

# 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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**Senate Confirmation Session**

June 14, 1978

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**First Special Session**

September 6, 1978 — September 15, 1978

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December 6, 1978

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APPENDIX

HOUSE

Friday, March 10, 1978

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

Prayer by Reverend Jack Stewart of the Full Gospel Tabernacle Church, Lincoln.

Reverend STEWART: Our Father, we thank You today for this lovely day. We thank You for Your goodness and Your mercy to each one of us. Thank You for the birds that are singing this morning, but, Lord, we are glad that we are not birds, we are glad that we are human beings and have the capability to reason. Yes, with all of our capabilities, we do also realize that we are not near as wise as we need to be, so we ask You to impart to each one of us the wisdom that You alone have. We thank You, Lord, for such a great country as we have, and Lord, I pray that as we deliberate here that You will help us, be close to us. We thank You because You have been so good to us. May Your blessing rest upon each member of this House today. We thank You for it in Jesus name. Amen.

The journal of yesterday was read and approved.

Messages and Documents

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND EIGHTH  
LEGISLATURE  
COMMITTEE ON ENERGY

March 9, 1978

The Honorable John Martin  
Speaker of the House  
State House

Augusta, Maine 04333

Dear Speaker Martin:

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

Bills received in Committee	6
Unanimous Reports	4
Ought to Pass as Amended	5
Ought to Pass in New Draft	1
Divided Reports	2
Total Number of Amendments	5
Total Number of New Drafts	1

Sincerely,

Signed:

RICHARD DAVIES  
Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
SUPREME JUDICIAL COURT  
PORTLAND, MAINE

March 9, 1978

The Honorable John L. Martin

Speaker of the House  
House of Representatives  
State House

Augusta, Me. 04333

Dear Speaker Martin:

I have the honor to transmit herewith answers of the Justices of the Supreme Judicial Court given pursuant to your request was received March 2, 1978.

Sincerely yours,

Signed:

VINCENT L. McKUSICK

To the Honorable  
House of Representatives  
of the State of Maine:

We, the undersigned Justices of the Supreme Judicial Court, have the honor to submit our answer to the question propounded by the House of Representatives on March 1, 1978. We do this under the provisions of Article VI, section 3 of the Constitution of Maine, having first satisfied ourselves that the question is an "important question of law" and is asked "upon [a]

solemn occasion."

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

ANSWER: We answer in the negative.

The House of Representatives has before it Legislative Document 2159 bearing the title "An Act Relating to the Taxation of the Unorganized Territory."

By its terms, if enacted, it would create a "tax district" to be known as the "Unorganized Territory Tax District." Such district would include "all of the unorganized territory of the State and any areas which may subsequently become a part thereof." The proposed legislation would authorize the annual levy of a tax "to be known as the Unorganized Territory Educational and Services Tax" upon all nonexempt real and personal property located in the Unorganized Territory Tax District. The proceeds of the tax would be used exclusively for the payment of what the act describes as "the municipal cost component" and would create an "Education and Services Fund." The "municipal cost component" is described by the act as "the cost of funding services in the Unorganized Territory Tax District which would not be borne by the state if the Unorganized Territory Tax District were a municipality." The definition continues:

"the municipal cost component" shall include, but not limited to:

"A. The cost of education, as would be determined by the School Finance Act in Title 20 if the unorganized territory were a municipality;

"B. The cost of all services the State funds in the unorganized territory that are funded locally by a municipality;

"C. The cost of reimbursing any county an amount equal to the county tax rate applied to unorganized territory within its boundaries, in accordance with Title 30, Section 254; and

"D. The cost of reimbursement by the State for services a county provided to the unorganized territory in accordance with Title 23, Part 4, and Title 30, chapter 5."

(1. Although we find no constitutional infirmity on the face of the proposed statute, we recognize that § 1603 (C) may present a serious problem in application. Section 1603(C) in operation has the potential for producing unconstitutional inequality of treatment, within a single county, of property located within the tax district as compared with property outside the district. We presume that the county tax in each county could be separately assessed and collected so as to eliminate this possible infirmity from Legislative Document 2159.)

The Constitution of Maine, Article IX, section 8, provides in part that "[a] 11 taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof. . . ."

"The justices of this Court in commenting upon this provision of the Constitution said, quoting from *Pine Grove Township v. Talcott*, 86 U.S. (19 Wall) 666, 675 (1873):

"All kinds of property must be taxed uniformly, or be entirely exempt. The uniformity must be coextensive with the territory to which the tax applies. If a state tax, it must be uniform throughout the state. If a county or city tax, it must be uniform throughout such Country or City." *Opinion of the Justices*, 97 Me. 596, 598, 55A. 827, 828 (1903).

There is not gainsaying that the Legislature may erect political divisions, other than cities and towns, for public purposes. *Kelley v. Brunswick School District*, 134 Me. 414, 418, 187 A. 703, 705 (1936).

The Legislature has by various statutes authorized cities and towns to raise money by taxation for the support of numerous municipal functions. See 30 M.R.S.A. §§ 5101-5108.

The proposed legislation would create an Unorganized Territory Tax District. Such district obviously requires municipal and educational services. The funding necessary to

support such municipal services is one of the two purposes for which the tax is created.

The Unorganized Territory Tax District has none of the machinery customary in municipalities for raising the necessary funds to pay for such municipal services.

The proposed legislation, Legislative Document 2159, would use the tax assessing and collecting machinery of the State to act for and in behalf of the inhabitants of the Unorganized Territory Tax District in raising the funds by taxation to support the municipal services described in section 1603 of the proposed legislation. Likewise, the proposed legislation would authorize the State to utilize its tax assessing and collecting machinery to raise the funds necessary to discharge the Unorganized Territory Tax District's obligation to "make suitable provision, at their own expense, for the support and maintenance of public schools," a duty the Legislature is mandated by article VIII, section 1 of the Constitution of Maine to impose. (2)

Legislative Document 2159, if enacted, by providing that the State, acting for and on behalf of the Unorganized Territory Tax District, assess and collect taxes in the district, for use only in the district to provide municipal and educational services, would not violate the provisions of article IX, section 8 of the Constitution of Maine. We reach this conclusion because, to paraphrase language of the Court in *Sawyer v. Gilmore*, 109 Me. 169, 174, 83 A. 673, 675 (1912), the assessment is laid upon all property, both real and personal, throughout the tax district.

No property therein escapes.

No locality therein escapes.

All the property is to be assessed at its just valuation, and a uniform rate of taxation is laid upon all classes of property in the district.

While many of the features found in Legislative Document 2159 are the same as or similar to the proposed legislation which was the subject of the *Opinion of the Justices*, 146 Me. 239, 80 A. 2d 421 (1951), the constitutional deficiency in the 1951 proposal is overcome by the definition of "municipal cost component" found in section 1603 of the proposed statute. In the act found constitutionally deficient in the *Opinion of the Justices*, 146 Me., the unorganized territory would have been required to bear the entire cost of educational services therein, while organized municipalities would have received part of their cost of education by state funding derived from general state taxation.

(The state is thus in effect a trustee for the Unorganized Territory Tax District for purposes of raising moneys and expending them for municipal and educational services within the District.)

Dated at Portland, Maine, this 9th day of March, 1978.

Respectfully submitted,

Signed:

VINCENT L. McKUSICK  
Chief Justice  
CHARLES A. POMEROY  
SIDNEY W. WERNICK  
JAMES P. ARCHIBALD  
THOMAS E. DELAHANTY  
EDWARD S. GODFREY  
DAVID A. NICHOLS  
Associate Justices

The Communication was read and with accompanying papers ordered placed on file.

Mr. Garsoe of Cumberland was granted unanimous consent to address the House.

Mr. GARSOE: Mr. Speaker and Members of the House: I was surprised to come in this morning and see that the gentleman from Eagle Lake has held a very important bill. Since the purpose for holding this is for the purpose of reconsideration, I had hoped to address my remarks to the gentleman from Lisbon Falls, the Majority Floor Leader, in as much

as the Speaker couldn't respond, but I wanted to point out that my longstanding knowledge of the gentleman from Eagle Lake's concern for the progress of this session, our need to expedite from Lisbon Falls that if there is something that needs to be done with this bill, why not suspend the rules and take it out of order and get it on its way.

I know the gentleman from Lisbon Falls shares my concern over this pace of our work, because he was mildly critical of my tabling for the gentlelady from Lewiston, Mrs. Berube, the other day of a piece of legislation, so I would respectfully offer that suggestion, that whenever we need to do this, let's do it and get it on its way.

Mrs. Post of Owl's Head was granted unanimous consent to address the House.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think all of us are concerned that we act on this bill as soon as possible, however, there was an amendment that was necessary. The amendment is down in the printer's office at this time, and I am sure that as soon as it is available, we will work on this as quickly as possible.

#### Orders

An Expression of Legislative Sentiment (H. P. 2218) recognizing that:

Aldo B. Ciomei of Stonington served from 1973 to 1977 on the Marine Resources Advisory Council.

Presented by Mr. Greenlaw of Stonington. (Cosponsors: Mrs. Post of Owls Head, Mr. Jackson of Yarmouth)

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

An Expression of Legislative Sentiment (H. P. 2219) recognizing that:

Calvin "Trug" Stinson, Jr. of Prospect Harbor served from 1972 to 1977 on the Marine Resources Advisory Council

Presented by Mr. Greenlaw of Stonington. (Cosponsors: Mrs. Post of Owls Head, Mr. Bunker of Gouldsboro)

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

An Expression of Legislative Sentiment (H. P. 2222) recognizing that:

Jonathan Michaud of Van Buren has been selected to "Jazz Abroad", a band made up of outstanding band students, and will travel to Europe this summer on tour

Presented by Mr. Violette of Van Buren (Cosponsor: Senator Martin of Aroostook)

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

An Expression of Legislative Sentiment (H. P. 2223) recognizing that:

Mark A. Scott of Boy Scout Troop 453 in Belgrade attained the rank and distinction of Eagle Scout on March 1, 1978

Presented by Mr. Ault of Wayne (Cosponsor: Senator Pierce of Kennebec)

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

A Joint Resolution (H. P. 2220) in memory of: Harold A. Dodge, an outstanding citizen of South Bristol.

Presented by Mrs. Sewall of Newcastle. The Resolution was read and adopted and sent up for concurrence.

A Joint Resolution (H. P. 2221) in memory of:

Albert H. Barlow, an outstanding citizen of East Boothbay

Presented by Mrs. Sewall of Newcastle. The Resolution was read and adopted and sent up for concurrence.

On motion of Mr. Nadeau of Sanford, it was

ORDERED, that Frederick Lunt of Presque Isle be excused for the week of March 13th, 1978 for health reasons.

#### House Report of Committees Ought Not to Pass

Mr. Curran from the Committee on State Government on Bill, "An Act to Exempt the Maine Athletic Commission from the Maine Administrative Procedures Act" (Emergency) (H. P. 1898) (L. D. 1955) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Bill, "An Act to Except Certain Procedures from the Maine Administrative Procedure Act" (Emergency) (H. P. 2114) (L. D. 2146) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

#### Ought to Pass

Mr. Drinkwater from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1978 (Emergency) (H. P. 2217) (L. D. 2185) reporting "Ought to Pass" pursuant to Joint Order H. P. 1986)

Report was read and accepted, the Resolve read once and assigned for second reading Monday, March 13.

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on 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)

Report was signed by the following members:

Mr. USHER of Cumberland — of the Senate.  
 Mrs. BEAULIEU of Portland  
 Mr. BIRT of East Millinocket  
 Mrs. MITCHELL of Vassalboro  
 Messrs. FENLASON of Danforth  
 LYNCH of Livermore Falls  
 PLOURDE of Fort Kent  
 CONNOLLY of Portland  
 WYMAN of Pittsfield

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

Report was signed by the following members:

Messrs. PIERCE of Kennebec  
 KATZ of Kennebec — of the Senate.  
 Mrs. LEWIS of Auburn  
 Mr. BAGLEY of Winthrop — of the House.

Reports were read.

On motion of Mr. Lynch of Livermore Falls, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

#### Consent Calendar

##### Second Day

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

(H. P. 2136) (L. D. 2158) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (St. Regis Paper Company)

(H. P. 2043) (L. D. 2109) Bill "An Act Relating to Abandoned Property" (C. "A" H-1136)

No objections having been noted, the above items were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

#### Passed to Be Engrossed

Bill "An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 732)

(L. D. 2177)

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

#### House at Ease

The House was called to order by the Speaker.

The following matters appearing on Supplement No. 1 were taken up or order by unanimous consent:

#### Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-influencing Positions Below the Head of State Department and Agencies" (H. P. 2051) (L. D. 2111) asks leave to report: that the Senate recede from its action whereby it Passed the Bill to be Engrossed; recede from adoption of Senate Amendment "B" (S-477); indefinitely postpone Senate Amendment "B"; adopt Conference Committee Amendment "A" (S-528), submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendments "A" (H-995); "B" (H-1002); "D" (H-1006); and "E" (H-1016) and Conference Committee Amendment "A";

That the House recede from its action whereby it Passed the Bill to be Enacted; recede from its action whereby it Passed the Bill to be Engrossed; adopt Conference Committee Amendment "A" (S-528), submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendments "A", "B", "D" and "E" and Conference Committee Amendment "A" in concurrence.

Signed:  
 Messrs. KATZ of Kennebec  
 MORRELL of Cumberland  
 MARTIN of Aroostook

— of the Senate.  
 Mr. CURRAN of South Portland  
 Mrs. MASTERTON of Cape Elizabeth  
 Mr. DIAMOND of Windham

— of the House.

Come from the Senate with the Committee of Conference Report read and accepted and the Bill passed to be engrossed as amended by Committee of Conference Amendment "A" (S-528) and House Amendments "A" (H-995), "B" (H-1002), "D" (H-1006) and "E" (H-1016)

In the House, the Report was read.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Committee of Conference Report and would speak briefly to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Curran moves that the House accept the Committee of Conference Report.

The gentleman may proceed.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain the essence of the Committee of Conference Report to you. As you will recall, the disagreement between the two bodies was over the declassification of the Associate Commissioners in the Department of Education. That was our disagreement. The Committee of Conference met. Don't let the size of the conference report scare you, because there were some errors and inconsistencies and we were requested to address those in the conference report for expediency sake. Nothing has changed in the Department of Mental Health and Corrections. We have merely got two or three statutes in the right position.

The Committee of Conference Report will also include three technical changes in the Department of Education. One position that they thought they were going to get over there has been denied and does not exist, and that has been deleted. One title was changed, so we

have put in the new language to reflect the new title of a position and we have made a title reference.

The essence of the bill, the most important part and how we unanimously agreed to solve our problem with the Department of Education, was to take and involve the State Board of Education in more meaningful selection of the Commissioner of Education. That would take place by the State Board of Education nominating to the Governor three people for the position of commissioner. From those three, he would select his choice for commissioner and we would go through the regular conformation process of the Legislature. By doing this, the members of the other body agreed that the three associate commissioners would then remain in the unclassified service and the commissioner that was selected would then have the ability to select the deputies and assistants that he wished to work with.

There was strong support for strengthening the position for the State Board of Education in hopes that they would take a more active role, especially in their policy making, and felt that if they had a more meaningful part in the selecting of the Commissioner of Education of this state, that it would, in the long run, with their citizen input, provide us with a better organization. That is the meat of the Committee of Conference Report.

The other items were the technical changes out of the Department of Corrections and the deletion of positions that no longer exist, title changes and a reference change. I would hope that the House would accept this Committee of Conference Report.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the gentleman from South Portland Mr. Curran, if I could.

That question would be, if the Chief Executive of this state did not find the three nominees which the State Board of Education would nominate for the position of Commissioner of Education, does this bill allow for the possibility of the State Board of Education suggesting an additional three people until the Chief Executive would find someone that was acceptable to him?

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: My answer would be that it doesn't prohibit that taking place. It does not prohibit the Governor making initial suggestions for the State Board to take under consideration. There is no language in the bill that says what happens if the governor doesn't want any of the three that are suggested? But there is nothing that would prohibit them giving him an additional three.

Thereupon, the Report was accepted.

The House voted to recede from its action whereby the Bill was passed to be enacted. The House further receded from its action whereby the Bill was passed to be engrossed.

Conference Committee Amendment "A" (S-528) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A", House Amendments "A", "B", "D" and "E" in concurrence.

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

March 9, 1978

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

The Senate today voted to adhere to its action whereby it Indefinitely Postponed, "Joint Resolution, Urging the Maine Department of

Human Services to Request that a Federal Pilot Providing Jobs to Food Stamp Recipients be Established in Maine", (H. P. 2199).

Respectfully,

Signed: MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

#### Non-Concurrent Matter

Bill "An Act to Amend the Maine Juvenile Code" (H. P. 2142) (L. D. 2163) which was Passed to be Engrossed as amended by House Amendment "F" (H-1118) in the House on March 3, 1978.

Came from the Senate Passed to be Engrossed as amended by House Amendment "F" (H-1118) as amended by Senate Amendment "A" (S-729) thereto and Senate Amendments "C" (S-518), "E" (S-523) and "F" (S-524) in non-concurrence.

In the House:

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I move that we adhere.

The SPEAKER: The gentleman from Standish, Mr. Spencer, moves that the House adhere.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am not to keen on parliamentary procedure, could I make a motion now to insist and ask for a Committee of Conference?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. KANE: Mr. Speaker and Members of the House: I would like to move that we insist and ask for a committee of Conference and I would speak to my motion if I may.

The SPEAKER: The gentlewomen from Augusta, Mrs. Kane, moves that the House insist and ask for a Committee of Conference.

The gentlewoman may proceed.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am very sorry to have to bring this measure up again and discuss it before you. You might recall, when I introduced my amendment last week on the code, it had been postponed for several days because I ran around, like crazy, trying to get as much agreement as possible to my amendment and tried to discuss and work out the problems that people in the Bureau of Corrections and the people at the Youth Center.

They had looked at the section, they looked at my amendment and found everything okay. Many agreements had been made along with this, including the fact that I had other things that I had wanted to bring up, but I agreed to just not jeopardize the code and only bring up the one matter, the one amendment, that every one could agree on. I understood that they would go along with this and support it. Well, come to find out we are getting the bill back in this body from the other body having been amended at the people in the Bureau of Corrections and the people at the Youth Center dealing with these same amendments that I put in and the same section of the law. We both had an opportunity to look at this amendment and we made a gentleman's and gentlewoman's agreement on it. In my opinion, this agreement is being violated.

I would like to see us not adhere because if we do and their choice down there is to knock off two good amendments or if they would desire to go back and uphold this agreement to knock off the one amendment, they would have to kill two good ones to do it. I would like to see us insist and ask for a Committee of Conference and maybe somebody's word in the legislature and somebody's word in the Department of Mental Health and Corrections means something.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We have worked long and hard on the Juvenile Code, and the reason for the adhere motion was that in a quick conference with the Chairman of the Committee, Mr. Hughes, and I didn't talk to any other members of the committee, we felt that the bill was in the agreed state when it left this House and that by Adhering to our former action it would do away with the Senate Amendment, and I feel that is the proper action to take this morning.

It is late in the session, it is late in the day, and if we adhere, I am sure when it goes back, the good people in the other branch will recede and concur and we will have a good, good bill that has had a lot of hard work. I think it is time that we cut out adding to it. Let's try it for six months and then if the code isn't right, in the next session of the legislature we can address any weaknesses that there might be.

I would certainly hope this morning that you would vote against the motion to insist and ask for a Committee of Conference and then adhere and we go about our business.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that if we vote against the motion to insist and ask for a Committee of Conference, the bill will be in the form that Representative Kane had it in when it left this body. I think that I would urge you to vote against the motion to insist and ask for a Committee of Conference. I think that this bill has been worked to death and we ought to adhere and have it go through in the form that it left this body.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: Just one point that my seatmates tell me that I didn't make clear is that there are two good amendments that I feel are important to the bill that were put on in the Senate that I have no quarrel with. If we adhere, those would not be part of the bill. So, that is why I would rather insist and have a Committee of Conference.

The SPEAKER: The pending question is on the motion of the gentlewoman from Augusta, Mrs. Kane, that the House insist and ask for a Committee of Conference. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Kelleher of Bangor requested a roll call vote.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate what the gentlelady is saying, but what I am trying to get over to her is that there is no guarantees in the Committee of Conference that she will get what she wants. The longer we keep this thing open, the longer we are going to be here, it is lovely to satisfy everyone.

We have worked with this bill, the person that put the two amendments on, and I have great respect for him, in the other branch had all the opportunity in the world to discuss these amendments, to work with these amendments, to put them on the code when it came down, but he chose not to do that, he chose to wait and

then put them on in the other branch. If we open this thing up again, I seriously question that we will be able to improve it at all.

I have been on the committee and I know the attitude that is held by some people toward certain parts of this code. If you get into a Committee of Conference, the whole thing may change. So I would hope that you would vote against the motion to insist and ask for a Committee of Conference this is not a partisan issue I would hope that you would vote against the Committee of Conference and vote to adhere so that we might go on about our business.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: There are three Senate Amendments that are in question. There is one Senate Amendment which is a major substantive change which deals with the authority of the court to limit commitments to the youth center. The other two Senate Amendments are not major amendments. My feeling is that we ought to vote today to stick with the action that we took before. The other amendments are not major ones, and I don't feel that we should open up this whole area of determining sentences and limitations, because I think that we will protract this thing and prolong the session. I think that we have worked on this thing long and hard and that we ought, today, just to adhere to our action. I feel sure that the other body will not be overly concerned with the two minor amendments, and I think that we ought to resolve this thing once and for all.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to have to say this. You wouldn't believe the discussion that I have had in the last two and a half minutes on this. I will withdraw my motion to insist and ask for a Committee of Conference for one reason only and that is because it is at the insistence of leadership that we expedite this matter and get it done and through with and not fool around with it any longer. I am very sorry to have to do this.

I do feel that what I have been fighting for right now is a principle, that if you make an agreement with somebody, make a deal with somebody and you give your word, then that should be carried out on both sides. You should not make compromises and try to satisfy people's objections and include things in an amendment that you really don't want there because they are agreeing to support you and go along with the amendment and then be stabbed in the back down at the other body. I find it very unsettling that the bureaucracy in the State of Maine seems to have an awful lot more power than it should and that the bureaucracy in the State of Maine is sticking its nose in deals that are made — deals is probably not a good word — but agreements, good faith agreements that are made among members of the Legislature.

So, I will withdraw my motion to insist and ask for a Committee of Conference, but I do hope that people will recognize this fact and I personally would like to go on record as saying I am very, very disappointed with the Bureau of Corrections and the people at the Youth Center on this matter.

The SPEAKER: The gentlewoman from Augusta, Mrs. Kane, now withdraws her motion to insist and ask for a Committee of Conference.

Thereupon, on motion of Mr. Spencer of Standish, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter 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)

which Failed of Final Passage in the House on March 9, 1978.

Came from the Senate Finally Passed in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and specially assigned for Monday, March 13.

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

#### Non-Concurrent Matter

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) on which the Committee of Conference Report on the disagreeing action of the two branches of the Legislature was rejected and a Second Committee of Conference asked in the House on March 9, 1978.

Came from the Senate with the Committee of Conference Report accepted in non-concurrence.

In the House: On motion of Mr. Sprowl of Hope, the House voted to adhere.

On motion of Mrs. Post of Owls Head, the House reconsidered its action of yesterday whereby Bill, "An Act to Provide for Reform of the State Tax Law," House Paper 2216, L. D. 2184, was passed to be engrossed as amended by House Amendment "C" (H-1138) and House Amendment "D" (H-1139)

On further motion of the same gentlewoman, the House reconsidered its action whereby House Amendment "D" was adopted.

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

House Amendment "A" to House Amendment "D" (H-1142) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This particular amendment follows along with the intent of both parties within the Taxation Committee to make sure that the windfall credit from the federal jobs credit is not collected during the year 1978.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I wish to apologize to the House for an error that I made in figures yesterday during the debate of this L. D.

I stated that if L. D. 2183 was adopted, there would be 15 individuals who would receive a tax break of \$20,000 a piece. This is not correct. The tax break would be approximately \$1500 or more for those 15 people. The 561, who has an adjusted gross income of over \$100,000 would have a tax break of about \$100 or more. I apologize for the false figures yesterday.

Thereupon, House Amendment "A" to House Amendment "D" was adopted.

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

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

#### (Off Record Remarks)

Mrs. Huber of Falmouth was granted unanimous consent to address the House.

Mrs. HUBER: Mr. Speaker and Members of the House: I rise this morning because of some unfortunate comments that were made yesterday afternoon during, granted some heated debate. I am concerned, however, that those comments were not addressed in further remarks, and for the record I would like to read a letter, which I have obtained copies of for all members of the House. I asked that they be dis-

tributed this morning but it has not appeared yet. You will have a copy, however.

The letter is addressed to Senator J. Hollis Wyman and Representative Richard Corey, Chairmen. The letter reads and is dated February 23rd, "The Committee on Appropriations and Financial Affairs has voted to allocate a maximum of \$10 million in the current biennium for a permanent tax relief for the elderly in the approximate amount of \$1 million or, in other words, approximately \$9 million for other possible tax relief measures if the legislature so approves." The letter is signed David G. Huber, Senate Chairman.

I would only say to you at this time, that at the time this letter was written, it was, in fact, a truthful letter. The letter reflected a vote that had been taken and that I very much resent, and I hope all of us were we put in the same position, would resent the question of integrity that arose yesterday afternoon.

The SPEAKER: The Chair would advise the gentlewoman from Falmouth, Mrs. Huber, that the letter has been distributed and is on everyone's desk.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The Horse Blanket for yesterday is not on your desks; otherwise, you would note that I read the letter into the record and I also read the date into the record, and I also pointed out that that letter said that we would be allowed \$10 million to work with and that the Republicans package had come up with \$12.6 million

I also said that it would appear that one of two things had happened, either the Senator had lied or he had been used. I said that in my longstanding friendship with the Senator, I would not believe that he would lie, that, in fact, he had been used. I don't doubt for one minute that that part of my statement is true. I have never questioned the integrity of Senator Huber and I do not now.

On motion of Mr. Carter of Winslow, Adjourned until Monday, March 13, at nine-thirty in the morning.