, people within the rural areas of the state, I think one of the biggest problems that they have experienced, and I think with just cause as well, is dealing with the Department of Environmental Protection or any state agency that appears to be a big octopus of the state or monster of the state, a big bureaucracy that can't be dealt with, but I think part of the problem is in communications.

I certainly would hope that this House would not go along with this study.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't see anything wrong with this order this morning. I think, in fact, it is a good order. I think that these kind of people thrive on putting people out of work, closing mills. They don't seem to care about the situation where the people are taking home a paycheck or not. They are more interested in keeping the air clean and all these things, and all you have to do is go down to back bay at low tide and I can assure you that the stinch is really something down there, but I don't see the environmentalists doing anything about that problem. But they will put a little mill out of work and put a hundred people out of jobs. They are always butting their nose in where they shouldn't be anyway. I think it is a good order.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Mr. BENOIT: Mr. Speaker, Men and Women of the House: I really don't think this is that funny, but apparently some of you do. I think a lot of the problems that Mr. Tozier's town may be having, and others are caused at the federal level. There are certain things that the Department of Environmental Protection must do to comply with federal law, and we are not going to change that by abolishing the DEP.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am really bewildered this morning because I just don't understand why Mr. Tozier would put this order in. I know that in the past he has been the director of the Unity Sanitary District and they have two large settling pools there, and while I was on the Committee on Fisheries and Wildlife, he introduced a bill, which I believe was passed, to make it against the law to fish in his sanitary district's settling pools. He has demonstrated an awareness and a concern for the environment in Unity, at least around that area, and I don't understand why he wants to do away with environmental protection all over the state.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that this Joint Order, House Paper 2159, be indefinitely postponed. All those in favor will vote yea; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Berubé, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Carroll, Chonko, Clark, Cox, Cunningham, Curran,

Davies, Devoe, Diamond, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Hobbins, Huber, Hughes, Hutchings, Immonen, Jackson, Jalbert, Jensen, Kane, Kany, Kilcoyne, Lynch, Masterton, McKean, McMahon, Mitchell, Morton, Nadeau, Najarian, Nelson, Palmer, Paul, Pearson, Post, Prescott, Raymond, Rollins, Shute, Sprowl, Stover, Tarr, Teague, Tierney, Trafton, Truman, Valentine, Violette, Wyman.

NAY — Bennett, Berry, Biron, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Carter, D.; Carter, F.; Churchill, Conners, Cote, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Jacques, Joyce, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mackel, Mahany, Marshall, Martin, Masterman, Maxwell, McBairty, McHenry, McPherson, Nelson, Norris, Perkins, Peterson, Quinn, Rideout, Sewall, Silsby, Smith, Strout, Stubbs, Tarbell, Theriault, Torrey, Tozier, Twitchell, Whittemore.

ABSENT — Austin, Bustin, Carey, Connolly, Henderson, Howe, Kelleher, Kerry, LaPlante, Locke, Mills, Moody, Peakes, Peltier, Plourde, Spencer, Talbot, Tyndale, Wilfong, Wood.

Yes, 69; No, 61; Absent, 20.

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

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

Mr. GREENLAW: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action whereby this Order was indefinitely postponed and hope you vote against me.

Whereupon, Mr. Tozier of Unity requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that the House reconsider its action whereby this Order was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Bennett, Berry, Biron, Boudreau, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Carroll, Carter, K.; Carter, F.; Churchill, Conners, Cote, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Garsoe, Gill, Gillis, Higgins, Hunter, Immonen, Jacques, Joyce, Kane, Lafflin, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mackel, Marshall, Martin, Masterman, Maxwell, McBairty, McHenry, McKean, McPherson, Nelson, Norris, Palmer, Perkins, Peterson, Quinn, Rideout, Sewall, Silsby, Smith, Strout, Tarbell, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY — Ault, Bachrach, Bagley, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, Brennerman, Bustin, Chonko, Clark, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Hobbins, Huber, Hughes, Hutchings, Jackson, Jalbert, Jensen, Kany, Kerry, Kilcoyne, Mahany, Masterton, Mitchell, Morton, Nadeau, Najarian, Nelson, Paul, Pearson, Post, Prescott, Raymond, Rollins, Shute, Sprowl, Stover, Stubbs, Tarr, Teague, Tierney, Trafton, Truman, Valentine, Violette, Wyman.

ABSENT — Austin, Carey, Connolly, Hender-

son, Howe, Kelleher, LaPlante, Locke, Lynch, McMahon, Mills, Moody, Peakes, Peltier, Plourde, Spencer, Talbot, Tyndale, Wilfong, Wood.

Yes, 64; No, 66; Absent, 20.

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

On motion of Mr. Nadeau of Sanford, it was: ORDERED, that Edward C. Kelleher of Bangor be excused March 1st, 2nd and 3rd, 1978 for personal reasons.

AND BE IT FURTHER ORDERED, that Reginald Plourde of Fort Kent be excused March 1st, 2nd and 3rd for legislative business.

AND BE FURTHER ORDERED, that Stephanie Locke of Sebec be excused from daily attendance for personal reasons.

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

Mrs. Post from the Committee on Marine Resources on Bill "An Act to Revise the Laws Concerning Marine Resources" (H. P. 1321) (L. D. 1640) reporting "Ought to Pass" in New Draft (H. P. 2146) (L. D. 2166)

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

Ought to Pass

Pursuant to Joint Order (H. P. 1986)

Mr. Henderson from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1978 (Emergency) (H. P. 2156) (L. D. 2168) reporting "Ought to Pass" Pursuant to Joint Order (H. P. 1986)

Report was read and accepted, the Resolve read once and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Requiring Net Cost Comparison of Life Insurance Companies" (H. P. 1973) (L. D. 2058)

Report was signed by the following members:

Messrs. FARLEY of York

of the Senate

Messrs. WHITTEMORE of Skowhegan

HOWE of South Portland

JACKSON of Yarmouth

PEAKES of Dexter

RIDEOUT of Mapleton

Mrs. BOUDREAU of Portland

Miss ALOUPIS of Bangor

of the House

Minority Report of the same Committee reporting "Ought to Pass" on the same Bill.

Report was signed by the following members:

Mr. PIERCE of Kennebec

— of the Senate.

Ms. CLARK of Sagadahoc

— of the House.

Mr. CHAPMAN of Sagadahoc

— of the Senate.

Reports were read.

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

Mrs. BOUDREAU: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentlewoman from Portland, Mrs. Boudreau, moves that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: As the members of

the Business Legislation Committee are aware, this bill was sponsored at the request of Maine's most noted insurance person, the Governor of the State of Maine. His accomplishments in the field of insurance, as well as other areas, are well noted, but I draw them to your attention only as it relates to this bill.

When one becomes as successful as this person has been in this field, it is also possible to view first-hand some of the deficiencies in the area. This bill is an effort to correct some of the deficiencies.

The Governor presented a bill of this type last year, which was in many ways misunderstood and was too encompassing to be implemented. However, there was the feeling that these deficiencies were of such nature that the bill should be resubmitted again this year trying to correct some of the frailties and improve upon it wherever possible.

This bill seeks to protect those insured who fall in the low to middle income areas of our economy and are usually in the early and most susceptible stages of their productive lives. While my personal knowledge of the insurance industry could by no means be called extensive, I would like to give you as best I can, some of the things this bill hopes to accomplish.

In the areas of life insurance, one of the advantages of purchasing an insurance policy is the ability of it to build up equity for either borrowing or as a cash value through surrender of the contract.

On surrender situations, without allowance for interest or the death or the disability of the policyholder or allowance for potential loss if invested elsewhere, the cost to the purchaser is a difference between what he or she has paid for coverage; less what has been returned in cash. This cost varies greatly between companies and is presently uncontrolled. While the entire insurance industry in governmental agencies have known this for some time, no effective direct action to correct this condition has been taken, as evidence by the amount of business still written by those companies, which have the higher costs.

If this bill passes, only 49 companies of the 270 licensed, will be effective. These 49 presently write 6 percent of the business in this state. The real problem is that the business written, in many cases, is to those who can least afford the higher expenses, which deflate the cash value in areas of early redemption. It must be borne in mind that early redemption, in this income bracket, becomes a fact in 44 percent of the cases in the first five years and expands another 18 percent, to a total of 62 percent within the first 10 years.

I would like to be sure to point out to you that I, by no means, want, nor does the Governor desire, to paint the respectable industry with a brush, which would lend discredit to the whole area, when the problem lies on only 6 percent of the providers. However, when 6 percent of the providers so affect a low income area, as to charge as much as double the fees our respectable providers charge, then it is felt that the end result is well worth the effort.

I urge the Minority Report.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the majority report of the committee echoes our feelings of the bill last year. I don't think we misunderstood the bill last year, and I think the same problems exist with this bill as existed last year, in that they are nearly not exactly, but nearly a mere image of each other.

The bill, in my estimation, fails from a number of points of view. The Governor never did demonstrate the need for the bill. He spoke about it in sweeping generalizations but he never showed us an exact need and he never showed us or pinpointed or tied down the need for the bill. He is presenting a formula here, which is his own formula. It has never been

used anywhere else nor has it ever been tested anywhere else. The industry has a life insurance solicitation model regulation, which has been implemented other places and which the State of Maine has been urged to accept and has chosen not to, the department has chosen not to, pending this novel approach to the problem.

I will go into greater detail if you want. I don't think we need to at this point, but I would point out that the bill fails from an untested formula, from a problem that hasn't been shown to fully exist, and it tests on a basis, which is far too small, and that is the surrender value of policies. I would maintain that people do not buy their life insurance policies under the idea that they are going to surrender it for a loan; they buy it for life insurance protection. I think that is one of the basic fallacies of this whole approach to it.

Personally, I would like to see the State Department of Insurance accept or at least seriously consider the life insurance solicitation model regulation, and I hope that you will today support the majority of the Committee on Business Legislation in again, turning down this bill.

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

Mrs. KANY: Mr. Speaker, Members of the House: I have been concerned that we have too little regulation in the area of insurance here in the State of Maine and nationally. Of course, this is one of the few areas in which we have state regulation, basically, over national companies.

As far as my reading the bill and the little I know of the life insurance industry, I see nothing wrong with the bill. I would like more detail on the bill and also would certainly like a division, if not a roll call, on this particular measure.

I would ask Representative Jackson, who offered to go into more detail, if anyone were interested, if he would kindly do so?

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: One of the problems with the bill is that it is based on the net surrender value, that is what you can turn your policy in for, say in 10 years on a loan. Again, I feel that this is a fallacy, that it should be based on your buying life insurance and it should be based on what the insurance pays.

The formula, itself, is subject to manipulation. I judge all the policies of a company on one particular policy that they may put out. I feel that this one policy could be easily manipulated to work the formula to favor the company on the rest of its policies. We have had testimony repeatedly that this would be very easily manipulated and this formula would be.

When you come right down to the base line, I also have problems with the totally untested formula, where Maine seems to be taking a track all by itself and ignoring the tried and true, the proven method, that seems to be working in other states.

Again, the life insurance solicitation model regulation turns to the consumer and lets the consumer make the decision, having laid out to him all the facts and figures so that he can make the decision.

Under the Governors bill that we are looking at now, the Department of Regulation in the state is making the decision for the consumer. In a way, I think this is a form of big brotherism. Therefore, I do support the defeat of this bill.

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

Mr. HOWE: Mr. Speaker and Members of the House: I probably don't have the best record in this House as one who is overly concerned about too much regulation of business, but this morning, I have to oppose a bill that proposes to regulate this aspect of the insur-

ance business, partly because of the type of regulation that philosophically, it proposes. It doesn't provide information to the consumers but rather it regulates prices, or at least it is intending to regulate prices, of an industry that seems to me to have a great deal of competition with, I don't know, 300-some-odd insurance companies licensed to do business in the state. It isn't as though insurance were a monopoly like the telephone company or the power company, where there wasn't competition and where you could not shop around.

The model regulation to which Representative Jackson refers is something that I haven't had much chance to look at. Its general approach is one I would rather use and that is that it requires insurance salesmen to give the consumer some meaningful basis for shopping around from one policy to another, one company to another. If the committee had more thorough opportunity and perhaps a longer session to look at that kind of approach, we might have actually offered it to you today, but we haven't had the time to analyze it thoroughly. I think, in the next session either it or a modified version of this model regulation would be offered as well as legislation I have been trying to develop, and I think Representative Brereman from Portland has an interest in, which would require that insurance policies be readable so that people besides the sales people could understand them.

I guess, philosophically, I object to the Bureau of Insurance regulating the costs on these policies, when if we are given the information to shop around, there is plenty of competition in the field.

I don't know enough about insurance to feel comfortable that this formula will mean anything, that it is really a valid basis for comparing one kind of policy to another. Therefore, I oppose the bill on philosophical grounds and on grounds more technical, that I am not convinced that this formula really is appropriate.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: The bill before you now is similar to one we had in the last session. That was rejected by the committee and by both bodies of the legislature.

I don't think anyone in Business Legislation or probably anyone in this House thinks the insurance industry in 100 percent pure. I am sure they do need some sort of regulations, that they don't have at present, but after studying the legislation, as proposed in L. D. 2058, it just is not anything that will accomplish what it supposedly would do. This is based primarily on cash surrender value. Hopefully, most people buy insurance for protection. They buy it to keep it until maturity. That is the important place insurance pays.

Some insurance policies are higher than others, just like your overhead in any other business is higher than another. Some insurance companies have debit business; that is, they have the insurance agents go out and collect the individual policy. Naturally, that is more expensive. Some insurance companies sell smaller policies to people who can't afford to buy the \$15,000, \$20,000 and \$25,000 policies when they are starting out.

There are many, many reasons why there can be a variation, and as far as the consumer having protection, I introduced a bill in the 107th, where the consumer has 10 days to look over his life insurance policy, check it against any other policy he wants to; if he doesn't want it, he can return it and it doesn't cost him a cent. That bill went through both bodies. The Governor let it become law without his signature, and I think that was a good consumer bill. I don't feel this one will accomplish anything and I hope you will accept the "Ought Not to Pass" Report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the

gentlewoman from Portland, Mrs. Boudreau, that the Majority "Ought Not to Pass" Report be accepted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 21 in the negative, the motion did prevail.

Sent up for concurrence.

Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day: (H. P. 1975) (L. D. 2061) Bill "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State" (C. "A" H-1098)

(S. P. 675) (L. D. 2083) Bill "An Act to Encourage the Formation of Small Business Investment Companies"

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 Enacted Emergency Measure

An Act Clarifying the Statutes Relating to Municipalities (H. P. 1921) (L. D. 1982) (S. "A" S-468 and S. "B" S-469 to C. "A" H-1019)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to the Funding of Education (H. P. 1943) (L. D. 2022) (C. "A" H-1055)

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

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I shall vote for this bill because I don't want to deprive any children of an education, but I do want to voice my protest against it. I think it is lopsided.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The Education Committee took the school funding law, following the repeal of the uniform property tax, and we spent more than a month working day by day, when we were out of session, trying to put together a school funding law that we could pass in this House. It was not easy and I think most of us who opposed the repeal of the uniform property tax saw that it would not be easy. When you alter one part of the school funding law to benefit one sector of the state, you create problems for other sectors of the state.

What the Education Committee did was take the governor's bill, and he supported repeal of the uniform property tax, the committee amended it. Essentially, it is the Governor's bill, but it has been softened in two areas requiring additional funding, simply because the committee felt that it was unjustified to present problems across the state without the communities having any warning that the problems were coming.

If you will look at the funding level of \$173 million, that is required because we cannot have any deficits. But I would be willing to gamble that what will occur in the next school year will be exactly what has taken place in the past few years. School expenditures for the coming school year, I would be willing to wager, will run between \$168 million and \$169 million, almost on target with the Governor's funding level.

The three categorical programs where we

have had surpluses in the past, will have surpluses in the next school year. Special education, vocational education, and transportation operating costs are still based for one more year on a half year of known costs and a half year of estimated costs. That is where the surplus comes.

Leeway has been changed. The communities, across the state, have never utilized leeway to the full extent, and there will be surplus there. We have had in excess of \$5 million in surplus, and there is no reason whatsoever that we won't have something approaching that level. So the funding level, although it differs from the governor's, actually, at the end of the next school year, will be very close to the \$168 million.

There are problems in school funding. We have tried to address them. The one that was presented here a week or two ago on SAD's was one that the Education Committee could not consider in a school funding law because it would be clearly unconstitutional, and that is why we asked it to be sent to Appropriations. We are not unmindful that there are problems in the SAD's and some CSD's, there are problems in vocational centers, and we hesitate to distort these at this late moment. But I will make a commitment to the legislature, that we will address at least the SAD problem before we adjourn.

The Education Committee is meeting this afternoon. There are a number of alternatives. We could amend the statutes to comply with the Attorney General's opinion and make these changes retroactively. We could amend the statutes to comply with the opinion and establish a prospective effective date. We could amend the statutes to comply with the opinion and specifically validate those districts' formations that have used pupils in their cost-sharing formula.

We could amend the statutes to comply with the opinion and prescribe procedures for districts which now use pupils in their cost-sharing formulate to convert to a constitutionally acceptable formula.

We can create a study committee, and I believe there will be a proposal forthcoming very soon to create a finance commission to look at the problems that have been created by the repeal of the uniform property tax, hopefully to continue an equalized funding law in the State of Maine, one of the few in the nation.

We can seek the opinion of the Supreme Court Justices. We could take no action whatsoever and let one or more SAD's bring a suit. We could remove the alternate "B" which uses pupils and state valuation and go back entirely to a sharing of costs on state valuation. That would be clearly unacceptable to me because it would create additional burdens on those high valuation communities. It is unacceptable to ignore this situation. So personally, and I am sure the committee will stand back of me, we will make a commitment to address this problem, at least of the SAD's, before the end of this session.

This is the earliest at which a school funding bill has been presented and can possibly be enacted in the State of Maine. We have, year after year, postponed the effective date for budgets one, two, three and four times during a session trying to arrive at the school funding law that would be acceptable.

I am hopeful that you will enact this today and accept the commitment that the problem will be addressed before the end of the session.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I was a "no" voter on the referendum on the 5th of December. I toured my area and many parts of Somerset County talking on the uniform property tax, and one question was asked of me, "What is the alternative?" There was no alternative and I still don't believe we have an alternative.

I am not trying to chide the Education Committee or run them down, because they did do a lot of work on this and they are to be congratulated on it, but I do not believe that we have answered the mandate of December 5, to me, which was over-whelming mandate.

I would like to pose one question, in view of the specific article they voted for. It is the intent of the legislature to provide at least 50 percent of the cost of operation of the public schools from the General Fund revenue sources. I know this is impossible at this time, but something that does bother me and bothers me very greatly when I look at the funding and look down to local leeway, and I cannot justify in my mind where the 50-50 split is going to come when we take \$10 million and apply it to local leeway. My specific question is, why do we need local leeway? Secondly, why don't we take this \$10 million and spread it out through the entire state?

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think if you look at the history of school funding law for the last several years, you must accept that education opportunities across the state have been increased, and it has been increased because communities with low valuations now have an opportunity to provide a suitable education for their young people, something that they were denied because they could not raise by local taxation enough money to compete with the more affluent communities across the state. Leeway is a basic stone in this school funding structure and without it, you are going to set education back to where it was prior to this equalized funding law.

There is no problem with many areas of this state to raise twelve, fourteen, fifteen hundred dollars or more per pupil, but in many communities of this state, raising six or seven hundred dollars is a major obligation, and leeway, when they use it and get the assistance of matching state dollars, helps them tremendously. I think if you were to remove the leeway, you would cripple education in many areas of the state.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have refrained over the past several years from speaking on these matters. I have gone along with the work of the Education Committee and I commend them again for the fine job that they have done, but I am afraid that we are approaching the problem with dollars. I feel that we had a clear mandate from the people in the referendum that they wanted greater local control, and if they wanted to spend more dollars, they spend them at the local level. So I am on my feet this morning to say that I am going to vote against this measure.

The fellow on the second floor, he seems to have been the accepted leader of the majority of the citizens of this state who at least got out and voted in the referendum. He has presented us with a dollar package that will allow a different kind of local leeway, in my opinion. It will allow the local communities to spend more if they desire or less if they desire.

So contrary to my good friend from the other part of the state, the gentlewoman, I don't think that education will suffer, I don't think that the students will suffer. I am going to vote against this measure this morning and, Mr. Speaker, I would ask for the yeas and nays.

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

Mr. LYNCH: Mr. Speaker, I would like to reply to the last few comments. The total cost of education in the State of Maine is made on the local level in each school district from Kittery to Fort Kent. People in their communities

have decided what to spend for education, and if you will look, as I have, at the voter turnout in school budget meetings across the State of Maine, it is deplorable. If people feel that they are spending too much for education, they have allowed it to go that way by default, no other way.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think probably I have mentioned one time before and I mentioned several times in committee that I was the single member of that committee who voted for repeal of the uniform property tax. I was opposed to it at the time that this bill passed in the legislature, I was opposed to it when it was first proposed ten years ago, and I have never changed my mind a bit.

I did work with the committee, and at the time that we sat down to do our work on this, I said that if we could come up with an acceptable program that was in agreement with the members of the committee, I would support it as wholeheartedly as any. I think this bill does do a great deal of what was intended in the vote in November. I think I am thoroughly acquainted with what that vote intended to do. I think a great deal of the local decision making has been restored as to how dollars are spent. They do not have to spend the full amount that is required. There is a recommended rate in there, and I think what has been done is the best possible thing that could be put together by a committee in the time that was involved to be able to take care of the education problems in the State of Maine. I certainly hope you will support this bill this morning.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would say initially that I am comfortable with this bill and the work which the Education Committee has done. I do have a couple of problems, mainly on the level of funding, and I would like, Mr. Speaker, through the Chair, to ask two questions of the gentleman from Livermore Falls, Mr. Lynch. I apologize to the gentleman because I think probably he addressed this in his initial remarks and I didn't catch them because I was busy doing something else. I want to know before I vote whether or not it is true that there is or was, as of December, a lapse balance in the education account of \$3.5 million with a projection, perhaps, of \$5 million by the end of this fiscal year?

The second question would be, is it true that actually this bill, through maximum exposure, is really overfunded at \$173 million?

The SPEAKER: The gentlemen from Nobleboro, Mr. Palmer, has posed questions through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman is right on target. We have had surpluses in school funding because of the estimating process that has been used in categorical programs and leeway. If we had the \$4.6 million surplus to operate with, we could very nearly come up with a washout on school funding, but that \$3.6 million is now in the \$41 million surplus. The surplus that we had a year ago was not given credit in school funding, so what we have in effect says that we are overcollecting of local property tax and we are over appropriating state dollars. Now, the state dollars simply go back into surplus, but you don't afford the local taxpayer any relief for the overcollection on the local level. I think he is entitled to some of this surplus money being used against the next year's funding.

The funding level, as I said, is approximately \$173 million. It has to be there because we have

to fund all the programs for the maximum exposure to the state. But when the year has been completed and the cost totalled up for public school education in Maine, it is going to be very close to \$168 million, the level at which the Governor has supported.

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

Mr. MACKEL: Mr. President and Members of the Senate: I, of course, will be very, very brief. It appears that Mr. Lynch and I and a few others who are concerned about the funding level of this particular bill agree at this point that it is overfunded. I think that to me at least this is unnecessary and unacceptable. Why should we fund it at \$173 million if, in fact, all we do need is \$168 million, as has been pointed out?

I would agree that we should not over collect from the taxpayer. I think that we need this money. These excessive funds of four to five million dollars which are not necessary in school funding should be used for another purpose. I don't think that we should today vote to approve the funding level as prescribed in this bill.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think I am as perplexed this morning about how to vote on final enactment of this bill as perhaps a lot of people are. Very frankly, I have not made up my mind at this point in time as to whether I will vote yes or no.

I would like to respond to the comments of the previous speaker, the gentleman from Wells, Mr. Mackel. I think he and I have agreed substantially on education quality and education funding, although we have disagreed on occasions of how we should go about that. But I think that he is somewhat mistaken this morning in his comments when he says that we should not fund our total exposure. I would like to refer back to 1975, the first session of the 107th when we incurred a close to a \$20 million deficit. We incurred a \$20 million deficit because we did not have the appropriate control that I think we now have in place.

Both Mr. Mackel and I were members of the Education Finance Commission, and I think that commission, in its work, made a recommendation to the legislature that we fund our total exposure, fund it on local leeway, private school transportation, vocational ed and a number of other programs that where it was very very hard to predict costs.

I think to me the method of funding our total exposure is much more preferable than the possibility of have deficits year in and year out. I would much rather be able to go back to the people in my district and say, yes, we did fund more that was actually used by the local units, but we did protect ourselves to that we did not have a deficit. I think most of you will agree that it is a lot easier to talk about pouring more money back into an education funding bill than it is about having to fund a deficit that we have inherited under this particular funding before this particular year.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the words of my good friend from Stonington, Mr. Greenlaw, but I can go back several semesters and I can remember the same honorable committee with this school funding bill and I can remember every biennium or every year after year after year a deficit. The citizens have done away with the method of taxation, but I would inform my young friend that you don't stop deficits by spending \$5 million more. It is utterly impossible. If you are spending extra money, then you are heading closer to a deficit. There is no way you can spend more money and not have to come up with more money, regardless of the way the bill is written. When you spend

more, it takes more, and there is no way in the good Lord's world that you can do anything about it.

I would just hope that we would remember the past history of educational funding and except for one year we have always been in a deficit position.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Brewer is asking that we ignore past history, because are our memories so short that we can't recall the deficits we did face? We can't set up a leeway program that is open to every municipality in the state to take part in and not fund it, because that is what led us into our deficit problems earlier.

I think this is only responsible, that if we are going to say there is a program out there that you can take advantage of, that we fund it to its allowable limit. I had thought we pretty much agreed on this subsequent to the deficit that we have been laboring under in the past few years.

I think the gentleman from Livermore Falls has given you as concise and clear and honest a statement, and I am one of those who will applaud the work of the committee and I am going to vote with the committee. I hope this morning we can give this a good, big vote, send it on its way.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There is one other point besides the leeway. We have extended for one year in this bill the categorical things, as has already been mentioned. Probably some of you don't understand the way those work. We have an exact known amount of dollars spent for the three categories from July 1 to December 30. We have an estimate by the superintendents and school boards of how much they are going to need between January 1 and June 30, and they plan to make that estimate high enough so to cover the actual cost at least.

The law, the way this is worded and the way it was before is that the state reimburses the towns the lowest amount, the actual amount spent or the estimate. Now, if they estimate too low, they get the amount they estimate. If they estimate too high, they get the amount they spent. That is all there is to it.

By in large, since most superintendents and school boards are wise enough to estimate at least the amount they will spend, the estimate is usually higher than the actual amount they spend.

If we raise the amount of the estimate, many, many towns do not spend quite that amount, so that results in a surplus. Now, unless we had that provision in, we would be running into this constant deficit that we have had. This thing is deficit proof, and it seems to me that it is the only logical way to run a system to be sure that we don't have a deficit. I personally would rather have a slight surplus, either in a school account or in my own personal accounts, than I would to have a deficit.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: People speaking on this issue on both sides today were, in most cases, on the same situation back when we argued about the uniform property tax last fall. Those people who had some action in initiating the petition, today are arguing that \$173 million is too high a figure. Well, I would suggest that the way that bill is written, the initiated bill, it talked about the state and 50 percent of the cost of total education. We could be talking about \$190 million here if we went by the letter of that initiated bill, not \$173 million, but those same people that initiated that bill talking about half of the cost of education are now getting up and saying we shouldn't be using \$4 million or \$5 million for local leeway, for leeway to be used

by those people who want to participate with the state to raise more money for kids. That just doesn't seem like a logical argument to me. Those same people that were behind repeal of the uniform property tax are saying we shouldn't provide money now for local leeway. Those are the same people that were talking about local control. I would suggest that \$173 million isn't too high and that we could be talking about \$190 million or \$193 million if you wanted to stick to the exact language of that initiated bill.

I would hope we would support the \$173. There is nothing wrong with the lapsed balance. People seem to be saying if we have a lapse balance, that is bad. There is nothing noble about that \$168 million figure. If we have \$173 million, we will have enough, and to me that is better than not having enough.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to reinforce what I said earlier. This is the last year in which the estimating process will be used. After this school funding, next year we will be operating on two-year old costs, we will be operating on known costs, no estimating.

Now, in regard to the bill itself, you have to have a school funding law. I think this is the best approach that can be arrived at at this time. I would hope that you would pass it.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I have been sitting here wondering whether or not I should get up and speak on this issue and finally decided that perhaps I should. I take Mr. Lynch's good faith commitment to help the SAD's, and I have an SAD that is deeply in problems with this legislation. I have an SAD that has seven towns in it and is being asked to raise \$1.3 million and the state will reimburse them only \$241,000. They will have to raise out of the seven small towns in Southern Oxford County \$1.1 million. It just seems to me that once again we have not answered the problems of what to do about the small towns, small rural areas, what to do about helping them with their school funding problems.

We talk about 50 percent state participation, 50 percent in funding education, and I don't see any 50 percent for my small town. Fifty percent doesn't show up down in Southern Oxford County, one of the poorest sections of Oxford County, primarily because some of those towns have lake property that is owned by out of staters and it affects the state valuation. Once again I am afraid we are in the problem of valuation, state valuation affecting the taxes of my people.

I look at a town like Stow, which doesn't have a lake, had one piece of property turned over last year, and we pay — it worked out almost perfectly — we pay 100 percent the cost of educating our kids. We are talking about people that don't have a lot of money in Stow. The average income is probably \$5,000 and they have to travel 25 miles one way just to earn that \$5,000. We are talking about 50 percent of the town of Stow being fixed income. The reason that our valuation continues to go up is not because they have a good idea about what the real estate value is in the town, it is because since we don't have a high turn over of real estate, they use a like town to come up with our valuation. So, I don't see where 50 percent of funding in helping the kids in the state is being directed in my towns at all.

In addition to that, school funding is always a confusing issue, but it never ceases to amaze me how much more confusing it gets and how, when you think you might understand a little bit of it, the sand sort of slips through your fingers.

Yesterday, I came up with a whole new set of figures for my SAD. I had been operating on

the principle that we were going to operate on the 10 mills and had been given figures by the Department of Education, as all of you have been, and yesterday, all of a sudden, somebody put the bright idea that there were different figures for those SAD's, totally different figures, and these are the figures that are going to be used in basing the constitutional question of whether or not alternate method "B" is constitutional, because some towns in the SAD's pay as high as 17 mills to raise their basic allocation.

The town of Sullivan, I think, Mr. Connors' town, has to raise 17 mills to fund their school funding, so that a whole new set of figures have now entered the ball game, which I have right here, for those SAD's. It affects my SAD's, but, it doesn't provide any tax equity for my SAD, all it does is shift the burden from one poor town to another.

I guess I wouldn't mind so much if we were asked to pay 100 percent of our costs, which we are in Stow, almost equally, I wouldn't mind that so much, but we have towns that are not only asked to pay 100 percent of the cost of educating their kids, but they are also asked to pay in as much as \$110,000 for the cost of educating other kids and those townspeople can't afford it any better than the people in the neighboring town can afford it.

I have seen school budgets go in the town of Lovell in 1968 when they joined the SAD from \$73,000 for educating 158 students, until 1977, nine years later, when they had 157 students they paid \$354,000. In nine years' time, they went up \$280,000 to educate one less student. I just don't think people out there can afford it. That is why I am going to vote against this.

I respect all the hard work the committee has put in. I believe that there has been an honest effort to try to come up with a solution as possible, but I am afraid I can't vote for it until we have some tax equity for Lovell, Stow, Denmark, Stoneham, and Sweden, and many of the other towns in the state.

I just ask you to consider that and think about that when you vote for it, because we are going to have to handle this question sooner of later this year. I certainly hope you will give us a hand when we have a chance to do that.

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 roll call, a roll call was ordered.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Coming from an area in southern York County, which is the fastest growing area in the State of Maine, it almost seems as though we importing them or furnishing them transportation to get across the line. They are moving in on us every day. We have a very rapid, escalating growth in students. We built a middle school and before the motor was dry, it was already filled up with students. We have to have another building, we are building all the time in order to keep up with our rapid growth of students and we do need these extra funds in these budgets. We need this extra money.

I urge you all to support this budget today, because in 1965, we changed the Sinclair Act to 50 percent enrollment, 50 percent valuation. It the first change in Ropes and Gray, which is a bonding house, and the Attorney General at that time ruled that this type of funding was constitutional. They sold bonds on this type of funding. Therefore, throughout the state many more districts were formed. This was the only way you could get a rich community to work with a poor community. This was the only way

that a poor community could get into a school district to improve the education of their children. Therefore, we came up with a formula - 50 enrollment, 50 percent valuation. The bonds were sold on the basis of this, and to now declare this law unconstitutional, is to declare an act of fraud—pure and simple. The bonding houses, in good faith, sold the bonds, funded our districts and we built our schools, going into this with our eyes open and being told that this was a constitutional law, that it would stand up in the sale of bonds.

Now, 12 years later, the question comes up again that this is an unconstitutional act. For about 12 years we have had bonds, been bonding and built our schools, the bonding house reviewed all the formulas, said this was perfectly all right and sold bonds.

I feel that the Education Committee has worked hard, they have tried their best, and I can assure you, you can never satisfy all the people all of the time, so there is no sense in trying. I also can assure you that we need this extra funding in this budget in the fastest growing area in the State of Maine and I would urge you all to support the educational funding act this year.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Speaking of SAD's, it will be a sad day for a great many towns if this bill isn't passed today. I urge you to vote yes.

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

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker and Members of the House: I would like to pair my vote with Mr. Kelleher. If he were here, he would be voting no, and I would be voting yes.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carrier, Carroll, Carter, D.; Clark, Cote, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Paul, Pearson, Peltier, Peterson, Prescott, Quinn, Rideout, Rollins, Shute, Smith, Spencer, Sprowl, Stubbs, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Violette, Wood, Wyman, The Speaker.

NAY — Aloupis, Berube, Biron, Blodgett, Bunker, Carter, F.; Chonko, Churchill, Connors, Cunningham, Davies, Devoe, Durgin, Goodwin, K.; Gray, Greenlaw, Hutchings, Kane, Lizotte, Mackel, McPherson, Nelson, N.; Norris, Palmer, Perkins, Post, Raymond, Sewall, Silsby, Stover, Strout, Tarbell, Tarr, Twitchell, Valentine, Whitemore, Wilfong.

ABSENT — Carey, Connolly, Elias, Locke, Mills, Moody, Peakes, Plourde, Talbot, Tyndale.

PAIRED — Kelleher, Kerry.
Yes, 102; No, 37; Absent, 10; Paired, 2.

The SPEAKER: One hundred and two having voted in the affirmative and thirty-seven in the negative, with ten being absent and two paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.
By unanimous consent ordered sent forthwith to the Senate.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1978 (H. P. 2121) (L. D. 2149)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1978 (H. P. 2120) (L. D. 2148)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children (H. P. 1943) (L. D. 2005) (C. "A" H-1050)

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

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

On motion of Mr. Tierney of Lisbon Falls, the following Order:

WHEREAS, it appears to the House of Representatives of the 108th Legislature that the following is an important question of law and that the occasion is a solemn one; and

WHEREAS, it is the desire of the 108th Legislature to enact legislation which would allow equitable taxation of property in the unorganized territory; and

WHEREAS, the Uniform Property Tax has been repealed and this has resulted in a loss of General Fund revenues from the unorganized territory of approximately \$3.6 million for fiscal year 1978; and

WHEREAS, there is pending before the 108th Legislature appropriation bills that include recommendations regarding funding of services in the unorganized territory that must be enacted during the second regular session of the 108th Legislature; and

WHEREAS, resolution of questions relating to taxation of the unorganized territory must be resolved prior to approval of appropriations' legislation for fiscal year 1979; and

WHEREAS, the Committee on Taxation in its report to the Legislature concluded that L. D. 2159 (Exhibit B) offers a reasonable approach to the problem of equitable taxation in the unorganized territory; and

WHEREAS, the constitutionality of the provisions of the L. D. 2159 has been questioned in light of the provisions of the Constitution of Maine, Article IX, Section 8; and

WHEREAS, it is important that the Legislature be informed as to the answers to the important and serious question hereinafter raised; now, therefore, be it

ORDERED, that the Justices of the Supreme Judicial Court are hereby respectfully requested to give to the House of Representatives, according to the provisions of the Constitution of Maine on its behalf, an opinion on the following question, to wit:

QUESTION:

Would L. D. 2159 (Exhibit B), if enacted into law, violate the provisions of the Constitution of Maine, Article IX, Section 8?

I. Assuming a Uniform Property Tax mill rate of .0115.

The Order was read and passed. By unanimous consent, ordered sent forthwith to the Supreme Judicial Court.

(Off Record Remarks)

On motion of Mr. Hickey of Augusta, Recessed until four o'clock in the afternoon.

After Recess
4:00 P.M.

The House was called to order by the Speaker.

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

Papers from the Senate
The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 1, 1978

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

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Clarify Certain Definitions under the Subdivision Law and to Set out the Intent of the Legislature in Enacting that Law" (H. P. 1935) (L. D. 2006)

Respectfully,

Signed: **MAY M. ROSS**
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 1, 1978

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

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Permit Persons Other Than Arborists to Take down Trees by Topping or Sections" (Emergency) (H. P. 1858) (L. D. 1925).

Respectfully,

Signed: **MAY M. ROSS**
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 1, 1978

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

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Facilitate the Operation of the Spruce Budworm Suppression Act" (Emergency) (S. P. 678) (L. D. 2095).

Respectfully,

Signed: **MAY M. ROSS**
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, and Expression of

Legislative Sentiment recognizing that: Miss Kissy Walker, thirteen, of Augusta, has won the New England Regional four-Shooting Contest held at Nashua, New Hampshire, and will compete in the National Four Shooting Contest, to be held on March 11, 1978, in Kansas City, Missouri (S. P. 721)

Came from the Senate read and passed.

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

Non-Concurrent Matter

Bill "An Act to Make Trafficking in Five Pounds or More of Marijuana a Class C Crime under the Maine Criminal Code" (H. P. 1999) (L. D. 2080) which was passed to be engrossed as amended by Committee Amendment "A" (H-1048) in the House on February 27, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1048) as amended by Senate Amendment "D" (S-498) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (H. P. 2014) (L. D. 2089) which was passed to be engrossed in the House on February 24, 1978.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-503) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Expand the Elderly Low Cost Drug Program" (Emergency) (H. P. 1912) (L. D. 1973) which was passed to be engrossed as amended by Committee Amendment "A" (H-1028) as amended by Senate Amendment "B" (S-501) thereto in non-concurrence.

In the House: On motion of Ms. Goodwin of Bath, the House voted to recede and concur.

Passed to Be Engrossed

Bill "An Act to Incorporate the Vinalhaven Water District" (Emergency) (H. P. 2164) (Presented by Mrs. Post of Owls Head) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Reference of Bills suggested the Committee on Public Utilities.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1978 (Emergency) (H. P. 2156) (L. D. 2168)

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

Orders of the Day

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

Bill, "An Act to Amend the Maine Juvenile Code" (Emergency) (H. P. 2142) (L. D. 2163)

Tabled — February 28, 1978 by Mr. Hughes of Auburn.

Pending — Passage to be Engrossed.

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

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

SENATE REPORT — "Ought to Pass" in

New Draft (S. P. 703) (L. D. 2150) — Committee on Performance Audit on Bill, "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission" (S. P. 664) (L. D. 2044)

— In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-478)

Tabled — February 28, 1978 by Mrs. Berube of Lewiston.

Pending — Acceptance of the Committee Report.

Thereupon, the Report was accepted in concurrence and the Bill read once. Senate Amendment "A" (S-478) was read by the Clerk.

Mr. Talbot of Portland moved the indefinite postponement of Senate Amendment "A" in non-concurrence.

Whereupon, Mr. Berube of Lewiston requested a vote.

Mr. Shute of Stockton Springs requested a roll call vote.

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

Mr. TIERNEY: Mr. Speaker, I request an explanation.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I don't have the amendment in front of me, but it is an amendment which was attached to this unanimous report from our committee, and it was attached in the other body. What it does is, whenever a subpoena is requested by the Maine Human Rights Commission, they will have to go to the Superior Court to get it. As I understand it, it would become just a routine procedure whereby the judge or the court would authorize the requisition.

Presently, the Maine Human Rights Commission can put out a subpoena whenever they choose, whether it is merely an investigatory matter or as the result of a complaint. They can do so themselves with the approval of the Attorney General or any of the deputy attorneys general. The amendment would mandate that they get it from the court.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I guess I would like to give you just a little bit of background on what is taking place before I ask you to support the motion to indefinitely postpone. That is that this is my sixth year in this body, and for six years there has always been a bill of one sort or another to either dilute the Human Rights Commission or take away its powers altogether. This is just another amendment to do that.

The bill itself, as I understand it, is a bill that would enable the Human Rights Commission to go through the Attorney General's Office for subpoena powers. This amendment that was tacked on in the other body yesterday morning is another form of dilution that was put on that would stipulate that the Human Rights Commission must go every time to Superior Court. That means that we are adding another burdensome delay in the Human Rights Commission and adding another burden to the Superior Courts.

The Administrative Procedures Act sets standards which must be met in the issuance of a subpoena in the first place. In addition, the Attorney General's Office represents the Maine Human Rights Commission and must give its consent to the issuance of a subpoena. And the commission itself is comprised of five citizens appointed by the Governor, who will determine when a subpoena is to be issued. These checks and balances, I think, in my opinion, are enough.

This bill and the amendment grew out of a number of hearings that the Human Rights Commission has last year with the Department of Education in which the subpoena powers, I

guess, were overused. Many teachers, many schools were subpoenaed to those hearings, and this bill grew out of that. I just want you to know both sides of the story.

The bill itself, which I have problems with but which I can live with and I am sure the Human Rights Commission can live with, I think is enough. To add another delaying tactic in the Human Rights Commission itself is asking too much, and I would ask you to support my motion.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I was on the committee that heard this bill this year, and it was my opinion that anybody that does have subpoena power, there should be some restrictions on them.

This legislature, we don't have subpoena power unless we vote it here in the House, so why should the Human Rights Commission, an appointed commission, have more power than the legislature?

The Director of the Human Rights Commission said that this subpoena power would be to their advantage because (1) the commission could bring people in to testify, and then if they wanted to obtain the records of the company or any business, they could subpoena those records. These records might be private records of the employees. The Director said that employer might want to give the records up and willingly give the records up but would not want to give the impression that he was breaking faith with the employee. This is just something to get around the privacy act, and I think we should adopt this Senate Amendment and at least protect the employees.

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

Mr. BURNS: Mr. Speaker, two questions to anyone who may be able to answer them. Number one, who is going to pay for any of these subpoenas? Currently, subpoenas or human services are paid for from the county and the county has no jurisdiction over this.

Number two, who has the authority to issue subpoenas now?

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

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: Presently, under the present law, the Human Rights Commission can issue subpoenas anytime it wishes. They can do it in the name of the commission without revealing who the complainant is. All they need is to bring it down to the Attorney General's Office and one of the deputies will authorize it.

The amendment which was tacked onto the bill simply says that they will have to go to Superior Court if there is no basis of fact upon the allegations or whatever, and probably the court would say no. But presently they have this right. They have used the implied threat of subpoena in investigatory matters, in hearings which they held in order to gather information with which to use at a future time to bring suit or to file a complaint.

The bill, as written, without the amendment, just clarifies the use of this subpoena power. It says that, hereafter, the commission would issue a subpoena only as the result of a complaint by the aggrieved party. I don't think that is taking away power from the Human Rights Commission. In fact, I think the director has said she could live with this.

We presently, you know, have a very competent, capable director in Mrs. Aucoin; however, who may not always be there. I don't feel that any state agency should have police power, if I can put it that way, or have the ability to have this extra power that even some federal agencies such as the Equal Opportunity

Employment federal agency does not have. I think this does not take power away but merely clarifies it and protects the accused.

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

Mr. BURNS: Mr. Speaker, maybe, I didn't make myself clear. Are there any other boards or commissions or any other people, other than the courts that can issue subpoenas at this time? Also, again, who is going to pay for the subpoena?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed another question through the Chair to anyone who may care to answer.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: To my knowledge, which is very limited in the field itself but not on this particular bill, the subpoenas, at present, are taken out of the funds, at least I think they are, of the Human Rights Commission. As far as I know, there must be other people who have subpoena powers, such as the Environmental Department, but I think there are very few departments, if any, that subpoena power.

I would like to say a few words on this bill. I hope you vote against the indefinite postponement of Senate Amendment "A". I thought the bill, itself, was a pretty good bill, but I think Senate Amendment "A" makes it that much better.

I have had no use and I still have no use for the Human Rights Commission: I never did. The fact is that they have used subpoena power to harass people and to bring them in and the people have no recourse. One of the recourses that they have under the Senate Amendment is that the person upon whom the subpoena is served may contest its validity. This is very good. I think this is the way it should be. If it is a good subpoena and it is under complaint and gone through the court and the court feels that there should be subpoena power, good, let them issue it and let the people fight it out between themselves. As it is right now, as far as I know, I feel that the people within the commission have very limited abilities but yet, they do have the ability to subpoena almost at their wish. I think we should not allow that. I think that Senate Amendment "A" makes it that much better, and I do hope that you vote against the indefinite postponement.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I have a legitimate question here that I just simply don't know the answer to. I have no personal objections to having them go to the court to get the subpoena, but the question is, what is the standard that the court will have to find is met before they will issue the subpoena? If somebody can answer that question, maybe I can vote for the amendment.

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

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

Mr. TALBOT: Mr. Speaker, would the gentleman repeat that question; I missed it.

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

Mr. HUGHES: Mr. Speaker, my question is, what is the standard that the court will have to decide has been met before they issue a subpoena? A subpoena, I guess, is an information gathering tool and it is usually used to get enough information to decide whether or not there is a case there and whether or not to go forward with it. So my question is, do they have to find that there is a case? Do they have to find some evidence that there is a case? It seems to me the whole question is what that burden is, what that standard is, and I don't know, I am asking someone.

The SPEAKER: The Chair recognizes the

gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: If that subpoena power were removed from the Human Rights Commission, then, under the Administrative Procedures Act which is going into effect in July, the Attorney General's Office could allow that agency to issue subpoena. In that particular case, it would just be if the evidence sought is relevant to any issue or fact in any proceeding. Now, of course, this particular amendment which Representative Talbot is opposing would require that you go to the Superior Court, which is different than would be in fact the case for most other agencies. I think that if a change is to be made, perhaps it would be just to remove that subpoena power and have to go like any other agency to the Attorney General's Office. So I, too, hope that you will oppose this particular amendment and go along with Representative Talbot's motion, which, if I understand it correctly, is to indefinitely postpone the Senate Amendment.

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

Mr. TALBOT: Mr. Speaker and Members of the House: Just a further clarification. The Human Rights Commission has had subpoena powers for seven years and they have had no complaints. There is no other state governmental body that has to have this requirement. So the Human Rights Commission is being singled out and is being diluted. It adds nothing but another delaying tactic in their investigation.

I have every confidence and faith in the Human Rights Commission and I have since I have been here. I think we can rest assured that between the Human Rights Commission and the Attorney General, everything would be smooth and we wouldn't have that much to worry about. But by adding this, it adds just that much more to something that we don't need. And I would hope that you would go along with the indefinite postponement motion.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Talbot, that Senate Amendment "A" be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

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

Mr. QUINN: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Connolly. If he were here, he would be voting to indefinitely postpone and I would be voting nay.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Blodgett, Boudreau, A.; Brenerman, Brown, K.C.; Burns, Bustin, Carroll, Chonko, Clark, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Fowlie, Goodwin, K.; Hall, Hickey, Howe, Hughes, Kany, Kerry, Masterton, McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Norris, Paul, Post, Prescott, Smith, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berry, Berube, Biron, Birt, Boudreau, P.; Brown, K.L.; Bunker, Carrier, Carter, D.; Carter, F.; Churchill, Connors, Cunningham, Devoe, Dexter, Dudley, Durgin, Fenalson, Flanagan, Gill, Gould, Gray, Greenlaw, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Joyce,

Kane, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Marshall, Martin, A.; Masterman, Maxwell, McBreairty, McPherson, Morton, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Raymond, Rideout, Sewall, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Twitchell, Whitemore.

ABSENT — Ault, Carey, Cote, Drinkwater, Garsoe, Gillis, Goodwin, H.; Green, Henderson, Hobbins, Jacques, Jalbert, Jensen, Kelleher, Locke, Lynch, Mackel, Mahany, McMahon, Mills, Peakes, Plourde, Rollins, Tyndale.

PAIRED — Connolly, Quinn.

Yes, 55; No, 70; Absent, 24; Paired, 2.

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

Thereupon, Senate Amendment "A" was adopted in concurrence and the Bill assigned for second reading tomorrow.

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

Bill, "An Act to Permit Law Enforcement Officers, Agencies and Associations to Make Limited Solicitations for Advertising in or Purchase of Certain Publications Published by Them" (H.P. 2153) (L.D. 2167)

Tabled — February 28, 1978 by Mr. Garsoe of Cumberland.

Pending — Motion of Mr. MacEachern of Lincoln to Indefinitely Postpone Bill and Accompanying papers.

Roll Call requested

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I have been, since yesterday, in communication with the Attorney General's Office. The Deputy Attorney General has assured me that my greatest objection to this bill, which was the fact that an outside agency may become involved with solicitation, is prevented under the present statute and not particularly under this bill. For that reason, I probably will reluctantly vote for this bill.

I disagree with the principle embraced by this bill, in that the integrity of any law enforcement agency is very fragile, and something of this type of legislation could very easily cast a shadow over that integrity. I disagree with the principle of it, but I understand that the law enforcement agencies might like to put out some sort of a publication. I will vote for it, as I said, reluctantly, and give them the opportunity to prove to me that they won't abuse the privilege that we might give them here today as they did a couple of years ago.

I will let you all make your own decision, but I will vote for the bill.

Thereupon, Mr. MacEachern of Lincoln requested permission to withdraw his motion to indefinitely postpone, which was granted.

On motion of Ms. Clark of Freeport, tabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Palmer of Nobleboro, Adjourned until nine thirty tomorrow morning.