

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

HOUSE

Wednesday, September 13, 1978

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

Prayer by Reverend Robert Harris, Chaplain, Veteran's Administration Hospital, Togus.

Reverend HARRIS: O man, what doth the Lord require of thee but to do justly and to love mercy and to walk humbly with Thy God. Sometimes, O Lord, we wonder if we hear you. Amidst the many voices in this business of today that we not forget that you are the silent listener to every conversation in a very real, unseen presence, we also tune into the inner voice of truth and light. Enable these worthy persons, O Father, to rise above all selfishness to the good of the people. Amen.

The journal of yesterday was read and approved.

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, I want to bring to your attention that the telephone company of the State of Maine, the New England Telephone Company, starts in Monday charging directory assistance rates for all the consumers of the State of Maine, of which they have over 370,000 people.

As you recall, some three years ago when I sat on the other side of this hall, I told you what they were going to do, using a figure of 80 percent of the people do not abuse it, 20 percent of the people do, the telephone company, at that time, denied it, even though I got the information from New York. This morning in our Portland paper, dated September 13, they have run a full-page ad using 20 percent of the people that abuse the system and 80 percent of the people do not — three years later, and the date of this paper is Wednesday, September 13. You know, it is too bad that the elderly people and those who are physically handicapped are going to have to pay for this, for the abuse by a few people.

When the telephone company was denied a rate increase some time ago by the Public Utilities Commission, and today I give them a great deal of credit, they went to them and said, reduce your rates \$2 million. They hired a bunch of bandit lawyers from Massachusetts to come down here and they got a \$7.5 million rate increase, and we will live by that, but \$300,000 of that is going to come from the elderly people and the people who literally should have free directory assistance.

Today, they have stated in this paper, and you can all read it for yourselves, how to economize. Yet, there is not a night that goes by that they don't run an ad on TV telling them that the next best thing to being there is to give the telephone company \$2.60.

I feel that the people of this House should know this, because there is a way that we can help the elderly people, and I am having a letter drafted by an aide who went with me yesterday to that hearing to represent my best interest, because I am not a lawyer, on the advice of a very good member of this House, so I took him with me. We are drafting a letter. That letter is going to be sent to the Public Utilities Commission and asks that all the human service departments in this state help the people so that they will not have to go to a doctor or an eye person and pay for that call, and that will help them a little, but it certainly is a black day in the State of Maine, next Monday, when the elderly people are going to have to pay for this.

(Off Record Remarks)

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, I just want to make one comment this morning, that although I agree with the Speaker that we are being held up today in terms of the time element in trying to get this thing off center and moving along, we do know the Senate is deliberating and will be having caucuses to determine what their next move is going to be, and that is a perfectly legitimate thing for them to do. I would just respectfully ask the Speaker why it is that with two items on this calendar we keep on recessing when one has been asking for a ruling from the Chair for several days, which has not been forthcoming, another one is a Joint Order asking Appropriations to report out two bills. I think that there are things that we as a house could be doing.

The SPEAKER: The Chair is very pleased that the gentleman from Nobleboro, Mr. Palmer, has posed the question through the Chair, because it allows him an opportunity to make the points on the record.

In reference to the first item which is on the calendar, basically L. D. 2210, the Chair would like to advise the members of the House that it is there pending a ruling from the Chair and the Chair has already made that ruling known to the press and the members of the Legislature who have posed that question to him. But for the enlightenment of those who have not been in the room when the announcement was made, the concern expressed by a number of people that if the bill were to be defeated in its final form, the question was raised as to whether or not it could then be inserted, or parts thereof, into any bill which might finally end up becoming a potential compromise between both bodies. Since that could not occur pursuant to Joint Rule 4, then it became necessary for that matter to remain on the table, and it is for that reason it continues to be there.

In reference to the second item which continues to remain in the unfinished business category, the order is moot and has no power since it relates to a date which has since gone by.

Mr. PALMER: Mr. Speaker, I ask unanimous consent to address the House on the Record, please. Never mind.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, requests unanimous consent to address the House on the Record. The gentleman may proceed if he so desires.

The Record will show that the gentleman from Nobleboro, Mr. Palmer walked out of the House.

On motion of Mr. Devoe of Orono,
Recessed until the sound of the gong.

After Recess
5:30 P.M.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Devoe of Orono,
Recessed until 5:45 P.M.

After Recess
5:45 P.M.

The House was called to order by the Speaker.

The following paper from the Senate was taken up out of order by unanimous consent:

Non-Concurrent Matter

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) which was passed to be engrossed as amended by House Amendment "P" (H-1258) in the House on September 12.

Came from the Senate passed to be engrossed as amended by Senate Amendment "J" (S-632) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the House adhere.

The gentleman may proceed.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It seems that almost three months ago now when the voters of California decided that the constitutional amendment was one means of achieving tax reform, men and women in good will in this state have been grappling with the very serious question as to whether Maine should follow that route. After months of hearings and eight successive drafts, the bill was presented to the Legislative Appropriations Committee for its consideration. The fundamental issue as to whether a constitutional or a statutory route should be followed has obviously divided this house and the other house in its deliberations, and each of us, I am sure, will follow our own conscience as to the best way we should cast our vote in the spirit of attempting to do what is best for all of the people we represent.

The most recent offering we have before us is Senate Amendment "J". Senate Amendment "J", by definition, means that at some point along the line there was Senate Amendment "A", Senate Amendment "B", Senate Amendment "C", Senate Amendment "D", "E", "F", "G", "H", "I", and now "J". Ladies and gentlemen of the House, what that means is, in itself, that even for those among us who approve of a constitutional amendment in concept to our constitution, that we have very sincere and deep problems with the various wordings and the various attempts that have been made by men and women of good faith what to put into our Constitution in this highly charged political atmosphere that we find ourselves. So the vote, I hope, which will be cast in favor of the motion which I made can be done for many different reasons, because you oppose a constitutional limitation or because you oppose the particular wording, and I continue to have many questions about these wordings. Nonetheless, ladies and gentlemen, I do hope that in an expeditious manner as possible you will follow this motion and vote to adhere.

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

Mr. MORTON: Mr. Speaker, I would like to make a motion that the House recede and concur with the Senate and that when the vote is taken, it be taken by the yeas and nays.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that the House recede and concur.

The gentleman may proceed.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The majority floor leader, in his unusually brief presentation, emphasized one thing, it seems to me, that we were at Senate Amendment "J", and that is the matter that is before us tonight. Somehow or other, to him that seems to mean that the other amendments which may have been considered, I am sure many of them were never even read because they weren't read in either body, have some bearing on this, but it seems to me that this is nothing but an example of the legislative process in action, the refining process that has been my lot to listen to here in the halls of the House for the last six years and it is a process which I have always got a thrill out of and enjoyed very much. So to find that we are at Senate Amendment "J", which is not the highest letter I have ever seen in this House by any manner or means, does not disturb me a great deal.

Let's talk about Senate Amendment "J". Senate Amendment "J" is the last best attempt, perhaps there will be others, I don't know, to reach a constitutional amendment limiting spending, which is what this session

was called together for. And as quickly as I can, I would like to compare it to the first effort that was sent down from the other body, which we took care of in a previous session, so that you will know what changes have been made and what attempt is here— what we are attempting here to do.

First I will call your attention to the title, and you will note that the title has had taxes removed from it so that now we are dealing with a Resolution Proposing an Amendment to the Constitution to Limit the Amount of Government Spending which may be made without Voter Approval. I think perhaps that has been one of the problems as this matter has been before the public for quite a long time—the word taxes has been involved in it a great deal. And in essence what we are attempting to do, what the Governor called the legislature into session for, is to place a limit on spending, particularly at the state level.

Furthermore, at this stage of my remarks, I would point out to you that we are not actually enacting this amendment, but we are merely putting it in a position where the people of the State of Maine can vote on it themselves, and if they don't choose to like it, they have ample opportunity to throw it out in November.

Okay, the first substantive change was in the title—we have dropped taxes. Next I would like to have you move down to Section 1 which is, of course, the meat of this whole bill anyway, and I would particularly direct your attention to the second sentence in which it says, "Any amount appropriated above this limitation shall not be effective until ratified by the electors of such unit in accordance with law." Now, stop right there at that comma, although that is not the end of the sentence. I have heard here in this House and in the other body objections to the fact that there would have to be referendums, and if you read this carefully, you will see that what it says is that those communities which are town meeting communities, school district communities and school districts, wouldn't be acting in accordance with law so that they will not require a referendum after the town meeting is completed, because in accordance with law means that they can take action in the town meeting and finish the job right there. Then they can actually exceed the ceiling, the limitation, in the town meeting without preference to a referendum. That does not apply, of course, chartered municipalities nor to the state. Those two entities would still have to be working on a referendum basis.

I would further direct your attention to Section 2, the emergency section. That is worded slightly differently so as to give the legislature a little more leeway, because it says in "C" The Legislature declares such an emergency, and whereas the Governor may have defined it a certain way, the Legislature is not restricted to defining it that way with respect to the cost and, therefore, the Legislature does have some leeway that it did not have before.

Section 3, the excess revenue section, has been reduced considerably. That created a great deal of controversy in the other body. I much prefer to answer questions on it, because I think I can answer them, and many of those that were raised over there, but let me suffice it to say that revenues that are created in excess of a ceiling by the fact that the tax rates in force at the time at the state level would create a surplus. The question has been raised, how can a surplus be used? Well, refer yourself to the exclusions. It can be used for those exclusions to which it applies, exclusions such as expenditures for debt service payments, retirement of bonded indebtedness, reimbursing organized municipalities, Section F, allocations of revenue received pursuant to Article IX, Section 19, it also can be used under "6", and I call your attention to six, skip down to that now, because if you read that carefully, it says, "Adjustment of appropriations under subsec-

tion 1 shall be made for the transfer of any program or service from one level of government to another, provided there is a corresponding downward and upward adjustment in appropriations in the surrendering and receiving level of government."

Let me give you an example—let's say the state has a surplus created by this act and we want to give the municipalities some help. So we have got \$20 million surplus and we decided to apply that \$20 million to the school funding. It is perfectly legitimate under this bill, ladies and gentlemen of the House, because the ceiling at the state level will go up to the amount of \$20 million as long as the ceiling at the municipalities goes down \$20 million. This will force the municipalities to provide lower taxes in the municipality. This is one of the most surefire ways, if there is surplus state money, to provide property tax relief at the local level that we have ever seen here in this House before. I am sure a great many of us haven't really thought about that particular thing yet, but it is there in this amendment; the availability of property tax relief is here. If any surplus is created, that can be used for that purpose within the limits of this limitation, and it is a most important and I hope everyone understands it.

Moving back to Section 4, you will note a change in the date to January 1, 1979. Very frankly, that change was made in order that there would be no possibility of shifting programs back and forth between the state and other levels of government prior to the effectiveness of this constitutional limitation.

Item 10 concerns local control option, and this deals with those municipalities which are not under the general law and hence require a referendum if the governing body, be it the city council, town council or other governing body in that municipality should see fit to limit, and that, ladies and gentlemen, is what we came to this session all about, limiting spending in the State of Maine at the state level and at the local level. We have given the smaller communities, those with town meeting governments, the opportunity to avoid this referendum procedure, have not seen fit to do it at the city levels.

Finally, to answer another objection, which, of course, was very heavily raised in this body in an earlier session, on Page 4, where it says, "Constitution, Art. IX, Section 19, subsection 1," this refers to the highway fund and is that section of this bill which makes the highway fund fall under this bill. All other dedicated revenues are exempted.

I have attempted to explain to you people here in the House what a valiant effort has been made to answer the objections that have been raised in caucuses, small groups, in the other body, in this body, by the people who have worked so diligently on this Senate Amendment "J". It is not a fly-by-night effort; it is a sincere effort to provide spending limitation with a constitutional amendment passed by this session of the legislature. That is what we came here to do. If you don't agree with that, fair enough, but don't be afraid to say so. If you agree with that, this amendment does it, and if you are not with a couple of crosses on some T's and some dotted I's, okay, the opportunity is available to amend it. I would like to see it passed right now because I haven't seen any amendments suggested. Were amendments suggested, I might agree with them and I might not. But at this moment, I am moving to recede and concur with the other body, asking for the yeas and nays, and reminding you again that you, in the final analysis, are only making this opportunity available to the people to vote in referendum whether or not they want tax limitation.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: About a year ago, I was involved in going around the state, oddly enough, perhaps, trying to repeal a piece of leg-

islation that had been passed by a previous legislature, passed in the waning days of the session amid much confusion. Of course, it was touted that it was going to save the state, save the people in the state, and there couldn't possibly be anything wrong with that bill and it was a perfect bill. I often think in the days that have passed in the last couple of weeks what might have happened if that particular issue had, in fact, been placed in the Maine Constitution and the people would not have had a chance to speak, because they cannot, as we all know, initiate a constitutional amendment. One of the reasons why this particularly came to mind at this point was because of some remarks that Mr. Morton made and because of the amendment which we have before us.

While I was making those trips to some of the small and large communities around the state, I think the issue that was brought forward to me more than any other as far as people were concerned with their taxes was what was happening to them in their school districts. That was what people were concerned about. They weren't concerned about money appropriated at town meetings because they, themselves, made the decision. We didn't even hear that much about money appropriated by municipal forms of government where they had city charters and city councils, but they were concerned about their school budget meetings at their school districts. And what do we have presented to us a limitation on expenditures which says, "any amount appropriated above this limitation shall not be effective until ratified by the electors of such unit in accordance with law." What that means is simply that those very budget meetings that people all over the state have been telling us for years have not been responsive and where they have not been able to work their will because of various factors, those very same budget meetings will automatically be able to go through the ceiling anytime they want to, and I would contend, Mr. Morton, that what that means is, it is very unlikely that any money taken from that surplus and that reserve and put into school funding and sent back to those districts is going to mean anything as far as lower property taxes.

There are absolutely no safeguards to insure that money given back to school districts under this kind of system will result in lower property taxes, because they will automatically be able to go through the ceiling. In fact, those assurances don't exist for areas that have municipal form of government if they choose not to have the controls of the Constitution, and again we are faced with the local control option. The words themselves don't quite seem to fit together. We are allowing people to have the option of local control, and what it is, again, is telling my towns that they must go through the referendum process to decide whether or not they want to be exempt from the Constitution of the State of Maine.

Now the people in my town meetings are perfectly capable of making that decision at their town meetings, and I have no desire to force on the Plantation of Matinicus a referendum every other year or every three years on whether or not they want to be exempt from the constitution. That is not local control.

The amendment has some of the same flaws in it, as was said previously, and has added a few more. I think many of us have gone on record as strongly supporting a limitation on spending and we believe that at least the general principles should be laid out in the Constitution and obviously that will go out and be voted on by the people. We furthermore believe that the accompanying statute to that constitutional amendment should also go out and be ratified by the people, but you know, we have pointed out many errors in this particular bill, and I don't think I have ever come into a legislative session and not had to correct something that has been done wrong with the previous bill in the previous session, and we will not have that

option with the little things that the gentleman says are nitpicking when we come back in the next session, because you see, there really is no errors and inconsistencies bill for the Maine Constitution.

I would simply ask you to vote against the motion to recede and concur and vote to adhere on our principle, that the principle of limited spending should go out for ratification by the voters and at the same time we will later send out the statute, with the details worked out on the statutes, where there is some chance of flexibility and for us to correct our mistake if we make them, and we are not perfect.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker, the gentlewoman from Owl's Head, Mrs. Post, really has said all that needs to be said, but I would like to reemphasize two or three things and perhaps ask a question or two.

The gentleman from Farmington, Mr. Morton, I think did an excellent job of explaining the amendment, and I thank him for that service to this House.

I concur with the comments of the gentlewoman from Owl's Head, Mrs. Post, that I think this still has some basic problems.

I would indicate to my friends from Farmington that I have a basic problem with putting all of this language in the Constitution. I explained that to him, I think, in a brief conversation today and indicated to him that I felt that a brief statement in the Constitution directing the Legislature to come up with a spending limitation program was the type of responsible action that we should take.

The gentleman from Farmington, Mr. Morton, suggested that we were called in to limit spending at the local and state level. Well, I debate that with him. I don't think that anyone has asked us to limit spending at the local level. As a matter of fact, the Maine Municipal Authority did a poll shortly before the session and asked a number of questions. Question number two was, should the state enact a limit on the rate of growth in local government expenditures? They put in parentheses towns, cities and school districts. I am sorry that they worded it in that way, because I think that if they had separated municipalities from school districts, the results would have been rather different, but the results, as I understand them, were that 80 towns voted in favor of such a limitation of local expenditures and 119 against. I looked down through one plantation that is on this survey and three of the towns that responded to this survey that I feel represent, and I see that they have all answered 'no.' So I feel that I am representing the views of my constituents, or at least of the town officials that answered that particular questionnaire.

How many times do the people of the State of Maine have to tell us that they want to be left alone to the extent possible? If they want a local spending limitation, let them do it themselves. Why do we have to force them to go out and spend money in a referendum to say they don't want it? It just doesn't make sense. I just can't understand why we persist in that point of view.

I think the point the gentlewoman from Owl's Head, Mrs. Post, made was excellent. How do we guarantee property tax reduction? She raised a question about the provision here allowing school districts to go through the ceiling. The question I want to ask the gentleman from Farmington, Mr. Morton, refers to Section 6 on Page 3, and I just want to read it and perhaps we can reflect upon it. It says, "Transfer of any program or service. Adjustment of appropriations under subsection 1 shall be made for the transfer of any program or service from one level of government to another, provided there is a corresponding downward and upward adjustment in appropriations in the surrendering and receiving level of govern-

ment." Okay, that sounds fine. The gentleman suggested that if we had a \$20 million surplus within the limitation, that we could apply this to the school account. Well, how do we guarantee that there is going to be a corresponding reduction on the local level? The gentleman is perfectly aware that in the process of making our decisions, the local communities have to wait for our decisions to be made. Can we guarantee that the local communities are going to reduce what their property taxes would have been by \$20 million? I don't know. I think that is a serious question and I think it is a question that we have to deal with in all tax reform issues. Perhaps the gentleman from Farmington, Mr. Morton, could respond to that.

I would like to urge you to vote against the motion to recede and concur so that we might adhere. It would be my hope that once we dispose of this bill this evening that perhaps the procedure which the gentleman from Nobleboro, Mr. Palmer, suggested we should have taken the other day, and namely that is that the Appropriations Committee attempt to work together as a unit to come out with one or two bills to resolve this issue and that could take place tomorrow morning. I think that is the way that we have found over the years we have had the most successful legislation, by working through a deliberate process in our committees, and process has been circumvented during this legislative session. And maybe it is the one opportunity we have to resolve this issue.

The Appropriations Committee met this morning and discussed the possibility of a variety of compromises for about an hour. We agreed to get together again after the Senate went into session. The Senate didn't go into session until after four o'clock this afternoon, debated the amendment before us for awhile and here we are twenty-five minutes to seven. So, unfortunately, the Appropriations Committee has wasted another day when we could have been working on what I think are a variety of compromises to resolve this issue. Perhaps once we have resolved this bill before us, it would be my hope, my request, my plea to both parties, members of the Appropriations Committee, that we could sit down tomorrow afternoon, however long it takes, to reasonably and rationally talk about a legitimate compromise that everyone can live with.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: On the first page of Senate Amendment "J," which is before us; it says after number one that the total appropriations of a unit of government shall not exceed such appropriations, and then it goes on. It says "the unit of government," and I would assume that that would be all encompassing, that would mean state, that would mean county, that would mean town and that would mean district.

I just want to remind some of you people in here who come from cities and even some of you who are from the rural areas, that there are many, many levels of government beyond just the town and county and the state that apparently this affects. For example, in my home town, we have a sewer district, we have a junior high school district, we have a senior high school district, we have a school department, we have city government, we have a water district. Now, apparently, if any of those are going to exceed the appropriations, they would have to go to a referendum. The sewer district in the City of Old Town is now in the process — has completed the sewerage treatment plant which is largely funded by the federal government, but we are still in the process of separating storm drains from sewer lines.

The senior high school district, not long ago, two or three years ago, had a problem with a boiler, which was a large capital outlay, if any of you are familiar with that sort of thing, and

they probably under this, would have had to go to a referendum. The water district had to put in new filters not long ago, within the last ten years, because of a problem due to iron in the water, and the women in the town complained about not being able to use clorox and everything because it stained their clothes and one thing and another. That water district in the City of Old Town includes an Indian reservation and the town of Bradley, which is outside of Old Town, and the town of Milford — can't you just see all the complexities that would be involved with voting for all sorts of different things on all sorts of different levels in referenda?

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: First of all, I am really getting tired of hearing this bit about us being picky about a constitutional amendment. It seems to me that it is our job to clear up as many ambiguities as we can recognize before we send it out, but God knows, lawyers are going to find many more after, after that point, but I think it is our "duty" to try to clean up the language and clarify it as far as possible.

I have a couple of questions I would like to address to Mr. Morton concerning revenues in excess of the limitation. As I read this amendment, it is my understanding that revenues collected in excess of the limitation, an exemption would be for emergencies — that would be outside the limitation — or for debt service or retirement of bonded indebtedness and expenditures for tree growth. Beyond that, he said that we could use excess revenues for a transfer of program services. He gave the example of school funding. Now, my question is this, this says, "from one level of government for the transfer of any program or service." Now, we asked Mr. Healy, who drafted this amendment, if programs or service would mean a property tax exemption, and he said, no, it would not. A homestead exemption, a veteran's exemption, elderly exemption, would not be a program or service and has since then said that they picked these words very carefully so that in fact property tax exemptions would be excluded from the positions of Section 6 on Page 3.

Now, if we wanted to pass a property tax exemption, assuming that they have given this more thought and they have better thought out reasons why an exemption is not a program or service and we want to pass a property tax exemption, homestead exemption, I would assume that that would have to go out to referendum with these excess revenues before we could do it, or any other tax exemption.

My second question relating to these excess revenues is this — you have said that we can raise taxes without going out to referenda. Now, suppose the legislature imposed a new tax or raised our existing taxes in order to accrue revenue in excess of our spending limitation in order to enact a homestead exemption. Then we would draft the bill and make an appropriation for a homestead exemption and I would assume that would have to go out to referendum, based on Mr. Healy's interpretation of program or service, and suppose the voters turned it down? If it was a \$20,000 exemption, they might say that was too much. Then we would have all this excess revenue up here that they rejected the use of, then we would have to figure out another means to get rid of it and have to go back out to referendum again. I mean, that is the way I interpret this. We can raise taxes to all kinds of money without going out to the people in excess of limitation, but in order to spend most of it, we would have to go out to referendum to spend it, but if they reject it in a referendum, what do we do with it?

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think all this oratory is

more or less an exercise in futility. I don't think there is much doubt about what is going to happen as soon as we get through orating.

I proposed one constitutional amendment and several people, including the Speaker, agreed with me that it might be a good idea, and that is a constitutional amendment stating that there shall be no special sessions six months before the election. (Applause) I think, actually that is the basic reason why we are in the position we are.

But I do want to make a few observations. I am not running for re-election. Therefore, I can vote as I want to and I don't have to care what happens back home. I don't think it will have any effect on the election anyway. As far as I am concerned, I know it won't, but there are two or three things that have been talked about. In the first place, this \$20 million that we might get by excess taxation — for heaven's sake, we owe \$200 million now; how can we have an excess of money as long as we owe \$200 million? If we get an excess of \$20 million or if we have an excess this fall, I have heard rumors that there might be a special session called this fall to divide up the surplus. We know that if we had a \$3 million surplus in July, perhaps we will have \$10 million, why not use that to pay off some of this \$200 million? Why bother to call a special session two weeks before the election and go through the same hassle that we are going now, when we could use that \$10 million to good advantage to pay off some of the indebtedness. It says right in the bill that the excess may be used for that purpose with no problem.

One of the other objections that we have had is about sewer districts and water districts. It says right in the bill that use charges are exempt from this particular thing and, as I pay my \$27 every three months for the sewer, I am sure that is a use charge and I am sure that that can be raised to \$30 without this bill being affected. So, it seems to me that these objections are pretty minor.

I was rather opposed to this thing when I came down here, but this thing is so simple and so concise, it seems to me that it is pretty logical that we vote according to the motion that is on the floor now and perhaps we will be able to get home before Thanksgiving.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Some of the points that have been raised, I will attempt to address and answer as best as I can in respect to the fact that this particular amendment has just been out for a matter of a couple of hours and it is pretty sophisticated.

One of the points that was raised is that people are concerned throughout our state about the school budget meeting process. I assume that the concern means that the people of Maine feel that they lack control over controlling those budgets and the tax dollars from the property tax to raise money for the local share of education funding.

In the first provision of the bill, Section 1 on the first page, there is a fairly magic clause there towards the bottom of the page called, "In accordance with law." The current state law which governs the SAD budget process would prevail at this point in time how those budgets were derived at. However, there is nothing to prohibit this legislature from changing the particular legal budgetary mechanism of an SAD or a town meeting or any other form of government in the way they derive their budget, so that can be changed by us by statute. The current process of SAD budgets is not frozen into this constitutional amendment as it now exists.

Another point raised was regarding our having a state surplus that is over and above the state ceiling, spending ceiling, and if it were the consensus of the legislature and the consensus of the people of Maine that the most

direly needed relief was property tax relief, what can we do? Mechanically, under Subsection 6 on Page 3, if I understand it properly, or at least understand the intent of the approach that was to be taken here, it is that we in the state legislature could take that surplus and fund it through a program or service and, in this case, it would be educational funding. If we do that, the state ceiling, this is a real transfer, goes up by \$20 million and the aggregate throughout the state, the SAD budget ceilings go down by \$20 million, and when their spending ceilings go down, there is no sense in raising taxes on the local level over and above what the ceiling is, because they can't spend it. This means that if they can't spend it, those property taxes should be going down on the local level.

Another approach through sending \$20 million back in property taxes, if that is what the concern is, it could be used for many things but if property taxes are a concern, is a statewide voter referendum. We have a \$20 million surplus here in the legislature, do we want to return it to the people? Yes. Do the people want it returned in the form of property tax relief, say a credit on next years property tax bills — is that what they want us to do with the \$20 million — (A); (B) do they want us to use it to retire \$20 million of debt? You could go on and on and on. We could put that out to referendum and let the people tell us how they would like the \$20 million used. If they rejected one form, you could give them alternatives. We could come back and simply lower, which would be even more important, our taxes at the state level by \$20 million the next year because we are sitting with \$20 million.

Another point raised is about the dire danger of passing a constitutional amendment that might have errors and boogiemens in it. Yesterday, I pulled out a document which lists 131 or 134 constitutional amendments that we may have had in our state since 1820. If you just look at the number of amendments from 1965 to today, you will see a couple of themes that pervade throughout the entire thing. One is, most of the amendments or a great number of the amendments deal with taxing, spending, bonded indebtedness, raising ceilings, lowering ceilings for all kinds of government levels and all kinds of government programs and services. In other words, ladies and gentlemen, we tinker with the Constitution quite frequently, and we have throughout the history of our state, to effect the taxing and spending of dollars for government and there is no reason why we can't continue to tinker if the need arises and the people approve it; they have in the past. If the need arises that our constitutional amendment that limits state spending has to be altered because Maine way of life evolves and alters, we can evolve and alter our Constitution. It is a living, breathing, evolutionary document.

I might add that many of the constitutional amendments which we have passed in the history of our state have been passed to correct what appears to be some errors in judgment in earlier constitutional amendments, particularly in the areas of financing, and that is what we might be involved with here. We have done it before, what is the harm in doing it again if the need arises and the people have approved?

Another objection raised tonight is that the language is too long. Take a look at this particular Senate Amendment "J." If you reduce it into our constitutional books or handbooks that we have, the thing would probably take up maybe a page, at the most, and compare that with the number of pages our Constitution takes up in our handbook. It probably would be about one fiftieth of the length.

Another point was made that we should adopt a procedure to let the people order us, as a legislative body, to come back here some time between now and next summer and pass a statute. If you will take a close look at the pre-

cise language of that amendment that this body adopted yesterday, it would require us to pass a statute by a two-thirds vote in both houses. What if we couldn't get a two-thirds vote? Are the people of Maine going to have anything? If the people of Maine have nothing, what are the sanctions to enforce the legislature to do what the people of Maine have requested and ordered them to do? Should we amend that particular amendment and say that if we fail by next summer, July 1st, or whatever it is, to pass a statute by two-thirds vote in the House and the other body for a spending limit act of Maine, if we fail to do that, that all legislators in the House and the other body are automatically impeached and removed from office? What about the quality of that statute that this House might pass or might not pass? Who is going to judge the quality? What happens if it is so loose that it amounts to no spending limit at all? Are there any sanctions to enforce us, other than the people two years later, two years too late, just simply not to vote Representatives back into office — it is completely openended.

Another objection raised is that the Maine Municipal Association poll of towns and municipalities throughout the State of Maine indicates that they want to be left alone. Who wants to be left alone? Were the people polled in all those municipalities and towns throughout Maine or was it the officials? Do the officials necessarily represent the public interests and wishes of the people on the local level? Do they not have vested interests, vested programs, vested jobs, just as bureaucrats and bureaucracies and officials throughout the entire nation have to protect?

Another boogiemans that has been raised is that a local referendum, either to override spending ceilings or to bring a municipality out from underneath a ceiling, is too costly. Well, I urge you to compare the cost and the terrible inconvenience that that would bring about to the people in towns of Maine who might wish to exercise that referendum process in comparison to the number of dollars that is at stake, the number of millions of dollars that are really involved in terms of limiting spending and taxing in Maine.

Another objection has been that the Appropriations Committee ought to have another crack at this thing. The Appropriations Committee — nothing has prevented it from working right along. It still has two bills sitting down there; they can't even get those out. The Appropriations Committee didn't come out with a substantive draft. There is nothing to prohibit it from doing that.

The good gentleman from Old Town, Representative Pearson, raises a litany laundry list of districts, special districts. If I understand it correctly and I may not be an expert on these matters, those districts are created, at least water districts are created by state statutes, state law. His objection is a good one and a conscientious one. The complaint is that if they have to go over and above their ceiling, they have got to have a referendum and all kinds of inconvenient types of processes for emergency purposes — good complaint. However, again, on Page 1, the first section, the clause that says, "in accordance with law," I think that we, as a state legislature, can adopt laws by statute to make it easier for districts or whatever to go over and above the ceiling, so it is not convenient, just like a town meeting. The town process now, under this bill, does not require a referendum. It can be done right there by a vote at the town meeting. That can be done with every other form of local government and local district as well.

I would simply like to conclude briefly by saying that I hope I have addressed some of the objections that have been raised.

I would just like to point out one other item that is important to all levels of government with respect to emergencies, and that is on the

second page, Section 3, it says, "excess revenue." What it really should say, if we have an opportunity to clarify that, it should really say, "reserve fund," because if you read that sentence carefully, what it means is that if a ceiling of a particular level or unit of Government is placed, say, at \$20 million, they can spend up to \$20 million but they only spend up to \$15 million and they have \$5 million left over, they can set that aside in an emergency reserve fund and they can use that money for any emergency contingencies which arise. It is my understanding that almost all levels of government in Maine, particularly local levels of governments, sub-state levels of government, have such funds and those funds are not only tolerated by this but they are encouraged, because if you spend less than your ceiling, there is an incentive to spend less than your ceiling so you can take those dollars and set them aside for a rainy day for an emergency.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I was in error partially before when I listed off the districts. As I understand it, the user fees are exempted from this, but I still have a question and it is only a question, because there may be an explanation for it. I have only had this for a little while. That is still my junior high district, or yours, or my senior high school district, for example, and I understand in the City of Bangor, and I don't know if their high school is in a district, or in Waterville, for that matter, they are having problems with the roof through some design flaw or something or other, and I don't know how exactly you would go about repairing this without a referendum unless you won a case in court suing the designer?

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

Mrs. KANY: Mr. Speaker and Members of the House: As you all know, I have been trying to find some constitutional amendment with some teeth in it that I can buy, and I keep coming up with problems such as the one Mr. Pearson just mentioned. This may not be that difficult for towns with town meetings to live under, because they can always call a special town meeting, but it is a little harder in Waterville. When we have an emergency and have to call for a referendum and under our present city charter and our proposed city charter, if we are calling a referendum within six months of a general election, we have to wait for that general election.

I have another separate question which I would like to ask, and I see that there has been some change in the language having to do with the protection of local government from state mandated costs in picking up the shifted costs. I see at the end of that section, there is new language which says, "except as governed by statutes in effect on January 1, 1979," and I would like a clarification from the proponents of this measure and what I would really like to know is, could we then sunset programs and agencies under this language and thereby shift all those costs onto the municipalities? What do you have in mind? Do you have in mind coming back for a special session or convening in December and putting in some statutory changes and perhaps addressing all our statutes to see what the effects will be? May I have my question answered, please?

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I believe that, first, the intent is not to be shifting any costs of programs and services from any level of government, whether it be the local levels up to the state level or state level down to the local

levels. I think the language, on its face, speaks for itself and precludes that. That is the policy intent behind it and it is clear on its face.

The last clause, I believe, is intended to guarantee that the reimbursements for inventory tax are not a service, they are not a program, that nobody can make an argument that they are, and that as this legislature has in the past made the policy decision to phase out the inventory tax and the reimbursement for the inventory tax, that that phasing out will, in fact, come about and that it will not be circumvented or brought back in through the backdoor by any distortion of language or arguments, whether they be legal or legislative.

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

Mrs. KANY: Mr. Speaker, I would like to pose a question to Representative Tarbell through the Chair. I still don't understand why you couldn't sunset a program which would affect a municipality under this language?

The SPEAKER: The gentleman from Waterville, Mrs. Kany, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentlelady from Waterville, Mrs. Kany, and ask her what she has in mind?

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

Mrs. KANY: Mr. Speaker and Members of the House: To answer the question, I have in mind programs such as the shade tree program, recreation programs, etc.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: When Representative Tarbell was speaking, I was listening to him and there is one word that caught my attention. He said that have, from time to time, tinkered with the Constitution and that there is no real objection to tinkering with the Constitution again. I would think that he picked a very admirable word. To tinker means 'an unskilled mender.' I think that sums precisely what we have been going through probably not because of lack of skill but lack of time for thorough preparation, and I think that is what this all boils down to.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I do want to address some of the remarks that were made, actually, just one remark and this is by my good friend from Lisbon Falls or wherever he is now, Mr. Tierney, when he said, "you have before you, Senate Amendment J." He explained what that meant, that there had to be "A," "B," "C," "D," "E" and so forth come before it and I agree that that is exactly the case, because it meant also that someone in this legislature, somewhere, has been trying to find an answer to this problem, an answer that the people in Maine are asking for, by trying and trying again to produce a document which we should be able to support.

Now, I don't care also if this should go on to "Z" and then begin with "A-1" and go down to "Z-1" and by the time it got to "Z-100," next December we would still have people here who do not believe in a constitutional limit on the power of government to spend asking questions so that they could say, "I don't really want to vote for this, I don't believe in it, I would rather spend unlimited amounts of money."

We have talked and we have had questions over and over again, and I just want now to go on to a sort of philosophical vain here for just a moment because I think we are coming down to the end of the trail here. Apparently, decisions have been made as to what we are going to do

with this here in the House, so I just want to remind all of us of just two or three things. I think we had better remember them too, some of them I mentioned yesterday that I want to repeat and I want to add two or three more. The good gentleman from Lisbon Falls said, he mentioned California, and we should think of California and I would like to draw two or three parallels as to what went on there in California and what is going on in Maine today.

I think as I draw these two or three, you will see exactly what I am taking about, because, number one, as I said yesterday, there were two philosophies in California. There was the philosophy of those who believe in a free enterprise system, free exchange in a free enterprise system, economic growth in a free enterprise system, versus those who believed sincerely that you should simply structure a tax to redistribute the affluence in that society, that is exactly what we find in many cases here in Maine today.

Secondly, there was the situation there that a house which would cost \$50,000 ten years ago now would sell for \$150,000, and the taxes have gone up three times as much but the take-home income of the individual had not gone up three times because of progressive taxes — the income taxes, the state taxes, federal taxes, social security taxes — they simply did not have the money to pay them.

I guess thirdly was the situation, too, that there was in California \$5 billion in surplus and they were seeing it was growing at the rate of \$2 billion a year and they asked the legislature and they asked the Governor to do something about it and neither one of them responded. That is why the people responded and that is why they had Proposition 13.

As I see it today in the State of Maine, we still have people in the same situation as those who simply just want to redistribute the affluence in our society and don't particularly care whether we grow or not to solve some of our problems to better take care of human need and all of the other services of state government, and certainly we have not been exempt from inflation, so we have the same problems there. We have addressed the problems of a surplus in one tax reduction this year, and we now are building another one.

Now, that is a parallel between Maine and California, and people in Maine have responded in this way. First of all, there was such a thing called The Maine Tax Limitation Committee, and they started months and months ago with the idea that we had to have a constitutional limit to limit the power of the state to spend. It didn't happen yesterday and it didn't happen last week — it happened months ago, and men and women, as we have always used those terms of "good will," just like "input" and a lot of other new ones we are using today, but men and women of both parties worked together on the proposition and brought us to where we are today.

Everything seemed to be going along all right until we got here. We have always called it sometimes the "dome syndrome." If you come in here with an idea in mind as to what the people want or what the people are saying, you get here and after you sit here for two or three days, you listen to your compatriots, all of a sudden the whole world outside changes. Well, it hasn't changed since we got here, because the people out there still feel the same way they felt when we came in, and that was that there had to be a constitutional limit in the power of this state to spend. They still believe it and it is still there and they are still asking, what have we done?

We have sat here and we have wasted a lot of time and I know that over and over again the other body has been accused of dragging feet, but I say to you, we have done nothing in this House. We have not acted on anything; we have only reacted to whatever has been sent to us. We still have two joint orders not acted upon-

one is gone and the other will be — two bills in committee — I don't know when they will come out. We have one on the table waiting for a ruling — I don't know when we will get it. The fact of the matter is, we have done nothing in this House to get this session over with and to address this subject. We have reacted but we have not acted. We have taken no action on our own part. All we have had is one watered-down version of the power limiting the power of government to spend — a watered-down version. We have simply said "business as usual and then go home." That is not acceptable, the people of Maine won't find it acceptable, and I will tell you, if we don't do something about this here, you will find out that there will be a statutory provision that will make this one, the one we had before us yesterday, look sick.

I firmly believe we are here because we have to address this subject, because if we don't, the people will address it perhaps in a manner that won't be as responsible as the document you have before you right at the present time.

I think the question is very obvious. The question before us tonight is, do we really believe in a constitutional limit on the power of the state to spend, and municipalities? Do we really believe in it? And more importantly than that, do we believe in letting the people have a chance to make this decision? Why are we afraid to let them make the decision? I don't think we should have a fear about them having this opportunity. We seem to, we seem to distrust their judgment.

I guess in the heat of a debate and so forth, sometimes you get excited and I know we are going to be going home pretty soon. I guess perhaps I would tell a story to kind of cool it off a bit before I sit down, maybe you have heard me tell this one before. But the situation at the present time here in this House sort of reminds me of the story of the Pastor of a congregation who went to visit one of his parishoners who was very, very ill and in the hospital. The parishoner was very ill; in fact, he was under an oxygen tent when the Pastor arrived and the Pastor, seeing the condition of the patient, he said, "I will read to him something soothing," so he took out the book of Psalms and he read from the book of Psalms. As he started to read, the parishoner took a pen on the end table and a little pad of paper and tried to write something. The Pastor thought that was rather rude, but he said, "That's all right, I will keep on reading," so he kept on reading. Suddenly he saw the patient's face turn pale and saw him twitch a little bit and become excited about the fact that something had happened and he called a nurse. The nurse came in and shortly said, "The patient is dead." It was only when they were wheeling the patient out that the Pastor thought to look to see what was on the note, and the note said, "Pastor, you are stepping on my oxygen tube."

I just hope that as we take the final vote on this amendment to the Constitution to limit the power of the state to spend, that we listen to the voices and see the people writing and hope the good Lord that we are not stepping on the oxygen tube.

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

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to prolong this agony much more. There were a lot of questions asked of me and most of them have been answered, I think, quite satisfactorily, so I won't go into that and run down the list.

I was impressed, though, with the remarks of the gentelady from Owl's Head as she talked about, and I quote, "they, themselves." She was talking about the people who vote in the State of Maine, in the towns, on the Island of Matinicus, that lovely gem of a plantation, and that is exactly what we are talking about here. Of course, both the gentleman from Stonington and the gentelady from Owl's Head seem to have missed what I said about the fact that places like Matinicus and Owl's Head, and I don't think Stonington has anything but a town meeting, they aren't going to have to have a referendum. I just hope everybody realizes that and won't keep repeating that one, because that one is completely in error; they are not going to have a referendum.

There are probably—I don't know the statistic but I think I have seen it somewhere—there is something less than 50 out of the 496 or 497 municipalities in the State of Maine which have charters, so you can see that a vast majority of the municipalities in the State of Maine would be able to have their town meetings without eventually referring to a referendum. Many of the other things, and most of them, were answered. I am hurriedly looking down through this list to make sure I don't miss something, but probably if I do it won't make much difference, because from the looks of the hall, this is not a very interesting debate.

I think I will finish up by addressing the gentelady from Waterville, because she did ask a very specific question. I hope she got it answered, but suffice it to say that the date of January 1, 1979, that is put in there is to maintain the status quo with respect to the laws presently on the books so there will not be an opportunity to play games with any constitutional amendment that might be passed before it becomes effective.

I hope this particular matter was thoroughly discussed by everyone involved before their decisions were made as to what action was going to be taken here tonight. I am not sure that it was; I did find some questioning looks during my earlier remarks when I began to make the points that are in the amendment, because it is a serious matter, one which deserves the complete attention of the members of this legislature and I think it is what we did come here to do and I hope you will support the motion to recede and concur with the Senate.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I just would like to respond to the gentleman from Farmington, Mr. Morton, and then have something else on the record that the gentleman from Bangor, Mr. Tarbell, mentioned, because I think he misunderstands how this process works with school districts.

First of all, I would like you to look on Page 4, Item 10, where we are talking about local control option, and what I am talking about is "any municipality," and any municipality includes plantations—as I understand it, that is the general definition of municipality and towns with town meeting form of government—may, by referenda—and that is referenda, not in town meeting, that is very different from the language on the first page—exempt themselves from limitation. And what I stated very clearly was that if they wanted not to have to go through this process or be covered by the constitutional amendment, they would have to exempt themselves by referendum, and the way that language is written, it would not be possible to do so in town meeting. They could go through the ceiling, yes, but if they wanted not to be covered by the process at all, if they in fact want local control, then they would have to go to referendum at least once every three years.

Then the issue was the school districts, our schools, and the magical way we will have of insuring that money will go back to the people, and what we will do, Mr. Tarbell, is that we

will put the money back perhaps into school funding and then school districts obviously couldn't raise taxes any more because they couldn't spend the money. That is not the way the bill reads. All the school districts have to do at their regular budget meeting is appropriate more. There will just be the regular budgetary process. They take the extra money from the state, raise the same amount they have always been getting from their towns, and not one cent of that money goes back to local property tax relief. It is done at the school budget meetings, not by referendum but at the school budget meetings.

The same thing could happen in the City of Bangor, in fact. If the City of Bangor decided to exempt itself from the whole bill, which, of course, they could do by referenda, in that instance, the money would be passed on to the town and the town wouldn't have any spending limitation, so they wouldn't have to pass any of the money back on the property tax relief.

You know, we might want to talk about a novel way of providing property tax relief, and that is actually giving the money back to the people. In some of the proposals that the Democrats have put forth and those that you will see to come in the next days, that will be possible. You won't have to play Mickey Mouse games and think that perhaps if some of those town officials or the school board officials want to lower their taxes or pass it on, they can; we can make sure that it happens.

Mr. Morton of Farmington was granted permission to speak a third time.

Mr. MORTON: Mr. Speaker, I have to insist that the language in Section 1, with all due respect to the gentelady from Owl's Head, does not require any community to have a referendum.

Section 10, the local control option, is put in there to allow those communities which by law are not able to complete their business to vote themselves out from under, and that is why it is there. I don't believe anyone can interpret it differently if they get an interpretation that is a valid one.

I guess finally all I am going to say, with respect to her remarks on the school districts, who make these decisions, and if they don't attend their school district meetings and vote the amounts of money in their school budgets that they want to do, that is their privilege. If we were to tell the school districts or the local communities that they can't raise any more than a certain amount of money and don't give them the option to get out, as we do in Section 10, or allow them to use the general law as they do in Section, then we are mandating from the state and we are taking away local control, but, you know, you can mix these words all up. Local control means they, themselves, the words that the gentelady from Owl's Head used in her very opening remarks—they, themselves, make these decisions, and if that is not what we are trying to do here, if that is not what we are trying to do with a spending limitation amendment that we put out to the people in November, then I really don't know what the English language means.

I hope you will still support my motion.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I had intended to make longer remarks than I will tonight. I recognize the hour and I beg your indulgence.

I rise to support the motion of the gentleman from Farmington, but I do want to be on the record and possibly be of some help to the rest of us who are going to be working, I am sure, after this vote is taken, to say that the problem I have at this point, with what I regard as a great deal of work, a great deal of sincere efforts, is the issue of local control. And because of what I have heard here this afternoon, because of the fact that I have heard a number of people saying, I think very convincingly, that

what people can do right now at the local level should not be put into a constitutional amendment. Perhaps we can keep that in mind as we, I hope, will continue to work on this concept and do our best to come out of here, after spending time and money and perhaps raising the hopes of taxpayers in Maine, with something we can be proud of.

At this point, the Chair recognized the presence in the Hall of the House of the gentleman from South Berwick, Mr. Goodwin, and the gentleman from Richmond, Mr. Moody, who were recorded as absent on the organizational roll call.

The SPEAKER: The pending question is on the motion of the gentleman from Farmington, Mr. Morton, that the House recede and concur with the Senate. All those in favor will vote yes; those opposed will vote no.

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

Mr. BURNS: Mr. Speaker, I wish to pair my vote with the gentleman from East Millinocket, Mr. Birt. If Mr. Birt were here, he would be voting in the affirmative and I would be voting in the negative.

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

Mr. SPROWL: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jacques. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, I wish to pair my vote with Representative Drinkwater. If he were here, he would be voting yea and I would be voting nay.

ROLL CALL

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

NAYS—Bachrach, Beaulieu, Benoit, Berube, Boudreau, A.; Brenerman, Brown, K. C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Flanagan, Fowlie, Goodwin, H.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Moody, Neadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Plourde, Post, Prescott, Raymond, Rideout, Spencer, Talbot, Theriault, Tierney, Trafton, Twitchell, Valentine, Violette, Wood, Wyman, The Speaker.

ABSENT—Biron, Elias, Garsoe, Jensen, Kane, MacEachern, Norris, Quinn, Strout, Teague, Truman, Tyndale, Wilfong.

PAIRED—Birt, Burns, Drinkwater, Jacques, Sprowl, Tozier

Yes, 57; No, 71; Paired 6; Absent, 13; Vacant, 4.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-one in the negative, with six paired, thirteen absent and four vacant, the motion does not prevail.

Whereupon, Mr. Palmer of Nobleboro requested a roll call vote on the motion to adhere.

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

A vote of the House was taken, and more than one-fifth of the members present having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House adhere. All those in favor will vote yes; those opposed will vote no.

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

Mr. BURNS: Mr. Speaker, I wish to pair my vote with the gentleman from East Millinocket, Mr. Birt. If he were here, he would be voting negative. If I were voting, I would be voting yea.

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

Mr. SPROWL: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jacques. If he were here, he would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, I would like to pair my vote with the gentleman from Belfast, Mr. Drinkwater. If he were here, he would be voting nay and I would be voting yea.

ROLL CALL

YEAS — Bachrach, Beaulieu, Benoit, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K.C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Flanagan, Fowlie, Goodwin, H.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jalbert, Joyce, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, Mahany, Martin, A.; Maxwell, McHenry, McKean, Mitchell, Moody, Neadeau, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Plourde, Post, Prescott, Raymond, Rideout, Spencer, Talbot, Theriault, Tierney, Trafton, Twitchell, Valentine, Violette, Wood, Wyman, The Speaker

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

ABSENT — Biron, Elias, Garsoe, Jensen, Kane, MacEachern, Norris, Quinn, Strout, Teague, Truman, Tyndale, Wilfong

PAIRED — Birt, Burns, Drinkwater, Jacques, Sprowl, Tozier

Yes, 72; No, 56; paired, 6; Absent, 13; Vacant, 4.

The SPEAKER: Seventy-two having voted in the affirmative and fifty-six in the negative, with six being paired, thirteen absent and four vacant, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Connolly of Portland, Adjourned until eleven o'clock tomorrow morning.