

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

Thursday, September 14, 1978

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

Prayer by Representative Richard Carey of Waterville.

Mr. CAREY: Lord, we ask you for Your guidance as we struggle with forces from within and without to do Your work here on earth and to make a better place for all of our people to live.

The journal of yesterday was read and approved.

(Off Record Remarks)

On motion of Mr. Carter of Bangor, Recessed until the sound of the gong.

After Recess
5:20 P. M.

The House was called to order by the Speaker.

Orders

On motion of Mr. Nadeau of Sanford, it was Ordered, that William Garsoe of Cumberland be excused for the duration of his illness;

AND BE IT FURTHER ORDERED, that Robert MacEachern of Lincoln be excused for the duration of his illness;

AND BE IT FURTHER ORDERED, that Elmont Tyndale be excused from attendance this week.

Orders of the Day

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

Divided Report

Five Members of the Committee on Appropriations and Financial Affairs on RESOLUTION, Proposing an Amendment to the Constitution to Limit the Amount of Revenues which may be Raised by Taxes in any Fiscal Year (H. P. 2345) (L. D. 2212) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-1263)

Report was signed by the following members:

Mr. MORRELL of Cumberland
— of the Senate.
Mr. HIGGINS of Scarborough
Mr. MORTON of Farmington
Mr. PERKINS of Blue Hill
Mr. McBREARITY of Perham
— of the House

Five Members of the same Committee on same Resolution report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-1264)

Report was signed by the following members:

Mr. MERRILL of Cumberland
— of the Senate.
Mr. GREENLAW of Stonington
Mrs. POST of Owl's Head
Mr. CARTER of Winslow
Mrs. NAJARIAN of Portland
— of the House.

Three Members of the same Committee on same Resolution report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "C" (H-1265)

Report was signed by the following members:

Mr. HUBER of Cumberland
— of the Senate.
Mr. JALBERT of Lewiston
Mr. PEARSON of Old Town
— of the House.

Reports were Read.

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

Mr. JALBERT: Mr. Speaker and Members

of the House: I would like to make a motion that we accept Report C, "Ought to Pass."

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House accept Report C.

The gentleman may proceed.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This Proposition involves and restricts itself only to General Fund expenditures. It does not involve federal revenue; it does not involve highway; it does not involve dedicated revenue nor local government — it is constitutional. It should have statutory language put in it, should it pass, such as indicates, etc., because I feel very strongly that we should set up our own program in that area instead of the consumer index which would fluctuate or change.

This proposition evolves from a member originally of the other branch who serves with me on the Appropriations Committee, and other people. I got myself very much interested in it. I happen to feel very strongly in my heart, although I have supported other measures that are probably opposite to this — I did not support Representative Palmer on his situation because I thought, in my humble opinion, it was far too long, and that certainly is not a reflection on the good gentlemen from Nobleboro, with whom I first served back in the forties, who I consider a very close friend of mine regardless of party, regardless of what he would seek. I consider him as such and I respect him as the floor leader of his party and I respect him as the titular head of his party — I have and I will.

I will tell you this now, that the reason I am so much involved and so much concerned with this part of programing is because I want you to know this, that this is the only measure — and I wish my name were not on it because it might be much more forceful — this is the only measure that has any possibility opportunity of passage. In my humble opinion, should we go home with an impasse, we will be hit with petitions for Proposition 13 before we do get home. The word reaches to me through private sources that again last month's revenue will probably show us with a couple of million dollars in excess of anticipated revenue, which means even more that if we go statutory we reach an impasse. It means even more, as the Speaker and I spoke the day before yesterday, that you can rest assured that we will be back here, called by the Governor, who will say, let us give back this money from the people, we didn't need it, it is their money and let's give it back to them. So any thoughts you might have of using surplus for other propositions, you can well forget it.

I got further interested in this thing when word came to my attention that a certain dispenser of lobsters in my area was doing a little advertising to the effect the clear lobster meat was selling at \$16.25 a pound and he honored food stamps. I am the author of the food stamp program not only in this state but in Androscoggin County and this country, and I lean quite heavily toward it and watch it and I guard it, and believe you me, when I found out that that gentleman had sold \$88 worth of clear lobster meat and taken in food stamps, it didn't make me very happy, nor does it make me very happy to have people who have come for the years I have served on the Appropriations Committee and repeatedly, year in and year out, drawn on the state's coffers, on the taxpayers of Maine, money that really and truly did not belong to them.

It makes me a little chagrined when we hear of special interests, and I have been called a party to special interests because of my personal work with a utility, but I wonder what legal aide, I wonder what common cause, I wonder what those programs are and who is paying for those program.

I come from an area which has an eleven to one membership in my party. I have taken a

great deal of interest in making a point of talking to the three parties — two major parties and others who care to remain Independents, and I am hearing the same thing — we want something done. I have had them tell me, some like me, maybe some don't, but regardless of that, some have told me, to tell you the truth, whether we like you or not, we don't necessarily trust all of the legislators.

They want something done. If we put this in the statutes, and rather than reach an impasse it could well be that I might go for it. I have gone for it before, I am not promising, and I am shedding my title now, which will be long gone pretty soon, and I want to tell you now that I have gone along with a ring in my nose, and the ring is in my nose this afternoon that people want something done. The feel very strongly that if we don't put something in the Constitution, we will come back next year and take it off the statutes and keep right on spending.

I have gone out of my way to talk to mill workers, shoe workers, banker, professor, school teacher, candlestick maker — I get the same answer from everybody. Representative Morton asked my yesterday when I voted in the manner that I did, Louie, how are you going to explain to your people your actions? I said, I am going to get on the phone, and thank God for one thing, all people that I spoke to on the phone, I made a list of them so I could call them and tell them of my action. I do not want us to spend all the time we have spent here not having done anything. I could speak for a great deal of time, I have never laid claim to being in order, and for the last few years I have spent so much time in the Finance Office and so much time in the Appropriations Room that I have tried to restrict myself to money matters. As a matter of fact, I will be very sorry to lose my dear friend behind me, because I think 75 percent of the time I run from the Finance Office and the good Speaker is kind enough to know that I am on my way over, like Secretariat, and I ask Albert, how do I vote and he tells me and I flick the key and if I vote wrong, I get home and people ask me why I voted that way and I blame him.

I have never in my life, and I have stood before you for years, I know that I have pleaded, I know that I have cajoled, I know that I have wrangled, I know I have been soft spoken and I know that I have been angry — now I am on my knees beseeching you to accept this report. This is the only possible thing you can actually get by and go home with. If you don't pass this, you might as well get up afterwards and make a motion to adjourn without day and ask the other branch to do the same thing, because if you don't, you can spend all the time you want here and you are not going to get anywhere.

Mr. Speaker, I saw that you got up, which meant for me to sit down. That is exactly what I am going to do. I urge you very, very strongly to accept this report in all sincerity, with the most urgency that I could ever put into my voice, I beseech you, this is the only thing you can pass, this is a sound piece of legislation. I know it has to be amended, I am not an expert, but others will do this and can do this, that is why we have administrative assistants.

Mr. SPEAKER: When the vote is taken, I move it be taken by the yeas and nays.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I rise today to support the motion of the gentleman from Lewiston to accept Report C, not to repudiate the work that has already been done on the concept of a constitutional amendment on government spending but, in fact, to achieve it, as he has so ably described to you.

I don't consider myself special here, but I would like to tell you how I feel, because I think most of us perhaps share these feelings. I think we come to this session willing, most of us, to

see a spending limitation measure enacted and sent on to the people for a decision, although I think we also felt the Tax Limitation Committee had made a wrong assumption, and that is that Maine's elected Representatives and Senators have not done their job. I have only served one term and in that term I have seen and been part of a bipartisan effort to limit state spending and to avoid tax increases. I was told by another member of this body that to say that sounded self serving. If that is so, so be it, I believe it is the truth. I also believe the members of the legislature have acted responsibly in regard to the needs and desires of their constituents.

Despite my belief that we are sent here by our people to make these difficult spending and taxing decisions, I am perfectly willing to see a spending limitation resolution put to the people in an effort to slow the increase in state expenditures.

When I first ran for public office only two years ago, I also stated that state government, like any household, must be able to live within its means, set priorities and not spend more than it takes in. Our efforts, those of the 108th Legislature, resulted, I believe, in this pledge being a reality. In fact, just in case you have forgotten and in case your constituents have forgotten, this legislature made a return of surplus funds to Maine taxpayers last spring to the tune of some \$20 million. We returned tax monies; we did not increase taxes. Despite such responsible behavior, I believe that many of us did come here ready to send on to the people a spending limitation measure with really only one thought in mind, and that is that such a limitation be worded in such a manner that it would insure that the measure did what it intended for it to do—no more and no less.

As you know, amendments to Maine's Constitution must be placed before the people for approval and have to originate here. That, in my opinion, is why we obviously are here, to take a proposal, any proposal, and study it amend it, to do what we want it to do without, I hope, any unpleasant surprises, and then to send it on to the voters of the state this fall if we can agree. This is the job for which we were elected. Our constituents expect us to wrestle with the problems, know the issues, understand the ramifications and the results to the best extent we possibly can.

I would ask, perhaps rhetorically, if there is anyone here who believes that the voters in the state would not vote yes to a question such as: the ones we have seen before us—shall we limit state spending, shall we cut taxes? Clearly, these are obvious desires of people across the State of Maine. It is our job, though, what is behind that question and in what way we will achieve that goal.

I think, as I indicated yesterday, you are all aware that one of the basic problems I had with the measure we considered yesterday was the concept of bringing local government under a state-imposed spending ceiling. The State Representatives, we have the responsibility of state expenditures. At the municipal level, I believe our local officials are responsible for the locally raised tax dollars. The local officials of Falmouth or Lewiston are not accountable to the people of Gray or Bangor. Why should they be told how much or little they may spend in a statewide vote? Right now, in fact, the voters of our towns and cities, your and mine, have the ability to pass such a spending limitation and indeed a number of communities are giving this action serious consideration. The Maine Legislature, in my humble opinion, must not compromise the rights of self government at the local level.

I will get personal for a minute, if I may, I think you know me pretty well, you know that I don't necessarily vote the party line, as many of you don't, you know that I am an independent in the non-political sense of the word, and you also know, I think, that I am not interde-

pendent. I have given the concept of a constitutional state spending limit a lot of thought this spring and summer, I have had to, and I have come to the conclusion that we must do something to respond to a real need on the part of Maine taxpayers. It is a beginning and only a beginning, and I personally welcome the opportunity to consider, and I hope approve, our tax structure in the 109th Legislature.

I will stop boring you now, but I do want to tell you how completely I agree with the honorable gentleman from Lewiston, how much I respect his efforts, and I share his desire to send a question to the people. I think we have heard that this is what they want and I think we can do it if we vote yes on Report C.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I find it kind of hard to rise today in some ways. I know a lot of people that have been speaking are in tough elections or running for higher office, as other people have been accused, and I guess I can't be accused of that and since I am one of those who are fortunate, or maybe as some of us are feeling now, are unfortunate enough not to have anyone running against me in the fall. I don't necessarily have to speak for the record and make political hay, so to speak, but I do feel very strongly about this issue and I did sign out the—I don't know if it is the minority report or not, there are so many reports—at any rate, it is Report "A". I would like to explain to you a little bit what Report "A" is. Very simply, it is Senate Amendment "J" that we all voted on last night and killed, or the Senate finally killed it this morning, but it has a couple of changes in it and I would like to just give you those changes if you could bear with me for a second and I think it answers a few of the questions that were raised the other day.

It does limit state spending, it does limit local spending, it has the highway fund in there; dedicated revenues are deleted. That is the same as Senate Amendment "J." However, if you look on Page 2 of the draft I have, under the section of use of excess revenues, we have included a section there that says that revenues in excess of the spending limit of that year may be used for the reduction of real property taxes or other taxes, reduction of tax rates or for retirement of bonded indebtedness. This makes it very clear that the legislature, if it should obtain more revenues than it can spend over above the limit, that it is obvious from this that that money can be sent back to the localities in the form of property tax reductions.

Section 4 of the bill just below that, there are four words added at the request of MMA, the Maine Municipal Association, and I did speak with John Salisbury about this today, that make the inventory tax and general assistance programs that are based on a funding formula more explicit, more direct as to what we want to do.

On exclusions, under Section C, there is a change and we have added the words "state levied taxes," which makes it clear that the property tax—apparently somebody was trying to pick this apart and felt that use of the words "promote or protect products or resources," the protection of a product could, I suppose, liberally interpreted, could mean protection by fire or equipment and police protection of homes and therefore property tax might somehow be construed to be excluded. That makes that completely clear.

Section 6 of the bill, we have added three words where it says, "Adjustment of appropriations under subsection 1 shall be made for the transfer of any program or service" and we have added the words "or part thereof" from one level of government to the other. This is to address the problem of school funding and any problems that might arise from that. That is the issues it addresses. That is the difference from Senate Amendment "J" that we voted on

yesterday, and I would hope that you could see your way clear to perhaps change your vote on that bill that we had last night.

It seems rather ironic, in a way, there has been a lot of talk over here over the last four or five days about homestead, property tax reductions and all sorts of things about how the property tax is oppressing the people of the State of Maine. Yet, the only constitutional tax limitation bill that we have on limiting property taxes, property tax increases or at least property tax expenditures, no one wishes to address that problem. We are talking about passing on a homestead exemption to people throughout the state, and I can't find any fault with that; no one can if you have got the money, but we weren't called into the legislature to deal with that problem. We were called to deal with limitations.

I know I spent five years on the town council in Scarborough and we happen to be a lucky town in our growth of property tax valuation, not the increase through inflation but we were a relatively growing town. We used to have an increase in valuation every year and we were lucky enough to hold the tax rate the same, in fact, lower it for four years and have one of the biggest surpluses in the State of Maine. We went to the people and we asked them, what do you want us to do with the money? Most of them said, keep it; don't lower our taxes but save it so you don't have to raise them again. I think when you talk about homestead exemption, and I am opposed to that, but I think if you ask the people what is foremost in their mind, it is limiting taxes. Okay, so you are going to reduce their taxes \$100 or \$200, or whatever, one time, there is nothing in a homestead exemption bill that will make that tax stop going up. It may drop \$100 this year; maybe instead of having to pay \$400, they will pay \$300, but next year they are going to have to pay \$325, maybe. There is nothing there that limits that tax from going up. There is some direct, initial relief but that is not what the people of the State of Maine want. They want long-term relief, long-term outlet, and we are not giving them that. This bill does.

I hope today you would vote against my good friend, and I mean that sincerely, although he has left the floor of the House, Mr. Jalbert's amendment, and I hope you could instead vote for Committee Amendment "A."

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I also have no concerns with regards to reelection prospects and I came to this session of the legislature with a very deep concern over the prospect of including a complex amendment in the Constitution of the state that would affect the future of the state in ways that were only partially understood at the time that it was put in and that it would be very difficult to change.

Most of the proposals that have come through the legislature have been flawed, and as we have gone through the past six days, we have seen in the other body and in this House a number of problems that have been raised with each successive draft, and I think that they illustrate the basic point, which is that we are trying to do something of such scope and of such magnitude in such a short time that we really cannot work all of the bugs out in this short period of time.

Some of the problems which have been raised with preceding drafts have been eliminated in the proposal which is now before the House, which I believe is report C rather than Report A which was discussed by the previous speaker. As an illustration of the kinds of problems which have been plaguing these things and which we ought to consider before we put any complex language in the Constitution, I would refer you to Page 2 of Committee Amendment "C" to L. D. 2212. In Section 2 of that, there is a drafting problem which actually was corrected

in some of the other drafts and it is not the most terrible problem that this legislature will encounter, but it is a problem that could in a situation create a problem.

If you look at Subparagraph C of Paragraph 2 under Declaration of Emergency, it provides that the expenditure limit of subsection could only be exceeded if all of the following conditions are met — the Governor requests declaration of emergency, the request is specific, and then in "C" the legislature declares an emergency in accordance with the Governor's request prior to incurring any of the expenses connected with the emergency.

Take yourself back to 1947 where the 1947 fire burned a large area of southern Maine. If this language were incorporated into the Constitution, before any expenses connected with the emergency could be incurred, the Governor would have to declare an emergency, he would have to make a specific request, he would have to call all of us into session and we would have to declare the emergency duly assembled in the House and Senate. That language could be corrected and it was corrected in some of the other drafts so that you could incur some expenses in connection with the emergency before the declaration, but here the only way that the Governor could order any expenditure to fight that fire would be to violate the provision of the Constitution, and then having done so, it would be impossible for the legislature to declare an emergency because all of the following conditions would not have been met. This is a nit, it is a problem that might not arise if this were adopted.

But go down to paragraph 3, the last phrase — protection of local government from state required costs. There are two sentences here which have almost not been discussed in the debate that I have heard so far in the two bodies. The last one says that the state is prohibited from shifting the cost of existing programs and services to non-state levels of government. In other words, where we now have programs where we provide assistance to the localities, those costs cannot be shifted to the local level so that the state can never decide that it no longer wants to fund its share of those services. I wonder if we have fully debated the ramifications of that and whether we want to write that into the Constitution of the State.

Look again in paragraph 3, at the first phrase there. It says that the legislature and executive departments are prohibited from requiring that non-state levels of government provide any new or expanded programs or services without reasonable financing from sources other than the property taxes. Well, there are two ways that that section could be met — one would be to provide that those new services or programs were funded by municipal income tax, municipal sales tax, some other form of municipal tax, or from state funds.

I have been looking through a report put out by the Advisory Commission on Intergovernmental Relations on the whole problem of state mandating of local expenditures. And just in glancing through that, the kinds of programs that are mandated at the state level for the local level, and many of these are familiar to anybody who has been in the legislature, include public assistance, liability insurance as it affects localities and employees of localities, standards for local pension plans — now, we don't have all of these in Maine but we easily could — workmen's compensation programs, unemployment insurance, ambulance and medical technician standards, jail standards, health and occupational safety requirements, election law requirements, such as access for handicapped people, the number of voting booths per population, those kinds of requirements, even election day registration which we passed in this House during the last session required the localities to incur a whole new set of costs. In the taxation area, we have mandated

very extensive requirements for uniformity of assessment and the procedures, and if we were to change those and that imposed cost, that would have to be funded from one of these other sources.

Social services, planning requirements, law enforcement, we, for example, require that deputies go to the Criminal Justice Academy. Fire protection and civil defense standards, environmental control requirements, plumbing code inspection requirements, shoreland zoning, water supply standards, school bus safety standards, all of these are programs that are mandated at the state level and required to be carried out at the local level.

In this amendment, which I have to say is better than some of the earlier drafts on this particular point, none of those kinds of programs could be acted on by this legislature unless funding were provided either at the state level or from some other kinds of municipal taxes which don't even exist in Maine. We haven't even discussed that sweeping change in the relationship between town and state governments. It hasn't been seriously discussed at all. I wouldn't have been aware of it if my seat-mate had not said, those sentences bother me a little bit and I started to look into it to see just what was involved.

I think that all of those three problems illustrate what is the fundamental flaw with the constitutional approach under the pressure and under the time constraints that we find ourselves. I just don't think that we can work out and anticipate long-range effects of what we are doing, and I think that the people of this state deserve more.

Just before I ran for the legislature, this body passed a truck weight law which was later interpreted to provide that you couldn't have your wife riding in the front seat of a pickup truck because you would be in violation of the weight standards. The sponsor of that bill had to run a referendum, an initiative referendum, to repeal his own bill.

Following that, we passed 1994, and you have all been here for that history, and now we are just about to pass or are discussing the "son of 1994" and we are going to spend the next four years trying to work out the problems with that, only this time we are going to have to amend the Constitution each time and go to public referendum. I think that we can do better than that and we can do it by using a more deliberate process. I would urge that this legislature and the members of this House not include in the Constitution any proposal that tries to detail the specifics of this spending limitation. I think that it will be a terrible mistake.

Ever since I have been here, I have been tremendously impressed by the respect that this body has shown for the Constitution, and I would hate to have that feeling shattered in the closing days of my service to the people of Maine.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think you can visualize my language if we were not here but, you know, you learn something every day and I finally learned another way to call somebody some name. I would like, however, to remind the good gentleman from Standish, Mr. Spencer, that from this very seat here, I made a motion to indefinitely postpone 1994. I stated that I wanted to do so because we had not funded the second year, we were \$23 million short of the second year. We came back the next year, we were found we were \$22 million short. I am delighted, however, and that is the only reason I got on my feet, this proves what I have always said, that there is nothing at a late hour like a little levity, and I am delighted to learn the lesson. I know now how to call some gentleman what I think of him in a very nice language and I want to thank the good gentleman from Standish, Mr. Spencer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I think that the Dean of the House should finish out his service in this term and go into the next term with the same reputation for vision and foresight that he gained by his motion to indefinitely postpone 1994. I won't make the motion for him, but I would now defer to the gentleman from Lewiston.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I offered an amendment when we first came down here that would take this paragraph and move it to an even stronger position whereby we would not mandate any programs on the towns. Since reading the same report that Representative Spencer did, I have one question to either of the signers of this report. Would you consider it a friendly amendment if we eliminated Paragraph 3 from this bill?

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I hope I don't have to spend too much time. I think my initial remarks stated that should this bill pass, and I have discussed this with the Speaker, this would have to be amended and any amendment that would be beneficial to the measure would most certainly be welcomed.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I listened with interest to Mr. Spencer's remarks because I, too, had questions about that section which he dissected for us, Section 3, protection of local government from state-required costs. I guess for me it is a compromise to accept this wording, because basically what we are saying is that all those programs, those of which we have here in this state that Mr. Spencer described for you, are, in fact, funded from the property tax, which is, as we all know I think, the tax that people, particularly people on fixed incomes, simply are finding it harder and harder to afford to pay today. I would suggest that nowhere in this language that you have in Report "C," however, is there any prohibition on other methods of funding. As a matter of fact, I can foresee that there will be and will have to be other methods of funding if we are to ask communities to act in what must be the state's interests in a mandated program.

Certainly a user fee is a possibility here. Municipal revenue sharing, as you know, we have responded to from this body in a larger and larger share.

Federal funds are a fact of life. Perhaps, we wouldn't like to have such largess come down to us, but until other states can cut them off, I don't think Maine has much choice, to be realistic about it.

Certainly there are other methods as well, and I think the important thing to keep in mind here is that right now the local property tax is what pays for these mandated programs, and if we are going to get off that particular merry-go-round, it is high time to begin to think about doing so in the next session of the legislature.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address the first question that Representative Spencer from Standish had in regards to an emergency situation and the inability of the governor to meet that sort of a situation. He cited as an example, the fires primarily I suppose, in Bar Harbor of 1947. I don't foresee that same circumstance, same combination of things that went together in 1947, could ever happen again because of the difference in inter-governmental relationships between towns

which were not available at that time.

As I heard the story of the fire of 1947, towns wouldn't cooperate with another by sending help. In addition to that, we have a civil defense department in the state that can handle emergency problems for a limited period of time; certainly, I hope, long enough to be able to effectuate some aid while the legislature is being called into emergency session.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, as some have told me that I have already said too much today, so I will be very brief in my comments as far as this is concerned.

I rise to support Report A, so I hope that you will vote against the pending motion to pass Report C. Very briefly I will tell you why. I believe 'it,' like B, doesn't go far enough in what we were sent here to do.

I want to call your attention to a letter that I received today from a citizen of this state. He said, "Dear Mr. Palmer: I am taking the liberty of sending you a copy of concern which I felt I should express to a certain person," (whose name I will not mention) "I can't strongly enough express my concerns that if this program doesn't contain limitations at the local level, many of us in smaller communities will still have serious financial problems. Irresponsible spending is not just a problem at the state level and I do not view a damper being placed at this level as a cure-all. I am encouraged that your position advocates controls at the local level. I sincerely hope that many of your colleagues will eventually share this view."

I want to add just a couple of other things in addressing these other two reports. Two concerns I have is (1) we do not address in this Report C the local situation; it is not strong enough; (2) I do not particularly like statutory language as addressed in some other parts of other reports.

I think a good example of how effective a statutory language is on spending limitations would be what the federal government does because it does have statutory language on the limitation of the federal debt. I am sure you all understand just how easy it is and how often it happens that Congress just sits together and says, "okay, throw on another \$10 billion, another \$10 billion, another \$10 billion—that is how effective statutory language is in holding down the federal debt, and I can't see that it is going to be much more effective in holding down the debt in the State of Maine.

Just one other item. I believe that there has been a great deal of concern in this session of the legislature and I, too, have it, that we do something about the property tax relief. Even though we cannot do the proper thing nor the time to address total tax reform in this session, the fact of the matter is that Report A is the 'only' report which addresses in any way a possibility of relieving to some measure, to some degree, a property tax situation here in the State of Maine.

I hope that we will reject Committee report C and that we will act favorably upon Report A.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: So as to continue in the bipartisan spirit of this afternoon, I would like to inform you that I will be joining the gentleman from Nobleboro, Mr. Palmer, in opposing the motion before us. My reasons are somewhat different but fundamentally they parallel those of my good friend from Standish, Mr. Spencer.

The other point which I have always felt very strongly about and I have stated many times in this House, personally, I cannot support any tax limitation that does not limit the \$55 million a year which is used in the highway account, and this bill does not limit that and I cannot

support it for at least that reason alone.

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

A vote of the House was taken, and more than one-fifth of the members present having 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 gentleman from Lewiston, Mr. Jalbert, that the House accept Report C.

Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Blodgett, Burns, Carroll, Carter, F.; Clark, Cote, Fowle, Green, Hall, Huber, Jalbert, Kelleher, Laffin, Lizotte, Mahany, McKean, McMahon, Pearson, Peltier, Sewall, Shute, Sprowl, Strout, The Speaker.

NAYS: Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Benoit, Berube, Boudreau, P.; Brenerman, Brown, K.L.; Brown K.C.; Bunker, Bustin, Carey, Carrier, Carter, D.; Chonko, Churchill, Connors, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Fenalson, Flanagan, Gill, Gillis, Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Joyce, Kany, Kerry, Kilcoyne, LaPlante, Littlefield, Locke, Lougee, Lunt, Lynch, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McPherson, Mitchell, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Silsby, Smith, Spencer, Stover, Stubbs, Talbot, Tarbell, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Whittemore, Wood, Wyman.

ABSENT: Berry, Biron, Birt, Boudreau, A.; Dudley, Elias, Garsoe, Goodwin, H.; Jacques, Jensen, Kane, Lewis, Mackel, MacEachern, Maxwell, Moody, Nadeau, Tyndale, Wilfong.

Yes, 24; No, 104, Absent, 19; Vacant, 4.

The SPEAKER: Twenty-four having voted in the affirmative and one-hundred four in the negative, with nineteen being absent and four vacant, the motion does not prevail.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I now move that the House accept Report "B" and request that the vote be taken by the yeas and nays.

Report "B" from the Committee on Appropriations and Financial Affairs is found on Committee Amendment "B" under filing H-1264. I think perhaps it is one of the few committee amendments which has been distributed here this afternoon.

I will be very brief and tell you just exactly what this Committee Amendment does. It is a sincere attempt by five members of the Appropriations Committee to attempt to try to flush out, for constitutional purposes, the specific areas which the statutory limitation on spending would address. It requires that the statutory limitation would be a two-thirds vote of the elected membership of each House and later on, probably tomorrow morning, there will be several reports for you to consider pertaining to a statutory limitation on spending.

I would indicate to you that this particular amendment is designed to go out to the people in referendum this fall either by itself or it could possibly go out in tandem with a statutory amendment, if, in fact, the legislature does pass such a measure before we adjourn.

I would indicate to you, as I have on the floor of the House in the past two days, that I have been opposed to any expansive language going into the Constitution that would restrict what I consider to overly restrict our ability to dis-

charge our elected responsibilities.

It seems to me what this amendment does is provide the framework upon which we were to development a statutory limitation. I commend it to you approval and hope that you will vote in favor of Report "B".

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

Mrs. KANY: Mr. Speaker and Members of the House: I, too, hope that you accept this amendment, Report "B", and the constitutional amendment follows the spirit of Representative Lynch's approach, which I see as a common-sense approach. It is a strong policy statement imbedded into the Constitution in which we could work out the many problems, statutorily. The biggest problem of all with any of the other constitutional amendments, which have been offered to us other than Representative Lynch's is in that portion of the bills in which they talk about protection of local government from state required costs and Representative Spencer articulated some of the problems so well. It is really here, the relationship between the state and the towns, in which we must be so careful, and hopefully we can get some statutory language.

The amendment is different than the Lynch amendment. It more explicitly states just what the legislature must address as it seriously goes about the business of trying to enact some limit on government spending. I believe there are more teeth in this bill, in this constitutional amendment, and they aren't false teeth either — no dentures. I hope you support it.

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

Mr. DEVOE: Mr. Speaker and Members of the House: I have not spoken in this session on this general topic of tax limitation or government spending. However, I do listen with great interest to the Representative from Stonington, Mr. Greenlaw. He used the words "sincere attempt." He used the words, "discharge out elected responsibilities," I believe. In looking at the language in Committee Amendment "B", I would like to pose some questions to the gentleman from Stonington, Mr. Greenlaw, or anyone else who would care to address them.

For example, what happens during the first session of the 109th if both the House and the other body are absolutely unable, by a two-thirds vote in each the House and the other body, to pass a bill that purportedly will carry out the purposes of the directive that would then be in the Constitution, assuming that this were to pass?

Then we have the sentence in Committee Amendment "B" which reads as follows: "Bills to carry out the purposes of this section shall only contain matter related to these purposes." Is there a provision in either the rules of this body or the other body which permits, you might say, the labeling of a bill? I can envision the possibility that either this House or the other body could wrangle procedurally over whether the subject matter of the bill was something related to the purpose of the proposed amendment to the Constitution. I think the more serious question, however, is, what happens during the 109th Legislature if this body and the other body are not able to enact statutes by a two-thirds vote of the elected members of each of the legislative bodies in this state?

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

The Chair recognizes that gentleman.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I will do my best to respond to the questions which my good friend from Orono, Mr. Devoe, has asked.

First of all, I am sure that if the people of the State of Maine enact a constitutional amendment, this legislature would take that mandate

as an absolute responsibility to discharge whatever is necessary to come up with a statutory limitation. Beyond the moral obligation which I think the legislature would accept, the gentleman from Orono, Mr. Devoe, who is a lawyer, perhaps could indicate what type of sanction the legislature would be under if it failed to come upon that, discharge that responsibility. I don't know myself but perhaps he could indicate.

I suppose that in terms of whether or not the legislature disagreed on content matter, if we did have a disagreement that could not be resolved between the two bodies, I suppose it would be an opportunity for a solemn occasion and we could send some questions off to the court, the Supreme Court of this state, and let them decide the question of the content matter of that particular bill. Beyond that response, I don't know what I could offer the gentleman; I hope it is a satisfactory response.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would like to add a word to that as basically the sponsor of this measure, and that is, as far as questioning the sincerity of the legislature, I would just like to remind the gentleman from Orono that we, as legislators, are sworn to uphold the Constitution of the State of Maine, and I would certainly hope that we would take that into consideration when we deal with the rules of the legislature, too.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify a couple of things and I also would like to ask another question to the gentleman from Stonington, Mr. Greenlaw. While I appreciate what the good lady from Waterville has just said about "we defend and uphold the Constitution of the State of Maine," that may be true but we still have the problem of a two-thirds vote in both branches to pass something and, obviously, if you do that and you find that you are three or four votes short, you begin to compromise on some issues and it looks to me as though eventually you end up watering down something in your effort to comply to the Constitution.

The second thing I would like to really ask is this. In that last sentence, "Each statute enacted to carry out the purposes of this section shall require the affirmative vote of two-thirds of the elected members of this House," does that also apply in future years if we wanted to repeal any of these provisions in the statutes?

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Yesterday, in the other body, a Senator said the only thing attorneys were good for in this process was to nitpick and to raise money for some political candidates. I am glad to see my good friend from Orono, Mr. Devoe, jumping into the fray in raising the question as to what happens if the legislature doesn't act by the end of the first session? Well, the first point is obviously an academic question, because parallel with this constitutional amendment will be a statutory question before the voters, but even if that were turned down and the constitutional amendment were accepted, I would point to my good friend from Orono that this is exactly the manner in which we abolished the executive council, that the constitutional amendment was first approved and then the legislature responded with statutes to carry out the will of the people in that form.

I would also refer him to the constitutional amendment in 1975 when we were dealing with apportionment, which begins by saying that the legislature which shall convene after the adoption of this amendment shall cause the multi-member districts and then it goes on. In the amendment, it gives the legislature the order

or the constitutional mandate to act and this legislature acted.

I also refer him to Amendment 31 in the Maine Constitution found in Sections 22 of Article 4, where again, the legislature shall enact further regulations not inconsistent with the Constitution. In other words, the process which has been exposed here and expounded by my good friend from Stonington and my good friend from Waterville is one that is not at all unusual in a constitutional law, and that is, if the principle itself is presented to the people for ratification and then if they approve the principle and approve that principle in their Constitution, it is then incumbent upon the elected people in their legislature to follow that up with statutory regulations.

We are going one step further, because not only do we favor this constitutional amendment and we favor the 109th to act, but we feel that we don't even want to wait that long, we want to put a statutory referendum out in the next bill which is before us. So, please, don't be dissuaded by my good friend from Orono, Mr. Devoe; the constitutional principles and precedent are clear.

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

Mr. HOWE: Mr. Speaker and Members of the House: I would like to give you a couple of quotations that I found recently in a couple of Maine newspapers. The first one is from the Bangor Daily News, it is the guest editorial, and I would quote therefrom in part. "If we recall the recent demise of L. D. 1994, we know it was in effect some three to four years. It was initially passed and later amended after extended debate in the legislature and wide range public opinion expressed by many citizens. In operation, it did not work as many people had hoped. To a significant number of communities, it was an oppressive law, it was repealed by the citizens — the cry was local control. The present proposal" — and the author was referring to the proposal of the Maine Tax Limitation Committee — "as it relates to the units of government other than the state seeks to limit their future spending. In other words, the state is imposing limits on local units of government. This is inconsistent with support of the concept of local control." That was a guest editorial written by the gentleman from Orono, Mr. Devoe. It occurs to me to wonder whether he still maintains that position, since he has opposed Committee Report C and apparently is in opposition to Committee Report B. Therefore, I assume that he is in favor of Committee Report A, which is the only one of the constitutional proposals, it seems to me, that threatens local control.

I would also like to quote to you an editorial that appeared this morning in the Waterville Sentinel and I will read it in part. "We congratulate the Maine Legislature on refusing to be stampeded into passing, without careful debate, the constitutional amendment putting a lid on state and local spending. In the wake of California's tax revolt, a one-day rubber stamp of the Maine Tax Limitation Committee proposed constitutional amendment might have been politically popular. We favor its goal but haste in pursuing it could have spelled trouble down the road." Later they say, "We think the Lynch plan, which is basically the report that was passed by this House last night, or some version of it, and in that respect, I would recommend to you Committee Report B has merit. Wherever possible, the Constitution should avoid specific details and only provide broad guidelines for government. This proposal would do that. It would mandate spending controls but leave the 'how' to the legislature. Once imbedded in the Constitution, an amendment is a great deal harder to remove, should it turn out to be unworkable, than a simple statute would." Therefore, I support Committee Report B.

The SPEAKER: The Chair recognizes the gen-

tleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Lisbon Falls for answering the first question that the gentleman from Nobleboro, Mr. Palmer, posed to me, and I would like to answer the second question if I could. The gentleman's second question was, would subsequent revision of the statutory limitation require two thirds. It seems to me it is very clear in the constitutional amendment that it would. It says that each statute enacted to carry out the purpose of this section 'each' means 'every,' I would assume, shall require the affirmative vote of two-thirds of the elected members of each House.

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

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

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In citing these examples, Mr. Tierney tells us that our Constitutional has other examples where this type of approach has been used. I just wondered, have there, to your knowledge, been examples of this in giving a particular date involved with the constitutional amendment, not so much just the direction but a time limit as well?

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

The Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I cannot remember the exact wording of the constitutional provision regarding the executive council as far as a date, but it was clear that the executive council would be gone by a particular date, and as soon as that council had gone out of existence, there were a great many functions which had been carried on for well over 150 years which would have created constitutional crisis had the legislature not acted and the legislature did act. They heard the will of the people, as I am certainly sure they would in this case.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Thank you, Mr. Tierney. Just one other question. Removing the executive council was just that, a termination. Here we are trying to create something which will have to have a consensus of two-thirds of the members of both Houses. I still see a danger here as long as that particular date remains in this proposed constitutional amendment. I don't believe that there is a good example for this type of measure being passed in the past.

Mr. Greenlaw of Stonington was granted permission to speak a third time.

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the gentleman from Millinocket, Mr. Marshall's question, which I think is legitimate. I guess I would just answer that question with another question. Does he or anyone else know a time when the people of the State of Maine have passed a constitutional amendment where the legislature has failed to carry out enabling statutory language which was directed in that constitutional amendment?

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Marshall, who may respond if he so desires.

Mr. MARSHALL: Mr. Speaker, I would respond to the gentleman in the negative. I am not familiar with any constitutional amendment

that would require construction of legislation which would need a particular time date involved.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just thought I would help answer one of Mr. Marshall's questions, and that is that our amendment which took out the executive council from the Constitution also reassigned some of those duties. So it was not just abolishing something, it was reassigning duties.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am not satisfied with the answer I received from the gentleman from Stonington, Mr. Greenlaw about my question on the two-thirds vote. I guess taking a leaf out of a book of a distinguished grammarian in the other body, I would have to take a look at this section and say I think that there are some problems here.

Now, the gentleman from Stonington, Mr. Greenlaw, just said, of course it means, you know, each statute means every statute. Well, I just want to look at the language in this paragraph for just a moment, and I am very sincere—you better believe I am.

I think I have a reasonable question to ask here. It says that this legislation shall be enacted prior to the adjourning of the first regular session of the 109th Legislature. Then down at the bottom it says, each statute enacted to carry out the purposes of this session shall require the affirmative vote of two-thirds of the members of both parties. That very clearly points out to me that to enact this, this particular paragraph, it takes a two-thirds vote. It certainly doesn't address the question, if the next legislature wants to do away with any part of this statute, it would take a two-thirds vote and I believe it would positively meaningless.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I am not a lawyer and I guess I don't nitpick, or try not to at least, if I can help it. I again rise to oppose this Committee Amendment "B" and while my attempts may futile, I would just like to address the problem that I see with the bill on a very theoretical basis, I guess, in that the bill is obviously not specific. That is the least to be said; it doesn't say anything about appropriations or indices, how the money will be passed on later if there is overcollection. I don't wish to address that, only that if we had—perhaps if we took Senate Amendment "J" and put it in the statutes, as we have got an amendment to another bill coming along that would do, if you did that and suppose the index said the lesser of cost of living or personal income, as most of the bills that have come through now say, then suppose you got down to the 24th hour, as we do around here sometimes in July passing the budget and we needed \$10 million to fund a program? What is to prevent this body from changing the lesser of to the greater of by a two-thirds majority, which is what we pass all our appropriations acts by, since they are emergencies, there is nothing here to prevent that. I submit to you that the people of the State of Maine don't want us fooling around with a constitutional amendment in the statutes, because it is just too susceptible to legislative action on the last hour. We have seen that happen, and I think to suggest that this even approaches the solution to the problem is beyond comprehension.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say that this is no wet noodle and that definitely if you have an opportunity to look at the amendment before you, Representative Higgins, I

think you will see that we must deal with this disposition of excess revenues. I believe you were around when we dealt with the legislation on the executive council and redistributing the powers, and true, it was a look of work, but I think if we have faith in each other and in our sincerity, we can do it and accomplish just what the citizens of the State of Maine would like us to do.

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

Mr. JALBERT: Mr. Speaker, in view of the fact that the Governor's Council and the Constitution has been brought in so much here, all I can recall about the executive council is this—we delegated authority all right. A Democratic House gave the complete, 100 percent authority to a Republican Senate, that is all we accomplished with that bauble.

The SPEAKER: A Roll Call has been ordered. The pending question is on the motion of the gentleman from Stonington, Mr. Greenlaw, that Report B be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. COX: Mr. Speaker, I would like to request permission to pair my vote with the gentlelady from Auburn, Mrs. Lewis. If Mrs. Lewis were here, she would be voting no and I would be voting yes.

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

Mr. TORREY: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jacques. If he were present, he would be voting yes and I would be voting nay.

ROLL CALL

YEAS—Bachrach, Beaulieu, Benoit, Blodgett, Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Curran, Davies, Diamond, Dow, Dutremble, Flanagan, Fowlie, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Joyce, Kany, Kelleher, Kilcoyne, LaPlante, Locke, Lynch, Mahany, Martin, A.; McKean, Mitchell, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Plourde, Post, Prescott, Quinn, Raymond, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Valentine, Violette, Wood, Wyman, The Speaker

NAY—Aloupis, Ault, Austin, Bagley, Berry, Berube, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conners, Cote, Cunningham, Devoe, Dexter, Drinkwater, Durgin, Fenlason, Gill, Gillis, Gould, Gray, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Laffin, Littlefield, Lizotte, Lougee, Lunt, Marshall, Masterman, Masterton, McBrearty, McHenry, McMahon, McPherson, Morton, Palmer, Paul, Pearson, Peltier, Perkins, Peterson, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Twitchell, Whitemore

ABSENT—Biron, Birt, Boudreau, A.; Dudley, Elias, Garsoe, Goodwin, H.; Jensen, Kane, Kerry, MacEachern, Mackel, Maxwell, Moody, Nadeau, Rideout, Teague, Truman, Tyndale, Wilfong

PAIRED—Cox, Jacques, Lewis, Torrey
Yes, 62; No, 61; Paired, 4; Absent, 20; Vacant, 4.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-one in the negative, with four having paired, twenty absent and four vacant, the motion does prevail.

Thereupon, the Resolution was read once. Committee Amendment "B" was read by the Clerk and adopted.

Under suspension of the rules, the Resolution was read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Joint Order Relative to Joint Standing Committee on Appropriations and Financial Affairs reporting out all bills in its possession. (S. P. 776)

Pending—Passage in Concurrence.
Thereupon, the Joint Order received passage in concurrence.

(Off Record Remarks)

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