

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**1978**

**Second Regular Session**

January 4, 1978 — April 6, 1978

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**Senate Confirmation Session**

June 14, 1978

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September 6, 1978 — September 15, 1978

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December 6, 1978

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APPENDIX

## HOUSE

Friday, March 17, 1978

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

Prayer by Father Benedict J. Reilly of St. Denis Catholic Church, North Whitefield.

Father REILLY: Come Holy Ghost, fill the hearts of Thy faithful. Kindle in them the fire of Thy divine love. Send forth Thy spirit and they shall be created and Thou will renew the face of the earth.

I am delighted and very pleased to be here with you this morning on the feast of St. Patrick. I have been very pleasantly surprised to see that you are so different from most of my daily companions over at the Maine State Prison. I have been there since the fall of 1969 at maximum security and for a while at the minimum security, but somehow I feel very secure right here.

There is an Irish Blessing that sounds kind of out of date when they have had so much trouble over there recently. The general theme of it is the beauties of nature. "May the wind be always at your back, may the sun shine full in your face and the gentle rain fall soft upon your fields, and until we meet again, may God keep you in the palm of his hand."

But St. Patrick went further with a challenge not so much to nature but for both you and I. "May Christ be in the hearts of everyone to whom I speak, in those that see me or hear me." I think that is the challenge that each one here has in dealing not so much with prisoners, who are accused of doing something wrong, as your interest and zeal and love for fellow men in all the decisions that you make today and in the following days are so important. May God bless you, in the name of the Father and of the Son and of the Holy Spirit. Amen.

The journal of yesterday was read and approved.

## Papers from the Senate

The Following Joint Order, an Expression of Legislative Sentiment recognizing that: Loretta M. Kahill is to be honored by the Veterans Administration at Togus on April 5th, her 88th birthday, for a lifetime of service to Maine's veterans (S. P. 746)

Came from the Senate Read and Passed.

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

## Reports of Committees Ought to Pass with Committee Amendment Amended in Senate

Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-555) on Bill "An Act to Improve the Administration of the Industrial Accident Commission" (S. P. 655) (L. D. 2015)

Came from the Senate with Report read and accepted and the Bill Passed to be engrossed as amended by Committee Amendment "A" (S-555) and Senate Amendment "A" (S-560) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the bill was read the second time and passed to be engrossed as amended in concurrence.

## Messages and Documents

The following Communication:

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

March 16, 1978

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

I am returning without my signature and approval H. P. 2153, L. D. 2167, An Act to Permit Law Enforcement Officers, Agencies and Associations to Make Limited Solicitations for

Advertising in or Purchase of Certain Publications Published by Them.

I don't believe that there is any question regarding my record of support for the law enforcement agencies in this state. They have a difficult job and one that requires a great deal of responsibility and deserves a great deal of respect. It is for just these reasons that I cannot allow this bill to become law.

In my opinion this bill has the potential to allow the practice of solicitation, even though through newspaper advertisement or some other less direct method, to detract from the professional image of law enforcement agencies. Even if the bill only creates the possibility for the appearance of impropriety or less than professional conduct, then in my opinion a veto is justified. To the extent that some businesses decide to purchase advertising space for publication and other businesses do not, there is automatically created an awareness of those businesses and individuals that have chosen not to participate. Although I personally do not question the integrity of any law enforcement agency in this state, the public perception of the professionalism of law enforcement agencies is as important to encouraging and engendering respect for the law as anything else. To the extent that even the possibility exists that one or more citizens could get the impression that there is a different standard of treatment received by those who choose to participate or choose not to participate is sufficient reason in my mind not to go forward with what otherwise appears to be an innocent attempt to provide a source of funding.

Also, I am concerned that the mechanism offered by this bill would not suffice to provide meaningful revenue. If it is insufficient and if the practice must be supplemented by other activities, perhaps not contemplated by the statute, we again face the possibility of the appearance of undue pressure or influence.

I would be willing to explore other ways that the State, if appropriate, could assist in funding publications. Also, I personally must be convinced that all the other alternatives must be exhausted before even considering getting into the solicitations area.

Although it may appear that I am being ultra-cautious and conservative in this regard, I personally believe that when a decision involves public confidence in our law enforcement agencies, every benefit of the doubt must be given to the side of insuring and protecting the continued integrity of law enforcement. I believe this policy is in the best interest of the people of the State of Maine, and will do much to maintain the respect for the law and the dedicated individuals who have the heavy responsibility of enforcing it.

Very truly yours,

Signed:

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

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

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this morning to answer this veto message, and I must say to you that Officer Patty MacFarland and all the boys are very disappointed over the Governor's action today.

I will review briefly for you the unanimous report which came from the Committee on Business Legislation which, as the Governor points out, gives the law enforcement officers and agencies very little but something we felt was not going to jeopardize their prestige or reputation, and which we also felt was not opening up the possibility of coercive and abu-

sive solicitation tactics. What it does, it permits them to publish and in-house publication, if you will, for their own members or for anyone else who would care to subscribe, and that these people may solicit subscriptions to the publication or advertisements in it but not through any kind of personal contact, only through advertisements in the media or through a printed form within that publication listing the rates for subscriptions and advertisements. The committee feels that there is virtually no possibility that there is going to be coercion or abusive solicitation tactics through this amendment to the existing law which was passed in the last session.

I would simply submit to you that virtually all other professional and occupational organizations in the state are permitted to and do publish various forms of newsletters, magazines and so forth for their members and that a great many of those, if not all, are supported by advertisements from local merchants and so forth, which permits them to be able to afford to publish this kind of publication. I think it is unfair that law enforcement officers should not also have this opportunity, so long as we can afford it to them in a way that is not open to abuse, although the Governor has a point when he says that there may be some appearance of wrongdoing, I also think it is unfortunate to hold them responsible for the appearance of things when, in fact, the reality of an abuse may not exist.

I would ask you today to override this veto.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Originally, I was very much opposed to this bill in its original form, and I feel for good reasons. We had a fiasco a few years ago were the State Police got involved in a publication and they hired an outside solicitor to come and harass and coerce some of the business people in the state into purchasing "advertising." I think we have put this bill in a position where nobody is going to abuse it, and I would urge that you vote to override the Governor's veto today and permit these people to publish their publications and get their message out to the people. The only way that they can have a publication is if they have come income, and the only income they can have is through advertising.

I would urge you to go ahead today and let this thing become law and give these people the opportunity to have their publication, and in the event there is an abuse in the future, we can always take care of it or someone else can always take care of it a little later on.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I read the Governor's veto and it gave me a moment of shame. The Governor is attempting to put the law enforcement person back on that pedestal where he belongs. All that he is asking is to make the policeman's assignment as clean as a hound's tooth. I don't think you can compare law enforcement agencies with other brotherhoods, unions or associations.

I think in the Governor's veto today he came in with a position one step higher than the ethical standards I set when I supported the bill. I find myself in the position today where I feel duty-bound to support the Governor on this particular measure, and I urge you to do likewise.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the Governor's veto, and this was my stand as the bill went through this body.

I would like to point out one portion of the veto that makes a lot of sense to me, and I think we should go down that avenue. He suggests it may be appropriate that the state pay for a publication for the state police, very similar to

what the warden service has now with Maine Wildlife. I believe it is. I would suggest that we go ahead and sustain the veto today and take the possible look of it being a state publication.

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

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as it passed through both chambers this session, has been debated at length. The issues, I feel, do not need repeating.

This morning I would compliment the Governor of this state on his excellent veto message, but I stand here on St. Patrick's Day urging you to override the Governor's veto because it was the unanimous committee report from the Committee on Business Legislation, and to do no less, as Chairwoman of that committee, would, I feel, be negligent.

The Committee on Business Legislation, in the first regular session of the 108th Legislature, passed a restrictive measure which addressed the question of impropriety and solicitation on behalf of the law enforcement officials of our state. It was suggested at public hearing, and those who testified as proponents of this measure suggested that we had, in fact, gone overboard. As a matter of fact, it is alleged that we restricted the liberties of the officers of the law of this state, for, indeed, they are not only law officers but they are people and citizens, too.

I would suggest to you that any solicitation by mail is not inherently coercive. At the appearance of impropriety, which is suggested, should the law enforcement officials of this state be granted the right and privilege of an internal publication is indeed appropriate, we can do no less.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I have the same problem on the publication that I had last year, and I hope you override the Governor's veto. For some reason, everybody is hung up on the state police and you are talking about a statewide publication at the cost of the state. What I am hoping that this bill will do is that it will help the small town police departments to raise some money to equip themselves so that they may look as a police department.

I would reiterate a few things that I mentioned last year. The police department in my town, if they had not been able to raise money, in other ways that the town did not fund their unit appropriately, because it is such a small town, people were going around with a badge, a green shirt and black pair of pants or whatever, and the only way that they were able to equip themselves was by selling a few ads in magazines, a little bit on the history of the police department, a little bit on how to prevent crime and a few other things to help the public. They were able to raise enough money to equip themselves to look like an appropriate police department, and that is how they gained respect, in a sense, at least when they were stopping motorists or whatever, they looked the part.

I was very much against this solicitation act last year because it did take away that privilege, and I wish we would get away from the problem of the state police and think about the small town organization that would like to equip themselves and help the town save some tax money. My town appropriated approximately \$15,000 through special funds on their magazines over a period of five to seven years and were able to save the people some money.

Let's get away from the problem that we have with the state police and let's think of the small towns that can use the money, aside from taxes, and probably help another police department.

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

Mr. MORTON: Mr. Speaker, Ladies and

Gentlemen of the House: I have consistently taken a position on this bill and I continue that this morning. I realize that veto messages have necessity to be a little bit longer than perhaps is necessary. A few caveats have to be put in, but I would call attention on Page 2 of today's calendar, in the second paragraph, the first paragraph on the page, on succinct sentence in the veto message, and it says "To the extent that some businesses decide to purchase advertising space for publication and other businesses do not, there is automatically created an awareness of those businesses and individuals that have chosen not to participate," and that is the problem, ladies and gentlemen. We have a unique relationship in all our communities with police departments to personal relationship. Everybody knows everybody else and there is an impossibility to legislate out, despite all the caveat that the folks have spoken about today, the fact that automatically when you are dealing with the police, there is an awareness that you have chosen to or not to, and I think that that is the position that we, as citizens and businesses, should not be placed in and I feel as though you should vote no to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote with the Governor this morning. I heard this bill, I was on the Business Legislation Committee, and when I heard it, I had serious reservations about it. But the original bill that came before us in the regular session, which was sponsored by Representative Carroll, I was opposed too, and Representative Carroll was at this hearing and I asked him just before the vote was taken if was in favor of this bill and he said he would go along with it at that time. That was really the reason that convinced me that I should go with it, but since that time, he has changed his feelings on it, I believe, and I felt right along, that we should not open the door again.

So, this morning I am going to vote differently than I voted the last time around. Although, as the gentlewoman from Freeport, Ms. Clark, has said, the committee report was unanimous, it really wasn't in my heart, so this morning, I am voting with the Governor.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I sponsored the legislation last year and I sponsored it with a great deal of vigor and zeal because I felt there was a great need for this type of legislation. I went along with the committee on this. I appeared at the hearing. I had reservations in opening up this legislation but I felt I was one individual in a forest almost crying alone and that perhaps I should withdraw my objections and let this legislation go on to determine if this House and the Governor would go along with it. I praised the Governor this morning because I think he took appropriate action.

We have collective bargaining for the Maine State Police, they are duly protected. They have a very, very unique position in our society and I hope they will maintain that position in our society. Therefore, if they do need a booklet or something to put out, I would recommend this legislature finance it and that they not have to go to any man or solicit anyone or anyone solicit anyone else in their name. I don't feel that it is appropriate, to be involved in the advertising game in any way, shape or manner, when it comes to law enforcement.

I want to thank Mr. Sproul for his generosity to me in asking me at the hearing if I would go along with it, because he told me that he would gladly go along with a Divided Report. I think the fact should be in the record.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I very seldom disagree

with my good friend Mr. Carroll and Mr. MacEachern and a few others, but we have a small police department, we have a reserve police force, and the only way that we can equip our reserve police force, and this is a fantastic thing to believe, but my town is not the only one that works this way, many, many of them in the State of Maine do, the only way we can equip our reserve police force with the basic needs, uniforms, weapons if they needed them, was by the dances that were held, the solicitations in the magazines, the police magazines, etc., and this helped us equip the people that needed the equipment because the town couldn't afford it.

Last week, in this House, when we had the debate on the judicial system, I heard "a judge would never do that" and here I am sitting listening that our police officers would. That is fantastic, I can't believe it. I have more faith in our law enforcement system than that. I just can't support the idea that "all" police officers are rotten, I just can't do it because I don't think they are. I think this piece of legislation is tight enough where it keeps the fears that we have from happening. I don't see restricting these police departments from having a benefit, a booklet, some way of raising some funds to help themselves, and what really gets me, we have some towns that raise money for the Pine Tree Cripple Children's Society from some of the police efforts, and we are even going to stop that. I, personally, am going to override the veto because I think this is a good piece of legislation. It is tight and it is good.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: Just to straighten the gentleman out from Limestone, Mr. McKean, I think he thought that I think, contrary to his thinking on this issue, I tried to make it quite plain that I support an override of the veto, not that I oppose it.

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

Mrs. TARR: Mr. Speaker and Men and Women of the House: I rather resent Mr. McKean's remarks regarding rotten police officers. I don't think if you sustain the Governor's veto that that means necessarily you think policemen are rotten. I do think that any town that wants a police force should equip that police force, and not through solicitations. I will vote to sustain.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct any impressions that have been given here that they cannot solicit for charitable purposes. They may solicit for charitable purposes under present law, but all money must be used for charitable purposes. I want that clearly defined. We are not stopping any solicitation for charitable purposes but all monies must be used for charitable purposes.

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

Mr. KILCOYNE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, sit on the Business Legislation Committee and I can tell you that the appearance of undue influence and pressures on all police departments and state police will be far greater if we do not override this veto message. The appearance of impropriety is eliminated, and I would hope you would override this veto.

The SPEAKER: The pending question is, shall this Bill become a law notwithstanding the objections of the Governor? According to the Constitution a two-thirds vote of the members present and voting is necessary to override the objections of the Governor. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Beaulieu, Bennett, Berube, Biron, Birt, Boudreau, A.; Boudreau,

P.; Brown, K. C.; Bustin, Carey, Carter, D.; Chonko, Clark, Curran, Dow, Dudley, Du-tremble, Elias, Goodwin, H.; Hickey, Higgins, Hobbins, Howe, Huber, Jackson, Jensen, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, McMahon, Nadeau, Nelson, M.; Norris, Paul, Peltier, Plourde, Raymond, Rideout, Spencer, Strout, Talbot, Tarbell, Tierney, Tozier, Truman, Valentine, Violette, Whittemore, Wilfong, The Speaker

**NAY** — Austin, Bachrach, Bagley, Benoit, Berry, Blodgett, Brenerman, Brown, K. L.; Bunker, Burns, Carrier, Carroll, Carter, F.; Churchill, Conners, Connolly, Cote, Cox, Cunningham, Davies, Devoe, Dexter, Diamond, Drinkwater, Durgin, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hughes, Hunter, Hutchings, Immonen, Jacques, Jalbert, Joyce, Kane, Lewis, Lizotte, Locke, Lougee, Mackel, Masterman, Masterton, McBreairty, McPherson, Mitchell, Morton, Najarian, Nelson, N.; Palmer, Pearson, Perkins, Peterson, Post, Quinn, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Tarr, Teague, Torrey, Trafton, Wood

**ABSENT** — Gillis, Gould, Littlefield, Lunt, Lynch, Mills, Moody, Peakes, Prescott, Stubbs, Theriault, Twitchell, Tyndale, Wyman  
Yes. 62; No. 75; Absent, 14.

The **SPEAKER**: Sixty-two having voted in the affirmative and seventy-five in the negative with fourteen being absent, the Governor's veto is sustained.

#### Orders

An Expression of Legislative Sentiment (H. P. 2265) recognizing that:

Greg Wardwell of Stockholm has been undefeated in Aroostook County High School competition and placed first for cross-country skiing in the Eastern Regional Competition

Presented by Mr. McBreairty of Perham (Cosponsor: Mr. Peterson of Caribou)

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

An Expression of Legislative Sentiment (H. P. 2266) recognizing that:

Cheryl Grant, Sheila Grant and David Carlson of New Sweden and Graig Quist of Stockholm placed first in their respective classes for cross-country skiing races held at New Sweden, March 11, 1978

Presented by Mr. McBreairty of Perham (Cosponsor: Mr. Peterson of Caribou)

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

An Expression of Legislative Sentiment (H. P. 2267) recognizing that:

The Tiger AA of Portland has a distinguished record of over fifty years of community service

Presented by Mr. Flanagan of Portland. (Cosponsor: Mr. Joyce of Portland)

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

An Expression of Legislative Sentiment (H. P. 2268) recognizing that:

The Academy of Motion Picture Arts and Sciences has contributed greatly towards the artistic and technological excellence achieved by the motion picture industry over the past fifty years and will celebrate its fiftieth anniversary with the academy awards presentation the "Oscar Show" on April 3, 1978

Presented by Mr. Tarbell of Bangor.

The Order was read.

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

Mr. **TIERNEY**: Mr. Speaker, I would like to pose a question to the good gentleman from Hollywood, Mr. Tarbell, and ask him to explain the reason for the introduction of this order?

The **SPEAKER**: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Bangor, Mr. Tarbell, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. **TARBELL**: Mr. Speaker, Ladies and Gentlemen of the House: I would think that the honorable scholar and doctor of jurisprudence would know the obvious reasons behind such an order, but I guess I might have to enlighten him this morning, as I had to enlighten him yesterday.

The oscar awards in the academy this year will be presenting similar orders from all the 50 states in the union. I simply thought that Maine might wish to be included in such an awards presentation.

The **SPEAKER**: The Chair will order a vote. The pending question is on passage of the Order. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 21 in the negative, the Order received and passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 2269) recognizing that:

The Parish of Saint Joseph's, which for one hundred and sixteen years has ministered the gospel first to the French-Canadian community and now to all of the people of Old Town, is celebrating the seventy-fifth anniversary of the construction of its church building

Presented by Mr. Pearson of Old Town.

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

On motion of Mr. Carey of Waterville, the following Joint Order: (H. P. 2271)

WHEREAS, the Maine Legislature enacted the Tree Growth Tax Law in 1973; and

WHEREAS, this statute provided that the assessed value of forest land would be based upon forest productivity; and

WHEREAS, this new and innovative method of determining forest land value was anticipated to result in a current use valuation; and

WHEREAS, the Tree Growth Tax Law forest productivity methods for establishing value have resulted in per acre assessed valuations ranging from \$8.10 per acre to \$79.30 per acre; and

WHEREAS, one effect of the tax treatment afforded by statutes such as the Tree Growth Tax Law is to shift the property tax burden to other tax payers; now, therefore, be it

**ORDERED**, the Senate concurring, that the Joint Standing Committee on Taxation study and make recommendations to the 109th Maine Legislature regarding the Tree Growth Tax Law, Title 36, sections 571-584-A; and be it further

**ORDERED**, that the committee's review include, but not be limited to, the following: A review of whether the current methods for establishing stumpage values, capitalization and discount rates are adequate and appropriate; a review of alternatives to the current Tree Growth Tax Law and recommendations for modification or repeal of the current statute; a review of the current Tree Growth Tax Law and its effect on forest land owners and non-forest land owners; a review of the Tree Growth Tax Law reimbursement provisions for taxes lost by Maine cities and towns; a review of the definition of those property owners eligible to use the Tree Growth Tax Law and whether or not the mandatory or optional coverage provisions of the statute are appropriate; and a review of the adequacy of the withdrawal and penalty provisions of the current statute; and be it further

**ORDERED**, that the committee shall hold up to 4 public hearings in appropriate areas around the State; and be it further

**ORDERED**, there is allocated from the Leg-

islative Account to the committee the sum of \$5,000 for the purpose of employing an outside consultant, expert in the taxation of forest land; this consultant will assist the committee in its analysis of the Tree Growth Tax Law; and be it further

**ORDERED**, that the committee hold an initial meeting by June 1, 1978, and that it complete its study no later than December 1, 1978, and submit at that time to the Legislative Council its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

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

An Expression of Legislative Sentiment (H. P. 2272) recognizing that:

Lisa Jo Ouellette of Portland exemplifies the best traditions of honesty and societal concern to be found among American youth

Presented by Mr. Talbot of Portland.

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

An Expression of Legislative Sentiment (H. P. 2274) recognizing that:

The King's Legend Racing Yacht is one of fifteen yachts participating in the Whitbread Round-the-World Race and the only yacht with Americans in the crew, and Gregory Tuxworth of Bethel is one of the Americans, competing in the race

Presented by Miss Brown of Bethel.

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

On Motion of Mr. Quinn of Gorham the following Joint Order: (H. P. 2275)

**ORDERED**, the Senate concurring, that the Joint Rules be amended by repealing Joint Rule 33 and inserting in its place the following:

33. Expressions of legislative sentiment. While the Legislature is in session, all requests for expressions of legislative sentiment shall be prepared in a standardized manner by the Director of Legislative Research and shall be approved, if no objection is noted on the Legislative Record, after posting the expressions for two consecutive legislative days in a prominent place. When the Legislature is not in session, these expressions shall be presented for consideration and disposition by the Legislative Council in the name of the Legislature.

The Order was read.

Tabled under the rules, pending passage and specially assigned for Tuesday, March 21.

On motion of Mr. Nadeau of Sanford, it was **ORDERED**, that Stephen R. Gould of Old Town be excused March 17, 1978 for personal reasons,

**AND BE IT FURTHER ORDERED**, that Robert J. Gillis, Jr., of Calais be excused March 17, 1978 for legislative business

#### Consent Calendar

##### Second Day

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

(H. P. 2164) (L. D. 2173) Bill "An Act to Incorporate the Vinalhaven Water District" (Emergency) (C. "A" H-1178)

(H. P. 2229) (L. D. 2189) Bill "An Act to Revise the Maine Sunset Law and State Agency Rules Law" (C. "A" H-1180)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act Making Certain Substantive Revisions to the Marine Resources Statutes" (H.

P. 1939) (L. D. 2019).

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: We have some amendments to this bill that are waiting on action by the Governor on our general revision bill, so I would ask that somebody at this point at least table it until later in today's session.

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

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

House Divided Report — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-1164) — Minority (6) Ought to Pass as amended by Committee Amendment "B" (H-1165) — Committee on Appropriations and Financial Affairs on Bill, "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance" (H. P. 1859) (L. D. 1922)

Tabled — March 16, 1978 (Till Later Today) by Ms. Goodwin of Bath

Pending — Acceptance of either Report.

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

Ms. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Minority "Ought to Pass" Report.

You have before you today two reports, the first report with Committee Amendment "A" would change the general assistance formula to triple 0003; Report "B" would change the formula to 30 percent. As you are all well aware, in 1976 the state required all communities to revalue up to 100 percent. Back in 1974, 237 communities were reimbursed by the state under general assistance. By 1977, less than 90 were reimbursed, and it is estimated that perhaps as few as 40 under the present formula will be reimbursed in 1978, so I think all of us on the committee wanted to do something to address this problem. The question is, which formula do you want to go with? Of the 496 communities, 54 would benefit more by Report "A", or the majority report. The rest of the communities would be better off under Report "B", which is the 30 percent. By going to 30 percent, you would at least be guaranteed that 30 percent reimbursement, regardless of whatever happened to state valuation. There would be, however, no protection in the case of catastrophic illness, for example, for a small town. There will, however, be offered, if Report "B" is accepted, one of two amendments which would allow the towns to opt for two choices; one would be straight 30 percent reimbursement, which I would say would benefit nearly all of the towns in the state; the other would allow a town to opt to remain at the present formula, which is that 0006, with a 90 percent reimbursement for anything beyond that, or there will be a second amendment offered which would provide for 100 percent reimbursement for anything beyond the 0006, which would probably be even a better option for those 54 communities who would hurt by Report "B".

I do hope that you will accept Report "B" and then accept one of the two amendments which will be offered to us.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: It isn't often that I oppose my good friend from Bath, Ms. Goodwin, but I do on this one. I hope you do not accept Report "B" and go to Report "A". This would give us three tenths of a mill ceiling on what we would be paying out in general assistance.

I want to just briefly cite what happened in the Madison area last year. We had one of our major industries close down, the Kennebec

Pulp and Paper Company Mill. It put some 340 people out of work, affecting, thereby, about 300 families. We did not get caught real badly because they were able to receive TRA and a lot of them stayed off general assistance. Had they not gotten TRA, we would have been in a very bad bind in our area on our general assistance. The two towns, Madison and Anson, last year, paid out some \$35,000 in general assistance. Now, we are talking about two small towns. Madison has a population of about 2300. This could have been devastating to us, had we not had the TRA and without a ceiling, we could have been hurt very, very badly and this is what happens if we take Report "B", we will not have a ceiling, thereby, we would only be able to be reimbursed by the state at 30 percent.

True, there are a couple of amendments that might go on to this, but I would prefer to have it at the three tenths of a mill rather than six tenths of a mill, it gives us a better break. It is an insurance policy, it means that probably you would not get as much money back to your towns right now by the three tenths of a mill; however, it is an insurance policy in case something catastrophic would hit your town, you would be protected and would be getting 90 percent back of what you are paying out in general assistance. If Report "B" is accepted without the other amendment, that means that you are going to have to pick up 70 percent of your general assistance in that town. That could be quite sizable.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Unlike the good gentleman from Anson, Mr. Burns, the good chairlady and I do disagree from time to time. I would like to tell you today why I would hope that you would reject the Report "B" of the committee and accept Report "A", which is the majority report. As the gentleman from Anson, Mr. Burns, has said, it is insurance policy. I would like to give you a little example of what could happen to a particular town.

The present law says that a town or city must expend six tenths of one mill before they receive the 90 percent reimbursement. Report "A" of the committee has lowered that to three tenths of a mill of their state valuation, whereas, as has been pointed out, Report "B" is at a straight 30 percent. If you take a town that has a state valuation of \$100 million, that town if it spent \$3,000 or less on general assistance would receive nothing under three tenths of a mill. However, it would receive \$9,000 under the 30 percent formula. The problem is, if that town should receive a disproportionate amount of general assistance requests during the year, if you get up around \$50,000, under three tenths of a mill, the town would receive \$18,000, because they would receive 90 percent of the difference between \$50,000 and \$30,000, which is \$18,000. Under the 30 percent rule, they would receive \$15,000, so there is sort of a breakeven point there.

I think the intent of the law, when it was passed or changed, was to present some sort of a threshold and I view it as sort of catastrophic illness program, where once you reach a certain level, the state will come in and say, we will pick up a 90 percent of the costs over that. I think that that is important and it is especially important for a small town. My town isn't going to gain anything under either one of these because our valuation is \$160 million and we spent around \$30,000 last year on general assistance, so we don't stand to gain anything under the three tenths of a mill, which is the one I signed out, but I think it is important that they receive, if for some reason we had a real serious problem in the town of Scarborough, that we would get a greater amount of money once you reach that threshold.

I would like it to a deductible under your own car insurance policy or even your health

insurance. I don't think there is anyone here that would want their car insurance to read that the insurance company would pay 30 percent of whatever claims that you have incurred during the year. That would be great if you had a large catastrophe, if you will, you would only get 30 percent, whereas the intent of the insurance is to pay you or reimburse you for the greater cost that you might incur on maybe one particular large claim. So, I think it is important for the House today, especially for the small towns, who may have real small valuations, they might have one claim in for \$30,000 or \$40,000, and under that situation, they might only receive \$9,000 or \$10,000 from the state, whereas if their state valuation was real low, they might receive as much as twice that. I think it is important. It is based on state valuation and each particular town or city must raise its proportionate share compared to the rest of the towns throughout the state.

Granted, the 30 percent rule hits every town that we all represent, and I guess maybe that is why some people are in favor of it, because they figure politically they can get more votes if every town gets a little something out of the kitty, but I think it is more important that the town be insured to some extent for a catastrophe within that town, especially for the small ones.

So, I hope today you would not go along with the motion on Report "B", defeat that motion and go along so we can accept Report "A" and then if there were amendments, take them to that bill rather than to Report "B".

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will support the chairperson of the Appropriations Committee and pass the Minority Report. We found in the Appropriations Committee that many, many towns in Maine were not benefiting at all from general assistance help from the state. This is an attempt to right that wrong or what I see as wrong. In virtually every town in Hancock County, the towns don't get any money or any help from the state. In many of the towns of Aroostook County it is the same. In almost all of Androscoggin County it is the same. In many towns in Penobscot County it is the same, and on and on and on.

Under the Minority Report, very town would receive 30 percent of its costs from the state. There are some towns in the state that will be adversely affected by this; there are very few. One of them is the town of Van Buren, and I suspect you might hear from their legislator later. There is what I consider, as one member of the Appropriations Committee as a friendly amendment coming along that will alleviate their problem so that nobody will suffer. I would suggest that we pass the minority report, at least I pledge my support to the amendment that is going on to give the towns a choice. You can get 30 percent of your cost paid for by the state or you can stay on the formula system and have the type of insurance that Mr. Higgins was talking about in either/or proposition.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: As the sponsor of this bill, I am in the enjoyable position of supporting both committee reports, because both begin to relieve the property tax burdens that we have placed upon our municipalities by not changing the reimbursement formula, which we passed in the House six years ago.

However, I would ask this morning that members of the House take the long-run look at this issue and support the minority report. In the short-run, Committee Amendment "A" helps my community and 53 others more than does the Majority Report, but there are problems with going to three tenths of a mill in the long run that make me less able to support that



formula.

In 1972, the state legislature made a commitment to the municipalities when it established the present formula of six tenths of a mill. That commitment was to help minimize the effort of the cost of general assistance on the local property tax. That commitment has eroded over the past three years so much so that in 1978-1979, few, if any communities will qualify for state reimbursement and, therefore, few would have the opportunity to have the property tax relief that this formula was intended to provide.

In 1972, as I said before, the local share was set at six tenths of a mill of state valuation for each municipality. In 1976, we required all communities to revalue at 100 percent rather than 50 percent. Now, this obviously doubled the overall local share that had to be borne by the property tax. In 1974, the state funded approximately 45 percent of the total cost of general assistance. Today, that commitment has dropped to less than 20 percent.

For four years, bills have been submitted to the legislature to change the formula to keep up with the spiraling valuations and property tax increases for this item. To date, nothing has been done. If we pass three tenths of a bill today, the Majority Report, that formula would not even bring us back to where we were two years ago. If I could count on future legislatures to update the formula as valuations increased, I would support the majority report, but I have seen how difficult it has been to change the formula over the last four years, so today I feel it is time that we shift our approach to a fairer formula so that we don't have to continually discuss changing the formula every year.

The minority report will help all communities. Currently, communities are held hostage at budget time because they don't know what to expect from the state. Under the 30 percent report of the committee, towns will, in the future, know where they stand. Also in the future, as valuations rise, the three tenths majority report will help very few communities and those towns who benefit this year will not benefit next year.

Lastly, the percentage formula gets us away from using state valuation as a basis for reimbursing communities for their costs, because I don't think there is any direct correlation between general assistance costs and property valuations. High costs can occur in any community. The entire social services in this state is upon strict percentages, Title 20, PSSP, Cap, Family Planning are all based upon percentages and not based upon state valuation.

My good friend, Mr. Burns has an amendment to the Minority Report which will make the 30 percent more fair to all communities. That would give communities an option, as has been said before, of 30 percent or six tenths of a mill, whichever is larger. That would solve the problems of the communities in Aroostook County who are bothered by the 30 percent formula, and also would help those towns which have sudden closings of important industries and subsequent sudden increases in welfare costs.

I urge the members of the House to support the Minority Report and then allow Mr. Burns to put his amendment on the bill.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I just did some very quick calculations and I may be off by two or three communities because I did it so fast, but under Report A or the Majority Report, only 105 of Maine's 496 communities will benefit. Under Report B, all 496 communities will. Again, I wish to emphasize, as has been pointed out before, that those communities who wish to, if the amendments are offered to Report B, can opt for the so-called insurance policy.

The SPEAKER: The Chair recognizes the

gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think the arguments of the gentleman from Portland, Mr. Brennerman just presented to you really put the issue in focus.

I would just like to add two brief comments to that. The gentleman indicated that the present law was enacted six years ago and since then two things have happened to state evaluation in my opinion. Number one, we have gone to an annual state valuation instead of the former biennial state valuation we have. The net effect of this is that valuations tend to change a lot quicker and have a greater impact upon the local communities than they have had up to this point in time.

The other point, I think, is that we all know state valuations are rising very, very rapidly. So, I think what the Minority Report suggests is that even if we were to stay on a mill rate reimbursement formula as opposed to going to percentage that it is going to be a very few years down the road before we have to change to a percentage formula so that any number of significant towns will be affected by the law.

I think we have an opportunity with the amendments that are proposed to make a significant change that will have a lasting benefit on all of our towns. I think that it would be a good opportunity to enact this type of a change and I would urge you to support the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreaarty.

Mr. McBREARTY: Mr. Speaker and Members of the House: If you want to cancel the insurance policy that your cities and towns now have that protects them from the danger of tremendous increases in general assistance, if you want to make a fast buck for many towns who are not badly in need of help with the danger of bankruptcy for others, possibly your own at a later date, you should vote for this Minority Report.

I am going to give you an example of what acceptance of this Minority Report can do. I represent the town of New Sweden, which had a general assistance bill this past year of \$975. Representative Peterson represents the town of Woodland, which had a general assistance bill this past year of \$24,000. If this Minority Report had been in effect this past year, New Sweden would have gotten \$300 back from the state. Woodland would have gotten back \$10,000 less. I am sure not ready to sell Woodland down the river so that New Sweden will get \$300 back. I am sure Woodland needs that \$10,000 much more.

Passage of this Minority Report compares greatly with canceling the insurance on our automobiles. You will get by cheaper until you have an accident. I strongly urge you to turn down this Minority Report, so that we might pass the Majority Report that will increase every town's or city's insurance coverage without hurting anyone.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Everyone knows the respect I hold and have for Representative McBreaarty and I certainly can appreciate his loyalty to his community and also to his very dear friend Representative Peterson. But, you know, somewhere along the line, charity begins at home too. In my area, not only Lewiston and Auburn but all towns in my county, the county of Androscoggin, and then Aroostook, the county, gets a little something out of this and it is to be remembered that the county, Androscoggin County is the second largest taxpayer in the state of Maine. We don't ask for too much, we don't get too much, we would like to have this because it is going to help us a little bit. I hope we accept the "B" report, the minority report, seven to six. That is not such an overwhelming victory. One vote one way or another

can go the other way.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was first proposed it proposed a change from the formula of .0006 down to .0002, and that, of course, was designated to increase the amount or rather decrease the amount that a town would have to have for general assistance before the state would begin to participate at the 90 percent level. I was perfectly willing going in to go from .0006 down to .0003, which the Report "A" calls for, and my reasoning for that was that some years ago, administratively the state automatically changed the basis upon which they operated from a 50 percent valuation to 100 percent valuation. So, if you go from .0006 down to .0003 you haven't changed anything. You have actually put the towns back in the same position they were when the law was first enacted. That seems fair and reasonable to me and I certainly am willing to go along with it.

I do not favor the 30 percent from the bottom method, because I think it takes away from the pressure on the community to do a better job of administering their general assistance dollars. There is a deductible feature, if you will, to this so-called insurance policy approach and that deductible feature is the percentage of your total valuation that you have to have in welfare costs before you begin to participate. But, if you go with the .3 percent from the bottom position of Report "B", it reminds me of something that is an old, old, old Bible story, and that is when Esau threw away his birthright for a mess of pottage. The point is that you can have a disaster in your community and in some small communities that might only be a hospital bill for a year for one indigent elderly person and suddenly they are in a position where, if they had a \$1000 hospital bill, they would get \$300 and in the case of .0003, they would get considerably more than that.

You can take an example, and a quick one. I hate to quote figures because I know people who have problems with them but let's take a town worth \$2 million on the .0003, it would take \$6,000 of welfare costs before they would get into the business. If they had a \$10,000 bill that year, under the 30 percent formula, they would get \$3,000 under the present law. At .0003, they would get \$3,600, but if that suddenly jumped to \$20,000 welfare costs, they would only get \$6,000 under the 30 percent formula, but they would go to \$12,600. That's where the insurance comes in and I think it is very important that we do not throw away that possibility. Therefore, I urge you to defeat Report "B" so that we can get to Report "A".

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge that you defeat the Minority Report. The Minority Report, unamended, presents nothing but a veritable horror show for my community. It represents some 360 percent increase over the Majority Report for us in costs.

I might like to hark back and do a little explaining on this. Back during the depression era, they moved in some welfare cases from all around this area. As I understand it, the state, during the depression era, had some five separate communities around the state where they moved all their welfare cases in rather than send social workers out around the state, the roads were so poor and so forth, and since that time, we have been burdened in Hallowell with these welfare cases, their children and their grandchildren, all due to state action. If the Minority Report, unamended, is adopted, we face a substantial increase in our welfare costs. I would suggest that there are probably other communities in a like similar fashion around the state.

The SPEAKER: The Chair recognizes the

gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: My community — I supported Report "B", the Minority Report, that the state would reimburse 30 percent of every community welfare cost even though Portland would benefit more from Report "A". The reason I did that, as has been stated here on the floor of the House, the legislature simply doesn't keep that formula up to date. It hasn't been straightened out in the past and more and more communities lose out as valuations increase, the formula stays the same and fewer and fewer communities receive any benefits.

I think welfare really is a state responsibility. I think, if the money were available, they should be paying at least 50 percent of the costs of the cost of general assistance. I say that because the reasons why communities need to pay out money in general assistance are usually reasons that a community or municipality has no control over, the national economy or a factory closes down or cuts back or moves out of state and there is very little the municipality could have done to have prevented that from happening.

At our hearing, the MMA testified that the municipalities have been doing a remarkable job in cutting back on their welfare costs even when we had a period when we had extremely high unemployment. I know my own city has even hired — we have even become sort of an employment agency for people who come into city hall for welfare assistance and try to find jobs. We have somebody on the payroll who does just that. It has been very successful, I must admit.

I would point out to you that the appropriations on both of these amendments are almost identical. It is \$12,000 more on Report "A" than Report "B" and, yet under Report "B", any community that had any general assistance cost will receive at least 30 percent. It is for that reason that I am supporting that this morning, although either would certainly be an improvement over what we have now.

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

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the members of the House, before we vote, that in the short run .0003 sounds find and helps maybe 100 communities. But, next year and the year after, few towns will benefit and we will be back again to try to change the formula. As many of you know, that hasn't been a very successful attempt. It seems logical to me that we set a percentage formula like 30 percent, keep it for some years to come and then amend it today with the amendment put on by Mr. McBreairty.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to advocate the defeat of Report "B" and go on to the Majority Report in that I feel that Report "B" calls for a change in concept in the area of general assistance. I think the small towns in this state would much prefer to have a 90 percent coverage in catastrophic expenses as far as general assistance is concerned rather than a 70 percent coverage which they are getting now.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Dutremble.

Mr. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I made quite a few phone calls this week and most of the towns that I called, they would support the 30 percent reimbursement. So, I would wish that you would support the Minority Report.

The SPEAKER: The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, either of these reports will not be an improvement for my particular community. Report "B" will

mean that my particular communities cost of general assistance will more than double. For that reason, I will be voting against Report "B" today.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add just one thing to the debate today. That would be to try to compare this, although maybe I am treading on thin ground to do so, but, to compare it with the cost of education in the State of Maine, we have made a policy decision at the state to fund approximately 50 percent the basic cost of education state wide for all the towns. I think if we went along today and supported 30 percent for general assistance, it would be the same thing as turning 50 percent of the education cost for each community throughout the state back to them. Now, that would be great for some of the towns that are receiving very little state subsidy now but you are penalizing the people that don't have a high tax base on which to raise the education.

We all know the way the formula works for education with a subsidy index and I think that is essentially what the Majority Report is saying. That each town must raise its fair share if you assume state valuation to be somewhere relatively near what it is supposed to be. I think that to go to 30 percent, as I said, is the same as taking the \$173 million that we appropriated for education and just distribute it to each town on half of its costs. I don't think that is what is the intent of the legislature and I do think that to do so on welfare, on general assistance is going to hurt a lot of small towns that may have one or two cases. I hope you would take that into consideration and vote against the pending motion.

Mr. Speaker, I would ask for the yeas and nays.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Bath, Ms. Goodwin, that the House accept the Minority "Ought to Pass" Report, all in favor of that motion will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, I would like to pair my vote with the gentlewoman from Hampden, Mrs. Prescott. If Mrs. Prescott were here, she would be voting yes, and I would be voting no.

#### ROLL CALL

YEA — Ault, Bachrach, Beaulieu, Benoit, Berry, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Carey, Carrier Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Dow, Dudley, Dutremble, Flanagan, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, MacEachern, Martin, A.; Maxwell, McHenry, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Pearson, Post, Quinn, Spencer, Sprowl, Stover, Talbot, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Wilfong, Wood.

NAY — Aloupis, Austin, Bagley, Bennett, Berube, Birt, Boudreau, P.; Brown, K. L.; Bunker, Burns, Bustin, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Durgin, Elias, Fenlason, Fowlie, Garsoe, Gill, Gray, Hall, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen,

Jackson, Kane, Lewis, Locke, Lougee, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, McBreairty, McPherson, Morton, Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Strout, Stubbs, Tarbell, Tarr, Teague, Whittimore, The Speaker.

ABSENT — Gills, Gould, Littlefield, Lunt, McKean, Mills, Moody, Peakes, Theriault, Twitchell, Tyndale, Wyman.

PAIRED — Prescott, Violette.

Yes, 70; No, 67; Absent, 12; Paired, 2.

The SPEAKER: Seventy having voted in the affirmative and sixty-seven in the negative, with twelve being absent and two having paired, the motion does prevail. The Bill was read once.

Committee Amendment "B" (H-1165) was read by the Clerk.

Mr. McBreairty offered House Amendment "A" (H-1175) to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" (H-1175) was read by the Clerk and adopted.

Committee Amendment "B" 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 as amended and sent up for concurrence.

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

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. 740) (L. D. 2195)

Tabled — March 16, 1978 (Till Later Today) by Ms. Goodwin of Bath.

Pending — Passage to be Engrossed.

On motion of Ms. Goodwin of Bath, tabled pending passage to be engrossed and later today assigned.

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

"An Act to Revise Maine's Aeronautics Laws (H. P. 2055) (L. D. 2119) (C. "A" H-1132)

Tabled — March 16, 1978 by Mr. Carroll of Limerick.

Pending — Passage to be Enacted.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have this tabled until later in today's session. I am waiting for an amendment for correction.

Thereupon, on motion of Mr. Morton of Farmington, tabled pending passage to be enacted and later today assigned.

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

#### Passed to Be Enacted

"An Act Relating to the Place of Filing Under the Uniform Commercial Code (H. P. 2232) (L. D. 2190) (H. "B" H-1158; H. "C" H-1159)

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.

#### (Off Record Remarks)

On motion of Mr. Morton of Farmington, Recessed until 12:45 in the afternoon.

#### After Recess 12:45 P.M.

The House was called to order by the Speaker.

The following paper from the Senate appear-



ing on Supplement No. 3 was taken up out of order by unanimous consent:

**Ought to Pass in New Draft**

Committee on Judiciary on Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 692) (L. D. 2123) reporting "Ought to Pass" in New Draft (S. P. 748) (L. D. 2199)

Came from the Senate with the Report read and accepted and the new Draft passed to be engrossed as amended by Senate Amendment "A" (S-565), "C" (S-567), "E" (S-569), "F" (S-570), "G" (S-571), "H" (S-572), "I" (S-573), "J" (S-574), "K" (S-575), "L" (S-576), "M" (S-577), "N" (S-578), "O" (S-579), "P" (S-580)

In the House, Report was read.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: Before we begin the debate on the Senate Amendments and then finally on the House Amendments, I thought it best to say a few words about the original bill which came before you this morning, which is a very long, lengthy and complicated document. I think probably the old saying that no man's life, liberty or property is safe as long as the legislature is in session is at least doubly true during these next few minutes. In fact, it feels like a cloud ought to pass over the sun at this point because the state is in some peril. But the Judiciary Committee, for that very reason, has taken a very cautious approach to the bill that is before you, and to my knowledge, there is no amendment in the original bill which was objected to by any member of the committee as being substantive. So it is a very cautious, safe bill. The changes in there are, indeed, errors and inconsistencies, and we have for the second year, I think, put before you what is a very clean document.

I and members of the staff attended the debate in the other body on the amendments and we are prepared to help in the debate on the Senate Amendments as they come before us. Those which were considered by the committee and considered to be substantive in committee deliberations I will move to indefinitely postpone at the appropriate time.

Then again, during the debate on House Amendments, we will follow the same process. If there is something the committee has already deliberated upon, I will be commenting, and if not, we will simply let the wisdom of the House have its way.

I would urge that the same spirit of caution as to what we adopt in the errors and inconsistency bill be extended throughout the debate this afternoon, and with those few preparatory remarks, I would move on the debate on the amendments.

Thereupon, the Report was accepted in concurrence and the New Draft read once.

Senate Amendment "A" (S-565) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker, I move that Senate Amendment "A" be indefinitely postponed and would speak briefly to my motion.

The SPEAKER: The gentleman from Auburn, Mr. Hughes, moves that Senate Amendment "A" be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. HUGHES: Mr. Speaker and Members of the House: This in an amendment which was considered by the Judiciary Committee and it was the judgment of that committee that it was indeed substantive. To go just slightly further than that statement, if that is not enough, it proposes to deal with the terms of the trustees of the University of Maine. The purpose behind it, and I believe the stated purpose is to avoid the situation where the Senate might have to come into session during confirmation hearings when terms ran out between legislative

sessions.

While I think that is probably a useful objective in general, what it would do would be to allow certain terms to be extended up to seven months to avoid that possibility, and I think we ought not to create that kind of situation. I think an occasional one-day Senate session to deal with an accumulation of appointments which may have come about during that period if time is not an awfully expensive thing and is a useful way to deal with the situation.

But to begin to manipulate the terms of especially such things as trustees of the university, where there may be some very delicate balances on voting on issues, where it might be politically useful for one interest or another to hold up confirmation and manipulate that situation, I think we ought to be very cautious about that.

This is a bill which would extend those terms. It also has some technical problems. It supposedly still allows for a seven-year term but changes the date at which that term expires. And if you still have a seven-year term and that term is supposed to expire on May 26, as they do now, then I don't know what you do when you have in this bill a date that it expires on May 15 but it is still seven years long. I see some technical problems, but I also see the danger in changing terms for such things as trustees of the university without at least a public hearing and that kind of debate. Therefore, I move to indefinitely postpone it.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I rise to support the motion of the gentlemen from Auburn. I think the committee is to be commended for their strict adherence to not making substantive changes under the body of this bill, but I hope we won't, by inference, assume that we, therefore, could or should, so I would say that the same stricture that they have applied to themselves should be even more carefully observed by us.

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

Mr. DAVIES: Mr. Speaker and Members of the House: As the Representative of a university community that has some interest in this matter, you might expect me to get up and oppose the motion to indefinitely postpone, but I do support it. While I think there is a problem here that should be addressed, it is a matter that is not of such great importance that it needs to be addressed at this time. I think if the people at the university who are involved in this matter want to pursue this, the 109th is an appropriate place to do that. Therefore, I hope you will vote to indefinitely postpone it.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I have one question. How much does it cost to convene the Senate for one day?

The SPEAKER: The gentleman from Lewiston, Mr. Cote, has posed a question through the chair to any member who may care to answer.

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

Mr. NORRIS: Mr. Speaker, I don't know in exact dollars, but probably no more than it cost to keep the executive council in session year round.

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

Mr. COTE: Mr. Speaker, I would like to answer the gentleman from Brewer, Mr. Norris. I have a feeling that calling ten people together is much cheaper than calling 34.

Thereupon, on motion of Mr. Hughes of Auburn, Senate Amendment "A" was indefinitely postponed in non-concurrence.

Senate Amendment "C" (S-567) was read by the Clerk and adopted in concurrence.

Senate Amendment "E" (S-569) was read by the Clerk and adopted in concurrence.

Senate Amendment "F" (S-570) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker, I move that Senate Amendment "F" be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Hughes, moves that Senate Amendment "F" be indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, would the gentleman from Auburn please give us some explanation why we should support his motion.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is a problem that cropped up in our private investigations Bill. We had passed the bill whereby polygraph police officers could not operate after duty moonlighting. This caused a hardship on at least four people here in the state, and it was not our intent to work a hardship on anyone. Therefore, we did draft up Committee Amendment "F" when L. D. 2132 was the errors and inconsistencies bill, and it would have gotten along very well with that and it would have been necessary had we had the wording in that. However, I refer you now to Section 255. In this bill, we are changing the definition of a polygraph expert and the last part of it says, "A fulltime police officer may act as a polygraph examiner without license;" therefore, they will be able to perform their functions without it. It has gone a little bit more than we agreed to, but we will let it go along like that.

I agree with indefinite postponement.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill results from the fact that there are between four and six people in the State of Maine who are now doing polygraph work on the outside, out moonlighting, for example.

The amendment that is being presented would grandfather these people who are now doing this work. It would not permit anybody beyond these four to six people to do this work on the outside, and I would hope that you would support the amendment.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill, simple and pure, is another ethics bill. For three years, while a member of the Legal Affairs Committee, I worked on the private detective bill. We knocked it around, but got the statutes from all over the country and we observed in many of those that had been updated a definite point of conflict. If you pass this amendment, you will permit a police officer, who is a polygraph operator, to go out, set up a private business on the outside. Here is where conflict is. Whether it be a bank or a hamburger joint, he would interview somebody that handles money. If the machine indicates that a person is lying and he pushes the question and the subject said yes, I admit I took \$600 from the till, does that police officer tell management who is paying the fee? If he does, we get a case of misfeasance for malfeasance there. He is duty bound and he is under oath to report this as a crime. The underlying issue is the same issue here that the Governor raised in his vote that we talked about this morning. If you vote for indefinite postponement, it will have that bill the way it is. You can't case that shadow of a doubt on some police officer, be there two or ten. We don't like the shadows to cast on them because those same shadows will affect every other law enforcement officer in this state.

I urge you to support the motion to indefinitely postpone.

The SPEAKER: The Chair will order a vote.

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

A vote of the House was taken.

95 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Senate Amendment "G" (S-571) was read by the Clerk and adopted in concurrence.

Senate Amendment "H" (S-572) was read by the Clerk and adopted in concurrence.

Senate Amendment "I" (S-573) was read by the Clerk and adopted in concurrence.

Senate Amendment "J" (S-574) was read by the Clerk.

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

House Amendment "A" to Senate Amendment "K" (H-1204) 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: Just briefly, an explanation of House "A" to Senate "K." On Page 2 of Senate "K," section 374, effective date, Section 374 should read Section 373, so it changes it from 374 to 373.

Thereupon, House Amendment "A" to Senate Amendment "K" was adopted.

Senate Amendment "K" as amended by House Amendment "A" thereto was adopted.

Senate Amendment "L" (S-576) was read by the Clerk.

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

Mr. BIRON: Mr. Speaker, I would like to pose a question through the chair to the original sponsor of the legislation as to the intent of the amendment that we have before us?

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

The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is acceptable to the Committee on Business Legislation and to the sponsor. This clarifies what is meant by an audit and there was some confusion and in talking with the auditors we felt that this should be clarified.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I fully realize that the sponsor and the committee would be agreeable to it, but that doesn't necessarily spell out what the amendment does. If I read the amendment properly, it indicates in here that the non-profit organizations who are involved in solicitation of funds would have to get a public accountant to fill in the reports, and if that is the intent of the amendment, I would move indefinite postpone.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: This is one of the amendments which had been proposed after the House had passed L. D. 2090, I believe — well anyway, after Representative Trafton's bill had been passed to be engrossed, the issue was raised in the Senate by one of its members relative to the cost of an audit, and we did some rather extensive research and this is the proposal which was accepted by the members of the committee. An independent public accountant is defined here and incorporated into the bill as there would be no question as to who would be responsible. Audits, by law, in order to be acceptable as verifiable financial statements, have to be performed by people in the accounting field.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, I would like to pose a question through the Chair to either the chairwoman of the committee or perhaps the sponsor of the original Charitable Solicitations Act. As I read this, this would prohibit anybody who was in any way affiliated with an organization or somebody who is on the board of trustees of a charitable organization, even though that person would be, for example, a certified public accountant from doing an audit of that organization books, is that correct?

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

The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker and Members of the House: The current law also would make it clear that independent accountants would have to prepare the reports. I think the major purpose of this is to clarify the difference between preparing an audit and what apparently is called an auditor's opinion. Apparently there is a great deal of difference in the price of each, and we would like to make it clear that we are willing to go with the first level of audit rather than more complicated and more expensive audited opinion.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a further question. In an organization that I am affiliated with, we have had, in some past years, a certified public accountant that was involved with our organization and I believe he was made an honorary trustee with no actual legal voting powers. That would, I suspect, be an officer of that organization and I would ask whether or not that would also be prohibited, to accept his opinion as a certified public accountant?

The SPEAKER: The gentleman from Portland, Mr. Jensen, has posed an additional question through the Chair to anyone who may care to answer.

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

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Certified public accountant comes within another section of our statutes. This deals with an independent public accountant.

I would share with you some of the background relative to this on the financial reports. We got the information from the State Auditor also, so I hope that would perhaps increase my credibility.

The reason this is here is because an audit fee would range between \$18 and \$20 per hour for auditing a financial report of an organization. If an established accounting auditing relationship exists, a flat fee is usually charged. It might take two hours, days or weeks and the range would cost anywhere from \$36 to even \$1600 to audit a financial report, depending upon the size and condition of the accounts or the organization, and that was the concern which was expressed after we engrossed the Charitable Solicitations Law.

This clarifies the intent of the law. An audited opinion, as Representative Trafton stated, is merely a written opinion of the accounting methods used by the organizations and what they "show on the bottom line." The charge for this would be on the same basis as an audit, additional time or part of the flat rate. This amendment, on this subject, would delete the requirements for an audit of a financial report and substitutes "prepared by an independent public accountant," per Title 9, MRSA, Subsection 5005, Sub-subsection 3, second sentence, and adds, "if such an opinion is available" after the word opinion. In Title 9, MRSA, Subsection 5005, second Subsection 3, Paragraph A and repeals B. What, in fact, this does is relieve the rather potentially expensive burden of having a CPA make a formal prepared audit of

all of those who come under charitable solicitations.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether anyone has questioned the other part of that amendment but I would say to them, if they are, that that is the amendment that I would have put on in the bill itself that the gentlelady from Freeport, Ms. Clark, said would come in the Errors Bills, and that is to correct the error that was in the original bill that would say that a group of individuals who were raising money just to turn the money over to one individual or one group of individuals, such as the group of people in this House who raised some money for a party for Representative Wood and Debbie Bedard, they, under the law, the way it was written, would have had to submit a letter to the Secretary of State explaining why they should have been exempt. Actually, under the law, since the law is in existence right now, they should, but I imagine they will be allowed not to have to do that, but that is what this takes care of.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I fully understand the intent of the committee and the intent of the sponsor in trying to maybe liberalize the language of the Charitable Solicitation Act, which I personally think is terrible, but that is immaterial at this point. However, the amendment that you have before you puts, I believe, an undue burden upon an organization because it says that they have to have an independent person. Many non-profit organizations are fortunate in having members within their own organizations who are willing to give of their time to help the organization in matters of this nature. This amendment, if you do accept it, denies them from doing this and, believe me, if I am a certified public accountant or hold any other capacity, I am not going to destroy my credibility by falsifying any information. Yet, if you pass this amendment, you have to go to an independent person. The way the law is written in the State of Maine if you raise \$300, you have to spend \$600 on an audit. That is crazy.

Ms. Clark of Freeport was granted permission to speak a third time.

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does not require that an audit opinion be prepared by an independent public accountant. The rules and regulations for financial reports to be adopted by the Secretary of State are to be based on audit guides by the American Institute of Certified Public Accountants, commonly called AICPA. One could assume that to comply with the rules and regulations, an organization would have an accountant establish and keep its accounts. Therefore, the additional expense of the audit should be minimal. Also, this proposed amendment does not delete the requirement for an independent public accountant to prepare the report. Therefore, the accountant would already have been hired for that purpose.

There is no special meaning for the word "independent" in the laws currently or anywhere in this section, and that is why this clarification of what is an independent accountant is incorporated into this proposed amendment. Currently, there are two classes of accountants in Maine, as the Committee on Business Legislation knows full well—they are public accountants a certified public accountants. This simply clarifies that it is okay to have an independent public accountant too.

With the increase under this bill from \$10,000 to \$30,000 in L. D. 2090, a fee for the additional time of the accountant would probably, therefore, be of no account pun.

The SPEAKER: The Chair recognizes the

gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I fully support the intent of the amendment that we have before us with the exception of the word "independent." That is the only problem that I have. The good lady, Ms. Clark just stood up and said the word independent doesn't mean anything. If it doesn't mean anything, then why is it there? I don't like the word independent in that audit or in the checking of the report because it put an undue burden on the organization. The total bill is being amended everytime we turn around. It was a bad bill to start off with.

Mr. Carter of Bangor requested permission from voting, which was granted.

The SPEAKER: The Chair will order a vote. The pending question before the House is the adoption of Senate Amendment "L" in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 19 in the negative, Senate Amendment "L" was adopted.

Senate Amendment "M" was read by the Clerk and adopted in concurrence.

Senate Amendment "N" was read by the Clerk and adopted in concurrence.

Senate Amendment "O" was read by the Clerk and adopted in concurrence.

Senate Amendment "P" was read by the Clerk and adopted in concurrence.

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

Mr. JENSEN: Mr. Speaker, I move that Senate Amendment "E" be reconsidered. I noticed Senate Amendment "E" about 30 seconds after the hammer went down on it and looking at it, it appears to me to be a substantive change in the safety laws in the State of Maine dealing with motorcycles and motorcycle driver education courses. Now, the Transportation Committee had dealt with this issue, I believe, at least once, and I think a couple of times. I believe that if it is, in fact, a substantive amendment, as it certainly appears to be, that it should not be on the errors and inconsistencies bill but rather should be defeated.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I will assure the gentleman that when I saw that amendment too, my interest was perked. That subject has been before us in the past and has always been controversial. We did check it out with a number of parties from all angles on that issue of motorcycle driver education and all agreed that this change was not a controversial change. If others in the House would like to comment on that, they would certainly be welcome to.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would never have to rise again on motorcycles but I guess I will.

This amendment was brought to my attention by the individual who put it on in the other body. I checked it out a little bit and thought about it, and actually what the amendment does is that it really does what I had intended to do with the original bill that I introduced back in the 106th Legislature, and that was to just make sure that young people who were getting their motorcycle drivers licenses had some competency on motorcycles. The problem was that the Department of Education, as many bureaucracies do, took the law and developed a program that was almost completely impossible for any school district to implement or any commercial school to implement. Therefore, I think we have only had two since the 106th session when this was passed, there has only been like two schools in the state that have operated this because it is just too cumbersome and big to try to get into for this small

amount of people. So, this particular wording basically assures, I feel, that an individual, a young person that is going to be getting their motorcycle driver's license has some competency on a motorcycle. The instructors are still going to have to be capable of judging that and have some standards to judge that, but we don't need the total course. I think this is a good correction of what I consider my original intent.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the members of the House would look at Senate Amendment "E". The way it reads, it says, unless no motorcycle and motor driven cycle learner's permit of permission or restriction to operate a motorcycle or motor driven cycle shall be issued to any person under 17 years of age, unless such person shall present a certificate of successful completion of a motorcycle driver ed course, an examination given by the public secondary schools and academies, receiving tuition students and describes the section number. Then the section that is added or the words "of certificate of successful completion of a driver education course and the examination given by a public secondary school or academy, including a demonstration of ability to safely operate a motorcycle." As I read that, what we are doing is, we are saying that we will give a motorcycle permit or a motorcycle license to somebody who has taken a regular driver's ed course who is under 17, and at the end of the course, they spend 45 minutes driving around the lot and showing they can drive a motorcycle. It seems to me that that is a major change from current law, a major weakening of that law. It may well be in order, but I am certainly not willing to vote for that as a part of the errors and inconsistencies bill, and I would urge you to vote for reconsideration and then kill this amendment.

The SPEAKER: The Chair will order a vote. The pending question in on the motion of the gentleman from Portland, Mr. Jensen, that the House reconsider its action whereby it adopted Senate Amendment "E". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 52 in the negative, the motion did not prevail.

Under suspension of the rules, the Bill was read a second time.

Mr. Mahany of Easton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1184) was read by the Clerk and adopted.

Mr. Truman of Biddeford offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1185) was read by the Clerk.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to Mr. Truman.

It says in the amendment "Provided there is no licensed commercial instructor available within a reasonable distance from his domicile" — in the City of Brewer, the school system there offers driver ed to as many as they can and then after hours allows the students to pay for their instructions, those that couldn't have them filtered in during the day. There was also some private firms offering it in Bangor, which is about three or four miles away. I am having problems with understanding what it means by reasonable distance.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: First of all, I would like to move the indefinite postponement of this amendment.

The Representative from Old Town, Mr. Pearson, just raised a very valid point on this

amendment. I would like to go even a little further. I introduced a bill in the last session of the legislature, last year, that would allow school administrative units to charge a fee to offer programs after school hours, because according to the Department of Education, they weren't allowed to do that. Even though the law wasn't specific, the Department of Education had said they could not do that, so we introduced this bill. It passed through, it was given a hearing, private schools had the opportunity to come and show up, they didn't. As I remember, there wasn't any real objection to this.

As I understand now what has happened, there are a few private schools that feel that they are being put out of business because of this, because some of the regular public schools are offering this and they can't offer it at what they seem to feel is a less expensive cost.

The problem is that I don't think this amendment really gets to the problem. Because if you read this, there are several points. First of all, what is a reasonable distance from his domicile is one problem. Second of all, this language was taken out of another section of the law related to licensing of commercial school drivers. It just doesn't read right. If you read the whole thing, a school administrative unit may charge a fee based on the per pupil cost for a driver ed course conducted after regular school hours during the school year, provided there is no licensed commercial instructor available within a reasonable distance from his domicile. I don't quite understand what they mean. It is from the instructor's domicile, from the school administrative unit domicile, from the pupil's domicile or what? I guess this is very unclear. We don't have a chance to change this later and this is why I am bringing this up, because I feel that this is a real problem in terms of wording.

The third problem I would like to bring up is, what happens if you have an SAD district that maybe has three or four towns in it and you might have a commercial school operating a program in one town, but it doesn't reach all the kids in that district, does this mean then that the school district cannot operate a program even though there is a definite need for those kids in the other towns? I think that what I feel should be done and I feel that no one is going to be hurt substantially until the next session, is that this issue should be brought before the Education or Transportation Committee, whichever one will deal with that in the next session, and should be thoroughly looked at, and I am sure that something can be done to solve the problem for those districts that want to be able to offer this or don't have a commercial school or those problems that do have a commercial school. But, to try to do it now, this late in the session with this type of change, I feel, is a real problem, especially with the wording on this particular amendment.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This law is very specific. What it is doing is conforming Title 20 to Title 29. I will read Title 29 to you, it is very short. "The Secretary of State may appoint Driver Education Teacher License by the Department of Education to give professional driving instruction meeting the need of licensee or new applicant when a duly licensed commercial instructor is not available within a reasonable distance from his domicile." Now, maybe people cannot figure out what a reasonable distance is but that is in the law right now. I am reading this directly from Title 29 and what this amendment of Mr. Truman's is doing, it is making Title 20 conform to that same language.

I would hope that we would pass this amendment. There are commercial driving classes and people who give these courses in this state, who are being seriously hurt, some of them feel that they are going to go out of business. There

is one in my area in particular. He has written a letter to everybody here; I hope you have had a chance to read it. There is no question, his business is seriously hurt. He is a married man with three children and he cannot afford to compete with the public schools.

Of course, we want our young people to have an opportunity to take driver education courses and that is why we have a law that says if there is not a commercial driving school in the area, then the courses can be given after school. This would not preclude courses from being given during school hours any place, but after school hours it isn't fair to ask the commercial drivers to compete with the public school who can do it for a very much lower price. They don't have the overhead that the commercial drivers have.

I would urge you to adopt this amendment. The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The school system in which I teach is Brewer, and into Brewer filters an awful lot of people from an awful lot of different towns, some from Hancock County, Penobscot. We have had some from Waldo. We don't at the present time, but they come in from quite a distance. The only way they have a chance to take driver ed is during the school day. We have 1,400 kids in school, between 1,300 and 1,400 and they either have to take it during school or after school. After school, if they can't fit into the regular program, they can opt to buy the services of an instructor. Then they can take the late bus home.

I think it offers them a good service and if you were to say that since there is a commercial driving school in Bangor, or two, that they would have to take the services from them, I think it would preclude an awful lot of young men and women in high school from taking driver ed. I hope that you support Mr. Goodwin's motion to indefinitely postpone this.

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

Ms. CLARK: Mr. Speaker: I would like to pose a question through the Chair.

Mr. Speaker, Men and Women of the House: Freeport High School has approximately 511 resident students during the day. We have neither the facilities nor the finances nor the curriculum time to offer driver education is between the time of dismissal in June and start-up time again in September. This is the only time slot available in which we have physical facilities available to provide classroom space for driver education.

My question is this, should this House Amendment "B" be adopted today, am I correct in assuming that the driver education program offered during the summer months at Freeport High School for local students would not be allowed to be conducted because there are commercial driving academies available in Brunswick, Lewiston-Auburn and Portland?

The SPEAKER: Ms. Clark from Freeport poses a question through the Chair to anyone who cares to answer.

The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the gentledady from Freeport's question. If she looks at the amendment, it very specifically says "during the school year," so it would not have anything to do with summer programs. Also, I would agree that a reasonable distance from domicile is very vague language, but that is what is in the law now, and this amendment would only conform to what is presently in the law. We would have to go back and change that too.

As far as the courses after school, if there is not a commercial driver education course offered, there is no question, it can be offered in the school. The public schools can offer it after school hours if there is not a commercial driv-

ing school within a reasonable distance.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think underlying this is a fundamental question, should the school operate programs in competition with private industry? I am thinking now of a program that has been carried on, I believe, in the Bath area for a number of years where students constructed a home and later sold, and the program is now being discontinued for exactly the same reasons that are being offered for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: One quick point. The section of the law that the Representative from Auburn, Mrs. Lewis, refers to is a section of the law that relates specifically to the licensing of an individual to be a driver education instructor. It deals with a problem that if no commercial driver ed instructor is within the area, another person can go and get a license so that that person can teach either in a school or as a private or a — excuse me — a school teacher who is a driver ed instructor at school can go and teach privately, but only if there is no other commercial instructor within that area or something. It really doesn't apply to the operation of programs. It is just that this wording — I really don't know if it would do what the gentledady would like it to do.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Lynch has hit it on the head, in that it is a philosophical problem that we all have here in the House. Are we going to allow our school districts to put independent or private business out? This is what this amendment addresses.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House indefinitely postpone House Amendment "B." All in favor of that motion, will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Howe of South Portland requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote 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 South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: This House has no business addressing the question of philosophy or policy in the errors and inconsistencies bill. I hope we will kill the amendment and let the next session of the legislature address those questions of policy and philosophy.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I share the view of the gentleman from South Portland when I first saw this, it sounded rather substantive to me but I think the gentledady from Auburn has caused this bill, in my view, to pass the test of putting it into conformity with other language in the statutes.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As the House Chairman on the Committee on Transportation, I would urge members of this House to kill this amendment and let them put a proper bill

before the Education Committee or the Committee on Transportation with a proper public hearing and dispose of this problem in its proper manner.

I feel the Errors and Inconsistencies Law is no place to be addressing this problem at this time. I happen to have been on the Committee of Education in the 102nd Legislature and I noticed there are documents from people who served on that legislative body. In my mind, it is not quite as fresh as their mind and I feel that we should have a public hearing on this and it should be addressed in a public hearing and not in the Errors and Inconsistencies Law.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to confirm that the Judiciary Committee did consider this amendment and did feel that it was a substantive change. I believe that similar legislation was also submitted to leadership at the beginning of the session and was not introduced into the session.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you vote against the indefinite postponement motion. We have a very real problem before us now and it affects peoples businesses, their livelihood. These are small business people and they invested a lot of or some of their capital. They pay for their cars, they pay for the rental of the school spaces whereas the instructors in the school systems now don't have to do this. Again, they are in direct competition with commercial schools, they get free rental in the rooms, they get free cars and they get free gas. I hope you vote against the indefinite motion.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you would also indefinitely postpone this bill. One of the things that I am most concerned about when you talk about drivers education, is not necessarily who makes a buck on it but how many kids you are able to train and teach children how to go out on the road and drive safely and drive properly. It is a safety problem that exists out there and if this is the means to solve it we ought to try and strengthen that and not weaken it. If, in fact, it is the problem the gentleman from Biddeford suggests, it could wait until another session.

The SPEAKER: The Chair recognizes the gentleman from Roques Bluff, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: We are all getting up here and passing the buck to the next legislature, let's not do that. Let's address the question right now. The question is, are we going to let the public school system compete with private business? It is as simple as that. Let's not pass the buck, let's do not indefinitely postpone this bill. Let's get it on the books and cut out the monopolizing of things that private business might have an opportunity to get into.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I wasn't going to rise again but I can't see how this is going to put someone out of business at this present time if we kill this amendment. In my town right now, we have a school district that offers driver ed, and offers it after hours and then we have a commercial school that is offering classes or has offered classes since this law went into effect last year in my town at the same time and evidently there are enough people to take it. I am afraid, though, what is going to happen with this if this passes, if someone could figure out the wording of what this means, that the school districts will not be able to continue this. Then the commercial school would then have the monopoly and the



thing I am more concerned with is in the SAD districts, such as my town is in, is that even though there may be enough or the commercial school may be able to offer it in one particular town, as I read this, the rest of the district would not be able to offer it in the rest of the towns and, therefore, you would not have enough kids taking driver ed.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: It sounds like we have a concern with schools being in competition with private enterprise. I guess we better look at the whole thing next year. That is we have industrial arts who make wooden ware and sell that to raise money for their department. We have the Home Economics that bakes and sells that to raise money for the Home Economics, they are in competition with bakeries. We have several other departments, science departments, who make novelty things that they sell and they are in conflict with scientific sales out there or something like that. Let's not be ridiculous, let's address this on a proper bill next year.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make two brief points. The first is that this bill was indeed presented to legislative leadership for introduction at this session. Although I personally supported its introduction at that time, it was rejected by a party line vote within legislative leadership with the Republican leadership voting unanimously not to allow the bill in. So, I am personally pleased to see Mr. Garsoe has done a complete somersault and has come down on his feet. And said that he is in favor of the bill at this time without public hearing. So I would like to make that point clear.

The second point I would like to make is that should this amendment go on I would like to make a very clear statement on the Legislative Record in order to guide the people who will be administering this law, and that very clear point is that Lisbon and Lisbon Falls are not a reasonable distance from either Lewiston or Brunswick.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Some people tamper with the truth. I would like to have the good gentleman from Lisbon Falls prove the statement he just made. This was to be rejected on the straight party line vote and he knows it just as well as I do.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I imagine it comes down to a question of credibility. At the meeting I remember very clearly we supported the Joint Rule proposed by Mr. Carey. There was no roll call. I can recall the meeting very clearly in the Speaker's office. The good gentleman from Nobleboro was there, as was the President of the Senate and Majority Leader of the Senate. I recall the issue very clearly. I presented the argument of both sides. The President of the Senate in particular, felt that this issue could wait another session and the hands went up accordingly, and I, to think I know the party identification of the ten people in legislative leadership.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Since I will not be back next year, I would like to put you on notice that if children in high schools are operating a bakery, you better look into when they are doing their academic work.

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

Mr. PEARSON: Mr. Speaker, Ladies and

Gentlemen of the House: I am sorry to get up again but I think this is an important issue for school kids. Usually this is what happens in the high schools. There is an announcement that came over the loud speaker that says, "those of you who are interested in signing up for driver's ed, there will be a paper posted on the board and you can put your name on it." You usually have all sorts of people begging you to be dismissed from home room so that they can run down the corridor and get their name on there first. You will hear people in the corridor, students, both boys and girls, saying, did you make the list, did you make the list? It is almost like the cut-off in a basketball team, did you make the cut? They want to know if you make the list, because to get driver ed to drive, for a young person it is one of the most important things in their lives.

In the district that I teach in, Brewer, they come from so far away, some of them 20 miles away, some of them more than that, I think we have them from 45 miles, we had them so far one year that the state allowed the boys, there was a family of boys, to stay in the motel during the week, paid for their motel so they wouldn't have to keep going back and forth. They came in from Washington County.

They want to learn how to drive. This amendment, I am afraid, is going to say that if they don't make the list, they are not going to be able to drive because they will have to go to a commercial establishment in Bangor which is after hours and the bus has already gone home for some of those people who live in Aurora and Amherst, Great Pond, Clifton and Dedham.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: To respond to Mr. Goodwin's concern about how these driver education schools go out of business. If the commercial school is charging \$80 or \$75 or \$70 for a driver education course, they have every right, they can undercut, they can charge \$65, they can charge \$5 under or \$10 or whatever they see possible of feasible.

#### (Off Record Remarks)

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I was just going to make the remark that the issue here is whether this is a substantive change or not. I can't believe that anything that isn't substantive change would have caused this much debate. Therefore, it seems to me it is a substantive change and we probably ought to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Bachrach, Bagley, Beau-  
lieu, Bennett, Benoit, Berry, Berube, Blodgett,  
Boudreau, A.; Brenerman, Brown, K. C.;  
Burns, Carroll, Carter, D.; Churchill, Clark,  
Cox, Cunningham, Curran, Davies, Diamond,  
Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw,  
Hall, Henderson, Howe, Huber, Jackson,  
Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante,  
Locke, Masterton, McBairty, McHenry,  
McKean, McMahon, Mitchell, Najarian,  
Norris, Paul, Pearson, Peltier, Plourde, Post,  
Prescott, Quinn, Raymond, Rideout, Rollins,  
Silsby, Spencer, Sprowl, Stover, Talbot, Tarr,  
Tierney, Tozier, Valentine, Violette, Wyman.

NAY — Austin, Biron, Birt, Boudreau, P.;  
Brown, K. L.; Bunker, Carey, Carrier, Carter,  
F.; Chonko, Connolly, Cote, Dow, Drinkwater,  
Dutremble, Elias, Garsoe, Gill, Gray, Green,  
Hickey, Higgins, Hobbins, Hughes, Hunter,  
Hutchings, Immonen, Jacques, Jalbert, Kelleher,  
Laffin, Lewis, Lougee, Lynch, MacEa-

chern, Marshall, Martin, A.; Masterman,  
Maxwell, McPherson, Nadeau, Nelson, N.;  
Palmer, Peakes, Perkins, Peterson, Sewall,  
Shute, Smith, Strout, Stubbs, Tarbell, Teague,  
Torrey, Trafton, Truman, Twitchell, Witte-  
more, Wilfong, Wood.

ABSENT — Ault, Bustin, Conners, Devoe,  
Dexter, Dudley, Durgin, Fenlason, Flanagan,  
Gillis, Gould, Joyce, Littlefield, Lizotte, Lunt,  
Mackel, Mahany, Mills, Moody, Morton,  
Nelson, M.; Theriault, Tyndale.

Yes, 67; No, 60; Absent, 23.

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

Mr. Masterman of Milo offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1187) 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: I would suggest that perhaps there ought to be an explanation of what is going on.

Lakeview Plantation was enticed into School District 41 in order to raise the valuation of the School Administrative District so that they could proceed with a construction program. With the repeal of the uniform property tax Lakeview's annual expense or contribution to the district for the one pupil that went to the school district was 150 percent of the pupil cost. Now, with the repeal of the uniform property tax, this has escalated, according to one figure I saw, some \$44,000. Now, this district was created under a private and special law, somewhat different from the formation of other school administrative districts.

This amendment would allow Lakeview Plantation to escape some of the burden brought about by the repeal of the uniform property tax. In effect, it says that the other four towns of Atkinson, Brownville, LaGrange and Milo would have to raise the equivalent of their subsidy index of ten mills before leeway could be used. It would apply only to one year.

There are other towns in some 25 SAD's and CSD's that are in a similar position. This bill allows Lakeview Plantation an exemption but it does not allow the other 25.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Wood.

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I just have a question on this. It is my understanding in local leeway that each town only being required to raise seven mills, are they required to raise the extra three mills before that district can get leeway?

The SPEAKER: The gentleman from Sanford, Mr. Wood, poses a question through the Chair to any member who cares to answer.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That is the impact of the amendment.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment. I think it is a substantive change. As Mr. Lynch has pointed out, there are other districts who are affected in this same way and here on the errors and inconsistencies bill we are making an exception for one town. The other towns did not know that they could come this route and I do think it is a substantive change.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think my good friend Representative Lynch pointed out most everything there was to say, but I think some of you fail to recognize that this is a different



from any other case. The reason being that in 1965 and then again in 1967 they did have a private and special act which took care of their problems, because of the formula as it exists now. The other four towns, unlike the other towns, will not be at ten mills to raise the subsidy index, they will, in essence, be, as near as we can tell, I have been to the school department and as near as we can tell, about 11.4 or 11.5, and that is the reason for this amendment.

The SPEAKER: The pending question is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that House Amendment "D" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

Mr. Spencer of Standish offered House Amendment "F" and moved its adoption.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "F" will correct a problem that rescue units and volunteer fire departments have had when they are newly formed, in that they have to be formed for a period of two years before they can operate any kind of beano games to raise money, and this would allow volunteer fire departments and rescue units to conduct such operations within the first two years of their operation.

Thereupon, House Amendment "F" (H-1189) was read by the Clerk and adopted.

Mr. Higgins of Scarborough offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-1190) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: To briefly explain what House Amendment "G" does, it was brought to my attention by the members of the Scarborough Sanitary District that under the filing laws for liens, they can charge the person that they are placing the lien against a \$2 rate which was written into the statutes when the enabling legislation was passed. However, when they go to the registry of deeds, they have to pay a \$3 filing fee. What this amendment does is to make the statutes for the enabling act of the sanitary districts the same as the rate that they have to pay when they file the lien.

Thereupon, House Amendment "G" was adopted.

Mrs. Boudreau of Portland offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-1191) was read by the Clerk.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I have a slight problem with this particular amendment, and this is the words "those who employ one or more transient sellers of consumer merchandise." I will make a statement first and then ask the question through the Chair to the sponsor of the amendment. The people who live around a federal reservation, such as in my area, and who live on the federal reservation are in the eyes of the state transient. They do not pay excise taxes on their vehicles when they submit the proper paperwork. They do not pay taxes in town, and for all purposes they are considered transient. This would apply around my area, around the Brunswick Naval Air Station and a few other areas in the state where there are military personnel.

Since they are considered as transient because of the fact that they move quite often, many of the people in the area employ these people in grocery stores and so forth, and this is also a consumer merchandise, so I would like

to know, a question through the Chair, what is the exact, concise meaning of the word 'transient' in the present statute?

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I will try to answer that question. This does not apply to anyone who has a place of business in the State of Maine. That is only your itinerant vendors, someone who has no place of business in the State of Maine.

Thereupon, House Amendment "H" was adopted.

Mrs. Berube of Lewiston offered House Amendment "J" and moved its adoption.

House Amendment "J" (H-1193) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker, on behalf of the committee, I can only say that this amendment was shown to leadership of the committee early this session and asked whether it would be a substantive matter or not and thereby able to be included in the errors and inconsistencies bill. The answer given the gentleman was that it would be substantive.

Further, there is a technical problem with it. It amends sections of the law which are no longer the appropriate sections. If we adopt the errors bill itself, it changes the designations of some of those sections. So technically it would not be able to have the effect intended.

For those two reasons, I will move the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to heed what Representative Hughes has said to you. I called the commissioner's office and had him review the amendment. The substantive change is the elimination of the language that relates to the reporting of miscarriages. They are not too happy with that. They have no objection to the other portion of it, but it does constitute a substantive change.

Thereupon, on motion of Mr. Hughes of Auburn, House Amendment "J" was indefinitely postponed.

Mr. Joyce of Portland offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-1194) was read by the Clerk and adopted.

Mr. Strout of Corinth offered House Amendment "L" and moved its adoption.

House Amendment "L" (H-1195) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair as to whether this item was submitted to the legislature as a bill?

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Yes, the bill was submitted, but after the bill was adopted and enacted, the Legislative Research informed me that there was conflicting problems between the bill and L. D. 2022; therefore, we need this amendment to correct the error.

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

Mr. GREENLAW: Mr. Speaker, I would like to ask the gentleman from Corinth, Mr. Strout, another question, if he would please elucidate on what the conflict between the bill dealing with the budget date that vocational budgets have to be offered and the school funding bill — what is the conflict, please?

Mr. Speaker, I move that this amendment be indefinitely postponed.

Thereupon, Mr. Strout of Corinth requested permission to withdraw House Amendment "L", which was granted.

Mr. Spencer of Standish offered House

Amendment "M" and moved its adoption.

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

Mr. SPENCER: Mr. Speaker, this amendment corrects an oversight in the composition of the Maine Food and Farmlands Study Commission. The Agricultural Stabilization and Conservation Service was left out of that commission and all of the other major agricultural public organizations in the state were included on that commission.

This would also increase the membership from two members of the legislature from one two in the number of Representatives and Senators on the Commission.

House Amendment "M" (H-1196) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, a question to the gentleman from Standish. Does this amendment have anything to do with funding?

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

Mr. SPENCER: Mr. Speaker, there is a significant appropriation in invisible ink after the Statement of Fact.

Thereupon, House Amendment "M" was adopted.

Mr. Spencer of Standish offered House Amendment "O" and moved its adoption.

House Amendment "O" (H-1198) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: When then denturist legislation was passed establishing a licensing system for denturists, there was nothing included on suspension or revocation of the licenses. The Judiciary Committee referred this to the Health and Institutional Services Committee, who reported back that they felt there was no problem with this proposed amendment. The Judiciary Committee felt that it did include a provision in the law that wasn't there before and that it ought to be offered from the floor. So I offered to present it.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I do support the amendment but I just want to clarify something. First of all, the committee has not seen this particular amendment. What we did was, we met with the dentists and went over the problems and there was two problems that they have — on is in the errors bill; the other one is this. Basically, it was the staff people on the committee, they just took this physicians licensing law and used pretty much the same thing. I just got hold of this and it looks okay. I am sure if there are any major problems, they can be worked out later.

Thereupon, House Amendment "O" was adopted.

Mr. Hughes of Auburn offered House Amendment "P" and moved its adoption.

House Amendment "P" (H-1202) was read by the Clerk and adopted.

Mr. Spencer of Standish offered House Amendment "Q" and moved its adoption.

House Amendment "Q" (H-1203) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, a question. There is no effective date on this that I can see. Should someone qualifying as a candidate already filed and filed more than 75 voters, would he be in violation of this law, this emergency law?

The SPEAKER: The Chair would answer in the negative.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I will be very brief. I am

the one who started this. I found this out quite by accident. My father is now county commissioner of Sagadahoc, and when he was checking to see how many signatures he would need, he was told by the person who ran on the county commissioner district two years ago that she had had 59, therefore, it was assumed that he needed 50 to 75. I then thought I had better check this out for sure and I discovered that in our revised election laws, we had treated county-wide officers and county commissioners exactly the same in the number of signatures, even though 15 of our 16 counties are now districted. So what in effect would happen, say with Sagadahoc and all the other smaller counties, if you take just my father's district for example, there are 8,000 people in it. He has to have 150 signatures.

Senator Chapman, who is running in a 33,000 member district for the Senate only needs 100. I am running in a 6,500 member district and I only need 25. It just seems that perhaps this is not an error but it certainly is inconsistent and certainly penalizes the small counties. I am wondering how many county commissioner candidates are aware, if they haven't looked at the new election laws, that they need that many signatures, if they are going on the word of people who ran two years ago from the other county commissioner district.

Thereupon, House Amendment "Q" was adopted.

Mr. Spencer of Standish offered House Amendment "R" and moved its adoption.

House Amendment "R" (H-1206) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment addresses an oversight in a problem in the bottle bill that concerns return of bottles to redemption centers by stores. There are problems developing along the borderlines of the distribution areas, and what this amendment, as it is now drafted, does is simply authorize the Department of Agriculture, when it holds its hearings in April, to address that problem.

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

Mr. HALL: Mr. Speaker, in talking with the Department of Agriculture, they don't want this amendment. They feel as though they can live with their regulations.

I think what you are asking for, Mr. Spencer, is if somebody like up my way picks up a group of bottles and brings them along the road and leaves them some other place. I think we should leave this up to the Commissioner of Agriculture.

I make a motion to get rid of this, to indefinitely postpone this amendment.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that House Amendment "R" be indefinitely postponed.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: What this addresses is a problem that is coming to bear on a distributor who is running into it that there is a redemption center that has got a truck that goes up into the areas that are supplied by another distributor and actually picks up the bottles from all the stores in the other distribution area and then brings them back to the redemption center which is in his area. So the effect that he is having to cash in the bottles for a whole other area where he never distributes the bottles. It is not the individual consumers that this is addressing, it is the person who is picking up from the stores.

I spoke to the Department of Agriculture about an earlier amendment that I had prepared, and they were opposed to it, and in this amendment, all I do is say that they have the authority to deal with this problem.

I do have a letter from the commissioner

saying that they plan to have hearings to address these kinds of problems, and I think that all this does is allow the department to deal with a problem which was not anticipated when the original bill went through.

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

Thereupon, House Amendment "R" was adopted.

Mr. Strout of Corinth reoffered House Amendment "L" and moved its adoption.

Thereupon, House Amendment "L" was adopted.

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

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

The following Joint Order, an expression of Legislative Sentiment recognizing that:

John McSweeney, a revered Maine athletic educator and official, is retiring from his teaching-coaching profession at Old Orchard Beach High School (S. P. 750)

Came from the Senate read and passed.

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

RESOLVE, Authorizing the Sagadahoc County Commissioners to Pay an Overdraft for 1977 (S. P. 751) (L. D. 2200)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

In the House, under suspension of the rules, the Resolve was read twice, passed to be engrossed in concurrence and ordered sent forthwith to engrossing.

#### Non-Concurrent Matter

Bill "An Act to Facilitate Recruitment and Retention or Outstanding Persons for Policy-making Positions in State Service" (Emergency) (S. P. 672) (L. D. 2076) which was passed to be engrossed as amended by Committee Amendment "A" (S-542) as amended by House Amendment "A" (H-1177) thereto in the House on March 16, 1978.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "B" (S-543) and asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mr. Curran of South Portland, the House voted to insist and join in the Committee of Conference.

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

The following Joint Order: (S. P. 753)

ORDERED, the House concurring, that the Joint Standing Committee on Education is directed to report out a bill creating an Interim Education Finance Commission

Came from the Senate read and passed.

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

#### Ought to Pass

##### Pursuant to Joint Order S. P. 744

Committee on Education reporting "Ought to Pass" — Pursuant to Joint Order (S. P. 744) on Resolution, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in Any Cost-sharing Formula Mutually Agreeable to the Communities Involved (S. P. 749) (L. D. 2198)

Came from the Senate with the Report read and accepted and the Resolution passed to be engrossed.

In the House, the Report was read and ac-

cepted in concurrence, the Resolution read once and assigned for second reading the next legislative day.

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws" (H. P. 2070) (L. D. 2130) which was passed to be engrossed as amended by Committee Amendment "A" (H-1160) in the House on March 15, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1160) as amended by Senate Amendment "A" (S-562) thereto in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, tabled pending further consideration and later today assigned.

#### Non-Concurrent Matter

RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine (Emergency) (H. P. 2173) (L. D. 2174) which was passed to be engrossed as amended by Committee Amendment "A" (H-1167) in the House on March 16, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1167) as amended by Senate Amendment "B" (S-561) thereto in non-concurrence.

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

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill, "An Act to Clarify the Education Laws" (H. P. 2018) (L. D. 2093) which was passed to be engrossed as amended by House Amendment "A" (H-1148) in non-concurrence.

In the House:

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

Mr. LYNCH: Mr. Speaker, I move we recede and concur and I would like to explain what has been added to this bill.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House recede and concur.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: One amendment takes care of a situation that has to be handled for Bowdoin College, which was chartered by the Commonwealth of Massachusetts, and the change has to be enacted by Maine and then enacted in the General Court of Massachusetts.

The other amendment takes care of the construction formula. The law was unclear as to whether the 5 percent was an annual contribution or an initial contribution. That has been made clear by the word 'initial'.

Thereupon, on motion of Mr. Lynch of Livermore Falls, the House voted to recede and concur.

The Chair laid before the House the following matter:

"An Act to Revise Maine's Aeronautics Laws" (H. P. 2055) (L. D. 2119) (C. "A" H-1132) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Mr. Carroll of Limerick, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-1201) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and

House Amendment "B" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

At Ease

Called to order by the Speaker.

On motion of Mr. Goodwin of South Berwick, the House reconsidered its action of yesterday whereby Bill "An Act to Establish the Health Facilities Information Disclosure Act." Senate Paper 695, L. D. 2136, was passed to be engrossed in non-concurrence.

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

(Off Record Remarks)

The Chair laid before the House the following matter:

Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 692) (L. D. 2132) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Ms. Clark of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "S" (H-1207) was read by the Clerk.

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

Ms. CLARK: Mr. Speaker, Men and Women of the House: This amendment simply brings the percentage form 20 back to 40. The Governor of the state just signed the bill that this amends. Prior to his signature, the percentage in the statutes was 50 percent. The Committee on Business Legislation somehow dropped the percentage down to 20 percent, which is 20 percent below the national standard. How that happened, I don't know, but we are now, hopefully, are bringing it back up to 40 percent, which is reflective of national standards of underwriting.

Thereupon, House Amendment "S" was adopted.

Mr. Hughes of Auburn offered House Amendment "T" and moved its adoption.

House Amendment "T" (H-1208) was read by the Clerk and adopted.

Thereupon, the Bill was passed to be engrossed as amended by Senate Amendments "C", "E", "G", "H", "I", "J", "L", "M", "N", "O", "P" and Senate Amendment "K" as amended by House Amendment "A" thereto, and House Amendments "A", "F", "G", "H", "K", "L", "M", "O", "P", "Q", "R", "S", "T" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess  
4:30 P.M.

The House was called to order by the Speaker.

On motion of Mr. Lynch of Livermore Falls, the House reconsidered its action of earlier in the day whereby it voted to recede and concur with the Senate on passage to be engrossed of Bill "An Act to Clarify the Education Laws," House Paper 2018, L. D. 2093.

Senate Amendment "A" (S-587) was read by the Clerk.

On motion of Mr. Lynch of Livermore Falls, Senate Amendment "A" was indefinitely postponed in non-concurrence.

Senate Amendment "B" was read by the Clerk and adopted in concurrence.

On further motion of the same gentleman, the House receded from its action whereby House Amendment "A" was adopted.

The same gentleman offered House Amendment "A" (H-1211) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the following Joint Order: (H. P. 2286)

ORDERED, the Senate concurring, that when the House and Senate adjourn, the House adjourns to 9:30 in the morning, and the Senate adjourns to 10:00 o'clock in the morning on Tuesday, March 21, 1978.

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

By unanimous consent, ordered sent forthwith.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We have three legislative days left. The Appropriation Bill has been available to the House for some little time and the three printed amendments; which may or may not be offered but those amendments, obviously have to do with the subject which, to say the least, is controversial at this session. What I wish to emphasize here late on this lovely Friday afternoon is that the Appropriation Bill of and by itself is not controversial, to the best of my knowledge. It contains many funding items which are 'must' items if state government is not to grind to a halt.

For those of you who have had an opportunity to examine the Appropriation Bill, it includes funding for the Education Finance Law and sets the index, sets the per pupil rate and makes the total allocation.

In the Mental Health and Corrections area, it funds the Pineland Law Suit Judgment, court intake workers in additional homes; it provides required new security at the state prison; it relieves overcrowding at the Men's Correctional Center, as well as OSHA inspired fire deficiencies as necessary.

In the Human Services area, the required funding includes children's protective services and it is absolutely essential that those be replaced from last session's actions, which came from the removal of the Mental Health Improvement Fund. Besides these unavoidable expenditures, there are highly desirable items which include new security cottages at the Youth Center in South Portland; AFDC increases; continuation of Day Care Funds at an even higher level.

Speaking for myself, Mr. Speaker, and I think I am a member of the loyal opposition in this House, I feel that it would be highly inappropriate and bordering on the irresponsible to further delay this bill and to mix it into the controversy on taxes. I am not offended by the political considerations that are part of the process that we have to use here to arrive at decisions, but I do urge that all my colleagues on both sides of the aisle consider carefully the necessity of acting on a clean Appropriation Bill with no delay.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the gentleman who spoke before me is of the loyal opposition and I am very well aware, having served on the Appropriations Committee, how

pure the Appropriation Bills are when they come out of that particular committee, but I would like to make a political fact known to the gentleman from Farmington, Mr. Morton, that we have, as Democrats in this House, captured the Appropriation Bill, L. D. 2195, just as your colleagues at the other end have captured the Taxation Bill, and it is being held for ransom at that is obviously the only reason why the Republicans are even still talking about a tax package.

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: In addition to those very obvious political considerations, I do think that there is a substantive reason for the current posture of both bills, and while there is unanimous agreement on the Appropriation Committee as to what should be in the Appropriation Bill, obviously the larger question, which is, how much we should appropriate, it is contingent upon how much we decide to leave in surplus, which in turn contingent upon how much we grant in tax relief, so there is a substantive reason in addition to the obvious political ramifications.

The Chair laid before the House the following matter:

Bill, "An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws" (H. P. 2070) (L. D. 2130) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mrs. Post of Owls Head, the House voted to recede and concur.

(Off Record Remarks)

On motion of Ms. Clark of Freeport, Adjourned until Tuesday, March 21, at nine-thirty in the morning.