

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

Monday, March 6, 1978

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

Prayer by the Reverend Bruce Hudson of the United Methodist Church, Hampden.

Reverend HUDSON: Good morning. Let us be in the spirit of prayer. O God of creation, we come before You this day because we recognize our dependence upon Your creative powers. We face the future of change, change of lifestyle, change of how we utilize the concept of economics and change in our utilization of Your creative resources which will require intentional decisions on the part of those who govern at all levels of government. Such intentional decisions will affect the lives of thousands of people across our state.

O God, the process of decision making is complex and requires almost super-human wisdom. We ask for the wisdom necessary to make decisions which will best serve the needs of people today and in the future. Help us to be openminded. Help us to listen to the voices of people. Help us to look beyond self-centered interests to the needs of the masses. Free us to make the hard decisions we must make for the cause of justice. Teach us to be sensitive to Your will for us and for all men. Amen.

The members stood at attention during the playing of the National Anthem by the Hampden Academy Band of Hampden.

The journal of the previous session was read and approved.

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:

Education

Bill "An Act to Authorize Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute" (H. P. 2183) (L. D. 2175) (Presented by Mr. Martin of Eagle Lake) (Cosponsors: Mr. Rideout of Mapleton, Mr. Smith of Mars Hill, Mr. Lunt of Presque Isle) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 2175) recognizing that: Cindy Rand, a graduating senior at Hampden Academy, has scored 1580 points during her high school career in school-girl basketball

Presented by Mrs. Prescott of Hampden (Cosponsor: Senator Cummings of Penobscot)

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I guess this all Hampden Day here at the Maine Legislature, but we in Hampden are all very proud of our girls' basketball team, and this year they had tremendous all-round talent, but, unfortunately, the girls lost to Hermon in the Eastern Maine finals but not before our Cindy Rand scored her 27 usual points.

Cindy is the next to the youngest of eight children, and her whole family began to follow her to basketball games when she was in the sixth grade. As a seventh and eighth grader, she combined for a total of 500 points. Her coach, Don Benzanio tells me that Cindy is an excellent as well and that he has really enjoyed coaching Cindy for four years, and that is quite a privilege itself.

I would like to tell you how Cindy got to a total of 1580 points. As a freshman, she scored 325 points, and she made All-Tourney. She scored 405 as a sophomore, and again she made All-Tourney. When she was a junior, she made All-State, and she finished with 390 points. Finally, as a high school senior, Cindy ended her career with 460 points, for a total of 1580 points, and we think that that is some record for our girl, Cindy Rand.

The SPEAKER: The chair is pleased to recognize in the back of the hall Cindy Rand, whom the Speaker has seen play on a number of occasions, including against the Speaker's former alma mater, who they beat. The Chair is very pleased to recognize Cindy and would ask her to just wave her hand. (Prolonged applause)

The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I remember Cindy Rand two years ago when Mt. Blue was in the finals. In the last six seconds, Hampden won.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, that was a very very good band, too.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 2176) recognizing that: James E. Bowdoin, a student at Winslow High School was a finalist in the piano competition at the National High School Musical Festival, held at Bob Jones University in Greenville, South Carolina

Presented by Mrs. Mitchell of Vassalboro

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

An Expression of Legislative Sentiment (H. P. 2179) recognizing that: Kathy Hurn, daughter of Lt. Col. and Mrs. William Hurn of Loring Air Force Base, Maine, has been named Maine's Junior Miss for 1978

Presented by Mr. McKean of Limestone.

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

On Motion of Mr. Blodgett of Waldoboro, the following Joint Order: (H. P. 2177)

WHEREAS, the productivity of the State's soil and water resources is one of great importance and benefit to the general welfare of Maine; and

WHEREAS, farming, silvicultural and construction activities on agricultural, forest and other public and private lands can cause erosion of soil; and

WHEREAS, this erosion can result in loss of soil and soil productivity as well as sedimentation and pollution of the waters of the State; and

WHEREAS, it may be necessary to provide for improved methods for carrying out these vital activities to prevent or control erosion; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Natural Resources study and assess this problem, and determine whether or not a threat to the conservation of this soil resource exists, and whether or not a threat to the waters of this State from erosion and sedimentation exists; 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 for-

warded to members of the committee.

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

On Motion of Mrs. Lewis of Auburn, the following Joint Order: (H. P. 2180) (Cosponsor: Mr. Bustin of Augusta)

WHEREAS, the state of Maine has had to borrow over \$32,000,000 from the Federal Government to finance the payment of unemployment compensation benefits; and

WHEREAS, Maine employers will be required to pay back the federal loans; and

WHEREAS, there are questions concerning the fairness of the existing contribution and tax tables applied to Maine employers; and

WHEREAS, the future solvency of the State Unemployment Compensation Fund is crucial to the State's ability to repay the federal loans; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Labor be authorized to study how the Employment Security Act and the State Unemployment Compensation Fund can more effectively and equitably protect the rights of all concerned parties; and be it further

ORDERED, that sufficient funds shall be available to properly reproduce and distribute this study; and be it further

ORDERED, that the Joint Standing Committee on Labor 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 and passed and sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 2181) recognizing that: George I. Gould, M. D., of Richmond, who has served the medical profession in Sagadahoc and Kennebec Counties for over 30 years, has been honored by having the Richmond-Bowdoinham-Dresden Area Medical Center dedicated in his honor

Presented by Mr. Moody of Richmond (Cosponsors: Mrs. Chonko of Topsham, Ms. Goodwin of Bath, Mr. Stover of West Bath)

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

A Joint Resolution (H. P. 2182) in memory of Donald J. Robertson of Woodland, a faithful servant of that community

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

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

On Motion of Mr. Nadeau of Sanford, it was ORDERED, that Edith S. Beaulieu of Portland be excused March 6th, 7th and 8th for legislative business; and be it further

ORDERED, that Philip P. Berry of Buxton be excused March 6th for legislative business.

On Motion of Mr. Green of Auburn, the following Joint Resolution: (H. P. 2178) (Cosponsors: Ms. Clark of Freeport, Mr. Palmer of Nobleboro, Senator Conley of Cumberland)

Joint Resolution Expressing

Opposition to the

Killing of Harp Seals

WHEREAS, marine mammals, including whales and seals, often range far in the earth's oceans and are a resource belonging to all of mankind, not just to any one nation; and

WHEREAS, the Maine Legislature has historically show a great concern for the protection and conservation of all marine resources, including marine mammals; and

WHEREAS, it has come to the attention of

the Legislature that Canadian and Norwegian sealers annually kill over 150,000 young and mature harp seals on the ice flows of the St. Lawrence River and off the coasts of Newfoundland and Labrador; and

WHEREAS, the chief objects of this slaughter are harp seals less than 10 days old whose white fur is used by furriers for trims, linings, trinkets and other frivolous items; and

WHEREAS, sealers kill these seal pups by clubbing them to death, a method which avoids damage to their fur and which takes advantage of the fact that the pups who have not yet learned to swim cannot escape the sealers; and

WHEREAS, the Canadian government has set this year's kill quota of harp seals at 180,000, a level which may seriously endanger the continued survival of this species of marine mammal; and

WHEREAS, the killing of young harp seals for their fur is of questionable economic value to Canada and Norway, especially when compared to the danger which the killing poses to the very existence of this marine mammal; and

WHEREAS, the United States prohibits the importation of harp seal fur under the Marine Mammal Protection Act of 1972, and France prohibits the importation of harp seal fur as well; and

WHEREAS, many persons, both in Canada and throughout world, are deeply troubled by this continued cruel killing of harp seal pups and harp seal adults; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature, now assembled in the Second Regular Session, do hereby declare our profound opposition to the continued cruel killing of harp seals on the ice flows of the St. Lawrence River and off the coasts of Newfoundland and Labrador; and be it further

RESOLVED: That upon passage in concurrence, a suitable copy of this resolution be prepared by the Clerk of the House for presentation to Belton P. Mouras, President, Then Animal Protection Institute.

The Resolution was read.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: What this body has before it this morning is a Joint Resolution expressing legislative sentiment and opposition to the continued slaughtering of the harp seals in Canada.

It has been proven that since the late 19th Century, more than 17,000,000 of these seals have been killed with little or no ecological monitoring control. The only real variable study that has been documented is that of the revenue that is derived annually from the sale of the pelts. The first attempt at reasonable management began in 1961 when the Canadian Government initiated opening and closing dates on the actual seasons of the hunts themselves.

In 1971, the Canadian Government, due mainly from pressure from concerned organizations opposed to the continual slaughter, established and unenforceable and rarely adhered to quota system which attempted, at the very best, to limit the number of seals killed every year.

Also established in that same year by the Canadian Minister of Fisheries was a special advisory commission on seals and sealing. This independent commission used an interim report in 1972, which I think is the crux of my resolve and a very important report at that. Essentially what the interim report recommended was that the seal slaughter be phased out by 1974 and that subsequent to that a six-year moratorium be imposed in order to allow the seal heard time to replenish themselves. It was the finding of that individual, separate commission established by the Canadian Government that the seal heard had, in fact, been depleted to the point where they needed time to replenish themselves.

In 1972, Congress passed the marine Mammal Protection Act, a monumental piece of legislation. Among other items in that act, it specifically forbade the importation of seal pelts to this country. Last year, the United States Congress passed a similar resolve to the one that is before you this morning calling for an end to the hunt altogether.

What I am simply asking this House to do this morning with this resolve is help me and the other members, the cosponsors, write our letter of opposition to the continued slaughter.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I feel kind of sad this morning that this type of resolution should be before us. I think that when we start telling other countries, foreign countries, how to do their business, I think probably we are going a little bit out of our bounds when we have to get an order approved by the leadership to have something to say about our own federal government in Washington as it pertains to the President of the United States and then to let something like this come in. I think we are probably doing something this morning that I have never seen come before this body. We have a situation in Sydney, Australia where they do the same thing to rabbits because there are so many. They all beat drums and walk down to this place and as they get to the rabbits, they hit them over the head and they kill them to do away with them because they have so many; yet, I don't see that order in here this morning.

I think what we are doing here is, we are telling foreign people that we don't approve of what they are doing because we as individuals, myself included — I certainly am an animal lover. I remember the time when my wife left me. I was glad she left, but when I found out that she took my puppy, I cried. I think I am an animal lover, but to get the Maine Legislature involved in something that really is none of our business, I don't want to oppose it, I am sure that I know what Mr. Green is doing and I have the greatest respect for him, but I just feel that this is not the place to bring up this type of thing. If it concerned this government, if we were doing it off Casco Bay or down in Portland, fine and good, I could see the people of Maine being upset, but I certainly don't feel that we should talk about that here this morning and I move the indefinite postponement of the resolution.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, has moved that the Joint Resolution be indefinitely postponed.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I would urge that you vote against the pending motion of indefinite postponement this morning, for indeed, the Maine Legislature has gone record in expressing its concern regarding the whales of our world's oceans. As a matter of fact, it was two years ago when a group of young children from the Soule School in South Freeport, Maine, requested their Representative to the legislature to introduce the Resolution to save the whales and have the Maine Legislature go on record in worldwide movement to save the whales and, indeed, we did that day. Those young people from the Soule School in South Freeport were here serving as honorary Pages and that Resolution was passed unanimously under the hammer.

I think it is indeed appropriate and fitting that the Maine Legislature go on record in opposition to the clubbing deaths of these harp seals which are off the coast of our fond neighbor, the nation of Canada.

I am sorry I have to speak this morning in opposition to that kind and jovial man from Westbrook, Representative Laffin; that makes me very sad too, but what makes me sadder is the

unenforced control of the number of killings of these baby seals. I hope that you would read the order carefully, for the seals are not killed as a conservation measure, as alluded to by the gentleman from Westbrook, and I think it is also appropriate that this legislature is not telling our neighboring friend and nation, Canada, what to do, we are simply expressing our opinion here today. If that is not our business, then I would suggest that perhaps we might be, in the area of conservation and concern for the animals of our world negligent.

I would hope that we would vote against the motion of indefinite postponement.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Green discussed his Resolution with me last week. At that time, I gave little thought to the precedent we would be establishing by passing this Resolution. Canada, like our country, has many problems, and I do not feel that it would be wise for us to inject our feelings into their country. I don't condone the killing of the seals, but I feel that Canada accepts this as a necessary medium for the economic survival of many of the people of that area.

I would ask you to vote against this.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I must admit that this morning I was very disappointed to have my good friend, Representative Laffin, come to my office and express opposition to this order and I told him to go right ahead. I didn't realize that at the time he did it, however, how sad he was when he lost his puppy and so I know now that if he had read this Order very very carefully, as I did the first time I was asked to look it over and help cosponsor, that when I thought of Andre going for his trip from Rockport back and forth to Boston, tears came to my eyes. I think we can all look at this in that light and express some disdain at what is going on.

I would just like to quote in a very serious vein from the Maine Stream Magazine about the situation. It just simply says this: "Management objectives on how to best utilize these resources and at the same time maintain the integrity of the western Atlantic Eco-system must be carefully discussed and implemented in the near future. We can no longer continue to extract a maximum yield from each exploiter's species without considering the ecological ramifications throughout the whole system."

It really is a problem and I do not necessarily go with the argument of my good friend Mr. Hickey that we are meddlesome if we address a problem of Canada, for certainly Canada has not been reluctant the least bit to express problems which we may have right here in the State of Maine along our coast and certainly along our northern border.

I do hope that we will not indefinitely postpone this order and also, as a sort of quid pro quo, I would say to my good friend from Westbrook, should he put in an order considering those rabbits in Australia, I would be glad to Cosponsor it with him.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I should like to address the subject and make it very clear that I am speaking as an individual representative and in no way as leader of the party.

I support the motion to indefinitely postpone and I do it for essentially the same reasons. I have some slightly different aspects and I think I could add to it.

I read this order this morning very carefully. It has 8 whereas, 4 of which are concerned with aesthetic values and 4 or which are concerned with the preservation of the species. So I think the argument just advanced from the gentleman from Nobleboro perhaps shows that

there are other aspects in the minds of many people other than the preservation of the marine resource.

I also read the Constitution to the state of Maine very closely and all I can find under Article 4, which covers legislative power, and I read it all, are three sentences which say, "The legislature having been first polled and, with the exceptions hereinafter, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state, not repugnant to this Constitution, nor to that of the United States."

It says absolutely nothing about Joint Orders that tells the neighboring state, an ally and a great friend how to run their business. I think it is stretching the prerogatives of the legislature a great deal. As the gentleman from Augusta says, it opens an area of precedent which to me is dangerous.

If we want to solve the problems of the world, we could occupy ourselves considerably more than the 50 days we have. A quick list, we could condemn slavery in the Sahara. I think we all do; they have child brides in Ethiopia; military dictatorships in South America and there is hoof and mouth disease in Texas, and I would suggest that our condemning those things would be along this same line.

We had resolutions here against the Mayaguez invasion, while I disagree with the Mayaguez invasion, on discreetly Cambodian incursion, I still voted against those; I voted last week and was active in opposing a Resolution on the film that had to do with the life of Jesus, I put this in the same category; I object very strongly to the killing of these seals, I object very strongly to pornographic motion pictures of Jesus; I object to a good many things, but this is not the business of this legislature. Is the good gentleman from Portland says when he always moves for the previous question, we have only 12 or 13 legislative days left. I don't think this is our policy and I urge you to support the motion to indefinitely postpone.

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

Mr. GREEN: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I would like to respond to the comments of the good gentleman from Gorham, Mr. Quinn, and with great fear I would probably suggest that there is hoof and mouth disease in Gorham right now. I would just simply say that when the federal government, the United States Congress in 1972 passed the Marine Mammal Protection Act, the first paragraph of that act states that the marine mammals belong to all of mankind. they traverse international waters. it is no longer parochial. it is no longer provincial. The United States Congress saw that in 1972; they saw it again last year, when they passed a Resolve condemning the slaughtering of these baby seals. They kill them before they are less than 10 days old, primarily for the pelts, and if they could develop a more humane method perhaps, it would be a little more palatable to me and to others, although I condemn the killing in general.

I would just point out that I think Congress, when it passed that act in 1972, and its Resolve last year, sets its own precedent and I, for one, dislike very much the red herrings that Mr. Quinn has brought into this argument this morning. I am very pleased to find that he is so well versed on the problems of the world, and I think one of our responsibilities as a legislative body is to express our concern about things. It is a relatively minor document, legally or jurisdictionally, I recognize that fact and I think Congress recognizes that it has certain limitations and obviously we cannot tell Canada what to do. We can let them know how we feel and I don't see any harm in that. In fact, on an issue such as this, I think it is almost paramount, because no controls were imposed whatsoever on

the seal harvest until 1971 when they first started establishing quota systems on the number of seals killed. why did they establish quota systems? Because of Resolves just like the one that is before you now and one that is the effect of organized groups. All I am asking the legislature to do this morning is to help us send our letter of opposition, simply a letter. The Prime Minister can throw it in the waste basket if he so chooses. I would hope that he wouldn't if it does pass. All we are saying is that we are just concerned about this problem. There is no harm in that, Mr. Quinn.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to get up and speak on this subject but you all know how I feel about slaughtering of animals and so forth. I am for this Joint Resolution and I am sorry that no one asked me to cosponsor it because of how I feel about animals. As far as hoof and mouth disease, we don't have to go as far as Texas to find it.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Westbrook, Mr. Laffin, that the Joint Resolution be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Quinn of Gorham requested a roll call.

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

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

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

ROLL CALL

YEA — Austin, Benoit, Biron, Birt, Boudreau, P.; Brown, K. C.; Burns; Carey, Carrier, Carter, D.; Connors, Cote, Dutremble, Fenlason, Flanagan, Garsoe, Gillis, Gould, Hickey, Immonen, Joyce, Kilcoyne, Laffin, Lewis, Lizotte, Lunt, MacEachern, Marshall, Masterman, McBreairty, McHenry, Moody, Morton, Nelson, N.; Peterson, Quinn, Rideout, Rollins, Strout, Teague, Tozier, Truman, Whittemore

NAY — Aloupis, Ault, Bachrach, Bagley, Bennett, Berube, Boudreau, A.; Brenerman, Brown, K. L.; Bunker, Carroll, Carter, F.; Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Jacques, Jalbert, Jensen, Kane, Kelleher, Kerry, Littlefield, Locke, Lougee, Mackel, Martin, A.; Masterton, Maxwell, McMahon, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Plourde, Prescott, Raymond, Sewall, Smith, Spencer, Sprowl, Stover, Talbot, Tarbell, Tarr, Tierney, Torrey, Trafton, Twitchell, Valentine, Violette, Wood, Wyman, The Speaker.

ABSENT — Beaulieu, Berry, Blodgett, Bustin, Devoe, Jackson, Kany, LaPlante, Lynch, Mahany, McKean, Mills, Peakes, Post, Shute, Silsby, Stubbs, Theriault, Tyndale, Wilfong

Yes, 43; No, 88; Absent, 20.

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

Thereupon, the Resolution was adopted and

sent up for concurrence.

By unanimous consent, ordered forthwith to the Senate.

House Reports of Committees

Leave to Withdraw

Mr. Hall from the Committee on Natural Resources on Bill "An Act to Authorize the Land Use Regulation Commission to set Construction Standards for Logging Roads in Territory under its Jurisdiction" (H. P. 1923) (L. D. 1984) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Energy reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1115) on Bill "An Act to Require the Licensing of Insulation Installers" (H. P. 1941) (L. D. 2105)

Report was signed by the following members:

Mr. FARLEY of York — of the Senate.

Mrs. TRAFTON of Auburn

Mrs. HUBER of Falmouth

Messrs. DAVIES of Orono

TORREY of Poland

CONNOLLY of Portland

JENSEN of Portland

HOWE of South Portland

BOUDREAU of Waterville

— 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. REDMOND of Somerset

— of the Senate.

Mr. RIDEOUT of Mapleton

Miss BROWN of Bethel

— of the House.

Reports were read.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I move that the House accept the Majority "Ought to Pass" Report.

I would refer you to House Amendment 1115, since that is now the bill. Nothing in the original document is in tact, it has entirely been replaced, as has the title. The new title of the bill is "An Act to Require Contracts for the Installation of Insulation." We are no longer going to be licensing installers of insulation. We are merely providing the consumer, the person who purchases the services of an installer for insulating his home, to provide certain basic information in the contract so that the consumer has all the information necessary to make a wise decision on whether the offer that is being tendered to him by a particular contractor is comparable with other ones. There are about 13 items that we were asking to be included in those contracts. I will go very briefly through them so you will have an idea of what they include.

The first item would be the resistance factor. This would be the factor of the insulation per inch in thickness of inches to be installed. This would be whether you would install six inches of insulation with an R factor of 19.

Secondly would be the type of insulation, whether it is going to be foam or whether it is going to cellulose or whether it is going to be fiberglass and what form it is going to come in.

The third item is the area to be covered, how many square feet of surface is going to be insulated, and the degree of flammability. There are measures that are provided by the federal government and by various scientific societies that effectively measure how fast the flame will spread through different types of insulation. You will be able to have a measure of that in the contract.

The method of insulation is the fifth item.

The sixth is whether there are any guaran-

tees against rot. This does not require that there have to be a guarantee against rot but only if there is a guarantee with the insulation that it would be stated in the contract.

The seventh item is the guarantee against the settling of the insulation. It will list how long the guarantee is for and to what extent the settling will be covered.

The eighth item is the type of vapor barrier, if any. It does not require a vapor barrier, but if there is one, it shall be stated in the contract.

The ninth item is the areas to be insulated, specifying whether it is the ceiling or the floors or the walls or any particular portion of the home.

The tenth item is any changes required, any construction, any reconstruction or structural changes which would be required in the process of installing the insulation.

The eleventh item is any work that will be necessary following the insulation being installed, including the cleanup work that would be performed after it has been installed.

The twelfth is any terms of warranty that might be provided by the manufacturers of the insulation and/or by the contractor who is installing it.

Finally, the name and the business address of the firm and the owner that is providing the job.

So it basically, provides that the person who is purchasing the insulation installment in his home with the basic information necessary to decide whether it is a wise investment and whether or not he is going to get what he has paid for.

We also provide that if a person does not have these provided in the contract, that he has some redress by civil forfeiture and by application of the Unfair Trade Practices Act as it is covering a number of other consumer matters.

I think the bill has been changed significantly from the form that it originally came in. As I said earlier, it no longer requires installers to be licensed or regulated but merely to provide those people that they do business with with the basic information on what they are installing, how they are going to do it, what it is going to do and what the basic warranties are.

I hope that you will vote in support of this bill in its amended form.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit concerned about this bill and I do have a question about it. I realize it has been changed quite a bit from the beginning. Is there any other precedent in law for the state to decree what should be involved in a contract or even that there shall be a contract between a purchaser of a commodity and the seller of the commodity? I am thinking of building a house or having a roof put on the house or having a foundation laid or furnace installed or anything like this, is this I guess I am not explaining myself very well, but is it in the law in other places that there is a madation by the state that there be a contract and what shall be in the contract or is this setting a president?

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I believe I have the answer on that and if not I hope somebody else would fill you in more fully. I believe that under the Consumer Credit Code there are certain requirements to be included in contracts that are negotiated under that law. I think the situation would apply here that you can say that if you are going to make a contract, certain information has to be contained in there so that both parties are aware and able to enforce their rights under that contract.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I guess that really doesn't

answer my question, because I am not all that familiar with the Uniform Credit Code, but I kind of had an idea that it had to do with financial dealings, loans and so forth to banks, maybe I am mistaken. Is the law similar in this area with other types of work that a person would want to have done on their homes, such as I suggested before, plumbing or having a roof put on or maybe aluminum siding or something like this. Is this the typical way that the law deals with these types of problems?

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

Mr. HOWE: Mr. Speaker and Members of the House: In response to Mrs. Kane's question, I would say, generally no, that the law does not require contracts. I think what the law requires in most of the areas in which she referred is licensing. The Bureau of Consumer Protection, for example, deals with the licensing of home siding contractors or home improvement repair contractors and plumbers and electricians are all licensed. I think we started out with that kind of a proposition that would have set up a licensing board and would have required a new state agency. I think that the majority of the committee felt that first of all there was a need for some protection for customers in an area which is experiencing a kind of a boom right now because of heightened awareness of the energy problems. We felt that a contract provided to the customer was better protection and less state bureaucracy than a licensing board.

This bill would not tell the contractor how the job has to be done, with one exception, and that is in the area of flammability standards, that those insulation materials must meet Class I standards, and so far as we can tell, the materials being used in Maine now and manufactured in Maine do meet those standards.

We have talked with a number of insulation contractors, in particular Mr. Roland Betit from Saco who has been in this business for 30 years. I didn't realize, for example, that blown insulation into the walls of the house was possible that long ago or that technology was available, but he has been doing it that long, but for the most part, it has come on the scene within the last couple of years and I think that a number of people have jumped into the business, they have a pickup truck and a ladder and know where they can get the insulation and are going to be in and out in a couple of years. On the other hand, there are a number of contractors who are extremely reliable and who are trying to stay in the business over the long haul. Mr. Terry Casey of Gardiner, who is the President of the Robinson Reddy Insulation Contractors Association which right now has 20 members from Caribou to Biddeford and is picking up others all the time, they have a meeting this coming Wednesday. We hope to benefit from their unanimous support of this legislation. As of late Friday on my way home, when I say Mr. Casey, six of his twenty members who had phoned in after looking at this supported it.

I think that there is probably not the same kind of a need for contracting in a number of home construction areas because the practices are pretty well established and people aren't rushing to have this kind of work done as they are insulation work. Insulation work isn't as simple, I think, as a lot of people believe at first sight, and the possibilities of material and the actual structure rotting because of lack of ventilation and that sort of thing is quite extreme.

I hope you can support this kind of a measure today. I do feel it is excessive governmental regulation. The people who will have to live under it, primarily, for the most part, seem to support it. It is not going to require any expenditures of state funds or the creation of new agencies. That is why we have chosen the contract route rather than the licensing route.

The SPEAKER: The Chair recognizes the

gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker and Members of the House: I would like to pose a question through the Chair, if I may, to Mr. Howe or anybody who would answer it. I would think that the installers' warranties would only be as good as the suppliers from whom he is getting his insulation. I wondered why the supplier isn't included in the bill and also I am assuming that this insulation is something that you can't see like with new housing, you could see what kind of insulation is going in as they are building it. In older houses, if they drill holes or blow it into the house, how could you tell after that if the insulation is rotting or if it is settling, how are you going to find out about that?

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr, poses a question through the Chair to the gentleman from South Portland, Mr. Howe, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HOWE: Mr. Speaker and Members of the House: With the respect to the warranty between the contractor and the wholesaler or manufacturer, we didn't get into that area. I don't know that we discussed it a great deal. My feeling, I guess, is that that is a housing business relationship between two experienced business people and wasn't of particular concern to me, the same rational that we do not require this kind of a contract between an installer of insulation if that material is being put in a commercial dwelling. Again, we are talking about a relationship between two experienced business people and I don't think that there is a concern, at least on my part, that there is when we are talking about a homeowner who is anxious for fuel savings and may have some ground up newspaper pumped into the house.

Now, because this bill doesn't require any warranty, I don't think we are putting the installer in any jeopardy. The installers are able to shop around for materials. There are two and perhaps three and four manufacturers of cellulose in the state. I don't know what their warranties are, but it is simply an area we didn't feel needed that kind of protection.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up again. I guess I still have a lot of problems with this bill and I can't remember what the motion is, but if it is to move the majority report, I would urge that you would vote against it.

I really can't see what this bill does. In fact, I think it actually does some damage. I think those on the Business Legislation Committee, and Mr. Howe is one of those, will remember me as the sponsor of several consumer protection bills last session, so I certainly think I am a friend of the consumer. I don't feel that this bill does anything to protect a consumer. All it does is mandate that a contract be made between the consumer and the person that is doing the insulating and what has to be in the contract. Any buyer, any homeowner could do this now and anyone who is interested in having a contract would be able to do this now. As far as I am concerned, it doesn't provide any protection. In fact, I think it might make the consumer feel that he is getting something that he in fact is not getting which is a guarantee of quality work. From contracts that I have seen they are usually not very understandable, and as my seatmate said, what is an "R" factor and how many people know what an "R" factor is. I have a vague idea but I think if I were presented with a contract that said "R" factor is such and such, I wouldn't know any more than I did without the contract. I wouldn't know if it was good or if it was bad. I think people who do know these things would be knowledgeable enough to ask the contractor and to get a contract.

I really feel that if we were going to go to li-

censing, and I probably wouldn't have supported that, but I feel at least it might have had some protection for the consumer. I feel this is sort of an insidious kind of bill and is going to lead people to believe that they are being protected when they aren't. I think over regulating in this area sort of leads consumers to believe they don't have to think for themselves and they don't have to find things out for themselves and protect themselves, and that is really the only ultimate protection that that they have, is their own good common sense. I feel if we have a poorly informed person that does not know about much insulation and does not know too much about business dealings, they are not going to be any better off under this bill than they are presently. They are going to be given a contract that they probably will not understand and they will somehow feel that they have a protection which in fact they do not have.

There is nothing in this bill that would make things any different than what a consumer could do on his own right now, which is to negotiate a contract and ask the insulator or the insulation contractor to detail exactly what he is doing. It does not say that any particular high level of quality work has to be done or high level of quality materials has to be used or that there has to be a warranty. I think the average person might be confused in thinking that he really has some protection when in fact he doesn't. So, I would urge that we not accept the Majority "Ought to Pass" Report.

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

Mr. TARBELL: Mr. Speaker and Members of the House: In reviewing this proposed amendment, I think that there are at least three remedies that are provided to a consumer. The approach that the amendment appears to take is a disclosure approach which would require at least six principal factors which relate — actually more than that — at least ten or more principal factors which relate to the quality of insulation be provided in a written contract to a consumer prior to insulation.

Now, the legal significance of those are factors which would be mentioned in the contract would be that they would become part of the warranties under Article II of the Uniform Commercial Code in Maine of the contract. They would become not only implied warranties, they would become under the contract express warranties. If any problems resulted at a subsequent time, the consumer could rely on those breach of warranties as a cause of action against the individual who installed the insulation.

Furthermore, under one of the later provisions of the bill, any violation of those warranties would trigger a violation of our Unfair Trade Practices Act, which is another section of our consumer laws on our statute book. In the final section of this proposed amendment, it stipulates a specific award for damages. So, a consumer does have protections.

At the very outset, he has disclosure of what he can expect from a particular insulation material and those disclosure provisions become part of the warranty provisions of that contract. So he has got Article II remedies if those warranties are broke. In addition to that, he has a Uniform Trade Practices Act to rely upon as an additional remedy. The remedies are not before the fact, they are after the fact if any problems occur with the insulation. I would submit to you that this disclosure approach that the committee has taken is a very laudible one.

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

Mr. HOWE: Mr. Speaker and Members of the House: A note from Mrs. Tarr reminds me I didn't answer one of her questions, and that is, if the stuff settles in the wall how do you tell?

Mr. Betit goes around after a year or two and

checks. I guess he must have to drill a few holes here and there. Mr. Casey has a big sign in his front window that says, "we check our work after one year." They both explained that there are other ways to check if an area is not insulated properly, and that one way is to just touch the wall in the winter. That section of the wall will obviously be colder, they say, than well insulated portions of the wall. So there are a couple of ways.

I appreciate the analysis Mr. Tarbell has brought to this bill. He said it perhaps better than I could with the respect to what is available to the consumer. The disclosure, it seems to me, making information available to the consumer is not nearly as paternalistic as telling the contractor how the job has got to be done. It is less beauracratc than setting up a licensing board.

It seems to me that although there are a lot of well educated people out there who are apt to become consumers of insulation, they may indeed not know resistance factor is. It may not have ever occurred to them that stuff might rot or settle. By putting this kind of information in a contract, it may suddenly occur to them that these are issues they should know about and before they sign on the dotted line, do a little self education. They may shop around and compare contracts, one contractor to another.

What I am concerned about is, yes, people may not know what these things are and they may never find out that they should know if they don't have that contract.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't planning on speaking on this bill and I hope you take time to listen to what I have to say. I hope you would support the Majority "Ought to Pass" report and I would like to give you an example why.

About a year ago, my wife and I decided to have our house insulated. It is a big house, it has three floors. We contracted a friend of ours and asked him to come over and look at the house and give us a price, which he did. We therefore proceeded to make a downpayment and get the house insulated. I found out later that the downpayment for that insulation job was actually twice as much as we needed to do the whole job.

It was about three months before they started on the house and what happened was, the contractor subcontracted the house out. It so happens that the subcontractor was a friend of ours. I met him on the street one day and he said, "I hear you are going to have your house insulated." I said "Yes, we are, we finally came around and saved enough money to have the house insulated." He said, "Well, I was over to your house today and I bored a few holes in the side." I said, "What did you do that for." He said, "Because I am working for so and so, "which I won't name," and we found out after I got done boring the holes that your house is already insulated." I don't happen to be an expert in insulation, so I didn't know this. Our house was drafty and cold and we were burning oil so we wanted to have it insulated. Come to find out, the house was already insulated. If he hadn't told me, there was a chance that that contractor could have bored a few holes in the side of my house and said he insulated my house and I never ever would have known the difference. I am not saying that would happen, I am saying that there is a possibility that could happen.

I presented my facts to the contractor and said, "Now I would like my money back." He gave my money back and it took him three months to do that. This bill, as I understand it, would afford the consumer a little more protection, a little more respectability and a little more responsibility from the contractor. Therefore, I would hope that you would support the Majority "Ought to Pass" Report.

The SPEAKER: The pending question is on

the motion of Mr. Davies of Orono that the Majority "Ought to Pass" Report be accepted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 26 in the negative, the motion did prevail.

Thereupon, the Bill read once. Committee Amendment "A" (H-1115) was read by the Clerk and adopted, and the Bill assigned for second reader later in the day.

Divided Report Tabled Unassigned

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" on Bill "An Act to Revise the Municipal Boundary between the Town of Old Orchard Beach and the Town of Saco" (H. P. 1980) (L. D. 2072)

Report was signed by the following members:

Mrs. MARTIN of Brunswick
Messrs. DRINKWATER of Belfast
GRAY of Rockland
LaPLANTE of Sabattus
McPHERSON of Eliot
HICKEY of Augusta
TRUMAN of Biddeford
HENDERSON of Bangor

- of the House.

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

Report was signed by the following members:

Messrs. O'LEARY of Oxford
HICHENS of York
JACKSON of Cumberland

- of the Senate.

Mrs. BERUBE of Lewiston
Mr. STOVER of West Bath

- of the House.

Reports were read.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: There has been some confusion on the reporting out of this bill. This is a complex issue in which the two towns are attempting to develop a boundry line and they have not yet come to any conclusion on it. As a result of that, I would move that someone table this unassigned.

On the motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending acceptance of either Report.

Consent Calendar Second Day

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

(H. P. 2110) (L. D. 2143) Bill "An Act to Require the Judicial Department to Reimburse Counties Quarterly for the Expenses of Bailiffs and Other Court and Jury Officers" (Emergency) (C. "A" H-1109)

(H. P. 2067) (L. D. 2128) Bill "An Act to Readjust Disbursement of the Potato Tax Fund" (C. "A" H-1110)

(H. P. 1952) (L. D. 2031) Bill "An Act to Establish a Uniform Confidentiality Statute for Tax Information and to Update the Maine Income Tax Law with Respect to the Internal Revenue Code" (C. "A" H-111)

No objections having been noted as the end of the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Constitutional Amendment Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office (H. P. 1886) (L. D. 1943)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending final passage and tomorrow assigned).

Passed to Be Enacted Emergency Measure

"An Act to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care" (H. P. 1913) (L. D. 1974) (C. "A" H-1066)

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. 105 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1978 (H. P. 2140) (L. D. 2161)

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. 105 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 Encourage the Formation of Small Business Investment Companies" (S. P. 675) (L. D. 2083)

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.

Enactor Reconsidered

"An Act Providing for Notice to Parents under the Child Abuse and Neglect Statutes" (H. P. 2143) (L. D. 2160)

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

On motion of Mr. Talbot of Portland, under suspensions of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-1119) was read by the Clerk.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is clarify grammar in two paragraphs of the L. D. Therefore, Mr. Speaker, I would move its adoption and move this bill be passed to be engrossed.

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.

"An Act to Clarify Admission Procedures at Pineland Center" (H. P. 2016) (L. D. 2091) (C. "A" H-1091)

"An Act to Amend the University of Maine Labor Relations Act" (H. P. 1919) (L. D. 1980) (C. "A" H-1083)

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:

Bill, "An Act to Provide Interpreter Service for the Hearing Impaired" (S. P. 720) (L. D.

2169)

Tabled — March 3, 1978 by Mr. Talbot of Portland.

Pending — Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The Taxation Committee will be meeting this afternoon. I have a series of questions that I would like to ask, and I am glad that the Minority Leader is stationed, because these questions, I would assume, would be asked of him.

Three weeks ago, I had a breakfast meeting with Senator Sewall, Senator Huber and the Speaker, and at that time, the Taxation Committee was given \$7 million within which to operate. Two days later, the Taxation Committee was given \$8.5 million to operate, with the understanding that \$1.4 million of that money was to be for the elderly rent relief act, so we had a net of some \$7.1 million.

On the 23rd of February, I was sent a memo from Senator Huber and we were told that we had \$10 million to operate with; again, \$1.4 coming out for the elderly.

As I try to restructure, and I know that both Senator Sewall and Senator Huber have been deadily opposed to spending the cupboard bare, using their terms, I have some spending problems in trying to approach my committee with \$20.5 million spending package, Mr. Speaker and Mr. Palmer. As I look at it, we had \$41 million in surplus, which has been questioned by both Democrats and Republicans as to its accuracy. Three and a half million dollars of that is for the mental health improvement fund, so that dropped us down to \$37.5 million. It is my understanding that the Governor has an appropriation bill with some \$9 million, so we now drop to some \$28 million. We have put \$5 million into the education act, so we are now down to \$23 million. We supposedly are going to have \$4 million for L. D.'s, so now we are down to \$19 million, and the Republican package would have us spend \$20.5 million of that \$19 million and still leave some \$7.3 million for reserves, it is my understanding, and I have a slight problem in trying to understand the mathematics that have been gone through by some of the members of the opposite party. The one question that I would like to ask, based on these figures that I have given which so far are solid, except for the \$41 million, is in fact the \$41 million reasonably solid? What, in fact, does the Republican package leave in there for unappropriated surplus?

Mr. Palmer was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I wish I could answer the gentleman from Waterville, but I was not privy to any of the conferences about which he speaks. I did not participate in any meetings with Senator Sewall or Representative Carey or anyone else for that matter. All I have done is been a participant this past week in putting together what I believe is a responsible tax package. I do not know what is going to happen yet. I have heard all sorts of rumors floating around the hall this morning that this opposition party is going to take the Republican package piece by piece and day by day and hack away at it and say what is good and what is bad.

I, personally, am going to keep my powder dry for a day or two and see exactly what the response is. All I can tell you is that I believe the package we have presented is a responsible package. I intend to defend it; I intend to support it.

I cannot respond to what happened in meetings which I did not attend.

Mr. Jalbert of Lewiston was granted unan-

imous consent to address the House.

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to give the House Chairman of the Taxation Committee, House Chairman of the Appropriations Committee, some further factual information, and I am sure that the gentleman on my far left, I will make him privy to this information, as well as all the other members. Falling on the \$37.5 million figure, and when we talk about surplus, we arrived at money through the raising of estimates and the cutting of allotments when we go home. We have no surplus per se. This so-called \$37.5 million, or \$41 million, without the \$33.5 million being taken out will not be a fact until a year from next July. It chagrins me a little bit to keep hearing the word 'surplus.' Anybody can do that. We can do it where I work. If we don't think we are going to make enough money for the quarter, all we do is raise what we think we are going to earn — more than we feel we are going to earn.

I am not afraid of this thing because I have been called oftentimes as Maine's foremost professional politician by the man on the second floor, and he makes me look like a rank amateur. I will make a statement now that probably it will come nearer to \$65 million before we get all done, but presently we are actually working on money that we do not have — make up your minds to that.

Now, back to the information I wanted to give Mr. Carey, and I make my good friend, Mr. Palmer, privy to, and to all of you, is this. The Appropriations Committee voted unanimously, both parties, every member, to give \$10 million minus \$1.4 million for the elderly — voted unanimously on my motion. After that, I made a motion that we leave \$15 million for contingencies in case we might not have all this money for collective bargaining, and other reasons, but basically contingencies, and that was passed with one member abstaining from the other body, not a member of my party. He either didn't raise his hand, but anyway, I would say it was pretty near unanimous.

That is the story and those are the facts. I sat for \$10 million and got up to \$12 million, was convinced of \$15 million on day in the Speaker's Office, and that is where I am. And \$25 million from \$37.5 million leaves \$12.5 million. That is what I am going from for L. D.'s, for the education bill and for the Governor's package. I want no part of L. D.'s in the package, particularly L. D.'s that belong to members of the committee. How does anybody feel who has got L. D.'s in this body here and he is flying around waiting for the appropriations table act or somebody else who is privy to the committee might have one of his packages put in there. I have done it before successfully, but those days are gone. Maybe age has made me a little mellow. Well, those are the hard, cold facts. This was agreed upon by the Committee.

Furthermore, there still is on the table, tabled by me, a motion that no L. D. will be put into the appropriations act, and that is still to be acted upon.

I would tally up what the members of my party have done, and I had no part of it because I wasn't there, I saw this coming — if the gentleman on my left was not made privy of the package, I have got a secret for him. I knew about his package a week ago today. That is why Wednesday noon I walked out of the committee, because I didn't like it, and I don't like my own deal that is going on either. The way I tally up my sheets here, anybody who wants to look at it can, the way I tally it up, the way some of the easy spenders of my party want to, we have got a million and a half dollars left and \$26 million world of L. D.'s, and that is cutting it pretty thin.

Mr. Carey of Waterville was granted unanimous consent to address the House.

Mr. CAREY: Mr. Speaker and Members of the House: It would appear that the Minority

Leader listened to part of my conservation and completely missed the very meat of the question. I don't care if he was privy to meetings that I had with the President of the Senate and Senator Huber as Chairman of the Appropriations Committee, we probably got more work accomplished if he was not involved. But I would like to say, Mr. Speaker, that I would like to repeat the one question — how much money does the plan that has been proposed by the Republican Party to date leave in surplus? That ought to be a simple enough question, regardless of whether he was privy to any meetings or not.

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker and Members of the House: A couple of responses, first of all, to my good friend from Lewiston, Mr. Jalbert. If he were indeed privy to the plan presented last week, if he were privy to that a week ago today, then he has ESP because the plan had not been devised a week ago today.

Going back, if I might, to the Taxation and Appropriation Committees. I want to say that I have and I have always had the utmost respect for the Committee on Taxation and the Committee on Appropriations. I have good friends on both those committees on both sides of this aisle. I know they put in untold hours, countless hours, working on these documents, and I have left them to that, but I have always had the feeling, too, that this House and Senate had a perfect right to listen to what has been said, to review what they have done and still to have a difference of opinion. I don't believe that anything that is necessarily turned out by Appropriations or Taxation is sealed in cement, anymore than I think the Republican plan presented last week is. It is a document from which we can work and reasonable people can discuss, and that is all I am saying. That is what I am going to defend. I believe it is right, I believe it is good and I am going to defend it.

I want to also say one more thing. You may say anything you want to about the gentleman on the second floor, but in my experience in the last three years, his estimates on revenues have been pretty much on target and I think this time they are. As a matter of fact, I believe the \$41 million, along with the gentleman from Lewiston, by June of 1979 is, indeed, a very conservative figure.

Mrs. Post of Owls Head was granted unanimous consent to address the House.

Mrs. POST: Mr. Speaker, Men and Women of the House: I hadn't intended to participate today, but the statement that Representative Palmer made leads me to believe me that we ought to clear up a few questions on the status of the proposal that was made last week. At least one member of the Taxation Committee, when it came into that meeting, said that regardless of what happened, their feet were set in concrete and they intended to pass out that particular proposal with no changes. From private conversation with other Republican members of the Taxation Committee, I understand that they had been asked to make the same commitment. I would simply ask Representative Palmer if he has asked any members of the Taxation Committee to report out that package as it was proposed with no changes?

Mrs. Najarina of Portland was granted unanimous consent to address the House.

Mrs. NAJARINA: Mr. Speaker and Members of the House: While we are talking about what we are going to do with the \$41 million surplus, I would like to say I feel very strongly about, and that is, I think it is irresponsible for this legislature to be talking about returning taxes to the people of Maine before we have even addressed the needs of state government, of the

agencies, of the programs we have been running, not talking about expanding programs but existing programs. My committee has 28 or more requests that we haven't even considered yet. We don't know the merits or the demerits or the need on all of those. We haven't really gone through the budget, and I think the first thing we ought to do is take care of existing state programs before we talk about any amount of dollars going back to the people.

I think we have the cart before the horse and I know it is very political to be talking about returning or reforming taxes and I am all in favor of that. Once we have addressed the needs of state government, whether it is \$15 million, \$10 million or \$20 million, that is fine, but I think our first responsibility as Representatives in the legislature is to take care of the needs, and I would like to ask Mr. Palmer, again, the question posed by Representative Carey, how much do you plan to leave in surplus with your tax plan?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Most of the rhetoric that I have heard has been dealing with the surplus and how do you return it to the people. I haven't heard a word about the problems that may come in the not too distant future on the state retirement system. The time to face that is when you have a surplus, not wait until you have a crisis and an economic downturn when dollars are scarce.

We have drained out of the retirement system about \$90 million of contributions by state employees and teachers and by the state on behalf of the members of the State Retirement System. That \$90 million has gone to non-contributory teachers, and it will take another thirty or forty million dollars before the program ceases — \$120 million — sooner or later, you are going to have to face up to it. Retirement Board made a request for about \$10½ million about three years ago. A year or so ago, they made a request for about \$12½ million. The 109th will face another request, probably for about \$14 million or \$15 million. How long is the Maine Legislature going to close its eyes to the needs of contributing money by the state to the State Retirement System? The legislature is going to postpone this day until they have to face up to a crisis that will require additional funds or reductions in benefits.

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I haven't gotten up too often, but when matters of this importance, particularly matters concerning money, I get interested because I like figures and I like the Appropriation Room. I am answering to a certain degree, my good friend on my left, Mr. Palmer, with whom I served in the late forties, and I would address myself to any member in this body who served on the Appropriations Committee or who knows of the makings or doing of the Appropriations Committee. (1) I don't plan politics with that committee and I don't want to be forced into a position with this committee; (2) we have 12 more days to go here and what is happening is what I said last week. I would like to see the proper committee and I want particularly Mr. Palmer to understand this, he knows very well that what we have come up with is not law, it is law once it has passed and enacted. We ought to come out with a report and we will come out with a report.

I might say that last year that the full committee, outside of me, came up with a report, I abstained. The thing got killed but we wound up with a bill just the same and we are going to wind up with a bill now. But unless we act through the proper agencies, I want to find out what the Taxation Committee comes up with.

You people also want to find that out, I want to know what is going on in the Appropriation Room. I absented myself deliberately and I don't say this corollary, Representative Palmer, but we might discuss sometime whether it happened Monday or Tuesday but we will do that alone, just you and I, and you will be privy to what I have to say, I can assure you of that.

I am going to tell you this right now, speaking as a member since 1945, don't start messing around the way you are now, because this is going to leave some scars that will never be healed and I don't want that to happen in this body no more than I do in the other body. Sometimes we take ourselves a little too seriously, because four fifths of the people don't even know we are here and the fifth that does know we are here want to get the heck home and stop spending \$30,000 a day. If you don't believe me, any one of you can take a trip with me in my city and we will stop at the corner post office, a beautiful spot, to ask questions, and we can find out.

Please, I beg you, let's wait and see what happens. Right now, the Democrats are meeting and the Republicans are meeting. I have met with neither group; I walked away. I don't mind a hassle, but I am not going to be in a constant hassle. Some people like it; I used to but no more. I want to see what the Taxation Committee is going to come up with and if we go at it in the right way, with a spirit of cooperation and understanding, we will come up with something. If we don't, we won't. This is a no-win deal anyway, for anybody that is running for anything. You can't win this one because everybody has a plan. I don't and I am willing to listen, but I would like to see us do it and go at it together and let's wait and see what the proper committees come up with.

Mr. Morton of Farmington was granted unanimous consent to address the House.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have been interested in the rather dramatic rhetoric that we have heard from all corners of the hall this morning and all I am going to say is that it is all part of the legislative process. We have all been here one term, two terms or more and we know that is how it is done. As a reporter asked me last Friday what I thought about something and I said, it really doesn't make any difference what I think about it at three o'clock on Friday afternoon because it is only important when it is on the table and what happens when this legislature adjourns finally. I certainly hope we get a solution. I think we will if we keep on working at it and what I think this morning or what any of us think right this morning is not that relevant.

Mrs. Kany of Waterville was granted unanimous consent to address the House.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I felt the need to rise after the last gentleman spoke, just to speak at least for myself as one member of the rank and file here in the legislature and that is, I don't think the only thing that counts is what happens at the end of the session. The process is what counts, how we go about what we do, and the end never justifies the needs.

On motion of Mr. Cox of Brewer, 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 Number 1 were taken up out of order unanimous consent:

Passed to Be Enacted
Emergency Measure

"An Act to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation" (H. P. 1998) (L. D. 2079) (H. "A" H-1101 to C. "A" H-1045)

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. 109 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Clarifying the Definition of State Employee under the State Employees Labor Relations Act so as to Exclude Certain Attorneys Employed by the Attorney General's Office" (H. P. 1940) (L. D. 2020)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of same and 20 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1978 (H. P. 2141) (L. D. 2162)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (H. P. 2014) (L. D. 2089) (S. "A" S-503)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of same and 2 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 Oxford County for the Year 1978 (H. P. 2105) (L. D. 2142)

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. 116 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 Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2132) (L. D. 2157) (S. "C" S-511; H. "F" H-1096)

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask the members of this legislature this afternoon to keep the Maine Turnpike as we now have it. We can do away with the Authority, that can be a separate branch and that can be handled by the members of the next legislature, but we should

at least keep the tolls on as they are now. The Maine Turnpike, mile for mile, is the best value that this state has.

I fear several things will happen if we lose the tolls that we are now having coming in. It will cost jobs. It will cost jobs for retired people who work part time to supplement their income because their retirement pay cannot meet the requirements today because of the great inflation. It will allow them to live with dignity and respect and help keep them off the welfare rolls while they are in their retirement years.

Section 340 of the bill is a total farce, it is not worth the paper that it is written on and it is not the law, it is a broken promise that will be taking place time after time.

The second part on the toll barrier system will cost the state between ten and eleven million dollars a year, money that could be put to good use for the people who really need it in this state. This money could be used to build a bridge in northern Maine, it could build a road in western Maine. It could be divided up to help people in all corners of this state, and this morning coming up, I heard that the potato crop in Aroostook County has suffered a \$60 million loss. To those people up there, that is a big loss, and the Maine Turnpike, which is a sound investment for the people of this state, we could put money to use to help out in that section of the state. There are many ways that we could use this added revenue, and the people who ride the turnpike, I can assure you, ladies and gentleman, they do object to paying.

The cities and towns along the turnpike will share with the people of the rest of Maine, even though some of the small towns refused to help the cities on their educational problems a few months ago; nevertheless, we share with you. We do not take that attitude. We will share with the people of all Maine if we have the money to do it, and the Maine Turnpike is the best financial giant that this state will ever have. It is a gold mine. I feel it would be a very big mistake if we should kill that turnpike and give it up for a promise. I don't believe that the members of this House have any intentions of doing that.

As long as we have the Maine Turnpike taking in the kind of money that it is taking in, we can pay off the federal government \$10 million, so what? The people of Maine, the majority of the people, have always had strong backbones and they can stand on their own two feet. If the federal government wants \$10 million, we will pay them \$10 million, and then once we pay them, we can run it the way we want to. That is known as local control. However, many of you in this House only want local control when it affects you or your communities personally. Any other time it comes to local control, you are not interested in it.

I think there are many members in this House today who would hate to see the Maine Turnpike lose the added revenue that could be of great value and assistance to the people of this state. You know, the thing that is really amazing to me is that the people who ride the turnpike are not complaining, because they do it by choice and not by chance. They are not made to ride the turnpike and they do it for two reasons. Number one, it is the safest thing we have going for us in this state. Of course, the second thing is that when they ride this, they do it without a bureaucracy telling them that they have to do it. I believe that it will be used even more when people realize that it took us 30 years, and when you multiply that by the interest that was spent, you are talking roughly in the ball park figure of 12 years, so it took them 42 years of Maine money to build that road, and not once have I ever heard one complaint from the people around the greater Portland area for paying to use that road. It is a great credit to this state to have a road like that, and to waste the money and time to tear down those barriers would be a mortal sin. We have got them all paid for, they are all there, and all we have to

do now is keep them going, and when you talk about a \$16 million business and you want to take and throw it out the window, I say to you that something is wrong someplace.

If you want to keep the tolls and do away with the Authority, we could put money in the State Treasury, in the General Fund or wherever you want it to be used for dedicated programs, as I say, whatever you may want to use them for, but don't, this afternoon, continue to have a situation where the bureaucracy is going to tell the people on 110 miles of road what is best for them.

The other thing that I am very interested in is that the tourists will help pay for this. We don't have too many businesses that the state is in, outside of our liquor, beer and taxation and things like that that the tourists can help us with, but the tourists travel that Maine Turnpike, and if you have ever noticed in the summertime when you are on the Maine Turnpike, why it is bumper to bumper with out-of-state cars. That means they are paying. That means they are putting their money that they have work for all year for their vacation, and we only have about 10 weeks of vacation in Maine, and they are spending it on our beaches, they are spending it in our summer resorts, and that all helps the economy of this state. If we don't let them pay for this, where are we going to make up extra money?

I know that we have all made mistakes, and I would be the first to admit that I have made plenty in my lifetime. If I had the chance to do it again, I would do things different, but I don't have that chance, but you have got that chance today. You have got the chance today to stop the mistake that is only inevitable it will come. I am telling you, ten and eleven million dollars is a lot of money. Ten and eleven million dollars is part of this state that I don't believe we can afford to just pass up. You talk about the New Hampshire Turnpike, that little peanut turnpike doesn't amount to anything. It is only 15 miles long and they are collecting 40 cents. It is the highest turnpike in the United States. What are they doing, if they multiply that by the 110 miles, we would be paying \$3.60 instead of \$2.20. Yet, people don't mind paying that 40 cents for the New Hampshire Turnpike. They have got it made down there. They don't have an income tax and a sales tax. That is wonderful, that is fine, but they are taking it away from the people on that little turnpike they have got down there. It is 40 cents to ride 15 miles.

Even the New Jersey Turnpike, which is probably one of the cheapest because of the fact that it has the great metropolis of New York to draw from, you can ride that for about a dollar. Well, that is understandable. The Illinois Turnpike and the Indiana Turnpike, all big sources of revenue, and that is what we need in this state. You don't see them closing their barriers, you don't see them closing down their turnpikes, and they never will.

We have got a situation here where we could take this money and put it to good use.

The other thing that I am really disturbed about, if you people are willing to do away with the Maine Turnpike, why don't you do away with the State Lottery? That is the biggest flunket we have ever had. There is no money coming into the treasury; yet, the turnpike, which is showing us a profit, it has proven that it is a good piece of revenue, you want to do away that. I can't understand the members of this House coming up with such a plan as that.

This giant that we have that brings in revenue to this state is certainly a credit to the state, and I don't believe that today, when we are talking about spending money here and saving money, and apparently from all the talk I hear, we have got plenty of money, I don't know because I am not an expert in these fields, but we may not always be in that good shape. We may be in the type of situation

where someday you will want this money, and once you have destroyed the turnpike, you are not going to build it back up again. Once you tear down all those tolls, once you tear them all down, you are not going to build them back up. They are all paid for, the people of southern Maine and northern Maine, I am sure they use it when they go home, they pay for that turnpike, and I think the members of the House would be very foolish to just destroy something that has been so good to the people, so safe for the people, just turn their backs on it and say, well, we are going to do away with it, we are going to put the barrier system in effect, and that is the way it is going to be. That is not sound, responsible thinking. I feel that someday, somewhere, someplace, we are going to be very sorry if we make that decision today to do away with that turnpike.

I can't help but see down the road that when you have got something good that you want to destroy it, it is hard for me to believe that that is what the members of this House want to do. I don't know how this bill got so far in the first place. Apparently, it has, and for what reason, I can't answer.

I am asking the members of this House today to think very very carefully about destroying something that has been so good, and that is what you are going to do, you are going to destroy a good paying piece of property. You are going to destroy that and you are going to put up barriers and have it under the Department of Transportation and you won't be half as well off as we are right now.

The people in my area, in the Westbrook area, they don't mind paying, they have been paying for 30 years. I don't get a great amount of phone calls or letters to do away with the turnpike, but I get a lot of them that say, keep the tolls on the turnpike instead of a gas tax. Keep the tolls on the turnpike instead of any more new taxes. That is what I am getting. You know, I think the people of this state make pretty good sense. I think they have a logical complaint that they don't want any more taxes. If we are going to destroy something and then tax them, I don't think the members of this House are thinking with good common sense.

I have always believed that the members of the House, they beat me about every day up here and probably will today, but I still have the greatest respect for your judgment and I will have it after this vote is taken, but I want to leave you with a little something — what we do is how we think; how we vote is what we are.

I move that this bill and all its accompanying papers be indefinitely postponed and I would request a roll call when the vote is taken.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this afternoon in opposition to this bill but not for the same reasons as the good gentleman from Westbrook, Mr. Laffin does.

I sit here this afternoon and I look across the House and I wonder why various members of the House vote on legislation and what are your personal feelings on this bill. I am sure that some of you in this House don't really care what happens to the Maine Turnpike because it doesn't affect your area. I am sure that some of you in this House also feel that your vote on the turnpike will affect a local road project. Let's face it, ladies and gentlemen, the talk has been around, that depending on how and what happens to the turnpike, this project will be completed, that project will be completed. I think it is a very, very sad state of affairs when we have to consider our vote on one matter if that vote is a positive one against or for the Maine turnpike because it will in turn bring another project to our area. If that is the case, I personally feel sorry for you as a legislator, because I know myself, personally, I would never be put in that position. If your local roads need

repair or if you have a major project in your area that needs to get done, it should get done according to need, not according to how you vote on the Maine turnpike. If any of you are in that position, I sympathize with you.

Next is the people who do care, the people who are concerned about the Maine Turnpike. Maybe I can address myself to those people now and just say a few words about the bill because we have had a lot of deliberations in this House but none of it has been in a positive way towards this bill. If you think back at the deliberations that we have had, we have taken votes but yet we haven't had anybody stand up and say, this is what is good about the turnpike bill. I am going to pose a question later on trying to find out what is good about this bill, but let me tell you exactly what is wrong with it.

The first thing wrong with the bill is that whenever legislation is brought before this body, it should have what we call need. There is no need for this turnpike bill at this time. There is nobody on that committee who has convinced me or nobody in this House or any other body that has convinced me that there is need for this legislation. We are talking 1981, the possibility of 1981 before any action has to be taken, yet you have a bill before you now, so there is no need for the legislation.

Secondly, when the bill came before this body, we talked about the possibility — and the bill says three barriers on the Maine Turnpike, but when you start talking to the committee members come to find out, there are four barriers. I think they are playing games, ladies and gentlemen, and as a perfect example, misleading the members of this body as to what the real intent of the legislation is. If you will read that bill, you would swear that it says three barriers, but if you talk to the members of the committee, you have four barriers.

The most serious problem with this bill is that it talks about tolls and it talks about barriers, but it doesn't say how much and it doesn't say where. Let's face it, if this bill is passed, it is going to become a political game as to where those tolls and barriers are going to be put. I, for one, don't want the responsibility of going back to my people and saying, I passed a bill in the legislature which — it is just like sitting here today and passing a tax and not telling people how much the tax is going to be. If this bill is so important, why doesn't the committee come to us and say, we need to raise X-amount of dollars and this is where the barriers are going to be? Why are they so afraid to face the facts? Is it because I, personally, two years from now am not on the right side of those in power in the legislature that we will have three barriers in Lewiston? What kind of games are they playing? Where are the barriers going to be? I know that it is of concern to me. I think it is a concern of every member of this House.

The people in the southern part of the state have paid for approximately 20 years for the Maine turnpike. We have all benefited from the Maine Turnpike, because even if you are in Aroostook, the Maine Turnpike has been used to bring your products from your part of the state to the southern part of New Hampshire and other parts of the country, so the Maine Turnpike has been beneficial to all of us. Yet, the people in the southern part of the state, as well as the tourists, have paid the majority of the expense for the road. We are coming to a time when according to the bond issues that road should become a free-access highway. That was the legislative intent. That is important to me because that is what my constituents were told when they started paying 20 years ago and are still paying today.

As Mr. Laffin said, there are some who would not object to paying in the future and I personally might not object to paying in the future, provided I knew how much I was going to pay and provided I knew where the tolls were going to be.

If you will recall, a bill came before you last year that said how much we were going to pay and where the barriers were going to be. That bill was defeated, unanimously defeated by this body. Yet, they come back this year and they give us a bill which doesn't give you that information, yet this body votes for it.

I wonder what is going through the minds of some of the members of this House. If you were unwilling to support a bill last year which told you exactly where the barriers were, and I think you didn't support that bill because you felt it was unfair, yet this year you are willing to pass a bill that doesn't give you any of that information, that is more unfair to your constituents than anything could be. That is the concern that I have here today.

I sincerely hope that when the vote is taken, you do not pass this legislation because there is no need for this legislation right now.

I would now like to pose a question through the Chair to any member of the committee. What is the need for this legislation?

The SPEAKER: The gentleman from Lewiston, Mr. Biron, has posed a question through the Chair to any member of the Transportation Committee who may answer if they so desire.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In response to the need for this legislation now, it is to allow lead time for the Department of Transportation to approach Congress for special congressional legislation relieving us from the burden of paying back \$10 million. Other states have had this relief and they have been relieved of paying back all but a small amount of the money that the federal government has put into such a concept. As long as there is lead time, we are not fixing the tolls, we are not setting barriers we just want lead time. The next legislative session we will be meeting here and they will act upon it. If Congress acts favorably, then they will disapprove.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to comment on two things that the gentleman from Lewiston has brought up; one, that the legislature doesn't set the tolls, if he will read Senate Amendment "B" (S-507) is reads, "The rate of toll at each facility shall be fixed and revised from time to time upon recommendation of the Commissioner of Transportation, subject to approval by the legislature during the January prior to revision." If the gentleman will look at that amendment, he will find, in fact, that the legislature will set the rates.

I would also suggest that he ought to read the bill itself. The bill itself, unlike what he apparently has been hearing elsewhere, says in terms of the number of toll barriers, "This recommended barrier toll system and toll schedule shall include a system of toll barriers designed in such a manner that motor vehicles traveling the entire length of the turnpike will encounter no more than three toll barriers. What this means, what I envisioning it meaning, is two barriers south of Portland, one barrier at West Gardiner or thereabouts, one barrier somewhere between Falmouth and Lewiston. That means that when you go from one end of the road to the other, you hit three barriers. It actually means that you have four barriers there.

This was designed in such a way as to provide for a situation where people would pay the same amount of toll whether they went up through Lewiston, through Mr. Biron's constituency, or over on 95 from Portland up through Topsham, Brunswick and West Gardiner. That is the reason the provision is in there. I think the committee has made no attempt to do anything but make it clear to people that what was there, at least I certainly have and every member of the committee

that I know of that has talked to other people about this has made it clear.

I would urge you to support this bill. We need some time to get this proposal before the Congress to examine what the situation is in the State of Maine and to give them a little bit of time. Come 1981, if there is not a bill passed by the Maine Legislature and another bill passed by the Congress of the United States, the Maine Turnpike will become toll free. What that will mean if approximately five to six million dollars a year in annual maintenance costs that has got to come from somewhere. You can take it out of the Department of Transportation's budget, and if you attempt to, I wish you good luck. As you are well aware, I have looked from time to time for money and there is very little there, or more likely you will end up passing a gas tax that is paid for by the people of Maine.

I, for one, would much prefer to see tolls kept on the Maine Turnpike with commuter passes, essentially having that paid for by the tourists — well over half, would be paid for by the tourists, the out-of-state people coming into the state. In addition, it would be paid for on a user fee basis, which I can't object to at all.

It seems to me that this is a bill which makes a lot of sense. If we don't pass it, we are going to be asking for a lot of trouble in a couple of years and it seems to me, we ought to make a decision in time for things to be followed through and not wait until the last minute and ask for some sort of 'brunchmanship' kind of decision, when everybody says, well, why did you wait this long? Why wasn't this done before?

I would urge you to support this bill and vote against the motion to indefinitely postpone. I would remind the gentleman from Westbrook, Mr. Laffin, when he returns, and I hope he can hear me now, that if, in fact, this bill is killed, the people that he is concerned about at the turnpike, and the concern that he has about losing all this money, will go right down the drain. The people will be unemployed, there will be no money coming in and we will be out of luck.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: I would support the motion to indefinitely postpone this particular issue.

I would make only a couple of points. I talked with Representative Biron from Lewiston the other day relative to this matter and I told him that it was my best judgment that the bill could not be stopped, because those of us who are against the bill in its present form have different interests and different reasons and sooner or later some of those will get taken care of if the necessary votes are needed. Irrespective of that, I would like to go on the record as to my particular viewpoint on this bill.

I have a very peculiar concept of what a toll is. I think a toll is a fee that you pay to use the road. Such is not the case, alas and alack in this bill, or even under the current system, in my judgment. I said on the floor of the House last year that the West Gardiner toll is a toll on Interstate 95; everybody laughed.

I would like to quote to you from a little paper hassle that has been going on between the Senator from Androscoggin and the gentleman from Lewiston, Mr. Biron. You saw the WLAM editorial and today you may have not read it, but the Senator from Androscoggin replied, and I would like to make a couple of direct quotes from the latter.

"Under the proposals agreed to by the Legislative Committee on Transportation, the Commissioner of Transportation and the elected officials of Lewiston and Auburn, an equal amount of tolls would be charged on the Interstate." Down in the next paragraph, it talks about how after the opening of the Interstate between Topsham and Gardiner, nearly, 45,000 more vehicles went through Lewiston and

Auburn, and then it says, "Obviously, when tolls are equalized, ever greater increased can be expected at these interchanges." The man on the committee, whom I highly respect, said it again, not five minutes ago in the Legislative Record. They are going to charge the same amount to travel the Interstate 95 as the Maine Turnpike.

Two questions raised by Mr. Biron were legitimate ones — how much and where? I have a hunch on where. I have a hunch that if there is four, there is still going to be one right down where the West Gardiner area is now, which is designed only to make you pay 35 cents to go to Portland on the Interstate 95, and even if the barrier is in the Augusta area, it means that my constituents and those north of Augusta are going to pay 35 cents to go eight miles an get on Interstate 95, which is supposed to be a free road to Portland. I don't think that is right. I think there are legitimate class action questions. I think there is a question of discrimination. I think we ought to kill this bill and really take a loot at all the snakes that might be in this particular garden. I think it is an attempt, a very poor attempt, to disguise a toll on Interstate 95, which is supposed to be a free road. That is why I am voting to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I keep hearing, you haven't said anything about the tolls, you haven't said anything about where the barriers are going to be. I will tell you this, if you are lucky enough to be back here next session, you will have all the say-so in the world, because that is when it is going to hit here.

I resent the fact that this committee is being chastised by the gentleman from Lewiston. I personally have never said there were four barriers; I know of nobody on this committee that has ever told me that there are four barriers because, Mr. Biron, I can read and the bill tells me, "no more than three."

As far as the moral issue goes, my good friend, moral issues change with time. Two hours ago I told the same thing to the Governor. Years and years ago, skirts were down to the knees and down to the floor but they are not now. Bathing suits were the same way — morally. Mr. Biron, World War I was the war to end all wars, but did it? So moral issues do change and the inflationary concept of this country today has changed those moral issues and this is the one device we have to try to make the issue correct.

I would urge you to support this bill.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: If I may respond to the good gentleman, Mr. McKean, the four barriers were confirmed by the good gentleman from Portland, Mr. Jensen, who serves on the same committee. I didn't make that up. I am not chastising any committee; I am just bringing out the facts to the members of this House. Let no one believe that there is going to be three barriers, there is going to be four. The argument is that a person traveling on the interstate will not go through more than three, but there will be four, I didn't make that statement, Mr. Jensen stood up and made that statement. So I am just saying to you what the members of the committee have told me.

If Mr. McKean is not familiar with what the committee bill is, that, again, is not my problem but a problem of the members of the committee.

The bill came before us last year and I remember it. Let's look at the history of this bill. The bill came before us last year without any work whatsoever from the committee. Mr. Mallar walked into the Transportation Committee and said "Here is a bill," and they signed it out and it came before us and was de-

feated. There was a one-barrier system suggested last year. It was passed in this House and defeated in the other House and the bill died. They had studies on this bill. They did come to Lewiston this summer. I attended that meeting and what was discussed at that meeting and what the proposal was at that meeting was the exact same bill that they had proposed last year which was not accepted by this body. The proposal for a one-toll system, which was accepted by this body, would not have been brought up at that work session or hearing unless I attended and brought it up — that was the only reason it was.

I personally believe that Mr. Mallar and his department has a special interest in passing this legislation that we have before us. This legislation that we have before us, I am convinced, brings in more money than is needed to maintain the Maine Turnpike. This extra money is going to be used to put in access roads, to do other things that Mr. Mallar, and maybe rightfully so, feels are necessary along the turnpike. Well, let me say to you that if that is the intent of this legislation, let's spell it out here and now. Let's now box the next legislature, and this is what we are doing if we pass this legislation, you say to me today that the next legislature will come in here and make the decision. Well, I will say to you today that the only decisions they can make is what we spell out in this bill. Why don't we simply say to the next legislature, and those are the people who are going to have to deal with this subject, have an open hand, do what you think is best. Let's not box them in and say you are going to have three tolls, or as little or as many as three, it could be one, it could be none, and let's not say you are going to set the rate, because we are boxing those people in. Why don't we just say, when you have the problem, address it at that time.

What is the need for this legislation? It still hasn't been answered. Don't tell me that you have to get congressional approval, because that has already been attempted by the department without passing a bill. You can go out and get legislative approval on a tentative — that is what this thing is, it is tentative. What do you need a bill for if it is only tentative? No one can guarantee me that legislative approval, congressional approval will be given to this bill because this thing has been passed. It doesn't make any difference if we pass it or we don't. That is the argument here today. Here we are saying, the members of the committee are saying that the next legislature is going to set the tolls, is going to set the rates. We need to pass it today because we need congressional approval. Come on, ladies and gentlemen, let's be reasonable. If there is a problem in 1981, let's address it in 1980. That is plenty of time.

If the Department of Transportation wants to keep tolls on the Maine turnpike, and maybe they have a good argument and maybe there is no other way of funding it, well, they can go ahead and get in touch with the different delegations, or our delegation in Washington, and find out if they can get approval for such a thing. They don't need this bill to do it because this bill doesn't do anything. That is the point I am trying to make.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: If this bill doesn't do anything, it has given us about 45 minutes of debate.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to respond to the points the gentleman from Lewiston, Mr. Biron, has raised. First of all he asked, what is the need? I submit that one of the needs of this bill is that we have a department of state government that is willing to have some foresight and do some planning into the future needs of

this state. It is something which, unfortunately, our state government lacks to a large degree.

He challenges the need for passing this legislation in terms of going to Congress. If we do not make some type of indication that this legislature wishes to see the tolls continued, there will be no need to go to Congress, pure and simple, because there will be no portion of the costs of the tree barriers that are in question, the York barrier, the South Portland and West Gardiner that we would have to pay off, so that issue is moot. If we make this judgement now, the commissioner has to go to the Maine Congressional Delegation and ask them to have legislation introduced, and I think the gentleman knows full well that things in Washington move a lot slower than they do here in Augusta.

The gentleman asked what is good about the turnpike bill, and I submit three things right off the top of my head. Number one, if it collapses one level of bureaucracy, namely the Maine Turnpike Authority, into another one, the Department of Transportation, which obviously already exists.

The second point is that it has the potential, this bill before us, the bill that comes before us a year from now has the potential of reducing the tolls by maybe as much as up to 50 percent. In some cases, it has the potential for reducing tolls a hundred percent. In some cases, admittedly, in a rare case, it may be less than 50 percent.

The third thing I think this bill does by keeping some type of toll on the turnpike is it precludes the necessity of raising the gas tax or reducing our statewide maintenance program for the express purpose of maintaining the Maine Turnpike on a year-round basis.

Ladies and gentlemen of the House, this has been a hard fought bill. A week ago, this House voted overwhelmingly to support the bill before us, and I hope today that you reject the motion to indefinitely postpone.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Transportation worked very hard to get this bill out. We conducted hearings at several places in the state, especially in the Lewiston-Auburn area. At the present time, we have two men who are on this committee. We had people appear at the committee hearing from the Lewiston area that did want to keep the Turnpike Authority on with the tolls. The two Lewiston representatives worked very hard to try to get a compromise to see if we could get Lewiston out of the hole that we are in now, making it free toll from Portland to Augusta and Augusta to Lewiston, but we came out with this compromise and both Lewiston representatives agreed that this would be just about the best that we could get.

Now, we have tried to make everybody happy, to be satisfied, but like I said, we conducted hearings in Lewiston and no one objected to keeping the tolls on the turnpike. I think this barrier system is about the best that we can have. I hope that we do not indefinitely postpone this bill.

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

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

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

ROLL CALL

YEA — Biron, Boudreau, P.; Brown, K. L.; Bustin, Carey, Carrier, Chonko, Conners, Connolly, Cunningham, Dexter, Diamond, Dow, Fenlason, Flanagan, Gillis, Gray, Green, Henderson, Hughes, Kane, Laffin, Lizotte, Mackel, Martin, A.; Nadeau, Najarian, Peltier, Peterson, Post, Rideout, Rollins, Spencer, Tarr, Truman, Twitchell, Valentine, Wood.

NAY — Aloupis, Austin, Bachrach, Bagley, Benoit, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Carroll, Carter, D.; Carter, F.; Churchhill, Clark, Cote, Cox, Curran, Davies, Dudley, Durgin, Dutremble, Elias, Fowlie, Garsoe, Gill, Goodwin, K.; Gould, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Lewis, Littlefield, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Morton, Nelson, M.; Nelson, N.; Palmer, Paul, Peakes, Pearson, Perkins, Plourde, Prescott, Raymond, Sewall, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarbell, Teague, Tierney, Torrey, Tozier, Trafton, Violette, Wilfong, Wyman.

ABSENT — Ault, Beaulieu, Bennett, Berry, Berube, Bunker, Devoe, Drinkwater, Goodwin, H.; Kerry, LaPlante, Maxwell, Mills, Moody, Norris, Quinn, Silsby, Theriault, Tyndale, Whittmore.

Yes, 38; No, 92; Absent, 20.

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

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

“An Act to Expand the Elderly Low Cost Drug Program” (H. P. 1912) (L. D. 1973) (S. “B” S-501 to C. “A” H-1028)

“An Act Relating to Trafficking and Importing of Marijuana” (H. P. 1999) (L. D. 2080) (C. “A” H-1048)

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.

“An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission (S. P. 703) (L. D. 2150) (S. “A” S-478)

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

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I realize that at this point in time I do not have enough strength or enough votes in this House to kill this particular piece of legislation. However, I would like to ask for a roll call when the vote is taken, and I would like to just give you a couple of comments that I still believe I have to make on this bill. That is, I still do not believe, even after talking to other members of this body and talking with the Chairman of the Performance Audit Committee, I still fail to see why we have to throw another roadblock, another piece of harassment up in dealing with the Human Rights Commission and their subpoena powers.

We create state agencies like the Human Rights Commission to look out for the well-being of the people of this state, a commission that I wholeheartedly believe in and support. Then we fund and support those organizations just to the point where they can survive. Then, little by little, we peck away at their authority.

The subpoena powers, I understand, and I understand the safeguards that they now have, and I also understand that those safeguards are under the Attorney General's Office, which

represents the Human Rights Commission. I would ask anybody in this body to explain to me and to the rest of the members of this body why they have or why the need another roadblock to hamper their powers as they have it today.

Therefore, Mr. Speaker, I would ask for a roll call when the vote is taken, and I would hope you would vote against this particular piece of legislation.

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: As I said before in debate on this piece of legislation, I was on the Performance Audit Committee that heard this bill and some of the reasons that the subpoena power is being hauled back just a little bit on this committee is, you might remember last fall the Human Rights Commission put out blanket subpoenas in a rather class action suit against school boards and the universities in the state. These subpoenas weren't backed up by any specific charge of any person. These subpoenas were issued by the director, not by any single person. Now, it was a class-action subpoena over the whole state.

I don't think any of you would want the CIA, the FBI, the State Police or anyone else to have this much power that the director or commissioner of public safety or anyone else could issue subpoenas without getting approval from somebody. Ordinarily that approval comes from the court, and there is no reason why an appointed board shouldn't act in the same responsible manner.

I don't think that subpoenas should be issued by any commission or any appointed agency on rival matters. The agency should try to resolve their differences, whether it is with public officials or business community or what, and when you go subpoenaing records of agencies, employment records, medical records, safety records and subpoenaing people to testify, that is serious business, and that action, I think, should come from the court.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am on the Performance Audit Committee and I want to just make it a little clearer from what the last member who spoke said. With the bill itself, the Human Rights Commission would not be able to issue class-action suits. With the bill, they would have to have a subpoena. With the amendment on there, any subpoena requested would have to go through the courts, even if it is just a subpoena on records, personal records and things of that nature.

Actually, the bill is what the committee came out with. The amendment was tacked on in the Senate, and I don't think there is any need for the amendment.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: Just a little clarification and then I will be quiet so the vote can be taken. I don't like and I don't think you like scare tactics brought to this floor before a vote. Therefore, I would suggest to you that the Human Rights Commission has had subpoena powers since their birth, or for seven years. For seven years they have had subpoena powers, and they don't order subpoenas every day stirring up trouble around this state. They did use their subpoena powers a year ago when they were conducting the education hearings across the state. I, too, was concerned and I did testify at those hearings, and I don't think they overused those subpoena powers. That is one of the reasons why this bill is here now, just because of those hearings. The people who are pushing this are the same people who a year ago and two years ago and three years ago sponsored a bill in this House to do away with the commission altogether, to move the commission under the Attorney General's Office

and take their subpoena powers away altogether. Those are the same people who are sponsoring this bill right now, pushing for it.

Let's make it clear, if you are going to vote for this piece of legislation because you believe in it, that is one thing, but don't vote for this particular piece of legislation because of the scare tactics that are brought here, because that is just not the case.

I happen to believe in what the Human Rights Commission is doing, and I happen to believe that they will respectably use those subpoena powers. If this particular amendment on this bill was so important, why didn't it come out with the bill? It was studied by the Performance Audit Committee, and they came out with a bill, a bill that I can live with, but the amendment is the one thing that I oppose.

We have a problem in this state when local people, the people of this state, the taxpayers have to go through so much red tape for any state department, and here we are making it that much more of a burdensome task for a state agency to perform its own duties.

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Bagley, Biron, Birt, Boudreau, P.; Brown, K.L.; Brown, K.C.; Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Connors, Cote, Cunningham, Dexter, Durgin, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Green, Greenlaw, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Joyce, Kane, Kelleher, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McKean, McPherson, Morton, Nelson, N.; Palmer, Peakes, Pearson, Peltier, Perkins, Peterson, Prescott, Raymond, Rideout, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Stubbs, Tarr, Teague, Tierney, Torrey, Tozier, Trafton and Twitchell.

NAY — Bachrach, Benoit, Blodgett, Boudreau, A.; Brenerman, Bustin, Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Dudley, Dutremble, Elias, Fowlie, Goodwin, K.; Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jensen, Kany, MacEachern, McHenry, Mitchell, Najarian, Nelson, M.; Paul, Post, Spencer; Talbot, Tarbell, Truman, Valentine, Violette, Wilfong, Wood and Wyman.

ABSENT — Ault, Beaulieu, Bennett, Berry, Berube, Bunker, Devoe, Drinkwater, Goodwin, H.; Jalbert, Kerry, LaPlante, Maxwell, McMahon, Mills, Moody, Nadeau, Norris, Plourde, Quinn, Silsby, Strout, Theriault, Tyndale and Whittemore.

Yes, 82; No, 43; Absent, 25.

The SPEAKER: Eighty-two having voted in the affirmative and forty-three in the negative, with twenty-five being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, the preceding enactments, with the exception of L. D. 2150, were ordered sent forthwith to the Senate.

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

The following Communication:

THE SENATE OF MAINE AUGUSTA

March 6, 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 Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Departments and Agencies" (H. P. 2051) (L. D. 2111)

Senators:

KATZ of Kennebec
MORRELL of Cumberland
MARTIN of Aroostook

The President today also appointed the following members of the Senate to the Committee of Conference on RESOLVE, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, Years of Service Requirement or Age and Years of Service Requirement, (H. P. 2101) (L. D. 2140)

Senators:

HICHENS of York
HEWES of Cumberland
LEVINE of Kennebec

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:

Kenton E. Quint of North Anson is retiring from the presidency of the Somerset Telephone Company after 49 years as a telephone pioneer (S. P. 725)

Came from the Senate read and passed.

In the House: The Order was read.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am very pleased to see this Order coming through here this afternoon. Kent E. Quint is a man that I have known since I was a youngster and I have known him well up to this day.

He lived in North New Portland in those days and he took over a small, barded wire, non-descript flying telephone company while the thing wasn't running very well and today it is a multi-million dollar corporation. He did a great deal of service to the people of the rural areas of Maine, because that is where his telephone company operates. He was truly a pioneer, because Somerset Telephone Company has a dial system even before Mother Bell did down in the Portland area, believe is or not. He pioneered the installation of microwave communication into some of the isolated lumber camps when they were depending upon a line that was strung on the trees and he has pioneered in broad area local service to include such tiny hamlets as Coburn Gore, way up on the Maine border, and they even have wide area service across the border into Canada.

It is certainly proper that we honor Kenton Quint today. He is a forward looking man, ever young in his thinking and a man that has been a special privilege for me to be associated with all these many years.

Thereupon, the Order received passage in concurrence.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Amend the Charitable Solicitations Act to Change the Responsibilities of Religious and Small Organizations" (Emergency) (H. P. 2015) (L. D. 2090) which was passed to be engrossed as amended by commit-

tee Amendment "A" (H-1100) in the House on February 28, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1100) and Senate Amendment "A" (S-512) in non-concurrence.

In the House:

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

Mr. BIRT: Mr. Speaker, I move that we recede and concur with the Senate.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of the gentleman from East Millinocket, Mr. Birt, that the House recede and concur and tomorrow assigned.

Second Reader Tabled and Assigned

Bill "An Act to Require the Licensing of Insulation Installers" (H. P. 1941) (L. D. 2105) (C. "A" H-1115)

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

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

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

Passed to Be Enacted

"An Act Relating to the Classification of Drug Offenses" (S. P. 676) (L. D. 2094) (C. "A" S-504)

"An Act Amending the Maine Medical and Hospital Malpractice Joint Underwriting Association Act" (S. P. 638) (L. D. 1997) (C. "A" S-500)

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

(Off Record Remarks)

Mr. Wyman of Pittsfield was granted unanimous consent to address the House:

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of reluctance that I rise this afternoon but I feel that it is necessary. I am extremely saddened and disappointed by an article that I read in the Bangor Daily News today, and that article, which was written by United Press International, results from an interview with His Excellency, the Governor of the State of Maine, and in that interview, Governor Longley is quoted as saying, and I quote: "We have some very important legislation upstairs on collective bargaining for teachers and what happens there will greatly influence me on the school funding bill."

Later in that interview, the Governor is quoted as saying: "What action the legislature takes on that collective bargaining bill will certainly have some affect on what action I will take on the Education Funding Bill." If the Governor was quoted accurately, and I have reason to believe that he was, this is indeed a sad day for the State of Maine.

I received one call on the collective bargaining bill that we will be having a public hearing on before the Education Committee tomorrow, and in the conversation that I had with this particular individual, I pledged to him that I would be totally objective in reviewing this particular legislation. It is absolutely deplorable that the highest elected official in our state would threaten the Committee on Education and the Maine Legislature with political blackmail, and that is exactly what he has done. It is an injustice for the Governor to make such a remark on the eve of the public hearing; it is an injustice to those who are traveling tomorrow to attend the public hearing, some from considerable distances to offer testimony on both sides of this very controversial issue. The Gov-

ernor's remarks furthermore reflect a serious lack of respect for the legislative process as well as for each of us as representatives of the people.

Finally, the Governor should be informed that the Committee on Education and our entire Maine State Legislature will consider this legislation based solely and exclusively in its merits, and whether we feel that it is in the best interest of the people of Maine and 'not' as the result of threats, blackmail, intimidation on the part of any group or any individual, including the Governor of this State.

On motion of Mr. Carroll of Limerick, Adjourned until nine-thirty tomorrow morning.

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