

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

HOUSE

Wednesday, March 22, 1977

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

Prayer by the Reverend Blake Ellis of the United Methodist Church, Fairfield.

Reverend ELLIS: Let us pray. Eternal God, who has watched all of the generations of human beings struggle with the problems of living together upon this earth and who has led Your people through all kinds of difficulty to bring us to this hour, we ask Your guidance so that we may do the work of this day which lies before us. We commend to Your care our families and our personal problems. Free our minds of concern for them for the time being so that our attention may be upon our work. Help us to be serious about our responsibility and grant us also a likeness of spirit that will keep us from taking ourselves too seriously. We offer Thee the decisions that we make today on behalf of the people of our state, the very best that we can make at this time with the knowledge that we have at hand. Forgive us our mistakes and our shortcomings and grant that the work that is done here may merit Your approval and blessing. Accept us now as Your people and bless us, Thou who art our Father and our God. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order, an expression of Legislative Sentiment recognizing that: The Blue Blazes of Westbrook High School, coached by Archie Manoogian, have won the 1978 State of Maine Class A Basketball Championship for girls (S. P. 757)

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I would like to say a few words on this Order. Yesterday, we heard the glowing praises of the Cony High boys' basketball team for winning the state basketball championship. Today, I want equal time.

As a longstanding liberal and a full believer of equality of men and women, in that order, today I want to praise the girls of Westbrook High School for accomplishing a similar feat. They are the basketball Class A champions of the State of Maine. They have shown loyalty, team spirit, self-sacrifice and an effort that should be praised by all of us. Girl athletics is now just beginning to receive the recognition long overdue, and as a Representative from Westbrook, I am pleased and proud to show that our girls and the Blue Blazes Team is leading the way.

Thereupon, the Order received passage in concurrence.

Non-Concurrent Matter

Bill "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance" (H. P. 1859) (L. D. 1922) on which the House Insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "B" (H-1165) as amended by House Amendment "A" (H-1175) thereto in the House on March 21 and asked for a Committee of Conference.

Came from the Senate with that body having Adhered to its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (H-1164) in non-concurrence.

In the House: On motion of Mr. Brenerman from Portland, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Bill "An Act Relating to Appropriating Funds for Certain Municipal Governments" (H. P. 2096) (L. D. 2139) which was Passed to be Engrossed in the House on March 15, 1978.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "B" (S-595) in non-concurrence.

In the House: On motion of Mr. Wood of Sanford, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Messages and Documents

The following Communication:

STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
COMMITTEE ON EDUCATION

March 17, 1978

The Honorable John L. Martin

Speaker of the House

Dear Speaker Martin:

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

Total Number of Bills Received	27
Unanimous Reports	21
Ought to Pass	6
Ought to Pass as Amended	10
Ought to Pass in New Draft	2
Ought Not to Pass	3
Leave to Withdraw	6
Divided Reports	6

Sincerely,

Signed: ARTHUR P. LYNCH
House Chairman

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of the Committee on reference of Bills, was referred to the following Committee:

Education

Bill "An Act to Authorize Bond Issue in the Amount of \$7,350,000 for the Acquisition, Construction and Renovations of Higher Education Facilities and Equipment at the University of Maine, Including the Campuses at Augusta, Farmington, Fort Kent, Machias, Orono, Portland/Gorham, and Presque Isle" (H. P. 2303) (L. D. 2206) (Presented by Mr. Lynch of Livermore Falls) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Reference of Bills suggested the Committee on Education.

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 not to oppose the motion but to make one comment. Here we are in the third month of this year, and on December 5, the voters of this state disapproved a referendum which I think had some of these materials in it. I would only like to point out to the members of this House that if we are going to work with the Legislature instead of with the people of this state, I think we might want to consider these very carefully.

Thereupon, the Bill was referred to the Committee on Education, ordered printed and sent up for concurrence.

by unanimous consent, ordered sent forthwith to the Senate.

Orders

An Expression of Legislative Sentiment (H. P. 2294) recognizing that: Mabel W. Whitehouse, who was born in East Boothbay, will celebrate her 100th birthday on March 28, 1978

Presented by Mrs. Sewall of Newcastle.

The Order was read and passed and sent up

for concurrence.

An Expression of Legislative Sentiment (H. P. 2295) recognizing that:

Sally Richardson Rice of Stonington has been named the first Maine Young Mother of the Year

Presented by Mr. Greenlaw of Stonington.

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

On motion of Mrs. Trafton of Auburn, the following Joint Order: (H. P. 2277) (Cosponsors: Mrs. Mitchell of Vassalboro, Mr. Birt of East Millinocket, Senator Usher of Cumberland)

WHEREAS, all Maine children are directly affected by school nursing services; and

WHEREAS, all local schools must establish a comprehensive school health program in accordance with state law, rules and regulations; and

WHEREAS, expanded local efforts in health screening and immunization programs will require greater efforts in technical assistance and coordination by the State; and

WHEREAS, personnel in the Departments of Human Services and Educational & Cultural Services, with substantial other responsibilities, presently must act as part-time coordinators of school nursing services; now, therefore, be it

ORDERED, the Senate concurring, that the Select Committee on Health Education shall review the progress of local educational units in establishing comprehensive school health programs and conduct a study as to whether the establishment of the programs and their continuing effectiveness require the services of a school nurse consultant in the Department of Educational & Cultural Services; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978, and submit to the Legislative Council within the same time period, its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978, and submit to the Legislative Council within the same time period, its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

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

An Expression of Legislative Sentiment (H. P. 2296) recognizing that:

Carroll Foren of Easton, who has long been known for his excellent work in Aroostook County in the field of mental retardation, is retiring from the Bureau of Mental Retardation

Presented by Mr. Rideout of Mapleton.

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

An Expression of Legislative Sentiment (H. P. 2293) recognizing that:

Janet Oakes, daughter of Mr. and Mrs. Walter Oakes of Milo, presented the winning science paper at the New England Junior Science and Humanities Symposium and now will represent this region at the National Symposium in New Jersey

Presented by Mr. Masterman of Milo

The Order was read.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: On March 16, 1978, Janet Oakes, who is the daughter of Mr. and Mrs. Walter Oakes of Milo, won first prize at the New England Junior Science and Humanities

Symposium held at the University of New Hampshire, Durham, New Hampshire.

The title of her paper was "The Effect of Aging on Chlorophyll and Carotene Content of Autumn Leaves."

In February, Janet was selected as one of the five students from Maine, New Hampshire and Vermont to present a paper. Each year, the symposium invites approximately 200 students and their teachers from three states to hear the five papers, as well as lectures by experts in the various fields of science. The symposium takes two days. Lodging and meals are provided by the sponsors — the University of New Hampshire, the State Departments of Maine, New Hampshire and Vermont, the United States Army Research Laboratories in New England and the Academy of Applied Science in Boston, Massachusetts.

The winner is awarded the Dr. Lawrence S. Foster Memorial Scholarship of \$500 by the Academy of Applied Science. Janet will be flown, along with her teacher, to Monmouth College, Westlong Branch, New Jersey, to represent this region at the National Junior Science and Humanities Symposium May 17 to the 20.

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

An Expression of Legislative Sentiment (H. P. 2297) recognizing that:

Clare Mosher, of Wilton, has been chosen by the Wilton Senior Citizens as Man of the Year in honor of his years of service to that community and its senior citizens

Presented by Mr. Rollins of Dixfield.

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

An Expression of Legislative Sentiment (H. P. 2298) recognizing that:

The year 1978 marks the 50th anniversary of Le Paresseux, Inc. of Rumford, and the sharing of good times and bad under the banner, "We stand together"

Presented by Mr. Raymond of Lewiston (Co-sponsors: Mr. Theriault of Rumford, Mr. Brown of Mexico)

The Order was read.

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: I think it only appropriate today that on the 50th anniversary of Le Paresseux Club of Rumford, I should also recognize the President of the club, who has been president for over a decade, Mr. Steve Gallant. Also, 50 years ago, in March of 1928, the first president of that club, who happened to be the grandfather of one of our well-known lobbyists who bears the same name, the grandfather of the lobbyist in 1928, the first president, was known as Mr. Severin Belliveau. Therefore, in the name of Mr. Theriault from Rumford and Mr. Brown of Mexico, we would like to wish the Paresseux Club her 50th anniversary, which they will never forget, and hopefully they will continue to support not only the children but also the people of Rumford, as they have done in the last 50 years.

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

An Expression of Legislative Sentiment (H. P. 2299) recognizing that:

The Cumberland County Civic Center is celebrating the first anniversary of its establishment

Presented by Mrs. Beaulieu of Portland.

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

On Motion of Mr. Burns of Anson, the following Joint Order: (H. P. 2300)

WHEREAS, the State has granted monopolies to public utilities such as electric companies, gas companies and water companies in

order to ensure that utility equipment and facilities are not duplicated at an unnecessary expense; and

WHEREAS, the State grants these monopolies under the condition that the utilities are subject to state regulation; and

WHEREAS, under utility law, the property taxes paid by utilities are reimbursed them by their ratepayers through utility rates, and

WHEREAS, the result of this process is that ratepayers residing and facilities are located, pay property taxes through their utility rates to other municipalities; and

WHEREAS, there has arisen some question as to whether or not the property taxes paid by utility ratepayers should benefit a wider number of persons, other than just the residents of municipalities in which public utility equipment and facilities are located; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation shall study the question of the benefits conferred upon municipalities and utility ratepayers by property taxes paid by utilities; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

The Order was read.

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

Mr. KELLEHER: Mr. Speaker, perhaps the sponsor or some other member would table this until later in today's session, because I have an amendment that I would like to attach to the gentleman's order.

Thereupon, on motion of Mr. Burns of Anson, tabled pending passage and later today assigned.

An Expression of Legislative Sentiment (H. P. 2302) recognizing that:

Herbert Huckins, the oldest living resident of Milbridge and a recipient of the Boston Post Cane, will be 100 years of age on April 23, 1978

Presented by Mr. Conners of Franklin.

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

An Expression of Legislative Sentiment (H. P. 2304) recognizing that:

The Rockland High School Band will be representing the State of Maine at the Cherry Blossom Festival in Washington D.C.

Presented by Mr. Fowle of Rockland (Co-sponsors: Mrs. Post of Owls Head, Mr. Gray of Rockland, Senator Collins of Knox)

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

(Off Record Remarks)

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

Constitutional Amendment Later Today Assigned

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)

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

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

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask one question about this bill and it may have been

answered before but I probably wasn't in the room at the time. Does the constitutional amendment require a unanimous vote of the towns within the districts or is it a majority vote of the towns within the district, of the directors within the district?

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

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

Mr. LYNCH: Mr. Speaker, I am sorry, I can't give you the answer off the top of my head but I will look it up.

Whereupon, on motion of Mr. Shute of Stockton Springs, tabled pending passage to be enacted and later today assigned.

"An Act Creating an Interim Education Finance Commission" (S. P. 775) (L. D. 2204) (S. "A" S-594)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken.

Whereupon, Mr. Greenlaw of Stonington requested a roll call vote.

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

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I do hope this bill receives final enactment. It is a bill that establishes a legislative finance commission, and it seems to me that we still have sufficient problems with our education finance law that it is important to have a group established similar to former groups that have attempted to improve our education funding law. I think it is terribly important. I think it is probably one of the most important study matters that this legislature could address in the ensuing year, and it seems to me that the people of the State of Maine have clearly indicated to us that they are still not satisfied with the education funding law, and I do hope that you will vote for this measure on final enactment.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have not been too impressed with the order. I think we have a good school funding law and you can't improve on it unless you have more state dollars. That is the bottom line on any school funding program and you are not going to improve it until you have more state dollars poured into the funding of public school education.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being a Constitutional Amendment, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Bennett, Benoit, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Du Tremble, Elias, Fenalson, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kil-

coyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Sewall, Silsby, Strout, Talbot, Tarbell, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Whitemore, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Berube, Bunker, Carter, F.; Connors, Hunter, LaPlante, Lougee, Martin, A.; Norris, Raymond, Shute, Smith, Sprowl, Stover, Tarr.

ABSENT — Berry, Brown, K. L.; Bustin, Devoe, Jalbert, Kerry, Lunt, Mills, Moody, Morton, Peakes, Spencer, Theriault, Tyndale, Wilfong.

Yes, 116; No, 20; Absent, 15.

The SPEAKER: One hundred sixteen having voted in the affirmative and twenty in the negative, with fifteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act to Revise the Maine Sunset Law and State Agency Rules Law" (H. P. 2229) (L. D. 2189) (C "A" H-1180; S. "A" S-587)

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

Emergency Measure

"An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency (H. P. 1860) (L. D. 1923) (S. "A" S-584 to C. "A" H-1162)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken. 122 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following Communication appearing on Supplement No. 3 was taken up out of order by unanimous consent

The following Communication: (H. P. 2315)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

March 22, 1978

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

I am returning today without my signature and approval H. P. 2064, L. D. 2122, An Act to Clarify the Status of Intermittent State Employees.

While I can understand and appreciate the goal of defining the status of a temporary employee, I cannot endorse this broad-brush approach to this problem since unforeseen results may seriously affect the employment situation among Maine State employees. I am specifically distressed about the unknown fiscal effects that this particular legislation may have. The proponents have clearly recognized in their statement of fact attached to this legislation that a result of this bill will be additional costs for benefits in an amount which is impossible to estimate. I have been advised, however, that even more important is the fact that automatic and retroactive expansion of civil service status to individuals who have not been required to take merit examinations and be appointed from competitive registers may endanger substantial federal grand-in-aid funds which are conditioned upon the state's compli-

ance with federal standards for State civil service merit systems.

I feel that jeopardizing federal funds as well as increasing State costs are sufficient bases for questioning this particular legislation. However, I have also been advised that considerable ambiguity as to the intent and interpretation of certain sections of this legislation might result in uneven application of the law, could make it impossible for State agencies to comply with the general and unspecified requirements and could foster unnecessary litigation in an attempt to clarify these ambiguities.

Such ambiguities include the reference in the first section of this bill to longevity steps which were eliminated by the 107th Legislature and the reference to merit increases which may be inconsistent with a negotiated settlement between the state and a public employee union. I feel that it is essential that no inadvertent undermining of the collective bargaining process take place.

Even more important for the Legislature to consider is the fact that I have been advised that the major thrust of this bill is the granting of civil service status and protection to non-civil service unclassified employees. The merit system rights and benefits are extended to temporary, project and all other categories of employees who are not required to qualify by competitive examination. This could be used to destroy the integrity of the merit system. Project, temporary and other employees in similar situations, would, after 1,040 hours of work, acquire the rights and protections granted permanent employees hired through the merit system. This would result in a situation where temporary employees, hired without legislative oversight, would become entrenched in the system and would work alongside and be a similar budgetary concern as those employees who have been hired with the approval of the Legislature. I do not believe that the Legislative role should be undermined in such a manner.

In addition to undermining the Legislative role as outlined above, I must also express concern for the disregard of programs that are part of our personnel system such as the Affirmative Action Program. Temporary employees who are hired without regard for legislative input and Affirmative Action or other programs and who then achieve permanent status within our employment system are a possible result of this legislation which cannot be justified.

In conclusion, I feel there are too many unanswered questions concerning the costs of this particular bill, the effects of ambiguous sections of this legislation and the granting of civil service status without legislative approval and Affirmative Action guidelines. Therefore, I am returning this bill without my signature and at the same time directing the State Department of Personnel, which has been acting to eliminate and prevent abuses in the area of temporary employees, to continue those efforts and address the questions raised by the legislators who initially supported this bill.

Therefore, given these efforts by the State Department of Personnel, I do not believe that this legislation is necessary, and I especially want to avoid any result of severe hardship in those departments of State government which have a legitimate need for intermittent and other kinds of non-status temporary employees.

For each of the above reasons I am respectfully returning this legislation without my approval.

Signed:

Sincerely,

JAMES B. LONGLEY

The Communication was read and ordered placed on file.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Having just received this veto and not knowing in advance that it was going to even happen, I am reading the third paragraph, and would appreciate it if somebody would table this until later in today's session.

On motion of Mr. Churchill or Orland, tabled pending further consideration and later today assigned.

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

Petitions, Bills and Resolves Requiring Reference

The following bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committee:

Education

Bill "An Act to Authorize a Bond Issue in the Amount of \$500,000 for use by the Maine Maritime Academy for the Renovation of Leavitt Hall at the Academy" (H. P. 2313) (Presented by Mr. Greenlaw of Stonington) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Bill "An Act Authorizing the Issuance of Bonds by the Town of Houlton to Acquire Certain Assets of Ricker College" (Emergency) (H. P. 2314) (Presented by Mr. Peltier of Houlton) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed) Sent up for concurrence.

By unanimous consent, ordered sent forthwith.

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Revise the Method of Computing Legislators' Expenses" (H. P. 1996) (L. D. 2077) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-1166) in the House on March 16, 1978.

Came from the Senate Failing of passage to be Engrossed as amended by Committee Amendment "A" (H-1166) in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

The Chair laid before the House the following matter:

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 Formulary Mutually Agreeable to the Communities Involved (S. P. 749) (L. D. 2198) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question that was asked earlier, in the school law, Section 305, bottom of page 64, the procedure for changing the method of sharing costs among the member municipalities in an SAD—when requested by 10 percent of the number of voters voting for the gubernatorial candidates at the last statewide election in the municipalities comprising the district, the Board of School Directors of the SAD shall give at least 15 days' notice to each municipality comprising the SAD of a meeting to determine the necessity of reconsidering the method of sharing costs. Each member municipality of the district shall be represented at the meeting to determine the necessity of reconsidering the method of sharing costs by its municipal officers, school director or directors and two representatives from each municipality chosen at

large by its municipal officers. Any change in the method of sharing cost must first be approved by a vote of two-thirds of those present and voting and shall become effective when approved by a majority vote of the district at a meeting called and held for the purpose in accordance with Section 225. I think that answers the question that was asked.

The SPEAKER: The pending question is on final passage. This being a Constitutional Amendment, it requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

118 having voted in the affirmative and 8 in the negative, the Resolution was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Status of Intermittent State Employees" (H. P. 2064) (L. D. 2122) which was tabled earlier in the day and later today assigned pending the question, shall this Bill become law notwithstanding the objections of the Governor?

The SPEAKER: The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker and Members of the House: This L. D. is the result of a study conducted last summer by the State Government Committee, pursuant to House Paper 1592. Section 1 of the bill provides every employee of the state be informed in writing of his rate of pay, benefits, condition or employment, the employee's right, including the right to appeal decisions made with respect to his Section 2 of the bill requires the Commissioner of Personnel to adopt rules which provide that intermittent employees shall be permitted to participate more fully in the state's personnel system after completion of the full time equivalent of 1040 hours of more of work, also to participate in health and hospitalization insurance and retirement programs and to be entitled to status.

Special privileges given to the state employers relating to personnel actions, such as hiring, promoting and firing — the bill does not provide that intermittent employees shall be eligible for state life insurance plans because of difficulty of devising a rational system of calculating coverage and potential for abuse.

The main objector to this bill was the Liquor Commissioner. He said that he would have to close his doors if we passed such a bill. At the time we studied this last summer, there were approximately 327 intermittent employees. This winter, they had made an effort to lower this number of employees and we were told it was down to slightly over a 100. The Liquor Commission still had over 50 intermittent employees. Manpower Affairs also had 105 at the beginning of the session, and recently we were told they had depleted that to approximately 50. These people, some of them have been working since 1963 as intermittent state employees without any status and I think it is time and only fair to these employees that they be used the same as other state employees.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: The State Government Committee did the study on intermittent employees as a result of an order that was put in by myself and Representative Talbot from Portland.

I served on the State Government Committee my first term up here and we studied the personnel laws and I never heard of an intermittent employee, but last spring, I guess it was, or the spring before last, when we were at a meeting of the state employees, we found out that many of them were complaining about the

abuse of the intermittent employees, and it was the first time many of us had ever heard the term. It has been abused. They have kept employees on at an intermittent status, working 40 hours a week for years, and these employees receive no health benefits, they receive no vacation pay and no sick leave and often they are filling the vacancies of, say, a clerk typist and when they go to fill the job, they don't even have a place on the register, it goes to somebody entirely different when they are perfectly capable of doing the job.

I was appalled to find that we were abusing employees like this, primarily in order to save the state agencies money. I think the State Government Committee has done a good job in addressing this problem, especially in the future use of intermittent employees.

I think Representative Talbot has list just to give you an example of the state employees that have been abused under this system. I think all the bill does is to say, if an employee is going to work a certain number of hours a week, week after week after week, that he or she be given some status and let those hours accumulate.

Right now, this system of intermittent employment is done administratively by rule and other administrative action. There is nothing in the statutes to help them or to protect them. Many intermittent employees were very concerned about us addressing this problem because they were afraid that they would lose their jobs. We hesitated doing anything about it because we didn't — you know, many of them have worked at this so long that they are dependent on it, but we decided that the abuses were so widespread that it really ought to be addressed, even if some of them might lose their jobs, although we were hopeful that that wouldn't happen.

I do urge you to override this veto.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker and Members of the House: I was a member of the subcommittee of the State Government Committee that worked on this particular piece of legislation and I, too, had never heard of intermittent employees and was not aware of the use and abuse of employees through these procedures until I ended up being on that subcommittee. I suspect when the word got out that the subcommittee was going to be meeting and dealing on this, just before our first meeting, there magically appeared a personnel bulletin called 8.1, which attempted to address some of the problems that had already been existing in terms of informing employees of their rights, but we find out during the conduct of our hearings that in some departments, some bureaus, some agencies, employees were told of what their condition of employment were and what their rights were, in others they were not. There was even confusion among department heads, agency heads and bureau heads as to what those rights were and whether or not they had to inform employees, and we found disagreement among people on that.

What we have done with this particular bill is two things. First, we have taken that Bulletin, 8.1, and made that the first part of the bill and a statute saying that employees will be told what their rights are and what their opportunities are.

In the second part of the bill, we have attempted to prevent any further abuse of intermittent employees. This abuse has been going on for a long time, unbeknownst to most of us here, because most of us would have no reason to know that this was going on unless an individual employee, an intermittent employee, contacted his or her legislator to tell them about it, and that is what happened and that is how we became aware of it originally.

Unfortunately, we did not receive this veto message until it was dropped on our desks about a half an hour ago, so most of us have not

had the opportunity to really analyze what the Governor's comments are. So for those of you who have read it through in detail, you may have come up with some questions, and I will try to answer at least a couple of them here.

First of all, this particular piece of legislation, contrary to what the Governor is suggesting in his message, will not undermine the merit system and undermine the personnel system. He says in here that it could be used to destroy the integrity of the merit system. The integrity of merit system was destroyed, in the first place, by using and abusing intermittent employees, and what we are attempting to do here is to correct that abuse.

He also addresses in here the situation where employees might be put in the position where they would acquire some status without having to take the examinations. First of all, there is nothing whatsoever to prevent, in the future, so-called intermittent employees from being given examinations. The only part in here that applies to employees with reference to examinations are those employees who have already been abused. If you read the bill carefully, you will see that we are addressing those who, in calendar year 1976 and 1977, worked in more than half a year. There are employees who have worked 30, 35, 38, 39 and 40 hours a week, week after week after week, beside another person performing exactly the same job and yet they receive no benefits whatsoever. We felt that in the process of putting through this legislation to prevent these abuses from happening in the future, we ought to at least also make some effort to correct the abuses that have occurred among certain individuals during the past couple of years. There are only a handful of people that will not have an enormous financial effect upon state government.

The real bottom line in this whole thing is that up until now various agencies and organizations, with the knowledge of the Department of Personnel, have kind of end-run the personnel system in order to have employees available to perform certain functions without having to provide them the benefits. That, of course, saves money, and I realize that our Governor is very interested in saving money, but I don't think money should be saved at the abuse of specific individuals, abuse of our constituents. I believe Mr. Talbot has a list of the locations of where some of those constituents are from. There are quite a few.

I would hope that in looking this over, you would realize that what we are trying to do here is correct a problem that we don't feel, we didn't feel as a committee, would probably be corrected sufficiently if we just left it up to the Department of Personnel. We thought it was very interesting that some of these attempts at correction came about only because of pressures as the result of legislation being put in. I think it is important that we have this piece of legislation to make sure that nothing happens in the future if, theoretically, there should not be a problem and this bill actually would end up not having to do that much as long as the system is not abused in the future. What we are trying to do is preclude that abuse, and I hope that you will please vote to override the Governor's veto.

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

Mr. HICKEY: Mr. Speaker, I would like to address a question to any member of the committee. As an intermittent employee, if their time isn't being credited to their retirement, are they permitted to buy their time back upon becoming classified?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to any member of the Committee who may care to answer.

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

Mr. CURRAN: Mr. Speaker, the answer is no. You look in the bill, when we speak to re-

tirement, it talks about prorating in the future when they change from that status, intermittent status, into a permanent status. We did not make anything retroactive, with the exception of the examination of those people who are currently, as defined in the bill, eligible to become permanent employees.

The SPEAKER: The pending question is, shall Bill "An Act to Clarify the Status of Intermittent State Employees," House Paper 2064, L. D. 2122, become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. All those in favor of this Bill becoming law will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alouppis, Ault, Bachrach, Bagley, Beaulieu, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brenerman, Brown, K. C.; Bunker, Burns, Carrier, Chonko, Churchill, Clark, Connolly, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lougee, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahan, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Silsby, Smith, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Tierney, Torrey, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Berry, Boudreau, A.; Brown, K. L.; Carter, D.; Carter, F.; Connors, Cote, Gray, Hunter, Littlefield, Lizotte, Lougee, Mackel, Masterman, McMahan, Morton, Paul, Pearson, Raymond, Rollins, Smith, Sprowl, Torrey, Tozier.

ABSENT — Bennett, Bustin, Carey, Carroll, Devoe, Dutremble, Lunt, Lynch, McKean, Mills, Moody, Nelson, M.; Peakes, Rideout, Spencer, Theriault, Tyndale, Wilfong.

Yes, 108; No, 25; Absent, 18.

The SPEAKER: One hundred eight having voted in the affirmative and twenty-five in the negative, with eighteen being absent, the Governor's veto is not sustained.

By unanimous consent, ordered sent forthwith to the Senate and concurrence.

The following Enactor appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Passed to Be Enacted

"An Act to Increase State Reimbursement for the Net Costs of Local General Assistance" (H. P. 1859) (L. D. 1922) c. "A" (H-1164)

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

Mr. Strout of Corinth requested a roll call vote.

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

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

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

ROLL CALL

YEA — Alouppis, Ault, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carroll,

Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Locke, Lougee, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahan, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rollins, Sewall, Silsby, Smith, Stover, Strout, Stubbs, Talbot, Tarbell, Tarr, Teague, Tierney, Torrey, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wood, Wyman.

NAY — Carter, D.; Shute, Sprowl, Tozier.

ABSENT — Bennett, Bustin, Carter, F.; Devoe, Henderson, Littlefield, Lunt, Lynch, McKean, Mills, Moody, Nelson, M.; Peakes, Rideout, Spencer, Theriault, Tyndale, Wilfong. Yes, 128; No, 4; Absent, 18.

The SPEAKER: One hundred twenty-eight having voted in the affirmative and four in the negative, with eighteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Birt of East Millinocket, Recessed until two o'clock in the afternoon.

After Recess

2:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

The Chair laid before the House the following matter:

Joint Order — Relative to Public Utilities, (H. P. 2300), which was tabled earlier in the day and later today assigned pending passage.

Thereupon, Mr. Burns of Anson withdrew the Order.

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

Bill Reported Pursuant to Joint Order (H. P. 2023) — Committee on Taxation on Bill, "An Act to Provide for Reform of the State Tax Laws" — In House, Majority "Ought to Pass" Report accepted and bill (H. P. 2216) (L. D. 2184) passed to be engrossed as amended by House Amendment "C" (H-1138) and House Amendment "D" (H-1139) as amended by House Amendment "A" (H-1142) thereto on March 9. — in Senate, Minority "Ought to Pass" Report accepted and bill (H. P. 2215) (L. D. 2183) passed to be engrossed as amended by Senate Amendment "A" (S-533) as amended by Senate Amendment "A" (S-563) thereto in non-concurrence.

Tabled — March 21 (Till later today) by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Carey of Waterville, the House voted to recede. The Minority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Senate Amendment "A" (S-573) was read by the Clerk.

Senate Amendment "A" to Senate Amendment "A" (S-563) was read by the Clerk and adopted in concurrence.

On motion of Mr. Carey of Waterville, Senate Amendment "A" as amended by Senate Amendment "A" thereto was indefinitely postponed.

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

Mr. Carey of Waterville offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1217) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, I would like the gentleman who offered the amendment to explain to us what it means. It is 12 pages long, and if he could just run it by quickly as to what is contained in it, I would appreciate it.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The summary, you will be able to find on Page 11 of the amendment, and it carries us right down the line, item by item, on those things that the Democratic caucus looked at yesterday, talked about and accepted yesterday. This amendment, word for word, covers those items, and it has a price tag of \$13.877 million.

It takes care of the sales tax on gas. We backed off from a previous position where we had talked about 1000 kilowatts of electricity; we are now down to 750 kilowatts. We have the sales tax off the agricultural equipment, fishing equipment, the logging equipment. We have put \$125,000 for the elderly retirement income tax credit; \$150,000 for the head of household credit, and we do have, off the blue sheet that was distributed yesterday, the \$4 million package that will adjust the income taxes on a personal side for those people basically between the \$10,000 and \$30,000 level. One disappointment in this package, and it may really run into flak amongst the loyal opposition, is Item 10 on Page 11. It is that percent reduction of the corporate tax on corporations under \$25,000, and you will see that that has a — when we talk about small figures — we have a very small figure of some \$37,000 in that area.

Mr. Greenlaw of Stonington offered House Amendment "A" to House Amendment "C" and moved its adoption.

House Amendment "A" to House Amendment "C" (H-1212) was read by the Clerk.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: If you could take the amendment which the gentleman from Waterville, Mr. Carey, has offered, on Page 6, take the amendment which I have now placed before the body, I think I can show you just exactly what this bill does.

In Section 11, you will see in Mr. Carey's amendment that the proposed tax reduction for corporations is 4.95 percent, which is one percent of the five percent present rate. What my amendment does is propose a 5 percent reduction at the 5 percent rate, which would have the net rate of 4.45 percent on the first \$25,000 of corporate income. This results in a tax benefit to the corporations across the state of approximately \$400,000, which I think is the proposal that has been pending in the so-called Republican package.

I would hope that you would adopt this amendment.

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

Mr. BIRON: Mr. Speaker, a point of parliamentary inquiry? If either House Amendment that is pending before us is accepted, would the House Amendment that I have prepared be accepted by this body?

The SPEAKER: The Chair is not in a position to make that ruling since the Chair is not in possession of the amendment that the gentleman from Lewiston is referring to.

Mr. BIRON: The filing number of that amendment is H-1219, Mr. Speaker.

The SPEAKER: The Chair would advise the gentleman that the motion to adopt House Amendment "D" would still be in order. The Chair would answer in the affirmative.

The Chair recognizes the gentleman from

Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would move the indefinite postponement of House Amendment "A". My reason for it is that we had a caucus here yesterday. I think that the Democratic party in the caucus took a very firm stand dealing with this amendment. Notwithstanding other considerations given to us, I would urge the Democrats and Republican members of this House, the good loyal opposition, there is no need of us running a welfare program for the corporations, at least at the level that is being offered in this amendment here today. So I would urge that you would indefinitely postpone this amendment, at least this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "A" to Committee Amendment "C" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

Mr. Boudreau of Waterville requested a roll call.

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

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: There appears to be some confusion about the amendment presently before us and I would like to reiterate what I said before in terms of what this amendment does.

This amendment would give corporations a 5 percent reduction in their corporate tax on the first \$25,000.

If I could respond to the comments that the gentleman from Bangor, Mr. Kelleher, made in terms of what the caucus, the Democratic caucus anyway, yesterday voted on, I think if my memory serves me correctly, we voted to support one percent reduction on the first \$25,000 of corporate income, and as the gentleman from Waterville, Mr. Carey, indicated, the tax reduction on that, I think he said, was only \$37,000. If we adopt this amendment, the tax reduction to corporations of this state would amount to about \$400,000. I don't think that it is a question of welfare relief for the corporations. It seems to me it is a question, with this whole tax reform package that is before us, that we are attempting to return what is to be a projected surplus to the people of Maine, and certainly they are a part of what the people of Maine are all about.

I would hope this amendment would be adopted.

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

Mrs. NAJARIAN; Mr. Speaker and Members of the House: I would hope that you would support this amendment.

I know that the Democratic caucus has stood very strongly for a long time against any decreases in the tax for corporations, but we are getting very close to adjournment and I think this is primarily the one thing that is preventing us from reaching an agreement with the other body. I don't know that that is true, but I know this is one of the items that they felt very strongly about.

This does just give a tax exemption for the first \$25,000 of profits. All corporations would benefit if they made more than \$25,000, but it would certainly help those small businesses or small corporations who make \$25,000 less.

As with any compromise, you have to compromise on your principles, and I think that has been done on both sides. I think we have gotten

some things, the Republicans have compromised in some areas that I feel good about, and I do hope you will go along with this. The caucus supported a one percent yesterday, but that is only \$37,000, and that is really rather ridiculous.

I hope that you go along with this amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think at least for the Democrats in this House, when they supported the motion of the good gentlelady from Portland yesterday dealing with the one percent or the percentage for the first \$25,000, or for \$25,000, we are dealing with only those small corporations, and I think that was the intention of the gentlelady. However, here we are at the point right now where you are talking a heck of a lot more money than the \$35,000 that she indicated or was indicated later on.

I could understand the amendment, Mrs. Najarian, if it were dealing with the \$25,000 for the small corporations, but not in terms of giving a direct benefit to the total corporations of this state, and I don't want to be mistaken by that at all.

(Off Record Remarks)

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

After Recess

3:25 P. M.

The House was called to order by the Speaker.

Mr. Kelleher of Bangor requested leave to withdraw his motion to indefinitely postpone House Amendment "A" to House Amendment "C", which was granted.

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In the past couple of weeks, we have had a lot of debate in this body and in the other body and with leadership as to the proposed \$41 million surplus that is before us.

The problem that I have, and like many of you have, I have gone back to my constituents and talked to them about this surplus and what we should do.

Both of the packages that have been brought before us, I personally am convinced that it is an attempt to gain support for either party, gubernatorial candidates and the present Governor that we have right now, and I don't believe that we would be in this position today if the Governor, a month ago, did not come before us and say that we had a supposed surplus.

I would simply like to prove to you at this point in time that there is no surplus in the State of Maine, none at all. It is time that we took a common-sense approach to this money which can be used in a more positive way for the people of Maine.

The two bills that you have before you, the Republican bill and the Democratic bill, they are very similar with the exception of a few areas which we are talking about, and I understand it doesn't represent that much money. However, the State of Maine, right now, ladies and gentlemen, has in outstanding bonds \$290 million. Ten years ago, we had a hundred million dollars. In ten years, we have increased it by \$190 million.

The State of Maine Retirement System at this point, right now, today, is \$6.5 million in debt. The reason that retirement system is in debt is because we, the legislature, both bodies, have passed legislation which has said that those who did not contribute to the retirement system can draw from it, and each year

that retirement system is going into debt by \$8.5 million. I think we have a responsibility to take care of our liabilities, and I personally think it is a joke for us to return to the taxpayers \$30, \$40 or \$50 and then, next year, come back here and raise their taxes again, because you are going to have to pay for these liabilities that we have.

I personally think that many of the Republicans in this House have been put in a box by the Republican Party, and many of the Democrats have been put in that same box by the Democratic Party, and there hasn't been a common-sense approach for this so-called surplus. That is what I am proposing here this afternoon, a common-sense approach.

If this were a corporation, if the State of Maine were a corporation, and I remember the good Governor running for office, and he said, I am going to run it like a business, well there isn't a business man around that would come before his corporation and say, we are going to take our dividends and we are going to spread them amongst our people until our surplus is depleted. He has proposed that. He says we are going to take the surplus and we are going to send it out and we don't even have it yet. That is what we are being asked to go for, fully knowing that we have these liabilities — \$290 million in bonds, ladies and gentlemen, \$6.5 million in the retirement system that we have got to make up. Where does any one of the gubernatorial candidates or anyone else in this House propose that money is going to come from? That money is going to have to come from someplace, and let me say to you, there is no surplus. We would be doing the people of Maine a favor if we used that so-called surplus and paid some of these liabilities. We could then go home and say we saved every taxpayer in this state of some money, a major amount of money.

The answer to a problem in government today is, we will float a bond. They are all credit card crazy. But let me say to you, ladies and gentlemen, the day will come when we will have to pay, and there is no surplus if you have got \$6.5 million, and there is nobody in this House that can argue with me that we don't. We're \$6.5 million short in our retirement fund and where is that money going to come from? From next year's surplus?

Before you vote on this motion today, I would hope that each and every one of you would consider the figures that I have given you, and I am sure that there isn't one of your constituents, be they Republican or Democrat, that would be made at you if you paid the state's bills, because when you pay the bills, that means you save them money. When you don't pay them, you keep paying the interest, and who pays the interest? The taxpayer. That is the bottom line here.

I am not running for Governor, and that is the whole purpose of what we have got before us and I am convinced of that. If this wasn't a gubernatorial year, we never would have had this package brought before us — never. We would have taken a common-sense approach: we would have saved the taxpayers of the state money, but instead, we are coming up with a plan that gives a little bit everywhere, but we still have the liabilities. Doesn't anyone in this House care about the liabilities? Weren't you elected to represent your people? What are you going to do three years from now or two years from now when you have to go back and raise their taxes so you can pay for the retirement fund? What are you going to do two or three years from now when you are talking about bond issued worth \$290 million now and will be over \$300 million by the end of this session? Who is going to pay for all of this? There is no surplus and let no one kid you. We can use that money in a positive way and save all the taxpayers in this state a lot of money by paying our bills. That is a common-sense approach to what we have.

What you have before you, the Republican and Democratic plan, is a political approach, simply a political approach, not a common-sense approach.

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

Mrs. KANY: Mr. Speaker and Members of the House: I plan to vote in favor of this amendment, even though it is a long, long way from Representative Benoit's bill, which I happen to have favored originally, but in so doing, I just, for the first time, being a member of this House, want to go on record saying something, and that is that the Statement of Fact in House Amendment "C" talks about providing permanent and one-time tax relief, and I just want the people in the future to know that at least one legislator felt the need to go on record saying that nothing is permanent. I don't want anybody to be able to hold that up to me in 1985 and say, by God, you voted for a permanent tax relief and what are you doing to me now? But I do intend to vote for this compromise package.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Lewiston, Mr. Biron, mentioned the possibility of some people who were running for higher office, and I think this House is well aware that there are a couple of people in this House who are doing so. He said that we may be looking for the good favor of the present Governor. I don't know where he was three years ago, but I would point out to him that three days after Jim Longley took office, I had a few kind words to say about the gentleman. They haven't changed much in that time, and I am not one who is seeking his favor. I would point that out to him.

I would also point out to him that the people of Maine, if he were up with the Constitution, he would find that the people of Maine have voted on each and every one of those outstanding bonds that we have, as well as those bond issues that are not issued yet. So it is the people of Maine who have gone into debt, as well as this particular legislature, and it was done in a way that it should have been done.

We have some items that are items that really should be going out for bond, and those particular items are those that have a long life, and on those items of the University of Maine, for instance, they are to be would pay cash for some of those items that have, first of all, a high price and a long life. These are legitimate items to be bonded, and those are the items that went to the people and those are the items that were voted on by the people to be bonded.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Let me simply respond to the good gentleman from Waterville, Mr. Carey, in that the people of Maine having nothing to do with this \$6.5 million liability that we now have with the retirement system. We, the representatives, had something to do with that, because we are the ones who passed legislation saying that those who had not contributed to that fund could take from it. It is costing the State of Maine \$8.5 million a year, and if you are going to vote for that, you have got to take the responsibility to pay for it. That is the point, Mr. Carey.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: There comes a time, I suppose, when legislators feel overwhelming compulsion to make a certain statement for the record for some very strong reasons. I have never, in my brief tenure in this body, ever felt such a compulsion until now. But I do want to say a few things and, Mr. Speaker, lest I forget, I don't want to ask for a roll call on this particular amendment.

I truly appreciate, as a member of the ma-

jority party of this House, the very sincere, hard efforts made by the members of leadership, including yourself, Mr. Speaker, to negotiate a tax relief plan that is acceptable to all of us who hold varying philosophies and perspectives. I sincerely appreciate that, and I would trust that anything that I say now will not be construed as being opposed to anything or being unappreciative of anything leadership in both parties, for that matter, has attempted to do.

My decision on this particular bill has not been an easy one for me to make, and I sense the same is probably true for most of you. We have heard all kinds of political rhetoric in the past two weeks, starting, I suppose, at the time the good minority leader from Nobleboro, Mr. Palmer, and the leader in the other body held a news conference to announce the tax package. Ever since that time, the tax relief issue has been couched only in terms of partisanship and less so in terms of philosophy. But my position, I can assure you, is not one of partisanship; it is one of deep philosophical beliefs.

We have a lot of considerations to make in deciding how we are going to vote on this package, but I personally believe, and I want to state for the record, that as far as I am concerned, my overriding interest is the interest of the people of Pittsfield, Hartland and Canaan, who sent me here to represent them. Were it not for their faith and their trust in me, I would not be here speaking before you today, and unless they exercise a good deal of tolerance and patience, and in some respects a forgiving spirit, I do not expect to be back.

I was sent to represent their interests, and I want to share with you ladies and gentlemen of the House, if you will just be patient for a few moments — in response to a questionnaire that I distributed this past few weeks on tax relief, and one of the questions that I asked was, what tax relief proposal do you support? Check one. The first one was, reduce corporate and personal income tax. Secondly, reduce the sales tax. Thirdly, reduce the property tax.

Before I tell you the response to this questionnaire, I want to say to the good members of the loyal opposition, some are good, personal friends of mine, that I represent a Republican district and a conservative Republican district at that. I want the Republican members of the House to know that so they can be prepared when they go out to campaign for reelection or for higher office, if they are running for that. I received a questionnaire today, and they had checked "reduce property taxes." That lines up with about 8½ or 9 out of 10 responses that I have received on my questionnaire that I distributed, and I distributed 500 of them around my district. And on the back, I said, "Please feel free to comment." I would like to read into the record what this gentleman commented, on his questionnaire. "Do you think the towns should raise your property taxes after you have gone to the expense of making it livable, the home. My taxes more than doubled last year. Signed, Andrew Tweedie, Cannan, Maine." I don't know if Mr. Tweedie is a Republican or a Democrat or an Independent, and I really don't care.

The important thing is, and the thing that I want to bring home to you ladies and gentlemen today, regardless of how you are going to vote on this amendment, and I am not sure at this point how I am going to vote, but I want to say this — any member of this House, regardless of party, that would propose a reduction in corporate income taxes and not give one red cent, not a penny, to reduce property taxes, as far as I am concerned is terrible out of touch with the people of the state, and I challenge any member of either party to stand up and say otherwise. The people of this state have been telling us for many years that their property tax burden is too great, but because we must kowtow the fatest cats in this state, we must pass a reduction in corporate income taxes. By

the way, that will end up helping those largest business executives in the state.

I want to also mention, Mr. Speaker, for the record, what this income tax, this reduction not in the corporate income tax, but we will talk about the reduction in the personal income tax, which I understand is a concession that the loyal opposition has made to the Democratic party, and I want you to notice, if you would that white paper that was distributed to us the other day. In the \$10,000 income bracket with two exemptions, a person making \$10,000 is going to get, and I want you to note this, going to get a \$1 reduction in their income tax, \$1. A person who is making \$15,000, which I understand and am constantly hearing is the income group that we want to target our relief for and the income group that had to pay the income tax rebates, and we are going to have to come back at some future time and vote to raise taxes.

I have had some conservative Republicans tell me just last night, we were talking about \$5, \$10, even \$15 or \$20, that their preference would be to leave it in surplus rather than to have us spend it and fritter it away, which is what we are going to be doing with this tax proposal, and then come back and raise taxes at some future time.

We all have the opportunity, we will all have the opportunity once we have been relieved of the pressure of time and policies, which we are now under, to reflect in silence, upon what we have done in this session in the area of tax relief and, more importantly I think, the area of tax reform. I can only hope that each of us will say with a clear conscience that we have done our best, that we did what was right, that we responded to what the people back home are asking us to do. I would hope that after we have left this place, that we will not echo the sad words of T.S. Elliot, who wrote, "That is not what I meant at all; that is not it at all."

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

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

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like, if I could, to take this opportunity to deflate a little bit of the emotionalism surrounding this bill and just remind you that what we have at this point is a bill, L. D. 2183, in its original form with an amendment proposed before it.

The original bill has a 500 kilowatt exemption; the amendment has 750. The original bill has a \$25 one-time tax credit; the amendment has no one time tax credit. The original bill has a permanent 4 percent across-the-board reduction of the personal income tax; the proposed amendment has the recalculated scale to benefit those people who make between \$10,000 and \$30,000. The original bill has a 2 percent permanent corporate income tax reduction; the proposed amendment has a reduction on the first \$25,000 earned by a corporation, which results in \$400,000. So, ladies and gentlemen, I guess I specifically address my remarks to my dear friend from Pittsfield and some of the other members at my caucus, that the only question now is whether or not to adopt Mr. Carey's amendment, which from my way of thinking is intimately better than that original bill, which is the only alternative should Mr. Carey's amendment be defeated.

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

Mr. GREEN: Mr. Speaker, a point of parliamentary inquiry?

Are we voting on the good gentlemen from Lewiston, Mr. Biron's, amendment or on the

bill or on Mr. Carey's amendment or just exactly what?

The SPEAKER: The Chair would advise the gentleman from Auburn, Mr. Green, that the pending motion is on adoption of House Amendment "C" as amended. The Chair would further advise the gentleman from Auburn, Mr. Green, that the amendment that the gentleman from Lewiston, Mr. Biron, is talking about cannot be offered at this time.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I had distributed to the House a sheet of paper which showed a tax relief program and it had Plan A, Plan B and a final proposal, and I just did want to take a minute to discuss that with you before the final vote.

I want to also say, if you look at Plan A and you go to the final proposal, you will see a tremendous difference. That difference has come about because I believe that well-meaning Democrats and well-meaning Republicans and the Governor of this State have worked and compromised and tried to come out with a proposal which we all could buy. I believe that the records will show that we have, indeed, for the past week or two, bargained in good faith morning, noon and night — all parties trying to arrive at something and, of course, unfortunately, no package can be made which can satisfy everyone but this, we felt, was the closest that we could come.

I just want to say that when we finally broke out of our meetings yesterday, in reality only one think at that moment separated us, and that was one small item of corporate tax relief of one percent, at total amount of \$420,000. After weeks of talk, this was the difference. We felt that it was very small difference and we felt that it should be resolved right there. However, it was not.

I believe that with all the rhetoric that we may make about corporate income taxes, I want to make one thing very clear, \$420,000 is, indeed, a very small amount of money. I do not believe, as I am sure anyone in this House believes, that it is going to make a big difference to any corporation in this state. I think you know, as well as I do that the reason it is in there is cosmetic in nature, to show to the business community of this state that we believe in you, that we are grateful for the part you played in delivering to the State of Maine a very healthy surplus and that we want to express our gratitude and also to say that we want to work with you in the future, that we may make more monies, that we may employ more people. It strictly is a philosophical matter.

I would say, too, to you, that so many times we talk about a corporation and when we do we think of Great Northern Paper Company or we think of Central Maine Power Company or International Paper or St. Regis. Well, let me say to you, there are 15,414 corporations in this state. They range all the way from Great Northern down to one or to two individuals who have incorporated primarily because of reasons of liability, so we are saying the same thing to them as we say to the major corporations. It is just nothing but an approach, a philosophy, which says you contributed, we thank you. Government isn't always going to take away; government can also give back.

I submit it is a very small thing to divide our parties and the Governor and, after all, there are three great factors, and I believe with all my heart that since the very beginning of this thing, the Republicans have given, the Democrats have given and Governor Longley has given. In Plan C, we have the results of everybody cooperating.

I would hope that we would not pass this final proposal of Representative Carey, that we might, indeed, pass the final proposal as listed on the white sheet delivered to you.

I did want to make it clear before we vote that I believe all parties have acted in good faith and I don't believe it has been as political as the young man from Pittsfield would like to make you think. I think it has been people in both parties and on the second floor who have given and given of themselves to try to make a reasonable package for the people of the State of Maine.

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

Mr. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to offer an alternative to the tax relief proposal suggested by both the Republicans and Democrats. I recognize and appreciate the hard work done by members of leadership and the Taxation Committee in drawing up these two packages. They ought to be praised for their concern and determination in attempting to work out a compromise which would benefit the people and taxpayers of Maine most fairly.

As a legislator and an individual, however, I must now voice my disagreement with both packages. There seems to be no clear consensus, at this late date, as to how much money will be required for the state to pay its bills next year. The Governor's Office, the Legislative Finance Office and the leadership of both parties have consistently disagreed throughout this session as to what the surplus is. It seems to me inappropriate and irresponsible for the legislature to grant tax cuts this year under these conditions. I can see next session, or the session after, a need to raise taxes to fund programs which are not properly funded because of this year's tax cuts. That would be disastrous for us both fiscally and politically.

I recommend, instead, that we pay our bills as they come, and place any surplus that may exist, once we have done this, toward reducing the state's bonded indebtedness. The President of the other body made that suggestion a few weeks back. I liked it then and I like it now. I must add that as much as I admire the Governor, I certainly disagree with him when he said that the people of Maine had just voted to float more bonds. It is true that they did vote that way, but the only reason that they did was because we told them we had bills to pay and we had no money. Maine people are responsible people, so they voted so we could pay our bills.

I talked with Leighton Cooney, the State Treasurer, last week and he informed me that the state is in debt over \$270 million this year. Less than 10 years ago, the debt was \$89 million. This increase in debt is an unsound development, it sets a poor example. The people of Maine are expected to pay their bills. If I was to borrow \$10 from Spike Carey here today and tomorrow I made \$25, what is my first responsibility? Do I go out looking for ways to spend the \$25 and disregard the \$10 debt? Spike Carey probably wouldn't like that and my credit with him would drop to zero. I should, of course, pay my debts before I spend. Spike Carey would expect this and you would too. A responsible individual pays his bills. Should we expect less from government? So this year let's meet our obligations and pay our bills. The people of Maine would be proud of our actions and Maine will continue to lead the nation for example.

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

Mr. JENSEN: Mr. Speaker and Members of the House: I would like to explain to the members of the House my position on this and why I am going to vote against this bill or this present amendment.

My problem is, as Mr. Palmer mentioned a few moments ago with many people, with the corporate tax cut. The problem that exists there is very clearly one of philosophy and I think, to a great deal, one of constituency.

It doesn't amount to a great deal of money; \$400,000 on the kind of budget that the State of Maine has is a very small amount, but let's look at where the surplus that we allegedly

have, and I have my doubts about that too, but assuming we have the money, let's look at where it came from. If you look at it, you will find that a good chunk of it has come from increased federal revenues in the way of countercyclical money coming to the State of Maine. An even larger portion of that has come from the property taxpayer. Now, we are not taxing property as such anymore, but what we are doing is, we have reduced the level of educational funding on the local level so the localities are paying more and the state is paying a little less and, most importantly, in my estimation, is the inventory tax.

A couple of years ago, the legislature voted to eliminate the inventory tax. I wasn't here but I agree with it, it is a poor means of taxation. In order to pick up those revenues, the agreement was very clear and above board, the corporate income tax was increased by, I believe, one percent. It just seems to me to be unthinkable for the legislature of the State of Maine to turn around and say, the towns no longer collect the inventory tax, we will reimburse you. Then when the time comes say, gee, we have a hole in our pocket. We really don't have the money that we collected for that purpose. This year, we are getting an 85 percent reimbursement with the countercyclical money and some federal funds coming in, which are getting 60 percent. The year after that, 40 percent, and I believe it is gone shortly thereafter. So what we are asking the cities and the towns to do is to pick up a substantial amount of additional revenue from the property tax. I guess that I cannot, in good conscience, vote to reduce the corporate income tax to find the additional money to lower corporate income taxes when we can't find the money to reimburse the inventory tax. In my community, that amounts to something in the neighborhood of \$400,000.

I approve and support most of the rest of the proposals, exclusive of the corporate income tax reduction, and for that reason, I will vote against this amendment.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: The issue is really after having heard the very competent remarks of my good friend from Nobleboro, the difference between the two positions, between the two parties at this point is very clear, and that is in the amount of \$5.7 million. So my good friend from Biddeford, Mr. Lizotte, and my good friend from Lewiston, Mr. Biron, who are concerned about whether or not we have enough money, I share that concern to meet the state's contribution. If you are concerned about that, you may be against the whole bill this year, but I can assure you that with the adoption of Mr. Carey's amendment we will have \$5.7 million more in the state's coffers than with the final proposal which is being supported by the good gentleman from Nobleboro.

I certainly hope that that is really the only significant difference at this point between the parties — which party is more concerned about whether the money will be there, which party is more concerned about the state's ability to pay its bills. I think, perhaps ironically in this case it is our party.

I hope you support Mr. Carey on the pending motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Carey to adopt House Amendment "C" as amended by House Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Hen-

derson, Hickey, Hobbins, Howe, Hughes, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Spencer, Stubbs, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

NAY—Aloupis, Ault, Austin, Bagley, Biron, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Connolly, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Kane, Laffin, Lewis, Littlefield, Lougee, Mackel, Marshall, Masterman, Masterton, McBrearty, McPherson, Morton, Norris, Palmer, Peltier, Perkins, Peterson, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Talbot, Tarbell, Tarr, Teague, Torrey, Whittlemore.

ABSENT—Dudley, Lunt, Mills, Moody, Theariat, Tyndale.

Yes, 82; No, 63; Absent, 6.

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

Mr. Biron of Lewiston offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1219) was read by the Clerk.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that you have before you is what I alluded to earlier in my conversation.

It is my feeling and I believe is the feeling of many members of the House, that it is our responsibility as legislators to use the surplus dollars and use these dollars in a positive way. Again, let me assure you, be you a Republican or Democrat, if you should adopt that amendment to this proposed legislation, you will find that in the long run you are saving the taxpayers of Maine money. I don't care if they are a corporate taxpayer or an individual taxpayer.

I fully realize that this amendment doesn't necessarily do much for those who are on the campaign road; I do realize that it does a lot for the people of Maine, and I hope that you will look at this amendment very very carefully and you will use these dollars in this way — you will take up the problem we are having with the retirement fund. Ladies and gentlemen, we are facing \$8.5 million a year which is being taken out of that retirement fund because of legislation which we passed that is not being put back. We now face a \$6.5 million deficit. Deficits don't get smaller, they get bigger, and we have got to address that problem. We are in a unique position here in the Maine House in that we have, supposedly, surplus dollars to work with. What better way to save our constituents money than to use those surplus dollars and apply them towards the deficits that we have. It is only sound business management, and that is what we should be concerned with here in the Maine House — sound business management.

I urge each of you to vote in favor of this amendment.

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

Ms. GOODWIN: Mr. Speaker, a point of parliamentary inquiry. Is this amendment germane to the bill?

The SPEAKER: The Chair would advise the gentlewoman from Bath, Ms. Goodwin, in reference to House Amendment "D", and members of the House, the amendment that is offered by the gentleman from Lewiston, Mr. Biron, deals with an appropriation matter. The present bill before us deals with reform of state tax laws. Therefore, the Chair would have to rule that the amendment is not germane.

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

Mr. BIRON: Mr. Speaker, I stood in earlier

debate on this question. I ask the Chair if my amendment would be germane to the bill and the Chair answered in the affirmative.

The SPEAKER: The Chair did not answer in the affirmative. The Chair advised the gentleman from Lewiston that the matter was not before us at this time because two conflicting amendments could not be entertained. The Chair also, in earlier remarks, advised other members in the past that the Chair cannot rule on an amendment until such time as the amendment is brought before the body, and the Chair has done that in the past and would have to continue to do so. The Chair would further advise the gentleman from Lewiston, Mr. Biron, that that amendment would, in fact, be germane to the appropriation act, which is still before this body if the gentleman wanted to make that type of an amendment, and that matter is still before the body and tabled until later today.

Mr. BIRON: The obvious problem is that if my amendment is put on the appropriations act, we would be spending more money than we are already spending, and that is not the intent of my amendment.

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mr. Biron, that the adoption of House Amendment "D", even if it were to be germane, would create the same problem to the present bill, since House Amendment "C" has already been adopted. Therefore, they would be in conflict with one another.

Mr. BIRON: This is the point I was trying to make, Mr. Speaker, when I stood and asked if my amendment would be contrary, and you said no, it wouldn't.

The SPEAKER: The Chair advised the gentleman from Lewiston that House Amendment "C" was debatable and that they could not be adopted at the same time. It is proper to debate adoption of House Amendment "C" which the gentleman then proceeded to do and then asked the members of the House to vote against House Amendment "C" so the gentleman could then offer House Amendment "D". The gentleman from Lewiston, Mr. Biron, in fact voted against adoption of House Amendment "C", as the roll call so indicates. Therefore, the Chair would assume that the gentleman realized what was taking place.

Mr. BIRON: Mr. Speaker, I would prefer in the future that we use the English language so we both understand.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "C" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

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 21, 1978 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act to Establish the Health Facilities Information Disclosure Act" (S. P. 695) (L. D. 2136)

Tabled — March 21, 1978 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

On motion of Mr. Brenerman of Portland, under suspension of the rules, the House reconsidered its action whereby Committee Amend-

ment "A" was adopted.

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

House Amendment "H" to Committee Amendment "A" (H-1222) was read by the Clerk.

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

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: The amendment you see before you is a compromise that was worked out between members of the committee in both the House and in the other body, and I would like to stress that it is a real compromise on the part of the majority of the committee that passed Committee Amendment "A" last week.

The first part of the amendment, the term "performance standards" was not defined in the Committee Amendment "A". Since performance standards are to be used to evaluate volunteer budget review organizations and to justify the withdrawal of approval for those voluntary organizations, a definition is needed. The definition identifies performance standards as the measures which are established by the state. Those measures would be, for example, 15 percent annual increase in the operating budget or a percentage increase that is lower than that.

The second part of the amendment, provisions in the majority amendment would have given the state the authority to approve the budget of any hospital which is not a member of voluntary organizations. These provisions were to go into effect in 1981. These provisions were intended to be an added encouragement for hospitals to join a voluntary organization. Also, these provisions have been deleted because the next legislature will be better able to decide whether to permit state approval of hospital budgets. Including the provision now would not have been encouragement to voluntary organizations until 1981, and by then the legislature will have probably reviewed the existing program and made changes in it.

Part three of the amendment, the state board is given a concrete standard against which to measure the voluntary organization's proposed budget procedures. The standard is that these procedures must enable the voluntary organization to make a determination that the overall rates and charges at any hospital are reasonable and just, that they are reasonably related to financial requirements and that they are equitably distributed among all purchasers of health services.

Part four of the amendment calls for public disclosure of the findings of the voluntary organization. Committee Amendment "A" had called for publication of the findings of the voluntary organization. This change will make the findings available to the public without requiring the voluntary organizations to publish them.

Section five changes the composition of the voluntary organization back to the way it was in Committee Amendment "B", with a third from the hospitals, the Blue Cross-Blue Shield and from the consumers.

The sixth part of the amendment, the board must act by April 15, 1979, on requests for approval by any voluntary organization which files before March 15 of the same year. The purpose of this change is to permit a voluntary organization to be approved so that it will have the 60 days required by the bill to review and comment on budgets prior to July 1, 1979.

The next change clarifies that the failure of the hospitals within the voluntary organization to meet the performance standards established by the state will authorize the board to withdraw approval of the voluntary organization. The majority amendment was unclear about how these performance standards were to be applied.

A voluntary organization may now, under

this amendment, request that the board review and comment on its application prior to its filing the application. This change encourages the voluntary organization to prepare the best possible application.

The next change allows the board to temporarily approve any voluntary organization which satisfies certain criteria listed in the bill. The temporary approval cannot extend past April 13 of 1979. The purpose of this change is to permit any voluntary organization to begin to organize and prepare for final approval under the authority of the state action.

Finally under this amendment, the voluntary organization is directed to conduct any pilot projects which it believes necessary to prepare a better application.

I would like to remind the members of the House that this is a compromise between the two groups that disagreed last week, and I hope that you will accept this amendment.

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I do have a few words to say on this amendment. Number one, I am not really aware that it is a compromise between the two groups that were disagreeing last week. Most of the amendment is just fine. There is one very important aspect that is missing from it, and that is an exception from the anti-trust statutes of the state. We have gone round and round on this.

There is another amendment that is identical to this one, except that there is an anti-trust exemption, and if this amendment is defeated, that amendment will be offered.

The only thing I have to say about the anti-trust exemption is this. We are asking, urging, hoping, that this voluntary organization under this bill will get together and the hospitals will be able to, through their own organization, do something to reduce or at least to halt the rapid escalation of hospital rates. In order for them to do this, they are going to be violating state and federal anti-trust statutes, and all that I would like to do, and I think some other people agree with me, is to give them exemption from the state anti-trust statutes if we, in good faith, want this to work.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: First, Mrs. Kane has made a statement that is not correct. We are not directing the hospitals or their affiliates to violate the anti-trust statutes. As a matter of fact, the attorneys general of this state have made several hospitals come together to distribute information among themselves for the proper purpose of keeping hospital costs down, does not in effect mean you are violating anti-trust statutes. It is only after you have come together, you then fix prices or rates artificially come down or go up, whatever it may be, stabilize at an anti-competitive level. This is a very significant difference. That is the point. And I feel that this is very important.

Under the original bill, 2136, there was no anti-trust amended on there, or provision, mainly because the state did have a dominant role in developing this particular rate review. This is not regulation.

Mrs. Kane has asked for a compelling reason, why not have an anti-trust exemption. I will tell you one very important reason — that is the consumer of this state. They are the ones we are having an anti-trust exemption in or out. Therefore, if they are going to be detrimentally placed in a bad position, you have an anti-trust statute. This is very important; this has come to be the cause celebre of this whole bill.

Last week we went through many, many compromises, and as you know, we thought the best way to do it is to sit down with the members on our committee and come up — we did.

Committee Amendment "A" and Committee Amendment "B," which we debated at length last week, both of those amendments are essentially in this amendment.

It has come through the provision, if you will, of a temporary approval. We want strong procedures, mainly because if you have strong procedures, as they do in this order, you then automatically immunize the hospitals from anti-trust activity, mainly because the hospitals are then acting upon — they are acting as an agent of the state, if you will.

In this particular bill, the hospitals did not want to have this in the bill, so they have made the amendment appropriately so so they have more voluntary activity, they have more autonomy, if you will.

The anti-trust aspect has come up on three different occasions. It did not come to the high point of importance until the last week or so. Procedure dominate it. Today we are now looking at one thing — once again, as we stated before — control. If you allow the hospitals to come together, which we all want to do, we do want to encourage voluntary groups to get together as they did in Minnesota; they do get together, but in Minnesota, the HMO's and other private groups are making sure that the hospitals do not conspire to set artificial rates. Therefore, what we are doing with this amendment is that we are in essence giving the hospitals absolutely everything that they so desired, way beyond what I would have wanted to give as an individual, as a matter of fact. I thought there would be no problem when we had come down to this final point, and I think many members on my committee may say, well John, that is not true, but that is true. I did not want to go this far; I wanted a strong state board. There would be absolutely no problem with the anti-trust statute if 2136 passed as it was presented to the committee. It is so watered down at this point that we do have a possibility of a problem of anti-trust activity, mainly because the hospitals are not going to be under the direct auspices of this state, if you will. In other words, the procedures are not going to be written by the state totally. The state is not going to have that dominant role that the Attorney General told us was necessary for immunization from the anti-trust statutes now. I won't belabor the point because I know it is going to be very difficult; there will be other amendments presented to this body. I think the key thing is here that I for one do not want to set a precedent of exempting any industry from our anti-trust statutes. The federal level and our state level attorneys general have begun to enforce anti-trust activities. In fact, we had our first major case in the State of Maine just this last fall with a major paper company. This bill and this particular element of anti-trust is very important, because the hospitals, they are not the ones who are going to lose out if there is a conspiracy, and I am not saying there is going to be a conspiracy, but the main thing being is that under our definition of anti-trust, if at any time, even inadvertently, if the hospitals get together and prices stabilize at an uncompetitive level which raises the cost of health care uncompetitively, they will be in violation. They know full well that they may be in violation. I believe this threat of being prosecuted not only at the state level and the federal level, and as Mr. Brennerman stated, as did Mrs. Kane, even if we give the state exemption, they still could be prosecuted on the federal level. We are then beginning to build a case by which the hospitals will be immune and they will not have that state compelling interest to hold down costs and to prevent something that they certainly don't want to do, we certainly don't want to do on the part of the consumer.

So, I would recommend very heavily that we have given every possible concession to the Hospital Association and to their affiliates. This is one concession that I believe, along with the procedures which I felt were very impor-

tant, that I cannot give, mainly because I believe it isn't in the best interest of the people.

My final point is, we have not created a strong enough bill to automatically immunize hospitals from anti-trust activities, but within the intent of the law, there is no immunization. The minute they go out and they meet together, that is not an automatic anti-trust activity. I wouldn't want that impression that was conveyed by the previous speaker to be told so. It is after they meet and after they have exchanged information and talked it over that prices stabilize, so it takes an affirmative action on their part and I believe the citizens of this state should have every legal right, that their Attorney General should be able to prosecute under all laws.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Actually, I would like to pose a question through the Chair to anyone who can so answer it. I have read the bills, and I happen to vote with my local hospital board, to tell you the truth, originally, but I have a question on all this anti-trust activity. I just don't think it is such a big deal. I always think of anti-trust activity as price fixing. I would think it would be pretty darn hard to prove that there would be such activity in the State of Maine, just as the result of any of these bills that have been before us, primarily because you have Medicare rates that are stated and from which you cannot get away. You also have Medicaid rates, you have other-third party payers; primarily your non-profit medical insurance and how in heck could anybody prove that there was price fixing it is beyond me why is this such a big deal. Maybe Representative Tarbell, who was so interested in this before. Representative Kane or somebody could answer this question for me.

The SPEAKER: The gentlewoman from Waterville, Mrs. Kany, poses a question through the Chair to any member who cares to answer.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Representative Kany, you bring together the exchange of information with respect to prices and rates, and you bring together the exchange of this information among entities, hospitals that are supposed to be separate business corporations competing against one other, and you share this pool of information for the purpose of voluntary boards and for the intent of this legislation in keeping rates and prices down for the consumers, you are restraining competition in trade. You raise that potential, you raise the potential for collusion, and you raise the potential for price fixing. All of those activities under the history of our anti-trust laws, the Sherman and Clayton Act, as well as our own mini acts or Mini Sherman and Clayton in the State of Maine, are traditionally anti-trust violations.

It makes no sense for this legislature to pass legislation setting up these voluntary boards asking for the exchange of information for the purpose of keeping prices down to protect our consumers, which, theoretically, and there is no way of knowing and being assured that doesn't violate state and federal anti-trust laws—all right? We are asking to approach the borderline if not cross over the borderline of violation of anti-trust laws by passing this legislation. If we are going to ask for the violation of anti-trust laws, you only make sense that we turn around and exempt that kind of behavior from anti-trust prosecution.

Now, if we want the exchange of information for the purpose of keeping prices down to protect our consumers, then we are going to have to go the extra mile and protect the voluntary boards and the citizens that would be sitting on these voluntary boards from personal suit.

I don't know about you, but I don't think there

are too many citizens in the State of Maine who are going to subject themselves to prosecution by federal, state or consumer groups for sitting on one of these boards.

Now, the second argument that is raised is that all we have as a state legislature is the power to exempt these boards and hospitals from state prosecution. We, as a state legislature, cannot protect anybody from federal anti-trust prosecution. Those are congressional laws and we have no jurisdiction over them. However, in the State of Minnesota, it is my understanding they have similar legislation with a state exemption from state anti-trust suits. The policy of the Federal Trade Commission, the federal government, has been to hold off, not prosecute. Because, after all, it is the federal government that is going to require, if we don't step in first, similar legislation. The federal government wants this kind of legislation. So, if we pass it, they are not going to turn around and sue us.

Last week, I presented an amendment for the state anti-trust exemption. I said it strengthened the bill. It did not detract from the bill. This particular amendment, Amendment "H", omits the anti-trust provision. Amendment "G", which I would hope would be presented today, has the anti-trust provision in it.

Mr. Speaker, I would like to pose a question through the Chair.

Is it the intent of any member of the body that House Amendment "G" will be offered here today?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to any member who cares to answer.

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

Mr. GOODWIN: Mr. Speaker, Men and Woman of the House: First, to answer the question of the good gentleman from Bangor, House Amendment "G" is my bill and if this particular amendment is not passed then I will offer it.

The SPEAKER: The Chair requests the Sergeant-at-Arms to escort to the rostrum the gentleman from Stonington, Mr. Greenlaw, for the purpose of presiding as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem and Speaker Martin retired from the House.

The SPEAKER pro tem: The gentleman from South Berwick, Mr. Goodwin, may continue.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: There are times when I really wish I didn't have to get up and speak and I think this is one of them. I have probably bounced back and forth on this issue more times than a rubber ball in a handball court. I am going to vote no for the passage of this amendment because it does not include what I feel is probably the final concession, perhaps, to the Hospital Association. People can say that I am giving in, if they would like, it seems to be a common phrase today with the tax package and appropriations and everything else, but I also have to really take a look at really what this state needs. What this really needs right now is some way to get a handle on hospital costs.

What we have done with this bill, I feel, is lose complete sight of what we originally intended, which was to establish a board, to get it going collecting data so it can work for a couple of years, so that perhaps in three or four years we can institute either a very strong voluntary program or a mandatory hospital rate or budget review program.

Every year that we delay, every year that we delay, hospital costs are going up. When we finally start to control hospital costs, we are going to be starting from where they are at. So every year that we allow costs to go up, that is

just that much more costs we are going to be paying for now and forever and ever, until we can somehow, somewhere be able to get hospital costs down to a reasonable level, which we may never be able to do. But every year that we do not have a state board to begin this process, it is going to be one more year where costs are going to increase.

From my understanding, the situation is this, and I know this particular amendment does not have an anti-trust exemption, so I am going to speak to why it should, if that is permissible. I feel that I can not go with this without an anti-trust exemption, because as I understand it, there is a bill before Congress right now that the administration is supporting and in a hurried call about a half hour or twenty minutes ago, I tried to find out whereabouts that is and it seems to be working its way through fairly rapidly, and it is the hopes of the sponsor and people down in Washington that this bill will be in operation by this summer. If it does, this bill, which is the administration's health care containment program, pretty much, will allow exemptions to state programs. It would be the hope of most people concerned that this particular type of volunteer program we are setting up would come under that. If that is the case, then the hospitals will be exempted in some manner from federal anti-trust laws. So if that is the case, I can see the hospitals' point of view, that they are looking down the road to maybe six or seven months, or less than that, and they will probably be in a situation where they won't be subject to federal anti-trust. So what they are asking then is that they have the same consideration under the state law.

I feel this is logical. I feel also that on the one hand we are saying go ahead, do your thing, try to work out voluntarily to hold rates down, but we are not willing to give them the complete authority to go ahead and do that, because there is still going to be hanging out there subject to someone taking them to court for anti-trust action.

I guess I just have a hard time to allow this whole bill to probably go down the tubes or be defeated simply on this one point. Therefore, I feel that I am going to have to vote against this amendment and if it is defeated, I will be offering mine, which will include an anti-trust provision.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to adopt this amendment that is before and would like to rebut some of the arguments that have been made. Although I am not an attorney, I have reviewed the federal bill, the Rostenkowski Bill, which is the administration's cost containment package as well as the Attorney General's opinion. I really don't understand the leap in logic from saying, on the one hand, that if people do participate in the voluntary boards and exchange information, the Attorney General agrees that is not a violation of anti-trust laws.

Then the second question, the second proposition is that it would be a violation of those laws, not just if prices stabilize and were reduced, if they stabilize at an uncompetitive level. If fact, I think what that means is, if it turns out that if in a small hospital or in a big hospital an appendectomy costs you about the same amount no matter where you go, or your tonsils have to be taken out in any one of three or four options and it is basically the same, then that certainly is suspicious. It only seems reasonable that it is suspicious because there are different environments in which those kinds of things are taking place. If that is the fear, that people will be prosecuted because in fact what has happened is they stabilized at an uncompetitive level, then I think the consumers do have an important interest in being sure that the anti-trust laws are in effect. If they don't stabilize at those uncompetitive levels, there is no prob-

lem.

Now, there is nothing in the administration's bill which at all talks about an exemption from the federal anti-trust laws. I think we realize that there are many laws passed at the federal level which may deal with one particular problem but, because there is another statute on the books, doesn't get you out of all the hot water. I don't think the administration health care costs across the United States at uncompetitive levels is something that it would support. It certainly doesn't seem characteristic of the history of that.

Thirdly, I would like to point out that exemptions for the State of Maine or any other state are only available under the federal bill if we have what they will agree to term an effective program of hospital cost containment. The greater degree to which we make this voluntary and informal, the less likely it is going to be certified as effective, and the more likely it is going to be taken over by the federal bureaucracy in order to regulate health care costs in the State of Maine and I don't think that is something that any of us look forward to.

I would hope you would support the amendment before us.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I listened carefully to Representative Tarbell's explanation and there was nothing new to me. I am sure it was an explanation which you have heard many times throughout your elementary school years on the topic of anti-trust and price fixing. I would just like to say one thing, and that is that I hope that hard-working committee, Health and Institutional Services, did not have to spend much time on this topic, because I personally believe it doesn't make one difference, one iota, which amendment that you go for, they are really both about the same. I think that this whole area on controlling this price fixing is about the biggest red herring I have ever seen thrown in to the legislature. Here we are talking about one of the major issues of our day, and I certainly hope that that committee did not have to be given a ride. Somebody really gave them a line if they were told this was a major part.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: A lot has been said about the anti-trust and I think that perhaps you should all know exactly what the Attorney General had to say about the anti-trust question. He has given us an opinion which is dated March 13. I would like to read you a section. I think that it does carry a little weight. I think we should understand exactly what he is trying to tell us. The Attorney General says, "As a public officer charged with overseeing the enforcement of the state's anti-trust laws, I must question the wisdom of legislation which attempts to exempt members of an industry from anti-trust laws. Anti-trust laws play a critical role in ensuring that our economy operates free of uncompetitive restraints. When an industry is permitted to regulate itself, all the greater reason exists for the application of anti-trust laws in order to protect the consuming public from uncompetitive practices."

In other words, private groups cannot get together without violating the law, but the state may do it themselves without a violation.

This amendment would not allow the state board to do that, because it doesn't give the upfront procedures. We have compromised away most of the upfront procedures, so we do not need the anti-trust exemption.

The activities of this voluntary organization must be mandated by the state and the state must be doing the acting, not those private

groups. So I think we have clearly got a reason why we should not be exempting the VBRO's from anti-trust laws. I don't think we should. We had better go along with Mr. Brenerman's amendment in order that we do protect ourselves.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I have followed this bill through the committee pretty closely since last year. I want to tell you I am full of admiration for the members of that committee, especially the six or seven House members in here. They have been whipsawed back and forth like you wouldn't believe and they have had very little help from anybody as far as technical expertise and they have been struggling along trying to do what was right for the people of Maine all alone.

Just last week, I receive in the mail a health perspective, and as I read it I couldn't help associating that with the predicament of the members of the Health Committee and the powerful lobby that they have been trying to cope with. It says, "The extent of the inequity: The extent of the inequity of power and resources between providers and consumers can not be exaggerated. Providers are organized in powerful associations, societies, affiliations on local state and regional levels. As a political force and as a technical arm, these providers and associations concentrate the effectiveness of their representatives on boards and commissions which determine and implement health planning policies, standards, programs and finances." You only have to know who has been calling you about this bill. They have been hospital administrators and members of hospital boards primarily.

Provider Representatives of well organized institutional, professional associations have access to most sources of information, technical staff to accumulate and analyze data and professional staff to shape policy and program proposals. They have existing mechanisms for them to poll and/or educate their constituencies on proposals under consideration. They have the financial resources to hire statisticians, computer specialists, economists, health planners and any other experts required to further their interests. They seek to shape political attitude, public attitudes in the media through educational programs and by powerful lobby all levels of government. The irony of all this, men and women of the House, is that providers use public funds and government subsidies to enhance their positions and, indeed, the provider view is on the present, it is everywhere.

On the other hand, the consumer representatives have neither technical expertise nor the power of political force. The consumers are simply not organized and their interests are at stake here today.

This committee has compromised and compromised until we are right back almost to the hospital bill that they wanted originally. The only difference now is the anti-trust exemption.

I'll tell you, we are trying to control hospital costs. I have an excerpt here from the Los Angeles Times, it happened here in Maine, I have heard it from my neighbors, I have got letters from all over the state about hospital bills, so even though it isn't from Maine, I am sure that you are all going to recognize this story.

When William Fletcher checked into Maine Mercy Hospital for 24 hours to have a mole removed from his leg he emerged feeling fine. It was the bill that made him feel sick and helpless and angry. Not counting the \$400 for his doctor and assistant and \$150 for an anesthesiologist, the hospital charges were \$597.30. That included \$125 for a semi-private room and \$169 for the operating room, \$57.75 for five routine lab tests, \$40 for X-rays, \$88.80 for unexplained medication and \$8.25 for a quart and a half of

distilled water. Fletcher did not question his hospitalization for a procedure often done on an out patient basis or ask the expected cost, nor did anyone volunteer any such information. At the time, he says, you are worried and don't ask, maybe because you know insurance will pick up about 90 percent. But I pay those premiums and I think something is very wrong when a little thing like that costs \$1,000."

This is one of the things we are trying to get at, to have the hospitals report data and have it done in a meaningful way. I am not sure the voluntary review board is going to do this, they don't want any control by the boards. I really think we would be better off to kill the whole thing, let them come under the federal legislation which is stronger and which they are all scared to death of because they know it is going to be more stringent. I have mixed emotions about this because I know that the members of the Health Committee have worked and they want to salvage something out of a year of their efforts, but I am not sure that what they have got now is worth saving. I am really up in the air on it.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that a big cloud came in over on that side of the room, and a big dust cloud at that end of the room and a lot of mud has been thrown around to kind of muddy the situation, and right in the middle of it, right across the whole House has been a red herring, and that red herring has been pulled right across, the one that Mrs. Kane and Mr. Tarbell addressed themselves to. It seems to me that if the gentleman Verrill Dana wanted to be in this House, he should have run again.

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

Mrs. KANE: Mr. Speaker and Members of the House: A point of order.

The SPEAKER pro tem: The gentlewoman may state her point of order.

Mrs. KANE: Mr. Speaker, am I correct in thinking that the gentleman should confine his remarks to the merits of the amendment that we are discussing?

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

Mr. PEARSON: Mr. Speaker and Members of the House: I apologize for my remarks.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make two points. First of all, I would like to go back to what Representative Henderson said about the Rostenkowski Bill. I want to stand up here now and admit that I was wrong. I was under the impression, because I was told and I guess maybe it shows that I am still a little gullible, even after five years here, but I was told that in the Rostenkowski Bill, if it is passed, it would have an exemption or something in it for the hospitals. Representative Henderson just stated that wasn't true. I went out to one of our staff people who is more familiar with it, who I probably should have asked in the first place, and he said that is the case. What the hospitals are evidently doing in Washington is gone to the Justice Department to see if they could be exempted from the federal anti-trust. I think that is a big difference and I think that a lot of difference in the way I feel.

I do want to also point out something that Representative Najarian said, I would like to set the record straight, that our committee does have some very excellent staff people and they are very good and they know what they are talking about here. Maybe some of us should listen to them a little more often too. I would like to say that the problem, the difference between our staff and the hospital staff is that our staff doesn't lobby in the Senate.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to prolong this afternoon. I understand very little about it, but from a practical point of view, hospitals we need, hospitals we are going to have to have and the consumers are going to have to pay for the services. Now, if you pass a law and you put the hospitals in the position of fighting anti-trust suits, if this is true and you do, the people that will pay for it will be the consumers. It won't be some person up here. Money doesn't grow on trees, it will be the people that are in the hospitals that will pay the fees to pay to fight the anti-trust suits. There are several new people on a federal grant down in the Attorney General's Office that are just looking, just looking for a place to find infractions of the anti-trust laws. We heard a bill by two of the members of this House who worked out a good bill to tighten up the Maine anti-trust laws and we learned during the process that there was a federal grant that would give us three or four more attorneys general to spend their time on nothing but anti-trust matters.

You pass this bill and you open up for anti-trust cases, and that is exactly what you are going to get, because these boys need some practice.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: Getting back to what Mrs. Kane said previously, that she hadn't heard anything that enlightened her with regard to anti-trust activity, we received in that the same memo from the Attorney General on March 13 — she is not here now but, basically, and this also answers the question that Mrs. Kane had presented, I quote "L. D. 2136, because it contains a representative of the hospital industry on the Voluntary Rate Review Board, would contain problems with anti-trust activities, mainly because the exchanging of price information would be the main problem." He said, "Such an exchange of price information does not alone constitute a violation of anti-trust activities; therefore, there is not an automatic anti-trust activity. Something has to be done with that information once it is received. However, a violation will exist if hospital rates and charges stabilize at an uncompetitive level subsequent to review and publication of price information by a voluntary budget review organization."

Now, this is exactly what we are talking about and I think what Mr. Norris just mentioned, the good gentleman from Brewer, is true, there are going to be problems and I feel, as many of the members of our committee feel, that this is Custer's Last Stand and one way or the other, all the members of our committee, be it on the minority or majority side of the report, have worked hard on it, and although many members of this body are not here now, I feel that both sides have had a compelling interest in bringing down health care costs. There have been a lot of things said about a lot of people in a lot of ways, which I do feel has been unjust to both the Hospital Association and to members of the committee.

I think there is one very important point, that we cannot forget that we do and will have a \$500 million health care costs in this state in two years. If our amendment, the majority amendment is passed, this amendment presented by Mr. Brenerman passes, this will not preclude the \$500 million health care bill nor will the minority report. Both amendments will thus set precedents for the establishment of future review and regulations. I think everybody has fought tooth and tongue, not because of personal reasons but because of beliefs that they have, that their particular way is going to serve the people of this state in the best manner. I would hope that everyone would vote

in that spirit.

I, once again, reaffirm the position of Mr. Brenerman, that I believe that having an anti-trust exemption would not best serve the people of this state. I believe it will then set, even if by intention, the beginning of the legal fabric by which hospitals, if and when they do move into a position of violating the Sherman Anti-trust Act on the state level or the federal level, it will be the beginning of the weaving of that legal fabric by which will work then against the consumers. And as Mr. Norris said, if they are prosecuted, the consumers will pay, but they will also be paying for the conspiratorial process that may arise. I know many of you people say this will never happen, but also many of you never said that we would have a \$500 million health care cost. I, for one, do not want to have you leave this body thinking because it is the last day of the session and we are all tied up with budgets, we are all tied up with taxes, that health care isn't going to be important, because you are going to be facing it in the future. When you do, I hope you know that every one of us that are on this majority report are standing up because we believe this is the best way of going about it. If the federal government, through the Rostenkowski Bill, comes down with an exemption from anti-trust activities on the federal level, I will absolutely be astounded.

What Mr. Goodwin said was absolutely false and I am glad that he admitted it because he is a gentleman I knew he would and anything else that has been said on the floor of this House has said everything that they believe. I also believe, though, false information has been passed out by various vested interests, maybe unwittingly but it has been done. That has falsely lead many people to believe that if we do not pass one or the other bills that health care costs will stop. It will not happen, ladies and gentleman of this House, because it will take two years for the Hospital Association, who will control this particular bill, and I see the handwriting on the wall right now that they are going to control it and they will not be able to hold down the costs.

Even if we stripped this bill and established a total state board, you would not preclude a two or three or four or ten million dollar increase in health care costs in the State of Maine because it is going up 20 percent this year. The commissioner has said so, the hospitals admit it, no one is going against that.

I would just say this one last point, that the consumers of this state, the health care consumers of this state, deserve to have every conceivable protection. I, as an individual, on the basis of principle, would never vote to give any industry, regardless of how munificent they may be, an anti-trust act exemption, because it goes against my grain when I think that anyone who can control an industry would then be exonerated and protected by the State of Maine, and this is exactly what you are doing if you pass this.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: With one day, six hours and fifty-nine minutes remaining in this session, I move the question.

The SPEAKER pro tem: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining a motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and obviously more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER pro tem: The question now before the House is, shall the main question be put now? This question is debatable with a time

limit of five minutes by any one member. It is the pleasure of the House that the main question be put now?

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I know this is a very tiresome subject and we went round and round on it the other day for quite a long time and we have already gone round an round on it today. I do feel it is a very important bill and I feel that the issue is also very important. I see people with microphones up that would like to say something else and, I myself, have a few more words I would like to say. I would hope that we would not move the question.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I debated this issue and without a great deal of expertise, but I think on an issue as important as this, regardless of the lateness of the hour, and I appreciate the concern that my good friend Mr. Joyce has and I know that he has the best interest of all at heart, but I would hope that you would vote against putting the main question now so that everyone in this body might have a chance to continue the debate and to add whatever they might want to to this matter.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I think everything has been said at least three times today, thought it was said four times in the rounds we had the other day. Could I have the yeas and nays on this?

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 those present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I haven't spoken today and I have listened to testimony and worked hard in the committee for months. I would like to have the opportunity to express my feelings on this bill. I hope you vote against it.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to debate this issue and debate it, if necessary, until Hell freezes over, but let's debate it and let's not shut off debate at a time like this. I think that moving the question at this time was very inappropriate.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that the main question be put now. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, Berube, Birt, Brown, K. C.; Churchill, Connors, Davies, Dexter, Drinkwater, Dudley, Dutremble, Fenlason, Gillis, Goodwin, H.; Gray, Hall, Hickey, Hunter, Jackson, Jacques, Jensen, Joyce, Lizotte, MacEachern, Martin, A.; Moody, Nadeau, Nelson, N.; Raymond, Rideout, Rollins, Shute, Truman, Twitchell, Valentine.

NAY — Austin, Bagley, Beaulieu, Bennett, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Bunker, Burns, Bustin, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connolly, Cote, Cox, Durgin, Flanagan, Fowlie, Gill, Goodwin, K.; Green, Henderson, Hobbins, Huber, Hughes, Jalbert, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, Lougee,

Mahany, Marshall, Masterman, Masterton, McBreairy, McHenry, McKean, Mitchell, Morton, Nelson, M.; Norris, Paul, Pearson, Plourde, Post, Prescott, Silsby, Smith, Spencer, Stover, Strout, Stubbs, Tarr, Teague, Torrey, Trafton, Violette, Wilfong, Wood, Wyman.

ABSENT — Aloupis, Ault, Biron, Brown, K. L.; Carey, Cunningham, Curran, Devoe, Diamond, Dow, Elias, Garsoe, Gould, Greenlaw, Higgins, Howe, Hutchings, Immonen, LaPlante, Lewis, Littlefield, Lunt, Lynch, Mackel, Maxwell, MaMahon, McPherson, Mills, Najarian, Palmer, Peakes, Peltier, Perkins, Peterson, Quinn, Sewall, Sprowl, Talbot, Tarbell, Theriault, Tierney, Tozier, Tyndale, Whittemore.

Yes, 36; No, 70; Absent, 44.

The SPEAKER pro tem: Thirty-six having voted in the affirmative and seventy in the negative, with forty-four being absent, the motion does not prevail.

The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think that we should debate this until everyone has had a chance to speak. I am not an authority on this subject one way or the other and I have tried to sit here and listen. There is only one part of this whole debate that truly got me a little upset, and that is the fact that some people here have chosen to drag the lobby into this argument.

Now, if we want to drag the lobby into arguments presented on the floor of this House, and I don't care what it is, bills on environment, bills dealing with AFDC, bills dealing with unemployment, bills dealing with corporations, all of us could get up on either side of any issue and say that the lobby has been involved here. I have been lobbied by the Maine Teachers Association, by the Maine State Employees, by environmental groups, by those people that have been referred here that work for the so-called big corporations. I think it is in very bad taste to bring to the floor of this House specific names of people and organizations which are lobbying and insinuate that those people somehow have strong-armed people on their side of an issue and therefore are forcing those people to take some kind of a position which they wouldn't take voluntarily.

I think that this House and not only in this House but most people in public office today have enough of a credibility problem with people out there. We don't have to start dragging the lobby into this. People come to the House every day and visit and I have had some people from my town come and I have invited lobbyists in to talk to high school students to tell those students what the role of a lobbyist is and trying to show those people that lobbyists aren't cigar smoking people who sit in corners with big bundles of money in their pockets.

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

Mr. GOODWIN: Mr. Speaker, really, I think I am on the same side but we really ought to stick to the issue on this.

The SPEAKER pro tem: The Chair thanks the gentleman. The Chair would indicate that he has let the gentleman go on because other people have spoken about the lobby but would request members of the House to direct their remarks from this point on directly to the issues and not involve the lobby or other non-relevant issues.

Mr. BOUDREAU: In summary, I just thought it was in very bad taste and I would hope that we would stick to the issue, one side or the other.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I don't know what it is about this particular issue, but it certainly

clears out the House, and I hope that those of you who are here obviously showed some concern. It is a concern of all of us. Every single person in the State of Maine will ultimately be affected by the results of this bill, whether it passes or not. So, I do hope that you will bear with us.

We did spend a great deal of time on this bill as a committee and we had enormous help from the staff and they were very kind, very patient and we were torn back and forth because the issue was complicated and because we all cared. We all cared about the same thing, and that is how to contain costs.

If I might read to you from this very same Attorney General's Report, and remember this is just an opinion, the last paragraph on this very same report from which two people have already quoted, says, "Finally, it should be stressed that L. D. 2136, by authorizing the hospital industry to review its own pricing structure, may facilitate price fixing and if members of the VBRO and hospitals enter into an agreement to fix or stabilize prices, they will be liable under anti-trust laws without proof of a resulting anti-competitive effect on prices." When you get down with this entire Attorney General's opinion, it starts out one way; moves to the center and then ends up on the other side. So, for whatever it is worth, anybody can read anything into this opinion.

If there is, indeed, a conspiracy, and I do believe there is one, it is a conspiracy to lower the cost of health care.

If you would bear with me, I would like to read a result of very informal poll. I called several hospitals throughout the State of Maine and asked them all the same question. I asked how much an aspirin would cost in the hospital and I got some interesting answers. In Augusta, it is 5 cents; in Van Buren, it is 12 cents; some hospitals charge nothing. Camden, the Maine Medical Center, the Webber Hospital and Millinocket didn't charge for the aspirin. If you were in need of some librium, in Augusta it would cost you 40 cents; in Millinocket, 30 cents and 25 cents in Camden and at the Maine Medical Center only 10 cents.

Now, let's talk about the bed in which you would sleep in. If you were in Augusta, it would cost you \$115; it was \$110 in Millinocket; \$120 in St. Mary's in Lewiston; Camden, it was only \$92, but it was \$136 at the Maine Medical Center.

Let's talk about babies in nurseries. If you had a baby in Augusta and your baby was resting in that nursery, it would cost you \$66 a day; that same baby, should it be born at the Maine Medical Center, it was \$70; however, in Camden it would only cost you \$15.

It would seem to me that if you knew these things before, you perhaps might choose where you might go to have your baby, have an aspirin or need some librium, but we don't know those costs before. We go where we can get the best and quickest service, so there is a need for this legislation.

Should this bill die between the House and the Senate, there will be no bill. Well, you say, so it is another six months, another year, but we were told that hospital costs have increased from 20 to 25 percent a year. Time is a wasting, let's get on with it.

The problem, the question we have before us is simply this, are you willing to protect the hospital association and this voluntary organization from anti-trust laws or not? You are asking these hospitals and the organization to do something which may or may not be against the law since it is very cloudy, very shadowy. We have never done anything like this before. If you are going to ask them to do that, are you also going to protect them from what might be litigation later on. If you are willing to do that, if you feel they need protection because it is new, there is concern about what to do, then you do not vote for the amendment before you, because that gives them no protection. It says,

come on now, let's all get together, try to work together to get the costs down, but by doing the very act of getting together and exchanging information you are against the law, that is too bad. Do it anyway, because that is what we say. If you believe that if you are going to ask somebody to do something, assuming it is within the spirit of the law and you don't protect them against themselves and against the law, then I think it is a foolish act. If you believe that this organization needs the state's protection, then you do not vote for this amendment but you wait and vote for Mr. Goodwin's amendment.

I want very much, in closing, to remind you that we all passed a committee amendment and at the very end of the amendment, it spoke in the Statement of Fact and the last thing it says is to encourage voluntary development of prospective payment programs for health facilities. You stated that you wanted to encourage this and how do you encourage them? You slap their hands and say you can't do it.

I also wanted to read into the record that I believe that it is further the intent of the legislature to provide the state's direction and sanction to the Voluntary Budget Review Organization, its individual members and participating hospitals, to act in accordance with this act for the specific purpose of containing health care costs. This should express the state's interest in having a Voluntary Budget Review Organization to act to contain health costs. It seems to me that is the intent of legislation and that is what we all want.

Now, the only question before you is, do you want to protect this organization from further litigation or don't you.

I hope when we vote on it, which will be soon, that we have the yeas and nays. Mr. Speaker, I request the yeas and nays.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I have one solution to this problem. I helped deliver my two oldest girls. We didn't have time to go to the hospital, so I didn't charge anything for my services and, of course, the room didn't cost anything either.

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mrs. Traf-ton.

Mrs. TRAF-TON: Mr. Speaker, Women and Men of the House: In response to some of the remarks from the good gentlelady from Portland, I think if the real question here today is do you want to protect the hospitals of this state, then we should have a motion before us to indefinitely postponed this bill and its accompanying papers. That is the only way that we can insure that there will be no litigation against the hospitals or the voluntary board.

It is clear that the real threat of prosecution is not from our state laws; it is from the federal laws and, in fact, under the federal laws, a consumer seeking litigation can collect treble damages. The real threat is not from government pursuing the hospitals or the voluntary board but from other health agencies such as health maintenance organizations and consumers, individuals over which we have little or no control.

I would like to address myself and briefly to what including an exemption really is saying. It seems to me that without the exemption, the majority draft is suggesting that the voluntary board is a logical extension of the state and their activities are under the direction of the state. The state needs no exemption from anti-trust laws; therefore, it would follow that the voluntary board in the hospitals would need no exception. The criteria for approval of the voluntary board were strengthened at the request and suggestion of the Attorney General's Office to make that very clear that the voluntary board was acting under the direction and approval of the state board.

It seems to me that the legislature by trying

to include an exemption, and to use the words of the good gentleman from Lisbon Falls, Mr. Tierney, an exemption which is unsubstantial and silly, at best, is giving conflicting signals. It is suggesting that, indeed, perhaps this bill isn't strong enough and that there needs to be some kind of immunity given. It seems to me it builds a case for anyone who would like to prosecute under the federal anti-trust laws.

I hope that you will support the motion of the gentleman from Portland, Mr. Brenerman.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this bill four hours in the last three times that it has been before us. Isn't there some way that we can sum this up so we can get on and vote? I would like to get a chance at this tax package before the night is over.

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

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

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

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: One of my, I guess you could call him a seatmate here, he sits behind me, said to me a couple of minutes ago, what is this all about? I am sure most of you are wondering now, as I am beginning to wonder myself after all the debate we have heard, what is this all about? What in the world are we debating here?

What we are supposed to be debating here is whether or not to include an anti-trust exemption for the voluntary board and the hospitals in the bill. That is it, that is the only difference between the two factions.

I think perhaps there are two or three questions that need to be answered. One, in the legislation, are we, is the state, asking and urging the hospitals of the State of Maine to get together and try to lower hospital costs? The answer to that is yes, we are doing that.

The second question is, if the hospitals of the state get together and try to lower hospital costs and indeed even succeed in lowering hospital costs, are they in jeopardy of being either prosecuted or sued under the state anti-trust statutes? The answer is to that yes; they are in jeopardy of being sued for doing what we are asking them to do.

The third question is, do we want this to be so? Do we want to ask the hospitals of the State of Maine to engage in this activity, which is in violation of the anti-trust statutes, even if they lower costs? They don't have to raise them, they don't have to keep them the same, even if their activity lowers hospital costs, it is in violation of the anti-trust statutes. I think the answer to that is no; we do not want them to be in jeopardy of being sued for doing something that we are asking them to do.

It is clearly the intent of the legislation that they not be sued for this; otherwise, what is the whole point? So, I would suggest that we vote against Mr. Brenerman's amendment and that would give Mr. Goodwin an opportunity to offer his amendment, which does include the anti-trust exemption, and I hope this makes the issue clear for people.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Orchard beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker, I know people are probably amused by my rising again, but I think it is important to state, in response to Mrs. Kane's proposal, under the original bill, once again, we are requesting, we are asking, we are suggesting, if you will, that the hospitals come together and voluntarily try to main-

tain their places. We are not in any way suggesting that they be collusive or conspiratorial or whatever else. Under the current exemption that we are debating, there would be absolutely no problem, once again, if the state had a dominant role, if it is adjudged that they have a dominant role in guiding, as Mrs. Trafton said, the extension of the state, which would be the voluntary board.

I believe that under this particular proposal, this is the point, this is the whole point of this agreement, under this proposal, under this watered down version, if that is the proper term, this compromise version is a better term, of the bill, I believe the state does not have the dominant role. What Mrs. Kane is suggesting to you is that we do have a dominant role and we are telling them to do so. This is not correct. If we are telling them to do so and we were directing them by establishing the procedures unilaterally and they were acting as an extension of the state, that would be the case. Therefore, they would be immunized from the law, but the Hospitals Association did not want that to be done. I also believe this is the case, that many of the people who have been supporting this immunity, all of these proposals for the hospitals want to see the hospitals fail. You know why they want to see the hospitals fail, because they think then the state will move in and have a strong regulation...

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane, and asks for what purpose she rises.

Mrs. KANE: Mr. Speaker, a point of order. Is it correct for a member of this body to question the motives of another member of this body?

The SPEAKER pro tem: The Chair would instruct the members of the House not to question the motives of other people.

The gentleman may proceed.

Mr. KERRY: Mr. Speaker, first of all, to answer that point or order, I was not suggesting that any member of this House, question any motives of any member of this House.

There are a lot of other people interested in this bill other than members of this House. The key point being, to answer Mrs. Kane's third point, we do not want the hospitals to be sued. This is absolutely correct. We do want them to work together, we do want them to carry out the procedures, but we do not want to place them in jeopardy. The point is at this time, the hospitals, if they were acting, and even under both of these bills, if they are acting under the proper auspices of the state or an extension of the state or being directed by the state, they will be automatically exempted under the anti-trust laws because they are being directed by the state. It is that long, gray area, that gray area dealing with procedures, performance standards and all of the interpretation that comes in between it. This is where the anti-trust activity is going to come into play. It has been even proffered by the Attorney General's office that by putting an anti-trust exemption into this bill, we will then tell the Attorney General's Office of this state, any other private citizen or group of this group of this state, other hospitals that may not agree with the hospital's voluntary rate review board, to go then directly to the federal statutes which are still in existence and which they will be prosecuted under.

I do not accept the promise that the federal government will exempt, through the anti-trust law on the federal level, hospitals. That is mainly because we have at the time a \$300 billion health care cost on the federal level. It will not be accepted. So when you vote today, you are voting very clearly for one thing. You are giving the hospitals in this area of review, mainly review of budgets, review and comment, not in regulation, you are giving them a total carte blanche with regard to anti-trust exemptions. This, in my estimation, weakens the bill in total. It weakens the position of the con-

sumers in this state, and that is the main point. That is the biggest difference in this bill.

I cannot overemphasize enough the fact that this bill has been amended to such a degree that the state has gone from the dominant role that we had in the original 2136 to an almost subsidiary role as it is now in the amended version. I would dare say that any member of this committee or anybody else get up and tell me that we have gone from a strong bill, a strong philosophy to a weak philosophy, because that is absolutely the case.

I know I have gone down the line on every one of these amendments, and Mrs. Kane's last three points are right on line, but she has missed one main point. That is, the state is no longer the dominant role. The hospital associations are not acting as an extension of the state, so I want you to understand that.

In Minnesota, where they do have an anti-trust exemption, the Department of Human Services or hospitals services agency in that state writes the procedures, it controls, it has control. Therefore, they give the anti-trust exemption, because under federal statutes and under state statutes you do get that immunization. We do not have this in this bill, and if you vote for this, you are then taking away the strength of the state to prosecute, not that we want them to do so, but you are taking the strength of this state to protect the consumers, and the hospitals, I believe, do not want to be prosecuted and they will keep to the letter of the law and I believe they will review, they will control, attempt to control their costs to the best of their ability, but I do not, for one, on my part believe that they should be given a carte blanche in this area of review and budgeting, especially in light of the trend in this country that there will be regulation. They are under the gun, just as we are under the gun today, and they know full well that this was an unimportant element, anti-trust was such an unimportant element, they would not be fighting down to the bitter end. They said they would not accept any bill — in other words, they are placing this whole bill in jeopardy. The complete bill is placed in jeopardy. Why? Because they know they have the votes in another body. I say to you that this is not correct, and I say that everyone in this body should vote based on that issue.

The SPEAKER pro tem: The gentleman may state his point of order.

Mr. BIRT: Mr. Speaker, he is using the thinking of the other body to continually make his case, and he is completely out of order.

The SPEAKER pro tem: The Chair thanks the gentleman.

Mr. KERRY: I stand corrected, but I only used it on one point, Representative Birt, and I stand corrected only because I realize that I know the hospital association is under the gun and I only want them to tow the line, just like the rest of us, and protect the consumers.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Brenerman, that House Amendment "H" to Committee Amendment "A" be adopted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carrier, Carroll, Chonko, Connolly, Cox, Curran, Davies, Diamond, Dow, Dudley, Fenlason, Flanagan, Fowle, Gillis, Goodwin, K.; Green, Hall, Henderson, Hickey, Hughes, Jensen, Joyce, Kany, Kelleher, Kerry, Laffin, Lynch, MacEachern, Mahany, McHenry, Mitchell, Najarian, Nelson, N.; Paul, Peakes, Pearson, Post, Prescott, Quinn, Raymond, Talbot, Tierney, Trafton, Truman, Valentine, Viollette, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carey, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cote,

Cunningham, Devoe, Dexter, Drinkwater, Durgin, Dutremble, Garsoe, Gill, Goodwin, H.; Gould, Gray, Greenlaw, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kane, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Marshall, Masterman, Masterton, McBreairty, McKean, McMahon, McPherson, Moody, Morton, Nadeau, Nelson, M.; Norris, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittemore.

ABSENT — Elias, Lunt, Mackel, Martin, A.; Maxwell, Mills, Plourde, Theriault, Tozier, Tyndale.

Yes, 58; No, 82; Absent, 10.

The SPEAKER pro tem: Fifty-eight having voted in the affirmative and eighty-two in the negative, with ten being absent, the motion does not prevail.

Mr. Goodwin of South Berwick offered House Amendment "G" to Committee Amendment "A" and moved its adoption.

House Amendment "G" to Committee Amendment "A" (H-1220) was read by the Clerk.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This amendment is substantially the same as the last one, except it does have the state anti-trust exemption in there. I would like it to be very clear on this, that the anti-trust exemption is an exemption only for the Voluntary Budget Review Organization as approved by the state board and any hospital submitting its information to that voluntary organization and only for the VBRO's reporting and budget review activities conducted pursuant to the chapter which gives them the authority to review budgets and to try to keep rates down. So we aren't giving them a blanket anti-trust exemption. It is only for the specific activities that they will be undertaking in regard to their voluntary budget review program.

The reason I haven't said much on this is that, as you can see, a very complicated issue that is very difficult to understand. And I would just like to say that I disagree with the good gentleman from Old Orchard, Mr. Kerry, in that I feel that this particular bill, this particular compromise is good, I think it is actually a better worded bill than what we originally came out with. I think it has got some very good points in it, and I just feel that this will give us a start toward controlling health care costs, which is something that we are not going to see for a couple of years, but every year that we delay is going to be just that much more money that we are all going to be paying down the road. So I would hope that you would vote for this amendment.

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

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

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

The following Communication:
THE SENATE OF MAINE
AUGUSTA

March 22, 1978

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

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service", (Emergency) (S. P. 672) (L. D. 2076). Senators: Collins of Aroostook, Katz of Kennebec, Chapman of Sagadahoc.

Respectfully,
Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order: (S. P. 763)

ORDERED, The House concurring that the Joint Standing Committee on Appropriations and Financial Affairs be directed to report out a bill making additional appropriations for the expenditures of State Government and for other purposes for the fiscal years ending June 30, 1978, and June 30, 1979.

Came from the Senate read and passed.

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

A Joint Resolution in memory of Wallace M. Delahanty of Millinocket, an inspirational leader in civic and community affairs (S. P. 761)

Came from the Senate read and adopted.

In the House, the Joint Resolution was read and adopted in concurrence.

Bill, "An Act to Make Necessary Corrections in the Knox County and Lincoln County Budget, the Errors and Inconsistencies Act and the Administrative Procedure Act" (Emergency) (S. P. 760) (L. D. 2205) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-599).

In the House, under suspension of the rules, the Bill was read once.

Senate Amendment "A" (S-599) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed without reference to any committee in concurrence.

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

Joint Order (H. P. 2301) Directing the Joint Standing Committee on Appropriations and Financial Affairs report out a bill making additional appropriations for the expenditures of State Government which was read and passed in the House on March 21.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Non-Concurrent Matter

Bill, "An Act to Improve Property Tax Statutes" (H. P. 2057) (L. D. 2115) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-1215) Report of the Committee on Taxation was read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-1215) in the House on March 21.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Taxation read and accepted in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, the House voted to recede and concur.

Non-Concurrent Matter

Bill, "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund and Make Appropriation from the General Fund to Continue Existing Programs" (H. P. 2010) (L. D. 2085)

In House, Enacted, March 16, having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-1147)

In Senate, Enacted, March 17.

Recalled from the Governor's Office pursuant to Joint Order S. P. 758

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-1147) as amended by Senate Amendment "A" (S-593) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith.

Non-Concurrent Matter

"An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System" (H. P. 1885) (L. D. 1939) which was Enacted in the House on March 13 (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-984) as amended by Senate Amendment "A" (S-522) thereto)

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-984) as amended by Senate Amendment "B" (S-596) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Joint Order (H. P. 2275) Amending Joint Rule 33 which was read and passed in the House on March 21, 1978.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Resolve, Directing the Bureau of Taxation to Provide Income Tax Rebates (Emergency) (H. P. 2034) (L. D. 2098)

Report was signed by the following members:

Messrs. JACKSON of Cumberland
WYMAN of Washington
— of the Senate.

Messrs. IMMONEN of West Paris
MACKEL of Wells
CARTER of Bangor
TWITCHELL of Norway
TEAGUE of Fairfield
— of the House.

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

Report was signed by the following members:

Mr. MARTIN of Aroostook
— of the Senate.

Messrs. CAREY of Waterville
COX of Brewer
MAXWELL of Jay
Mrs. CHONKO of Topsham
— of the House.

Reports were read.

On motion of Mr. Carey of Waterville, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith.

The following Enactor appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measure

"An Act to Clarify the Education Laws" (H. P. 2018) (L. D. 2093) (S. "A" S-592 and H. "A" H-1211 to H. "A" H-1148)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House being necessary, a total was taken, 107 voted in favor of the same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair wishes to thank the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem during an unusually typical health and institutional debate.

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

(Off Record Remarks)

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill, "An Act to Provide for Reform of the State Tax Laws" (H. P. 2215) (L. D. 2183) which was Passed to be Engrossed as amended by House Amendment "C" (H-1217) as amended by House Amendment "A" (H-1212) thereto in the House on March 22, 1978.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-533) as amended by Senate Amendment "B" (S-600) thereto in non-concurrence.

In the House:

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

Mr. TIERNEY: Mr. Speaker, I move the House adhere.

The gentleman may proceed.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: There is very little I can say that has not been said on this bill. I think, as Mr. Palmer stated earlier today, both parties have made substantial movements, and the difference between recede and concur and adhere is a very simple one, and that is a price tag of \$5.7 million. Ladies and gentlemen of the House, the needs of this state have been chronicled time and time again on the floor. The fiscal uncertainties of our state and national economy have also been chronicled again and again on this floor. The position to adhere will engross for this body a bill which gives almost \$14 million in permanent tax relief to the income taxpayers and to the corporations and to everyone who drinks water and uses gas and uses electricity. Ladies and gentlemen, that is \$13 million of good, solid, permanent tax relief which is responsibly funded.

The \$5.7 million which exists in the Senate Amendment is one-time, one-shot tax relief to people in April of 1979, money which we don't even know exists.

As the good gentleman from Lewiston, Mr. Jalbert, pointed out so well, the obvious problem we had with the \$2 million under estimate of revenues just last month. Ladies and gentlemen, we have a responsible program and I urge that every member of this House, Republican or Democrat, join me in voting to adhere and opposing any other motion.

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

Mr. PALMER: Mr. Speaker, I move we recede and concur.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that the House

recede and concur.

The gentleman may proceed.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us tonight represents a compromise, a compromise to bring a consensus within this legislature in order that we may provide deserving and meaningful tax relief to the people of Maine. This amendment represents our best collective efforts. If this effort fails, we have all failed individually and collectively, and make no mistake about it.

It is the result of months of thought and weeks and days and hours, early and late, of serious and intensive negotiations and discussions between the leadership of both branches, both parties, and the Executive. This amendment has been honed and polished and extremely fine tuned and accomplishes genuine tax relief to the taxpayers of the State of Maine.

This amendment provides for three changes in the tax relief plan which the Senate adopted last week. The changes are as follows: (1) The 3 percent personal income tax reduction will be replaced by a revised income tax schedule which will provide for a total of \$4 million in tax relief primarily to middle income taxpayers of Maine. (2) The one-time \$20 income tax credit on 1979 tax revenues will be replaced by a one-time increased exemption level from \$1,000 to \$1,200 per exemption. (3) We have eliminated the one-time sales tax exemption on residential electricity from 750 to 1000 kilowatt hours.

You will find a summary print out on your desks that we presented earlier to you of the complete plan. You will note the top level of tax relief is just over \$19.8 million.

This amendment truly is a compromise. None of us may have won all that we have fought for, but none of us have lost all that we have fought for either.

My good friends and members of this House, it is time to stop our rhetoric. We have walked the gauntlet. It is time to say yes or no on tax relief for the people of this state. I ask you, Republicans and Democrats alike, to join together for the best interest of the people of Maine by voting in the affirmative today, and when the vote is taken, Mr. Speaker, I would ask for the yeas and nays.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: We have two choices before us. We have a choice which will leave us a \$14.2 million surplus or an \$8.4 million surplus. Out of that surplus must come \$1.2 million already agreed to in collective bargaining. So that is \$13 million versus \$7.2 million, \$100,000 less than even the Governor recommended.

There are some things we don't know. We have got a lot of contingencies. Commissioner Smith is going to play a game of catch-up in his medical care account with hospitals this fall and may well come in to us in January needing an additional \$2.1 million, because he plans to borrow from the third and fourth quarters.

We have the Indian lands claim case, and no one knows what the implications of this are. We have collective bargaining for about 8,000 more state employees. The package could range anywhere from thirteen to nineteen million dollars.

We have an agreement, at least we had an agreement, I don't know, agreements around here seem to be broken a lot lately, of about \$6.5 million on the table. I don't know if that is going to hold or not. If it doesn't hold, who is going to be expendable so that we can keep a surplus? The local property taxpayer and general assistance, is it going to be the small boarding home operator, is it going to be the medically needy, is it going to be the elderly who needs drugs, is it going to be the preschool handicapped, is it going to be victims of domestic violence or is it going to be the state

employees, or are we going to play everybody off against one another? We are spending money we don't have and money we don't know whether we ever will have, and we will not know until June 30, 1979. As far as I am concerned, this is total and complete fiscal irresponsibility.

The Cochairman of the Appropriations Committee, only a month ago, was saying loud and clear that anything less than \$15 million left in surplus was "brinkmanship," "government by crisis." Well, what is \$7.2 million if it isn't government by crisis?

I, for one, will not play Republican roulette. I have supported a package to meet human needs, and I support leaving a healthy surplus. We can only pray that the Governor is right in his estimates, because if we have to come back in here and raise taxes, the responsibility will be his and the minority party in this House and the majority party in the other body. If I might paraphrase from the last President Kennedy. He once said, "Let us not seek the Republican answer or a Democratic answer or the Independent answer but the right answer." Well, this is not the right answer. This is the politically expedient answer. This is an election year gimmick, and I think anybody who votes for this package ought to have a special place on their campaign expense from when they file it next fall, because we have got simply nothing more than a campaign handout.

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

Thereupon, Mr. Greenlaw of Stonington assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor of the House.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There comes a time during the legislative session that all of us have to express some frustration and to some degree, perhaps, letting it all out, and maybe that time has come for me, maybe that time has come for all of us in this body.

I would like to begin with some of the words from one of my best friends at the Bangor Daily News, Mr. Reynolds, one of its number-one editorial writers, and I only feel unfortunate, perhaps, that he cannot be with us today. That gentleman, year upon year, has used me as a Democrat, used me as a member of this body, to back me and members of my party against the position of the president Chief Executive, never once making comment about the possibility that there was another side to any question, never once suggesting that there may be some truth to what a Democrat could say, or a person from Eagle Lake, for that matter. In an editorial which appeared on March 16, he indicated that I was the chief reason why there was no tax package, that I was leading the Democrats to a situation that was obviously going to lead this state to a point where there would be no tax reform, that I was responsible to help drive the property taxes up. Someone perhaps should look at the property tax that Mr. Reynolds pays.

I suppose I could be much more vindictive, as he has been in editorials against me and members of my party. That is not the question before us, however. It is the question of whether or not as members of a party we as Democrats have compromised, as we as Democrats have attempted to put together in good faith a package.

I fully agree with the remarks of the gentleman from Nobleboro, Mr. Palmer, that we entered the discussions with certain parameters that everyone knew existed from the very beginning. Those discussions were long and

they were tedious, but we all entered them with the understanding that there were certain bottom lines that we, as members of either the Democratic Party or the Republican Party, could not go beyond.

I can tell you here as members of both political parties that I entered those discussions with two basic premises — one was that the level of funding should be lower than what was being discussed and, second, based on the position of a caucus of my party, that the corporate tax should not be entered as part of that agreement. We discussed it night upon night, week upon week, not because we as Democrats were opposed to tax reform of returning money to the citizens of Maine, because that was not the case. We as Democrats have always supported tax reform. It may well be that there are some within both political parties that decide that certain monies ought to be going to different people at different times, that the dollars ought to be allocated in different bases than the way they are.

Back in February, I discussed with members of the press in a press conference the possibility of alternatives to the Governor's proposal, and I suggested, and so it is not a recent development, that we leave more money in surplus than what the Governor had suggested. At that time, members of the Appropriations Committee, members of the Republican Party, agreed with that position and said so.

I also said in that February 8 discussion that I was concerned about some things which we knew nothing about today, and I would now like to tell you about one of those things which has come to my attention.

The gentlewoman from Bath, Ms. Goodwin, discussed Indian land claims. We now have a request from the Attorney General that has been given to the President and myself which asks as a starting point to be inserted into the budget of this year, not next, and not to come from an unforeseen surplus that doesn't exist, for monies for a special counsel for Indian claims litigation in the amount of \$200,000, plus the rest of the money that goes with it. Do we really know today how much money we need? Do we really know today what that is going to cost this state? I maintain that we do not. There are some who suggest that there is plenty of money there.

I would like to tell you about a conversation I had with the Chief Executive last night. After we left here last night, at quarter of seven I believe it was, I immediately called the Chief Executive and found him at the Blaine House, because he had been calling all day and we had been unable to get back to him. I attempted to relay to him what I thought were the wishes of the Democratic caucus, that basically they were twofold. One was their concern about the amount of money going toward the corporate tax and second was the amount of anticipated surplus on July 1, 1979. I said to him, I see this in two ways. It may be possible to convince members of my party to accept some form of relief for the corporate tax, but I said, I know one thing that I cannot make them agree to nor am I willing to sell to them, and that is the amount of surplus. It seems to me that can be answered in one of two ways; it can be answered by increasing estimates, which has been done by legislative bodies before this one, by a former Chief Executive, in 1965, John Reed, or it can be done by leaving more money in surplus. And I said that is basically where we stand. He said to me, I would rather not. As a matter of fact, he said, "I do not want nor would I raise estimates, even though that is not to say that there would not be more money there left, but I am willing to tell you that the figure of \$41 million or so is where I want to be at."

There are some who are going to suggest that if we vote to adhere today, the members of my party are killing a tax program, and I say to you this, that that is not the case. If this body

votes to adhere, what we are doing, very simply and bottom line, is saying we will accept everything in that package except the \$5.7 million, which is one-time money, which we say must remain in surplus at this time. The other body then has that option under our parliamentary rules to accept the position where this bill has left this body or they also have the option of killing the entire bill. And some people have said to me, but they may just do that and we would go home with nothing. I say to you, I cannot believe members of the other body would ever do that, and I guess I will tell you why I believe that so strongly, because I asked the Governor whether or not he would be upset or whether or not he would veto a tax package which was somewhere in the vicinity of \$15 million. His answer to me last night was, no, I wouldn't like it and I might tell you so, but I would take what the legislature gave me. He also said that perhaps if he didn't think that he was happy with the rest of it, he might call us back into special session to raise the rest of the other five, and that option, of course, is always available to the Chief Executive at any time, but the point still remains, the Governor, I am satisfied today to tell you that I believe that he would accept a package like that, telling us that he wished we had done the rest and maybe even telling us where we ought to go because we didn't do the rest. That is an option which is available to us and to him both.

I think for anyone to suggest that because of the action of the other body we are killing this tax program is not on point. My party, over the years, has been for helping those people who have needed the help. My party has been for those people, we say, who don't make all that much money, and this package contains all these things that we have pushed for for so long, removal of the sales tax on electricity, on water, on gas, on helping those people whose incomes have been drastically affected as the result of income tax changes in this body and in the other body a few years ago, and helping those people between the ten and thirty thousand dollar range. Yes, this party that I represent also has helped business, and I stand here before you as the sponsor of the famed inventory tax bill, because I believe as a principle it was the right thing to do, but you all know what happened, as \$14 million deficit based on some wrong estimates that we got. I don't believe that the Deomocratic Party can be blamed if this body votes to adhere and then we go home with nothing. That blame will have to lie outside this body and outside the hands of the Democratic Party. The Democratic Party has always attempted to be fair and to help those people that we are attempting to help in this bill today.

And finally, Mr. Speaker, I again would simply like to remind all members of this body that there is only one difference here today, only one, between the position of the other body and our position, and that is \$5.7 million for a one-time expenditure to be made next year from monies that have not yet been generated and for which we now are attempting to spend one time. I say to those of you that think we ought to do that, consider the possibility, if that is still there and the estimates do, in fact, go where some people think they are going to go, which some people are now saying \$55 million, after the estimates come in and they are factual through July, August, September, October, November, let us be called back in or call ourselves back in in late November or maybe even better, in January. What is to prevent us from using the monies left in surplus generated from this projected surplus to be allocated for the very purpose that is being discussed here? I say that it would be a mistake to be spending money that we don't know we are going to get at this time.

I ask you, members of both political parties, to vote against the motion to recede and

concur.

The SPEAKER: pro tem: The Chair recognizes the gentleman from Lewiston, Mr. JAlbert.

Mr. JALBERT: Mr. Speaker and Members of the House: While the honorable speaker was making his remarks, I asked the Sergeant-at-Arms to deliver a note to the President of the Senate. I asked him to answer me immediately, if we should find ourselves in an adhering position, what position will you take, absolutely and positively? Is there any chance that you will agree to our adhering motion?

The SPEAKER: pro tem: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney, and would inquire for what reason he rises.

Mr. TIERNEY: A point of order, Mr. Speaker, referring to action of the other body.

The SPEAKER: pro tem: The Chair would request the gentleman from Lewiston, Mr. JAlbert, to confine his remarks.

Mr. JALBERT: Mr. Speaker, I am not talking about any action in the Senate now, I am talking about a note that I sent to the President of the Senate, and you show me the rule where I can't discuss that. If you can show me that rule, I will sit down and I will keep quiet, but until such time as you can, I am going to state my point.

Don't tell me I can't write a note to a friend of mine, who is President of the Senate, and have him give me an answer. Show me the rule and I will back off. You show me the rule and I will back off. He sent me this note back, and I have got a lot of love for this young fellow two seats behind me and it has developed over the defeat of one vote, and it has grown and it has grown and it has grown. And if God should allow me to be back here, it would be my distinct pleasure, and he has a note from me to nominate him as Speaker again. I also happen to have a lot of personal feeling and love for the man in the other body, and I believe him and I believe the man in the other body. His answer to me was this, through the words of the Sergeant-at-Arms — absolutely no doubt — adhere. That is what scares me. We then go home without having given any type of relief whatever in any way, shape or manner to the people of Maine.

I could get up here and I could speak to you about what I have said and you could back around and say what I have said and I would agree with you, but that satisfied me right here, and if you don't think that possibly the mechanics aren't there to put that over, I have visited that place. As a matter of fact, they have invited me to say the prayer tomorrow, believe it or not, and that is about all I have got to say right now.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Carey.

Mr. CAREY: Mr. Speaker and Members of the House: The gentleman from Eagle Lake spoke about the \$5.7 million that went into the \$1,000 to \$1,200 exemption, but he just barely touched, if he did at all, about the one thing that many of us have had to swallow up to this point, and that is the corporate income tax. Some of us have swallowed \$400,000 worth of corporate income tax because it would be much more palatable. We were going to return that money to those people probably most in need, the small corporations, those under \$25,000.

However, this amendment, which is a compromise, and I don't know who it is a compromise with, it may be between the Republican Party and the Devil, I don't know, but it certainly is not between the Republican party and the Democratic Party, and the Democratic Party is still the majority party in the legislature and certainly in this House.

We go back to the one percent effort that has been started to the reduction of the two percent effort, but it goes back to giving the money to the very big corporations, those that have had all kinds of tax breaks in the past. I, for one,

don't know what type of a compromise it is, but it certainly is not one that I can swallow, and I will vote to adhere.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add just one or two more words, since my good friend the Speaker has spoken about this package. I would like to really, truthfully, just recount for you, if I could, the last day and a half of these negotiations. I believe I am reciting this as the real gospel truth.

After a week and a half of meetings, marathon meetings morning, noon and night, weekends and all, we finally had a meeting yesterday. The meeting was held in the Speaker's office and we took the papers we had before us that we had worked on through all these weeks and we said, just where do we stand? If you look at the paper that I passed out this afternoon, there are 12 items in the right-hand column and we all agreed as we looked those 12 items over, at that time we agreed that we were in agreement on 10 of those 12 items. Now, that was at that time. The two we did not agree on was the 3 percent personal income tax and the one percent corporate tax. The Democrats had proposed an amendment which was a revised income tax schedule which you have currently in this bill. We said at that time, if we will buy that one, would you buy the one percent corporate return? We said, let's break and discuss that, which we did. We went into our little separate chambers, we discussed it and after due deliberations said yes, we will take that change. We know the change is all right. As a matter of fact, one of our own members, Representative Morton, had proposed a similar proposal a year ago. We said, yes, we will buy that; will you buy the other? The answer was, it is all over, we are done, and we broke in good spirit, no rancor, no bitterness.

I am only pointing this out to you, though, that what held us apart was really \$432,000 to the corporations of the State of Maine. And as I said here this morning, that is not just Great Northern and Central Maine, but there are 15,424 corporations, and it doesn't make any difference if there are 20,000 or 200, the fact is, this is a cosmetic approach, it is simply a statement by this legislature saying we believe in the business community. It is no great hand-out.

We recognize the fact that there are 36,000 people consistently unemployed in this state. We recognize the fact that the corporations of Maine and businesses of Maine have contributed to the surplus, and that is fine: there is nothing wrong with it, nothing wrong with making a profit, nothing wrong with having capital so that you can expand and by expansion creating jobs. That is all we are saying here, that we are going to create an atmosphere, hopefully, where you can expand and where jobs can be created, and that is the difference — on \$20 million, a difference of \$432,000, and that is the gospel truth of what happened yesterday. So we parted. Then, we had passed to us this morning the idea that they didn't like the level of funding. Now, that was never brought up, not one word in the negotiations yesterday, and it couldn't have been such an important factor, because the Democrat party, in good faith, presented to this House within the last week a package which exceeded \$20 million, more than the total amount of the package we are voting on now. You may check your amendments and find that it is true, that they did indeed make a proposal higher in value, in cost, than you see on this final proposal. So I don't really think that as reasonable men and women we cannot say that we have all moved, because we have, as I have said before, and so has the Chief Executive of this State, and that is an important factor in the passage of any tax relief proposal.

So I submit to you that we have done our

work and I recognize the responsibilities of the good Speaker to his party, as I have them to mine. I don't look upon this as being a great big partisan issue right now. I do believe we are down the end of the line, I do believe we have worked hard, I do believe we have given of our best, and I believe now that the time to act is here. I think we should act on this proposal. I find nothing in it that is abhorrent and certainly, if you review the record over the past two weeks, you will find that both parties have at one time or another spoken in favor of practically every proposal there is on the one before you now.

The SPEAKER pro tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't necessarily want to disagree with the gentleman from Nobleboro, Mr. Palmer, but I must add a couple of things in order to clarify some of his remarks.

First, in reference to the level of funding. That was raised. The President of the Senate, as a matter of fact, reminded me of that yesterday and again today, about the fact that the proposal was less than theirs, their first one and their second one now, so it was raised and it was discussed and it was obvious that it was before us. There was never one that was fully answered, however, because we never got to that point.

Second, the reference of closeness where we were yesterday and the day before, and for that matter, the week before. I must also tell you about the rest of that, and I guess for those of you who are used to negotiations, you may be used to all this but I am not, I have never negotiated in the sense of the negotiating whirl that some of you have, but the one thing I do know, on two separate occasions there was agreement to do away with the corporate tax, and the next morning we were back to where we were. That is the type of negotiations that we had.

It may well be that we should have, as leadership, hired an outside arbitrator. As a matter of fact, the gentleman from Cumberland, Mr. Garsoe, suggested that at one point, or discussed it; I can't remember whether he suggested or just plain discussed it. But the issue here today is not that.

Oh yes, there is one thing that I should also tell you that the Democratic package contains at this point, if we are going to give it names, and that is, the approach to the corporate tax is different in our proposal than in the proposal of the other body, because we take the money, the \$400,000 and we allocate it for those corporations or to all corporations on the first \$25,000 of profit. So what that means, in effect, is that those corporations and all corporations for the first \$25,000 will receive roughly a 9 percent break rather than one percent across the board, as is in the other proposal. That, I think, in itself is a proposal, as some people would say, that represents the views of the Democratic Party.

I certainly hope, and I cannot believe, nor will I believe that the other body would kill this package if we were to adhere, and I have a number of reasons for believing that, some political, others personal. I believe that they would let it go to the Governor for his consideration.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not, as you know, one of the leaders of this body. In fact, I am probably the last to know anything that comes out of leadership, but I think that I have just as much an obligation to the people as the leadership of this House. I can't speak about what took place between the leadership and the Governor, and I have no intentions of doing so tonight. But, ladies and gentlemen, you all know that sometimes we use party issues. Some-

times I vote with the Democrats and sometimes I vote with the Republicans. I vote that way because I feel that regardless of who puts the issue before us, if it is good for my constituents and for the people of Maine, I support it. I have that reputation and you all know it. I also have people in this House that I look to for leadership. I won't say that I don't trust some, but I have reservations about some.

I don't believe that this is a party issue, I have never believed it to be a party issue, and when amendments come onto the floor, if you will check my voting record, I have supported four Democratic proposals. I did not do so because they were Democratic; I did so because I felt they were good, and that is why. Party had nothing to do with it whatsoever.

I urge the members of this House tonight to lay the party aside and to vote whether you feel this package is good for the people of this state or whether it isn't. If you want tax reform, you vote on the issue; you don't care what happens somewhere else. You don't know what is going to happen somewhere else. You don't know what the Governor of this state is going to do, and neither do I.

But I will tell you something. I have an awful lot of respect for a Democrat in the other body, and Senator Conley, who I have the greatest respect for and who I probably vote with more than most of the Democrats in this House do. I have the greatest respect for that person and his judgment, and I am sure that Senator Conley is just as good a Democrat as anyone in this House, and Senator Conley would not sell the Democratic party down the drain.

I am also concerned tonight that there be enough money for the working people of this state when collective bargaining comes through. I want them to have enough money. I don't know the answer; I don't know whether we are going to have enough money. I want enough money but I am not sure. Apparently many in this House are not sure either. Many in this House are going to vote the way their leaders want them to vote. I don't vote by what the leadership wants me to vote, and they know it. But I think that tonight we ought to take and look this package over very sincerely, very honestly with ourselves. Never mind what anyone else is going to do, but stick to the issue of what we want if we want tax reform.

I have always believed in tax reform, I have always supported it and I always will, because I know that the people of this state are taxed too much now. Where does it come from? It comes from the working men and women. We don't get tax reform from welfare; we don't get tax reform from the high mucky-mucks, we get tax reform for the working people of this state.

I don't know if I am going to vote right, and I don't know if I am going to vote wrong, because I am not intelligent enough to foresee the future, but tonight I would like to vote and hope that I vote what is best for the people of Maine in my own conscience. And I only ask that the members of this House, when we leave here tonight, that you satisfy yourselves and no one else.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I listened with great interest here tonight to Representatives Palmer and Martin speaking about the art of compromise, and I think I, as a member of this body, spoke only a few weeks ago with a substantial amount of support for property tax relief for the people of Maine. And as the days progressed, the position that I took and a great many members of my own party took and some members of the Republican Party took, was compromised eventually out the window for a number of reasons, and I won't get into them, but the people in my party, meaning Mr. Martin and Mr. Tierney, among others, and Mr. Jalbert only a few days ago tried to illus-

trate the fact of where we were in terms of dollars, revenues, surpluses, call it what you may, to a point of compromising some of our own positions in accepting a tax package.

I think there is a significant difference between the package that this House sent over to the other body and the packages that they sent back, and the same difference is between the philosophies of my party and the party of the opposition. I am not about to be intimidated by the threat of an individual — that is a poor choice of words — by a message relayed to my good friend from Lewiston about the position the other body has taken. We know the position that they have taken, and I think the important thing is for this House to maintain the position that it took not more than an hour and a half ago. Vote down the motion made by the good Republican Floor Leader from Nobleboro, Mr. Palmer, and then go back to the motion that was originally presented by Mr. Tierney to adhere.

There is a difference in parties, there is a difference in philosophies and there is a sincere difference between our party and the opposition party and the package that was sent to us by the other body and the package that we sent down.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I have not been privy to the negotiations taking place between the leadership of the two parties. I have not been exposed recently to any understandings that have been reached between the leadership of our Republican Party, but, personally, I plan to go home tomorrow without a tax relief plan if we do adhere.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I have not been involved in any of the negotiations on all of this, but I was at the Democratic caucus yesterday. When I left yesterday, I left with a feeling of real optimism because I assumed that we had made the breakthrough that was necessary in order for people to be able to agree on a tax relief package.

One of the bones of contention seemed to be the whole question of whether there would be a corporate tax decrease. The Democratic caucus voted in favor of a corporate tax decrease, but directed the thrust of that decrease at the thousands of smaller corporations that make up the backbone of Maine's economy. I don't see what is wrong with that and I don't see why the leadership of the other party is taking a strong position against that.

The plan that the Democratic caucus proposed yesterday is aimed at the Maine people who need tax relief. It is aimed at the well drillers, the people who run restaurants, people who run dry cleaning stores, the people who are working in small companies and who are trying to make a go of it and who felt that they don't get anything and that no one is listening to their concerns. This corporate tax package addresses their concerns and I don't see what is wrong with it.

The second question that came up at the Democratic caucus was the level of tax relief. And after discussion from the people on the Appropriations Committee, who are conscious of how much money is available and what the demands are, the Democratic caucus voted to reduce the amount from close to \$20 million to closer to \$15 million, so that when collective bargaining agreements come in and when all these other things come up, the state will have some money there and we won't be in a position where we can't afford to meet the obligations that this legislature has passed. I can't see what is wrong with that. If the \$5 million turns out to be there later and it isn't required for collective bargaining, this legislature will be

back here and further tax relief would be possible.

It just seems to me that the proposal that is right here is aimed at the people who need tax relief, small businesses, the income tax proposal is aimed at the couples who are both working, one in the mill and one as a teacher aide or one in a regular job and the wife has gone out to work, we provide tax relief for those people 15,000, 20,000, 25,000, people who have felt that government hasn't been listening to them. I can't see what is wrong with this, and I don't see why we are hearing that if we don't accept the different proposal, this thing is going to die. I think the Democratic Party made some real compromises as a party, not in the leadership but at the caucus, and I would urge the Republican leadership not to get so caught up in the detail of their negotiations that they lose sight of the fact that this Democratic proposal is a fair one and it addresses the real concerns, which are the people who are struggling to make it and who feel that government hasn't listened to them.

The SPEAKER: pro tem: The gentleman from Nobleboro, Mr. Palmer, has requested a roll call vote. 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.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair thanks the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

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

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I would just like to direct a very brief question through the Chair to the gentleman from Nobleboro, Mr. Palmer. I understand that this particular amendment that is being proposed to us changes the income tax to a 3 percent income tax reduction on a revised schedule. The question that I have, very simply, is, what is the reduction in the \$50,000 income bracket, comparison between the two plans; also, what is the comparison in the \$100,000 income bracket?

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

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

Mr. MORTON: Mr. Speaker, I would like to point out to the good gentleman from Pittsfield that this has nothing to do with the 3 percent revised package, and to use the word 3 percent in connection with it is entirely misleading. This package is exactly the same as the package that was described in the Democrat caucus yesterday and which seemed to have been accepted well in the Democrat caucus. It points to that middle bracket and is exactly the same figures that were shown on that long, white sheet yesterday with three different segments on it. That is what is in this \$4 million that is in this so-called revised package. It is exactly the same thing.

I hope that answers the gentleman's question, because that is exactly right, and I would be glad to go into more detail if he wants to.

Mr. Speaker, I would like to continue. Just a few remarks in connection with this. I listened to it and we seem to be concerned about who has compromised and how far the compromises have gone. The word 'compromise'

comes in a great deal. I am sure that is a proper word and does apply to the processes that have taken place, but presently we now are in a position where we have two different bills or two different propositions before us. As the gentleman from Eagle Lake pointed out, they are \$7.5 million apart, but I do take issue with the gentleman from Eagle Lake in his remarks when he used the word 'spend.' We are so frequently using the word 'spend' up here when we do anything with state dollars, and that is the proper term when we are talking about spending money for programs, new programs, no matter what they are, highways, AFDC, you name it, you can have it, but I don't think it is necessarily a correct word to spend in connection with this \$7.5 million, because we aren't spending it, we are returning it to the people, and I do think there is a distinction there, I think it is a distinction that we ought to remember, it is a one-time return of money to the people. There has been a great deal of acceptance, apparently, of the fact that the taxes that have been collected were greater than they should have been, and this is certainly one way that you remedy that sort of thing, to return the money to the people who paid it. This is one way to do it. I certainly like the idea of the \$1,200 versus the \$20 and \$25 that were originally proposed as these bills were being considered. I think that gets to the nub of the thing and spreads it out over the most people that it possibly could.

I think we should look at this as a package and not whether somebody has compromised more than somebody else. I don't think that is important. It is just a matter of whether or not you decide tonight that you want to give \$7.5 million more back to the people or not. I hope you will vote to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berube, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carrier, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kane, Laffin, Lewis, Littlefield, Lougee, Mackel, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Morton, Norris, Palmer, Peltier, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittemore

NAY — Bachrach, Beaulieu, Bennett, Benoit, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mahany, McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Plourde, Post, Prescott, Quinn, Rideout, Spencer, Stubbs, Talbot, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker

ABSENT — Berry, Dutremble, Elias, Lunt, Martin, A.; Maxwell, Mills, Theriault, Tyndale

Yes, 65; No, 77; Absent, 9.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-seven in the negative, with nine being absent, the motion does not prevail.

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

Mr. PERKINS: Mr. Speaker, having voted on the prevailing side, I move reconsideration. Thereupon, Mr. Higgins of Scarborough re-

quested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Blue Hill, Mr. Perkins, that the House reconsider its action whereby it failed to recede and concur. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berube, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carrier, Carter, F.; Churchill, Conners, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kane, Lewis, Littlefield, Lougee, Mackel, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Morton, Norris, Palmer, Pearson, Peltier, Perkins Peterson, Raymond, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Twitchell, Whittemore

NAY — Bachrach, Beaulieu, Bennett, Benoit, Biron, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mahany, McHenry, McKean, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Plourde, Post, Prescott, Quinn, Rideout, Spencer, Stubbs, Talbot, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker

ABSENT — Berry, Dudley, Dutremble, Elias, Lunt, Martin, A.; Maxwell, Mills, Theriault, Tyndale

Yes, 65; No, 76; Absent, 10.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-six in the negative, with ten being absent, the motion does not prevail.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House voted to adhere.

On motion of Mr. Palmer of Nobleboro, Adjourned until nine-thirty tomorrow morning.