

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

Tuesday, September 12, 1978

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

Prayer by the Reverend David Glusker of them not only upon the members of this body but also especially upon the members of the body of the Senate as they deliberate in this moment, as they wrestle with the problems of fiscal responsibility, as they consider the resources of the individuals of our State and what is best not only for the individuals but for the State at large, and when this body begins to deal with those questions, we pray that each member of it will be endowed with a sense of reality and yet, at the same time, with a sense of morality concerning that which is best. So bless us together, one and all alike, and help us in all of this to accomplish your will for your people. Amen.

The members stood at attention during the playing of the National Anthem by the Hall-Dale High School Band of Hallowell.

The journal of the previous session was read and approved.

(Off Record Remarks)

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

After Recess
12:30 P. M.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Dudley of Enfield, Recessed until the sound of the gong.

After Recess
3:15 P. M.

The House was called to order by the Speaker.

The following paper from the Senate appearing on Supplement No. 1 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" on RESOLUTION, Proposing an Amendment to the Constitution to Limit the Amount of Government Spending and Taxes which may be Made without Voter Approval (S. P. 772) (L. D. 2209)

Report was signed by the following members:

Mr. Huber of Cumberland, Mr. Morrell of Cumberland — of the Senate.

Mr. Jalbert of Lewiston, Mr. McBreaity of Perham, Mr. Morton of Farmington, Mr. Pearson of Old Town, Mr. Carter of Winslow, Mr. Perkins of Blue Hill, Mr. Higgins of Scarborough — of the House.

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

Report was signed by the following members:

Mr. Merrill of Cumberland — of the Senate.

Mr. Greenlaw of Stonington, Mrs. Post of Owl's Head, Mrs. Najarian of Portland — of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Resolution Passed to be Engrossed as Amended by Senate Amendment "G" (S-624) as amended by Senate Amendment "E" (S-629) thereto.

In the House: Reports were read.

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

Mr. JALBERT: Mr. Speaker, I move accep-

tance of the Majority "Ought to Pass" Report and when the vote is taken, I move it be taken by the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House accept the Majority "Ought to Pass" Report in concurrence.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Six days ago, the Governor of this State called us into an unusual Special Session to consider a very important matter. Six days ago, the Committee on Appropriations and Financial Affairs passed out this bill without debate, without consideration of the necessary changes that were needed, I think in a very unfortunate situation. Six days ago, the body down at the other end of the hall began debate on this particular amendment and, finally, six days later, this House has an opportunity to debate this important Resolution which the Governor has placed before us.

It is a very important subject and I think in discussions I have had with other members of the legislature, I find almost unanimous, not quite unanimous but almost unanimous, support for some type of spending limitation.

I feel that the mood of the House right now is perhaps to pass over the committee report and get to the amendment which the other body has attached to this bill. But I think it is important to discuss the philosophical approach which has been presented in this particular Resolution. This is, indeed, a very important constitutional amendment.

I think we all can presume, given what has happened in our state in the past four to six years, that the people of the State of Maine would like to see some type of spending limitation, although I can indicate very clearly, in my constituency, that after I wrote an article in a local newspaper, I only had four people who came to me to discuss the particular issue.

I think the people of Maine are confused about this issue. I think they are confused about whether it should go in the Constitution or whether it should be placed in our statutes. I think they are confused about it, just as we are, about the long-range effect of it, and I think very often when we don't know what effect a particular piece of legislation will have, we are often very skeptical about it.

This is a working document, or it should be a working document. In my opinion, and probably the primary reason why I signed the "Ought not to Pass" report, is that I don't believe a working law of this nature should be placed in our Constitution. I think it is a violation of what a constitution is all about. I think when we suggest that we place this in the Constitution, we do not live up to the oath of office that we took in January of 1977 to defend the Constitution of this State.

I would like to draw an analogy between what I think might happen if this Resolution were put to the people and adopted and placed in our Constitution. This State has suffered, in my opinion, a rather painful process with our education funding law. If the 106th Legislature had seen fit to send our education funding law out to the people of Maine to be placed in the Constitution, which I think is a similar analogy to what we are being asked to do here, imagine what chaos would have resulted in our education system. Consider the fact that 1994 had to be amended in 1974 before it even became effective and law on July 1, 1974. It was virtually impossible to foresee the problems which that bill gave the State. Imagine if we had to develop a process where two thirds of both houses of this Legislature had to vote to put the issue before the people to amend the Constitution regarding 1994 or to repeal the bill. We would have been in such a chaotic situation that I don't know what would have taken place. And I submit and suggest very honestly that this is the same position we are being asked to be put

in today. I think it is unfortunate; I think it is wrong.

The second issue which brings me to oppose this particular constitutional amendment is the idea that we are suggesting to Maine people that they approve a constitutional amendment that limits their ability to raise local funds either through the city council process or the town meeting process. Yes, and I know there are provisions in here where the limit can be exceeded. But if one thing has come through very clear to me over the six years that I have served in this Legislature, it is that Maine people have asked us time and time and time again to let them handle their affairs to the extent possible. How many times do they have to tell that to us before we hear the message? No wonder there is so much skepticism and so little trust in our system of government, in us as politicians.

Finally, there have been people in this State that suggest regardless of the condition of this constitutional amendment, that we put it out to the people to vote. In my opinion, that is not good enough. The people of this state, I think, deserve that we put the very best constitutional amendment before them. To do anything less, I think, would be a serious abrogation of our constitutional responsibility to the people of the State of Maine.

I think that during the past six days, while the other body has debated this bill, it has become very obvious to me, and I think to most people sitting in this legislature and I think a lot of people in the state, that this proposed resolution has serious problems, and to suggest that we send this to the people with so many unanswered questions has no merit whatsoever.

So while I know that probably the debate will move very quickly to probably accepting the "Ought to Pass" report, although I would certainly urge you to vote against the "Ought to Pass" report and support the "Ought Not to Pass" report. I thought it very important that at least one person of the three people in this body that signed the "Ought Not to Pass" report indicate to you why we felt—and I think I can perhaps speak for Representative Najarian—why we felt, particularly without any committee debate, particularly without any opportunity to amend the flaws that people knew were in the constitutional amendment after the hearing, that anyone should consider putting such a resolution before the people of Maine.

A subject of this importance, in my opinion, should not be addressed at this time in our political life. It is a subject that I think has got grave implications for legislatures and governors to come, and I hope very seriously, very honestly, that you will join with me in voting against the "Ought to Pass" report, and I would be very interested to hear from anyone who supports this particular constitutional amendment why they think that such a working document, which has so many problems, ought to be placed in our Constitution in light of the problems we have had with education funding laws and others, and why we should violate the concept of local control which Maine people feel so strongly about.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Ault, Austin, Bagley, Beau-

lieu, Berry, Bérube, Blodgett, Boudreau, A., Boudreau, P., Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cote, Cunningham, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Fenlason, Fowle, Gill, Gillis, Gould, Green, Hall, Higgins, Hobbins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McKean, McMahan, McPherson, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Traffon, Truman, Twitchell, Violette, Whitmore, Wood, The Speaker

NAYS — Bachrach, Benoit, Brenerman, Bustin, Carrier, Connolly, Cox, Curran, Durtremble, Flanagan, Gray, Greenlaw, Henderson, Hickey, Howe, LaPlante, Martin, A.; McHenry, Najarian, Prescott, Spencer, Talbot, Valentine, Wyman

ABSENT — Biron, Birt, Dudley, Garsoe, Goodwin, H.; Jensen, Kane, MacEachern, Moody, Peakes, Quinn, Tyndale, Wilfong.

RESIGNED — Bennett, Goodwin, K.; Mills, Tarr

Yes, 110; No, 24; Absent, 13; Resigned, 4.

The **SPEAKER**: One hundred and ten having voted in the affirmative and twenty-four in the negative, with thirteen being absent and four resigned, the motion does prevail.

Thereupon, the Resolution was read once.

Senate Amendment "G" (S-624) was read by the Clerk.

Senate Amendment "E" to Senate Amendment "G" (S-629) was read by the Clerk.

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

Mr. **TIERNEY**: Mr. Speaker, I move the indefinite postponement of Senate Amendment "E" to Senate Amendment "G" and request to speak to my motion.

The **SPEAKER**: The gentleman from Lisbon Falls, Mr. Tierney, moves the indefinite postponement of Senate Amendment "E" to Senate Amendment "G". The gentleman may proceed.

Mr. **TIERNEY**: Mr. Speaker, Ladies and Gentlemen of the House: Just so that no one has any question to what this amendment does, it essentially takes our dedicated highway revenues out from any constitutional or statutory amendment which this House and this Legislature might seem to enact. That is an amount of \$55 million per year which would be exempt from any kind of spending limitation. Ladies and Gentlemen of the House, I am not going to go along with that exemption and I am proud to report to you that in my caucus and a meeting earlier, by a virtually unanimous vote, showed that the Democratic caucus is not about to let any special interest muscle their way out from under the spending limitation.

I hope you vote with me in this indefinite postponement.

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

Mr. **PALMER**: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of pleasure that I am able to say this afternoon, for at least once during this entire debate, I will be able to agree with the majority leader, who, in his caucus, had unanimous consent to oppose this amendment. My figures are a little bit different from his, but I believe it is \$121 million, less \$32 million federal, so it is a lot more money than that, and I think myself that special interest groups shouldn't dictate what we are doing and this should be included, and I certainly say "amen" to my good friend from Lisbon Falls.

Thereupon, Senate Amendment "E" to Senate Amendment "G" was indefinitely postponed.

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

Mr. **TIERNEY**: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of Senate Amendment "G".

Senate Amendment "G" was drafted in the waning hours of last week at the other end of the hall and was put on despite the very obvious and very serious grammatical error which is contained within it. Basically, Senate Amendment "G" has a loophole so large and so great that it makes any constitutional limitation a complete farce, because what Senate Amendment "G" would allow to happen would be for any future Legislature, by using and abusing the dedicated revenues section, to, for example, say that all income tax revenues shall be dedicated to state employee raises or to say that all sales tax revenues shall be dedicated by statute to education and by doing so remove all the sales and income taxes from the constitutional limitation. I don't feel that that is right. I don't think that that is what anyone meant. It certainly wasn't what the drafters meant, and they admitted it because they did come forward and, the other part of the Senate Amendment "E", which was recently defeated, did correct that grammatical change. Now that Senate Amendment "E" is defeated, Senate Amendment "G" has the same infirmity as before and I suggest that we kill it so we can get back to the pure and pristine 2209, which was presented to us by my good friend from Nobleboro at the public hearing several weeks ago.

Thereupon, Senate Amendment "G" was indefinitely postponed.

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

(Off Record Remarks)

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

After Recess

4:40 P.M.

The House was called to order by the Speaker.

The **SPEAKER**: The pending question before the House is passage to be engrossed of Resolution, Proposing an Amendment to the Constitution to Limit the Amount of Government Spending and Taxes which may be Made without Voter Approval, Senate Paper 772, L. D. 2209.

Whereupon, Mr. Lynch of Livermore Falls offered House Amendment "P" and moved its adoption.

House Amendment "P" (H-1258) was read by the Clerk.

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

Mr. **LYNCH**: Mr. Speaker, Ladies and Gentlemen of the House: When the first mention of limitation on taxes and spending first surfaced in the State of Maine, I became very much interested. It was a concept that I endorsed because I felt that the burden on the Maine people of state and local taxation was rapidly coming to be so burdensome that they could not carry it much longer. I was convinced that the concept was one that I could fully support.

I was not privy to the workings of the Tax Limitation Committee. I know many of its members, they are men of good skill, intelligence and concern for the State of Maine. They undoubtedly have great expertise in their own fields of endeavor, and I think they sincerely put together what they thought was a suitable constitutional amendment to limit spending and taxation in Maine.

When I first saw the document, I became fearful that coming this late in the year and

this close to an election that the language that I saw in there would become highly political in nature, and I feared that it would not be enacted without a great deal of debate and struggle and I could see that it could not be done in one week. I think the events of the last four legislative days have shown that to put together a constitutional amendment with the language that has been attempted to put into this sort of an amendment is something that just cannot be done in four or five days or four or five weeks.

Now, if we could go back briefly, this bill was handed, I believe, to the Appropriations Committee somewhere in June or July or August. If the committee had worked as other legislative committees had worked, I think we might have had more accomplished, but to the best of my knowledge, this bill has not been discussed in public by the members of the Appropriations Committee, and I think, it is my own personal opinion, that they were fearful of opening up discussion on this bill for fear that they would attract attention to all the errors there were lying in it. Now, to throw that bill out of the committee to both branches of the legislature without any amendments from the committee, without any indication from the committee how the bill should be addressed by the legislature, I think put a terrific burden on this House and on the other body. I think the past four days have shown us that to put a constitutional amendment out asking the people to express their opinion on a limitation on spending and taxes, along with a complicated list of paragraphs dealing with what should be statutory requirements, is just not going to fly through this legislature at this time of the year.

The amendment that I have proposed cuts clearly across the division between the right of the people to express their opinion on tax limitation and spending without getting confused by all the other language that has been so far attached to all the amendments that I have seen. The amendment that I have proposed sends out to the people a simply constitutional requirement—"The legislature shall enact a governmental spending limitation act prior to June 30, 1979, and all statutes enacted to carry out the purpose of this section shall require the affirmative vote of two-thirds of the members of each House present and voting." Simple language, short, brief, easily understood by the people of Maine, that if they want a limitation on the spending by governmental units and a limit on their taxes, then they can say yes without being confused by all the statutory language that has to be enacted to take care of the requirements of existing law and existing programs. I hope you support the amendment.

Mr. Palmer of Nobleboro offered House Amendment "A" to House Amendment "P" and moved its adoption.

House Amendment "A" to House Amendment "P" (H-1259) was read by the Clerk.

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

Mr. **PALMER**: Mr. Speaker, Ladies and Gentlemen of the House: For simplification, I would like to say that House Amendment "A" to House Amendment "P" is, in fact, L. D. 2209 with Senate Amendment "G" and Senate Amendment "E" with one exception, that the highway fund has been put back under the ceiling. Everything else is identical.

Having said that, I want to—Mr. Speaker, am I permitted to speak to this in conjunction with the House Amendment?

The **SPEAKER**: The Chair would answer in the negative. Only insofar as it relates to his remarks, the Chair will allow some latitude but would appreciate it if he would attempt to at least relate the two to the one amendment now before the body.

Mr. **PALMER**: I guess I will have to save most of my remarks for House Amendment "P" won't I.

The **SPEAKER**: The Chair would answer in the affirmative.

Mr. PALMER: Mr. Speaker and Members of the House: I will say just a word or two then, if I might. House Amendment "A" to "P", as I said, represents 2209 with Senate Amendment "G" and Senate Amendment "E", with the exception that the gasoline tax in the dedicated highway fund has been put back into this.

I am doing this because I wanted to have some mechanism to put that one dedicated revenue, which is directed directly through the Constitution, back into the ceiling limit; I believe it should be there. The other dedicated revenues are not in there at all, and I can understand the difficulties in putting them in, but this particular one is addressed by the Constitution and I wanted it in there, so therefore this mechanism to do it.

I want to say one more thing. I just believe firmly, and before we go on to another amendment, we were called here to deal with this particular situation via a constitutional amendment. I believe that this has not been ill-considered; I do not believe that any constitution, the state Constitution or to the national Constitution, can address every hypothetical situation which could arise over the next decade. It never could and it will not now. It does not concern me that we are dealing here with the Constitution. We have done it before, and nowhere in the history of the American government or in the State government has a constitutional amendment been so devised that every hypothetical situation was cared for before it was voted. I just believe that we have slipped by this thing too fast, and I think the reason is, and I am now taking liberty, I suppose, I am going to say a gentleman in the other body—I believe that is permissible to say—has spent a great deal of his time in the last three or four days doing what I call nit picking, raising every possible hypothetical situation which could arise under this amendment or any other. Yet, I could take some other amendments before us much more concise and point out language which would make you question whether or not what we are passing is, indeed, proper for now and for future generations.

So, I am asking via this vehicle that we have one more vote on this to impress upon you the fact that the Governor called this session. The one purpose was a constitutional amendment to limit the power of the state to spend, limit the power of units of government to spend, and I believe that good men, men of good will in both parties, have worked long, diligent hours to devise a plan for it. I don't believe it is ill conceived, I don't believe it is ill considered, and I think on both sides of this aisle, as in the other body, people have said this is the direction we must go. I think the Maine people think that is the direction we must go. So I want to, because of the quickness with which we handled things this afternoon parliamentary, I just wanted to give one more shot, have everyone have the opportunity of addressing the real subject we came here for, and so we are saying 2209, plus Amendment "G" with the dedicated highway revenues with a ceiling on them, that is what I am talking about and, Mr. Speaker, I move its passage and would ask for a roll call on the vote.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to respond to the previous speaker. I guess I was perhaps premature, and rather than attempt to restate the questions that I dealt with as the committee report came into the House this afternoon, I would like to ask the previous speaker if he would address the question of why it is so important to put this particular procedure in the constitution as opposed to attempting to implement some type of statutory limitation on spending? Why does he think that it is important that we place this type of limitation on municipal spending?

I guess, also, I would like to make a comment

in regard to the fact that he indicates the Governor has called us into session to address a constitutional amendment. I think that over the years this legislature has seen itself, rightfully so, as a separate, equal branch of government. I don't think that this legislature or any legislature wants to think that it is a rubber stamp for any particular recommendations made, and I think in this particular case that men and women of good will disagree about whether it should be a constitutional amendment or a statutory amendment. So with that in mind, I hope that maybe the previous speaker would address those particular questions, because I think they are rather important and I have not been convinced in my own mind that putting this in the Constitution is the right thing to do.

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

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker and Members of the House: Where the gentleman from Stonington has asked me to answer that question, it does relate to constitutional vs. statutory language, am I permitted to address, because, obviously, the other amendment is statutory language and this is constitutional?

The SPEAKER: The Chair would answer that he may respond to the question as posed.

Mr. PALMER: I would love to. I want to say at the outset to the good gentleman from Stonington, Mr. Greenlaw, that I believe if we do not address this subject as I have given it in this particular amendment, I can see why people in this state and this nation no longer have faith in their government, because I believe that in two hours this afternoon, we will have made a mockery out of months of work on a constitutional amendment.

Now, the gentleman from Stonington, Mr. Greenlaw, in his initial remarks, made note of the fact that the Appropriations Committee did little or nothing in turning out this report. I would remind him as a member of that committee that he has control of it, that there are indeed two bills in the Appropriations Committee right now that are held there by his party by a seven to six vote, and that had he wanted to really look into this situation and study it from the point of view of the Appropriations Committee, it could have been done by a seven to six vote, that the problem arose because you did not accept your responsibility initially to look the bill over. If you felt so strongly about it and you control the committee, why wasn't it done before it came back to us? It is easy enough to lay the blame on someone in another body, but that party that controls that committee is the one directly responsible for the actions of that committee. If not, then I do not understand committee work.

I simply submit that for us to say you take place of a constitutional amendment and place in it instead language which is simply statutory, then it is a sham, it is a charade, it is a face saver, it is like whipping government with a wet noodle; it is just about how effective it actually is. I can say more if we want to address it at a little later date, but I am simply saying that I think what we have done here is seen the machination and the scheming of those who do not want any kind of control on government spending to so water it down, and I think it is a shame to have the people of Maine have their hope lifted, thinking there is going to be relief when you know full well that one legislature to the next can change it at will, just like the same system we have today. There is nothing stable about it, there is nothing strong about it, there is nothing right about it, there is nothing true about it, there is nothing that has any integrity about it, and I think we are making that big mistake by thinking we are playing a game with the people of the State of Maine today, and we are not playing games. If we do, let's let the

people know who played the games.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I will accept the criticism of the gentleman from Nobleboro, Mr. Palmer, about the fact that the Appropriations Committee sent out the bill without debate, without consideration. I will accept at least one thirteenth of that blame.

My recollection of the events last Wednesday was that joint leadership met and there was some type of agreement that at least three of the five bills be put out for debate. It seems to me that I recall that the arguments that at least one member of leadership, who is also a member of the Appropriations Committee, made was that there was a feeling that they wanted the constitutional amendment debated without amendments. So, I guess, it was beyond my better judgment at that time and I agreed and I did vote, and I accept that criticism. If I serve on that committee again and if that type of request is made, I can assure the gentleman that I would not acquiesce to that type of a request. I think it was irresponsible on all of us. I think there is blame for all of us to share; I don't think that the gentleman has to suggest that one party or the other party is to blame.

There has been spending limitation legislation before this legislature on several occasions. Several people have offered a budget committee format which has been rejected by this legislature, and I would suggest that if we had that type of format today, that we might well not be addressing the question of a spending limitation. So I think that we have to take a look at that record too.

If we address the question of statutory vs. constitutional amendment, I think it is the feeling of myself and other people who feel very strongly that a law of this magnitude should not be placed in the Constitution, in order to keep faith with the people of Maine, that we have proposed to put this statutory amendment out for their approval, and if there is any feeling on anyone's part that future legislatures might have to tamper with a statutory amendment, I think that that desire would be greatly mitigated by the fact that the people of Maine have voted in public referendum to put this in the statutes.

The reason why I suggest that we put it in the statutes is that I think we have seen, during the course of the past six days, substantial arguments or substantial flaws in this particular bill. And I will reiterate what I said earlier in the afternoon when I debated the committee report, that if we place as complicated a measure as 1994, our educational funding bill, in the Constitution, and I would submit that this is just as complicated and perhaps more important, wouldn't we have been able to get the necessary two-thirds vote to bring it back to the people to change it?

I would also remind this body that in terms of repealing a constitutional amendment, the people cannot do this themselves. This legislature has to vote by two-thirds of the membership of both bodies to amend the Constitution and put it out to the people. It cannot come before the people, it cannot come from the people as initiative referendum to this legislature.

How can we go and tell them, 497 municipalities and towns in this state that have asked for local control, that all of a sudden they don't do a good job, they have to have a spending limitation imposed upon them? I asked that question before and I don't believe it was answered.

Now, in terms of the spending limitation, I think it is very clear, at least my perception of what the spending limitation is, that it is not a tax reduction. I think that anyone that attempts to suggest that this spending limitation is automatically going to reduce taxes, at least in the form of the amendment that is before us today,

I don't think is being completely honest about the situation. I think what it is clearly doing, and I think it is a good idea and I support it wholeheartedly, but I think it is also eminently important that we send out the very best amendment that we can for the people to vote on, and I think we have seen amply demonstrated over the past six days that this constitutional amendment has got serious problems that men and women can't possibly foresee at this time.

I don't mean to ramble, and I think if I said very much more at this point I would be, but I think there are a number of issues that perhaps the gentleman from Nobleboro, Mr. Palmer, would like to respond to, at least I hope he will, particularly the issue of why it is so overwhelmingly important to put it in the Constitution and why we should attempt to tell our municipalities that they should have a spending level too.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would like to reply to the comments first made by the good gentleman from Nobleboro, Mr. Palmer, who I have seen in operation for many years as a true friend back in the forties as we are now in the late seventies. The remark of the gentleman, as I recall, is that the gentleman from Stonington, Mr. Greenlaw, was part of the controlling membership of the Appropriations Committee, and the gentleman from Stonington, Mr. Greenlaw, stated that he was part of one-thirteenth of the membership of that committee that went along with this situation of keeping these two bills in the committee and that probably if he had to do it over again he might not do it. At least that is the way I understood it.

I would like to clarify that situation once and for all, because the committee has been criticized, members of both parties for that matter, and I might say probably the majority party, in the House at least, if you want to have it that way. On the day that we reported out these bills, I met with the chairman of the committee, certainly of the other body, and we made not an unusual appointment for lunch and I asked him and told him that I had made a previous commitment with another member of the other body who was also on the Appropriations Committee, and I asked him if he minded if three of us went along, and the answer was certainly, the gentleman that he is, "certainly not."

We sat at lunch and we agreed to report out three bills, the Davies bill, the Wyman bill and the Sewall-Danton bill, 2209. We didn't debate them. The we felt is that by doing that the other body would have a measure that they could discuss, we would have two bills that we could discuss, which we did. We disposed of both of our measures and today, finally, we have 2209 before us. This was made as a suggestion, as I recall it, by me. It was discussed and it was agreed upon. As a matter of fact, I laughingly said we were going to keep two bills, and I know what is in the Speaker's mind now. As a matter of fact, I have been trying to get two chestnuts out of the committee ever since with a resounding "no" that I have gotten on more than two occasions, and I know the reasons why and I understand the reasons why. The reason I wanted to keep two bills, the thought was to keep one bill, but if I had kept one bill I would have been in trouble and if I had kept two bills, I could avoid some trouble. If I had kept one bill with the name of Wilfong on it, probably my very dear friend from Nobleboro might have come up here and said, "What is the story here, boy?" If I had kept one bill with the name of Cunningham on it, probably my very dear friend holding the mallet might have got up and said, "What are you doing?" So I figured I would stay out of trouble and keep a bill with a Republican tag on it and another bill with a Democratic tag on it.

That is how it was done, and Thursday night we would have had 2209 if a real error hadn't been found, not the fact that somebody had to go to a funeral, if a real error hadn't been found in the bill and work was done until the latter part of the afternoon before it finally hit the other body and was finally debated and some action was taken upon it. That is the situation, that is the story exactly as it was. Then, the chairman of the committee in the other body went over to his colleagues and just couldn't seem to get along, and I even went down to talk to them as good friends, and the chairman and some other members of the opposition who is on the committee in the other body, and I am going to go along with the rules of the other body and not mention any names, Mr. Speaker, I assure you, I am not going to get caught in that web, then something happened. The gentleman in the other body, of the other party, said to the full room and to the committee, looking at me, that the Republican party wanted to go on record as saying that this procedure was not right for this and that reason. I am going to be honest with you and tell you, the Democratic party thinks this is right because the vote is seven to six—that is the story.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would like to tell you why I can't vote for House Amendment "A," because there are lots of problems that I find with it. For example, it says "use of excess revenues in excess of the spending limit may be used to refund property taxes." Now, the state doesn't collect property taxes, so I assume that to mean that only the local communities could refund property taxes, and to me that would prohibit in the future the state's ability to use excess revenues to provide property tax relief.

It also says that we can only use the excess to reduce tax rates. There is some question whether that means we couldn't use this to make exemptions from the sales tax. Does that mean we could never reduce our excess revenues by taking a whole category off the sales tax?

On the emergency provision, as I read this amendment, it would require local units of government to come to the legislature when they had an emergency or else go out to referendum, and in an emergency, and I think as the Senator expressed in his debate, they are not going to pay any attention to the Constitution, they are just going to go ahead and take care of the emergency anyway.

The Governor has to be specific when he declares an emergency, has to be specific as to its nature and its method and the amount of funding, and I suggest to you that in an emergency the governor might not know the amount of funding that would be required. Yet, you know, the legislature could meet and we could find out that even if the Governor gave us a figure, that the emergency could be taken care of for less, this says that we have to declare an emergency according to the Governor's specifics.

On the protection of local government there is a potential cost on the personal property tax exemption. "A program or service shall not include reimbursement to the local units for any personal property tax exemption." So, the municipalities are presently collecting about \$25 million in property tax which we could exempt and not have to make up the difference, but, first of all, I don't like the double standard in this bill that you insure that the inventory tax is phased out which came about because of a change in our tax laws, and then you make an exception for the tree growth tax, which again came about because of a change in our tax laws. Now, I don't mind, frankly, that we take care of those tree growth communities, but I do not like and I think it is unfair that the people who are going to lose out from the inventory tax are by a different standard.

Now, there are some programs and services that have never been defined and nobody knows what that means. Then, if you incorporate this amendment into the original 2209, there are many more problems. I just think if we pass something like this, this legislature would be declaring a solemn occasion every other day trying to get an opinion of the justices of what this means, what does that mean. There will be all kinds of legal costs on the local municipalities trying to figure out what they can do and what they can't do, you know, that our government would be immobilized.

I spoke against the constitutional amendment in the last legislature that dealt with the removal of judges by a majority vote, that we could establish causes for removal of judges. I said a special session was not enough time to consider a constitutional amendment that had only been before the legislature once, and this certainly has far more ramifications than that one dealing with judges. I think we are changing our whole structure of government here, and I think we should have constitutional convention to go through this kind of restructuring of government and to do all the kinds of things we want to do with this amendment, not just by a few people, a couple of people, it is just the wrong way to go about it. That is why I voted against the bill, for the same reason. I can't get into the reasons why I voted against the bill now and that is a few of the reasons why I am voting against this amendment. These are just a few of the problems we have been able to recognize in the last few days, and heaven knows what we are overlooking.

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

Mrs. KANY: Mr. Speaker and Members of the House: I want some control over spending, and with an underlying inflationary rate still at the 7 percent level nationally, there are many of us here in the State of Maine who do want some sort of means of assuring that our state government expenditures are going to be kept at a reasonable level, but I do feel I shouldn't be called a nitpicker if I decide to ask some questions about constitutional language. There are still questions that have not been answered. Just turning to that one section on protection of local government from state required costs, there are several questions that I would like answered, too. For instance, are real estate tax exemptions considered programs? Could I have an answer to that question, please? That is my first question.

Secondly, when we are talking about shifting the cost of existing programs and services to non-state levels of government, are we talking about dollars, shifting dollar costs or shifting the percentage of the total cost? Are these nit-picking questions or should we know in advance what we are passing?

I would also like to know, I have asked several times and I have had no answer, are our sunset laws, of which we were so proud and which we passed earlier on in the 108th Legislature, would they in fact be nullified? If we can't end programs most of us would not consider worthy of funding—to tell you the truth, I started out and I still actually prefer a constitutional amendment, but I really cannot vote for this particular amendment in front of us with so many questions unanswered. Could I have answers to my questions, please?

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It is my understanding that the gentleman from Nobleboro, Mr. Palmer, is in favor of tax limitation; I have heard him tell us that this afternoon. I understand he told the Appropriations Committee that last week. He has told my wife and children that over their breakfast cereal every morning this week, and I understand that he is in favor of tax limitation, but I have some very real problems with the way he goes about it.

First of all, I don't know which tax he is in favor of limiting."

I said that I am in favor of a constitutional limitation on taxes—I said it in 1973 when I joined with many members of this House to place a constitutional limitation on the sales tax. Mr. Palmer was with us; he voted against that. I said I was personally against increasing the gas tax. Mr. Palmer disagreed again. So the question, I think of all legitimate taxpayers and citizens of this state is, who is talking straight and who is not when we stand here in the first two weeks of September.

We have a five-page amendment to a five-page constitutional amendment. Questions have been asked by the gentlewoman from Portland and by the gentlewoman from Waterville, and we have no answers. We have silence. Maybe there were too many questions for the gentleman from Nobleboro, Mr. Palmer, to digest all at once. I am going to ask one very simple and very clearly, because it comes back to the very key issue that Proposition 13 was all about, and that is property tax relief.

Mr. Palmer, on the second page of your amendment, "Use of excess revenues: Revenues in excess of the spending limit of that year may" not shall, "may be used for refunding of real property taxes." Now, as the gentlewoman from Portland specifically asked, the state does no longer collect real property taxes and if it doesn't collect it in the first place, how can it refund it, because obviously the excess did not come from the real property taxes. And I want to know from him, why didn't he put something in this amendment so that excess revenues could be used for property tax relief?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the gentleman from Nobleboro, Mr. Palmer, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Shades of the debate in the other body, which I expected much earlier, are finally surfacing.

First of all, I want to say, before I answer a few of the questions, I am not a walking encyclopedia but I will try to do the best I can, and some of these, I am sure, are very rhetorical. I want to say that I believe, I don't believe, I just want to say that I am sick and tired of attorneys — most attorneys — who can take simple ideas and somehow or other over a period of days make them so complicated that they all of a sudden get themselves a job. That is the reason why so many people living in the State of Maine today can't even do business in their own state without hiring one. That is what has happened in other bodies; that is what is happening in this body right here now.

Let me tell you that the good gentleman from Lisbon knows full well that a town can refund property tax relief if the state gives them the money and says to relieve the property tax relief — very simple; nothing very complicated about it, nothing very illegal about it. It has been done before.

I want to go into my good friend, the Representative from Stonington, Mr. Greenlaw's question — local control. What is more local control than giving the people a chance to vote on this proposition? If you don't vote for this amendment right here this afternoon, you are going to deny the people the right to vote on it, as to whether or not they want it. That is pretty good local control, and the amendment itself provides further local control. I see no problem letting the people decide whether or not they want to be under the limit or whether they don't want to be under the limit. No tax reductions, said Mr. Greenlaw. No tax reduction — no, it doesn't address tax reduction, it addresses spending, spending limitation, but if my understanding of government is at all true, it

seems to me that if government didn't spend, they wouldn't tax. So, obviously, if you reduce spending, you reduce taxes, or you don't increase spending, you don't increase taxes. It is just that simple. I don't think it is very complicated.

I want to send out the best amendment possible — said the young man from Stonington. We do want to send it out. The alternative which he proposes is a blank check. I am supposed to vote for something and say that I believe in the idea and tell me tomorrow what it is going to address? I don't know what it is; I certainly can't vote for somebody who says "vote for me now and I will tell you later what you voted for." That is basically what he is calling the better of two propositions. One at least is known; the other is unknown.

I can only say that I believe that there are people of good will in this House, both sides, as there are in the other body, who have tried very diligently to find a solution to this problem. I know that this House could stay in session until next June and we could always find a technicality, as I said earlier, which would have to be addressed, that is why we have statutes. To those of good will who have tried, I say thank you, I think you have been doing something that the people of Maine wanted you to do. I know full well there are plenty who have no desire in the world to see any spending limitation put on government. That is why they can raise technicalities and raise them in such a very effective manner.

We are being given a chance now to vote on whether or not we want to give the people a chance to vote on this amendment as opposed to something else which I have said before is like whipping government with a wet noodle. That is exactly how ineffective it really is.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to respond to a couple of comments that the gentleman from Nobleboro made, and that is, what is local control? I can tell you what local control is not — local control is not telling each of the small eight communities that I represent that they have to go through a referendum process to decide whether or not they want to be exempted from a constitutional amendment. What local control is, it is for those communities, if they wish, in their town meetings to enact resolutions, enact articles to the regular warrant to decide what kind of a spending limitation they want to place upon themselves. That is local control. It is not us saying that you have home rule except in this one particular situation and again, we know best.

I think that there have been some very serious questions asked about this bill both in this body and another body. In this body, as has been true over the last two or three days, those questions have not been answered and they have not all been asked by attorneys. I might add that maybe this bill wouldn't be quite so confused if it weren't for the attorneys that have been working on it behind closed doors over the last few days. Maybe if we had been able to go through the regular legislative process, we might not be in this position that we are now.

These are serious questions and there is no such thing as nitpicking about a constitutional amendment. We are talking about a constitutional amendment that would have to be in the law that our towns would have to live with for at least a year. There would be no way they could get out of it. Budgets may not be able to be adopted, buildings may not be able to be built, programs may not be able to be carried out because of questions that can go on and on and on in the courts.

I think at this point, if nothing else, those questions which have been raised here today and which answers have not even been attempted to have been made, is the reason, if we

needed any other, to indefinitely postpone this particular amendment, and I would so move.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, moves that House Amendment "A" to House Amendment "P" be indefinitely postponed.

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

Mr. BURNS: Mr. Speaker, a parliamentary procedure—may this amendment, as it is currently presented to us, be amended?

The SPEAKER: The Chair would answer in the negative, since we would be amending beyond the second degree.

Mr. BURNS: Mr. Speaker, I think, then, if this has been maneuvered into a position whereby no one can change one word, one comma, or anything else, it would be just cause for indefinite postponement.

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

Mr. KERRY: Mr. Speaker, Ladies and Gentlemen of the House: There is no question that this is probably one of the most serious moments of our political careers, and since I am probably a lame duck legislator, I think I can appreciate the feelings that many of you have with regards to the electorate.

I didn't expect to be back in the legislature in terms of voting on bills and, in a way, I am chagrined by it, because when I ran for public office, I found that the public office, and I am sure that many of you did also, that we took great pride in it. I know the gentleman from Nobleboro has and I know that the people who sponsored this legislation and all the amendments do as well.

In the last few days, sitting around the corridors watching what is going on here, though, I think I can be a bit more objective than many people can be because I don't have to face that all encompassing person — it really is a person, too — the collective body of the electorate, and I really don't have to watch if my light goes left or right or green or red, because I can see now that the basic principles in the fabric of our constitution and why we are here and I just said to my good friend, Mr. Kelleher, isn't it beautiful that all these people are here going through this because listening to the other body and listening to you people here, we could be any time in the history of our country or any country going through what the basic balances and imbalances, checks and balances of legislation to protect the people, and I really do think that that is a beautiful thing.

I can appreciate it because I won't be here next January as you are going through this, but there is one thing that I can appreciate, the taking of the basic fabric of our constitution, the principles that are interwoven to protect the poor and the rich, the underprivileged, if you will, and the privileged, and see them subverted for a political purpose, and I just want to have that said today. I will not point a finger at any one man in this body, but I think all of us here realize who is running for higher office in this state. I think we can also recognize that all of us are running for offices ourselves and I think people may feel that the reason we are here — I believe this is the reason why we are here — the reason why we are here at this time during the legislative process is for that one particular reason, political reasons. Therefore, as we are judging the deliberations today and the amendments before us, and Mr. Palmer and other people who are in support of the legislation that the other body debated and we are now debating, have not addressed the issue of property taxes, have not answered the questions that Mrs. Kany and others have presented. They have to the best of their ability, but what about the possibility of a \$25 million tax shift to the local communities? What about all of those things that are going to affect the people on the lower end of the spectrum?

I found it very interesting when I was lobbied

by the person who basically drafted the legislation that we have, a lawyer who Mr. Palmer as well as others, have held in disdain, as many of us do, but this person is well aware of how legislation is passed. Many of the people in this body, and I know the people in the other body didn't understand the legislation because I sat through their debates, and they passed a bill that they didn't like and they sent it down to you, belated as it was, you didn't understand it because you never saw it. I know possibly that you may feel that this is unfair or unjust, but I think that this body represents those checks and balances that Mr. Lynch spoke in our caucus earlier, deliberate, reasoned concern for the fabric of our constitution. Another Democratic member in this body, Mr. Wyman of Pittsfield, very concerned about making a vote, throwing a vote, literally throwing a vote for something that he didn't believe in on the basis of principles and I respected that. I think many times what has happened here is that we can see the political aspects taking over in terms of the right reason and what will be best for the people of this state.

It is very important to understand, that when you are judging the people who drafted this legislation, who actually worked nine months on this legislation; what vested interest group did it? Who picked the ball up after it was done? Basically, it was done by two people who seek higher office and the people who drafted it had a particular interest going to those vested interests that control your major industries in this state. I say that there is a difference in their vested interests. They have a vested interest in who is going to be elected to this body and the other body, and if we don't face the reality in looking at the fact that this Constitution will be changed and the balance of power will be shifted to those people, a minority of the citizens of this state, and it is very hard for those people sitting here, each one of you who are casting a vote and who have to face the voters, I appreciate it, but I think there is one thing that we do have here, we have the credibility of the citizens of this state if we say no. We say no to the things that are going to give advantages, advantage to a vested interest, and this is not one particular person but this is a collective minority who will support political realities and people who will take advantage of those on the lower end of the spectrum.

If we limit taxation, if we limit spending, and God said that we should — in terms of the gentleman, Mr. Palmer, he said he was ruled by the man upstairs and I appreciate that — but who will the spending be limited to?

I say that the body politic doesn't understand this bill. They want tax limitations and spending limitations but they don't understand this bill. I give everyone in this body credit and everyone in the other body credit for fighting with this issue in such a short time, but we saw what happened when they tried to put us under the pressures of limitations. The very people who drafted this legislation found that they made a political blunder and in the dust of this rising phoenix, if you will, coming out, the three-headed serpent started consuming the tail that propels it through this political process. They started — let's pull out. let's pull out our vested interests, we don't want to have this dedicated revenue covered, we don't want to have this covered and now they are back into the process again, placing the blame on to you people here.

I support wholeheartedly the motion from Representative Post to indefinitely postpone this particular motion, and I support the more reasoned judgment of a man, such as Mr. Lynch and others in this body, who said let's have a statutory limitation on spending, if you will, give the people a chance to look at what we are doing. Give reason a chance, not political pressure, not railroading to go down through and force you into a position that would not be good. You can still create and do things properly without being railroaded.

I also will say to every member in this body do not support for purely political reasons a proposal that will hurt everybody in the State of Maine.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I won't be quite as long as the previous speaker, but Representative Palmer indicated that another alternative proposal was filled with loopholes but, of course, the fact is, so is his. I think that there is a lot of slight of hand in his particular proposal that we shouldn't allow to be overlooked. There are a variety of those but, of course, some of those include the user charges, unless I misunderstand this and maybe he can educate us all on that, but user charges are one of the things that are exempted from his proposal, so now we will have people paying in money on the basis of user charges rather than taxes but it will amount to the same thing. Of course, it does say that the costs have to be reasonably ascertained to be related to the use.

In addition, of course, debt is exempted, so that we may be finding more and more communities or even the state are bonding its debts to deal with services that otherwise would have been paid, through taxation.

In addition, there are various indexes, which are certainly not defined, but they do refer to any reasonable index and this, again, of course, is purely up to the legislature to make a decision about, whether that in fact is reasonable or not.

There is question about the fiscal years that was raised in the other body and has certainly not been dealt with here, and finagling with fiscal years is also a convenient way of expanding your expenditures within a particular calendar year without being caught for it.

In addition, if local communities are allowed to opt out of this and they have different growth rates than the state, more and more of the burden will be placed on them to be dealing with development pressures that they won't be able to cope with otherwise, and eventually there will be more and more of a shift to the local level and the state legislature will look as if it had saved money but the taxpayers will be paying more and more in regressive taxes.

So there are plenty of loopholes here large enough to drive a few bulldozers through, and I wouldn't want anybody to overlook that part of this particular proposal.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to request a roll call on the motion of indefinite postponement which is now pending as I understand.

Furthermore, I think this is hardly the time and place for us, as the House of Representatives of Maine, to be indulging in self-righteous flourishes and rhetoric. We are supposed to be working on a constitutional amendment to limit spending and to limit taxing in Maine. We are not supposed to be dealing with blank checks and postponing the problem and the issue for which were called until some subsequent future date which may never occur.

The question has been raised today and it has been raised throughout the State of Maine over the last several weeks and months, for that matter, why a constitutional amendment? What is the Maine Constitution? It is the very incorporation of the basic principles of our government which is limited. It limits the power of Maine government to protect the people. The issue at stake here is the growth in spending and taxing of government and whether or not it will exceed and continue to outstrip the ability of Maine people to pay. That is the principle. Will government be limited to the ability of the Maine people to pay for it, and will the growth of government be limited to the growth of the ability of people's income in this state? I

submit to you that that principle is as sacred as any other principle that sits in our Constitution today.

There has been, in the history of our state, over 131 amendments to our Constitution. I would just like to read a couple of them to you to show you how august and the stature and status of them and how reverent they are. Bond issue for public wharves and port facilities; bond issue for highways and bridges; veterans bonuses bond issues; bond issue for the Bath bridge; bond issue to use voting machines — so on and so forth, and we talk about constitutional clutter?

There may be technical flaws and there may be, in the opinion of many in this House and the other body, loopholes in policy decisions that are incorporated in the current drafts before us of which the majority of us or two thirds of us, do not approve. Fine, so be it. However, let's get down to the business of making those tough policy decisions and placing them into a constitutional amendment which adopts and implements this precept.

I submit to you that the legislature has not in good faith worked on this measure. It is time for us to get down to the work and not try to pass this off to a subsequent time and a subsequent legislature.

If there are any vested interests involved in this particular principle, it is the people of Maine. We are elected to represent them, so let's do so.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I listened with great interest this afternoon to the comments made by the minority floor leader, Mr. Palmer, and I think in some instances he may have been correct in what he was saying.

In listening to my good friend from Bangor, Mr. Tarbell, just a few moments ago, I submit that I don't believe he said anything that we should really take into being, except the fact that certain people worked on this document and it would be for the best interest of the people of the State of Maine. I submit to you, who are the people of the State of Maine that are down here today urging us to support this constitutional amendment? Who are the hired legislative counsels, their agents, who are here asking us to support a document that we have had very little time to look at?

Mr. Palmer raised a point that I think should be well taken in cautioning the members of this body in voting for Mr. Lynch's proposal because it doesn't put any definite ceiling for spending, it leaves it to the next session of the legislature. I think that this is a valid point.

He told us that we should be cautious in supporting this proposal as it is written, but in the same instance, there were a dozen or more questions raised here this afternoon asking us not to support Mr. Palmer's position because a number of inconsistencies in what is being presented.

I think Mr. Kerry might have set the mood of the House correct. This is very difficult situation for all of us and there is no question, the voters out in my respective district and yours are watching us and the citizens of Maine are watching us. I am sure what they want us to do is what we think is right not for ourselves, whether we come back here or not, but what we put out for them is to be right. I submit to you, like all the other previous speakers, or some of the previous speakers, the best thing we can do with the amendment that is before us, because there are so many questions that are unanswerable and if you have the answers, any one of you that has spoken, you, Mr. Tarbell, or you, Mr. Palmer, or you, Mr. Kerry, if you have the answers to the questions that were raised by Mrs. Post or Mrs. Kany, then I would like to hear the answers, because you know something, the people on Vine Street, other than 29, would like to know the answers

to those questions just what are we giving the people?

1994 - there are still a lot of you who are serving in this House, who were agents for that bill and you assured those of us who objected to it that our fears were not — 1994 is a fine document but we all know what happened to that and we all know what the people of Maine did to that. If we are going to put out a bill or put out a constitutional amendment that means what I am sure we all believe it to mean for the well being of the people of this state, then I suggest we try to do it with some fairness.

I commend all of you who have worked on it, and I have worked hard myself trying to understand it and at times I am not sure exactly what I am hearing to be the gospel truth in all good faith from each one of you who are offering it.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I won't belabor this thing because I know that it has gone on long enough and I know everyone is asking for answers and we could answer all afternoon and we would still be here with more questions tomorrow morning.

I do want to make two points, however, very, very clear. I have had, from the majority floor leader and from the gentleman from Old Orchard Beach, Mr. Kerry, some very interesting comments made as to why and what my motivations are being for this amendment.

I don't like it because, frankly, I am a candidate for Governor and I am not ashamed of it. I have traveled all over this state several times, and I know what the people are saying. I have a perfect right to address this subject, the fact that I believe in a constitutional amendment on the power of government to spend and I believe in it or I wouldn't be debating it. I defy any of you here, who have known me over my lifetime to say that I have ever taken a cause and worked on it the way I have this one for political advantage.

I am asked every day to talk about Dickey-Lincoln, that is okay; the Indians, that is okay; abortion, that is okay; education, that is okay; crime, that is okay. Take every issue you want to and I am asked every day to debate those issues, answer what I feel is my stand on those issues, so why is it so wrong if I say what I think about this issue without having my integrity impugned?

I would like to say one more thing. I am just as concerned about property taxes as anyone in this room. Mine went up a third this year, and I am not in the higher income bracket, but I will tell you one thing, I don't believe that you should go out and try to convince the people of Maine that you are going to give them something when you know you haven't got anything to give them. It is a hoax, it is a cruel hoax, to say that you are going to give them \$20,000 or \$15,000 or \$5,000, because there is no free lunch. Whatever one costs, something else has to pay for it. I think we had better be honest about it. I would love to go out today, promise everybody a \$10,000 exemption on their property, the first \$10,000, that would be fine, but I wouldn't be honest by doing this.

Let me tell you what happened in Proposition 13 being referred to here this afternoon. The biggest reason in the world why Proposition 13 carried in California was because there were two schools of thought in California. One was those who believe in economic growth in a free enterprise system versus those who wanted to redistribute the wealth, the existing wealth in California. I sometimes wonder if we don't have the same voices here in Maine. Let me tell you, the people in Maine know and if they don't we should tell them there never will be a real good tax relief in this state or the shifting of the taxes until the time comes that we as a state grow economically.

We are a big state with a million people,

loads of roads, loads of problems and for us to say that we in this legislature or any other will solve all the problems for those people is being hypocritical. Let's be honest and say we recognize the burden of the property tax, we know that it represents one of the greatest sources of wealth in this state and we want to make some changes and we will make some changes, but we will never make the changes until we recognize right here in this body, and the other body, that we have to grow in Maine and grow economically. That means we have to have a better business sense. It means that we have to create a better climate for business to grow. It means we have to take our natural resources and use them, our renewable resources in a sensible fashion so we can grow. So, I am being honest about it.

I just resent, really resent, being told this afternoon by honorable men that the reason why I feel so strongly about this is because I am running for Governor. I do it because I believe it. I will leave that with you.

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

Mr. SPENCER: Mr. Speaker, I would like a specific answer from the proponents of this amendment to a question which has been raised and not answered, and that is whether the language at the top of Page 3 of Senate Amendment "G", which is repeated in the House Amendment, which provides that the state could not shift the cost of existing programs and services to the local units as a group; whether that freezes the state into all existing subsidy programs and prevents at any time in the future the elimination of those existing programs, even if they are no longer necessary? That, to me, is not a nitpicking question. That goes to the very heart of Representative government and the ability of government to respond to changing conditions. I would like to know if that language where the state is prevented from shifting the cost of existing programs and services to the local units, whether that freezes us in to all the programs that we have in effect?

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the State or Maine is frozen into anything, and I think the good gentleman from Standish knows that. Obviously, if something happens tomorrow, if there is no longer a need for specific programs, the state has every right in the world to terminate the program. This is shifting, not limiting.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me, and it is typical of what I see as a series of problems to this amendment and the more I read it, the more problems I see, that if the state, for example, decided it had to, for fiscal reasons, reduce its commitment to one of any number of programs where we provide reimbursement, the state would be unable to do that under this amendment and it would be unable to do that for all time without a constitutional amendment authorizing that reduction, and I question whether we possibly can write into the Constitution of the state something that freezes status quo to that extent.

I think what we see happening here is an attempt to substitute words in the Constitution for the basic responsibility that everybody who is elected to office has to try to respond to the needs and concerns of the people of this state. I think that my question on that particular point has not been answered. It is one of a great many specific questions that haven't been answered.

Representative Kany asked, when we talk

about the state not shifting the burden, are we talking in terms of percentages or in terms of absolute dollars? Those are fundamental questions that are going to govern the future of town and state relationships for years if they are put into the Constitution and no one knows the answer to those questions because you can't find the answers to those questions in this language. It hasn't been worked through carefully enough and, in a sense, we are trying to do something that you can't do, which is to substitute simple language for the basic responsibility and the basic operations of representative government in our democracy.

The answer to these problems is accountable public officials and that, to me, is what we are trying to circumvent. I think that people have to realize that there is no substitute for participation and for the exercise of responsibility by the people who are elected to serve in these offices.

I would still like an answer to that specific question.

The SPEAKER: The gentleman from Standish, Mr. Spencer, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I promise that I will not rise again. I want to say one thing to the good gentleman from Standish, that I could stay here, as he could, all night long and we could go through another word and some more verbiage answer questions and ask questions, and maybe I can't answer them all, but instead of what I am asking him to accept, he is asking me to accept some language which doesn't say anything except we will produce it later on. In other words, just vote tonight for a constitutional limit, then we will tell you tomorrow, or next June, what you voted for. At least you can ask me a question or two, three or four, or a hundred or two hundred, I can't ask you any because I don't even know what you are thinking.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I haven't asked the good gentleman from Nobleboro to vote for anything.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I signed this original bill, 2209, out of the Appropriations Committee "Ought to Pass." Perhaps, I should not have done that, but I did it with the hope that the flaws — there are so many flaws that I have come to know about the few that I recognized at the time — would be ironed out. I am speaking only for the record for the people who might want to know my position at home, as I am responsible to them, that I cannot in good conscience vote for this because the answers to the questions have not been answered. There are too many flaws.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I would just like to speak for a minute to Mr. Palmer's statement that we can't make significant tax shifts, perhaps, but the Maine economy has been growing to some extent beyond the cost of living and we can make some tax shifts, hopefully, to the property tax relief before we leave here.

He also said that we have to produce good climate for business to come to Maine. I would just like to read to you one little paragraph that was presented to us before our committee in this regard. The proposed amendment could threaten the state's economic growth. Because of high energy and transportation costs, Maine is not a particularly attractive prospect for firms making plant location decisions. One factor businesses look at is the ability, the ju-

isdiction, to provide native public services. Often the location decision will be contingent on the community providing sewer connections, street lighting or approved new access roads. The quality and scope of police and fire protection and even the quality of local schools seem important considerations. By passing the proposed amendment, Maine could get the reputation of being the state which casts out the most obstacles to firms who are considering locating within its borders.

The business communities are becoming increasingly sensitive to government regulation and the amendment would add another hurdle in the path of companies making plant location decisions. In addition to myriad state and federal regulations and local zoning, planning and appeals boards, businesses would be faced with the prospect of having to win a local election to be assured that native public services would be forthcoming.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I get amused with some of the conversation in the House at times. I see people bailing out of their responsibilities every term. It seems in the last session of the legislature, when some people in this House didn't get their way it was because other members of the other body were drunk — — —

The SPEAKER: The Chair would advise the gentleman from Waterville, Mr. Boudreau, to restrict his remarks to the amendment that is before us. If he does not wish to do so, he may be seated.

Mr. BOUDREAU: Then there was reference in this body also to the so-called lobby and their writing of this amendment. I don't see why anyone, who is elected to this body, who walks that halls every day, who is confronted by different interest groups, should be intimidated by anyone. I can't understand why anyone would stand here and say machinations have occurred somewhere in the halls. I don't really understand it and I don't want to deal with it. That is the reason I can't support this bill, because people other than those from up on high have written the bill.

There are some people in this House that never had any intention of voting for tax limitations, and I think that that is their prerogative, I respect gentlemen like Mr. Greenlaw and Mrs. Najarian, who did vote "ought not to pass" on the bill, don't believe in the bill for whatever reason, I respect them for doing that. However, I would suggest to some of those people who are on this roll call taken earlier this afternoon, who supported 2209 in its original form and those people have had Senate Amendment "G" as long as I have, which was last Friday afternoon, I would suggest that if they are sincere, that they would offer amendments to the bill to clean up the problems that they have mentioned here.

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 and voting have expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that House Amendment "A" to House Amendment "P" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no, a roll call having been ordered.

ROLL CALL

YEAS — Bachrach, Beaulieu, Benoit, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Flanagan, Fowlie, Greenlaw, Hall, Henderson, Hickey,

Hobbs, Howe, Hughes, Jalbert, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Paul, Peakes, Pearson, Plourde, Post, Prescott, Raymond, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Twitshell, Valentine, Violette, Wood, Wyman, The Speaker

NAYS — Aloupis, Ault, Austin, Berry, Berube, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Dexter, Drinkwater, Durgin, Fenlason, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Laffin, Lewis, Littlefield, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McBreairey, McMahon, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Teague, Torrey, Whittemore

ABSENT — Bagley, Biron, Birt, Devoe, Dudley, Elias, Garsoe, Goodwin, H.; Jacques, Kane, MacEachern, Moody, Quinn, Tyndale, Wilfong

RESIGNED — Bennett, Goodwin, K.; Mills, Tarr

Yes, 73; No, 59; Absent, 15; Resigned, 4.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-nine in the negative, with fifteen being absent and four resigned, the motion does prevail.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the debate and I don't intend to postpone the vote very long, but I do hope that you will all read House Amendment "P" as it is presented and all the conversation which has gone on which purports to make this a constitutional amendment to limit spending, and that is not what it is, ladies and gentlemen of this House, it is not a constitutional amendment to limit spending, it is a constitutional amendment directing the legislature to take some action; that is all it is. It is not a constitutional amendment to limit spending. If that is what you came here to do and you vote for this, you are not voting for what you came here to do.

I had an amendment drafted which I see no point in proposing at this time. It would have been in the first degree, by the way, to the gentleman in North Anson, it could have been amended and hope perhaps in the machinations of this legislature at some time in the future, before this session is over, it may well be something we might get a chance to vote on, but be that as it may, it is not before us.

The thing that is before us is this constitutional amendment. The gentleman from Stonington has pointed out that we must put out the best constitutional amendment we can, and I quite agree with that, and I would like to see one, the best one we can put out. This is not a constitutional amendment to limit spending — just not. If that is what you are here to do, you vote for this, you haven't done it.

I have the greatest respect for the gentleman from Livermore Falls. No man on the other side of the aisle do I look up to more than I do him, but when he says this is simple, and I think those were his words, he is absolutely correct. I look through the Register and I note there are — if I can read by Latin correctly, the Roman numerals — there are 134 amendments in that Constitution and they aren't all printed here, only the very latter few are printed, but I see no one of them which has less substance in it than this so-called constitutional amendment. If we are passing this, I certainly hope we don't tell the people of Maine that it is a constitutional amendment to limit spending, because it is not and I defy anyone in this House to point out to me where it is.

The SPEAKER: The Chair recognizes the

gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker and Members of the House: The gentleman from Farmington is quite correct. The proposal before us at this time is a constitutional amendment which directs the legislature of this great state to develop a spending limitation act. It is my hope that we could engross this this afternoon, this evening, send it down to the other body and that the full Appropriations Committee of this legislature could meet tomorrow morning and work jointly rather than separately, as we have done while we have been in session and at the second regular session of this legislature, and cooperatively, to see if we could not agree on the format for a government spending limitation. It seems to me that it can be just as effective if placed in the statutes of Maine, sent out to the people for their approval, as it can if it is placed in the Constitution, with the possibility of refining that proposal if it is placed in the statutes and acknowledging the fact that it would be extremely difficult if it is placed in the Constitution.

I think it is a responsible measure. I hope that there will be a cooperative attitude in enacting this and in the Appropriations Committee meeting tomorrow to try and work out appropriate language to make sure that we do, in fact, give the people of Maine a spending limitation act before we adjourn this legislature.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, I would like to pose a question to anyone that may answer, maybe Mr. Lynch. In this House Amendment "P" in regards to the dedicated revenue, I am kind of worried about the potato tax up in my area at half a million dollars. Will that be affected in this?

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

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: What you see before you, Mr. Smith and members of the House, is the entirety of the constitutional amendment. What it does is to require all legislatures to act, and once it acts, that statute could only be amended or changed or the limitation removed by a two-thirds vote of both bodies, a true and decent and substantial constitutional protection.

The problem with the potato tax that Mr. Smith just raised is the perfect and absolute reason why the members of my caucus feel that when we act in this area of spending limitation, it should be done in the statutes, because we don't want to hurt that potato industry, Mr. Smith, and we don't want to hurt the blueberry industry or the sardine industry and we don't want to destroy or hurt the climate of growth that Mr. Palmer spoke about. So the short answer to your question is, you can vote for this amendment and rest assured that you will have ample opportunity in the legislative process to protect that industry which is so important to your area and so important to us all.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago when I decided not to return to the legislature, I made a decision that the last two years that I would be here I would put school funding in the best possible position that I could do, and with the help of an excellent legislative committee, I think we have done that. I think you are in a position where very little legislation will be needed in education.

I would like to leave this legislature acting responsibly not only to the people of Maine but to those of you who are coming back next year. This amendment was deliberately made with

the language that is in it. It asks the people of the State of Maine, do you want the legislature to enact a governmental spending limitation act prior to June 30, 1979?

There seems to be a feeling that this is not satisfactory, that you want a spending limitation bill enacted in November that is immediate in nature. From what I have seen in the last week and a half, I don't want that. I want the legislature to act responsibly with time to consider all that they are doing, and there are many areas that have to be addressed that have not been addressed nor have even been thought about.

Following this constitutional amendment, the problem of statutory language can be addressed beyond the political furor that is raised prior to November. It can be addressed by the 109th when the legislature cannot be exposed to reelection for two years or the Governor cannot face reelection for four years. It can be done in a calmer more reasonable atmosphere than we have seen around this State House in the last week and a half. I think the problems that have arisen in the other body and the debate that took place today, unfortunately, it took place between Democratic members of the House and a Republican legislature, but conversations that I have had with Republican members of this House say that they are just as vitally concerned about enacting the constitutional amendment, 2209, or Mr. Palmer's amendment, as Democrats are. That is why I hope you will support this constitutional amendment and allow the process to be acted upon in a calmer, more reasonable atmosphere.

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

Mr. PALMER: Mr. Speaker, just one brief word before we vote. I just want to make one position clear. I probably, as the gentleman from Farmington has said, have the greatest respect, no more respect, for anyone in this House than I do the gentleman from Livermore Falls. I believe in his integrity and I believe in his ability and I believe in his dedication to his service. I don't know if it was his idea to put this together, but if it wasn't, I would say to those who wanted it put under Mr. Lynch's name, they did a very fine job because they gave it to someone who has the respect of this side of the aisle.

But I want to say this — I cannot accept it. I said to my colleagues, do not accept it, for what you have here, instead of what the majority leader told you you have here, you have here a blank check and it is also a blank shot. And for those who wanted some kind of constitutional limitation, it is not here. In fact, we don't know what is here. I just simply say we should reject this and get back to the business at hand.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will reject House Amendment "P" so that I can offer House Amendment "Q." I think it has been distributed so that you can see it. It is very, very brief. I honestly don't think that House Amendment "P" does what we came here to do. I think that the Governor, in his call, asked us to pass a constitutional amendment that would limit government spending and I can't honestly say that House Amendment "P" does that.

If you look at House Amendment "Q", it very specifically does it in two sentences—three sentences. I hope that people will look at it, consider it and not vote for House Amendment "P" but allow me to present this amendment.

Mr. Palmer of Nobleboro 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 Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, because I seem to be the only one guilty of crossing party lines this afternoon, I think an explanation is due to my colleagues in the Republican party and to the citizens of the State of Maine, and I must state what I find to be very acceptable to me in the amendment that my good colleague, Mr. Lynch, has brought forth, and that is the fact that this does not take out of the hands of the voters of the State of Maine the right to have a say in this whole process. If this as written is passed by two thirds in this legislature and goes out to the people and they pass it and the legislature next year doesn't do what they want them to do, then they can initiate a petition and go to referendum and they can come back and do what they want to do. That is what I like about it.

I like the fact that the votes back home will not be limited after the fact from making any changes. This way, it will be open to them and it will give them almost something that they don't have now, and that is the right to have constitutional effect on any spending limitation that they might like to initiate. I feel that I should explain why I am doing this, explain it to my colleagues, because I do see, for the first time, a little light at the end of the tunnel. I think perhaps we may all be able to come up with something now and get out of here.

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

ROLL CALL

YEAS — Bachrach, Beaulieu, Benoit, Boudreau, A.; Brenerman, Brown, K. C.; Burns Bustin, Carey Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Flanagan, Fowlie, Gray, Green, Greenlaw, Hall, Hickey, Hobbins, Howe, Hughes, Jalbert, Jensen, Joyce, Kany, Kerry, Kilcoyne, LaPlante, Locke, Lynch, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris Paul, Peakes, Pearson, Plourde, Post Prescott, Raymond, Spencer, Strout, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Violette, Wood, Wyman, The Speaker.

NAYS — Aloupis, Ault, Austin, Berry, Berube, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cunningham, Dexter, Drinkwater, Durgin, Fenlason, Gill, Gillis, Gould, Henderson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kelleher, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McBreairty, McMahon, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Teague, Torrey, Valentine, Whittemore.

ABSENT — Bagley, Biron, Birt, Devoe, Dudley, Garsoe, Goodwin, H.; Jacques, Kane, MacEachern, Moody, Quinn, Tyndale, Wilfong.
RESIGNED — Bennett, Goodwin, K.; Mills, Tarr.

Yes, 73; No, 50; Absent, 14; Resigned, 4.

The SPEAKER: Seventy-three having voted in the affirmative and fifty in the negative, with fourteen being absent and four resigned, the motion does prevail.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)