

# 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**

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APPENDIX

**HOUSE**

Wednesday, March 15, 1978

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

Prayer by the Reverend James C. Sleeper of the First Parish Congregational Church, Freeport.

Reverend SLEEPER: Almighty God, we thank You for this day and for this opportunity to serve You through serving the people of the State of Maine. We ask You to be present with us in our thoughts and meditations, that our votes may reflect that which is right and sound rather than that which is just politically expedient. Grant us Your presence, Your blessing and Your forgiveness when we fail. Grant us the serenity to accept the things we cannot change, courage to change the things we can and the wisdom to know the difference. 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 TRANSPORTATION  
March 14, 1978

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

It is a pleasure to inform you that the Committee on Transportation has considered and acted on all matters referred to it by the One Hundred and Eighth Legislature in Second Regular Session.

Following is the tabulation of bills as reported out of committee:

Total Number of Bills Received	12
Unanimous Reports	9
Ought to Pass	1
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Ought Not to Pass	2
Leave to Withdraw	1
Divided Reports	3

Very truly yours,

Signed:

GEORGE A. CARROLL  
Chairman

The Communication was read and ordered placed on file.

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND EIGHTH  
LEGISLATURE  
COMMITTEE ON STATE GOVERNMENT  
March 14, 1978

Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

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

Total Number of Bills	26
Unanimous Reports	23
Leave to Withdraw	3
Ought Not to Pass	2
Ought to Pass	2
Ought to Pass as Amended	14
Ought to Pass in New Draft	1
Referred to another Committee	1
Divided Reports	3
Total Number of Amendments	17
Total Number of New Drafts	1

Respectfully,

Signed:

PETER J. CURRAN  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:  
STATE OF MAINE  
ONE HUNDRED AND EIGHTH  
LEGISLATURE  
COMMITTEE ON HEALTH &  
INSTITUTIONAL SERVICES

March 13, 1978

The Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the second regular session of the 108th Maine Legislature.

Total Number of Bills Received in Committee	15
Unanimous Reports	13
Ought to Pass	1
Ought to Pass as Amended	7
Ought to Pass in New Draft	1
Ought Not to Pass	1
Leave to Withdraw	3
Divided Reports	2
Total Number of Amendments	10
Total Number of New Drafts	1

Sincerely yours,

Signed:

HARLAND C. GOODWIN  
House Chairperson

The Communication was read and ordered placed on file.

The following Communication:  
STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

March 14, 1978

To the Honorable Members of the Senate and House of Representatives of the 108th Maine Legislature

I am returning this date without my signature, and approval H. P. 2126, L. D. 2153, AN ACT to Amend the Statutes Relating to Airmobiles.

The fact that this bill did not receive a hearing this session compels me to take this action. Although environmental groups have suggested that this bill be vetoed, I am not predicating my action on environmental arguments. It is my understanding that this bill was studied by a committee created during the last regular session, and based on that report I am certainly not in a position to second guess the environmental question. In addition, the environmental groups are well organized and certainly familiar with the legislative process and astute enough to represent their interests and present their concerns. However, there are many camp owners, home owners, vacationers, and campers, who could be affected by the use of airmobiles. The tranquility of one's home or camp and the ability of Maine people to enjoy the natural beauty and serenity of their State is a precious asset that each of us enjoys. I have not reached any conclusions as to the effect, if any, that airmobiles would have with regard to the tranquility and serenity of our lakes and rivers and coast. However, I have heard from many camp owners and home owners who are concerned and who do have opinions, and the same people believe that they should have an opportunity to air their opinions. I wholeheartedly concur, and that is the reason for my taking this action.

I realize that a hearing was held last session on this bill and that there was two studies conducted since the hearing. However, I do not believe that we can conclude that the hearing held last session is sufficient opportunity for people to voice their concerns. Again, if we were talking about well organized special interest groups, perhaps there is a good argu-

ment to be made that they are very well aware of the legislative process and capable of influencing it. I am concerned with the individual citizen and family who does not have any organized "clout" with the Legislature and does not have immediate access to and familiarity with the legislative process. These are the people who I believe must be given an opportunity to be heard, for they are the ones who could be affected.

In addition, one could conclude from the hearing last session that since this matter was being studied the Legislature had not made any decision as to what action it was going to take and that logically an additional hearing would be held this session if the Legislature did decide on action. Also, last session there were approximately 2,000 bills before the Legislature and there were many, many issues which arose in rapid succession. I am not certain just what notice and what awareness the individual citizen had regarding the bill, and I cannot in good faith conclude that they had adequate opportunity to make their views known. In summary, I am not expressing opposition to the use of airmobiles, and if there is a problem with regard to the ability of a manufacturer to test airmobiles then I assume that that problem could be addressed and I would be willing to consider helping in any way that I can. Certainly, this bill goes far beyond permitting the manufacturer to test airmobiles, as it actually permits widespread use. If there is concern with respect to the ability of a manufacturer to test the manufactured product, then I certainly believe that government has an obligation to explore reasonable alternatives that accommodate this specific problem, which appears much narrower in scope than the question of statewide use.

For these reasons, I respectfully request that you sustain my veto of this measure.

Very truly yours,

Signed:

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

On motion of Mr. Blodgett of Waldoboro, tabled pending the question, shall this Bill become law notwithstanding the objections of the Governor, and later today assigned.

An expression of Legislative Sentiment (H. P. 2244) recognizing that: Joseph Francis Crozier is being honored by his friends and fellow citizens for outstanding service to the community life of South Portland and Greater Portland.

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

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

An Expression of Legislative Sentiment (H. P. 2245) recognizing that: Mike Carmihalis of Sanford has finished 3rd in the 1978 New England Schoolboy Wrestling Tournament

Presented by Mr. Wood of Sanford (Cosponsors: Mr. Nadeau of Sanford, Mr. Paul of Sanford, Senator Lovell of York)

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

An Expression of Legislative Sentiment (H. P. 2246) recognizing that: Wendy Farrington of the University of Maine at Farmington has achieved the outstanding record of scoring forty-three points in a single college basketball game.

Presented by Mr. Rollins of Dixfield.

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

An Expression of Legislative Sentiment (H. P. 2247) recognizing that: Mr. Blue Girl's Basketball Team of School Administrative District No. 9 has won the State Eastern Maine Class A Schoolgirl Basketball Championship for 1978

Presented by Mr. Morton of Farmington (Co-

sponsor: Mr. Rollins of Dixfield)

The Order was read.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The Mt. Blue Girls' Basketball Team needs no poetry because they represent poetry in motion. Coach Butch Riggs and his Mt. Blue girls have set an enviable record. They have won 85 and lost 6 in the last six years. They won the Kennebec Valley Conference for five years: The Mt. Blue girls have the distinction of being the only team to have won both the Western Championship in 1976 and the Eastern Championship this year because the boundaries were changed.

I think the greatest tribute that this team can have is that it is a courageous team. I would ask you to witness their victory in the semifinals of the tournament in Bangor when they, as the result of having four starters out for a whole week prior to the game with the flu, were down 17 to 0 in the first quarter and came on to win the game.

I think even the gentleman from Westbrook would applaud such a gutsy performance.

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

An Expression of Legislative Sentiment (H. P. 2248) recognizing that: the Massabesic High School Basketball Team has completed its first successful winning season in its history and has achieved its first tournament berth

Presented by Mr. Carroll of Limerick. (Cosponsors: Mr. McMahon of Kennebunk, Mr. Wood of Sanford, Senator Lovell of York.)

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

An Expression of Legislative Sentiment (H. P. 2249) recognizing that: After only two years in scholastic play, the Black Raiders of Winslow High School have won the 1978 Maine Schoolboy Hockey Association Championship

Presented by Mr. Carter of Winslow. (Cosponsors: Mr. Boudreau of Waterville, Mrs. Kany of Waterville, Senator Levine of Kennebec)

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

On motion of Mr. Kerry of Old Orchard Beach, the following Joint Order: (H. P. 2250)

WHEREAS, L. D. 1974, "AN ACT to Allow Nursing Homes to Provide Physical and Occupational Therapy to Residents in Need of that Care" introduced in the Second Regular Session of the 108th Legislature raised numerous and serious questions beyond its scope regarding the Department of Human Services' principles of the reimbursement for long term care facilities; and

WHEREAS, these questions concern a lack of rehabilitative and restorative care services for long term care residents; and

WHEREAS, such rehabilitative and restorative services as recreational, physical, occupational and speech therapy and consultation as well as other services from pharmacists, dieticians, activity directors and others are essential to quality nursing home care; and

WHEREAS, the principles of reimbursement are alleged to inhibit nursing homes in providing rehabilitative services; and

WHEREAS, the Department of Human Services believes that the current principles of reimbursement sufficiently reimburse a necessary level of rehabilitative services; and

WHEREAS, both the Maine Health Care Association and the Maine Committee on Aging are concerned with providing the highest quality nursing home care at the most reasonable cost, and believe that the principles of reimbursement fail to meet this goal; and

WHEREAS, the Joint Standing Committee on Health and Institutional Services believes that serious questions exist in regard to the de-

partment's reimbursement for rehabilitative services; now, therefore, be it

ORDERED, the Senate concurring, that the Legislative Council shall, through the Joint Standing Committee on Health and Institutional Services, study the principles of reimbursement and their provisions for rehabilitative and restorative services; and be it further

ORDERED, that the Joint Standing Committee on Health and Institutional Services shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations, including legislative recommendations to improve and increase rehabilitative and restorative services in Maine's long term care facilities and to eliminate barriers to the delivery of such quality rehabilitative services which presently exist in the Principles of Reimbursement; and be it further

ORDERED, that the Department of Human Services and the Maine Committee on Aging shall provide any assistance deemed necessary by the committee in undertaking this study; and be it further

ORDERED, upon passage in concurrence, that suitable copies of this order be transmitted forthwith to the agencies as notice of this directive.

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

On motion of Mrs. Kany of Waterville, the following Joint Order: (H. P. 2251) (Cosponsor: Senator Pierce of Kennebec)

WHEREAS, the insurance industry in Maine has grown in size and complexity in recent years; and

WHEREAS, State statutes have been amended from time to time in response to changes and problems arising from this growth; and

WHEREAS, these statutes need to be reviewed for consistency, substance and organization; and

WHEREAS, it is the intent of this Legislature to review and revise the insurance laws presently codified in Titles 24 and 24-A, now, therefore, be it

ORDERED, the Senate concurring, that there be established a Joint Study Commission on Insurance Laws, to be composed of three members to be selected by the Governor, three members of the House of Representatives to be selected by the Speaker of the House of Representatives and three members of the Senate to be selected by the President of the Senate, to study and recommend to the Legislature the necessary revision of these laws; and be it further

ORDERED, that the Commissioner of Business Regulation provide all information, advise and technical assistance as the commission requests necessary to carry out the purposes of this Order; and be it further

ORDERED, that the commission report to the Second Regular Session of the 109th Legislature, its findings and recommendations and any accompanying legislation in final draft form.

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

On motion of Mr. Kelleher of Bangor, the following Joint Order: (H. P. 2252) (Cosponsor: Mr. Birt of East Millinocket)

ORDERED, the Senate concurring, that the Joint Rules be amended by enacting a new Joint Rule 39 to read:

39. Study order requests  
(1) All regular joint standing committees to which joint study order requests have been referred shall by no later than 5 legislative days preceding the statutory adjournment of the legislative session issue a report to the originating branch. Each such report shall either recommend, "acceptance of the study order request" or "rejection of the study order request," pro-

vided that no committee shall issue more than 2 acceptance reports each session without prior approval by 2/3 of both Houses.

(2) All study order requests shall be accompanied by a fiscal note prepared by the Office of Legislative Finance.

The Order was read.

The SPEAKER: This being an amendment to the Joint Rules, under the rules, it requires a two-thirds vote. Is there objection to the Order receiving passage? Hearing no objections, the Order receives passage.

Sent up for concurrence.

#### Tabled and Assigned

On motion of Mrs. Masterton of Cape Elizabeth, the following Joint Order: (H. P. 2254) (Cosponsor: Mr. Green of Auburn)

ORDERED, the Senate concurring, that the Joint Rules be amended by striking out all of the first paragraph of Joint Rule 23 and inserting in its place the following:

23. Cloture. First regular session. During any first regular session all other requests for bills and resolves shall be submitted to the Director of Legislative Research not later than 1:00 p.m. of the 2nd Friday following the convening of the session in January and such measures in complete final form shall be introduced into the appropriate House not later than 1:00 p.m. of the 7th Friday following.

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: After reading all of these Joint Orders that have come before us today, I am just wondering if maybe the members of this House are not losing some authority of our own doings, that we ourselves change these rules all the time, if we are not taking away some of our power that we in this legislature like to hold so dear to us.

I am just wondering, with all these new study orders and requests to change different things, I don't think the members of this House know the rules that we have now. I am sure the Speaker of this House does and I am sure that the leadership does, but I am wondering about the other members of this House. I would hate to take away our own authority and more or less give the leadership any more than what they already have and I am just wondering if maybe the learned members of this House that have so much more wisdom than I have could probably lead us down the road on this as to what jurisdiction we now have and not vest it all in the leadership.

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

Mr. JALBERT: Mr. Speaker, are not these Orders to be tabled for one day anyway so shouldn't we automatically let them go on the table?

The SPEAKER: It is obvious that the rules will not be suspended on this Order.

Pursuant to the rules, tabled one day pending passage.

On motion of Mr. Curran of South Portland, the following Joint Order: (H. P. 2256) (Cosponsor: Mr. Jackson of Yarmouth)

Ordered, the Senate concurring, that the Joint Rules be amended by adding at the end of Joint Rule 22 the following:

(6) All bills and resolves prefiled by executive agencies, departments and commissions shall be introduced in complete final form to the appropriate House not later than 1:00 p.m. of the 4th Friday following the convening of the session in January.

The Order was read.

By unanimous consent, under suspension of the rules, the Order received passage and was sent up for concurrence.

On motion of Mrs. Hutchings of Lincolnville, the following Joint Resolution: (H. P. 2253)

(Cosponsor: Mrs. Sewall of Newcastle)

Joint Resolution in Honor of Statehood Day  
WHEREAS, one hundred and fifty-eight years ago, Maine's people achieved success in their long struggle to be separated from Massachusetts and to be admitted into the Union as a State; and

WHEREAS, Maine, since her admission on March 15, 1820, has, in her history and rich tradition, more than justified the motto "Dirigo," that is, "I lead;" and

WHEREAS, Maine today, as in days gone by, exemplifies the spirit of adventure and pioneering; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature assembled in Augusta at the Second Regular Session, do hereby rededicate ourselves, on behalf of our citizens, to the ideals embodied in Statehood day, and urge all of Maine's citizens to celebrate this day with appropriate ceremony and observation; and be it further

RESOLVED: That upon adoption of this resolve in concurrence, suitable copies shall be made available for the public.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Lincolnville Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: Today is an important day in the history of this great State of Maine because, in a few minutes, just after noon, Maine will be one hundred and fifty-eight years old.

I quote now from the Press Herald of Sunday last: "March 15, 1820 is Maine's official admission date. Her birthday is seldom observed but it is a must for Maine school children to remember. On the day Maine became a state, James Monroe, of Monroe Doctrine fame, was the 5th President of the United States and signed the Proclamation. William King was the first Governor and Portland was the first capital. Maine had a population of 298,335. Portland was the largest city, with 8,581 citizens.

The big news of the times was the Missouri Compromise, which was how Maine became a state. As the Mainer's of 1820 expressed it. Maine was admitted in the union as a free state; Missouri as a slave state. The Compromise maintained the delicate balance, 50 to 50 between the north and the south, in the Senate vote.

In a special referendum a few years ago, before 1820, Maine voters replied to the question, is it expedient that the district of Maine shall become a separate and independent state? And the yeas were 9,959; nays, 7,132 on an unofficial vote of 17,091.

Massachusetts took Maine's wish to go its separate way gracefully. After all, the district of Maine claimed an area bigger than Massachusetts, New Hampshire, Connecticut and Rhode Island combined. It was getting to be an expensive burden and, besides, it was growing so fast that it might unseat some of the entrenched office holders around Boston. Thus it was that Governor Brooks of Massachusetts, in addressing the general court said, the time of separation is at hand, conforming to the memorable act of June 19 last, the 15th of March next will terminate forever the political unity of Massachusetts Proper and the District of Maine and that district, which is bone of our bone and flesh of our flesh, will assume her rank as an independent state in the American confederacy."

This, briefly, is an account of how Maine became a separate state and, so today, we wish "Happy Birthday" to our great state.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H.

P. 2257) recognizing that: Mildred B. Merrill of Rockland has been chosen Maine School Teacher of the Year for 1977

Presented by Mr. Fowlie of Rockland.

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

A Joint Resolution (H. P. 2258) in memory of Robert L. Foster of Bristol, popular Maine Auctioneer

Presented by Mr. Blodgett of Waldoboro (Cosponsor: Mrs. Sewall of Newcastle)

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

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

Mr. Carter from the Committee on Taxation on Bill "An Act to Provide Property Tax Relief" (H. P. 1968) (L. D. 2053) 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 with Committee Amendment

Mr. Carey from the Committee on Taxation on Bill "An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws" (H. P. 2070) (L. D. 2130) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1160)

Report was read and accepted and the Bill read once. Committee Amendment "A" was read and adopted and the Bill assigned for second reading later in the day.

#### Consent Calendar First Day

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

#### Tabled and Assigned

(H. P. 1939) (L. D. 2019) Bill "An Act Making Certain Substantive Revisions to the Marine Resources Statutes" — Committee on Marine Resources reporting "Ought to Pass"

On the objection of Mrs. Post of Owls Head, was removed from Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and tomorrow assigned.

(H. P. 1927) (L. D. 1988) Bill "An Act to Expand Eligibility under the Elderly Householders Tax and Rent Refund Act" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1157)

No objections having been noted, the above item was ordered to appear on the Second Day Consent Calendar later in the day.

#### Tabled and Assigned

(H. P. 1969) (L. D. 2049) Bill "An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1161)

On the objection of Mr. MacEachern of Lincoln, was removed from the Consent Calendar.

On motion of Mr. Palmer of Nobleboro, tabled pending acceptance of the Committee Report and tomorrow assigned.

#### Amended Bill Later Today Assigned

Bill "An Act to Revise the State Criminal Tradition and Criminal Codes" (S. P. 697) (L. D. 2144) (C. "A" S-531)

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

On motion of Mr. Hughes of Auburn, tabled pending passage to be engrossed and later today assigned.

#### Passed to Be Enacted Emergency Measure

"An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association" (H. P. 2200) (L. D. 2179)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

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

Tabled — March 14, 1978 (Till Later Today) by Mr. Carey of Waterville.

Pending — Passage to be Engrossed.

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

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

House Divided Report — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Appropriations and Financial Affairs on Bill, "An Act Relating to Appropriating Funds for Certain Municipal Governments" (H. P. 2096) (L. D. 2139)

Tabled — March 14, 1978 by Ms. Goodwin of Bath.

Pending — Acceptance of Either Report.

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

Mr. GREENLAW: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report and would like to speak to my motion.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: As you are well aware, the Appropriations Committee heard this bill about two weeks ago. It was referred to that committee on the basis that it had an appropriation of over a million dollars. I expressed some concern at the point of reference that it really was a policy decision and that it should go to the Education Committee, and I think as a result of the hearing, my conviction was well founded. Nevertheless, the committee did hear the bill, spent, I think, better than an hour listening to some comments the sponsors of the bill had to make, and we also heard from a number of selectmen and school officials.

This bill, as you are well aware, developed as the result of the repeal of the uniform property tax in December. What, in fact, has happened is that in a number of SAD and CSD units around the state, there now has been created a situation, as the result of the repeal of the uniform property tax, where certain towns within those administrative units or school districts are, in fact, pay-ins to that school unit.

It seems to me that if we are to be consistent with the intent of the voters on repeal of the uniform property tax, we have to vote in favor of this particular bill. I think we are talking about repeal of a state tax, a repeal of a provision that allowed certain communities to contribute to the education of our communities in the state. Whether we agree or disagree with that point of view, I think the people have spoken on it.

This situation, it seems to me, was created as the result of the enactment of 1994, which had the effect of negating previous SAD and CSD agreements. It has caused such a furor, going back to a, if you will, voluntary subsidy index, that many of these SAD and CSD units

are contemplating dissolution.

The sponsor of the bill feels that this would be a mistake, and I share that point of view, and I think that we ought to take a look at this bill, hopefully in terms of solving a problem on a one-time basis. I say that with tongue in cheek, because I assume that the Education Committee will be making a recommendation to us in such a way that we can resolve this issue through a constitutional amendment.

I would like to also indicate that this type of legislation is not precedent setting. I talked with a superintendent of schools this morning and he indicated to me that back in 1967 there were a number of towns in the state that had their state valuations substantially increased, maybe as much as 90 percent in one case. The legislature took some action that, regardless of the increase in state valuation, these towns would still receive 90 percent of the state educational subsidy that they had received the previous year. This, I think, is sort of what might be considered as hold-harmless procedure that we have discussed here in the legislature on a number of different issues.

I also would indicate to you that in 1975, in the 107th Legislature, that enacting L. D. 1452, we did, in fact, provide a rebate to municipalities to help them phase in the impact of the so-called pay-in provision which resulted from the uniform property tax.

So if I can just briefly summarize what I think the feeling of the minority of the committee is, we hopefully are dealing with a one-time situation. We think it is appropriate to make the payments to those municipalities in line with the intent of the December 5 referendum, and we hope that the problem will be resolved by the proposed constitutional amendment which the Education Committee will be recommending to us in the next two or three days.

I would ask your support of the minority report, and I am sure that the sponsors of the bill have other information that will be helpful as you deliberate and hopefully vote to support the minority report.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum for the purpose of acting as Speaker pro tem. Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

The Speaker pro tem: The Chair recognizes the gentleman from Millinocket, Mr. Marshall. Mr. MARSHALL: Mr. Speaker, I would request that the Clerk read the Committee Report.

Thereupon, the Report was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: It was to the Speaker that I really wanted to address this question, but perhaps someone else can answer it for me. Does this money become part of the cost of education? Is it added in or is it considered a separate kind of a bonus item?

The SPEAKER pro tem: The gentlewoman from Auburn, Mrs. Lewis, has posed a question through the Chair to anyone who may care to answer.

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

Mr. WILFONG: Mr. Speaker, I could be wrong, but I believe that it is separate from the total educational budget.

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

Mr. GREEN: Mr. Speaker, I would like to ask a question through the Chair to any member of the Appropriations Committee that would care to answer. That is, what are the specific communities in question with regard to this bill and is there an individual breakdown

of money to each community?

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

The Chair recognizes the gentleman from Springvale, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I am not a member of the Appropriations Committee, but if you would look at the bill, which is 2139, on the back there is a breakdown of the 21 towns, such towns as The Forks Plantation that has a population of roughly 16 people and 4 voters, all the way down to Damariscotta, and the list is right there for you to see.

I would like to respond to the question of Representative Lewis. It is my understanding that this bill is not tied to the education expenditures and we had a very good reason to do that. Yesterday on the floor of the House, there was an argument made regarding the constitutionality of this bill. In researching this, and I do not pretend to be a lawyer of any means, but I did go down to the Law Library and get the law cases on this question, it seems to me that once you divorce the two, the taxing and assessing power from the appropriation power, that is when you get into the area where the bill would be constitutional, and that is the reason that we did not send it to the Education Committee, that is the reason we did not amend the school funding law. We went a different route, putting in an appropriation bill which calls for an appropriation to these communities, and in that way, I think we have met the constitutional test.

I would urge you to accept the minority report. I think it boils down to a question of equity. The voters, on December 5, repealed the uniform property tax and in repealing that, they repealed the pay-in provision. I think the voters assumed that that was repealed finally and for all times, but when we got the school funding law, we discovered that for 21 towns in the state, the pay-in was very much alive, and for those towns, there was an additional burden brought about by the repeal.

I would like to point out that at the hearing there was no opposition that testified against the bill. Maine Municipal testified in favor of it; Maine school management testified in favor, and Senator Bennett Katz, representing the Education Committee, testified that their committee viewed this as an important priority, although a low priority from their standpoint, it was still worthy of consideration. So I would ask you to pass this bill so that it can be put on the Appropriation Table and fall or stand on its merits once it is on the table.

Mr. MARSHALL of Millinocket requested a vote on the pending motion.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think the people of this House are due an explanation as to why I voted, although I am not commissioned by the Appropriations Committee to represent them in this manner, but I think the gentleman who made the original comments in connection with the assignment of this to the Appropriations Committee rather than the Committee on Education will recall that at the time of that debate, the House Chairman of Education made the statement on the floor that if this measure were sent to Education, it would come back with a unanimous "Ought not to Pass" vote. I don't know whether he knew what he was talking about or not, but that is what he said.

The fact remains that these communities here are members of SAD's. They have always been what you might call pay-in towns in those SAD's. They are communities with high property values in relation to the number of students involved. But the fact remains that to

speculate on the intent of the people, as to what they intended as the result of the vote in the referendum, I think is pretty specious here on the floor of this House.

The referendum was structured in the way that those who wanted the referendum wanted it structured. The matter was put to a vote of the people and the people voted for it. So the intent was exactly what it said and the people supported it and it is now a matter of law.

If we go this route here today, we are making an assumption with respect to that which, as far as I am concerned, we have no right to make, and what this bill will do is, it asks that the rest of the people of the State of Maine provide special relief to certain communities to the tune of over a million dollars, and these communities are property wealthy with respect to the number of youngsters. They are in legally constituted SAD's and they are conforming to an arrangement that was made at the time the SAD's were formed, and I feel as though we have no business putting state money into this proposition.

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

Mr. GREEN: Mr. Speaker, I would like to ask another question, if I might, through the Chair to any member of the Appropriation Committee that would care to answer. First let me say that I have a copy of the bill before me and I do have a list of those towns and the individual appropriations going to those towns. My question is this — was it ever brought out at the public hearing before the Appropriations Committee the fact that which of these towns supported repeal of the uniform property tax and which towns did not, and if so, was that an issue considered by the Appropriations Committee at that time?

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

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

Mr. JALBERT: Mr. Speaker, the answer is in the negative.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I think that I should respond at least somewhat to some of the comments Mr. Morton has made. I think that Mr. Morton has enunciated pretty much the same arguments that were spoken on the floor of this House when, on previous occasions, we attempted to repeal the uniform property tax through legislation — that is, wealthy towns, few pupils and that sort of thing. I really believe that this bill that we have before us is responsive to the results of the repeal referendum. There is no question in my mind about that because I enunciated these same arguments. I always included in the course of debate on whether or not we should repeal the uniform property tax, I made a point of always including these SAD towns within the numbers of the pay-in towns. I always specified that there were, in fact, 68 pay-in towns and not 52 or not 56, as claimed by the Department of Education. So, there was never, never any doubt in my mind. Those of us who were proponents of repeal always included them. We always presented them as a part of the problem to the people during the course of the discussion, during the course of the debates to the public, and the public responded by repealing the uniform property tax and there is no question, no question in my mind whatsoever, that they clearly intended that these towns within the SAD's receive the same protection as a town that is not a member of an SAD.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to res-



pond further to the comments of Mr. Morton. I noted down a few of what I think are pertinent responses while he was talking, it is true that the SAD's in question are legally constituted SAD's, but what the gentleman forgets is that the towns that are in those SAD's, if those districts have debt, can't get out of it. They cannot dissolve the SAD, so you are putting these towns in a vice and they have absolutely no way to remedy the problems themselves.

As has been stated by the previous speaker, Representative Mackel, he did, and I heard him, make reference to this situation, at least in our area, during discussions on the repeal vote. I was aware of it. I don't represent Kennebunkport, which is an affected town, but I do represent Kennebunk which is in the district with Kennebunkport.

The real culprit, as we all know, is the state valuation and the growth of that valuation in these affected towns. It is, however, tied to the uniform property tax and its repeal because the local agreements were held in advance by the lifetime of the previous school funding law.

As has been pointed out, it is hoped that the Education Committee will be recommending a solution to legitimize the formula BSAD communities. If that takes the form of a constitutional amendment and if that is passed, that would allow renegotiation of the district's agreements on a local basis in a locally acceptable form. Until that is done, I submit to you that these 22 towns are absolutely unable to remedy this situation if their districts have debts. This is a one-time request only, as far as I am concerned. I do hope you support it in the interest of fairness.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go back to a comment that was made a short time ago. When the bill was presented to the Education Committee by the Committee on Reference of Bills, I stated that if it went to Education it would most likely come out with an "Ought not to Pass," because I recognized that any action on this bill by the Education Committee would be tied closely to school funding and that would be strictly unconstitutional. School districts are set up as a taxing district, and all taxes must be levied and assessed uniformly, so relief could not be given under the school funding bill or by the Education Committee and tied to school funding.

Now, regardless of what the proponents of uniform property tax repeal said last fall, there was absolutely no way that the Education Committee could relieve the burden on the high valuation communities within an SAD. It requires a constitutional amendment, and that is something that is not done overnight.

It is the intention, I believe, of this legislature that no community should be forced to pay more than its share to the support of a school district. The cost-sharing basis in which these 25 or 26 SAD's and CSD's were formed is no longer possible that they could be used, because it distorts the taxing within the SAD district, so we have to go the constitutional route.

I think it is only fair to say that if it is the intention of the legislature to relieve the burden on the high valuation community within an SAD or CSD, I think it is in line to relieve the communities on a one-time basis under this bill. The future will take care of itself if the constitutional amendment is approved.

The SPEAKER pro tem: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you an example of one of my towns, it has a population of 186. By the way, Eastbrook is on the list. This last year, the valuation of that town increased by 94 percent, there aren't sales enough within that town to go under the system that the Bureau of Taxation has in

coming to the valuation of the property. So, what they did was ride the road, use their pencil and this is the way they came to a 94 percent increase in the town of Eastbrook.

Last year they had to raise \$58,000 for schools in the town of Eastbrook. This year, they were told they had to raise \$97,000 for their schools, which is about — I have here \$16,000 from the \$97,000 would give them, they still have to raise \$81,000. Last year they raised 58. So, even with the assistance of the \$16,000 they would receive under this bill, they still have an increase of \$23,000 in the school funding for this year. I hope that you pass this bill to assist them, because they are very seriously considering dissolving the district, which is comprised of two towns.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to the gentleman from Franklin, who just spoke in connection with Eastbrook and would ask him if the town of Eastbrook took the steps under the law to have their valuation checked through the legal process that is available to them and if so, what was the result?

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to the gentleman from Franklin, who just spoke, in connection with Eastbrook and would ask him if the town of Eastbrook took the steps under the law to have their valuation checked through the legal process that is available to them and if so, what was the result?

The SPEAKER pro tem: The gentleman from Farmington, Mr. Morton, poses a question through the Chair to the gentleman from Franklin, Mr. Conners, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: By the time they realized what had happened, the third selectman took it over then and came to the Bureau of Taxation, but I think we were somewhere around ten days too late for them to be reconsidered.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the most disturbing effect of the repeal of the uniform property tax is Lakeview Plantation. Here is a plantation that was coaxed into joining an SAD so that the district could have enough valuation to proceed with a construction project. Lakeview had one student. The agreement was made on a cautionary basis that they would pay 150 percent of the per pupil cost.

With the repeal of the uniform property tax, Lakeview Plantation has to pay up \$44,000. I think you have to afford some relief to a community like that that has been coaxed into joining a district simply because the district wanted to build a new school and then have the rug cut from underneath them.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any member who may care to answer. I would like to know if it is not a fact that when SAD's were formed that they were offered a bonus for joining the SAD?

The SPEAKER pro tem: The gentleman from Winslow, Mr. Carter, poses a question through the Chair to anyone who cares to answer.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: In SAD 72's case, they were offered 10 percent, I believe, for joining the SAD.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In that case, it would seem to me that what we are seeking here is equity, and if we are to have equity, then it would only be fair that the bonus monies that were paid to the SAD's be returned to the State coffers before any reimbursement is made. I would hope that you would vote against the minority report.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that the House accept the Minority "Ought to Pass" report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Marshall of Millinocket requested a roll call vote.

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

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

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that the House accept the Minority "Ought to Pass" Report. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bagley, Bennett, Benoit, Berry, Birt, Blodgett, Brenerman, Brown, K.C.; Bunker, Burns, Bustin, Carey, Carroll, Carter, F.; Chonko, Churchill, Clark, Conners, Connolly, Cunningham, Curran, Davies, Drinkwater, Durgin, Elias, Garsoe, Gill, Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Hobbins, Howe, Hutchings, Jackson, Jacques, Jensen, Kane, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mackel, Masterman, Masterton, Maxwell, McMahan, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Palmer, Perkins, Post, Prescott, Quinn, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Strout, Stubbs, Tarbell, Tarr, Tierney, Trafton, Truman, Valentine, Violette, Wilfong, Wyman.

NAY — Alopous, Bachrach, Beaulieu, Berube, Biron, Boudreau, A.; Boudreau, P.; Brown, K.L.; Carrier, Carter, D.; Cote, Cox, Dexter, Diamond, Dow, Dutremble, Fenlason, Flanagan, Fowlie, Gillis, Goodwin, H.; Green, Hall, Higgins, Hughes, Hunter, Immonen, Jalbert, Joyce, Kany, Kelleher, Kilcoyne, Lougee, Mahany, Marshall, Martin, A.; McBreaarty, McHenry, Mckean, McPherson, Morton, Najarian, Norris, Paul, Pearson, Peltier, Peterson, Plourde, Raymond, Rideout, Rollins, Stover, Talbot, Teague, Torrey, Tozier, Whittemore.

ABSENT — Ault, Austin, Devoe, Dudley, Kerry, Laffin, Lizotte, Lunt, Mills, Moody, Peakes, Theriault, Twitchell, Tyndale.

PAIRED — Huber, Wood.

Yes, 77; No, 57; Absent, 14; Paired, 2.

The SPEAKER pro tem: Seventy-seven having voted in the affirmative and fifty-seven in the negative, with fourteen being absent and two paired, the motion does prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County

for the Year 1978 (Emergency) (H. P. 2241) (L. D. 2193)

Tabled — March 14, 1978 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

On motion of Mr. Goodwin of South Berwick, retabbed pending passage to be engrossed and later today assigned.

On motion of Mr. Lynch of Livermore Falls, the House reconsidered its action of yesterday whereby it receded and concurred on 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) (C. "A" H-1050) (S. "A" S-530).

On further motion of the same gentleman, the House voted to recede from its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, the House voted to recede from its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the House voted to recede from its action whereby Committee Amendment "A" was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed.

Senate Amendment "A" (S-530) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

At this point, Speaker Martin returned to the rostrum.

**SPEAKER MARTIN:** The Chair wishes to thank the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker Pro Tem.

Thereupon, Mr. Greenlaw of Stonington returned to his seat on the floor, amid applause of the House, and Speaker Martin resumed the Chair.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Rams of Cony High School, coached by David Pound, have won the State Eastern Maine Class A Boys Basketball Championship for 1978 (S. P. 741)

Came from the Senate read and passed.

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

The following Joint Order, and Expression of Legislative Sentiment recognizing that: the Blue Blazers of Westbrook High School have won the 1978 Western Maine Class A Girls Basketball Championship (S. P. 742)

Came from the Senate read and passed.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: the Superintendent and the Staff of Bangor Mental Health Institute have, through hard work and unselfish dedication to its patients, acquired for BMHI a full; two-year unrestricted accreditation (S. P. 743)

Came from the Senate read and passed.

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

#### Ought to Pass with Committee Amendment Amended in Senate

Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-532) on Bill "An Act to Clarify the Administration of the Department of Manpower Affairs" (S. P. 683) (L. D. 2103)

Came from the Senate with the Report read

and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-532) as amended by Senate Amendment "A" (S-546) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-532) was read by the Clerk.

Senate Amendment "A" to Committee Amendment "A" (S-546) was read by the Clerk and adopted in concurrence.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

The Bill was assigned for second reading later in the day.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-538) on Bill "An Act to Establish the Health Facilities Information Disclosure Act" (S. P. 695) (L. D. 2136)

Report was signed by the following members:

Mr. PRAY of Penobscot — of the Senate.

Messrs. GOODWIN of South Berwick  
BRENERMAN of Portland  
FOWLIE of Rockland  
KERRY of Old Orchard Beach

Mrs. NELSON of Portland  
Messrs. PRESCOTT of Hampden  
TRAFTON of Auburn — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-539) on same Bill.

Report was signed by the following members:

Mrs. SNOWE of Androscoggin  
Mr. GREELEY of Waldo — of the Senate.

Mrs. KANE of Augusta  
Mr. GILL of South Portland — of the House.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (S-539) Report read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "B" (S-539)

In the House: Reports were read.

On motion of Mr. Goodwin of South Berwick, tabled pending acceptance of either Report and later today assigned.

#### Non-Concurrent Matter

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) on which Bill and Papers were Indefinitely Postponed in the House on March 14, 1978.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed in non-concurrence.

In the House: On motion of Mr. Nelson of Roque Bluffs, the House voted to adhere.

#### Passed to Be Enacted Emergency Measure

"Act to Amend the Maine Juvenile Code" (H. P. 2142) (L. D. 2163) (H. "F" H-1118)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken. 120 voted in favor of same and one against, and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

"An Act to Facilitate Central Licensing and

Concerning Membership on the Maine Athletic Commission" (H. P. 1908) (L. D. 1969) (C. "A" H-1128)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken. 112 voted in favor of same and 11 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

"An Act to Clarify the Status of Intermittent State Employees" (H. P. 2064) (L. D. 2122) (C. "A" H-1131)

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Quite often, I have spoken on the retirement system. In the Portland Press Herald of today, there is a report of the meeting of the Investment Advisor with the State Retirement System, the board of trustees, and the report says, "The State Retirement System, which covers 41,000 state employees, teachers and municipal and county employees, has \$223 million in assets and \$539 million in unfunded liabilities. The \$539 million is the amount the system owes to present and future retirees. The actuary suggested that the board consider updating its mortality tables in asking that the board consider updating its mortality tables in asking the state to increase its contributions to the system. Mr. Blodgett, the Director, said, trustees also are reminded that the state hasn't contributed its share to the so-called old system teachers' retirement, that is full retirement pay to teachers who started working before 1924 but didn't contribute to the system until 1945. Mr. Blodgett said that as of last June, the system has more than paid them \$91 million above the amount provided by the state. There have been several bills before the various legislatures to pay the state's share but none has been successful."

Now, I would like to look at Page 19 in the report by the retirement board. The actuarial assumption has been 6.50 percent but the actual returns on investments have been 4.53, 3.23, 5.67, 5.77 and 3.56. Because of actuarial losses, there have been no excess amounts available to apply against the cost of living adjustments. On Page 21, the trend is the funding year period, in the various employee groups as shown on Page 11, generally decreased for the years 1974, 1975, 1976 but increased for 1977. Why? Because there was a cost of living adjustment of 7.7 percent.

#### (Off Record Remarks)

On motion of Mr. Kelleher of Bangor, Recessed until four o'clock in the afternoon.

#### After Recess 4:00 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Statutes Relating to Airmobiles" (H. P. 2126) (L. D. 2153) which was tabled earlier in the day and later today assigned pending the question, shall this bill become law notwithstanding the objections of the Governor?

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: It is unfortunate that we are presented with this veto message so



late in the session. The issues of this bill have been distorted by certain detractors of the air-mobile or hovercraft in the last couple of weeks. This is a good example of an individual mobilizing as small but effective group in a telephone campaign to kill a bill on a technicality, whereas it could not be defeated on a head-on encounter.

In the earlier debate, we addressed the hearing question to the satisfaction of the majority of the members of this House. The real thrust is from a certain segment of our population which is opposed to any form of motorized recreational machine being used here in Maine. This is one of the important parts of the veto message. I will quote a section of it where the Governor states that "tranquility of one's home or camp and the ability of Maine people to enjoy the natural beauty and serenity of this state is a precious asset that each of us enjoys." Well, there seems to be somewhat of a contradiction here. The inference is made that there is too much noise. But in the very next sentence of the address, I will quote, "I have not reached any conclusions as to the effect, if any, that airmobiles would have with regard to the tranquility and serenity of our lakes our rivers and our coast."

Well, the fact of the matter is that there is protection against this excessive noise in L. D. 2153. The maximum limit is the same as with the snowmobile, in fact, far less than some of the large outboards which we have on our rivers and our lakes and our streams and our coasts and all the rest of that. This is just the first step to prohibit all of these machines. I would therefore urge the members of this House to vote this afternoon to override the Governor's veto and therefore to sustain the earlier actions of this House.

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

Mr. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the veto of the Governor on this bill, although I do so in reluctance because I have the greatest regard for the sponsor of the bill, the Chairman of the Natural Resources Committee.

I think the veto message is quite clear. We discussed the question on March 2 and narrowly defeated a reconsideration motion on the basis that the bill should have had another hearing. While I don't quarrel with the statements made by the Chairman of the committee, I do have to agree with the Governor that the bill, in its final form as enacted by this House, does go substantially beyond the proposal that was presented last year.

I think if I may, I will read just two sections of the veto message which I feel deserve your consideration in this matter. The Governor states, "I do not believe that we can conclude that the hearing held last session is sufficient opportunity for people to voice their concerns." That is the first point and I would agree with that.

The second point, in the last paragraph of his message he states, "Certainly this bill goes far beyond permitting the manufacturer to test air mobiles, as it actually permits widespread use." I would say that that is the question the committee was faced with at the last session of the legislature. For that reason, I hope you will support the Governor and the veto message this afternoon.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support the gentleman from Waldoboro, Mr. Blodgett, for one reason. The very first sentence, the fact that this bill did not receive a hearing this session compels me to take this action. To me, that is a little bit confusing, to say the least.

The bill has been studied on two occasions. It had a hearing the last time and I don't think the fact that the bill has or doesn't have a hearing makes too much difference. There was a bill

cosponsored by the gentlelady from Bath, Ms. Goodwin, and the gentleman from Farmington, Mr. Morton. We found something wrong with the bill, scrapped it just ten days ago and brought back a fresh bill all printed, no hearing, and I think it is on his desk now. It concerns itself with the State Police people. I just like to have the facts laid down just as they are. They are not laid down in this message where they are.

The SPEAKER: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Men and Women of the House: I hope that you will vote to override the Governor's veto on this. I think one thing speaks for itself, and that is that Maine is the only state out of the 50 that these airmobiles are not legal in. Therefore, I hope that you will vote to override the Governor's veto.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: When I was elected the first time back in November of 1974, not knowing study orders, etc., I received a study order on this very subject and I read it from cover to end, so I think this has been studied and studied considerably. That study recommended that it not be allowed in the state at that time. I think it has gone back and forth, and if the only real reason is because it hasn't had a public hearing, it has had a public hearing for at least six years.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? According to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Beaulieu, Bennett, Benoit, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Carey, Carroll, Chonko, Cote, Curran, Davies, Dexter, Dow, Dutremble, Elias, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Jalbert, Kelleher, Kerry, LaPlante, Locke, MacEachern, Mackel, Mahany, McHenry, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Peterson, Plourde, Post, Rideout, Shute, Talbot, Tierney, Tozier, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman

NAY — Aloupis, Austin, Bachrach, Bagley, Berry, Berube, Birt, Boudreau, P.; Brown, K. L.; Bunker, Bustin, Carter, D.; Carter, F.; Churchill, Clark, Connors, Connolly, Cox, Cunningham, Diamond, Dudley, Durgin, Fenlason, Flanagan, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kilcoyne, Laffin, Lewis, Littlefield, Lougee, Lynch, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McMahon, Nelson, M.; Palmer, Paul, Pearson, Peltier, Perkins, Prescott, Raymond, Rollins, Sewall, Smith, Spencer, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Trafton, The Speaker

ABSENT — Ault, Carrier, Devoe, Drinkwater, Jacques, Lizotte, Lunt, Maxwell, McKean, Mills, Nelson, N.; Norris, Peakes, Quinn, Silsby, Stubbs, Theriault, Truman, Twitchell, Tyndale

Yes, 56; No, 75; Absent, 20.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-five in the negative, with twenty being absent, the Governor's veto is sustained.

The Chair laid before the House the following matter:

Bill "An Act to Revise the State Criminal Extrajudicial and Criminal Codes" (S. P. 697) (L. D. 2144) (C. "A" S-531) which was tabled earlier in the day and later today assigned pending

passage to be engrossed in concurrence.

On motion of Mr. Hughes of Auburn, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-1163) was read by the Clerk and adopted.

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

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Taxation of the Unorganized Territory" (Emergency) (H. P. 2139) (L. D. 2159) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: There are two amendments to go on this bill which we hope will be back from printing by later on this afternoon, so I would ask that somebody table it until later in today's session.

Whereupon, on motion of Mr. Carey of Waterville, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

Resolve for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1978 (Emergency) (H. P. 2241) (L. D. 2193) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Thereupon, the Resolve was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter:

Senate Divided Report — Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-538) — Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (S-539) — Committee on Health and Institutional Services on Bill "An Act to Establish the Health Facilities Information Disclosure Act" (S. P. 695) (L. D. 2136) — which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Mr. Goodwin of South Berwick, retabled pending acceptance of either Report and tomorrow assigned.

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

#### Consent Calendar

##### First Day

In accordance with House Rule 49, the following items were ordered to appear on the Consent Calendar, First Day:

(H. P. 1860) (L. D. 1923) Bill "An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1162)

(H. P. 2173) (L. D. 2174) RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine (Emergency) — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1167)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 16, under listing of Second Day.

### Consent Calendar Second Day

In accordance with House Rule 49, the following items were ordered to appear on the Consent Calendar, Second Day:

(H. P. 1927) (L. D. 1988) Bill "An Act to Expand Eligibility under the Elderly Householders Tax and Rent Refund Act" (C. "A" H-1157)

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

### Passed to Be Engrossed

Bill "An Act to Clarify the Administration of the Department of Manpower Affairs" (S. P. 683) (L. D. 2103) (S. "A" S-546 to C. "A" S-532)

Bill "An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws" (H. P. 2070) (L. D. 2130) (C. "A" H-1160)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent to the Senate.

### Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1978 (H. P. 2228) (L. D. 2188)

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

### Passed to be Enacted

"An Act Relating to the Installation of Smoke, Heat or Fire Detection Systems in Certain Hotels" (H. P. 2195) (L. D. 2178) (S. "C" S-545)

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to try and hold this up this afternoon, but there are a couple of things in this Senate Amendment that I don't fully agree with; yet, I don't object to it too much, but I feel that it should be brought to the attention of this body so that this bill can be sent on its way and the people who come back here next year can correct the two parts of the bill that I don't think are just right, and that is on the Senate Amendment, S-545, and the part that I object to is that the system be operated by electrical current or powered by batteries. The only objection that I have to the battery one is that when the light goes out, it will not be noticed and that room will be unprotected, but that is something that I hope the hotel people will certainly take objection to when they find that those lights are out, that they will be corrected.

The other part that I really object to is the local fire departments in the municipalities enforcing this law. However, the committee has worked very hard on this bill. They put a lot of time into it. I am just bringing these things to your attention. I feel that it is the duty of the state fire marshal to enforce these kinds of laws for the protection of all the people of this state. I think that when you get into communities where they do not have full-time fire departments and they have volunteer fire departments, which most of us do have in our towns, I have a reservation that this is not the best part of the amendment to this bill for the total protection of the people.

I am not going to object to it. I certainly am going to support it. I do know that the committee has certainly worked hard on it, the sponsor

has, and I just hope that when the law does take effect, before that time maybe some other member in this House will have another interest and can probably correct those two parts that I object to.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: I am glad that the gentleman from Westbrook, Representative Laffin, does not oppose final enactment of this measure, for that would sadden me, indeed.

L. D. 2178 is a redraft of the unanimous committee report from the Committee on Business Legislation, and Senate Amendment "C" meets with the approval of the Committee on Business Legislation.

The concept incorporated in Senate Amendment "C" was addressed within the committee hearings and working sessions on this bill. Our first priority was reflected in our report. We are not adverse to the attachment of Senate Amendment "C" and neither is the office of the State Fire Marshal, who supports this.

After the bill was reported out of committee, it was deemed appropriate that rather than to project increased numbers of personnel within the Office of the State Fire Marshal, that the inspection and approval of the systems which will be installed in those public buildings which are incorporated in this measure, that these be inspected and approved by people who are qualified to do so, particularly at the local level, and that it would not place an undue burden and a burgeoning bureaucracy, therefore, in the implementation of this law.

If local fire departments and volunteer fire departments find this burdensome locally, I am sure that future legislatures will address the issue, and in that instance, the State Fire Marshal would also be supportive, but in this particular instance, he is supportive of the volunteer and local fire departments inspecting and approving the systems which will be installed.

I would hope that this House would perform final passage on this bill this afternoon.

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

### (Off Record Remarks)

The following papers appearing on Supplement No. 4 were taken up out or order by unanimous consent:

The following Joint Order: (S. P. 744)  
ORDERED, the House concurring, that the Joint Standing Committee on Education is directed to report out a bill concerning the sharing of costs by communities in school districts.

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

By unanimous consent, ordered sent forthwith.

### Ought to Pass in New Draft

Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (S. P. 656) (L. D. 2021) reporting "Ought to Pass" in New Draft (S. P. 740) (L. D. 2195)

Came from the Senate with the Report read and accepted and the New Draft (S. P. 740) (L. D. 2195) Passed to be Engrossed.

In the House, the Report was read.

The SPEAKER: The Chair recognizes the gentleman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I would hope that you would accept the committee report today and

give the bill its first reading. There will, tomorrow morning, be a joint caucus, at which time we will try to explain the bill to you and answer any questions you have. You may see any of us between now and then if you have any questions, or tomorrow morning, but for the sake of expediting this, we hope you will allow it to have its first reading today.

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

### Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-542) on Bill "An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service" (Emergency) (S. P. 672) (L. D. 2076)

Report was signed by the following members:

Mr. MARTIN of Aroostook  
— of the Senate.  
Mr. CHURCHILL of Orland  
Mrs. LOCKE of Sebec  
Messrs. STUBBS of Hallowell  
CURRAN of South Portland  
VALENTINE of York  
Mrs. KANY of Waterville  
Mr. DIAMOND of Windham  
Ms. BACHRACH of Brunswick  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as Amended by Committee Amendment "B" (S-543) on same Bill.

Report was signed by the following members:

Mr. COLLINS of Aroostook  
Mrs. SNOWE of Androscoggin  
— of the Senate.  
Mrs. MASTERTON of Cape Elizabeth  
Mr. SILSBY of Ellsworth  
— of the House.

Came from the Senate with the Minority "Ought to Pass" as Amended Report read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "B" (S-543).

In the House: Reports were read; The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report with Committee Amendment "A" and would speak briefly.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves that the Majority "Ought to Pass" Report be accepted in non-concurrence.

The gentleman may proceed.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps a quick explanation of the difference between the two "ought to pass" reports. Committee Amendment "A" from a majority of the committee leaves in pay increases for the State Auditor, the Treasurer of State, the Chairman of the PUC and the members of the PUC, and strikes the rest of the bill which includes pay raises for the various commissioners, state budget officer and other members of the executive branch.

Our reasoning for going with just those four or five positions is that currently they are at Range D. Their steps run from A through G and there already is the potential for pay increases in the present pay range without adding two additional pay ranges, Range 92 and 93, as Committee Amendment "B" does.

In Committee Amendment "B", if they were to raise the various commissioners to step 92 and 93 range, there would be a verticle increase for a sum of almost \$4,000, without advancing on the step range of that particular pay range.

We realize that we have to pay good salaries to reach and get good people involved in state government. I think perhaps I would have sup-

ported it if I had found that there were, indeed, commissioners getting paid at the D or G Range but since, in most cases, there is still the flexibility for the Governor to give, in some cases, up to \$6,000 increases from where they are presently being paid. The majority of the committee felt that it wasn't necessary to move them into newly established pay ranges. We do feel very strongly that members of the PUC should be earning a great deal more money for the time, the work and the expertise that they offer to state government. Also, the positions of treasurer and auditor have taken on a great deal of responsibility and will continue to do so, and we felt that an increase was justified in those two positions.

It is for those reasons, ladies and gentlemen, that I hope you will support Committee Amendment "A".

Thereupon, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once.

Committee Amendment "A" (S-542) was read by the Clerk.

On motion of Mr. Kelleher of Bangor, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

#### Non-Concurrent Matter

Bill "An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 732) (L. D. 2177) which was Passed to be Enacted in the House on March 14, 1978 (Having previously been passed to be Engrossed).

Came from the Senate Passed to be Engrossed as Amended by Senate Amendment "B" (S-552) in non-concurrence.

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

#### Non-Concurrent Matter

Bill "An Act Relating to Abandoned Property" (H. P. 2043) (L. D. 2109) which was Passed to be Engrossed as Amended by Committee Amendment "A" (H-1136) in the House on March 10, 1978.

Came from the Senate Passed to be Engrossed as Amended by Committee Amendment "A" (H-1136) as Amended by Senate Amendment "A" (S-548) thereto in non-concurrence.

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

#### Communications

The following Communication: (S. P. 747)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE

March 6, 1978

The Honorable Joseph Sewall  
President of the Senate

The Honorable John Martin  
Speaker of the House

Dear Joe and John:

This is to officially notify you that I am today withdrawing the nomination of Kenneth H. Volk of Portland, posted February 1, 1978, to the position of member, Maine Guarantee Authority.

Due to the fact that the Joint Standing Committee on State Government did not vote to confirm the nomination last week, and in order to avoid any further embarrassment to Mr. Volk, I feel that it will be in the nominee's best interest to withdraw his nomination at this time.

It is with regret we are withdrawing Mr. Volk's nomination today, although I respect the right of the State Government Committee, or any other legislative committee to turn down one of our nominees, I am concerned that a great many competent citizens who would be willing to donate their time to the State of Maine might become discouraged from volunteering to serve on such boards. As I told the State Government Committee, we did not feel

that there was a conflict in nominating Mr. Volk to serve and furthermore there was much to be said for an individual such as Mr. Volk who had kept faith with the State of Maine to meeting his obligations to the Authority in a timely and consistent manner. However, because the State Government Committee did not vote to confirm Mr. Volk, and because we want to do everything to protect Mr. Volk and his reputation, and his business's reputation, we are withdrawing his nomination.

Signed:

Sincerely,  
JAMES B. LONGLEY

Came from the Senate, Read and Ordered Placed on File.

In the House, the Communication was read.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say on behalf of the State Government Committee that we found Mr. Volk's qualifications to be that of the highest quality and we urged the Governor, in our discussions, to find a place for his service in state government, perhaps, the Maine Development Foundation or the Maine Capitol Corporation. He is, indeed, an outstanding businessman in the state with proven abilities. We did reject his nomination to the Maine Guarantee Authority because we felt he had an outstanding loan with that board, and it would have the appearance of conflict. It is for that reason we did not nominate this gentleman.

For the record, Mr. Speaker and ladies and gentlemen of the House, the State Government Committee urged the Governor to appoint Mr. Volk to another board in the state because, indeed, his services and his expertise would benefit all the people of the State of Maine.

Thereupon, the Communication was ordered placed on file in concurrence.

#### Consent Calendar

##### First Day

(S. P. 722) (L. D. 2172) Bill "An Act Creating a State Capitol Commission" Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-544)

No objections having been noted at the end of the First Legislative Day, under suspension of the rules, the Bill was passed to be engrossed pursuant to Consent Calendar Second Day rules and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Taxation of the Unorganized Territory" (Emergency) (H. P. 2139) (L. D. 2159) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mrs. Post of Owls Head offered House Amendment "B" (H-1169) and moved its adoption.

House Amendment "B" (H-1169) was read by the Clerk.

Mrs. POST: Mr. Speaker, Men and Women of the House: Perhaps while we are waiting for the second amendment to come down, which is compatible with the amendment that I have proposed on behalf of the Taxation Committee, we might spend some time in discussion if people have questions on the amendment which is presently before you.

What this amendment does is essentially two things, it brings us in line with the court decision, which was handed down on March 9 of this year, in which they approved the constitutionality of an unorganized territory tax district, assuming that county taxes within any given county were levied in a way so the unorganized territory and the organized territory paid the same county tax rate. This amendment carries that particular requirement of the court decision through.

What we also did for this very first year was

to set the municipal cost component within the legislation. In the future years, the legislature will set the cost component each year from a budget which is presented by the executive department. This year, we have set the municipal cost component at \$5.5 million and that money will be raised by the tax on the unorganized territory.

For your information, the \$5.5 million figure was arrived at after the information was supplied to us by the Bureau of Taxation and it comes from an addition of figures in which monies are applied for forestry and fire protection for the Land Use Regulation Commission and the zoning in the unorganized territories, for the Department of Education and Cultural Services for educational services provided to the unorganized territories, to the Bureau of Taxation for the amount expended for property tax assessment in the unorganized territories, for reimbursement to counties for services provided directly to the unorganized territories and those are fire protection, dumps and roads, the public services and for human services, the general assistance cost in the unorganized territories and that amount, this year, is \$5.5 million.

At the present time, it is my understanding that there are several questions in the Attorney General's Office concerning what should and what should not be included in the municipal cost component. If any of these factors are found or any of these expenditures are found not to be allowable under our definition of municipal cost component, the money would simply stay in the unorganized territory fund, since that fund is a dedicated fund and that money would be available next year to counteract any tax levied.

Mr. Burns of Anson offered House Amendment "A" to House Amendment "B" and moved its adoption.

House Amendment "A" to House Amendment "B" (H-1170) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment, which is a friendly amendment to the LD and the House Amendment "B", what it does is give the county commissioners the authority to expend the excise taxes collected within an unincorporated town. It will only be used for that town.

If I may just briefly let you know why this came about — the people in Rockwood, Maine, asked the county commissioners for monies to match the state's share of monies to build a snowmobile trail in Rockwood. There was not sufficient funds in the property tax account, so they said, we will use some of the excise tax money, which they had been using in other unincorporated townships for other purposes. They submitted the request to the recreation department for matching funds, and a sharp Attorney General over there came back and said, you do not have the authority to expend excise tax funds in this manner. So we took the question to the Attorney General and he advised us that this is correct, that the county commissioners did not have the authority. Our county commissioners then looked a little farther in the law and found out that it did not have the authority to expend excise funds for electrical lights, water hydrants, ambulance service, recreation, veterans' memorials or libraries, which they had been doing. Consequently, upon receipt of this Attorney General's opinion, they stopped paying. There was not sufficient monies in other accounts to pay for these; therefore, we needed some action in a hurry to give them this authority, and we came up with this amendment so they can expend.

Ironically, the monies that were paid into the excise tax funds in the village of Rockwood on snowmobiles is part of this money that could not be used to build snowmobile trails, so they

were caught in a Catch-22 situation, and if this is adopted, it will straighten it out.

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

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

The Bill was passed to be engrossed as amended and sent up for concurrence.

On motion of Ms. Clark of Freeport,  
Adjourned until ten o'clock tomorrow morning.