

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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HOUSE

Thursday, June 7, 1979

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

Prayer by the Reverend Garnett Chute of the Hudson Baptist Church.

Rev. CHUTE: Shall we pray. Our Father, we thank you for this beautiful morning. We thank you, Lord, for the country in which we are privileged to dwell, the freedoms which we enjoy. We thank you for appointing each one of these men and women before us this morning for the responsibilities that they have.

Father, we thank you that we owe much of our freedoms because of the word of God and the Gospel of Christ. Lord, today, when our world is unrest and uncertain, we thank you that we can depend on the word of God and faith in the blood of Christ as a security for here and for the hereafter.

Lord, in Thy session this morning, just bless each member. We pray, Lord, that all things be done according to Thy will and Thy glory. Thus, we pray in Jesus name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communications:

THE SENATE OF MAINE

Augusta

June 6, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, An Act to Increase the Funds for the Displaced Homemakers Program. (H. P. 779) (L. D. 981)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE

Augusta

June 6, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its former action on Bill, An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education. (H. P. 937) (L. D. 1147)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Expressions of Legislative Sentiment recognizing that:

Crystal Cressey, of Westbrook, has been selected Salutatorian of the 1979 graduating class of Westbrook High School (S. P. 602)

Martha Eames, of Westbrook, has been selected Valedictorian of the 1979 graduating class of Westbrook High School (S. P. 601)

The City of Westbrook has been selected to receive the National Arbor Day Foundation's Tree City U.S.A. Award for 1979 (S. P. 603)

Came from the Senate Read and Passed.

The Orders were read and passed in concurrence.

(Off Record Remarks)

On motion of Mr. Simon of Lewiston,
Recessed until the sound of the gong.

After Recess

10:25 a.m.

The House was called to order by the Speaker.

(Off Record Remarks)

At this point, the rules were suspended for the purpose of allowing the members to remove their jackets for the remainder of the day.

The following Joint Order: (S. P. 614)

WHEREAS, Maine's transportation system is presently facing a serious budget crisis; and WHEREAS, state highways are being repaved every eight years, although the pavement life expectancy is five years, a condition which is rapidly leading to a severe deterioration in the condition of Maine's highways; and

WHEREAS, if this deterioration is allowed to continue, the State will soon be faced with major repairs on these highways which will be much more costly on a long-term basis than the current costs of upkeep; and

WHEREAS, the poor condition of many of the roads in the state greatly increases the amount of wear and tear to which the motor vehicles of this state are subjected; and

WHEREAS, the major source of funding for highway and bridge programs is the gas tax; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Taxation be ordered to report out to the House a bill concerning increasing the gasoline tax by 2¢.

Came from the Senate Read and Passed.

In the House, the Order was read.

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

Mr. TIERNEY: Mr. Speaker, I move that this Joint Order be indefinitely postponed.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: On behalf of my caucus, which did spend a great bulk of its time discussing this matter, I am opposed to the motion. I guess it hasn't been any secret, but the Governor's proposal for funding the highway has not met with the approval of my caucus, and it is no secret that while we have not specifically entered a proposal for a gas tax, you really can't talk about pay-as-you-go, which is the basis on which we feel quite comfortable, you can't talk about pay-as-you-go without giving serious consideration to a gas tax. But we are not enthusiastic about a gas tax. We are, however, so unenthusiastic about the concept of borrowing with its downstream costs, its downstream requirement that we do turn to pay-as-you-go methods to alleviate that burden, that we agree that a gas tax must be given serious consideration. It is on that basis, after a great deal of debate, that we agreed to support the introduction of this order. But I wouldn't be giving you the full picture if I didn't indicate to you that even some of those who voted that we would support as a group this order, they made it very clear that they reserve their judgment as to what might come out of taxation as a final bill. I think we would all have to give them that prerogative.

This makes much more sense than the latest proposal that came to us yesterday. I heard it described on the radio as a crazy quilt package, and really, it lends itself to that description.

We have turned down a bonding issue of \$22 million, so that avenue isn't before us anymore, at least unless the Governor chooses to bring in another one.

I am rather surprised to hear my distinguished colleague in the other corner move that this be summarily dismissed in the manner that he has, and I trust that he is not speaking for 100 percent of his party colleagues, because the other day we saw that the gentleman from Limerick, Mr. Carroll, had to

go through a spiritual rebirth before he could support a \$22 million increase in funding, and I could appreciate the problem that that conservative, small town gentleman would have to experience before he could give the lukewarm support that we heard him offer on the floor the other day, and my good friend from Durham devoted most of his time to attacking my sophistry, and I have looked that word up, Mr. Tierney, and I don't think that was very nice; I thought it was a compliment, but it does indicate that the Democrats feel very uncomfortable today.

They are uncomfortable with a Governor who is sitting there posturing and piously declaiming against taxes while suggesting that we lift \$11 million from the pockets of fee payers, I guess you would call them. We wouldn't have liked it if King George had done this, but I bet King George wouldn't have called it a key fee, he would have called it a tax if he was taking \$11 million from his loyal subjects. This is one of our problems, that we are looking for some leadership out of that office and we are not getting it. We see someone who is living in the past, he has hoisted himself up with his own cross of no taxation, but behind that no-taxation talk was no spending. He makes specific references to the highway program, he would limit spending, except in dire consequences or in dire need.

Well, if we are not in dire need, he sure is coming up with \$33 million, so I would almost assume that he has identified a dire need, and the irony of it is, we are standing here holding out the hand of cooperation, offering to stick our necks out and go along with the \$33 million of dire need, and he is slapping our hands.

I was very disappointed to hear him use the term "partisan politics at its worst," he was quoted in this morning's paper. Well, that might apply to both sides of this question, I don't know. I don't think we are going to solve anything by exchanging that type of recrimination. I just want to make it clear that once again we are holding our hand out — Governor, we want to cooperate with you. We hope there are enough Democrats here who want to cooperate with you so that we can at least get this device in for consideration by this legislature as a means out of the dire situation that you obviously see if you are recommending a \$33 million increase in highway funding, but you can't have it both ways. You cannot get our cooperation to a borrowing concept, to a crazy-quilt package of non-recurring funding, because we know and the Governor knows that we are faced with a repetition, the next biennium will be a repetition of this one. A substantial amount of new money is going to be required and there will be no way. Unless there are some goodies being sequestered that we don't know about, there will be no way of avoiding biting the bullet and going on some sort of pay-as-you-go basis.

So, as distasteful as the concept of taxation and increased taxation is, I know every one of us, we are not unique in that respect, we are this morning, in the spirit of cooperation, with the extended hand of cooperation to our Governor, going to support the innocuous order that says, yes, Taxation, we want you to examine the situation, give us another string for our bow, tell us what we might do to change the situation that we now find ourselves in. I hope this is going to be the majority conclusion on the part of this body.

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

Mr. TIERNEY: Mr. Speaker, a wise man always said that every analogy limps, and I think the good gentleman from Cumberland, his last analogy on the subject, is probably apt. There is no question that it will put another arrow in the quiver of people who want to increase the taxes of Maine people. There is no question about that. I think that is why I moved to indefinitely postpone this order.

I don't think that any of us should pretend on this subject. We know exactly what it is. The Governor of this State stood in this room some 60 or 70 legislative days ago, back when there was snow on the ground and unveiled exactly what his highway program package was — a \$22 million bond issue, registration fee, he told everyone what it was, and there was no effort during all these 60 or 70 days for any member of the Republican party or any member of this House to ever come to leadership and say, gee, we had better get a tax bill in there because we are short, the Governor didn't put one in, we thought he was going to raise taxes.

So here we stand, June 7, three legislative days left until adjournment, and we have an order in to increase taxes. I assume that the good gentleman from Cumberland, Mr. Garsoe, wouldn't want this bill to have a public hearing, maybe that is why they waited this long, because there is obviously no time to advertise for one. Maybe they don't want the public to be able to come in and speak on the issue. That might be part of the game plan, but that is not the way we do business around here, and every single member in this House knows it.

Now, the issue is very clear. If you want to have a two-cent gas tax, I guess you could vote with Mr. Garsoe. But if you want to vote with the Governor and you want to vote with me and you want to vote with the people who feel that a two-cent permanent gas tax is not the way to go in 1979, then I suggest you vote yes on the pending motion and, Mr. Speaker, I request a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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 this Joint Order be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. L. Dutremble. He would be voting yea and I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, I request permission to pair my vote with the gentleman from West Gardiner, Mr. Dow. If he were here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Diamond, Dudley, Dutremble, D.; Fowlie, Gavett, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Laffin, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, MacEachern, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Silsby, Simon, Soulas,

Sprowl, Strout, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Bordeaux, Boudreau, Brown, D.; Carter, F.; Conary, Damren, Davis, Dellert, Dexter, Doukas, Drinkwater, Fenlason, Fillmore, Garsoe, Gillis, Higgins, Huber, Hunter, Hutchings, Immonen, Kiesenman, Lancaster, Lougee, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Rollins, Roope, Sewall, Sherburne, Small, Smith, Stetson, Stover, Torrey, Wentworth, Whittemore.

ABSENT — Carter, D.; Chonko, Elias, Joyce.

PAIRED — Dow-McMahon; Dutremble, L. Jackson; Gould-Jalbert.

Yes, 95; No, 46; Absent, 4; Paired, 6.

The SPEAKER: Ninety-five having voted in the affirmative and forty-six in the negative, with four being absent and six paired, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Reports of Committees Ought to Pass in New Draft

Committee on Appropriations and Financial Affairs on Bill "An Act Making Supplemental Appropriations from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (Emergency) (S. P. 239) (L. D. 688) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (S. P. 600) (L. D. 1673)

Came from the Senate with the Report read and accepted and the New Draft Passed to be Engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-290) on Bill "An Act to Place an Annual Limit on Capital Expenditures Approved in Accordance with the Provisions of the Maine Certificate of Need Act of 1978" (S. P. 477) (L. D. 1474)

Report was signed by the following members:

Mr. CARPENTER of Aroostook — of the Senate.
Mrs. PRESCOTT of Hampden
Messrs. BRENERMAN of Portland
BRODEUR of Auburn
CLOUTIER of South Portland
Mrs. CURTIS of Milbridge
Messrs. NORRIS of Brewer
VINCENT of Portland — of the House.

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

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. HICHENS of York — of the Senate.
Mrs. MacBRIDE of Presque Isle
Mrs. PAYNE of Portland
Mr. MATTHEWS of Caribou — of the House.

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

Mrs. Prescott of Hampden moved that the Majority "Ought to Pass" Report be accepted.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gen-

tlemen of the House: To me, this is the most appalling bill that has come before the Health and Institutions Committee during the whole session. This bill, as amended, puts a \$20 million spending cap on all the health facilities in this state to be reviewed twice a year.

We have a Certificate of Need Act that was passed just last year that either was a very poor act and not working at all or it should be given a chance. Putting this in now is a clear case of locking the barn door on expenses after the horse has been stolen and I think we are locking the wrong door. I think we should concentrate on finding the horse.

This would include hospitals, both state and private, nursing homes and other facilities whose expansion is already controlled by the certificate of need. It would even include expenditures in private gifts to these facilities. Any private gift to buildings would be included, and this morning I checked with a trustee of Eastern Maine Medical Center. The citizens of that area want a chapel in their hospital. Money is being raised by private subscription for that chapel. Under the present Certificate of Need Act, this would be acceptable, but if this monstrous bill were passed, the cost of that chapel, raised by private subscriptions, would be taken from that \$20 million. Thus, the very real desires of private citizens to privately build this chapel would rob other facilities all over the state of their needs by the amount of that expense.

I think this is a bill you want to listen to the debate very carefully on, and I move that we recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a concern of the gentlelady, Mrs. Payne, and she has said that this is the most appalling bill that has come before the Health and Institutional Services Committee this session. Well, "appalling," as I think about the meaning of it, means it is shocking, and I don't think that it is very shocking if we are talking about Proposition 13, we are talking about putting taxes on our federal budget, we are talking about balancing our federal budget, putting caps on state expenditures, I don't think that is shocking. This is the same thing. We are talking about the health care industry that has spiraling costs and no one seems to be having any control of.

This bill will not allow the Department of Human Services to exceed the \$20 million cap on capital construction projects during the 12-month period, and the department supports that cap. The \$20 million is more than has been granted for a certificate of need for both nursing homes and hospital expenditures during the past year. The largest project that we had last year was less than \$3 million. The total expenditure that we had last year was \$17 million for the entire year.

This bill provides for two review cycles each year, and now the project would be developed part way through a year and not have to wait until the end of the year to be decided upon. We would also have in the bill an emergency provision. If there was an emergency need for a facility, that would be taken care of in the bill. There is also a provision for increases in inflation and construction costs.

Now, remember that hospitals recapture in revenues through the patient charges every dollar that they spend, and they take that money from the people who are sick. There is no incentive for hospitals or any other health care facility to limit their capital expenditures. On the contrary, there are many incentives for them to increase and not limit their investment in new facilities.

I think it is up to us to do something and to keep the health care industry at some reasonable level, and this is not an arbitrary figure that we have selected. Over the past two years,

the Health Systems Agency and the Department of Human Services have approved \$35 million in capital expenditures for expansions or additions to health care facilities in the State of Maine.

We are currently faced with a total of \$170 million in requests this year alone. Last year, we approved 80 percent of the projects, or a total of \$17 million, and if we approve 80 percent of the request that we have facing us this year, it would mean that it would cost the State of Maine an additional \$11 million for Medicaid-Medicare payments next year alone, and that is a part of the state budget over which we have no control.

At the present time, each request is looked at in isolation. There is no process available at this time to compare and to contrast the needs of the various petitioners in order to arrive at priorities, the needs of the various petitioners in order to have to look at a desirable proposal before they look at a necessary proposal.

I don't think we should be concerned about the chapel and the library that the good gentelady mentioned, because that is a good example and I think we have one major problem with that, and that happened the last time around. The Eastern Maine Medical Center in Bangor did submit a request for a chapel and library conference room proposal, but it did it before it submitted a request for a radioautography or a fluoroscopy proposal. Unless this bill becomes law, this is what is going to continue. The facilities are going to be requesting what they really don't want first and what they really do want will be requested after they get what they really don't want. So, I think this bill of establishing a cap of \$20 million is what we really need at this point in time when we are so concerned about the rising costs of health care.

It was also mentioned by the gentelady that she was concerned that the certificate of need law that we have now is satisfactory; in fact, it is one of the laws that has been noted around the country as being one of the best, but I would like to point out that we are not meddling with this law, that we have already amended that law and we have done it this session, and that law amendment has been signed by the Governor. So, we have already corrected some of the problems that we have with the present certificate of need law.

I hope you will support the "Ought to Pass" Report.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address this just a few moments this morning and point out that some of the things that the gentelady from Hampden has just reiterated to you, to me are some of the best arguments in the world for killing this bill. She mentioned the excellent certificate of need law that we presently have on our books, one of the best in the country, and that is true. So, we have very recently passed that, we have even more recently amended it to make it even better and it is an excellent certificate of need, but it is speaking about need.

It is quite obvious to me that one of the other requirements of our law which hasn't yet been adopted, and that is the statewide plan which is required before we would have any idea of what is a good way to go and what is a bad way to go. Whichever way you use it, whichever one of these criteria you use to measure the need, certificate of need or statewide plan or both, the idea of a ceiling completely negates any of the work that you do through these agencies. The need is disregarded, the statewide plan is disregarded and all you are talking about is putting a cap on whatever is chosen.

The gentelady pointed out that last year \$70 million was spent and the largest project was \$3 million. It is obvious to me, with a \$170 million worth of requests that are presently in front of these people, some of them must prob-

ably exceed the \$20 million. What if one of those gets the first crack at it and the whole \$20 million is down the drain before any other projects are considered, a small project in some rural health clinic?

I would suggest to you that this is not the way to go. It is very restrictive and probably what will happen if this bill is adopted, that \$20 million will be gone before the first week is out and it will all be in some big project in one of the larger cities in the State of Maine and I certainly think that is counterproductive.

I move that this bill and all its accompanying papers be indefinitely postponed and would request a roll call.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer my good friend from Farmington, Mr. Morton, who is one of the few communities, I guess the only community in the State of Maine, that does have an HMO, which certainly creates some competition for the general medical field.

I guess we all approach this problem and it is a problem. I attended a seminar last week, as some of you know and some of you don't know, and there is no question if health care costs continue to proliferate at the rate it is going, in a number of years we will be spending the total gross national product to pay for health care. It is running rampant. It is costing more than energy, it is costing more than any other fact of government. The health care financing administration is as large today as General Motors. It is handling that bulk a month and that is the agency of government that takes care of Medicaid and Medicare.

I could go on and on and on how this is proliferating, I think everybody is aware of it. I don't think there is a person in this House that doesn't realize that health care costs are going out of line. I know that the good gentleman from Farmington has had some serious problems trying to address the rising costs in the department of health care this year, and I think the major problem he has looked at or the largest amount of money is health care. Every facility, every health care facility that is standard or built across the state has to be amortized and paid for, regardless of whose money goes in to build it. When you talk about amortizing and paying for it, the agency that probably pay the most is Medicaid, and who provides the money for the state's share for Medicaid? It is the taxpayers.

So, what I am saying this morning, and I do have an amendment that would change this bill somewhat, increase the cap, all this bill would do would mean that once you reach the cap, and this is what I am going to try and spell out, that if you want to spend more money, you come back to the people that pay the bills, you come back to the legislature and you let the Appropriations Committee look at it and you let the Appropriations Committee make a determination if you want to spend an extra \$100 million in the next year or the year after or the year after that.

Let's try to bring some fiscal responsibility to health care costs. Let's, in one instance, let the people that pay the bills, and that is the state legislature, let those people make the final decision if you are going to go above a cap of some sort. I am going to increase the cap, try to increase it with an amendment this afternoon, but let's try.

All across the country, the same arguments are taking place, the individuals billed, the people get the service and somebody else pays for it, either Blue Cross-Blue Shield, third party or Medicare, so let's bring it into focus. It may slow the process down a little bit and it may step on some people's toes and probably some good friends of mine, but you have got to search a solution out for this problem. If you don't, everything that we make will be paid to

health care.

I would hope that you would vote against the indefinite postponement. I hope you let this bill go to second reading and this afternoon I will present my amendment. It is a step toward a compromise on this thing, but let's not just out-of-hand, because we are infringing on some parochial control, there is no question about it, but let's not just out of hand throw this bill away.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: For the past 10 years, I have served as a trustee of a little coastal hospital down in Damariscotta called Miles Memorial Hospital. We have just had a review of a capital expansion program down at Miles. It has taken us the better part of a year to go through the review process and get that project approved. I can assure you that the trustees of Miles Memorial Hospital are not out to spend your money or my money. The hospital does not recoup all of its costs from the patient care. If it weren't for the league, that is the dedicated ladies who raise money throughout the year, if it weren't for the contributions of our annual fund drive, that little hospital could not survive and I doubt that many hospitals in this state could.

When you start talking about financial responsibility or fiscal responsibility, it is not going to be solved by any such measure as this. What this measure would do would simply put the state in the business of running all of our health care institutions. I don't think that is what we want and I submit to you that this is a bad bill, it would completely destroy the incentive of any small hospital to continue in the delivery of health care in this state.

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

Mr. BRENERMAN: Mr. Speaker, Members of the House: In answer to some of the points made by the opponents of this bill, all we are trying to do is put more responsibility into the certificate of need process as it stands now. Presently, each project, as it comes before the Health Systems Agency in the department, it is looked upon in isolation and each is judged on its own merits, but there is no overall process to determine which project is needed as compared to another project.

Mrs. Payne mentioned that she thought this was the most appalling bill in this session. I would only say to that, I think it is appalling that the legislature would not want to try to control hospital costs and the great increase in capital expenditures for hospitals.

Also, Mr. Morton mentioned that the certificate of need bill is working and Mrs. Payne also mentioned at the same time that we ought to give it a chance. Well, we have had certificate of need for awhile and we have had the federal 11-22 process for awhile, and we have seen what I said before, that we have no orderly process of really getting at all the capital expenditure programs at the same time and reviewing them at the same time.

Mr. Morton mentioned that small hospitals may suffer. I think this process would give small hospitals a better chance. Small hospitals would have a chance to present their requests at the same time as large hospitals, and in that way the Health System Agency and the department could review which project was better than others.

To answer the question of one hospital using up all of the capital expenditure money at one time. Under this bill, the Health System Agency or the department could spread out the capital expenditure over five years so that a \$20 million project would only be \$4 million or \$5 million, depending upon how they would apply it to this program.

I would ask the House support this bill.

The SPEAKER: The Chair recognizes the gentlewoman from Presque Isle, Mrs. Mac-

Bride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I am very much opposed to this bill for the reasons already mentioned and because I believe it is unnecessary and unfair. The Certificate of Need Act, passed last year, does prevent duplication of services in an area now and therefore does control that aspect of capital spending today.

The Certificate of Need Act passed last year was really a good bill and it is a good law and it was much needed. I can attest to that because of a situation that happened in Aroostook County, for example. We should have had one central hospital in Aroostook County instead of having the various towns competing for hospitals. We now have very good facilities in Houlton, Presque Isle, Caribou, and Fort Kent. Had this certificate of need been passed before these hospitals were constructed, this would not have happened. Today, it could not have happened because we have this law. It was passed only last term and it really is working. I can attest to that too, because Presque Isle does have a very busy hospital. It is centrally located and we tried to add more beds to it a year ago. They applied to have even just 10 more beds and after the study was done through the certificate of need, they told us that there were beds in Fort Kent, Mars Hill, and in Fort Fairfield, so we did not need any more in Presque Isle and we were turned down. So this certificate of need is working. The need does have to be determined by the Health Systems Agency and then the department, before the building is done, so really what more do we need? Do we want more government regulation for our hospitals too?

If this bill is passed, it will certainly discriminate against the rural areas. When it comes to determining needs, the Health Systems Agency will look at the applications and decide the larger areas and hospitals have greater needs than the smaller areas because they serve more people. Actually, the needs of smaller hospitals are as great to the people of that area as the needs of the medical centers.

With some of the health needs being so costly now, one hospital might apply for \$12 million or \$14 million, leaving only \$16 million for the rest of the state; that is just not fair. I am much in favor of having excellent services at our larger medical centers, but I also feel that the needs of the more rural sections should be met too. Under this bill, I don't think they have a chance.

The certificate of need today does control the building. We do not need this bill and I hope you will vote to indefinitely postpone it.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: If we don't pass some sort of cost containment, what we are saying is that if you add to a hospital and you are going to treat Medicaid patients, you can expand as much as you want to, send us a bill of \$11 million and we will pay it, we have the money. We are going to take it out of the general budget and spend the money. I think if we said that to other instances, for example, state employees who are working for the state in other capacities, you work for us, send us a bill, we will give you the money. I think we would quickly say no. If we are going to spend \$11 million, I think we ought to look at the way it is being spent. I think we do have the responsibility to say to the people who we are giving the money for the services that are provided, that there is a need for us to say we will have to judge those priorities upon what is the most important need. We certainly don't take all the bills on the Appropriations Table and say that they are necessary and we are going to fund them all because they all are necessary. What we do is say, how much money do we have, what can we afford and then determine our priorities and spend the money on the basis of what is the most impor-

tant need. I think we ought to apply the same principles to setting those priorities in terms of rising medical costs.

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 pending question before the House is on the motion of the gentleman from Farmington, Mr. Morton, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, I would like to pair my vote with the gentleman from West Gardiner, Mr. Dow. If he were here, he would be voting yes and I would be voting no.

ROLL CALL

YEA — Aloupis, Berry, Berube, Birt, Blodgett, Boudreau, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McPherson, Michael, Morton, Nelson, A.; Nelson, M.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Tarbell, Torrey, Twitchell, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Carrier, Carroll, Carter, D.; Cloutier, Cox, Curtis, Davies, Diamond, Doukas, Dudley, Dutremble, D.; Fowlie, Gowen, Gwadnosky, Hall, Hanson, Hickey, Hobins, Howe, Huber, Hughes, Jacques, P.; Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McMahon, McSweeney, Mitchell, Nadeau, Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Strout, Studley, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Austin, Chonko, Connolly, Dutremble, L.; Elias, Jalbert, Joyce.

PAIRED — Dow-Gould.

Yes, 71; No, 71; Absent, 7; Paired, 2.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-one in the negative, with seven being absent and two paired, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once.

Committee Amendment "A" (S-290) was read and adopted and the Bill assigned for second reading later in the day.

Divided Report

Indefinitely Postponed

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-291) on Bill "An Act Relating to Dental Health" (S. P. 330) (L. D. 964)

Report was signed by the following members:

Mr. CARPENTER of Aroostook — of the Senate.

Mr. NORRIS of Brewer
Mrs. PRESCOTT of Hampden
Mrs. MacBRIDE of Presque Isle
Messrs. BRENERMAN of Portland
BRODEUR of Auburn

MATTHEWS of Caribou
Mrs. PAYNE of Portland

— of the House.

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

Report was signed by the following members:

Mrs. GILL of Cumberland
Mr. HICHENS of York

— of the Senate.

Mr. CLOUTIER of South Portland

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-291)

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a division and a little explanation of what the bill is.

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

The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill was introduced at the request of the dentists and I don't think they have a whole lot to gain if they had better teeth in the State of Maine. It is another method of bringing the fluoride question to a referendum and it will retain and strengthen the local control concern that I know a lot of you have. I think the two issues that have been, probably surfaced the most on this bill is the fact, is there local control and is fluoridation safe? I can answer yes to both of those questions, because the bill clearly spells out the fact that there will be procedures for the town officials and the voters whenever a vote is taken on fluoride.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I am very much opposed to this bill, as I was 12 years ago when I came into this House. It is practically the same bill that was presented then and they are trying to force fluoridation down your throat without any vote. I submit to you this is the worst of the bill because this is one of the sneakiest of all the sneaky things that we have had in here. I say it is sneaky because if you just look at the title, if some of us don't pay any attention to the title, it just says "dental health." When all of the other bills of the same caliber have been presented, there always has been the word "fluoridation" to attract the people's attention, but this bill says "dental health."

I know where this bill comes from and it does not totally come from the dentists because they are not that enthused about it. I know where it comes from, it comes from friends of the sponsor who previously, in another session, was also the one that promoted this same thing in this House through other parties.

I submit to you that this bill is very dangerous. As the law is now, if you want to take a vote on fluoridation, you can bring it up at the general election and the people vote it down and that is all there is to it.

In essence, I am opposed because of its danger and, secondly, I am opposed because in the city of Westbrook we have taken three votes on fluoridation and every time that we took the vote, the people voted it down.

Now, under this particular bill here, it would give the City Council the right on their own, without putting it to referendum, to pass the

bill. I can tell you, ladies and gentlemen, that this 30 day notice is very dangerous because there are certain ways that you can very secretly do certain things and the first thing you know the right for referendum would be gone.

I would also submit to you that one part of it which says that if it does go to fluoridation, if it does pass, then you cannot bring the issue up for two years. Well, I say fairness is fairness. If you cannot bring it up for two years to vote on it, I think it should be judged the opposite way too, because the fluoridation forces should not be allowed to bring this up any time they want to.

The proponents of this bill suggest that this — you know, you are going to go to referendum on this, yes, but the way that it is set up, the ones that would be hurt by this, the ones that don't want fluoridation and would be hurt by this are the ones that would have to bring the referendum, why not let the people that want to fluoridate the water, if it isn't fluoridated already, why don't you let them take the initiative and take this step, they are the ones that ought to bring this thing to referendum, but they don't want to do that and they don't do it in Westbrook either.

In Westbrook, we are under the section of this bill, which is number seven, where you have more than one municipality voting and they have to have a majority of the municipal officers for the thing to go into effect. They never did. The only one around the Portland area that want this is Portland. They are the only ones who have, at times, voted in favor of fluoridation down there. We don't need it down there. We don't need anything that will put substances into water that is the same thing that they used to kill rats with.

I can give you quite a dissertation on fluoridation, because this is not the first time around. I submit to you they want to make it home rule, home rule for who? Home rule for a few individuals that we have in Westbrook and around the City of Portland that want this thing and want to impose it on people. Well, my suggestion has always been to them, if you want your kids to have fluoride, let the parents go down to the drug store and buy the pills. They buy other pills, let them buy their own pills to fluoridate their own water if they want to. There is nothing wrong with that if they believe in it.

This is an extremely dangerous bill, both in content and also for the elderly people. We have controversial reports as to who it might hurt. I submit to you, ladies and gentlemen, that this is not home rule. If you call this home rule, this is a very dangerous part of home rule. I don't think that a few individuals such as we have in Portland, seven on the city council, should decide for a city of 15,000 people whether we should have fluoride or not. I know there are recourses, but the thing should be reversed. We don't want it, we don't even like the way it is now as far as the referendum is concerned. If you want to do it, do it properly. We have good laws right now that can take care of the situation as it is.

As far as Westbrook is concerned, we have turned it down three times, it is a very dangerous bill.

Mr. Speaker, I move for the indefinite postponement of this bill, all its papers and I ask for a roll call.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Westbrook says this is a controversial issue and I submit to you that he is wrong. It is an emotional issue. I think he has made that very clear, because I don't believe there is any controversy whatsoever that the application of this chemical is beneficial to the people in our state. We have a state that is notorious for its poor teeth, partly because this natural element is lacking in most of our water.

I have had some association with the situation. I served as a representative of this legislature on the Dental Health Council when it was first formed. If I had, and I did have lingering original doubts, I guess I might say about the desirability of this type of treatment that experience erased it completely. There is no controversy whatsoever that the application of fluoride to public drinking water is going to benefit not only the lives of individuals in this state but actually the financial outlay that is being required today to repair the damage that the neglect and the lack of this chemical has brought about unless that you believe that self-interest completely controls people's attitudes, you must be impressed, I think, by the position that the dentists have taken on this. You would almost think that since it is successful, it means less work for them, and I suppose in the long run it does, and yet they see the benefits of it daily and the damage of not having it daily. I think that is a significant aspect as we consider this, that we have yet to meet a dentist in practice today who isn't advocating it.

Now, the town of Norway has been fluoridating their water, I believe, for over 20 years and you only need to read the statistics, which started within five years of the time that was used, that they have got substantial portions of their young population without a cavity in their head. I will bet there is no one in this body, certainly no one my age group, who ever got to 14 without substantial cavities. No, it is not controversial, it is emotional, and I submit that emotion of this type is not a good basis on which to act up here.

So, I am hoping we will go along with this piece of legislation today and without, hopefully, a heck of a lot more talk.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, can anyone tell the House the procedure now by which a municipality can get approval within the municipality to fluoridate its water? How is it done now?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, has posed a question through the Chair to any member who cares to respond.

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

Mr. BRENERMAN: Mr. Speaker, Ladies and Gentlemen of the House: As far as I know, the only way to get fluoridation in a community is for someone to initiate a petition and after that petition drive and a referendum is held, then if it passes in that community, that community is allowed to have fluoridation. Now, if you are in a water district where you have more than one community, then the process is different, and I think you need 80 percent of the people in the community to support it.

If I have made a mistake, I wish someone would correct me, but I believe I am right.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I think this is really controversial as far as I am concerned. I can remember a few years back, I believe CBS had a special on fluoridation. I believe it was in Louisiana where they had a higher rate of cancer with the people down there because their water was fluoridated.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Two quick points. The water in Brewer has been fluoridated for many years and the fact is that we had no harmful effects from it.

The second point I want to make, one of the opponents of this legislation at the hearing, after all of the terrible things that would happen to you if you used fluoridated water, if you drank it, for some reason or other he made

the comment that he was a traveling man and traveled all over the state. I said to him, "what do you do when you are in a city like Brewer where there is fluoridated water." He said, "I drink it." I said, "Have you ever suffered any ill effects?" He said, "No." I said, "Aren't you concerned after all of this testimony?" He said, "no, no, no, not really." Now, this was one of the major opponents to the bill.

I think this is a reasonable bill, this addresses the same thing that we are talking about, health care costs and containment, so I hope you would vote against the indefinite postponement.

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

Mr. HOWE: Mr. Speaker and Members of the House: The gentleman from Kennebunk asked what the present procedure is. I know what that is, now I want to ask, what is wrong with the present procedure?

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I think probably one of the things that is wrong with the present procedure is the fact that there hasn't been any town fluoridated with fluoridation put in their water since 1974. We are one of the worst states in the nation with dental decay.

There is no secret here to what we are trying to do. A simple petition can overturn the vote whether it is pro or con. The petitioners will have 30 days to start and initiate the petitions. They will have another 30 days to complete it. So, they will have 60 days, there is no secret, there is no time there when something can be snuck through. Even after the 60 days has expired, it would take nine months to wait before the water could be fluoridated. So, if the petition then is verified, a referendum must be held within the 90 day period. Fluoride can only be installed in the water after an unchallenged vote or failure of a petition drive, so that leaves local control. If anyone is unhappy with what their elected officials have done, they simply have to go the petition route, there is no problem with that.

Fluoridation is simply a prevention program and one that is necessary. There are many people being misled here in this House today about the effects of fluoridation. Those points have simply not been proven, it is not a poison that you have to worry about under controlled circumstances and certainly when water is fluoridated, those circumstances are controlled. There have been no ill effects, there have been no studies to prove that we have had anything to be concerned about.

I submit to you that, yes, it is an emotional issue and that the proper safeguards are in place with the petitioners having the right to petition their elected officials if they feel they have made a decision that they object to. So, I don't see any concern. As far as the point, if you want to fluoridate, if you want to go to the medication or you want fluoridation for yourself, let that be an individual choice, it will still be an individual choice.

But let me tell you, there is a problem. Parents are not sending their children to the dentist, it is expensive to go, many middle income people are not going. There is a problem with dental decay in the State of Maine and we are simply trying to do something about it.

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 Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and

Gentlemen of the House: There seems to be two questions here. One is in the bill, one is not in the bill. The one that is not in the bill is the question of fluoride, whether it is good for you, what it does, what its side effects are, etc., etc. What is in the bill is the question of the procedures that a town will follow in voting it in. Representative Howe asked the question of what is wrong with the procedures that we now have and I think what we come down to, basically, is that the proponents of fluoride are having trouble promoting fluoride, using the procedures that now exist and so they would like to introduce new procedures which are slightly friendlier and easier for them to handle in promoting the use of it. That is what this does.

I personally think that we could live with the procedures we now have and if it is as good as they claim it to be, they can certainly get it in using the procedures that now exist.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. I think Mr. Jackson has really put a stinger on the issue here. The question that was asked a moment ago, what about the present procedure? I asked because I perceived this as being a new one and perhaps a simpler one to accomplish the goal of fluoridation. Now, I am in favor of fluoridation. My own child takes the tablets that have been questioned and I think that they are good. However, I can't ignore the fact that this new procedure that you are about to vote on is weighed in favor of fluoridation. The responsibility for reversing the decision is placed on the citizen and that is wrong in my view. I am going to vote against it for that reason and not because I am against fluoridation. I would hope you would do the same thing. Anything we send out of here ought to be pretty straight forward and clear cut and easy to understand. We should not ask our citizens to walk through a labyrinth of laws in order to accomplish what should be an easy goal.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: Briefly again. I agree with the previous two speakers, it seems to me that if those municipalities who have voted to use fluoride since 1974, under the present procedures, that ought to be a message to the proponents of fluoride. It is available, it is available in toothpaste, tablets and for all I know, ice cream pretty soon. If there is a basic human rights issue, I think it is the human right of what we inject into our own human bodies. Regardless of the merits or demerits of the health argument, there are many people who feel strongly about this issue and I think that the present system better protects their rights to decide what they inject into their human body than this bill would and I am going to vote to kill it.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that in the discussion there has been no inference that this bill is an underhanded attempt by smoke screen or obfuscation or dissembling to put something over on the people. Very frankly, the fact that fluoridation has become stalled and its merit are sufficient values so that I can support this change in approach in hopes that it will expand or make it easier to bring the fluoridation question before the people. But the procedure being put forth here is one that is in effect right now and every town with a charter that any action by your municipal officials is subject in the ordinance areas, subject to recall or overturn by petitions, so there is nothing foreign, underhanded or in any way denying the right to the people to apply this same concept of fluoridation.

The SPEAKER: The Chair recognizes the

gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, and Members of the House: To more clearly answer Mr. McMahon's question on the present four municipalities representing four water districts which have more than one municipality from the law authorization by municipalities representing 80 percent of the customers served by such public water systems shall be sufficient. So, it takes 80 percent of those people to authorize fluoridation.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Beaulieu, Benoit, Berry, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, K. L.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Cloutier, Conary, Cunningham, Davis, Dexter, Diamond, Dudley, Dutremble, D.; Elias, Fillmore, Fowlie, Gavett, Gillis, Gray, Gwadosky, Hanson, Hickey, Higgins, Howe, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacEachern, Mahany, Marshall, Martin, A.; McHenry, McMahon, McSweeney, Michael, Nadeau, Paul, Peltier, Reeves, J.; Rolde, Rollins, Sewall, Sherburne, Silsby, Small, Sprowl, Stover, Studley, Theriault, Vincent, Wentworth, Whittemore, Wood, Wyman.

NAY — Austin, Bachrach, Baker, Barry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, D.; Brown, K. C.; Connolly, Cox, Curtis, Damren, Davies, Dellert, Doukas, Drinkwater, Fenlason, Garsoe, Gould, Gowen, Hall, Hobbins, Huber, Hughes, Jacques, E.; Kany, Lizotte, MacBride, Masterman, Matthews, Maxwell, McPherson, Mitchell, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Payne, Pearson, Peterson, Prescott, Reeves, P.; Roope, Simon, Smith, Soulas, Stetson, Strout, Tarbell, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vose.

ABSENT — Chonko, Churchill, Dow, Dutremble, L.; Jalbert, Joyce, Masterton, McKean, Post, Violette.

Yes, 80; No, 60; Absent, 10.

The SPEAKER: Eighty having voted in the affirmative, sixty in the negative, with ten being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Separate Ogunquit Village Corporation from the Town of Wells" (H. P. 753) (L. D. 959) which was passed to be engrossed as amended by Committee Amendment "A" (H-660) in the House on June 6, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-660) as amended by Senate Amendment "A" (S-319) thereto in non-concurrence.

In the House: On motion of Mrs. Wentworth of Wells, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Create an Office of Housing Affairs" (H. P. 962) (L. D. 1240) on which the Majority "Ought to Pass" in New Draft under New Title Bill "An Act to Provide an Executive Department Focus for Housing Affairs" (H. P. 1469) (L. D. 1657) Report of the Committee on State Government read and accepted and the New Draft passed to be engrossed in the House on June 4, 1979.

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

In the House: On motion of Mrs. Kany of Waverlyville, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Amend the Law Relating to the State Board of Social Worker Registration (H. P. 1018) (L. D. 1251) on which the Majority "Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed in the House on June 4, 1979.

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

In the House: On motion of Mr. Howe of Portland, the House voted to recede.

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

House Amendment "B" (H-683) was read by the Clerk.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: You may recall, this is a bill dealing with the Social Worker Registration Law in nursing homes. The bill would exempt nursing homes from the requirement that they have licensed social workers supervising the social work designees. We passed this bill not long ago. You see, however, that it is a non-concurrent matter.

I am offering an amendment I believe to be a suitable compromise. My primary reason for supporting the bill was the Department of Human Services' money problem. This amendment would permit the exemption to go through but then would sunset it at the beginning of the next budget biennium in order to give the department a couple of years to plan and come up with the money they would need to pay the Medicare or Medicaid, whichever it is, share of paying for social work supervisors. I would hope you would adopt this morning.

Thereupon, House Amendment "B" was adopted. The Bill passed to be engrossed as amended by House Amendment "B" in non-concurrence and sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Assist Municipalities with Solid Waste Management" (H. P. 906) (L. D. 1131) on which the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-657) of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-657) in the House on June 6, 1979.

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

In the House:

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would like to move that the House insist on this.

This particular issue went down to defeat under the hammer in the Senate and I feel that it is too bad because I think that the municipalities in the state want and need this bill. It is all very well to offer them on-going help in the way of yearly funding, but until they have their solutions, their solid waste alternatives in line, it doesn't help too much to be able to fund them.

This bond issue is intended to aid every community in the state in finding solutions to this very important and difficult to solve problem. I regret to see that for some reason the other body has decided there are to be no more bond issues and, therefore, we don't get the help we all need. I hope you will all vote to insist.

Thereupon, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families" (H. P. 1254) (L. D. 1554) which was passed to be engrossed as amended by Committee Amendment "A" (H-567) in the House on May 31, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-567) as amended by Senate Amendments "A" (S-314) and "B" (S-323) thereto in non-concurrence.

In the House: On motion of Mr. Brodeur of Auburn, the House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to a Legislative Oversight (S. P. 412) (L. D. 1268) on which the Minority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on June 6, 1979.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-279) Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-279) and Asked for a Committee of Conference in non-concurrence.

In the House:

Mr. Wyman of Pittsfield moved the House Recede and Concur and requested a division.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Looking at the motion that is before us, the other body has insisted whereby the "Ought to Pass" was accepted. This body, the other day, refused to accept the "Ought to Pass", so, I guess I am on my feet opposing the motion of my seatmate.

You will remember the other day that there was some debate on the wisdom of the legislature reimbursing by a resolve because of action that Mr. Curtis took pursuant to advice he received from his own insurance company. The cause and effect relationship was not made the other day when we debated this between the Attorney General's opinion that was issued to the commission and the advice that Mr. Curtis ultimately received from his insurer.

Now, Mr. Wyman will be on his feet in a moment, I am sure, attempting to offer that missing link, that bit of evidence. I will probably be speaking to that further when he finishes.

I would simply restate my opposition of the other day and tell you, if this passes, a direct resolve from the state to an individual citizen for damage which that citizen received because of advice given in the private sector, we are setting a precedent like you have never seen.

I would further call your attention to the law court's opinion on page seven, which involves a bill of mine, which questions how this legislature can use resolves in private and special acts. So, for those reasons and perhaps for others, which I will be mentioning in a moment, I strongly hope that you very definitely do not support the gentleman's motion and that this body will eventually adhere.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious that we don't want to get into debate on this and the other motion that could be made would be to insist and join in a Committee of Conference. I think, maybe in this case, because there are a lot of technical issues in this particular bill, that should be resolved with some pretty atten-

tative minds and that could be done under a Committee of Conference. So, I would hope that if you don't go along with recede and concur, which obviously I would be voting for, then we will at least make the next motion of insist and join in a Committee of Conference, then we can rather limit the debate.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have checked into this as carefully as I can. There is no question but what the gentleman, Mr. Curtis, was in between two laws, they were separated by about six months, but the court has ruled this can have no bearing. I would again point out what the gentleman from Kennebunk did, on page seven today, you have rather a good explanation of what happens when you attempt to take care of single individuals. I regret it. I think Mr. Curtis had some real bad luck, but I think it would be extremely poor and if we have a Committee of Conference, unfortunately, the only thing that committee could discuss would be the amount. As far as I am concerned, no amount is needed and should be. I hope you will not vote to recede and concur.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I thought that this might just go without any debate, but I feel obligated to say something in defense of my motion. I will be very brief.

At the time of the public hearing on this bill, I opposed the bill because it was my feeling that the only situation and the only circumstance involved was that Mr. Curtis had been given some bad advice from a private insurance company. However, in light of the fact that we subsequently learned that the Attorney General had issued a written opinion to Mr. Keaney, who is the Chairman of the Workers' Compensation Commission saying that Mr. Curtis would be or other people in Mr. Curtis' situation would be covered properly, there would be no problem if they had liability instead of Workers' Compensation in light of the fact that Mr. Keaney, a state official, in turn gave that opinion, a similar one to the insurance companies involved, it seems to me that the State, while perhaps obviously I think is under no legal obligations, is certainly under moral obligations, I hope that you will recede and concur and let this be placed on the Appropriations Table.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Cunningham of New Gloucester requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Baker, Barry, Benoit, Boudreau, Brodeur, Brown, D.; Carrier, Conary, Connolly, Cunningham, Curtis, Davis, Dexter, Elias, Fillmore, Hall, Higgins, Hutchings, Kelleher, Kiesman, Leighton, Leonard, Locke, MacEachern, Mahany, Martin, A.; Maxwell, Michael, Prescott,

Rolde, Rollins, Smith, Soulas, Sprowl, Tuttle, Wood, Wyman.

NAY — Bachrach, Beaulieu, Berry, Berube, Blodgett, Bowden, Brannigan, Breneman, Brown, A.; Brown, K. L.; Brown, K. C.; Call, Carter, D.; Carter, F.; Cloutier, Cox, Damren, Davies, Dellert, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Fenlason, Fowlie, Garsoe, Gavett, Gould, Gray, Gwadosky, Hanson, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Laffin, Lancaster, LaPlante, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Reeves, J.; Reeves, P.; Roope, Sewall, Sherburne, Silsby, Simon, Small, Stetson, Stover, Strout, Studley, Theriault, Tierney, Torrey, Tozier, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore.

ABSENT — Birt, Bunker, Carroll, Chonko, Churchill, Dow, Dutremble, L.; Gillis, Gowen, Hickey, Jalbert, Joyce, Lizotte, Tarbell.

Yes, 40; No, 97; Absent, 14.

The SPEAKER: Forty having voted in the affirmative, ninety-seven in the negative, with fourteen being absent, the motion to recede and concur does not prevail.

Mr. Leonard of Woolwich moved the House insist and join in a Committee of Conference.

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

Mr. TIERNEY: Mr. Speaker, I request a Division. Let's get over with this bill, it is blatantly unconstitutional. There is nothing you can do in this area. Please take your time to read the last paragraph of the case cited just yesterday by the Supreme Court. Let's get it over with.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Let's not operate in the legislature on half a cylinder, and that is exactly what we are doing here. I don't necessarily agree with what the gentleman from Lisbon Falls says. I am also aware of the Supreme Court's ruling. I really don't think this bill is exactly the same. It is a classic example of what the shortcomings of this legislature can do to the people in the State of Maine. I think it deserves at least a Committee of Conference to the point where we can come back and rationally say, three people rationally say to this body, that they, in fact, ultimately agreed one way or another, but we can take all the things into consideration.

This man was erred by the state, there is no question about that, because there were separate and conflicting statutes and the man unfortunately took some bad advice somewhere. But I submit to you that bad advice initially came from the legislature. I think he at least deserves a Committee of Conference in this case, to go back, have somebody come back to him and rationally tell him exactly why the legislature refused to go along with the proposal.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Woolwich, Mr. Leonard, that the House insist and join in a Committee of Conference. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative; 72 in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Regulate Commercial White-water Outfitters" (S. P. 348) (L. D. 1094) which failed of Passage to be Enacted in the House on May 31, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-215) as amended by Senate

Amendments "A" (S-227) "B" (S-229), "D" (S-316), and "E" (S-317) thereto in non-concurrence.

In the House:

Mr. MacEachern of Lincoln moved the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to pull my raft through the whitewater again. I hope I am not pulling it up stream. It should be pretty obvious that someone is determined to pass this bill and probably for the wrong reasons.

As I said in earlier debate, there were a lot of things wrong with this bill, it didn't do anything. I think if you look at the number of amendments that have been put onto it since it came out of committee and came into this House, that speaks for itself.

One thing, I think it bears out something I said in the last debate. The primary purpose of this is to take care of three outfitters on the upper Kennebec and the way they were going about this was to put on a \$250 fee which would effectively rule out anyone else interfering with them. I don't think there is any consideration made to the effect that this \$250 fee would have on a lot of other operators in the State of Maine that are not operating in whitewater of the magnitude that it is on the upper Kennebec.

When they took off the emergency preamble, that knocks this right out for this summer. So, it obviously is not quite the safety measure that we have been led to believe. As a matter of fact, this bill does very little, almost nothing in the area of safety. I reiterate, it requires the wearing of life jackets, it requires the raft to be equipped with a first-aid kit, and it requires a 50 foot throw line in the raft. That is not very much safety when you are going through the whitewater. It requires a guide on each raft, but I can't conceive anyone sending out a raft with 10 people in it without someone in it to take care of it. The raft is a rather expensive piece of equipment. It does require a \$250 annual license fee. I will get back to that.

Section six specifically exempts canoes. Now, this is how 99 percent of our whitewater accidents take place. Right now, I will tell you, last week we had two people drown in the Limington Rips in that Saco River, that muddy river with the cows in it that a person can walk across. Now, I am in favor of a good study on whitewater operations and whitewater safety in the State of Maine. I would like to see the license fee bear some relationship to the cost of administering a whitewater safety program, not related to whether the fee will protect someone who is already in business somewhere in one particular part of the State of Maine.

I have already indicated there are a number of small operators in the State of Maine that would be affected by this and the \$250 annual fee would do absolutely nothing for them and would certainly interfere and hurt their operations. Because of this adverse effect, because there is very little direct effect in safety in this bill in its present form, even with all these amendments, I would request that this bill not be passed so the problem can be adequately expressed in a later session.

I would move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The Chair would advise the gentleman from Fryeburg, Mr. Kiesman, that the motion is out of order. The pending motion is to recede and concur.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I feel someone should get up and defend this bill. I am going to take that choice and I promise you I won't have anymore of those wild, emotional outbursts like I did yesterday.

I am sorry that Mr. Kiesman didn't attend any of our hearings and our work sessions on

this bill, because I believe he would feel a little differently on the whole thing.

I grant you that the bill might have flaws. There were some flaws that came out, that is why you have the Senate Amendment. The thing that you must remember, whitewater rafting has become a very popular sport in the State of Maine and every year we have people come up here and they really don't know what they are getting into. They have complete faith and confidence in the people that are taking them down.

Now, he said these rafts are expensive pieces of equipment. Well, I saw one not too long ago that cost \$150. What it was was Army surplus and it had more patches on it than my dungarees do at home. If you consider this an expensive piece of equipment, I am very surprised at that.

This bill would require, as Mr. Kiesman said, life preservers, class type one or type five, on everybody in the raft. A throw line was recommended by everybody that is involved in this business. It is considered a safety feature and if any of you have ever fallen out of any craft in whitewater, there would be manytimes you would appreciate that throw line coming your way.

The first aid kit, not one of these rafts or canoes are mandated, or bateaus to carry anything in the line of a first-aid kit. Somebody could start bleeding and bleed to death before anything would be done to take care of it.

Now, if you want to throw this whole thing out, fine, I am not going to get that hopped up about it. I thought that we as a committee had a responsibility to come out with something that would be a step in the right direction. Now, if you think this doesn't do the job, fine, leave it the way it is now and you have absolutely nothing. If you think this is a little bit better than that well, go along with it.

Now, the Senate Amendments, I have looked them all over and I am happy with all of them. I think that they took out some of the problems that were there and I want to assure you that we had no interest in protecting the people that are in this business. They don't need to be protected. Those guys make \$150,000 or \$250,000 a year doing this job right here. There are only five of them in the State of Maine. They don't need our protection, I will guarantee you that. We wanted \$500 and we wanted it as far as administration went so the wardens in the State of Maine could at least be paid back for a little bit of their time that they had put in enforcing these rules and regulations. If you think whitewater should be left wide open, vote against it. But, if you think we should put something on there, I believe we owe the people who are coming up here that want to get into this something.

Now, this may not be perfect, as Mr. Kiesman said, but it is better than nothing — do what you want to.

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

A vote of the House was taken.

Mr. Austin of Bingham requested a roll call vote.

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

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

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

ROLL CALL

YEA — Alopis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Bordeaux, Bowden, Brannigan, Brenerman, Brown, A.; Brown, K. C.; Carroll, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Drinkwater, Dudley, Dutremble, D.; Elias, Fenlason, Fowlie, Gillis, Gwadosky, Hall, Hickey, Howe, Hughes, Jacques, E.; Jacques, P.; Kane, Kany, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Paradis, Paul, Pearson, Peterson, Reeves, P.; Roope, Sewall, Simon, Soulas, Sprowl, Stetson, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Vincent, Violette, Vose, Wood, The Speaker.

NAY — Austin, Berry, Brodeur, Brown, D.; Brown, K. L.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Cunningham, Damren, Davis, Dexter, Doukas, Fillmore, Garsoe, Gavett, Gould, Gowen, Gray, Higgins, Hobbins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, MacBride, Matthews, McKean, Morton, Nelson, A.; Norris, Payne, Prescott, Reeves, J.; Rolde, Rollins, Sherburne, Small, Stover, Strout, Studley, Wentworth, Whittemore, Wyman.

ABSENT — Blodgett, Boudreau, Chonko, Conary, Dow, Dutremble, L.; Hanson, Jalbert, Joyce, Kelleher, Lougee, Lowe, McPherson, Nelson, M.; Peltier, Post, Silsby, Smith, Twitcheil.

Yes, 77; No, 55; Absent, 19.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-five in the negative, and nineteen being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to Engrossing.

(Later Reconsidered)

Non-Concurrent Matter

Bill "An Act Concerning Maine's Maternal and Child Health Care Program" (H. P. 1128) (L. D. 1505) (C. "A" H-566) which was passed to be enacted in the House on June 5, 1979.

Comes from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill came out of the Health and Institutional Services Committee with a unanimous "Ought to Pass" Report. There is no fiscal note, it is a good bill, and I think the other body is willing to work out the difference, so I would like to move that we insist.

Thereupon, on motion of Mrs. Prescott of Hampden, the House voted to insist.

Non-Concurrent Matters

Bill "An Act Regarding Laws Relating to Town Lines" (H. P. 1281) (L. D. 1534) on which the House Insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-507) in the House on June 6, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-507) and Senate Amendment "A" (S-325) in non-concurrence.

In the House: On motion of Ms. Brown of Gorham, the House voted to recede and concur.

Bill "An Act Relating to Membership of Treasurer of State on Boards that Issue Debt" (H. P. 1065) (L. D. 1313) on which the Minority "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Membership of Treasurer of State on Boards" (H. P. 1449) (L. D. 1647) Report of the Committee on State Government and the New Draft passed to be en-

grossed as amended by House Amendment "B" (H-601) in the House on June 4, 1979.

Came from the Senate with the Majority "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Membership of Treasurer of State on Boards" (H. P. 1448) (L. D. 1646) Report of the Committee on State Government and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-322) in non-concurrence.

In the House:

On motion of Mrs. Kany of Waterville, the House voted to adhere.

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

Mr. TARBELL: Mr. Speaker, I move that we reconsider.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, moves that we reconsider our action whereby we voted to adhere.

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

Mrs. KANY: Mr. Speaker, I ask for a division. I will take the Speaker's good advice and not ask for a roll call now.

We discussed this the other day and the difference between the two reports, the one that the House chose with its wisdom was to prevent an incompatibility of officers and charges, basically, between the State Treasurer and the statutory charges if that State Treasurer were a voting member of many of our fiscal boards.

We all agreed in our committee that we would like a State Treasurer to be present for advisory purposes, but we certainly wanted to prevent that incompatibility of officers here.

I would hope that you would go along with our previous wisdom and vote against the motion to reconsider.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the concern of the gentlelady with respect to possible conflicts of interest in this whole thing, but there is another matter here which I think the House should listen to, and that is a practical one.

I have been informed by one member of one of these boards that he has frequently come to Augusta for a meeting from away from the state, these people are not on per diem, or anything of that nature, but away from Augusta, they make a trip to Augusta, frequently come to find that there was no quorum, it was impossible to conduct business. They were attempting to loan money under the veterans' bill or something like that, I think he is on the veterans' board. Anyway, I think it would be pretty wise if we had available here in Augusta a board member that might possibly make a quorum on these boards at a time when people come in for work. This has frequently happened, and he thinks it is deplorable and it certainly does mitigate against private citizens attempting to help out the state and work on these boards if they can't have a quorum when they come to Augusta, and I hope you will recede and concur.

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

Mrs. KANY: Mr. Speaker and Members of the House: I am absolutely shocked. I cannot imagine a weaker excuse in my life, talking about the absence of a quorum versus incompatibility of officers. I hope you vote against reconsideration.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: The Treasurer of the state was a little ambivalent as to whether he wanted to be a voting member or a non-voting member. However, during the testimony, he did state that if he were a non-voting member of these several boards, he would not feel as if he were in the position to make a

motion. We felt that it was a good thing for him to serve on these boards as a full member, fully able to participate in the policymaking of these boards and should therefore be able to make motions.

I would urge you to vote for reconsideration so that we can go on to recede and concur.

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

Mr. MORTON: Mr. Speaker, since we are going to try to avoid roll calls at this point in time, I would like to make sure that if we are going to have a division, it is decisive and we understand the question. So I would like to ask the gentlelady, what are some of the extreme cases that she is concerned about, this conflict of interest or this other concern that might ensue from the Treasurer voting on these boards. Would she please give us an example or two.

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. KANY: Mr. Speaker and Members of the House: I did give some examples the other day; I will do so again.

The Treasurer of State is the person in whom we all put our trust as far as representing the State of Maine in its fiscal matters. Many of the boards about which we are talking, for instance, the Maine Guarantee Authority has other statutory charges. One is industrial development, and I would think it would be too bad that a Treasurer of State, who should be representing all of us and the integrity of our fiscal situation here in the State of Maine, would have to be ambivalent on how he would vote when the statutory charge was something like the Maine Guarantee Authority or the Maine State Housing Authority or something like that. It could put that person in a conflicting situation.

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

Mr. MORTON: Mr. Speaker, if that is the best reason that the gentlelady can give, I think she gave one of the best reasons for having the Treasurer on there, a trusted state official looking out for the financial responsibility of the state. He certainly deserves to be on these boards and voting.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that the House reconsider its action whereby it voted to adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Kany of Waterville requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, I do want to remind this House that the boards that we are talking about are as follows: The State Retirement System, Small Business Loan Authority Board, School Building Authority, Health Facilities Authority, Maine State Housing Authority and Veterans Small Business Loan Board. We are talking about the Treasurer serving ex officio on all of these boards as a member. The question is whether he should be a voting or a non-voting member of these boards.

I fully agree with Representative Morton

that the Treasurer is a trusted official, the one who is responsible for the handling of our state monies, our investments and our loans, our bond rating. Our bond rating has gone down in the last few years and we are very concerned to get it up there for favorable interest rates on repayment.

I do urge you to consider that the Treasurer serving on these boards will be in a position to coordinate state policy regarding our fiscal matters. As a voting member, he can do that; as a non-voting member, it will be very difficult for him to be effective at all, in the first place, and, in the second place, accountable to the people of the state. So I do urge you to vote for reconsideration, so we can go on and recede and concur with the other body.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I was listening closely again to that long list of things, and I feel that it is very valuable to have the Treasurer of State be present as an advisory and resource person on these boards, but I ask you to consider how many pies he will have his oar in — that is not a very good simile — anyway, how many affairs he will be able to influence and how many boards he may possibly be the deciding vote on if he is able to vote on all of them.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that the House reconsider its action whereby it voted to adhere. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Baker, Barry, Birt, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Howe, Hunter, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Lewis, Lowe, MacBride, Marshall, Masterman, Masterton, Matthews, Morton, Nelson, A.; Nelson, M.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tuttle, Wentworth, Whittemore.

NAY — Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carroll, Carter, D.; Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dudley, Dutremble, D.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Huber, Hughes, Hutchings, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Paradis, Paul, Pearson, Post, Reeves, P.; Rolde, Simon, Strout, Theriault, Tierney, Tozier, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Carrier, Chonko, Dellert, Dexter, Dow, Dutremble, L.; Jalbert, Joyce, LaPlante, Leonard, Lougee, McPherson, Prescott, Silsby.

Yes, 65; No, 72; Absent, 14.

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

Bill "An Act to Amend Certain Provisions of the Employment Security Law" (H. P. 1096) (L. D. 1449) which was passed to be engrossed as amended by Committee Amendment "A" (H-605) in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-605) as amended by Senate Amendment "A" (S-326) thereto in non-concurrence.

In the House: The House voted to Recede and

Concur.

Bill "An Act Relating to Potato Quality" (H. P. 993) (L. D. 1230) which was passed to be engrossed as amended by Committee Amendment "A" (H-589) in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-589) and Senate Amendment "A" (S-318) in non-concurrence.

In the House: On motion of Mr. Mahany of Easton, the House voted to recede.

Senate Amendment "A" (S-318) was read by the Clerk.

On motion of Mr. Mahany of Easton, Senate Amendment "A" was indefinitely postponed.

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

House Amendment "A" to Committee Amendment "A" (H-681) was read by the Clerk and adopted.

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

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

Later Today Assigned

Bill, "An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities" (S. P. 443) (L. D. 1381) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 6, 1979.

Came from the Senate with the Bill Passed to be Enacted in non-concurrence.

In the House:

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

Mr. HOWE: Mr. Speaker and Members of the House: There is something in this bill besides the fees to which Mr. Norris referred yesterday and objected to. I would like to salvage some of those other things and I would ask that someone table this until later today.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

Messages and Documents

The following Communication:

State of Maine
SUPREME JUDICIAL COURT
Portland, Maine 04112

June 6, 1979

The Honorable John L. Martin

Speaker of the House

House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin:

I have the honor to transmit herewith the answers of the Justices of the Supreme Judicial Court given pursuant to the request of the House of Representatives for an advisory opinion of the Justices, which was received May 31, 1979.

Sincerely yours,
S/VINCENT L. McKUSICK

ANSWERS OF THE JUSTICES

To the Honorable House of Representatives of the State of Maine:

In compliance with the provisions of section 3 of Article VI of the Constitution of Maine, we, the undersigned Justices of the Supreme Judicial Court have the honor to submit the following answers to the questions propounded on May 31, 1979.

Question #1: Would House Paper 1172, Legislative Document 1432, as amended by House Amendment "A", under filing number H-579, attached as Exhibit A, if enacted into law, violate Article I, section 6-A or Article IV, part 3, section 13 of the Maine Constitution?

Question #2: Would Senate Paper 547, Legislative Document 1614, as amended by House

Amendment "A", under filing number H-580, attached as Exhibit B, if enacted into law, violate Article I, section 6-A or Article IV, part 3, section 13 of the Maine Constitution?

ANSWER: We answer both questions in the affirmative.

L. D. 1432, "Resolve Authorizing the Town of Kennebunk to Abate Certain Property Taxes," by its terms would authorize the Town of Kennebunk to abate certain property taxes for the years 1973 to 1977 assessed and collected by the town on the property of Lawrence B. Folsom and Mary C. Folsom. This resolve, if it became law, would authorize the Town of Kennebunk to grant an abatement to the Folsoms which would not be authorized for any other taxpayers similarly situated.

L. D. 1614, "Resolve Providing a Special Restaurant Malt Liquor License in the Town of Georgetown," by its terms would authorize the issuance of a special restaurant malt liquor license in the Town of Georgetown to Robinhood Marina, Inc. for October 2-9, 1979. Such license would not be available to any other applicant under the general law relating to the issuance of the malt liquor licenses, 28 M.R.S.A. § 101 (Supp. 1978-79).

The underlying issue raised by the question may be set in proper perspective by quoting the words of Mr. Chief Justice Mellen, who said in *Lewis v. Webb*, 3 Me. 326 336 (1825):

"On principle then it can never be within the bounds of legitimate legislation, to enact a special law, or pass a resolve dispensing with the general law, in a particular case, and granting a privilege and indulgence to one man, by way of exemption from the operation and effect of such general law, leaving all other persons under its operation. Such a law is neither just or reasonable in its consequences. It is our boast that we live under a government of laws and not of men. But this can hardly be deemed a blessing unless those laws have for their immoveable basis the great principle of constitutional equality." (Emphasis added)

This decision has been consistently followed by this court in *Durham v. Lewiston*, 4 Me. 140 (1826); *Milton v. Bangor Railway & Electric Co.*, 103 Me. 218, 68 A. 826 (1907); *Maine Pharmaceutical Ass'n v. Board of Comm'rs*, Me., 245 A. 2d 271 (1968); *Look v. State*, Me., 267 A. 2d 906 (1970).

Of course, as the Law Court noted in *Nadeau v. State*, Me., 395 A. 2d 107 (1978), special legislation does not constitute a *per se* violation of the special legislation clause (Article IV, part 3, section 13). "Where the objects of a law cannot readily be attained by general legislation, special legislation may be enacted." *Id.* at 113. Nor can an alleged denial of the equal protection clause of the Maine Constitution (Article I, section 6-A) rest solely on the fact that the legislation affects a limited number of people. "Where there has been a reasonable classification of the objects of the law, generally there are no equal protection problems, even if the law does not operate equally on all individuals and places alike. Universality is immaterial as long as those affected are reasonably different from those excluded and there is a rational basis for treating them in a different manner." *Id.* at 113.

In reviewing L. D. 1432 and L. D. 1614, we find no factors distinguishing the beneficiaries of the special resolves from others similarly situated. There is nothing in the findings of fact submitted to us to suggest that the Folsoms are the only victims of an assessor's error or that the owners of Robinhood Marina, Inc., are the only entrepreneurs in a town which has voted to bar the granting of licenses for the sale of malt liquor to be consumed on the premises who desire temporary waiver of the prohibition.

For these reasons, we must conclude that L. D. 1432 and L. D. 1614 would violate Article I, section 6-A, and Article I, part 3, section 13, of

the Maine Constitution if enacted into law.

Dated: June 6, 1979.

S/VINCENT L. McKUSICK

Chief Justice

S/CHARLES A. POMEROY

S/SIDNEY W. WERNICK

S/JAMES P. ARCHIBALD

S/THOMAS E. DELAHANTY

S/EDWARD S. GODFREY

S/DAVID A. NICHOLS

Associate Justices

The Communication was read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker and Members of the House: This decision has important implications for the legislature to solve by private and special act unique and one-time problems, such as the two problems that we attempted to address in L. D. 1432 and L. D. 1614. You already heard me raise this opinion in response to Mr. Wyman's issue earlier.

I am concerned by this. We knew when we asked the question that the likelihood of the answer was going to be what you have before you. I would ask each of you to read this opinion very carefully and to clip it out of your calendar and keep it, because I suspect that future private and special acts will be questioned vis-a-vis this opinion frequently.

Thereupon, the Communication was placed on file.

Orders

The following Joint Orders, Expressions of Legislative Sentiment recognizing that:

(H. P. 1507) June 28, 1979 marks Acadian Day in Madawaska and the John Valley, and the 375th anniversary of the arrival of the Acadians in North America, the events of which will be celebrated with festivities from June 23rd to July 1st, 1979

Presented by Mr. McHenry of Madawaska (Cosponsors: Mr. Martin of Eagle Lake, Mr. Violette of Van Buren and Senator Martin of Aroostook)

(H. P. 1508) Katherine Bachelder, of Hallowell, is a National Merit Scholar and the Valedictorian of the Class of 1979 at Hall-Dale High School

Presented by Mrs. Reeves of Pittston.

(H. P. 1506) The St. Thomas Aquinas Church of Madawaska is celebrating its Golden Jubilee in the year 1979, marking its 50th anniversary

Presented by Mr. McHenry of Madawaska.

(H. P. 1505) Betty Benoit of Bangor High School is Senior Essayist of the class of 1979

Presented by Mr. Tarbell of Bangor (Cosponsors: Miss Aloupis of Bangor and Senator Trotzky of Penobscot)

(H. P. 1504) Jason Goodfriend of Bangor High School is Senior Essayist of the class of 1979

Presented by Mr. Tarbell of Bangor (Cosponsors: Mr. Carter of Bangor and Senator Trotzky of Penobscot)

Were read and passed and sent up for concurrence.

(H. P. 1503) July 7, 1979, marks the 70th Wedding Anniversary of Willie and Marguerite Goldthwait Church of Biddeford

Presented by Mr. Hanson of Kennebunkport.

The Order was read.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, let it be recorded for genealogical purposes that Marguerite Goldthwait Church was the seventh child of former Representative Wright W. Goldthwait of Biddeford Pool, who served in the 81st Legislature. And let it further be recorded that this Representative is proud to publicly say thank you to his great aunt and her husband on this wonderful occasion for helping to make his childhood a happy one.

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Lorraine Chonko of Topsham be excused June 7 and 8 1979 for personal reasons;

AND BE IT FURTHER ORDERED, that Representative Charles Dow of West Gardiner be excused June 7 and 8 1979 for personal reasons.

House Reports of Committees Leave to Withdraw

Mr. Diamond from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Seed Money to Expand the Provision of Summer Residential Experience for Maine Children" (H. P. 1052) (L. D. 1303) reporting "Leave to Withdraw"

Mr. Diamond from the Committee on Appropriations and Financial Affairs on Bill "An Act to Permit Priority Social Services Program Money to be Used as Matching Funds for Federal Money" (H. P. 1235) (L. D. 1501) reporting "Leave to Withdraw"

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act Relating to Appropriating Funds for Certain Municipal Governments" (H. P. 792) (L. D. 991) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 135

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1979 (Emergency) (H. P. 1509) (L. D. 1675) reporting "Ought to Pass" Pursuant to Joint Order (H. P. 135)

Report was read and accepted, the Resolve read once and assigned for its second reading later in today's session.

Consent Calendar

(H. P. 1386) (L. D. 1609) Bill "An Act to Expand the Tourism Promotion Program" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-677)

(H. P. 1182) (L. D. 1434) Bill "An Act to Provide for Environmental Education" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-676)

No objections having been noted, under suspension of the rules, the above items were given Consent Calendar Second Day notification.

No objections having been noted to the Consent Calendar Second Day, under suspension of the rules, the Bills were passed to be engrossed as amended and sent up for concurrence.

(H. P. 1127) (L. D. 1498) Bill "An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes; and Reorganize the Maine Forestry District" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-671)

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Consent Calendar Second Day

In accordance with House Rule 49, the following item appeared on the Consent Calendar under Second Day:

(S. P. 358) (L. D. 1106) Bill "An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of

Maine" (C. "A" S-305)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

Second Reader

Later Today Assigned

Bill, "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" (S. P. 469) (L. D. 1417) (C. "A" S-293)

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

Mr. Connolly of Portland moved that the Bill and all its accompanying papers be indefinitely postponed.

On motion of the same gentleman tabled pending his motion to indefinitely postpone and later today assigned.

Passed to Be Enacted Emergency Measures

An Act to Extend the Territory of the Gardiner Water District and to Enlarge the Board of Trustees (H. P. 1461) (L. D. 1653)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Unit Ownership Act (S. P. 429) (L. D. 1377) (S. "A" S-236 and S. "B" S-302 to C. "A" S-222)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Creating the Cornish Water District (H. P. 1457) (L. D. 1650) (H. "A" H-643)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Revise the Charter of the Richmond Utilities District (S. P. 587) (L. D. 1654)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law" (H. P. 764) (L. D. 972) (C. "A" H-587)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1979 (H. P. 1460) (L. D. 1652)

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

Mr. Barry of Fort Kent requested a roll call

vote.

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

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

The SPEAKER: The pending question is on final passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Dellert, Diamond, Doukas, Drinkwater, Dudley, Duttremble, D.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadodsky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jacques, E.; Jacques, P.; Kane, Kany, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Post, Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Barry, Brown, A.; Lougee, Martin, A.; Matthews, McHenry, McKean, Peterson.

ABSENT — Austin, Berry, Boudreau, Carrier, Chonko, Dexter, Dow, Duttremble, L.; Jackson, Jalbert, Joyce, Kelleher, Leonard, Prescott, Rolde, Stetson, Wentworth, Whittemore.

Yes, 125; No, 8; Absent, 18.

The SPEAKER: One hundred twenty-five having voted in the affirmative and eight in the negative, with eighteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

Passed to be Engrossed

An Act Requiring Certain Consumer Agreements to be Written so that they are Readable and Understandable (H. P. 1427) (L. D. 1634) (H. "A" H-612)

An Act Relating to License Fees for Dogs (H. P. 775) (L. D. 977) (H. "A" H-617 to C. "A" H-515)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Appropriate Money to the Northeastern Research Foundation, Inc. (S. P. 170) (L. D. 377)

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

Mrs. Post of Owl's Head requested a roll call vote.

The SPEAKER: All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Aloupis, Bachrach, Barry, Benoit,

Berube, Birt, Blodgett, Bowden, Brannigan, Brodeur, Bunker, Conary, Cox, Davis, Dellert, Diamond, Doukas, Dudley, Dutremble, D.; Elias, Fowlie, Garsoe, Gavett, Gould, Gowen, Gray, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kany, Kiesman, Lancaster, Lewis, Lowe, Lund, MacBride, Marshall, Martin, A.; Mastertman, Masterton, Matthews, McPherson, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paul, Payne, Pearson, Peltier, Peterson, Rolde, Rollins, Roope, Sewall, Sherburne, Simon, Small, Stover, Studley, Tarbell, Theriault, Torrey, Violette, Vose, Wentworth, Wyman.

NAY — Baker, Beaulieu, Bordeaux, Brenerman, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Call, Carroll, Carter, D.; Carter, F.; Churchill, Cloutier, Connolly, Cunningham, Curtis, Davies, Drinkwater, Fenlason, Fillmore, Gwadosky, Hall, Kane, Laffin, LaPlante, Leighton, Lizotte, Locke, Lougee, Mahany, Maxwell, McHenry, McKean, McMahon, McSweeney, Paradis, Post, Reeves, J.; Reeves, P.; Silsby, Smith, Soulas, Sprowl, Strout, Tierney, Tozier, Tuttle, Twitchell, Wood.

ABSENT — Austin, Berry, Boudreau, Carrier, Chonko, Damren, Dexter, Dow, Dutremble, L.; Gillis, Jalbert, Joyce, Kelleher, Leonard, MacEachern, Prescott, Stetson, Vincent, Whitemore.

Yes, 81; No, 50; Absent, 19.

The SPEAKER: Eighty-one having voted in the affirmative and fifty in the negative, with nineteen being absent, the motion does prevail. Signed by the Speaker and sent to the Senate.

An Act to Reclassify Certain Surface Waters and Revise Water Quality Standards (S. P. 337) (L. D. 998) (C. "A" S-273)

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

The following papers appearing on Supplement No. 1 were taken out of order by unanimous consent.

Passed to be Enacted

An Act to Remove the Town of Medford from the Maine Forestry District (H. P. 17) (L. D. 34) (C. "A" H-635)

An Act Concerning Repossession of Consumer Goods from a Consumer in Default Under a Consumer Credit Transaction (H. P. 152) (L. D. 191) (C. "A" H-615)

An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax (H. P. 289) (L. D. 365) (C. "A" H-646)

An Act to Exempt Purchased Meals for the Elderly Meals Program from the State Sales and Use Tax (H. P. 357) (L. D. 452) (C. "A" H-652)

An Act to Exempt Certain Bulk Feed Bodies from the Sales Tax (H. P. 573) (L. D. 721) (H. "A" H-631 to C. "A" H-600)

An Act to Provide Partial Reimbursement to Municipalities for Revenue Loss due to Property Tax Exemptions on State and County Property (H. P. 849) (L. D. 1049) (H. "A" H-683 to C. "A" H-621)

An Act to Encourage the Use of Solid Waste as a Fuel Source (H. P. 921) (L. D. 1163) (C. "A" H-602)

An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District (H. P. 1309) (L. D. 1563) (H. "A" H-242)

An Act to Adopt the Uniform Child Custody Jurisdiction Act (H. P. 1456) (L. D. 1649) (S. "A" S-276; S. "B" S-287)

An Act to Clarify the Manner of Disposing of Abandoned Property in the Hands of State Institutions (H. P. 1471) (L. D. 1659)

An Act to Amend the Laws Relating to School Attendance (H. P. 1479) (L. D. 1666)

An Act Concerning the State Claims Board (S. P. 418) (L. D. 1290) (C. "A" S-295)

An Act to Indemnify Motor Vehicle Dealers for Legal Expenses Against the Manufacturer (S. P. 544) (L. D. 1610) (C. "A" S-297)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Cox of Brewer, recessed until two thirty o'clock in the afternoon.

After Recess 2:30 P.M.

The House was called to order by the Speaker.

(Off Record Remarks)

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

Thereupon, Mr. Diamond of Windham assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

The following papers appeared on Supplement No. 1, which were set aside before recess, were taken up out of order by unanimous consent:

Passed to Be Enacted

An Act to Amend the Salary Range for the Insurance Superintendent (H. P. 1421) (L. D. 1624)

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

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

Mr. HIGGINS: Mr. Speaker, in reference to this bill, before we enact it, I just wondered, I looked at the engrossed copy and I couldn't see any dollar amount. I simply want to pose a question to either Mr. Howe or some member of the committee as to what the salary of the insurance superintendent is now and what it would be under this bill?

The SPEAKER pro tem: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HOWE: Mr. Speaker and Members of the House: I should have gone and gotten those dollar figures before I went to lunch and I didn't. My recollection is it is somewhere between — I think it is a high of \$34,900. Possibly the gentleman from Waterville has that information, because the bill went through the State Government Committee.

I will defer to Mrs. Bachrach and then I would like to comment a little bit further on the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I can't answer the question in exact dollar figures, but the idea was that the other two superintendents in that department, or the department head, were receiving more than the Superintendent of Insurance, and we made his salary the same as Banking and Consumer Protection. We put them all on the same level so that they would all be with similar duties or perhaps even heavier ones, that they would all be having the same salary.

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

Mr. HOWE: Mr. Speaker and Members of the House: The bill is here to correct a rather longstanding injustice, and I think that the members here of the Committee on Business Legislation will stand very strongly behind me

in saying that, that, yes, the other two superintendents within the department are in a higher salary range and, furthermore, they really have less responsibility than does the superintendent of insurance. To be perfectly candid, the reason why the superintendent of insurance per range is not as high as the others is because of personality disputes between persons who are no longer there, either on the second floor or in that position. That is basically what it comes down to, it is an injustice.

The man who was recently confirmed to that position has been with the bureau for 12 or 13 years. He is a very bright, capable, hard working superintendent. He has been the deputy superintendent for some time. The Committee on Business Legislation has tremendous faith in him, he has the support of the industry, he has the support of consumers and I think it would be a serious shame to continue the injustice that has been perpetrated over the last several years, and I hope that this body will send this emergency measure through and pass it today.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would pose a question through the Chair to the gentleman from Scarborough, Mr. Higgins.

Would you still like to hear the exact dollar amounts, or don't you care?

He is probably getting a lot more information than he wanted, but presently the Insurance Superintendent, which is in Range 89, would be getting \$24,000 plus through \$32,000 plus and would be moved into Range 90, along with the Bank Superintendent and Bureau of Consumer Protection Superintendent. Their present salaries are \$25,000 plus to \$34,000 plus. Beginning July 1, these will change, but it will make them all equal, and that is the reason for the bill.

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

Mr. HIGGINS: Mr. Speaker, I would like to thank everyone for their very 'not brief' but at least informative information and I would move this bill to enactment.

The SPEAKER Pro tem: The pending question is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

101 having voted in the affirmative and 10 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Concerning the Rate of Return on the Investment Factor under the Railroad Excise Tax (H. P. 530) (L. D. 651) (C. "A" H-622)

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I had questions on this bill and I have a gut feeling that I can't go along with it but I will let it go.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill, "An Act to Restrict the Use of Dealer Plates" (H. P. 406) (L. D. 510) (C. "A" H-607)

Tabled—June 6 (Till Later Today) by Mr. Morton of Farmington.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence were ordered sent forthwith to the Senate.

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

An Act to Permit the Maine State Housing Authority to Issue Certain Bonds not Backed by the Moral Obligation of the State and to Raise the Authority's Bonding Limit (S. P. 585) (L. D. 1648)

Tabled—June 6 (Till Later Today) by Mr. Birt of East Millinocket.

Pending—Passage to be Enacted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Harrison, Mr. Leighton. Mr. LEIGHTON: Mr. Speaker, I would like to ask for an explanation on this.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us would increase the bond limitation of the Maine State Housing Authority. Presently, it is \$2¼ million on our moral obligation bonds. These are basically revenue bonds and they are not used to allow direct loans to individuals but they are used to purchase loans made by banks to free up more money for the banks to lend to other individuals.

This is a very positive thing, from most people's points of view, in that what we do is, we sell those bonds out of state and therefore we get to use out-of-state capital to improve our housing within the state to help our industry involved in building.

The second portion of the bill, that basically, by the way, deals with multi-family dwellings for low income persons and some moderate, but primarily lower income persons, elderly and then the low income.

In the second portion of the bill it would allow \$200 million worth of not moral obligation bonds but insured secured bonds to be used for the single family or up to households of owner-occupied dwellings. Once again, this is not a direct loan but would be the purchase of loans made by banks that have been insured.

I talked to Moody's the other day and talked to the person who is in charge of this portion of Moody's and their rating service, and they felt that this was a very good, well run, state housing authority and that they saw no problem whatsoever with what we in Maine were proposing to do. I asked a number of questions, as I have in the past, dealing with bonds and if anyone has any further questions, please ask me, and if they do not feel comfortable or have complete assurance, after talking to me and having me answer your questions, then Claire Cohen, who is the person who is in charge of that division at Moody's, said that she would be very willing to speak with anyone. I am sure that you would be satisfied. I feel very comfortable in stating to you that this is something that the State of Maine can feel proud to be doing.

The SPEAKER pro tem: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to see something like this go under the hammer, so I would call for the yeas and nays.

I would just like to point out the paradox in this thing. The Maine State Housing Authority was born a few years ago out of a lack of mortgage funds in our banks, and this was as a result of a very deliberate, federal fiscal policy. In other words, the federal government decided, with inflation raging, that they wouldn't use the budget end of the equation of budget and fiscal policy in balancing the budget but instead would use fiscal policy, so our national policy to stem the tide of inflation is and has been for several years to restrict money by raising the discount rate at which member banks borrow from the federal reserve, conse-

quently, cooling the fires of inflation by making money scarce. This is going on right now. I don't necessarily argue with it, but isn't it a strange paradox that the federal policy and the state's policy should be working at cross purposes. In other words, with all the federal agencies working to make money tight, we then give birth to a state agency that loosens it up and this, I think, ought to at least be noticed and I don't think something like this should go under the hammer.

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

Mr. MARSHALL: Mr. Speaker, I would like to pose a question through the Chair to anyone on the committee who might be able to answer.

As I look at this bill, I am wondering, first of all, does the state currently have or allow the issuing of any bonds that aren't insured by the state? Secondly, if that is not so, then it appears to me that this increases the bonding capacity of the Maine State Housing Authority from its current \$225 million to \$475 million, which is more than a 100 percent increase. I would like the answer to my first question if possible.

The SPEAKER pro tem: The gentleman from Millinocket, Mr. Marshall, has posed a question through the Chair to anyone who may care to respond if they so desire.

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

Mrs. KANY: Mr. Speaker, Members of the House: What Mr. Marshall said is absolutely correct, and I will reiterate what I stated earlier, in that revenue bonds, which have the moral obligation of the State of Maine behind them, will be increased from \$225 million to \$275 million and a new type of bond, which, in the long run, will help our overall credit rating because there is no general obligation of the State of Maine behind it but instead they are insured. They must be insured and they must also be a security mortgage type of loan but it is not a direct loan. It is a new type and should serve us well in our overall bond rating. Those would be used for the purpose of single family units only or an owner-occupied of up to four household dwellings and just to buy from the bank those loans which the banks had decided were a good loan. It is a positive thing, in the long run, for us to be getting into that, because it does not obligate the state as a whole in any way.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: It was only a few short years ago that the funding limit was — I forget — \$30 million, \$50 million — and I recall that when we increased it at the time from \$100 million to \$150 million or \$200 million or whatever, the purpose was, and that was how I supported it then, was that not only the low income but the low-middle income people would finally have a chance to benefit from this.

I would like to know if we increase it today, what percentage of housing would go to the middle-income? Would it, once again, go nearly entirely to low-income, so-called?

I would add that in one particular community in the state, there were so few low-income who qualified, due to the eligibility guidelines, that those guidelines were increased in order to fill the vacant apartment, so my question is, would the middle income derive some benefit?

The SPEAKER pro tem: The gentlewoman from Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may care to respond.

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

Mrs. KANY: Mr. Speaker, Members of the House: I apologize for getting up again, but a very valid question has been asked and I do not have an exact percentage. I would like to say that the \$225 million limit that now exists has

almost been reached and that in addition to buying these bank loans that have been used for mortgage purposes, that the Maine State Housing Authority is involved in some of the federal programs and managing those, some of which apply to moderate income, and it depends upon what you want to call moderate income. Normally, it is up to 120 percent of the national average and, of course, so many of us people here in Maine are low-income that our moderate income standards would be called low income in other parts of the country. It is rising a little bit, particularly within federal programs, so they are called low-income under federal guidelines, but to most of us in Maine, we call these people moderate income.

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

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

The SPEAKER pro tem: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, I would like to pair my vote with the gentlewoman from Topsham, Mrs. Chonko. If she were here, she would be voting yes and if I were voting, I would be voting no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Benoit, Berry, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. L.; Cloutier, Conary, Connolly, Cox, Curtis, Damren, Davies, Davis, Dellert, Doukas, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, LaPlante, Locke, Lund, MacEachern, Martin, A.; Masterton, Matthews, McHenry, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paul, Pearson, Peterson, Post, Reeves, P.; Rolde, Simon, Small, Soulas, Sprowl, Tarbell, Theriault, Tozier, Tuttle, Twitchell, Violette, Vose, Wood, Wyman.

NAY — Austin, Birt, Bordeaux, Brown, D.; Bunker, Call, Carter, F.; Churchill, Cunningham, Dexter, Drinkwater, Dudley, Gould, Hanson, Higgins, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lowe, MacBride, Marshall, Masterman, Maxwell, Nelson, A.; Paradis, Payne, Peltier, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Smith, Stetson, Stover, Studley, Torrey, Wentworth, Whitemore.

ABSENT — Beaulieu, Brown, K. C.; Carrier, Carroll, Carter, D.; Diamond, Dow, Elias, Hunter, Hutchings, Immonen, Jalbert, Joyce, Laffin, Lizotte, Lougee, Mahany, McKean, McPherson, Prescott, Strout, Tierney, Vincent, The Speaker.

PAIRED — Chonko-Gray.

Yes, 82; No, 43; Absent, 24; Paired, 2.

The SPEAKER pro tem: Eighty-two having voted in the affirmative and forty-three in the negative, with twenty-four being absent and two paired, the motion does prevail.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

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

Bill, "An Act to Provide for Licensing of Bottle Clubs" (H. P. 469) (L. D. 576)

Tabled—June 6 (Till Later Today) by Mr. Tierney of Lisbon.

Pending—Adoption of House Amendment

"C" (H-639)

Mr. Violette of Van Buren requested permission to withdraw House Amendment "C", which was granted.

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

House Amendment "D" (H-675) was read by the Clerk.

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

Mr. MARSHALL: Mr. Speaker, I would like an explanation of this amendment, please.

The SPEAKER pro tem: The gentleman from Millinocket, Mr. Marshall, has posed a question through the Chair to the gentleman from Van Buren, Mr. Violette, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: You have been having some problems with this amendment. This is only the fourth amendment to this bill.

My reason for wishing to introduce House Amendment "C" was, first of all, to include the sentence that a bottle club is not a public place as defined in Title 17, Section 2003. This was left out of House Amendment "B" and should have been included. The Statement of Fact on House Amendment "C" said that it made clear that a bottle club is not a public place, I mean on House Amendment "B", and that line was left out of House Amendment "C". Then, after several people came up to me, I decided that I would not introduce House Amendment "C". Very specifically, it deals with the third section of the bill, which is the referendum clause of the bill and this particular amendment is a negative referendum. "Bottle clubs will continue to exist until the municipalities holds a referendum outlawing them." The original amendment closed bottle clubs until the municipalities held a referendum legalizing them and it is changed from a positive referendum to a negative type of referendum, and that is basically the difference in the three amendments.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would have preferred to have Amendment "C" on the bill, but I guess we will have to live with Amendment "D".

Amendment "C" would have essentially closed a few bottle clubs that are now in so-called dry towns. In those towns that voted not to have liquor sales, you couldn't open up a bottle club. House Amendment "D" would allow those bottle clubs to continue to exist until a referendum was held.

I think the important thing about the amendment and the bill at this point is, it doesn't actually license bottle clubs but it puts something on the books to allow municipalities to determine the hours. I think that is a step in the right direction. I guess the city of Lewiston attempted to do this and they are now in court with the bottle club owners, so I think our first step should be to get the municipalities to take a look at the hours and set the hours locally and if that works out, then maybe in another session, if the House or the legislature feels that bottle clubs should be licensed by the state, that step could be taken at that time.

Thereupon, House Amendment "D" was adopted.

The Bill 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 fourth item of Unfinished Business:

Bill, "An Act to Amend the Tree Growth Tax Law" (H. P. 1115) (L. D. 1244) — In House, Passed to be Engrossed as Amended by Com-

mittee Amendment "A" (H-517) as Amended by House Amendments "A" (H-540) and "B" (H-542) thereto on May 30. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "B" (H-518) as Amended by Senate Amendment "A" (S-301) thereto.

Tabled—June 6 (Till Later Today) by Mrs. Post of Owl's Head.

Pending—Further Consideration.

On motion of Mr. Brenerman of Portland, tabled pending further consideration and later today assigned.

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

Bill, "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine" (H. P. 522) (L. D. 666) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-536) on May 31, 1979. — In Senate, Indefinitely Postponed.

Tabled—June 6 (Till Later Today) by Mr. Tierney of Lisbon.

Pending—Further Consideration.

On motion of Mrs. Huber of Falmouth, the House voted to recede.

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

House Amendment "A" (H-678) to Committee Amendment "A" was read by the Clerk and adopted.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am burdened with the task of explaining what House Amendment "A" is to Committee Amendment "A".

Mrs. Huber can correct me if I am wrong, but as I understand it, House Amendment "A" simply strips off the mandates of the bill. However, the appropriation remains intact. It simply, at this point in time, will give us some energy standards that people can abide by, and if in the event they want to adhere and abide by these particular standards, they can ask this department or this bureau that we ultimately are going to set up to issue them a certificate of compliance and that can be used as an incentive for them, for whatever purposes they might choose, either in resale or attracting perspective clients for lease or rent.

I can appreciate that and I have given it considerable amount of thought and I appreciate the efforts that Mrs. Huber has made. However, I really am a little bit concerned by the bill in that (1) I consider it, if you will, and I will be straightforward, as somewhat of a foot-in-the-door; (2) I don't think the appropriation is anywhere near adequate, if you read the bill, to ultimately do justice to the legislation.

For example, the amendment says that in fact people will be available in the bureau to go out not only to review the plans that were submitted to the bureau, but also those people can go out into the field and physically review the site or the structure requesting compliance, requesting certification.

Well, there is a \$30,000 price tag on the bill and I see no way that ever could possibly come about or at least the on-site inspection. If you go to the other bureaus and the other departments that have similar type of rules and regulations that they operate under and do on-site, for example, people dealing with plumbing permits in this state, it simply can't be done.

So, it is a half-hearted attempt to put these standards on the books, that I can't say is wrong. However, the rest of the amendment simply isn't going to work and if it, in fact, does get put onto the books, ultimately we can see people coming back and asking for more money for a car, for example, for mileage, for people to go out and physically inspect these sites and that is a lot of money.

I submit to you that with the energy crisis the way it is, with oil escalating in price every day, the Arabs not caring, evidently, what they are going to have to pay for wheat, yes, I think it is going to take care of itself. I think people in industry and in every facet of our lives that are ultimately building houses or whatever are going to adhere to strict standards for their own sakes, for their own survival, so I think this is going to take care of itself, as has other things taken care of themselves without government injecting themselves into the private sector of peoples' lives.

I think it is needless money, it is money needlessly spent. Mrs. Huber is going to say, well, the feds have told us we have to do this, and I say that is garbage, because I am not to be intimidated into any kind of legislation or to spend the State of Maine taxpayers' money simply because the federal government comes along and says you have to do something. If they think it is so worthy and they think this program really is necessary, let them do it on their own dollars and justify it to the entire nation and not put it on our shoulders.

I hope that you will take my motion in all seriousness, and that is to indefinitely postpone this bill and all its accompanying papers, and when the vote is taken, I would request the yeas and nays.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Windham, Mr. Diamond, for presiding as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Diamond to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to Mr. Leonard and other members of the House for not realizing that the previous speaker was as swift as he was.

Mr. Leonard has essentially told you what the amendment does. He is correct in that it is totally voluntary and puts everyone who is building a new building on the same basis. I happen to think that is an awfully good idea and I would just briefly tell you why, because although it is a watered down version of what we had before us a few days ago, clearly, the other version was not going anywhere but, by the same token, I think it is very important that a process is established in this state, whether or not Washington, D. C. tells us we have to have one. It will allow us to do what Mr. Leonard thinks everybody is going to do anyway. Not all of us have that expertise and not all of us want to go out and hire an architect or an engineer to give us the ability to build energy efficient housing.

I think if we can set up a voluntary program in which there is no mandate for anyone to do anything that they don't care to, we will, in fact, see a significant degree of compliance with what is a standard that no one objects to. The standard itself does not seem to have any opponents, it is simply a way of getting the standard enforced that raised the problem. So I would suggest to you, by spending what is admittedly a small amount of money, and I have full faith and confidence in the Office of Energy and Resources to carry this out, I have been involved with them very closely for a year, I think I am a fair judge of how they are operating now, and if they have one fault, it is that they don't do enough PR work so the rest of us know how effective they have been. I have no reason to believe that this can't be carried out within the confines of the appropriation and I say, if you are going to throw out the specter of more money and more money, that is a little unfair because this bill only deals with a cer-

tain amount of money and this legislature, it is my understanding, has the ability to approve or deny anything else that may be ahead of us. I suspect that down the road, we are going to wish we had done more rather than less, but that is strictly within our preview and within our ability to determine, so don't let that argument mislead you into thinking that we have set something off that we can't control. I think that is very unfair.

Finally, I would just suggest to you, I would say to you, that in spite of Mr. Leonard's feelings about federal government, which I happen to share, we can't ignore them. It would be nice if we could, but unless we are going with Quebec, it is going to be pretty hard to avoid some sanction or other.

Under the National Energy Policy and Conservation Act of 1975, the Congress, in which we do have representation, determined that states would either set up their own standards or be subject to a federal standard and they would enforce that standard. If we pass this bill, we will have a standard. We will have an arguing point with the feds and I happen to think that Maine people are usually right and that we probably can get a lot further if we go that route than if we just sit here waiting for them to tell us what to do. I think we have all seen, in dump situations, for instance, some of our communities have been sued by the federal government and I think they take energy a lot more seriously than they do dumps, to be perfectly honest with you.

I hope that you will defeat this motion and pass this bill to the other body and I hope they will do their responsible duty and pass it to be engrossed.

The SPEAKER: The Chair will order a vote. The pending question before the House is on passage to be engrossed as amended in non-concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Huber of Falmouth requested a roll call.

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

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

The SPEAKER: The pending question before the House is on passage to be engrossed as amended in non-concurrence. 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 request permission to pair my vote with the gentleman from Waterville, Mr. Boudreau. If he were here, he would be voting yes and I would be voting no.

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

Mr. HALL: Mr. Speaker, I would like to pair my vote with Mr. Kelleher of Bangor. If he were voting, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Call, Cloutier, Connolly, Curtis, Dellert, Doukas, Dutremble, D.; Fenlason, Fillmore, Fowlie, Gowen, Gwadosky, Hanson, Howe, Huber, Hughes, Jacques, P.; Kane, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lund, MacEachern, Martin, A.; Masterton, Maxwell, McHenry, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Peltier, Post, Prescott, Reeves, P.; Rolde, Simon, Tarbell, Theriault, Tierney, Torrey, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Birt, Bordeaux, Brown, A.; Brown,

D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Dudley, Dutremble, L.; Garsoe, Gavett, Gillis, Gould, Gray, Hickey, Jackson, Leighton, Leonard, Lewis, Lowe, MacBride, Marshall, Masterman, Matthews, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Sewall, Sherburne, Small, Sprowl, Stetson, Stover, Studley, Tozier, Wentworth, Whittemore.

ABSENT — Berry, Brown, K. C.; Carrier, Carroll, Carter, D.; Chonko, Churchill, Davies, Diamond, Dow, Elias, Higgins, Hobbins, Hunter, Hutchings, Immonen, Jacques, E.; Jalbert, Joyce, Laffin, Lougee, Mahany, McKean, McMahon, McPherson, McSweeney, Morton, Pearson, Roope, Silsby, Smith, Soulas, Strout, Twitchell, Vincent.

PAIRED — Boudreau-Cox; Hall-Kelleher. Yes, 67; No, 45; Absent, 35; Paired, 4.

The SPEAKER: Sixty-seven having voted in the affirmative and forty-five in the negative, with thirty-five being absent and four paired, the motion does prevail. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1980, and June 30, 1981." (Emergency) (H. P. 1359) (L. D. 1595)

Tabled—June 6 (Till Later Today) by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Provide for the Licensing of Denturists" (H. P. 1365) (L. D. 1598)

Tabled—June 6 (Till Later Today) by Mrs. Prescott of Hampden.

Pending—Passage to be Engrossed (House receded from Passage to be Engrossed on June 5)

Mr. Dudley of Enfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-664) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval (S. P. 580) (L. D. 1640)

Tabled—June 6, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage to be engrossed.

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

An Act to Provide for Staggered Registration for Motor Trucks (H. P. 767) (L. D. 970) (C. "A" H-565)

Tabled—June 6, 1979 by Mr. Carroll of Lime-
rick.

Pending—Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, the Bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

Bill, "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (Emergency) (S. P. 586) (L. D. 1651)

Tabled—June 6, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act Relating to Access, Copying and Release of Medical Records" (H. P. 935) (L. D. 1165) — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-491) as amended by House Amendment "B" (H-530) thereto (Minority Report) on May 30. — In Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—June 6, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Further Consideration.

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

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

HOUSE REPORT — "Leave to Withdraw" — Committee on Public Utilities on Bill, "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers" (Emergency) (H. P. 1333) (L. D. 1580)

Tabled—June 6, 1979 by Mr. Davies of Orono.

Pending—Acceptance of the Committee Report.

On motion of Mr. Davies of Orono, tabled pending acceptance of the Committee Report and later today assigned.

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

HOUSE REPORT — "Leave to Withdraw" — Committee on Judiciary on Bill "An Act to Extend the Liability Limitations for Ski Areas to Cross-country Ski Areas" (H. P. 305) (L. D. 401)

Tabled—June 6, 1979 by Mr. Blodgett of Wal-doboro.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1979 (Emergency) (H. P. 1500) (L. D. 1674)

Tabled—June 6, 1979 by Mr. Nadeau of Le-wiston.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

An Act to Abolish the Legislative Council (S. P. 86) (L. D. 171) (C. "A" S-247)

Tabled—June 6, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Enacted.

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

Mr. ROLDE: Mr. Speaker, I move the indefinite postponement of this Bill and all its accompanying papers.

As a former member of the Legislative Council, I must admit that I was quite tempted, when I saw the title of this bill, tempted to support it, that is, because some of the most excruciatingly boring moments that I have ever spent in my life was spent at meetings of the

Legislative Council. I know that perhaps some of the people who put this in might have felt that they were getting back at legislative leadership or showing them or doing something that they didn't want and I guess my feeling is, if you really want to get at leadership, condemn them to continue sitting through these meetings. But, there really is need for some sort of administrative mechanism to deal with the nitty-gritty, housekeeping chores of running this legislature.

This bill, with the Committee Amendment, which now says that a majority in either House could override the decisions of the council, could cause some rather wild situations. For example, one of the things I remember that we discussed ad infinitum or ad nauseam were pay plans for some of the legislative employees dealing with step raises and so forth, so I could foresee a situation where some disgruntled employee, perhaps not happy with his place in the pay plan, might come back and try to get a majority decision in either body to override the Legislative Council and then you would be discussing that kind of excruciatingly boring things that we were discussing there.

On a more substantive note, I could also foresee a situation, for example, at the beginning of the special session when the Legislative Council decides which bills shall come into the special session and which bills don't, that those bills that are not allowed in would be brought before both of these bodies under this particular amendment and then we would have discussions, perhaps nonconcurring votes in either body, the thing going back and forth, insisting, committees of conferences and spending about as much time in dealing with bills that are not before the body as we would deal with bills that are before us.

So, I hope you will go along with my motion today and indefinitely postpone this bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I guess maybe I am the only other member on the floor that may have served on the council with the previous speaker, Representative Rolde from York, and knowing something of the functions of that, I support completely the motion to indefinitely postpone.

At the time this bill was heard, there were two people who spoke on the bill. The person who introduced the legislation spoke for it and I happened to have been in the State Government room when the hearing was held and I spoke against it.

I do feel much of what Representative Rolde has said is true. There are many problems, it is kind of a discouraging job at times but, on the other hand, the legislature has continually grown in the last few years, you have had more studies done by staff and legislative committees, the various staff people have increased and the legislator has become more responsible, and there has to be some board of directors who will act in the interim period to oversee much of what is going on.

I think the council is probably the most effective way of doing this. The council is elected by the membership prior to the convening of the legislature and I think serious thought should be given to them at the time they are elected and once they are elected, they should be backed up and endorsed and I think the motion to indefinitely postpone is the proper motion.

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

Mrs. KANY: Mr. Speaker, Members of the House: I feel obligated just to explain the thinking of the State Government Committee in its unanimous report. We truly sympathize with Representative Rolde and other past and present members of the Legislative Council as to the boring topic of salary raises. In fact, we bored you to death with details on the insurance superintendent's salary only a few min-

utes ago. We, too, have some bills like that before us in the State Government Committee. Then, every once in awhile, we get kind of an interesting little bill and this was one of them.

This was sponsored by a member of the other body and it did have kind of an enticing title to abolish the Legislative Council but we agreed, very much so, with the contents of the substance of what Representative Birt just said, basically, that you do need an administrative body and you should select people to carry out these functions for you.

We believe, though, that there are times, just as there are in a representative democracy, when people who are elected to represent the citizen, if they are not really doing or performing the functions as the citizens wish, there should be some means of being able to overthrow or to reject those decisions. It was the feeling of the committee, in this very limited bill that it put out, that that should be the case of the legislature. Here we are, the elected Representatives of the people of Maine, and if our elected Representatives of leadership are not making decisions of which we approve, then we should be able to override with a majority vote in this House those decisions and that is really all. It is no longer a bill to abolish the Legislative Council.

To be perfectly honest, I don't feel that strongly about this bill. Some members of the committee felt much stronger but I just did want to share my thinking with you. It is up to you what you do.

Thereupon, the Bill and all its papers were indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Bill Held

Bill, "An Act to Encourage the Development of Small Scale Hydroelectric Facilities" (H. P. 867) (L. D. 1072) (C. "A" H-651) — In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-651) on June 6, 1979. Held at the request of Mr. Gwadosky of Fairfield.

On motion of Mr. Gwadosky of Fairfield, the House reconsidered its action whereby this Bill was passed to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed.

On motion of Mr. Austin of Bingham, tabled pending the motion of the gentleman from Fairfield, Mr. Gwadosky, to indefinitely postpone and later today assigned.

On motion of Mr. Martin of Eagle Lake, the House reconsidered its action of earlier in the day whereby it voted to recede and concur on Bill "An Act to Regulate Commercial White-water Outfitters", Senate Paper 348, L. D. 1094.

On motion of the same gentleman, the House receded from its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" as amended by Senate Amendments "A", "B", "D", and "E" thereto was adopted.

On motion of the same gentleman, the House receded from its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

Committee Amendment "A" was amended by Senate Amendments "B", "D" and "E" was adopted in non-concurrence.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendments "B", "D", and "E" thereto in non-concurrence and sent

up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities" (S. P. 443) (L. D. 1381) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mr. NORRIS: Mr. Speaker, I move that the House adhere.

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

Mr. HOWE: Mr. Speaker, I move that the House recede and concur.

I spent a little time this afternoon with some other members of the committee looking at figures from the commission. I am satisfied that if we don't increase the fees, by the end of the budget biennium, the balance that the commission is working from is going to be just over \$900, as opposed to several thousand that they have now.

So, I think it simply boils down to either we increase the fees or we decide what services they are providing now that they ought not to be providing and we make that decision. I am satisfied that the figures they presented us are sound, and although I did say something this morning about offering an amendment, and I said so in good faith, it is my position at this point that we either go with the bill as it came out of committee or the thing dies, and the matter is in your hands.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Some of what the good gentleman says is true and some of it, I don't know if it is untrue or misunderstanding. At the end of the year 1980, if we do nothing, there will still be a surplus in that account, according to their own projections, of \$33,454. This commission has carried large surpluses over the years. That is money that belongs to other people and there is absolutely no need of it. If, indeed, their projections down the road three years were to come to pass, there is no reason that sometime within the next three years we wouldn't have plenty of opportunity to raise these fees.

I really don't see any need of carrying accounts in the Real Estate Commission of over \$100,000, as they are right now; I say reduce it. If, indeed, what happens that the good gentleman predicts would happen, then at least they would be down on an income expenditure basis. Even the good lobbyist who has done his work well, I presume by this time even the good lobbyist admits that there is no problem as far as this commission operating at full capacity with no cutbacks for the next year.

I would hope that you would defeat the motion to recede and concur and then we would vote to adhere. I would ask for a division, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I am looking at the increased costs in the Real Estate Commission — for instance, in 1977-1978, there was \$185,876 and in 1978-1979, there was \$182,775 and then it comes back up in 1979-1980, \$190,400 and have projected for next year, \$195,750. This increase, naturally is due to your pay increases in costs, because as you know, everything is increasing. I don't know where the gentleman from Brewer got his figures, I got figures from the same place, I thought, and they don't leave that balance that he states, according to this, and there are more licensees and we want these offices inspected and these licensees policed more properly, I don't see how you are going to do it if you do away with this. It is en-

tirely up to you.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the gentleman from South Portland, Mr. Howe, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. L. Dutremble of Biddeford requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from South Portland, Mr. Howe, that the House recede and concur. Those in favor will vote yes; those opposed will vote; no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Beaulieu, Boudreau, Bowden, Brannigan, Brennerman, Brown, D.; Call, Churchill, Conary, Damren, Davis, Dellert, Dexter, Diamond, Drinkwater, Dutremble, D.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gwadosky, Hickey, Howe, Huber, Hughes, Jackson, Kane, Kany, Lancaster, Leighton, Lewis, Lizotte, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McHenry, McMahon, Mitchell, Nelson, A.; Payne, Peltier, Peterson, Post, Rollins, Roope, Sewall, Small, Smith, Sprowl, Stetson, Stover, Tarbell, Theriault, Torrey, Whittemore.

NAY — Baker, Barry, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Brodeur, Brown, A.; Brown, K. C.; Bunker, Carter, D.; Carter, F.; Cloutier, Connolly, Cox, Cunningham, L.; Fowlie, Gould, Gray, Hall, Hanson, Higgins, Jacques, E.; Jacques, P.; LaPlante, Leonard, Locke, Lowe, MacEachern, Mahany, Martin, A.; Maxwell, McSweeney, Michael, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Prescott, Reeves, J.; Reeves, P.; Rolde, Sherburne, Simon, Soulas, Studley, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Brown, K. C.; Carrier, Carroll, Chonko, Dow, Elias, Gowen, Hobbins, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kelleher, Kiesman, Laffin, Lougee, McKean, McPherson, Silsby, Strout, Vincent.

Yes, 62; No, 67; Absent, 22.

The SPEAKER: Sixty-two having voted in the affirmative and sixty-seven in the negative with twenty-two being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" (S. P. 469) (L. D. 1417) (C. "A" S-293) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Portland, Mr. Connolly, that the House indefinitely postpone this bill and all its accompanying papers.

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

Mr. MARSHALL: Mr. Speaker, I would request a division.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief. I voted for this bill yesterday but today I am going to vote to indefinitely postpone and I will give you a few reasons, (1) if you look at the

bill, this does not cover just teachers, it is all school personnel, janitors, cooks, social workers, anyone that is hired by the school in any capacity and I think that is too broad a definition to be dealing with a very serious matter such as drug abuse; (2) another problem I have with the bill is that it seems to exempt everyone except the school administrator, the one you are reporting to doesn't seem to be covered by liability; (3) is the whole argument of retaliation by students. I would argue, and I have taught in schools, that the grapevine in schools is always right; if you want to know what is going on, the kids know and there is no way that you are going to protect anyone. It is a myth if you think you are; (4) I think it is time that if you are a teacher and you are a professional person, you have to exhibit some kind of responsibility.

When I was a substitute teacher, I was in a classroom where I thought some kids were smoking dope. I just went to the office and told them, I did not sit there worrying about whether I was going to be penalized by the students or sued by the parents. I saw something that was wrong and I reported it. I think if we are teachers and we are professional people, that is our responsibility and I take that responsibility seriously. I think if we are going to deal with this problem, this is the only way you are going to deal with it and by giving immunity is not the way to deal with it. I think we are trying to compound the problem instead of solving it.

I would urge you to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: This is really a sad commentary on our times when teachers are so afraid of intimidation by the students that they feel it necessary to have immunity from the threat of physical violence upon themselves and their families. They have a fear of civil suit that they must have immunity upon themselves for doing their duty. Teachers are professionals in the eyes of this body, and that is true, and under the current law, it is their duty and they are duty bound to report any illegal drug activities within the school that they are employed. Unfortunately, this is not happening.

Is it unreasonable, then, to ask this body to enact legislation to provide at least some degree of immunity in light of the seriousness of this problem, to provide at least some degree of immunity for those true professionals that have the courage to stand up and try to help the parents and the students to overcome the drug problem that is current in our schools today?

True, this bill does cover school personnel and that does include the administrators. It includes the assistant principal, who is usually in charge of this, when he goes and tells his boss, and it goes up the ladder.

True, this bill does not resolve completely the physical threat but it is a step in the right direction. Perhaps we should have further legislation later on to deal with this issue, but if we do not start to support our school personnel in our schools today, we are going to have to start supporting in the future the police to patrol our buildings such as they are in other states in our country.

Yesterday, we dwelled on the negatives of this issue. Let's look at some of the possibilities, the positive side that this may help the students. I studied this this afternoon because a lot of problems entered into my mind and after sitting down and further studying it and talking to others. We can actually use this for the positive side.

Teachers will back down when they are threatened by civil suits by parents. They will not report or gather information that can be used for the students so that when a PET team meeting is held, Pupil Evaluation Team meeting is held, that information is there so that ad-

ministrators, school personnel and the parents know exactly how they may help their students by sending them to places such as drug intern programs and the guidance office to work with them. If they do not know, if the teacher will not tell, then how in the world are they going to help? They can't help. So, gathering information without the fear of a civil suit is here. It does give a teacher and there are teachers, unfortunately, and good teachers, that will hold back because of the fear of civil suit.

Case of point, a true case — there was a teacher who met with parents and the Pupil Evaluation Team, they were sitting there and the parents confided and said to this teacher, "You are our child's favorite teacher." The teacher, feeling pretty good said, "I am glad you said that because I want to tell you that I feel that your student is on drugs and needs help, psychological help." Before he could go on, the parents threatened a civil suit against him. The teacher backed off, and this happens. Six weeks later, that pupil committed suicide, being on drugs.

I ask you, is it unreasonable for this body to pass something that will at least give us one step to help the teacher and the student?

I hope you vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: We listened to a lot of debate on this bill yesterday and we saw that there were only, I think about 30 of us who opposed it.

I am going to take just a very brief time and make a couple of comments here. I think there is a great potential for danger in this bill. You set up a special class of individuals who are granted immunity from civil suit and I think that is a dangerous precedent. We have people out there all over the state who are concerned about what is going on, they watch vandalism, crime, all kinds of things that occur and they are scared too, they are very scared to report to the police or anybody else about this, but we are not about to grant them immunity when they identify someone who is suspected of wrongdoing. I don't think this is going to begin to address the problem. If teachers are scared in the classrooms, they are going to continue to be scared. This is not going to do anything to eliminate their fear of retribution or reprisal. I am very concerned with bills like this that create a potential for mischief.

The bill includes a provision that deals with good faith, and I would suggest that someone is going to have to make the determination of good faith. As I understand it, there is a presumption that the teacher is acting in good faith in this bill. I think that that is a dangerous situation. If you had a teacher, for whatever reason, who is down on a student, points a finger at that student, I think this person is guilty of using or trafficking in drugs, he really has little chance of defending himself. I think it is an extremely dangerous bill and I hope you all vote against it.

Mr. Berry of Buxton moved the previous question.

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

A vote of the House was taken and more than one-third of the members present having voted for the motion for the previous question, the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member.

The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Members of the House: I didn't speak on this yesterday. It is a very serious bill and I only have about two minutes of things to say. I am not promising anybody else does because it may run on and on, so I understand if you don't want to hear anymore about it, but I have a couple of minutes and I just wanted you to know that.

The SPEAKER: If you are in favor of the main question being put now, you will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Diamond of Windham requested a roll call.

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There is no member of this House that hollers from the floor "question" more often or any louder than I do, but hollering the question from the floor is one thing, it really never does shut off debate except to make note of the fact that some of us, and I am sure you are tired of listening to me at times talking on a subject, but moving the question does shut off the debate and I never have supported moving the question. I think it is because some of are older members of the House and certainly not any wiser than any of the rest of you in saying that we feel that our patience are coming to a quick end in hollering the question.

I would hope that you wouldn't move the question because that does absolutely shut off debate entirely and, as I say, no one hollers questions anymore than I do from the floor but to automatically shut off debate is something that is against my grain.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I learned to holler the question from the floor from my friend Mr. Kelleher, but in this particular instance, with 72 hours left in the session, you could argue this for an hour and the people here are not going to change their minds. I just think, at this time, the circumstances and situation we are in, we should entertain the question.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I have moved the previous question twice in my life and both times have been during this session and very late in the session at that. I have all kinds of patience, patience is not my problem, Mr. Kelleher. We seem to be running a little bit short on time, though, and there are some bills around that haven't been debated yesterday for an hour, that probably are never going to get debated because we can't seem to get over this little hurdle and other little hurdles like that. I would hope, and all of you know as well as I do, from the Speaker this morning, who told us that there are 180 or 280 bills laying back there somewhere. Do you want to hear something about them or nothing about them or spend three days doing this one? I would hope you would vote the previous question.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Both Mr. Kelleher and I have moved the question at various times and it hasn't been done very much this year. There is nothing wrong with doing it.

I would like to ask you, we have three days left and we have a certain number of bills —

what happens when we reach the end of those three days and the bills haven't been debated and nothing has been done on them?

The SPEAKER: The Chair cannot answer that question without an advisory opinion from the Attorney General.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill was before my committee so I heard a lot of debate when we were discussing it. I listened to all of the debate yesterday, but I think it is one of the most important bills that we have had this session and if someone else can add something to it, especially Mr. Diamond, who is a person who is in the classroom, I would like to hear what he has to say.

The SPEAKER: The pending question before the House is, shall the main question be put now? Those in favor will vote yes; those opposed will vote; no, a roll call having been ordered.

ROLL CALL

YEA — Aloupis, Bachrach, Berry, Boudreau, Brown, A.; Brown, K. L.; Bunker, Call, Cox, Drinkwater, Dudley, Fillmore, Gould, Lizotte, Lund, MacEachern, Masterman, Maxwell, McHenry, McSweeney, Nelson, A.; Nelson, N.; Paradis, Peltier, Reeves, J.; Rollins, Sherburne, Studley, Theriault, Torrey, Tozier, Twitchell, Vose, Wentworth, Whittemore.

NAY — Austin, Baker, Barry, Beaulieu, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Carter, D.; Carter, F.; Cloutier, Conary, Connolly, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadossky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, P.; Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lowe, MacBride, Mahany, Marshall, Master-ton, Matthews, McMahon, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, P.; Rolde, Roope, Sewall, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Tarbell, Tierney, Tuttle, Violette, Wood, Wyman, The Speaker.

ABSENT — Benoit, Brown, K. C.; Carrier, Carroll, Chonko, Churchill, Dow, Elias, Hunter, Hutchings, Immonen, Jacques, E.; Jalbert, Joyce, Laffin, Lougee, Martin, A.; McKean, McPherson, Norris, Silsby, Strout, Vincent.

Yes, 35; No, 93; Absent, 23.

The SPEAKER: Thirty-five having voted in the affirmative and ninety-three in the negative, with twenty-three being absent, the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be awfully quick. I didn't speak yesterday, but I want to point out that we are talking about one issue and thinking of another, we are talking about civil liability. We are protecting the teacher from that but this, ladies and gentleman, is false security. What we are not protecting the people from is all the horror stories we heard yesterday. We are not protecting the people from the slashed tires, we are not protecting the teachers from getting beaten up, windshields being broken or young children, young daughters, five and six and eight years old, being harassed. This bill is not going to touch those things at all. A teacher may say, yes, I am concerned about civil liability, and I am as a teacher, and I was a principal for six years, but I am more concerned about my kids and I am more concerned about my body and I am more concerned about my property. This bill doesn't help those things one bit. What it does is say to the teacher, you are not going to be

sued in a civil court, but I will tell you something, in every school that I have been in, and I have been in a few, there is a ruling now that is very very thorough and the kids are going to find out it says someplace here "confidentiality." It doesn't work.

If I were the teacher and I went to the principal and said I was walking down the hall and saw what I say, it might be some kid smoking dope, that is it. Nine times out of ten, they are going to find out who did that. The next morning he is brought in, he saw me in the hall and I am the one that is going to get punished for it. This bill doesn't help that at all. The only thing this bill does is touch on confidentiality.

Now, I will tell you here and now, any kid in high school or junior high school will tell you the same thing, they know more what is going on in that school than the teachers do. So, don't for a second think you are passing something to help the teachers.

Yesterday, my seatmate, Mr. Pearson, said the problem is with drugs, and I agree with him. My word, I see it too! We are all frustrated with that. I talked to a lobbyist. This bill was sponsored by the way by CEPA and SPA. CEPA is the elementary principals and SPA is the secondary. They want to do something, I want to do something, you want to do something, but we are not going to with this bill. As a principal, they are going to sit down with their teachers and say, now we have done something, we passed a bill, we got this bill through, now you can come to us and tell us. Well, you can come to us and tell us all right but they are going to find out. The only thing that won't happen to that teacher is maybe be sued by the parent or the student. But believe me, ladies and gentlemen, you are not protecting the real things that count, and that is the person's body and the person's family. So, this is a serious bill and that is why, unusual of myself, I asked to speak when I know you are all tired. It is very, very important and I want you to know that.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I was out in the hall listening to Mr. Diamond and I guess I just had to come in and stand up as a teacher who spent the last year teaching in junior highs and high school. I have seen it all. I teach in a lot of low income schools in Portland and Mr. Diamond is absolutely right. First of all, I would be scared to death of half of the kids, especially the ones that are in high school, I really would be. This isn't going to help me at all. You better believe that I would be darn sure that I knew what I was talking about before I even thought about turning in a kid. Then I would be scared to death of what would happen to me personally. This is not going to help us.

I agree with Mr. Bowden, I see no reason why a teacher has anymore right to immunity than any other person does. Therefore, I don't believe that any of us have the right to immunity. I would hope that you would change your vote and not pass this bill.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to put this on a practical level if I may. I respect the comments by the previous speakers and I don't want to take too much of your time, but this is a very important question and the committee spent a great deal of time on it and the majority favored it. Also, the legislative agent of the professional association, to which Representative Diamond belonged, sat and helped us write it. A lawyer from the Civil Liberties Union sat and helped us write it. She didn't agree on the totality of it but she must have agreed on, I would guess, eight-tenths of it.

A teacher is, in a sense, a surrogate parent, rightly or wrongly, and when I have a problem with one of my children, I don't want him to tell

me he is going to call his lawyer. I don't want one of my kids when I try to discipline them, to tell me he is going to take me to court. Now, as is described to us, this is oftentimes what happens. The teacher or the administrator, the guy that delivers the discipline, can't get the informal communication with the teachers and with the pupils and with the parents that he wants without getting into a litigious situation. Our teachers are afraid that if they say "I think I saw Johnny Jones do so and so," that Johnny Jones is going to say, when the three of them sit down with a parent, going to say, "I want my lawyer." This actually happens, I want a hearing.

We had a bill that we considered that we just couldn't agree on, it had to do with suspension and expulsion. The hearing process for a kid to be suspended or expelled got so complicated, such a court like atmosphere, that finally we just gave up and were left with an inadequate statute. Everyone knows it, we just couldn't agree on a way to improve it.

I don't think this can be equated with litigation amongst adults. We are talking about people who, by and large, have the best interest of the students at heart. This may not be perfect, there is always some danger in granting immunity, but it is only civil immunity. It can always be changed, but something has to be done. We think this is a good start. I urge you not to indefinitely postpone.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to pose a question through the Chair to anyone who may care to answer.

I am wondering if I am reading this amendment right. We keep talking about teachers and my amendment says school personnel. Is that just limited to teachers or is it anyone that works in a school system?

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

The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: My understanding of it, Representative Wood, is that it tries to create a situation where all the personnel in the school are urged to informally communicate without being absolutely sure that they have got perfect proof. It tries to encourage a situation where they could gather in the principal's office and the principal could say to the parents and the child, so and so thought he saw such and such and we thought we would talk this over without somebody being demanding to be confronted by their accuser and wanting their attorney and all the rest of it.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: One of the things I have been hearing from some of the supporters of this bill is that they are very shaky about some of the support. They say it might not be the best thing. They say, well if there are some problems with it, we can take care of it later. I don't think that is a good way to react. I don't think we should react out of panic situations or let our emotions get so carried away that we enact flawed legislation.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak today but I do want to set the record straight on one matter that Representative Leighton said. I have a letter here that is dated June 5th, 1979 and it regards L. D. 1417, it is long and has four paragraphs and I won't read them to you but it is from the Maine Civil Liberties Union and I would just read the last sentence for the record. "The Maine Civil Liberties Union urges the defeat of L. D. 1417."

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: Times have certainly changed since I went to school. At that time, it was the students that were afraid of the teachers. Now the teachers are afraid of the students, and I am sorry for them.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think one of the best speeches that I have heard all session, especially about this issue, was delivered yesterday by my good friend from Old Town, Mr. Pearson.

Having been in the classroom both as a teacher and as an administrator, I feel very strongly about this bill. I ask each one of you to ask yourselves one question. Do you know of any teacher, any outstanding teacher in your home area, who has left his or her profession? Then ask yourself, why? Well, I know a number of good educators who have left their positions and the reason is very, very simple — they are frustrated. They are frustrated because their authority has been eroded and eroded over the past decade. Their authority has been eroded to the extent that now they can do practically nothing within the classroom or within the school. I think that this bill represents an excellent opportunity for the Maine State Legislature to take one small step for the teaching profession in this state, and that is to put some authority, put some teeth back into the educational system.

I also think, for those who are saying that this bill will do nothing but create a lot of problems and will cause children to be turned off and all of the other rhetoric that we have heard, that it can have a very positive effect. In fact, it can identify some of the kids that are in trouble and it can identify those problems so that teachers, and there are many teachers who care, so that those teachers will be able to provide the necessary expertise so that these kids can be helped. I urge you to take a very close look at this. Let's do something positive for the teachers in this state who have been really beaten for the past decade. Let's start to give them back a small measure of authority.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add a couple of thoughts. I think that we continually hear, as I said yesterday, we should do something, but this isn't the right answer. I think that maybe we should at least try to do something and maybe this is the best we can do.

I think the other thing is that at the hearing some good superintendents as I said yesterday, some good superintendents, one of them from Old Town, a person I have known of but not known personally for quite a few years, is an outstanding athlete, an outstanding student, an outstanding citizen, he had a son who was a Page down on the floor here a couple of weeks ago and he came down and spent a whole afternoon and asked us to do something. I think when people like him come before a committee and ask for some help, we have a responsibility to give it to them.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I am also a teacher and up until yesterday I had never, ever thought of immunity or non-immunity. After I heard some of the opponents of this bill speaking, then I started thinking, maybe I should start thinking about immunity when it comes to this case.

I have had opportunities to report some of these drug cases to the administration before. Nothing ever happened. But what bothered me yesterday is the fact that people who were opposed to this bill kept talking about teacher ha-

arrassment. If that is all people are thinking about is teacher harassment, that gets me to think that maybe somebody out there is going to be out to get me in a civil suit, and that bothers me, because if I am doing my job and I happen to make a mistake, not because of harassing anybody but because I happen to make a mistake, I would hate to end up with a civil suit on my hand.

There is a lot more to teaching today than talking to people about the Constitution of the United States or poverty in the world or algebra, we have to deal with drugs and we have to deal with the mental attitudes of these kids besides the regular teaching. God knows, if I ever make a mistake, I would hate to lose everything I have because of it.

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

Mr. CONNOLLY: Mr. Speaker, and Members of the House: I respect the remarks and the feelings that were represented by the last speaker but I would just like to pose a question to him. Why, then, should it be that if there is a drug problem in our society, not only in the schools but in society at large, that this whole question of immunity should only be extended to teachers and school personnel within the school system? Shouldn't we then carry the argument a step further and extend that immunity to anyone in society who is in a position to report the case of drug use or abuse? I would just tell the members of the House, if they feel that way, I have the amendment on my desk that would extend that immunity to everyone.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I would be really glad to answer that one. You know, I have taught for ten years, two years in South Portland and eight years in a local school. The first two years, I was teaching fourth and fifth grades, and the last eight years, I have been teaching high school. In the fourth and fifth grades I did not ever, ever see any drugs, very few problems. When I got into high school, that was where it was all at. Now, somewhere in between there, those lovely kids had to pick up something. I am sure they did not pick it up at home or they did not pick it up with their friends in the neighborhood, they picked it up when they got to school. School is where most of the kids first become exposed to drugs. That is where it is at and that is where we have to stop it.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will be brief. I would like to respond to the speaker. First of all, it also depends on where you teach and it may also depend upon your sex and your size, when it comes to dealing with some young men in high school who are rather large these days. If you think that they are stoned and, to be quite frank with you, I am not even sure I would know whether they were stoned or not, but I would not want to lay a hand on some of these kids. So, this bill is not going to help me, it is not going to help me one bit to go out there.

Furthermore, if I thought there was a child who had a drug problem, if I really believed it, I think that my first obligation as a teacher would be to contact the parents of that child and to try to make the parents aware of it. Where are the parents? Where are they? What is their responsibility? They do have a responsibility.

I am not a surrogate parent when I teach. I am not a social worker, I am not a psychologist, I am a teacher. We do the best we can to solve some of the social problems but it is not easy. We fall short of money in those areas.

I would have a question for Mr. Connolly, if he can answer, or someone else on the committee, where were the teachers at this hearing? All I have heard about is the superintendents.

Were there teachers there? Were there teachers who wanted this bill? Did they come and testify? Could someone please answer that for me?

The SPEAKER: The gentleman from South Portland, Ms. Benoit, poses a question through the Chair to any member who cares to answer.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, there were no teachers that testified at the hearing or came to any of our work sessions, as far as I can recall, on this bill.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The proponents to this bill were primarily principals. I think principals are the ones who work the closest with teachers and are most aware of the problem. The superintendents are in an administrative capacity away from the teachers but there were several principals who came and spoke at that hearing.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I find it is very interesting debate on this bill. I think probably one of the reasons the teachers weren't at the hearing is because they were working. We have had a lot of arguments here why we should talk about this bill longer and why we should indefinitely postpone the bill. I don't think we should.

Ms. Benoit says the bill is not going to help her at all. Well, probably not in her case, but there will be some teachers that the bill would help. I hope you won't indefinitely postpone the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this bill and all accompanying papers be indefinitely postponed in non-concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Connolly of Portland requested a roll call vote.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Bordeaux, Bowden, Brannigan, Brenerman, Brodeur, Brown, K. L.; Call, Connolly, Cox, Davies, Diamond, Elias, Fenlason, Gillis, Gowen, Gwadosky, Hall, Hobbins, Howe, Huber, Hughes, Kany, Kelleher, Leonard, Lewis, Locke, Lund, MacBride, MacEachern, Masterton, Michael, Mitchell, Morton, Nelson, M.; Reeves, P.; Sewall, Tarbell, Theriault, Tierney, Torrey, Tuttle, Violette, Wood, The Speaker.

NAY — Barry, Berry, Birt, Blodgett, Boudreau, Brown, D.; Brown, K. C.; Carroll, Carter, D.; Carter, F.; Cloutier, Conary, Cunningham, Curtis, Davis, Dellert, Dexter, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gavett, Gould, Gray, Hanson, Hickey, Higgins, Hunter, Jackson, Jacques, E.; Jacques, P.; Kane, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Lougee, Lowe, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Stover, Studley, Tozier, Twitchell, Vose, Wentworth, Wyman.

ABSENT — Austin, Brown, A.; Bunker, Carrier, Chonko, Churchill, Damren, Dow, Garsoe, Hutchings, Immonen, Jalbert, Joyce, Laffin, McMahon, McPherson, Peltier, Post, Soulas, Strout, Vincent, Whittemore.

Yes, 50; No, 79; Absent, 22.

The SPEAKER: Fifty having voted in the affirmative, seventy-nine in the negative, with twenty-two being absent, the motion does not

prevail.

Thereupon, the House reconsidered its action whereby Committee Amendment "A" was adopted.

Senate Amendment "A" to Committee Amendment "A" (S-320) was read by the Clerk and adopted.

Mr. Higgins of Scarborough moved the matter be tabled and later today assigned, pending adoption of Committee Amendment "A".

Mr. McHenry of Madawaska requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that this matter be tabled and later today assigned pending adoption of Committee Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 25 in the negative the motion did prevail.

(Off Record Remarks)

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

Emergency Measure

An Act to Provide for Outside Audit of County Budgets (S. P. 318) (L. D. 948) (C. "A" S-270)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Remove Wallgrass Plantation from the Maine Forestry District (H. P. 1261) (L. D. 1512) (C. "A" H-633)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Tabled and Assigned

An Act Relating to Requirements for Discharge into Class A Waters (S. P. 566) (L. D. 1629)

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

On motion of Mr. Howe of South Portland, tabled pending passage to be enacted and tomorrow assigned.

An Act to Conserve Fossil Fuels by Promoting the Construction of Facilities for the Burning of Solid Waste for Production of Thermal Energy (H. P. 876) (L. D. 1081) (C. "A" H-654)

An Act to Determine What Environmental Laws Apply to Radioactive Waste Materials (H. P. 799) (L. D. 1004) (C. "A" H-549)

An Act Relating to Unemployment Compensation Benefits for Persons Collecting Workers' Compensation (H. P. 819) (L. D. 1027) (C. "A" H-599)

An Act Concerning Abuse Between Family or Household Members (H. P. 910) (L. D. 1133) (H. "A" H-641 to C. "A" H-571)

An Act to Provide Loans for Family Farms (H. P. 925) (L. D. 1134) (H. "A" H-616 to C. "A" H-584)

An Act to Establish a Solid Waste Management Subsidy for Municipalities (H. P. 948) (L. D. 1181) (H. "A" H-648)

An Act to Provide Reimbursement of Sales Tax on Depreciable Machinery and Equipment Used in Aquaculture (H. P. 1002) (L. D. 1236)

(C. "A" H-630)

An Act to Shift Local Leeway Payments to a Current Year Basis (H. P. 1477) (L. D. 1663)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The following Second Readers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Tabled Unassigned

Bill "An Act Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (Emergency) (S. P. 600) (L. D. 1673)

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

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

Later Today Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1979 (Emergency) (H. P. 1509) (L. D. 1675)

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

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

Amended Bills

Bill "An Act to Place an Annual Limit on Capital Expenditures Approved in Accordance with the Provisions of the Maine Certificate of Need Act of 1978" (S. P. 477) (L. D. 1474) (C. "A" S-290)

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

On motion of Mr. Norris of Brewer, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-684) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, could we have an explanation of this amendment?

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: This increases the limit from \$20 million to \$35 million and also states that any project which is approved by the department and the HSA which exceeds the limit will require legislative action. As I said this morning, we are the people that have to pay the tab. I am in hopes you will accept this amendment. I don't know whether it will make it more palatable to the people down in the other body or not, but it certainly is a step that increases the limitation and puts the legislature directly in the process, and I think that is the place it should be, because we are going to have to pay the bill on any of this.

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

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Recodify and Resolve Minor Administrative Problems in the Forestry Statutes; and Reorganize the Maine Forestry District" (H. P. 1127) (L. D. 1498) (C. "A" H-671)

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

passed to be engrossed as amended and sent up for concurrence.

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

The following Communications:
THE SENATE OF MAINE
Augusta

June 7, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers. (H. P. 723) (L. D. 910)

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE
Augusta

June 7, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass report on Bill, An Act to Provide Funds for Side-by-side School as a Demonstration Project for Alternative Education Programs. (H. P. 1125) (L. D. 1397)

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Establish the Maine Title XX Social Services Act" (S. P. 422) (L. D. 1293)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

Non-Concurrent Matters

Bill "An Act to Revise the Physical Therapist Practice Act" (S. P. 593) (L. D. 1664) which was passed to be engrossed as amended by House Amendment "A" (H-661) in the House on June 6, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-330) in non-concurrence.

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

Bill "An Act Relating to Lending Institutions and Selection of Title Attorneys" (H. P. 332) (L. D. 431) which was passed to be engrossed as amended by Committee Amendment "A" (H-611) in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-611) as amended by Senate Amendment "A" (S-310) thereto in non-concurrence.

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

Bill "An Act to Make Substantive Changes in the Forestry Statutes" (H. P. 1126) (L. D. 1396) which was passed to be engrossed as amended by Committee Amendment "A" (H-428) as amended by Senate Amendment "B" (S-254) thereto and House Amendment "A" (H-670) in

the House on June 6, 1979.

Came from the Senate with that Body having Insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-428) as amended by Senate Amendment "B" (S-254) thereto in non-concurrence.

In the House: The House voted to adhere.

Bill "An Act Creating a Division of Industrial Training" (Emergency) (H. P. 540) (L. D. 671) on which the Minority "Ought to Pass" in New Draft (H. P. 1478) (L. D. 1665) Report of the Committee on Education was read and accepted and the New Draft passed to be engrossed as amended by House Amendment "A" (H-668) in the House on June 6, 1979.

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

In the House:

Mrs. Lewis of Auburn moved that the House recede and concur.

Mr. Higgins of Scarborough requested a vote.

The SPEAKER: All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Barry of Fort Kent requested a roll call vote.

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

A vote of the House was taken, and less than one-fifth of the members present having expressed a desire for a roll call, a roll call was not ordered.

The SPEAKER: The Chair will announce the vote.

48 having voted in the affirmative and 17 having voted in the negative, the motion to recede and concur did prevail.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the sixteenth tabled and unassigned matter:

Bill, "An Act to Extend the Period for Tax Abatement From One to 5 Years if the Abatement is Justified by an Admitted Error in Assessment Records or Procedure" (H. P. 1172) (L. D. 1432) (H. "A" H-579)

Tabled—May 31, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, the Bill was indefinitely postponed and sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the seventeenth tabled and unassigned matter:

Bill, "An Act to Provide a Special Restaurant Malt Liquor License in the Town of Georgetown" (S. P. 547) (L. D. 1614) (H. "A" H-580)

Tabled—May 31, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, the Bill was indefinitely postponed and sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the nineteenth tabled and unassigned matter:

Bill, "An Act Concerning the Accountancy Statutes" (S. P. 175) (L. D. 367)

Tabled—May 31, 1979 by Mr. Tierney of Lisbon.

Pending—Adoption of Senate Amendment "A" (S-253) to Committee Amendment "A" (S-233)

On motion of Mr. Howe of South Portland, Senate Amendment "A" (S-253) was indefinitely postponed in non-concurrence.

Thereupon, Committee Amendment "A" was adopted.

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

Mr. Carter of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-680) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, could Mr. Carter explain this?

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This will amend L. D. 367, which sets the annual registration fees for the CPA's, the annual payment to the Maine Board of Accountancy. At present, the annual fee is \$25. L. D. 367 would increase that to \$100, which is quadrupling the annual registration fee. Personally, I feel that quadrupling this is excessive and uncalled for, and in examining their proposed budget, they, indeed, do not need it at this time. Their justification for requesting this is that if they have the authority to set this at \$100, they would not have to come back to the legislature so soon. My own feeling is that the rest of us are all under very strict budgetary restraints and unless we cut this back, they would really be under no budgetary restraint at all.

Thereupon, House Amendment "A" was adopted.

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

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the fifth tabled and unassigned matter:

An Act Concerning the Powers of the Board of Trustees and the Treasurer of the University of Maine and Concerning Real Property Belonging to the University (H. P. 793) (L. D. 1001)

Tabled—May 14, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. HUGHES: Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed, and I would speak briefly to my motion.

The SPEAKER: The gentleman from Auburn, Mr. Hughes, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mr. HUGHES: Mr. Speaker and Members of the House: This is a bill which I sponsored on behalf of the university and there have been two concerns that it has spawned, concerns which I feel are unjustified but which put the bill in such a posture that the university is just simply willing to see it go down the drain.

The bill is essentially a housekeeping measure, designed to clear up some of the statutes which were enacted when the university was created in 1968. Two concerns have been expressed. One is that somehow in the bill the university would gain the right to float its own bonds. The university's understanding is that they would not gain such a right. They do have such a right now to borrow money for the auxiliary enterprises in lieu of the revenues expected in those auxiliary enterprises, such as the book store, the dormitory system, things of that sort. That right exists now and would still continue to exist, but the bill would not have given them the right to a bond issue and to estimate bond issues and they certainly don't want that right and both I and they think it would be improper for them to have it.

The other concern expressed by the bill was a section of it which did away with the distinction

in the property that was once part of the state college system as opposed to the property of the old university system; namely, Orono, Portland, Augusta. Presently, when any property that was part of the old state college system is going to be sold, the university has to come to the Governor for permission to sell that property. This would have done away with that distinction and treated old state college property the same as we treat old university property and any property acquired by the university since 1968. My own feeling was that it was about time that those kinds of restrictions be done away with, that if the university could do anything to assure anyone that they have no intention of disposing of the old state college property, whether it be Fort Kent, Presque Isle or whatever campus, that they have done that. In fact, the university trustees have paid a very great price, in my opinion, for their positions that those two campuses in Aroostook County ought to remain open.

It seems to me that we ought to be able to pass that stage where that kind of protection is necessary, but there are some who still feel it is necessary on the university end. I would bow to their feelings and therefore I move to indefinitely postpone the bill.

Thereupon, on motion of Mr. Hughes of Auburn, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the ninth tabled and unassigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System (H. P. 780) (L. D. 973) (C. "A" H-424)

Tabled—May 24, 1979 by Mr. Tierney of Lisbon.

Pending—Final Passage.

On motion of Mr. Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby the Resolution was passed to be engrossed.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted; and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "A" (H-679) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does, it is an attempt to protect the integrity of the retirement fund by requiring that any amendments that concern the fund, either in the form of an amendment to the chapter or by special resolve will require a two-thirds vote of the elected members of both branches of this legislature.

I would urge the adoption of this amendment.

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

Mr. Rolde of York offered House Amendment "A" to House Amendment "A" and moved its adoption.

House Amendment "A" to House Amendment "A" (H-686) was read by the Clerk and adopted.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, these things are moving a little too fast for me. I don't know if I entirely approve of these amendments, but I know darn well if we don't accept them, we are going to lose the whole thing, so I might as well go along with it.

I can't see this business of legislative intent. That doesn't mean a darn thing as far as I am

concerned. Taking two-thirds of the legislative vote and amend statutory provisions for the retirement system, well, that is a little better and I think I can go along with that. I haven't had a chance to look at these things even.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Before we move just a little bit too fast on this, maybe the other body might take another look at it. The Board of Trustees is authorized to loan money to the state as part of their authority to invest and reinvest in accordance with the Prudent Man Rule.

I am going to move that this House Amendment "A" to House Amendment "A" be indefinitely postponed.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize because things have moved so quickly. I believe the gentleman from Rumford, Mr. Theriault, is quite right in expressing his disappointment that what started out as a constitutional amendment to protect the integrity of the Maine State Retirement System has been watered down very much.

My interest in this bill came about as action that we took back in the 107th Legislature where we borrowed money from the funds for our own purposes.

I agree with the gentleman from Winslow, Mr. Carter's amendment, that is why I added my own amendment, that it would be the intent of the legislature that the funds should only be used for the retirement system. I realize that is not very strong protection, certainly not as strong as would have occurred with a constitutional amendment. That was my original purpose in backing the bill and I wanted some expression that feel that those funds should be maintained.

The second part to which the gentleman from Millinocket objects to was basically at the suggestion of Mr. Carter from Winslow, expressing his concern that the return of investment on the fund has been so low, at approximately 2 percent, and he did make the argument that when we did borrow funds in the 107th, they were at least paid 6 percent interest. So at his suggestion, I added the Board of Trustees would be authorized to loan money in the state if they so chose as part of their authority to invest and reinvest.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: To go back to what happened in the 107th Legislature, actually that was a transfer that was done, even though I questioned it and disagreed with it at the time and I still believe I was right, but that is beside the point. That was a transfer of money that had been appropriated and just been signed into law. I am trying to get through the Constitution, but somewhere in the Constitution it says that the state retirement system can not be loaned or used in any way. "The money from the retirement system cannot be used in any way for state services or borrowed from the fund." I think before we adopt this amendment we better take a good look at just what we are doing.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" has been adopted? We are on House Amendment "A" to House Amendment "A", correct?

The SPEAKER: The Chair would answer in the affirmative. House Amendment "A" has not yet been adopted. House Amendment "A" to House Amendment "A" has been adopted.

Mr. MORTON: Mr. Speaker, I move reconsideration whereby House Amendment "A" to

House Amendment "A" was adopted.

This is one of the most abominable things I have seen in front of this House in a long time. I don't get stirred up very often but here it is. The retirement fund is under a lot of pressure during this session. A great many of you may not be aware of it but the retirement fund has not been funded in accordance with the recommendations of the actuary for this session. That is one of the things we are facing in all this brew haw haw that you are hearing back and forth in the corridors.

Here is a blatant attempt in section three to authorize the Board of Trustees to loan money to the state. You know where it is going to come from? It is going to come right out of the funds that belong to the employees that are in that retirement fund or right out of the funds that belong to the local units. Ladies and gentlemen, if it is not unconstitutional, it ought to be. This is the worst way that I have ever seen to attempt to raid the retirement fund and it ought to be indefinitely postponed immediately but right now we have to reconsider it. I hope you will do that.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: As I explained, the second part of this amendment was the suggestion of the gentleman from Winslow, Mr. Carter, it is certainly not my intention, in any way, to make a raid on the retirement fund. The original constitutional amendment that I supported was specifically designed to prevent that. If this does that, then I will certainly support the reconsideration and I support the indefinite postponement of this House Amendment.

My basic intent in putting in this was the first part of the amendment which said it is the intent of the legislature that we use these funds for only what they are supposed to be used.

On motion of Mr. Morton of Farmington, the House reconsidered its action whereby House Amendment "A" to House Amendment "A" was adopted.

Thereupon, Mr. Rolde of York withdrew House Amendment "A" to House Amendment "A".

House Amendment "A" (H-679) was adopted, the bill passed to be engrossed as amended, and sent up for concurrence.

The Chair laid before the House the following matter which was tabled earlier in the day and later today assigned:

Bill "An Act to Encourage the Development of Small Scale Hydroelectric Facilities" (H. P. 867) (L. D. 1072) (C. "A" H-651)

Tabled by Mr. Austin of Bingham, pending the motion of Mr. Gwadosky of Fairfield to indefinitely postpone bill and all accompanying papers.

The SPEAKER: The Chair recognizes the gentleman from Bingham, Mr. Austin.

Mr. AUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: The only reason I held the bill was I thought there was going to be an amendment and I understand this is not going to be submitted, so as far as I am concerned, the normal routine can go ahead.

Thereupon, on the motion of Mr. Gwadosky of Fairfield, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

The Chair laid before the House the following matter which was tabled earlier in the day pending passage to be engrossed.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1979 (H. P. 1509) (L. D. 1675)

Mr. Wood of Sanford offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-691) was read by the Clerk.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of our delegation, I am presenting this amendment with the support of the majority of our delegation to our county budget.

Thereupon, House Amendment "B" was adopted.

Mr. Berry of Buxton offered House Amendment "A" and moved for its adoption.

House Amendment "A" (H-690) was read by the Clerk.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: Reluctantly, I move the indefinite postponement of this amendment. The amendment does not have the support of the delegation. Our budget came out with a 20 to 1 vote. Obviously, the gentleman that voted against this that is offering this amendment does not have the support of our delegation.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is obvious that I don't have the support of the delegation. If I had, the budget wouldn't be as high a figure as you have before you now. You all know how county budgets go and how they are made and how they are disposed of. I would be the first one to say that I don't think it is a very good method of dealing with county budgets. The reason I don't think so is because, in my county, for example, and it is the same in your county, somebody has got their finger on somebody else. If they don't get the money that they ask for, something happens. Consequently, it is a lot easier to sit down and hash these out about half way and say, okay, I think they will settle for that. They won't give us too much hassle maybe next time when the time for election comes around for whatever reason.

I want you to know that the York County Budget this year has taken substantial increase. I have heard some of the people in some of the other counties say they have had increases. Have any of you had 30 percent yet? I heard one, yes. York County Budget has increased roughly from \$1.5 million to \$1.9 million.

My amendment proposes to cut about \$25,000. I am asking to cut about one-eighth of one percent of the county budget. The area that I propose to do that in is in the sheriff's department. The sheriff has requested four patrol cars. Now, to my knowledge, there has never been a sheriff's patrol car owned by the county in York County. We have never needed it, we don't need it now and, even if we do, it most certainly can wait until next year when we don't have to face such a substantial increase in the budget.

I was approached a while back by a group of York County constituents and, by the way, I represent part of one of those towns that voted for a tax limitation, you are all aware of that. But some of those citizens asked me, do you think this will be the straw that breaks the camel's back? I said, I don't know. I have no way of knowing when the camel's back breaks, or how much you have got to put on it. So, I was looking through a book one day and I found a report that was written by A. G. Lease. He reported in his volume on camels in health and disease, that camels in general can carry about 240 to 1,200 pounds. He also reported that the record to date for camel capacity in Australia is 1,904 pounds. Any straws placed on the camel's back after 1,904 pounds, obviously, breaks the camel's back.

Now, that is just about the case in York County. I am not opposed to having four patrol cars running around the county and a whole lot more deputies and things of that nature if they would just wait until the budget doesn't have to be increased so much more in another year. I don't think that is unreasonable.

I wasn't quite sure that my amendment was

going to make it here on time. I did have quite a lot of material prepared but I was going to read to you just to keep you here long enough until the amendment did come, but being that the amendment is here and I think you probably want to go somewhere, I don't know, I would ask that you would support my amendment.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the good gentleman from Buxton. The York County Budget for this session, as for the last four I guess, was adopted by the delegation after careful consideration by a bi-partisan budget subcommittee and then by a 20 to 1 vote of the full delegation. The delegation made substantial cuts in the budget that was proposed by the County Commissioners. Now, the gentleman from Buxton told you quite correctly that there were increases in the sheriff's department. What he did not tell you was one of the major reasons for those increases was the fact that we opened a new jail in York County. The previous one having been condemned and closed.

As to the patrol cars, it is true we have not had them previously. What the good gentleman did not tell you was that the delegation did not approve the full amount requested. It is also a fact that all of the other counties, except one, have publically owned patrol cars. Mr. Berry made his position quite clear during the delegation deliberations on this budget. I understand the good faith with which he is operating. I would ask you, however, to support the motion of the chairman of our delegation to indefinitely postpone the amendment and, hopefully, tomorrow to enact the budget, keeping in mind, that the process which we use in each of our county delegations is majority rule. Sometime this is not easy. Fortunately, in the York County delegation, for the last several years, there has been decisions by a substantial bipartisan majority. I think that speaks for itself.

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

Mr. PAUL: Mr. Speaker, and Members of the House: Most of the comments that I wanted to make were covered, as expected by the gentleman from Kennebunk, Mr. McMahon. I do oppose the amendment. This, I think, is obvious that it is one of the last county budgets to go through and the very reason is because we worked pretty darn hard on it. We have slashed the budget considerably, we believe it represents a very good plan for our county for the next few years.

On the issue of the cars, I was a member of the subcommittee, who examined the cost of operating privately owned cars that is now presently the policy and we discovered that it cost more in the long run to pay for the expenses to the deputies for the use of their own cars than it would to purchase a few. I understand that many other counties in the state do have their own vehicles and I would echo again the remarks of the gentleman from Kennebunk, Mr. McMahon, that we are not buying a whole new fleet of vehicles. We have reduced the sheriff's request in that regard. I hope you vote against the amendment.

Mr. Berry of Buxton requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call vote, 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 Sanford, Mr. Wood, that House Amendment "A" be indefinitely postponed. All in favor of that motion

will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Carter, F.; Canary, Connolly, Cox, Davies, Diamond, Doukas, Fenlason, Fowle, Gowen, Gray, Gwadnosky, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Jacques, P.; Kelleher, Kiesman, Lancaster, Leonard, Lizotte, Locke, Lougee, Lund, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, McKean, McMahon, McPherson, McSweeney, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, Paul, Pearson, Peltier, Peterson, Post, Prescott, Reeves, P.; Rolde, Roope, Sewall, Simon, Small, Soulas, Stetson, Stover, Studley, Theriault, Tierney, Torrey, Tuttle, Wentworth, Wood, Wyman.

NAY — Aloupis, Austin, Berry, Bowden, Brown, K. L.; Bunker, Carroll, Carter, D.; Churchill, Cunningham, Damren, Davis, Delbert, Dudley, Fillmore, Garsoe, Gavett, Gillis, Gould, Hall, Hunter, Kane, Kany, Leighton, Lewis, Lowe, MacBride, Marshall, Maxwell, McHenry, Michael, Payne, Rollins, Smith, Sprowl, Tarbell, Twitchell, Vose.

ABSENT — Call, Carrier, Chonko, Cloutier, Curtis, Dexter, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Higgins, Immonen, Jacques, E.; Jalbert, Joyce, Laffin, LaPlante, Mitchell, Morton, Nelson, M.; Reeves, J.; Sherburne, Silsby, Strout, Tozier, Vincent, Viollette, Whitemore.

Yes, 83; No, 38; Absent, 29.

The SPEAKER: Eighty-three having voted in the affirmative, thirty-eight in the negative, with twenty-nine being absent, the motion does prevail.

Thereupon, the Resolve was passed to be engrossed as amended by House Amendment "B" and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" (S. P. 469) (L. D. 1417) (C "A" S-305) which was tabled earlier in the day and later today assigned pending the adoption of Committee Amendment "A" as amended by Senate Amendment "A".

Mr. Connolly of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-692) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: The bill, as we presently have before us, extends immunity from civil liability to teachers and other school personnel within the school when they deal with reporting cases of drug abuse, use or trafficking.

Somehow, that seemed to me, and I was reminded of the words of the gentlewoman from Sebec, Mrs. Locke, yesterday when she spoke about how somehow it is very easy to pass laws that work against children but we don't apply the same standard to the rest of the people in society.

This amendment here would extend the immunity for reporting the use and trafficking of drugs to people not only within the school system but to everyone within the state. It seems to me that in an effort not to be hypocritical and not to just go after children that this amendment should be adopted and I hope you would support it.

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

Mr. BIRT: Mr. Speaker, I would have to question the germaneness of this.

I believe that the bill that we have before us

affects Title 20, which is the Education Law, and if we broaden it out to cover other areas of the state and other areas of the public, then I would have a question on germaneness?

The SPEAKER: In reference to the question posed by the gentleman from East Millinocket, Mr. Birt, the bill itself deals with "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools." The amendment that has been introduced seems to, and I repeat, "seems to" broaden that to extend immunity to anyone who reports the use of and trafficking of drugs taking place anywhere.

The question of germaneness has to be taken in light of the following note in Mason's, and it says, "that whether or not an amendment is germane, the question has to be answered as to whether the question is relevant, appropriate and in a natural and logical sequence to the subject matter of the original proposal." Since it is the logical assumption that what we are doing is extending to the same method that has been outlined in the bill, the Chair is forced to rule that it is germane because it relates with reporting of drugs. It is such a close question that the Chair would have to rule that it is germane.

Mr. BIRT: This bill deals with a particular segment and also a particular section of the statutes?

The SPEAKER: The Chair would answer in the affirmative but the Chair would also make note that is not necessarily the entire basis upon which a ruling has to be made because, let's assume someone violates the law, you are also dealing with the criminal section. So, there could be a corresponding relationship between any, I repeat that it is an awfully close question. But, based on the fact that what you are doing is talking about immunity, and that also is in the original bill, the reporting is in the original bill, and what you are doing is broadening that reporting and based on what Mason says in terms of logical sequence, it seems that that is the only method, the only basis upon which I could rule. So, the Chair would have to rule that the Amendment is germane.

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

Mr. BROWN: Mr. Speaker, I move that the House indefinitely postpone House Amendment "A" to Committee Amendment "A".

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I am beginning to wonder right now just exactly what is going on here. I suppose all of us are. I just can't believe the types of double standards that we are willing to accept.

I said earlier today that I think that what we are doing is acting out of a sense of panic, we are acting out of a sense of frustration, and we are acting in a way that I think is causing some of us to act a little irrationally on this subject. I am a little concerned.

You know, when we were elected, we were elected on the hopes that we would take responsible positions on what goes on and what happens here. In a desire to get done with the business and get out of here as quickly as possible, I think we are acting in a very irresponsible manner. I think I would be remiss in my duties if I went along and acted in an irresponsible manner. The irresponsibility, I think, deals with the particular bill. I think this amendment points out the ludicrousness of the initial bill.

Now, I realize that we are all concerned about drugs. We are all concerned about what is happening to our children. Don't think for a moment that I am not. Don't think for a moment that that whole issue doesn't cross my mind. Believe me, I see enough of it. You think that school is the only place that children get drugs? Uh-uh! That is not the case. I will take you down to Congress Square sometime, I will show you what is going on. I will show you

where they get the drugs. It is not just in school, it is all over. It is in our streets, in our homes. Children go into medicine cabinets and get all the uppers and downers they need. That's right, that is absolutely right. The only thing I can say is that I do not think we should pass this bill and I will sit down.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: No, Mr. Baker, we are not acting. I am not acting, and I don't think many of the individuals in this House of Representatives are acting. We are trying to make responsible decisions which are going to affect, ultimately, all of the people in this state.

Mr. Baker asks, what is going on? I can answer that very, very briefly, as my good friend from Brewer, would say. Clever manipulation.

I urge this House to defeat this amendment and to vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Let's stop and look at this bill in its true perspective. What we are asking is that state employees be immune from suit, suit for libel or slander when they are acting in the scope of their authority. Now, that doctrine is not new in the law, it has applied to all other state employees and if you would like a citation, just read *Matteo vs. Barr* in the Supreme Court of the United States, which held that a government official may not be held liable, that is he is immune from liability for any statement he makes unless it first be shown that it was made with malice. That is what we are dealing with here, exactly, what we are dealing with here. Only in this case, it is an even watered down version because this doesn't say that he is immune unless he acted with malice. This statute, this law, will simply say that he is immune, if he acted in good faith. Now it is one thing for a plaintiff to have to prove malice, it is another thing that he would only have to prove lack of good faith, because a lack of good faith would be careless disregard for the feelings of the family of the child. That would be a lack of good faith. There wouldn't have to be any malice in that, a careless disregard would be a lack of good faith.

So, I am saying why should this immunity be granted to teachers and not to everybody, because teachers are our state employees. They are entrusted with a very high duty, a very high duty in the operation of our state and just like other state employees are immune from civil liability, when acting in the scope of their authority, whether he be a highway truck driver, whether he be a crane operator, if he is acting in the scope of his authority, under a Truck Claims Act, he is immune from civil liability, and I say this should apply to teachers when they are acting in the scope of their authority. There is no justification for extending this immunity across the board, there is plenty of justification for the bill as originally written. I recommend that we dispense with this amendment and get on with our business.

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that all these years I have been labored under the assumption, that teachers were municipal employees, not state employees.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Bowden might be interested to know that a municipality is a subdivision of the state.

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

Mrs. KANY: Mr. Speaker and Members of the House: I too love to hear the attorney from

Wiscasset lecture on the law. I would like to have him discuss sovereign immunity with us. Our employees are no longer totally immune. I would also like him to lecture us on the analogy between the amendment which is presented to us at this time and the Good Samaritan law?

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: This lecture will not take very long because it is a very simple subject. As to sovereign immunity, that is why we now have the Tort Claims Act in the State of Maine. Sovereign immunity provided that the municipality or the state was immune from suit. It did not reach the individual actor. So, this question has nothing to do with the question of sovereign immunity.

I should send you a bill for that advice, but since I am more or less retired, I will leave that to my friend down in the corner to send out the bills.

As to the other question, the Good Samaritan Law simply provides that if you assist an injured person by the roadside, you are immunized from liability for any damage you might do to that person. I think there is a big difference between a Good Samaritan Law and what is being proposed here.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to point out the analogy with the Good Samaritan Law in that any average citizen is totally immune from liability from offering such assistance in case of an emergency. That was my intention.

The SPEAKER: The pending question before the House is the motion of the gentleman from Livermore Falls, Mr. Brown, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 25 in the negative, the motion did prevail.

Thereupon, Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted. The Bill passed to be engrossed as amended and sent up for concurrence.

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

Mr. SIMON: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider our action whereby the House passed the bill to be engrossed and I ask the House to vote against me.

The SPEAKER: The gentleman from Lewiston, Mr. Simon, moves that we reconsider our action whereby the House voted to pass the bill to be engrossed. All those in favor of reconsideration will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

(Off Record Remarks)

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

Ought to Pass as Amended

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Provide a State Income Tax Credit for Installation of a Wood Stove" (H. P. 851) (L. D. 1051) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-687)

Thereupon, the Committee Report was accepted and the Bill read once.

Committee Amendment "A" (H-687) read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: There has been a question raised on some wording on this particular bill and I would like it tabled until later in today's ses-

sion to see if that is answered or whether we need an amendment.

On motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of Committee Amendment "A" and later today assigned.

The Chair laid before the House the following matter:

Bill, "An Act to Amend the Tree Growth Tax Law" (H. P. 1115) (L. D. 1244) in House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-517) as Amended by House Amendments "A" (H-540) and "B" (H-542) thereto on May 30. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "B" (H-518) as Amended by Senate Amendment "A" (S-301) thereto.

Which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Mrs. Post of Owl's Head, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendments "A" and "B" thereto.

On further motion of the same gentlewoman, the House receded from its action whereby Committee Amendment "A" as amended by House Amendments "A" and "B" thereto was adopted.

On motion of the same gentlewoman, the House receded from its action whereby House Amendment "A" to Committee Amendment "A" was adopted, and on motion of the same gentlewoman, the Amendment was indefinitely postponed.

The same gentlewoman offered House Amendment "D" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-689) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: This amendment essentially repeals the section of the original Committee Amendment dealing with the Severance Tax. It provides for reimbursement to communities for 50 percent this year, 70 percent in 1980, and 90 percent in 1981. It also grandfathered in those communities which were receiving more under either one of the older formulas than they would receive under the present bill. It phases down that grandfathering, however, during the three year period.

I suppose the most important part is that in the particular bill we have provided for appropriations during the first year of the next biennium only. In the present Part One Budget, which we have already passed, there was \$1,000 in each year of the biennium for funding of tree growth reimbursement. What this amendment does is to take \$340,000 out of the second year of the biennium, putting it into the first year of the biennium, providing \$840,000 for that 1979-80 fiscal year for reimbursement for loss due to tree growth at the 50 percent level.

As I said, it does not provide for reimbursement in 1980-81. What it does have, however, in the amendment, is a section of funding for reimbursement. That is, if sufficient monies are not available from the general revenue sources to fund the reimbursement to municipalities provided in subsection one, the legislature shall provide the reimbursement from alternative tax sources. Essentially, I think what this amendment does is to provide for a mechanism for reimbursement, sets up a schedule and it should be very clear that we are going to have to further deal next year with the issue of where the money to reimburse the town is going to come from.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I feel very ungentlemanly posing a question, so I don't direct it to the gentlewoman from Owl's Head, Mrs. Post, but I

have been getting conflicting answers. I am sure I just heard the gentlelady indicate that we were committing ourselves to a undetermined level of funding and even to the extent that we are burdening another legislature with the requirement that they consider alternative funding. Having lived through very recently with most of you, the problem encountered with the reimbursement of the tax loss connected with inventory tax reimbursement, I don't think we need to make ourselves susceptible in that area again. Although I feel that the municipalities have been called on to bear the burden of a very wise state policy that we have introduced and I agree they should be funded, I would hope that we would not be going down that road again and committing another legislature to the problems that are associated in the last days of the 108th. So, while I don't have any position I am going to take on it, I don't think I am inclined to vote for a proposal that leaves it open in this fashion.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, poses a question through the Chair to anyone who cares to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Although he started off posing a question, I am not sure that I heard it. It seems to be more of a statement of philosophy instead. So, I find it very difficult to respond.

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

On motion of Mr. Leonard of Woolwich, the House receded from its action whereby House Amendment "B" to Committee Amendment "A" was adopted.

The same gentleman moved that the amendment be indefinitely postponed.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I have talked to Representative Post, and I have been on the opposite side of her and the majority on the Committee on Taxation on tree growth, and at this point in time, even though my leadership has now opposed the bill, I have agreed to support it. I think it is an equitable and fair method. However, I can't even find House Amendment "B" and I wish the gentleman from Woolwich, Mr. Leonard, would refresh my memory.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" was presented by Mr. Garsoe and it —

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe with a point of order.

Mr. GARSOE: Mr. Speaker, House Amendment "B" has never been offered.

The SPEAKER: The Chair would advise the gentleman that House Amendment "B" was adopted to Committee Amendment "A" —

Mr. GARSOE: That was on Report "A". I understood the Senate sent back Report "B" and that is what we are talking about.

The SPEAKER: If I might try to explain where we are, we voted to recede so the other body's actions are unimportant from our point of view. What we are now presently dealing with is Committee Amendment "A". House Amendment "A" to Committee Amendment "A" has been indefinitely postponed, which was adopted in this body before. House Amendment "B" was also adopted in this body before. The gentleman from Woolwich, Mr. Leonard, has just moved the indefinite postponement of House Amendment "B" to Committee Amendment "A". The gentleman may proceed.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: Not to bore you, but I will explain to Mr. Marshall, House Amendment "B" deals with a 250 foot exemption that was presented initially by Mr. Garsoe.

If you recall, the original committee recommendation, in both committee recommendations, was for removing the first 250 feet of shore frontage from tree growth and Mr. Garsoe offered his amendment a short time back and it was frankly contrary to the unanimous position of the committee that the 250 feet be taken out. The 250 feet is a real burden to the municipalities, it really is.

All I can tell you is, if you want to be fiscally responsible today, take and indefinitely postpone this amendment and let's keep the fiscal note in the future to a minimum, because I can assure you that anybody that has shore frontage that wants to speculate on it, this is a perfect way to do it, and that is the reason the committee took it out, if you retain the 250 foot or take the 250 foot exemption out, we are in real trouble. So, I hope you will support my indefinite postponement.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to oppose this. I realize that it is a lost cause. I just want to put into the record that when the towns can now tax the 250 foot distance back from the shore as developed land, I submit the one that is going to be taxed off his land is the Maine native. I doubt that it is going to affect the speculator from out-of-state that has bought the land if he bought it for that purpose and I think it was a good amendment but I realize it is an uphill battle and let her go.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Mr. Garsoe. I have been on the committee. I hate to belay this again but we had handled this amendment and adopted it overwhelmingly in the House a while ago and I am still in favor of that.

I agree with the comments of the gentleman from Woolwich, Mr. Leonard, that there are problems with the land being exempted under tree growth. The only problem is that if you can recall that that solution of the 250 foot exemption on the coastal properties is for a coastal solution only and not applicable to the rest of the state. That is why we accepted it and I don't believe it is a lost cause, Mr. Garsoe. We accepted it and we are going to keep it, I mean I hope we will keep it.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Woolwich, Mr. Leonard, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. 60 having voted in the affirmative, 30 in the negative, the motion did prevail.

Thereupon, the bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "D" thereto in non-concurrence and sent up for concurrence by unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill, "An Act to Make Allocation From the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (Emergency) (H. P. 1359) (L. D. 1595) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Thereupon, the bill be passed to be engrossed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Morton of Farmington, adjourned until nine o'clock tomorrow morning.