

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

HOUSE

Tuesday, March 14, 1978

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

Prayer by the Reverend Richard E. Wrentzel of the East Auburn Baptist Church.

Reverend WRENTZEL: Let us pray. O God, we thank You for this privilege that is ours to begin this session of the House of Representatives by calling upon You in prayer. We thank You that You are God that hears and answers prayer. We are reminded in Your word when You said to us, "If my people who are called by name shall humble themselves and seek my face and turn from their wicked ways, then I will hear their prayer and I will heal their land."

O God, as we come before You this morning, we pray especially for each member of this House. They are the leaders that have been chosen by the people of this state. They have the responsibility to govern the affairs of this state. It is a huge responsibility, for the laws that come forth from this place affect each citizen of the State of Maine. So God, we pray that they may be dependent upon You, they may seek Your guidance, they may desire You to reveal unto them the right; and, O God, we pray that You would give them the courage to stand for the right, even when that stand might not be popular. O God, we pray that as we come to the close of this session this day, that this body may be able to look back upon the work that was accomplished here and be proud of that work, because that work that they have accomplished will bring honor to Your holy name and will be good for the citizens of this state. O God, we pray that You would grant these, our requests, according to Thy holy will, in the name of our Lord and Savior, Jesus Christ, that we pray. Amen.

The journal of yesterday was read and approved.

Papers from the House

The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 13, 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 Bill, "An Act to Support Improvement of Air Passenger Service" (H. P. 2048) (L. D. 2110), Failed of Passage to be En-grossed.

Signed: Respectfully,

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Non-Concurrent Matter

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) on which the House insisted on its former action whereby the Resolution Failed of Final Passage on March 9, 1978.

Came from the Senate with that Body having Adhered to its final actions whereby the Resolution was Finally Passed in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I move that we recede and concur and I would speak briefly by my motion.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House recede and concur.

The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We had a thorough debate on this item yesterday, and I think every possible objection that could be raised against a bill was raised. However, there was one point that I don't think was clearly brought out, and I think this is based on some of the fears expressed by some of the members who voted in opposition to this constitutional amendment, which stems around the fact that they feel that if this constitutional amendment were on the books, that one sole judge would have the authority to remove another judge. This is a false premise in that the constitutional amendment requires the entire Supreme Court to act on any removal. This would have to be done according to the rules that the Judicial Council agreed to beforehand and they have been submitted in writing to the Judiciary Committee, and I am sure that a copy is available for anyone who chooses to look them over.

I would hope that you would stand firm in your position and vote to recede and concur and allow this piece of legislation to go on the books in order to enhance the judiciary system in the state by allowing it to clean its own house and improve its creditability with the people.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This House took a firm stand on this bill last week in objecting to it. It objected to it yesterday. The bill has been discussed thoroughly over the past 10 days. I would certainly hope that you would hold firm and object to it again today.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting through much of the debate on this and so far have not spoken our on it. I tried to develop where I stood on this particular piece of legislation. I guess I have finally come to a complete conclusion as to just where I do stand.

I have been a very firm believer all my days in the legislature on the equal powers of separation. I think if we believe firmly in these equal powers, we will, today, support this particular piece of legislation.

The legislature has, in the Constitution very clearly spelled out that they will be the judge of their own membership. The United States Congress occupies the same position and several cases have been referred to the United States Supreme Court, the Adam Clayton Powell case, in which the court indicated thoroughly that it was the right of the Congress to establish the qualifications of its own membership.

I think today we find that we are in the same position as to whether we want to keep a thorough clean line in the separation of powers. I think the passage of this amendment will allow that situation to continue.

I think we probably need to take a look at some of the reasons why this is important, and I think one of the most important is the fact that our judiciary, over the last few years, has expended a great deal. Prior to 1929, we didn't have a very large judiciary. We had three or four Superior Court districts. The rest of the work was handled by members of the Supreme Court. Gradually, they expanded and somewhere around 1929, they established the Superior Court system. Since then, the legislature has added to the Superior Court until we presently have 14 judges. In 1961, they established the District Court system, which added another 20 judges to the system. At the present time, we are talking about 40 or 50 members. Somewhere along the line, there is the need to have some review occasionally of the possibility of judges who do not fill the necessary qualifications to satisfy the people.

I do think that we badly need to pass this amendment to allow this to be done. With the seven people that we presently have on the Supreme Court and going back through the histo-

ry of this state, I think we have had some very excellent people on that court, people who have a great deal of respect for the position that they hold. They have learned over the years to be judges of particular situations; they have dedicated their whole lives to this type of thing, evaluating problems and coming out with a reasonably fair decision. If they haven't been able to do that, they haven't been able to work successfully.

I think this is an amendment that is badly needed at the present time, and I hope you will support its passage.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I hope you will again vote against final enactment of this constitutional amendment. It does not maintain separation of powers but it is a dilution of the separation of powers.

My major concern is that a majority of this legislature can determine causes for removal. I am just afraid that in an election year and a controversial issue, that some judge might be removed for some frivolous reason, and I find that a little frightening.

I think that next year we would have plenty of time to consider this amendment again. There is no problem at the moment, and I just hope that you will again vote against final enactment.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I have been silent on this issue myself, partly because of some of the conflicts that I have had over it and I think some of the discussion that has pointed out the fact that there are people who we might consider somewhat more conservative and some that we consider somewhat more progressive, let's say, who both have reservations about this. But I think that maybe they are misplaced. For one, I think that there is pressure from some people to reduce, for instance, the seven-year term of our judges in order to make them more responsive, and I am worried that if we don't make some reasonable steps in the direction of good review of judicial procedures, that we are going to be under more and more pressure in the future if we don't take these reasonable steps now.

With respect to the separation of powers, I think the argument should be clear that if the judiciary, for instance, appears to misuse its power of removal after the legislature and the Governor have gone through a process of appointment, that the judicial officers themselves are subject to review by this legislature.

The question about political motivation, I think, is something that is already a part of our discussion right now. It has been, in the recent past, a discussion about judges and their qualifications and whether we ought not to make radical changes in our laws as they are. In addition, if anybody wished to make political hay, they could have started an impeachment process, whether it was conclusive or not, in order to get that kind of recognition.

I think this is a reasonable approach. It is not something that is giving the message that we are not willing to make any changes and not recognize a problem that is deeply felt by a lot of people. On the other hand, it is not going so far as to really get at the security of the judiciary itself in its ability to make reasonable decisions. So I hope we can make our overwhelming vote the other day more overwhelming so that we can get the two-thirds vote we need to pass and recommend to the people this constitutional amendment. If the people, after a thorough discussion, don't agree, they still have the option later on to reject it.

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

Mr. TIERNEY: Mr. Speaker Men and

Women of the House: I speak on this issue only because I have, I guess, strong personal feelings, and certainly it is not a party issue, but I would like to make two points. The first deals with the impeachment process itself. I have been kind of a student of that process and have read at some length the debates which have occurred in the well of this House in the early Twentieth Century, which was the last time that any impeachment was attempted. At that time, William Pattingall, the author of the Meddybemps papers, represented a number of Republican sheriffs who were being impeached by their colleagues for failure to enforce the Prohibition statutes. As you read those debates, you just imagine the hours and hours and hours that had to go on and how the full legislative process and everything else had to stop during this, because, essentially, the House would have to impeach by a majority, just as would happen should this amendment pass, and I just felt it was a very unwieldy situation. I think that is one of the reasons that the law has never been used. I just don't think it is a viable deterrent in dealing with judges who are unable to perhaps perform their job adequately.

The second point which I find extremely ironic, and I think this is the major one, is that people are afraid that the Supreme Court might act too quickly in disciplining judges. The reason that seems strange to me is that the Supreme Court now has the control over my license and the license of any other lawyer. In other words, the Supreme Court can discipline us, suspend us or disbar us, and last year in this House, by an overwhelming amount, this House said that lawyers should be disciplined by lay people, by non-lawyers, and I joined with that vote, the point being that the Supreme Court had been too lenient with incompetent lawyers, and I happen to agree with that. But now we find this same House turning around, ironically, and saying that we don't want to give the power to the Supreme Court because we are afraid that they will act too quickly and the argument just doesn't stand.

I feel that we have to do it. We have full control in this amendment, that anything we do will be controlled by statutes passed in this House and that will take precedent over any court rules. I think we have safeguarded our constitutional position and I hope it receives enactment.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I don't feel we should send this to the people. I see problems down the road with this type of legislation. I don't see any problem as of today, but as I see judges judging judges down the road, they are like any other group of people, they are too close together. I don't think this will work and I hope it doesn't pass.

I have several other reasons for feeling this way. First of all, some of these judges, at least our judge of probate in Penobscot County, is elected by the people. I think it is ironic that a man elected by the people can be dismissed by someone who is appointed. This is another gripe that I have and many times I have made predictions down the road that nobody listened to and I was able to come back and say 'I told you so.' I hope this is not one of them. I hope this is laid aside this morning for good.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope that we do give that two thirds to this Constitutional Resolve today. I happened to think of another example in which I think it would be just a shame — if you have somebody who is in a coma as we did last year when our single administrative court judge was in a coma, or if someone who is seriously mentally ill, the only way you could remove these people from office is by address or by impeachment. It just seems as if there must be a

better way and I think this is it. I hope you go along with this particular resolve.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I rise to support the gentleman from Winslow's motion this morning, not because I have any particular expertise in this area, but because as a citizen I think it is just tremendously important that we do have faith in the judicial branch of our government. I think the proper place to ask that question is of the citizenry, and I think because of the many arguments that we have heard, I certainly support this and I believe the people of the state will when it reaches them. I hope we give them that opportunity.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker Men and Women of the House: We have rejected this resolution twice and I believe that is one more opportunity than we should have had. I hope you will continue to do it. Before we turn over to the court carte blanche, I want to see the rules set in statute they are being asked to pass a resolution, along with a companion bill, with promises that statutes will be enacted next session. The very fact that the judiciary has expanded, that we have added more judges, is even more reason, that we, as representatives of the people, should insist upon specific statutes.

If you are confused, don't feel bad. I have been told my members of the judiciary that even the judges are divided on this right down the middle, that they are at odds on whether they should have this. Some feel that they should not; some feel that they should.

I hope you have had an opportunity to read the article that I had distributed in the House yesterday. I think this might help many of you to make up your minds, and I hope that we, again, reject this constitutional resolution.

Mr. Burns of Anson requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will note 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 Rogues Bluff, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a couple of reasons given here this morning, that judges or a panel of judges would be removing other judges. Mr. Dudley of Enfield says that he sees a problem with this down the road of judges judging judges. Well, I don't see that problem. I feel that when this legislature is adjourned next week, we hope that it will adjourn next week, and the people go back home, there is going to be a time when this legislature is not going to be in session, from now until next January. If you have a problem in that interim period, it becomes a matter of either calling the legislature back into an emergency session, which could be quite a job, it could be quite a problem to call all these people back.

As far as frivolous removal of judges by judges, I am reminded of the biblical adage of "Judge not, lest ye be judged."

I do hope you go along with the recede and concur motion this morning.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the House recede and concur. This required a two-thirds vote of all the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopups, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Birt, Boudreau, A.; Boudreau, P.; Brown, K.C.; Bunker, Burns,

Carey, Carrier, Carter, D.; Carter, F.; Churchill, Cox, Cunningham, Curran, Dexter, Diamond, Dow, Durgin, Dutremble, Elias, Hill, Gillis, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kany, Kilcoyne, LaPlante, Lewis, Littlefield, Locke, Lynch, Mackel, Mahany, Martin, A.; Masterman, Masterton, McPherson, Mitchell, Morton, Nelson, N.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Quinn, Rideout, Rollins, Sewall, Silsby, Smith, Spencer, Stubbs, Tarbell, Tarr, Teague, Tierney, Trafton, Truman, Violette, Whittemore, Wilfong.

NAY — Benoit, Berry, Berube, Biron, Blodgett, Brenerman, Brown, K.L.; Bustin, Carroll, Chonko, Clark, Connors, Connolly, Cote, Davies, Drinkwater, Dudley, Fenlason, Flanagan, Fowlie, Garsoe, Goodwin, K.; Gould, Gray, Green, Jacques, Jensen, Kane, Kelleher, Kerry, Laffin, Lizotte, Lougee, MacEachern, Marshall, Maxwell, McBrearty, McHenry, McKean, McMahan, Nadeau, Najarian, Nelson, M.; Peterson, Post, Prescott, Raymond, Shute, Sprowl, Stover, Strout, Talbot, Torrey, Tozier, Twitchell, Valentine, Wood, Wyman.

ABSENT — Devoe, Goodwin, H.; Lunt, Mills, Moody, Peakes, Plourde, Theriault, Tyndale.

Yes, 83; No, 58; Absent, 9.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-eight in the negative, with nine being absent, the motion does not prevail.

Messages and Documents

The following Communication:
STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE

COMMITTEE ON BUSINESS LEGISLATION

March 13, 1978

The Honorable John L. Martin

Speaker of the House

House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin:

It is with pleasure that I report to you that the Committee on Business Legislation has completed all business placed before it by the Second Regular Session of the 108th Maine Legislature.

Total Number of Bills Received	22
Unanimous Reports	19
Ought to Pass	4
Ought Not to Pass	1
Ought to pass as Amended	5
Ought to Pass in New Draft	6
Leave to Withdraw	3
Divided Reports	3
Total Number of Amendments	6
Total Number of New Draft	6

Sincerely,

Signed:

NANCY RANDALL CLARK

House Chairwoman

The Communication was read and ordered placed on file.

Orders

An Expression of Legislative Sentiment (H. P. 2231) recognizing that: James D. Tilton, a member of Boy Scout Troup #802 of Windham, has attained the high honor and distinction of Eagle Scout

Presented by Mr. Diamond of Windham.

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

An Expression of Legislative Sentiment (H. P. 2235) recognizing that: the Red Riots of South Portland High School have won the 1978 Western Maine Class "A" basketball title

Presented by Mr. Curran of South Portland (Cosponsor: Mr. Howe of South Portland, Ms.

Benoit of South Portland, Mrs. Gill of South Portland)

The Order was read.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The Westbrook delegation would like to congratulate the South Portland Riots for beating us, but we would also like to say that they were lucky in doing so.

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

An Expression of Legislative Sentiment (H. P. 2236) recognizing that: the Red Riots Gymnastic Team of South Portland High School has won the State Championship in Gymnastics for 1978

Presented by Mr. Curran of South Portland. (Cosponsors: Mr. Howe of South Portland, Ms. Benoit of South Portland, Mrs. Gills of South Portland)

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

An Expression of Legislative Sentiment (H. P. 2237) recognizing that: Shirley E. Ross of Bristol is retiring after forty-four dedicated years of teaching the youth of the State of Maine

Presented by Mr. Blodgett of Waldoboro.

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

An Expression of Legislative Sentiment (H. P. 2238) recognizing that: Don Ray of New Gloucester has been named "Entertainer of the Year" for 1977 by the Maine Country Music Association

Presented by Mr. Cunningham of New Gloucester.

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

An Expression of Legislative Sentiment (H. P. 2239) recognizing that: The First Congregational Church of Scarborough is celebrating the 250th anniversary of its establishment

Presented by Mr. Higgins of Scarborough. (Cosponsor: Ms. Benoit of South Portland)

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

An Expression of Legislative Sentiment (H. P. 2240) recognizing that: Julie Morrow of Eliot swept four first place wins in the Maine Schoolgirl Gymnastic Championships and became the best schoolgirl gymnast in Maine.

Presented by Mr. McPherson of Eliot (Cosponsor: Senator Hichens of York)

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Dana C. Devoe of Orono be excused March 14th and 15th for personal reasons; and be it further

ORDERED, that R. Donald Twitchell of Norway be excused March 15, 1978 due to a death in the family.

House Reports of Committees

Ought Not to Pass

Mr. Greenlaw from the Committee on Appropriations and Financial Affairs on Bill "An Act to Require the State to Assume all Administrative Costs for the Food Stamp Program" (H. P. 1972) (L. D. 2057) reporting "Ought Not to Pass"

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

Ought to Pass in New Draft

Passed to Be Engrossed

Mr. Kilcoyne from the Committee on Business Legislation on Bill "An Act to Clarify and Define Certain Existing Provisions of the

Maine Fair Credit Reporting Act" (H. P. 1963) (L. D. 2052) reporting "Ought to Pass" in New Draft (H. P. 2234) (L. D. 2192)

The report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Miss Aloupis from the Committee on Business Legislation on Bill "An Act to Amend the Credit Life and Credit Health Insurance Laws" (H. P. 1954) (L. D. 2033) reporting "Ought to Pass" in New Draft (H. P. 2233) (L. D. 2191)

The report was read and accepted and the New Draft read once.

Under suspension of the rules, the New Draft was read a second time, passed to be engrossed and sent up for concurrence.

Later Today Assigned

Ms. Clark from the Committee on Business Legislation on Bill "An Act Relating to the Place of Filing Under the Uniform Commercial Code" (Emergency) (H. P. 1929) (L. D. 2004) reporting "Ought to Pass" in New Draft (H. P. 2232) (L. D. 2190)

The report was read.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As I do not have a copy of the new draft, I hope that maybe somebody would table this until later in today's session before we take action on it.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: A question in reference to this L. D. that is before us to the committee, how have you solved the problem with the town clerks?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to the gentlewoman from Freeport, Ms. Clark, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Ms. CLARK: Mr. Speaker, Men and Women of the House: I would attempt to respond to the gentleman's question — I don't have a copy of the new draft either.

The Committee on Business Legislation has addressed the issue of reimbursement to the town clerks in the following manner. Based on their 1976 filing fees, town clerks will be reimbursed, through the Office of the Secretary of State, 80 percent of the 1976 filing fees in the first six months. In the second six months, it is 70 percent of the filing fees, and incorporated into the bill is the assurance that the Committee on Local and County Government will be investigating the issue of reimbursement or remuneration for the municipal clerks of the towns across the state. That is it in a very brief nutshell. If this body deems it appropriate that we review L. D. 2190, it may be appropriate at this time that this item be tabled until later in today's session.

On motion of Mr. Talbot of Portland, tabled pending acceptance of the Committee Report and later today assigned.

Ought to Pass with

Committee Amendment

Ms. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund and Make Appropriation from the General Fund to Continue Existing Programs" (H. P. 2010) (L. D. 2085) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1147)

Report was read and accepted and the Bill read once. Committee Amendment "A" was read and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

Ought to Pass Printed Bills

Mr. Drinkwater from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1978 (Emergency) (H. P. 2241) (L. D. 2193) reporting "Ought to Pass" pursuant to Joint Order H. P. 1986(Later Reconsidered)

Mr. Drinkwater from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1978 (Emergency) (H. P. 2242) (L. D. 2194) reporting "Ought to Pass" — pursuant to Joint Order H. P. 1986.

Reports were read and accepted, and the Resolves read once.

Under suspension of the rules, the Resolves were read a second time, passed to be engrossed and sent up for concurrence.

Consent Calendar

First Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar under the First Day:

Later Today Assigned

(H. P. 2107) (L. D. 2145) Bill "An Act to Conform State Statutes to the Maine Administrative Procedure Act" (Emergency) — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1146)

On the objection of Mr. Curran of South Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-1146) was read by the Clerk.

On motion of Mr. Curran of South Portland, tabled pending adoption of Committee Amendment "A" and later today assigned:

Consent Calendar

Second Day

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

(S. P. 665) (L. D. 2056) Bill "An Act to Establish the Maine Corporation Takeover Bid Disclosure Law" (C. "A" S527)

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

Passed to Be Enacted

"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" (H. P. 1952) (L. D. 2031) (C. "A" H-111)

"An Act to Empower the Oil Burner Men's Licensing Board to Inspect and Approve Coal and Wood Fuel Central Heating Equipment" (H. P. 2184) (L. D. 2176) (H. "A" H-1129)

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.

Enactor

Later Today Assigned

"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 Engrossed Bills as truly and strictly engrossed.

(On motion of Mr. Perkins of Blue Hill, tabled pending passage to be enacted and later today assigned.)

"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) (H. "A" H-995; H. "B" H-1002; H. "D" H-1006; H.

"E" H-1016; Conference Committee "A" S-528)

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

By unanimous consent, the preceding Enactors, except for the tabled matter, were ordered sent forthwith to the Senate.

Orders of the Day

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

Bill, "An Act Relating to the Taxation of the Unorganized Territory" (Emergency) (H. P. 2139) (L. D. 2159)

Tabled — March 13, 1978 by Mr. Palmer of Nobleboro.

Pending — Passage to be Engrossed.

On motion of Mr. Carey of Waterville, retable pending passage to be engrossed and later today assigned.

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

Senate Divided Report — Majority (9) "Ought to Pass" Pursuant to Joint Order (S. P. 700) on Resolve, Directing the Commissioner of Marine Resources to Notify Municipalities of the Minimum Size Limitation Provision of the Municipal Shellfish Conservation Program (Emergency) (S. P. 736) (L. D. 2186) — Minority (2) "Ought to Pass" Pursuant to Joint Order (S. P. 700) on Bill "An Act to Establish a Two-Inch Minimum Size for Soft Shell Clams" (S. P. 737) (L. D. 2187) — Reports of the Committee on Marine Resources Pursuant to Joint Order (S. P. 700) — In Senate Majority "Ought to Pass" Report read and accepted and the Resolve passed to be engrossed.

Tabled — March 13, 1978 by Mr. Blodgett of Waldoboro.

Pending — Motion of Mrs. Post of Owls Head to Reconsider Failing to Accept the Majority "Ought to Pass" Report. (L. D. 2186) (Roll Call Ordered)

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Owls Head, Mrs. Post, that the House reconsider its action whereby it failed to accept the Majority "Ought to Pass" Report in concurrence. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Beaulieu, Bennett, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brenerman, Bunker, Burns, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Cox, Cunningham, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Fowlie, Garsoe, Goodwin, K.; Gray, Hobbins, Howe, Huber, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Martin, A.; Masterman, Maxwell, McHenry, McKean, McPherson, Mitchell, Morton, Nadeau, Nelson, N.; Paul, Peltier, Peterson, Plourde, Post, Quinn, Raymond, Rollins, Sewall, Shute, Sprowl, Stubbs, Talbot, Tierney, Tozier, Trafton, Truman, Twitchell, Violette, Whittemore, Wilfong.

NAY — Bagley, Benoit, Birt, Brown, K. L.; Brown, K. C.; Connors, Connolly, Cote, Curran, Dudley, Fenlason, Gill, Gillis, Goodwin, H.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hughes, Hunter, Immonen, Jacques, Kane, Kany, Kelleher, Laffin, Marshall, Masterton, McMahon, Najarian, Pearson, Perkins, Prescott, Silsby, Smith, Stover, Strout, Teague, Torrey, Valentine, Wood, Wyman.

ABSENT — Ault, Boudreau, P.; Carrier, Devoe, Lougee, Lunt, Mahany, McBrearty, Mills, Moody, Nelson, M.; Norris, Palmer, Peakes, Rideout, Spencer, Tarbell, Tarr, Tyn-

dale, Theriault.

Yes, 85; No, 45; Absent, 20.

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

Thereupon, on motion of Mr. Nelson of Rogue Bluffs, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

"An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 932) (L. D. 2177) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: For the purpose of clarification, the term "clinical education sites," as mentioned in L. D. 2177, Subsection 3 and 2277 is intended to include both clinical clerkship sites and preceptorship sites. Clinical clerkships usually means an on-location teaching environment in conjunction with residency training, while preceptorships usually mean anything from a one to one training site between a physician and medical student to a training site in a rural health clinic or hospital without a residency program.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of comments before I go along with the passage of this. This is a long ways from the bill that I would hope for. I am not satisfied with it in many ways, but I think it is the best bill that can be worked out now.

I think it is a rather punitive bill on the students of the State of Maine to ask them to pay back a large part of the cost of their medical education and to pay back if they do not come into the State of Maine or if they do not go into the particular programs or areas that are specified by the commission that is adopted.

Not having a medical school in the State of Maine but having other graduate areas of education and students being able to go there at a lower cost than the total cost of their education, but having to be faced with the payback provisions that are involved in this bill, I think we are not being completely fair with the students of the State of Maine. I am sorry that it is in there; I wish it could be done differently, but I think under the circumstances, it is the best that can be done and I would hope that the bill does receive passage.

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

By unanimous consent, ordered sent forthwith.

The chair laid before the House the following matter:

Bill "An Act to Conform State Statutes to the Maine Administrative Procedure Act" (Emergency) (H. P. 2107) (L. D. 2145) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1146).

Mr. Curran of South Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-1150) was read by the Clerk.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment addresses is the effective date of this particular L. D. In our getting this out to the floor, we

had, in the early stages of the committee, taken off the emergency preamble and it is rather tentative as to when this body will adjourn and it may create a conflict in administrative law if there is a two or three day lapse in the effective date of this bill, so it is complying with the effective date of the APA law that we passed last year, setting it at July 1, 1978. Once that had been established, then it was no longer necessary to include the current year funding needs, so the current year funding needs have been taken off. This is what the amendment does, and I urge its adoption.

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

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

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Quinn of Gorham, the House voted to take from the table the first tabled and unassigned matter:

House Report — "Ought to Pass" — Committee on Education on Bill "An Act to Clarify the Education Laws" (H. P. 2018) (L. D. 2093)

Tabled — February 28, 1978, by Mr. Quinn of Gorham.

Pending — Motion of the same gentleman to accept the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

Mr. Lynch of Livermore Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1148) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This takes care of errors that were in the education laws. They are essentially changes in chapter numbers. We have removed such things as maintenance of effort because it no longer exists. We have removed reference to the uniform property tax which was repealed. We have changed state aid with state participation to read "local leeway." We have taken care of allowing private academies that have an exclusive contract with local school administrative units for the provision of secondary education shall be treated as a public school unit for the computation of special education tuition rates. This takes care of the academies, Lee, Thornton, MCI, Foxcroft, Fryeburg and Washington.

I think this does nothing but correct errors. If there are any questions, I will be glad to answer them.

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 pose a question to the Chairman of the Education Committee if I could. Several weeks ago, he indicated to the House that that committee would be addressing the issue of cost sharing in the SAD's, and I was under the impression it would be addressed in this bill. Do you have a vehicle in your committee to deal with that particular issue?

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That was a thorny issue. We had a constitutional question, and in order to resolve that problem, we are going to have to go the constitutional route. That bill will be forthcoming, I would expect, by tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, may I ask Representative Lynch, through the Chair, a question? My question is, I have one little community, the community of Lakeview, which is one of the pay-ins at \$44,884 and some cents. It is my understanding that when the district was formed, Lakeview was brought in under a special enabling act, and I understand it is the only one in the State of Maine. The situation now is that the other four communities will pick up a higher rate than 10 mills. I wonder if any address has been given to this, that these other towns might be structured in so that they wouldn't go above the 10 mill rate?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, I am not quite sure what we can do. They have become a member of an SAD, they are part of a taxing district, and I am not sure you can address this without violating the Constitution. The bill that will be forthcoming will take care of Lakeview, as well as all the other pay-in communities within a SAD district.

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to Representative Lynch. Mr. Lynch, would you please explain to me how the academies were treated before as far as the computation of a special education class?

The SPEAKER: The gentlewoman from Sebec, Mrs. Locke, poses a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: If I understand the question right, the law says, "schools exclusively devoted to special education." They were not exclusively special education schools, so they were outside the law, but now we allow them to be subsidized or funded.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

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

Ought to Pass

Mr. Drinkwater from the Committee on Local and County Government on Bill "An Act Extending the Time for Apportionment of County Taxes from March to April in the Year 1978" (Emergency) (H. P. 2243) reporting "Ought to Pass" — pursuant to Joint Order H. P. 2226.

The report was read and accepted and the Bill read once.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: During the debate on the Casco Bay Island bill, I made a misstatement and I would like to take this opportunity to correct my error on the record.

During the debate, a Representative out back, who I thought knew more about transportation in the Bay than I did, said that Mr. Rand, who provides the taxi service there, charged \$20 per person whether he had one or six, and

that was an error. I didn't check out the validity of that and I am sorry. His allowable rate, according to the PUC, is \$15 per hour minimum charge during the day-time and a night fare of \$20 per hour, minimum charge.

(Off Record Remarks)

Mr. Masterman of Milo was granted unanimous consent to address the House.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Livermore Falls, Mr. Lynch, suggested that I get back to my people and let them know that the advocates for repeal had caused this problem. For the record, I would like to say that I worked long and hard to avoid the repeal and I was no more successful than he was.

(Off Record Remarks)

On motion of Mrs. Bachrach of Brunswick, Recessed until three-thirty in the afternoon.

After Recess
3:30 P.M.

The House was called to order by the Speaker.

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

Non-Concurrent Matter

Bill "An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children" (H. P. 1934) (L. D. 2005) which was Passed to be Enacted in the House on March 1, 1978 (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-1050))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1050) and Senate Amendment "A" (S-530) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act Relating to the Installation of Smoke and Heat Detection Systems in Certain Hotels" (H. P. 2195) (L. D. 2178) which was Passed to be Engrossed in the House on March 8, 1978.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "C" (S-545) in non-concurrence.

In the House: On motion of Ms. Clark of Freeport, the House voted to recede and concur.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to Appropriating Funds for Certain Municipal Governments" (H. P. 2096) (L. D. 2139)

Report was signed by the following members:

Mr. HUBER of Cumberland — of the Senate.

Messrs. CARTER of Winslow
McBREAIRTY of Perham
MORTON of Farmington
PEARSON of Old Town
JALBERT of Lewiston
HIGGINS of Scarborough

Mrs. NAJARIAN of Portland — of the House.

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

Report was signed by the following members:

Messrs. MORRELL of Cumberland
MERRILL of Cumberland

— of the Senate.

Messrs. GREENLAW of Stonington
PERKINS of Blue Hill
Ms. GOODWIN of Bath

— of the House.

Reports were read.

(On motion of Ms. Goodwin of Bath, tabled pending acceptance of either Report and tomorrow assigned.)

Order Out of Order Later Today Assigned

On motion of Mrs. Najarian of Portland, the following Order:

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

WHEREAS, it is the desire of the 108th Legislature to enact legislation to amend laws relating to education finance; and

WHEREAS, there is pending before the House of Representatives of the 108th Legislature, House Paper 2096, Legislative Document 2139, "An Act Relating to Appropriation funds for Certain Municipal Governments," which bill is tabled in the House pending passage, awaiting the court's response; and

WHEREAS, the statement of fact for Legislative Document 2139 reads: "The purpose of this bill is to deal with the problem of pay-ins within School Administrative Districts and community districts as reflected in the December 5th referendum;" and

WHEREAS, the Maine Constitution, Article IX, Section 8, provides that all taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; and

WHEREAS, the court's opinion in Opinion of the Justices, 339-A.2d 492 (Me. 1975) addressed a similar plan regarding defraying necessary expenses of local government and raised questions about its constitutionality; and

WHEREAS, the constitutionality of the appropriations to certain municipalities contained in Legislative Document 2139 with regard to Article IX, Section 8 has been questioned; and

WHEREAS, it is important that the Legislature be informed as to the answer to the important and serious legal question hereinafter raised; and

WHEREAS, the imminent adjournment of the Legislature required prompt consideration of this request; now, therefore, be it

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

QUESTION:

Would the appropriations set forth in Legislative Document 2139, if enacted into law, violate the provision of the Maine Constitution, Article IX, Section 8, since the stated purpose of the bill is to provide tax relief for individual municipal members of multi-member education taxing districts?

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

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The bill that Representative Goodwin just tabled on Page 4, An Act Relating to Appropriating Funds for Certain Municipal Governments, is a bill that has been before our committee which would allow the state to pay back a certain amount of money to some municipalities within as SAD, I think it is about a million dollars.

On February 2, we had an opinion from the Attorney General's Office which said that taxes within an SAD shall be apportioned and set equally and if the legislature intends to protect pay-in towns within an SAD, it must do so without violating the constitutional require-

ments of Article IX, Section 8 of the Maine Constitution. I present this order to request an opinion of the justices whether this method of alleviating the pay-in communities within an SAD meets the constitutional requirements of Article IX, Section 8, of the Constitution. I don't know if the court will have time to give us an answer before adjournment. I am told that they will let us know if they don't have time to consider it.

I have requested in the last "Whereas," the "imminent adjournment of the Legislature requires prompt consideration of this request." I have been encouraged by the Office of the Attorney General that the question is important enough to be asked, although they have no idea which way the courts are going to come down. There are arguments that could be made that it is constitutional as well as arguments that it is unconstitutional. I think it is a serious question and I hope you will support the Order.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage and later today assigned.

Consent Calendar

First Day

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

(H. P. 1895) (L. D. 1952) Bill "An Act to Increase the Reimbursement for 6-bed Boarding Homes" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass as amended by Committee Amendment 'A'" (H-1151)

(H. P. 1979) (L. D. 2074) Bill "An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1152)

(H. P. 2162) (L. D. 2171) Bill "An Act Relating to the Transportation of Primary Wood Products" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1153)

No objections having been noted, under suspension of the rules, the Bills were passed to be engrossed and sent up for concurrence.

(S. P. 697) (L. D. 2144) Bill "An Act to Revise the State Criminal Extradition and Criminal Codes" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-531)

On the objection of Mr. Hughes of Lewiston, was removed from the Consent Calendar.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-531) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

House at Ease

Called to order by the Speaker.

The Chair laid before the House the following matter:

House Order relative to requesting an opinion of the justices on the constitutionality of providing tax relief for individual municipal members of multi-member education taxing districts, which was tabled earlier in the day and later today pending passage.

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

Mrs. NAJARIAN: Mr. Speaker, I would like to withdraw my order. I just talked to the Chief Justice, who said he felt that even though they would turn to as quickly as they could to answer the question, that it probably would be exceedingly difficult in the remaining time we have left before statutory adjournment, based on the last opinion that was asked of them and it took seven or eight days. Additionally, there is a lot of feeling on some members of the

House that they would just as soon not have the question addressed.

Thereupon, Mrs. Najarian of Portland withdrew the order.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Place of Filing Under the Uniform Commercial Code" (Emergency) (H. P. 1929) (L. D. 2004) Committee on Business Legislation reporting "Ought to pass" in New Draft (H. P. 2232) (L. D. 2190) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House; I would move that the House accept the Committee Report, New Draft, L. D. 2190.

L. D. 2190, which you received this morning on your desks, is An Act Relating to the Place of Filing Under the Uniform Commercial Code. This unanimous Committee Report from the Committee on Business Legislation is the result of a long, hard working effort on behalf of not only the Committee on Business Association but the Maine Municipal Association and the Maine Clerks Association. These three entities have been represented at each working session on L. D. 2004 and agreed on the unanimous committee report, "ought to pass," L. D. 2190.

The Maine Clerks Association, as I mentioned, has been working cooperatively with our committee and this legislature in an attempt to develop a solution to the issue of centralized filing under the uniform commercial code and, more importantly, to provide adequate compensation for state responsibilities performed by our municipal clerks.

The disadvantages and the advantages of centralized UCC filing, as compared with repealing the present law, as provided in the original bill, L. D. 2004, were considered and weighed and you have our recommendation. Obviously, I stand before you urging your favorable consideration of our recommendation.

The bill under the unanimous committee report provides, as you can read in the Statement of Fact, the resolution of the issues before us, and you don't need me to read you the Statement of Fact.

The Maine Municipal Association, in cooperation with the Maine Clerks Association, responded to our formal and final draft, which was a cooperative agreement, at a meeting in Portland recently and voted to support the committee proposal as embodied in L. D. 2190. A letter was sent out to the municipal clerks, under the auspices of the Maine Municipal Association, and to date, yesterday, 5:00 P.M., March 13, 1978, clerks has responded as follows: 86 Clerks support the committee proposal; 14 clerks do not. And, yes, I am going to read you the current list, so would you please listen.

Those who support the Business Legislation Committee redraft and the position of the Maine Clerks Association Legislative Policy Committee are: Farmington, Biddeford, Howland, Mercer, Jay, Stoneham, Bar Harbor, Woolwich, Orient, Lincoln, Anson, Waterford, Albion, Oakfield, Galloway Plantation, Wesley, Skowhegan, Machias, Sweden, Fort Fairfield, New Gloucester, China, Northfield, Lubec, Temple, Limerick, Limington, Hanover, Wales, South Thomaston, Woodville, Chester, Livermore, Washington, Orrington, and Madison, Chelsea, Waterboro, Presque Isle, Bucksport, Chelsea and Mechanic Falls, Lakeville Plantation, Medford, Saco, Naples, Cape Elizabeth and Milo, Winter Harbor, Haynesville, St. Agatha, Levant, Stacyville, Scarborough, Garland, Hamlin, Madawaska, South Briston, Wintertown, Farmingdale, Monson and Greenville, Mars Hill, Vassalboro, Turner, Dixmont,

Hollis, Dover-Foxcroft, Isle au Haut, Wade, Lisbon, Thomaston, Sumner, Wells, Berwick, Eastport, Newburgh, Sanford and Lewiston.

The Business Legislation Committee is recommending a reimbursement to municipalities for the next 18 months based upon 1976 UCC collections. In addition, the Business Legislation Committee is reporting a study order incorporated in the bill to direct the Local and County Government Committee of the legislature for a long-term program to reimburse municipalities for performing state responsibilities, such as state elections, for which they now receive no reimbursement. The report is to be made to the next regular session of the legislature, which starts in January, 1979.

The interim reimbursement program will be based upon a percentage of the 1976 UCC collections of each community. On June 15, 1978, the state will reimburse community revenue loss for the January-June 1978 period, based upon a rate equivalent to one half of 80 percent of their 1976 collections. On December 15, 1978, a second six-months payment will be made, based upon one half of 70 percent of the 1976 UCC collections. And the final June 15, 1979, reimbursement level will be based upon the recommendation of the Local and County Government Committee's study.

An estimated total of \$148,000 will be distributed to communities on June 15, 1978, and \$129,500 on December 15, 1978. Municipalities will need to furnish the state a certified audit statement, which I understand will be addressed in a friendly amendment, should we have the opportunity today, of the total fees received during the 1976 municipal year to receive the reimbursement from the State Treasurer.

The Legislative Committee of the Maine Clerks Association is supporting the redraft, because it is recognized that the UCC revenues for clerks in municipalities will greatly decline in the next several years, even if the filings should remain local.

The Business Legislation Committee redraft does provide for a substantial portion of revenues lost until a permanent compensation program for performing state functions can be developed, and the Business Legislation Committee finally recognizes the need for a long-term permanent compensation for all or at least part of the state functions performed by clerks of municipalities.

This bill was heard in public hearing, and I can't begin to count the number of work sessions. Again, members of this legislature, I ask that you support the committee report, "ought to pass" in redraft.

Filing fees do not justify the total range of services that clerks perform for our municipalities and citizens of Maine. We have attempted to develop a proposal which is acceptable which addresses not only the issue of municipalities and their clerks' reimbursement, but the very central issue of filing, central filing in the Office of the Secretary of State.

I believe that each member of the Committee on Business Legislation in this House is fully apprised of all the ramifications of this bill, and I believe that we can answer any questions that you propose to us. I would hope that if you have questions, that we, as a unanimous committee, can respond to those questions in a positive fashion and address your concerns.

I understand that there is a move to substitute the bill for the report. While I obviously oppose that potential move, because I believe that the bill before us is a sincere, fair and a reasonable approach to the issues which have developed regarding the bill which centralized filings, which become effective January 1, 1978, I, again, would urge you to accept the unanimous committee report. The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

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

tlements of the House: I did want to move the bill for the report today, but seeing as I have to go this route, I hope that you will vote against the unanimous report of the committee and I would like to explain why.

I guess first I would say that the good lady who just spoke, in her list of towns, strange as it may seem, there were no towns from my district. I can probably understand the reason why, because they are all small towns and I feel they do a pretty good job of taking care of these filings. They have asked my specifically to vote for the bill, the original bill. As I don't have that before me, the only alternative I have today is to vote against the pending motion.

I do have a couple of questions, and maybe somebody from the committee can answer them. One of them is, what happens when you have a change in a clerk between 1976 and now, you have got a new clerk, and if the records are not available, how is this clerk going to receive her compensation? As I understand the bill the way it is now, another question I have is, the monies are going to be refunded to the municipalities and where you have some of the towns that the only monies that the clerk receives is through the filing fees, we could create a problem here of getting the towns to give the clerk this amount of money without going to a town meeting and giving them salaries. This creates some problems in the small towns.

I also have a problem with the reimbursement schedule — 80 percent for the first six months of 1976, 70 percent thereafter, and the big question I have on that is, what happens in the future, after the 18 months?

It says in the new draft that we are going to have a study. My personal feeling here is that there is an attempt down the road to take the monies away from the town clerks and put it in the state as a whole. That is the reason that I am standing, because I wanted a chance to vote on the original bill, and the only alternative I have today is to vote on the committee report, which in some regards I feel badly about doing.

I would also ask, Mr. Speaker, that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. President and Members of the House: In response to Representative Strout, I think we must keep in mind that the purpose of these filings is not to promote the salary of the clerks, it is to have a definite means of filing secured transactions. As far as the clerks go, now, the law is that these items are to be filed with the Secretary of State's Office and a lot of the clerks are still accepting them even though that is not the law.

As far as the local problem of reimbursement, the monies would be paid to the towns where the clerk received a salary, and to the clerk where the filing fees would normally go to the clerk. If there is a change in clerks, I don't see where that would really be a problem, because it would be the current clerk. I assume that they would have a continuing clerk in office.

The other problem that you mentioned pertains to "what about the future?" Well, with the advent of Maine becoming a title state on automobiles, it would be greatly diminishing, probably down to 15 or 20 percent of where they had been, so the clerks in our meetings, this was brought out, that they would be losing this income in any event and I think the failure of the local areas to recognize the need for salaries for clerks and not have them rely on the uncertainty of filings and also the acknowledgement of the state, that they should reimburse the towns for performing elections and other licensing functions, I think these are the real answers in the future.

I strongly urge this House to support the committee. We had four or five sessions and we thoroughly thrashed out all these issues.

The SPEAKER: The Chair recognizes the

gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Men and Women of the House: Mr. Speaker, I thank you for your indulgence in recognizing me. I think perhaps I could decrease the pile of notes that I am receiving, if I also read the 14 towns who do not support this bill, so I will do so: Sandy River Plantation, Franklin, Pittsfield, Harmony, Montville, Linneus, Porter, Calais, Corinna, Burnham, Houlton, New Limerick, Plymouth and Orland. This list was developed and is current to 5:00 March 13th, yesterday, 1978.

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

Mr. GREEN: Mr. Speaker, I would like to pose a question through the Chair to any member of the Business Legislation Committee who could answer. What happened to the City of Auburn, the town of Minot and the town of Hebron? I didn't hear those towns mentioned.

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

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

Ms. CLARK: Mr. Speaker, Members of the House: The City of Auburn supports; Minot, I don't know. As a matter of fact, the town clerk in Auburn has communicated frequently with the Committee on Business Legislation.

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

Mr. BURNS: Mr. Speaker, I would like to pose a question through the Chair to anyone on Business Legislation who may care to answer.

We seem to be getting into one rut here and I would like to get away from that a little bit if I can. I have had expressed to me several concerns by clerks and other personnel within towns as to how fast are they going to be able to get information relative to any liens or mortgages that are on property? Say a local banker wants to know if a particular piece of equipment has a lien on it currently, what is going to be the response time from the Secretary of State's Office and are they going to be able to handle this in an expeditious manner?

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I will answer that question but, first of all, I would like to give a little bit of foreground information here. This bill brings together two different questions, and if you put in your left hand the question of town clerks' fees and you put in your right hand the question of the UCC, you separated the two questions, and what a lot of the problem here has been is a question of the town clerks' fees and, again, I want to stress the fact that the town clerks, the filings of the UCC to town clerks' is done for the benefit of the consumer.

The question was asked about the time the local banker who wants to check for liens. Under the old law, this was before January 1, he went to the town clerk and he got the one checked through to see if there was a lien filed. By checking one town, he wasn't necessarily covering all the ground and he didn't necessarily know whether there wasn't a lien. They might say no in that town; he might have to check two or three towns to pin this down. Under the new law, he checks with the Secretary of State in Augusta. He checks one place and it covers the whole thing.

The reason the fees are declining is because there was another change in the UCC law which said that filings under \$1,000 don't have to be done and it cuts out a great many of the filings that were being done, so the turnaround time, I think, you can say, with Augusta, we were pretty well assured is going to be four or

five days. This may seem long but it also can be approached from the point of view, you can write to the Secretary of State, give the exact name and the supposed address of the person you want to check on, you can then, allowing a day or a day and a half or however long the mail takes for the letter to get to the Secretary of State, you can phone the Secretary of State and they will give you the information over the phone. They will not reply to requests over the phone because there is too much possible confusion of a name being given wrong over the phone and the search not turning it up, which could be very costly to somebody. So, I think you can say that with a letter sent to the Secretary of State, they will reply in the same day, so you are talking, roughly, a four-day turnaround.

If you want to go by phone, write them a letter and then call them to get a reply by phone. I think you are talking about a two-day turnaround. It is reasonably fast and you do have the advantage that you check one place. You check the Secretary of State instead of having to check possibly four separate towns. If it is a small town, you may even have to go after hours, after five o'clock, to find the town clerk when she is home. She may have another job during the day and only operates as town clerk at night. So from the consumer's point of view, and the UCC point of view, this is a tremendous improvement.

The question of the pay for the town clerks, I think, is addressed in the bill, and you have to remember, when we talk about the 80 percent and the 70 percent on down, these filing fees are declining anyway. Even if it had remained with the towns and had never been taken away, they would be rapidly declining and by having the study, by getting into this, addressing the new question, which I think should be very much addressed, and that is the compensation of the town clerks for other things that they do such as running elections and things like this, this should be looked into — this very much needs to be.

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

Mr. HOWE: Mr. Speaker and Members of the House: I think the previous speakers have pretty well summed up what this bill does. Just a couple of things I would add with respect to the clerks. It is not a callous disregard on the part of the committee for clerks in their plight in all of this, and their income when we say the purpose of UCC is not to compensate clerks for it is not, and what I think we have uncovered in looking into this issue is that the UCC filings, which are \$5 a certificate, were underwriting the salaries of a lot of clerks who do a lot of other duties for which they get no compensation at all, including state election duties. So what we want to see and what the study is directed at is to find a fair system of compensating clerks for all of their duties and not letting UCC filing fees underwrite their salaries when all of these other duties go uncompensated.

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

Mr. HICKEY: Mr. Speaker, I would like to pose a question through the Chair to any member of the committee. I listened very attentively to Representative Clark's fine presentation of many communities in the state responding to her bill. I didn't hear of any "cities" mentioned and I wonder if generally the cities are receptive through this bill or opposed to it?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to any member of the committee who may respond if they so desire.

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

Mrs. BOUDREAU: Mr. Speaker and Members of the House: Maybe I can respond to that. I am also a co-sponsor of the original bill and I think what we have come out with is so much

better, and being from the largest city in the state, the cities do support the bill.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the committee on this. I have thirteen towns and some of them, evidently, are in favor of this document instead of the first bill, but what I have found throughout all the towns is that they are not happy with the compensation anyway. I guess somebody has already addressed this. I want to do what is best for my area, so which would be the best way for your truly to vote?

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

Mr. HOWE: Mr. Speaker and Members of the House: Obviously, the answer to that is to support the committee's position, but in some more detail, I would say that if we let the present system continue whereby in many towns the total compensation and in other towns a large part of the compensation to clerks, depends upon UCC filings and the revenue from those filings is beginning to drop sharply because of the change in the UCC laws and also the fact that title certificates on all automobiles, as I understand it now, has done away with UCC filings on automobiles where titles are applicable so if we continue to depend upon the present system, the municipal clerks' salaries are going to go down anyway and I don't think that that is right. I think it is very important for the legislature to address the question of properly compensating clerk's for all of their 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. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, I would like to pair my vote with the gentleman from Orland, Mr. Churchill. If Mr. Churchill was here, he would be voting no and I would be voting yes.

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

Mr. PERKINS: Mr. Speaker, I wish to pair my vote with the gentleman from Scarborough, Mr. Higgins. If Mr. Higgins was here, he would be voting yes; and I would be voting no.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Ms. Clark, that the Committee Report be accepted. Those in favor of accepting the report will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Beaulieu, Benoit, Berube, Biron, Blodgett, Bourdreau, A.; Bourdreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Joyce, Kane, Kelleher, Kilcoyne, La-Plante, Lewis, Littlefield, Locke, Mahany, Marshall, Martin, A.; Masterman, Masterton, McHenry, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Paul, Peakes, Pearson, Plourde, Post, Quinn, Raymond, Sewall, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Tierney, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood.

NAY — Austin, Bennett, Berry, Birt, Brown, K. L.; Carey, Dexter, Dow, Drinkwater, Dudley, Fenlason, Gillis, Gould, Greenlaw, Lougee, MacEachern, McBreairty, McKean, Nelson, N.; Peltier, Shute, Silsby, Smith, Stover, Strout, Teague, Tozier, Wyman.

ABSENT — Ault, Bagley, Bunker, Carrier, Devoe, Dutremble, Garsoe, Hunter, Jacques, Jalbert, Jensen, Kany, Kerry, Laffin, Lizotte, Lunt, Lynch, Mackel, Maxwell, McMahon, McPherson, Mills, Moody, Morton, Palmer, Peterson, Prescott, Rideout, Rollins, Theriault, Torrey, Twitchell, Tyndale, Violette,

PAIRED — Churchill, Hall, Higgins, Perkins Yes, 83; No, 28; Absent, 35; Paired, 4.

The SPEAKER: Eighty-three having voted in the affirmative and twenty-eight in the negative, with thirty-five being absent and four paired, the motion did prevail.

Thereupon, the new Draft was read once under suspension of the rules, the new Draft was read a second time.

Mr. Wyman of Pittsfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1155) was read by the Clerk.

Mr. WYMAN: Mr. Speaker, Members of the House: I really have a great deal of respect for the gentledady from Freeport and the other members of the Business Legislation Committee who have worked very hard on this particular bill. I can appreciate the fact that they have had many long working sessions, we have had a few on the Education Committee. I guess the fact that the name of my community, Pittsfield, is on one list that gentledady from Freeport read and not on the other list, explains why I am attempting to amend this.

The amendment which you should have before you will change the reimbursement for the first six months from what is called for in the new draft, 80 percent to 100 percent, and for the second six months will raise that from 70 percent to 80 percent. My main purpose in proposing this amendment for your consideration is that I very strongly feel that because the clerks in this state did gather a good deal of their compensation, their personal compensation for their job as the result of filing fees and because this particular law was changed subsequent to January 1 of this year, I feel that the Maine Legislature would be showing good faith were we to have the reimbursement at a hundred percent for the first six months. I was considering very seriously having a hundred percent for the entire year, but being the fiscal conservative that I am, I thought that the second six months could be 80 percent.

I hope that you will seriously consider this. I received a copy of the letter from my town clerk, Mrs. Shirley Hanson, that she distributed to the members of the association voicing her disapproval of this new draft and this particular aspect of the bill, the reimbursement. I would hope that you would adopt this particular amendment and show good faith to the town clerks in this state.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

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

The SPEAKER: The gentlewoman from Freeport, Ms. Clark, moves that House Amendment "A" be indefinitely postponed.

The Gentlewoman may proceed.

Ms. CLARK: Mr. Speaker, Men and Women of the House: I am sensitive to the position of the gentleman from Pittsfield, Representative Wyman, but would urge indefinite postponement of this amendment, which I do not consider friendly, for the following reasons.

Representative Jackson of Yarmouth alluded to and gave you the background relative to the fees which were paid under the old uniform commercial code where filings occurred in local municipalities. Please remember that the bill which was passed by this body last session became effective in January 1 of this year and it included this feature, that consumer goods of less than \$1,000 would not need or require a filing. The amount of reimbursement to our municipal clerks under the committee's proposal is a statistical summary and resolution of

reimbursement based on the amounts of money which had been received by the municipalities in the State of Maine and compared to the amounts of money received since January 1, 1978, in the Office of the Secretary of State.

You see now, central filing is, in fact, in place. Debtors need only pay one filing fee; they do not need to pay multiple filing fees. Therefore, municipal revenues would be decreasing anyway, and the proportion of monies received by the municipalities that would require only a single fee would have decreased and are on the wane today.

The Secretary of State's Office has provided the Committee on Business Legislation with a running, if you will, total of the monies received in that office. It is also on the decline. So the prorated share of the municipalities, should the filings have occurred locally, would also be on the decline, and that is why the figures were arrived at which are incorporated in the committee redraft.

I would urge your defeat of the pending amendment.

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

A vote of the House was taken.

Whereupon, Mr. Wyman of Pittsfield requested a roll call vote.

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

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

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: The proof of the pudding is in the eating, and now comes the eating. Those lights on that board are going to tell our town clerks a lot. My town clerk is paid through filing fees, as many many of the smaller municipalities are. Some of the larger municipalities whose town clerks have a salary are not quite as lucky. I would urge you to consider the good amendment that Representative Wyman is putting on this bill. It gives a small measure of thank you for the job that the town clerks are doing and it establishes a little faith in the town clerks, those especially who have to hope that they get the filing fees. I would hope that you would show faith in them on this year and nay vote. Do not vote for indefinite postponement on this bill; give the clerks a break.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker and Members of the House: My good seatmate asked me a question. He said, well, that sounds fair, why not give them a hundred percent? I said that we are giving them a hundred percent. We are giving them 80 percent of 1976, which would be a hundred percent of 1978. I strongly urge you to support the indefinite postponement, as we are handling these people fair and we do not have the support of the Clerks Association and the Maine Municipal and we have worked this issue, and I hope you will support the indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Freeport, Ms. Clark, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. GREENLAW: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Biron. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the

gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, I would like to pair my vote with Representative Churchill. If he were here, he would be voting nay and I would be voting yea.

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

Mr. PERKINS: Mr. Speaker, I wish to pair my vote with the gentleman from Scarborough, Mr. Higgins. If he were here, he would be voting yea and I would be voting nay.

ROLL CALL

YEA — Aloupis, Bachrach, Beaulieu, Benoit, Berube, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carter, D.; Carter, F.; Chonko, Clark, Cote, Cox, Cunningham, Curran, Davies, Diamond, Fenlason, Flanagan, Fowlie, Gill, Gillis, Goodwin, K.; Howe, Huber, Hughes, Jackson, Joyce, Kane, Kelleher, Kilcoyne, Lewis, Mahany, Marshall, Masterman, Masterton, McHenry, Mitchell, Nadeau, Najarian, Nelson, N.; Norris, Paul, Peakes, Pearson, Post, Quinn, Raymond, Sewall, Spencer, Sprowl, Talbot, Tarbell, Tarr, Tierney, Trafton, Truman, Whittemore.

NAY — Austin, Bennett, Berry, Birt, Blodgett, Brown, K.L.; Carey, Carroll, Conners, Connolly, Dexter, Dow, Dudley, Durgin, Elias, Goodwin, H.; Gould, Green, Henderson, Hickey, Hobbins, LaPlante, Littlefield, Locke, Lougee, MacEachern, McBreairty, McKean, Nelson, N.; Peltier, Plourde, Shute, Silsby, Smith, Stover, Strout, Stubbs, Teague, Tozier, Valentine, Willfong, Wood, Wyman.

ABSENT — Ault, Bagley, Bunker, Carrier, Devoe, Drinkwater, Dutremble, Garsoe, Gray, Hunter, Hutchings, Immonen, Jacques, Jalbert, Jensen, Kany, Kerry, Laffin, Lizotte, Lunt, Lynch, Mackel, Martin, A.; Maxwell, McMahon, McPherson, Mills, Moody, Morton, Palmer, Peterson, Prescott, Rideout, Rollins, Theriault, Torrey, Twitchell, Tyndale, Violette.

PAIRED — Biron, Churchill, Greenlaw, Hall, Higgins, Perkins.

Yes, 62; No, 43; Absent, 39; Paired, 6.

The SPEAKER: Sixty-two having voted in the affirmative and forty-three in the negative, with thirty-nine being absent and six paired, the motion does prevail.

Mr. Tierney of Lisbon Falls offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1158) was read by the Clerk and adopted.

Mr. Berry of Buxton offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1159) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action of earlier in the day whereby Resolve for Laying of the County Taxes and Authorizing Expenditures of York County for the year 1978, House Paper 2241, L. D. 2193, was passed to be engrossed.

On motion of the same gentleman, tabled pending passage to be engrossed and tomorrow assigned.

On motion of Mr. Blodgett of Waldoboro, Adjourned until ten-thirty tomorrow morning.