

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

Friday, June 15, 1979

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

Prayer by the Reverend Herbert Reid of the Church of World Brotherhood, Fairfield.

Rev. REID: Our Heavenly Father, as we come to the close of this great historic session, we give thanks for your biblical praise which reads: "Well done, thy good and faithful servants." Amen.

The journal of yesterday was read and approved.

The rules were suspended for the purpose of allowing members to remove their jackets.

Papers from the Senate

Expressions of Legislative Sentiment recognizing that:

The Finance Officer and the personnel in the Legislative Finance Office have provided the professional expertise, dedication and enthusiasm that has made this session a success, (S. P. 637)

Corinne Walton, of Waterville, has been elected president of Military Order of the Co-tries Auxiliary Grand of Maine, (S. P. 636)

Came from the Senate read and passed.
In the House, the Orders were read and passed in concurrence.

Non-Concurrent Matter

Joint Resolution Recommending that Taxi Services be Allocated 100 Percent of Their 1978 Fuel Allocation (H. P. 1579) which was Read and Adopted in the House on June 14, 1979.

Came from the Senate indefinitely postponed in non-concurrence.

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

Orders

An Expression of Legislative Sentiment recognizing that:

The stenographers of the House have provided the professional expertise, dedication and enthusiasm that has made this session a success.

Presented by Ms. Lund of Augusta.
The Order was read and passed.

On motion of Mr. Tierney of Lisbon, the following Joint Order (H. P. 1584) (Cosponsor: Senator Pierce of Kennebec)

WHEREAS, the citizens of Maine have a substantial need to continue and where possible to expand the availability of social, rehabilitation and certain related health services provided by local community agencies for residents of all ages and various income levels; and

WHEREAS, the cost of providing such services has increased dramatically for community agencies not only as a direct result of inflation eroding the value of the dollar, but also due to actions mandated by the State and Federal Governments; and

WHEREAS, citizens, through municipal and county governments, are overburdened by high property taxes and demands to support such services are increasing, State Government action is needed to provide greater flexibility to combine local funds with available state and federal funds; and

WHEREAS, the Maine Legislature has appropriated \$1,836,124 in the Priority Social Services and Title XX Contingency accounts which now pay up to 100% of the cost of certain services without fully utilizing federal funds; and

WHEREAS, the Maine Legislature, with the intent of authorizing state funds to be matched with available funds, has enacted the Maine Revised Statutes, Title 22, section 6111, subsection 5, and the Public Laws of 1977, chapter 712, Part B, Department of Human Services, Children's Protective Services and Title XX Con-

tingency Accounts; and

WHEREAS, up to \$7,500,000 of federal funds, which are available to the State of Maine, may be more effectively used and coordinated by the State to benefit Maine residents; and

WHEREAS, Maine residents and community agencies should know about and be given reasonable access to available funds; and

WHEREAS, more effective use and coordination of available funds would continue and expand services without tax increases by municipal, county, state or federal governments; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Department of Human Services, under the leadership of the Commissioner and the Deputy Commissioner for Social and Rehabilitation Services and without interfering with the performance of its statutory duties, shall prepare a document containing a set of implementation guidelines which describes how services are to be provided, dollars allocated and funds disbursed under various state plans, and includes a description of:

1. How to continue and, where possible, expand the availability of social, rehabilitation and certain related health services provided by local community agencies to Maine citizens by more effectively using and coordinating the expenditure of state funds, particularly those appropriated for priority social services and the Title XX Contingency accounts. The guidelines shall provide for matching funds, as appropriate and to the fullest extent possible, with federal funds, particularly those available under the United States Older Americans Act or the United States Social Security Act, Titles XIX and XX;

2. How the department intends to improve accountability and simplify oversight of policy and funding decisions affecting such services;

3. How the department proposes to respond to proposed redrafts of, to related policy and practice matters and to the subject matter of L. D. 1293, "An Act to Establish the Maine Title XX Social Services Act," and L. D. 1501, "An Act to Permit Priority Social Services Program Money to be used as Matching Funds for Federal Money," which were presented before the First Regular Session of the 109th Legislature; and

4. Any legislation necessary to implement the report; and be it further

ORDERED, that the guidelines throughout their development and implementation shall be prepared by the Department of Human Services with the joint advice of the Maine Human Services Council and the Maine Committee on Aging. The council and committee jointly shall conduct hearings during July, 1979 in various areas of the State and they shall be a vehicle for affected parties to participate in preparation of the guidelines. The department shall report its guidelines no later than September 19, 1979 to the Joint Standing Committee on Appropriations and Financial Affairs; and be it further

ORDERED, that the Joint Standing Committee on Appropriations and Financial Affairs report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be for-

warded to members of the committee.

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, the Order was indefinitely postponed.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby the Order was indefinitely postponed.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. MacBride of Presque Isle, Recessed until the sound of the gong.

After Recess

10:50

The House was called to order by the Speaker.

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

Passed to be Enacted
Emergency Measure

An Act Making an Appropriation from the General Fund and Amending the Housing Mortgage Insurance Law (H. P. 1563) (L. D. 1685) (H. "D" H-722)

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.

An Act Appropriating Funds for the Pratt and Whitney Industrial Training Program (H. P. 1518) (L. D. 1676)

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the Pratt and Whitney bill which has been talked about some and forgotten about some. There are a couple of points I would like to make on this bill. I am going to vote for it, but I am not particularly happy with it.

There has been a lot of talk here about moral obligation. I think this is a lot of fuzz myself. The leadership of the last legislature went down to Pratt and Whitney, talked to them, reached an agreement to bring business into the state, which the state desperately needs, the kind of business the state should have and needs, but there is no moral obligation to accept that and I hate to see this term used, 'moral obligation', and try to pin us to that. It is a good package and we need the jobs. I have some other problems, but I don't particularly like this term 'moral obligation'.

The thing that really bothers me here is, we seem to have no policy as far as encouraging business in the state. We have the case of Martin Marietta, which came through here as a special bill. We had, in other legislatures, Sobin Electric, we have had a number of these things. They have been able to stand on their own feet, they have been passed by the legislature, but there seems to be no policy that this state has and this legislature has put forward no policy to deal with this type of thing. We take each one as it comes, we fight out each one as it comes, and we desperately need a policy where the state will go out and look for businesses, good businesses like this, and will encourage them and we will have guidelines in what we can offer them and what kind of packages we can offer. We don't seem to have these.

Another thing I would like to point out in regard to this, and this was made clear by the leadership in the last legislature, that because

we were giving this tax break to Pratt and Whitney, and it is a tax break that also spreads over to some of the large paper companies in the state, that we are going to do something for the small businesses of the state. We have a number of small businesses, and there was a moral, if you want to use that term again, commitment to do that, and I have seen nothing in this legislature that did that.

We had one bill, which was debated and I supported, trying to set up a department within the Business Regulation to at least allow them to call in and get information, I understand that bill is dead, and I really can't think of anything else we have done. But here is the second bite on Pratt and Whitney and I assume we will pass it, but I hope we will keep these things in mind and I hope darn soon we will set up some kind of a standard procedure so that when we go out into the world looking for businesses to bring into Maine, we will have a standard way to do it and it is not a hit or miss type of thing, as this has been.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I find no argument with the gentleman from Yarmouth, Mr. Jackson, I agree with him. I am not voting for this on the basis of any commitment, because the commitment was so broadly spread that no one could really identify anyone that would be in that position, but I do differ with him just a little bit and I want to remind this body that Pratt and Whitney is here because of the initiative of a state agency contacting them and selling the State of Maine.

I agree, it is not a widespread program and we don't have them jetting around the world bringing industry here, but this is a good example of an enlightened policy on the part of the State of Maine, because they were enticed here, they were negotiated here, and we can take credit for that. And I am not sure that isn't the best way to do it, to treat each one on its own merits. As you look back over Marietta and Sobin Chemical approaches, I think we are creating an understanding on the part of industry and business that when we see the specifics of a given situation, we are responding and saying, yes, you are welcome here, and I would be somewhat reluctant to see us launch what would have to be a pretty expensive and massive operation along the lines that Mr. Jackson is suggesting.

I think things have been working pretty well and I think the subject he felt compelled to speak upon, in my opinion, is going to be regarded, or should be regarded as one of the major achievements of the past two legislatures. This will be a fine impetus for the State of Maine for many years to come, and I wish we could see more of it.

Thereupon, Mr. McHenry of Madawaska requested a roll call vote.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Breneman, Brodeur, Brown, D.; Brown, K. L.; Bunker, Call, Carroll, Carter D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cunningham, Damren, Davies, Davis, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutrem-

ble, L.; Fenlason, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hall, Hanson, Hickey, Hobbins, Immonen, Jackson, Jacques E.; Jacques P.; Jalbert, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Masterman, Masterton, Matthews, Maxwell, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M., Norris, Paradis, Paul, Pearson, Peltier, Peterson, Post, Rolde, Rollins, Roope, Sewall, Simon, Smith, Soulas, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, The Speaker.

NAY — Baker, Barry, Bordeaux, Brown, A.; Cox, Fillmore, Gwadosky, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Lougee, Martin, A.; McHenry, Nelson, A.; Nelson, N.; Payne, Prescott, Reeves, J.; Reeves, P., Sherburne, Silsby, Torrey.

ABSENT — Brown, K. C.; Carrier, Curtis, Dellert, Dexter, Diamond, Elias, Joyce, Laffin, Marshall, McKean, Small, Sprowl, Whittemore, Wood, Wyman.

Yes, 110; No, 25; Absent 16.

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

Signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Provide for the Registration and Protection of Trademarks (S. P. 43) (L. D. 29) (S. "A" S-395 to C. "A" S-294)

An Act to Establish Special Retirement Provisions for CETA Employees (S. P. 268) (L. D. 809) (S. "A" S-396)

An Act to Regulate the Sale of Business Opportunities (S. P. 465) (L. D. 1499) (S. "A" S-381 to C. "A" S-251)

An Act to Increase the Payment of Aid to Families with Dependent Children (H. P. 587) (L. D. 734) (C. "B" H-708)

An Act to Provide a Grants to Community Health Services for a Long-term Demonstration Project (H. P. 1087) (L. D. 1343) (Conf. Comm "A" H-729)

An Act Concerning the Minimum Public Utility Monthly Electrical Charge (H. P. 1193) (L. D. 1444) (Conf. Comm "A" S-387)

An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program (H. P. 1163) (L. D. 1468) (S. "A" S-388)

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.

By unanimous consent, the preceding Enactors were ordered sent forthwith to the Senate.

Later Today Assigned

An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs (H. P. 1484) (L. D. 1671) (H. "C" H-718)

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

On motion of Mr. MacEachern of Lincoln, tabled pending passage to be enacted and later today assigned.

Constitutional Amendment

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)

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

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

Mrs. KANY: Mr. Speaker and Members of the House: I have an amendment to the consti-

tutional resolution and it has not yet been printed. It was just handed to the Clerk, and I am hoping someone will table this until later in today's session.

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

Mr. PAUL: Mr. Speaker, I move that this be tabled until later in today's session.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Sanford, Mr. Paul, that this matter be tabled until later in today's session pending passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

30 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

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

Mrs. KANY: Mr. Speaker and Members of the House: I move that the rules be suspended for the purpose of reconsideration.

Whereupon, Mr. Kelleher of Bangor objected.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mrs. Kany, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of all the members present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 76 having voted in the negative, the motion does not prevail.

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

Mrs. KANY: Mr. Speaker and Members of the House: Since L. D. 1640 is before us, I would like to state why I plan to vote in opposition to this bill. I had an amendment drafted, which basically would have been a brief amendment to the Constitution, calling for the legislature to enact statutory language. . . .

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

Mr. KELLEHER: Mr. Speaker, the amendment that the gentleman is talking about is not before us.

The SPEAKER: The Chair would answer in the affirmative, but the gentleman from Waterville, Mrs. Kany, is explaining why she won't be voting for the passage of the resolution.

The gentleman may proceed.

Mrs. KANY: Mr. Speaker, I appreciate this opportunity. If the language were briefer and if I believed that the legislature could enact lengthy language which might not create many problems for us in the future, I would vote for L. D. 1640, but, unfortunately, I have seen us make mistakes. We have talked about that in the past. I have seen the Speaker make mistakes, I have seen Representative Kany make mistakes and other people. So, I really just do not feel comfortable with the language in L. D. 1640 and I worry very much about the implications, particularly upon the property tax.

Although the bill before us does attempt to protect the local communities from having certain requirements mandated on them as we might try to control our spending at the state level, we have many programs state-wide in which, although it might not mandate spending on the local communities, what would happen if we leveled off our spending at the state level would be that the local communities might have to end up picking up some future costs, and I really worry about the property tax in the municipalities because of that.

So, consequently I intend to vote against this resolution in final enactment since something briefer is not the will of this body. Naturally, I respect your right to make that decision.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think that when we went through this process last year, my position was pretty clear and consistent last year in that I wanted a statutory limitation rather than a constitutional limitation, and I share the concerns of the gentlelady from Waterville in terms of the kinds of problems you get into when you have lengthy constitutional amendments and specific constitutional amendments. I voted for the constitutional amendments the second time around this year in hopes that all the exclusions would be taken out and perhaps get away from some of the problems that I foresaw when we started getting specific. But that has not happened and I would like to give an example of the kind of thing that can happen.

L. D. 1640, which is before us, the last exclusion is to take a pretty unusual step in that in the Constitution it has a reference to statute. It says that "any expenditures of funds from the excise tax collected under the Maine Revised Statutes, Title 12, Section 105 and 105 A, when the amount collected is no greater than the cost of providing the product or the service." This is the section that excludes the spruce budworm from the limitation. It is a statutory reference in the Constitution of the State of Maine. It is a perfect example of the kind of problem we can get into because we have already repealed that statute.

We have passed the bill, L. D. 1498, which is the revision of the Forestry statutes and it has been signed into law and we have repealed that section of the statutes. So, we are asking for a constitutional amendment that has a limitation or an exclusion based on a specific section of the statute that we have already repealed. I think that is the perfect kind of example why we cannot afford to take this kind of risk of putting this kind of thing in the Constitution where we in the legislature do not have a chance to make up for our mistakes. There is no errors and inconsistencies bill in the Maine Constitution.

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

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: I also rise in opposition to this constitutional spending limit. Somebody described this bill a little while ago as a sleeper, and I hope today we put it into an indefinite coma. About a third of you who are freshmen were not here in the 108th when this issue was really quite widely discussed for months by us and debated on the floor of both Houses for a number of hours. This time, it seems to be coming in with merely a whimper. It is something that deserves more attention, although not passage, in my view.

As you may recall at the Maine Tax Limitation Committee a small group of citizens, primarily those successful people in business—there is nothing wrong with that—I just merely described them actually, they brought to Governor Longley and the legislature a proposal in many ways similar to this but not identical. I would say to you that that committee was in no way representative of any kind of a grass roots movement, nor is the proposal before you today.

Mr. JALBERT, I recall, said that if we didn't pass this, we would be faced with Proposition 13, and I said about a week ago that, frankly, I would prefer to see Proposition 13. At least Proposition 13 is aimed at the one tax that I think Maine citizens are really concerned about and fed up with, and that is the property tax, where I believe this proposal would tend to force more of the burden onto the property tax rather than away from it.

The issue that Governor Longley brought to the 108th back in the Special Session just before the last election was supposed to be the political hot potato, the one that was going to affect the outcome in the first Tuesday of last November, but it didn't. It didn't affect the govern-

norship race, didn't affect, as far as I could see, a single legislative race anywhere in the state one way or the other. I think the people of Maine just want us to come up here and be responsible. I don't think they want us to enact some kind of government by formula. I believe in the political pendulum, the swinging pendulum, swinging all the time.

At one time, and to a large extent even now, there were all sorts of constituent groups who wanted more of this kind of a new program and more of that, whether it was highways or day care or brook trout or tax breaks for business or budworm spraying or AFDC. There is hardly anyone out there who pays taxes that has not been, at one time or another, in a constituent group that has wanted more of something and those things generally required more taxes and more expenditures of revenue.

If, in fact, as seems to be happening, most of those people out there are now telling us a little less, we will respond. In fact, we are responding. We have someone in the Governorship who has been described in the past as a liberal Democrat, but he is talking about no tax increases and he means it. He is talking about how government has to live within its means and that is true. I think he, along with just about everybody else in here, is reflective of what we perceive to be the political mood, the climate of the voters of Maine. That is how the system responds and works and not through some kind of artificial device like this.

I hope today you will vote no on this measure.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is one of the most important issues that has faced this legislature this session. I would like to clear up one fallacy which Mr. Howe indicated, and that is, and this is something that was very much misunderstood last year as well as this year, he referred to freshmen legislators in its detail. He also referred to the Constitutional Tax Limitation Committee, the original committee, as one being made up of a very successful, wealthy businessmen. Well, ladies and gentlemen, I was a member of that, not the original committee but the committee that followed, and I can assure you that I am not a wealthy businessman. I am just a small businessman, small Maine citizen out there trying to eke out a living, and there were many other people in that same situation who were involved in that movement.

The problem last year and the problem this year is that people do not really understand the issue. The question was always raised, why aren't they coming out of the woodwork if this is such a controversial question?

I think one thing that was very clear at that point was that this issue was being confused with Proposition 13. It still is being confused with Proposition 13. Those of you, and all of you, I am sure, understand the issue very well, know that just simply is not true. All other methods of curtailing state spending have failed. The executive methods have failed, the legislative methods have failed and the only thing we have to turn to now is the constitutional methods and that is one that is before us now.

The previous speaker indicated that we have a Governor who has said that there will be no tax increases. I don't know what you consider an increase in registration fees to be, I don't know what you consider increases in fishing licenses, I don't know what you consider increases in fees to be, but let's face it ladies and gentlemen, money doesn't come out of the sky, it comes out of people's pockets, your pockets and our constituent's pockets.

I urge you very strongly to support and vote for passage of this Resolution.

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

Mr. JALBERT: Mr. Speaker and Members

of the House: Needless to say, it will take me quite a while to forget what happened originally on this measure and it will take me a long while to forget a week ago last Tuesday, I can assure you of that, but that is a week ago last Tuesday and we are on our way home.

Now, this report here, and I am not going to respond very long, and I would like to make only one comment possibly along the line that wasn't said by one of the speakers that we shouldn't pass anything along this line. We are not trying to pass any bill here, we are trying to let the people vote on a matter—that is what we are trying to do here.

The report of the committee was seven, three and three, Report "A", Report "B", and Report "C". The scenario went that we took up Report "B", that was the statutory report, with three members of my party signing that. Then I thought we were going to go to Report "A" which I was on with six members of the friendly opposition, but we didn't go to that. We went to Report "C", and when the discussion was half way through Report "C", it was signed by the gentleman from Bangor, Mr. Kelleher, the gentleman from Old Town, Mr. Pearson, and from Windham, Mr. Diamond, three members of my party. After listening to the arguments, I, in spite of the fact that I was mildly churning inside, let's say, just on a mild level, I decided to go with Report "C". One of the members besides myself who had signed Report "A" talked about Report "C" and said that he would probably eventually wind up voting for Report "C", as I have.

In any event, that was a week ago last Thursday and I am not going to go any further. Now, it is ten days hence and I hope we are on our way home in a very short time. I will just say that I think this is a good bill. What I did say was that we probably face, if we didn't pass something like this, we would have Proposition 13 or a proximity thereof. Those are my very words.

I hope this bill receives passage and I ask for the yeas and nays, Mr. Speaker.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Proposition 13 here has been mentioned and it seems to me that Proposition 13 is similar to Preparation-H; it eases the pain.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I intend to support this particular bill. I think, contrary to what one of the previous speakers just said, there is a ground swell in this state for limiting government spending. There is evidence by the citizens of Saco, and as evidenced of the citizens of my city, from Auburn. I think rather than to have this necessarily go onto the property taxpayers, I think it will show the city officials that they had better tighten their budget too, that we can show in Augusta that we know how to limit spending so that we can give them a lesson, perhaps, that they will follow. So, I hope that everybody will support this.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker and Members of the House: I was reading a few things on my desk and I heard the word Saco mentioned in this debate. If you only knew what has happened in the City of Saco, I think you would not even consider voting for any type of constitutional or statutory spending limitations. It sounds good and it sounds like a sexy thing to cut taxes, but when you cut taxes, you cut services that are needed.

In the City of Saco, we have done some good things. You know, if your kid doesn't like music, then you don't have to worry, or if he doesn't like art, then you don't have to worry, if you don't like sports, you don't have to worry, if you like 36 kids in a classroom, you don't

have to worry. I will tell you, the affects are devastating of what is going to happen in the City of Saco. If you don't like your public parks mowed, then vote for something like this. I can go on and on and tell you what we have done. It is incredible if you like your police vehicles to have 90,000 miles on them, then the people of Saco don't have to worry. It is incredible how devastating a tax limitation can be on a community.

We have divided the community so that the people will not run for office because of the situation. My father had a heart attack and resigned from the City Council, and it is a Democratic ward, and no one in the Democratic caucus would even run for the job as a City Councilor. We had one person, who meekishly ran as a Republican, elected from that particular ward.

We have had one individual who had a heart attack and died, one of the City Councilors. We have one guy on the edge of a nervous breakdown. We have got marital problems involved in the city council because of the situation. What it does to a community, it sounds good and sounds emotional, this Proposition 13, this tax limitation idea, but the effects it does to a community are unbelievable.

In three years the lawyers of the state in my area are going to be pretty wealthy, I think, because there are going to be suits filed, I am sure, against the City of Saco for not providing an adequate education for their children.

Next year, as you know, the way the educational formula is, it is based on what you spent the previous year, and the number of students. We have a movement on now in the City of Saco where students from some of the wealthier families are going to be sent to Wainfleet, Catherine McAuley High School, Cheverus, some of the other schools, Salmon Falls School, the Crosby School, because they don't want their children to be faced with the situation in the City of Saco which I think we are going to have.

We are going to have a breakdown, I think, in the morale of the whole school system. We have no more teacher aides, we have no library of science, they are cutting back on books for the library. Those are the things that the people didn't realize and didn't understand when they voted for something like this.

We did a very bright thing in Saco, too, when they told them what the occurrences would be if they cut and had a spending limitation. People didn't think it would happen. Well, it happened. Our police department has lost five officers. We no longer have a crime prevention program. Our recreation program we probably have the best recreation program, South Portland and Cumberland, in the whole state. Our recreation director is now the director of recreation for the town of Cumberland and maybe that is one of the reasons the gentleman from Cumberland likes proposals like this, because he got a great person in our former recreation director. We have one person now who works for the recreation program for the city.

I just got a note from my good friend from Biddeford who knows we have a problem with garbage in our city now. The people of Saco, in a referendum, voted against trash pickup. They did it as a protest because they thought there would be enough money within the city to fund that particular program. Well, what they did was, they ended up cutting a couple more teachers and we have got garbage pick up now because people are more concerned about garbage sometimes than they are the welfare of the community and children.

So, I urge you, you don't know the ramifications. It sounds like a great idea, you know the people in Saco voted three to one, but if the vote is taken in another couple of years, you will see what the result will be in Saco.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to pose a

question to the supporters of this amendment.

Is it true, as the gentlelady from Owl's Head, Mrs. Post, said, that spending on spruce budworm spraying is excluded from this amendment? What is the justification for that?

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure I can answer the gentleman's question. The exclusions include in "A" monies received directly or indirectly from the United States of America. For one thing, we do use some federal funds in the Spruce Budworm program at the present time, so I presume that may be what the gentlelady was referring to, I am not sure.

I would, while I am on my feet, just point out to the assembly that the gentleman from Saco has given us a litany of the problems that they face down there and I can certainly understand what he is talking about, but it is my understanding that the people of the City of Saco may tell us something about what the people of the City of Saco want. Whether it is the right thing or not, I don't know. We had a similar situation in my community this Spring at the regular town meeting and they cut the recommended budget rather severely. It is creating problems but it wasn't quite such a bad cut and they are living with it.

However, at the time of the school district meeting here just a couple of days ago when similar forces were at work, the citizens, realizing this, made their decisions with respect to school funding and got out and backed the school budget 100 percent.

I would point out to the gentleman from Saco, or anyone else in the room, that that is a different proposition to what we are facing here. Here we are talking about the State of Maine and we do have in this legislation very specific opportunities for a declaration of emergencies, which the Governor can declare, we also have the protection of local governments.

I think it is a completely different situation. We got a resounding vote in favor of this report at the time it went through engrossment, and I trust that everyone who supported it then will continue to support it and perhaps we will pick up a few more.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: It is, indeed, a different situation because the people of Saco can go back to the polls at a specified time and change things. We are not talking about a statutory change, we are talking about a local ordinance, we are talking about an amendment to the Constitution of the State of Maine. May I remind you, that is not very easily changed nor should it be. It was designed to protect us from radical whims of various people who wish to tamper with this basic mechanism of our system of government.

I have consistently voted against an amendment of any kind of spending limitations that are constitutional. I did that in the Special Session, I did that when this bill was before us the first time.

I won't belabor details that have already been mentioned by various speakers on the floor, but there is one point that has not been mentioned. In Section 3, we are dealing with future state costs being passed at the local level. Now, that sounds very good because we all get very disturbed when the legislature passes laws which require costs on the local level, whether it be garbage disposal, police protection, workers' comp, anything that requires costs, we think the state should be very reluctant to do, and I agree.

But we also remember, and even freshmen have heard the term 1994, that education law, as I recall, certain towns in the state went out

and bought lots of buses because there was no local commitment, no local participation, or at least so-called local participation, to purchase. My contention is that the local communities should participate in purchasing the services that the state provides and even the mandates that the state gives. It should be a low level but they should have some sort of cost invested in these services or there is no cost effectiveness incentive. They are willing to go out and spend all they want, why not — it is state money, so-called.

It is for this reason, among the many others that have been mentioned, that I think this is a very bad precedent for us to set, to start tampering with the Constitution of the State of Maine. I think the people at this body, though they disagree on many occasions, have the intelligence and the ability to govern the State of Maine without tying your hands and feet.

I hope you will vote against passage of this amendment.

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 final passage of the Resolution. This being a Resolution proposing an amendment to the Constitution of the State of Maine, under the terms of the Constitution it requires the affirmative vote of two-thirds of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Barry, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Diamond, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jalbert, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Masterman, Matthews, McMahon, McPherson, Michael, Morton, Nelson, A.; Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth.

NAY—Bachrach, Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Brown, K.C.; Call, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Dellert, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, P.; Joyce, Kane, Kany, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterton, McHenry, McKean, McSweeney, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Post, Reeves, P.; Rolde, Soulas, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Carrier, Churchill, Curtis, Dexter, Dudley, Elias, Laffin, Whittemore.

Yes, 78; No, 65; Absent, 8.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-five in the negative with eight being absent, the Resolution fails of final passage.

By unanimous consent, ordered sent forthwith to the Senate.

Emergency Measure

An Act Relating to the Vocational-technical Institutes (H. P. 1393) (L. D. 1613) (S. "B" S-386 and H. "A" H-426)

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. 136 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.

By unanimous consent, ordered sent forthwith to the Senate.

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

The following Communication:
THE SENATE OF MAINE
Augusta

June 14, 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 Relating to Political Fundraising by State Employees. (S. P. 270) (L. D. 811)

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and passed and ordered placed on file.

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

Emergency Measure

An Act to Clarify the Education Law (H. P. 1534) (L. D. 1683) (H. "B" H-728 and H. "A" H-711)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of the members elected to the House being necessary, a total was taken. 125 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.

Passed to be Enacted Emergency Measure

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)

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. 128 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.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Revise the Tree Growth Tax Law" (H. P. 1566) (L. D. 1687) —In House, Passed to be Engrossed on June 13, 1979. —In Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-392)

Pending—Further Consideration.

On motion by Mrs. Post of Owl's Head, the House voted to recede.

The same gentlewoman offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-734) was read by the Clerk.

Mrs. POST: Mr. Speaker, Members of the House: This particular amendment simply corrects the fiscal note to bring it in line with the original intention of the Governor's Bill of shifting the \$500,000 in the second year of the biennium to the first year of the biennium. It is not a change from what we had talked about when we debated this issue previously.

The SPEAKER: The Chair recognizes the

gentleman from Scarborough, Mr. Higgins.

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

I don't have Senate Amendment "B" in front of me. Does this mean there is an unfunded liability to the second year of the biennium of \$500,000?

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

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

Mrs. POST: Mr. Speaker and Members of the House: I think it has been made fairly clear in the debate that it will be an unfunded liability of between \$500,000 and \$600,000 in the second year of the biennium. As we started out and we dealt with two issues that were separating the members of the committee, one was what level of reimbursement we should be at and the other was where the money should come from. We have come to an agreement of some sort, I would assume, that the idea of reimbursement schedule would be 35 percent of your tax loss this year or 50 percent next year and 70 percent the following year and going up to 90 percent in four years time, although there is some disagreement still of who should be grandfathered in under this proposal. We have agreed that the full amount of money is to come from the General Fund this year, and we have left open the issue as to where the necessary funds for reimbursement should come from in the second year of the biennium.

Thereupon, House Amendment "C" was adopted.

Mrs. Post of Owl's Head moved the indefinite postponement of Senate Amendment "B".

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not strip off Senate Amendment "B". There was an attempt to make a compromise between the varying positions of the two bodies. I understand that that compromise has fallen through. However, I think if we are going to salvage anything out of tree growth, I think maybe the best attempt would be to adopt Senate Amendment "B" and see what happens at the other end of the hall.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: In terms of parliamentary, I guess, where we are at this point, this is not a final action of this body. The bill will go back to the other body and they will have a chance to either go along with this proposal or not. Then it will come back to the House where if, in fact, they adhere to their position, the choice can be made here again as to whether we recede and concur or whether we are so far apart that we adhere and kill the bill.

I think at this point, we have already to work on the figures on what the Senate Amendment does to particular towns, and it is my feeling that once the people see those figures, they may want to reconsider their action on that particular Senate Amendment, because it does, in fact, have a pretty disastrous impact on many, many of the communities in this state. For us to take the action now to recede is in no way killing the bill. There is still time left, and I would certainly hope that unless you have looked at the figures and have an idea of what that Senate Amendment does, that you would be safe at this point, if you have any tree growth land at all, to go along with the recede motion and let us send it over to the other body.

The SPEAKER: The Chair will order a vote.

The pending question before the House is on the motion of the gentlewoman from Owl's Head, Mrs. Post, that Senate Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Post of Owl's Head 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 gentlewoman from Owl's Head, Mrs. Post, that Senate Amendment "B" be indefinitely postponed.

Pursuant to Joint Rule 10, the Chair would excuse the gentlewoman from Falmouth, Mrs. Huber, from voting on this issue.

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

Mr. GRAY: Mr. Speaker, I would like to pair my vote with the gentlewoman from Milbridge, Mrs. Curtis. If she were here, she would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Owl's Head, Mrs. Post, that Senate Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Garsoe, Gould, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Hutchings, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Leonard, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Strout, Theriault, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY—Aloupis, Austin, Birt, Bordeaux, Boudreau, Boudens, Brown, D.; Brown, K. L.; Bunker, Call, Carter, F.; Churchill, Conary, Cox, Cunningham, Damren, Davis, Dellert, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gowen, Hanson, Higgins, Hunter, Immonen, Jackson, Kiesman, Lancaster, Leighton, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth.

ABSENT—Carrier, Dexter, Dudley, Elias, Laffin, Tierney, Whitemore.

PAIRED—Curtis-Gray.

EXCUSED—Huber.

Yes, 77; No, 64; Absent, 7; Paired, 2; Excused, 1.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-four in the negative, with seven being absent, two paired and one excused, the motion does prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Non-Concurrent Matter

Bill, "An Act to Increase the Expenses for Legislators, to Increase the Compensation for the Attorney General, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court System Study" (Emer-

gency) (S. P. 617) (L. D. 1679) which was passed to be enacted in the House on June 13, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "D" (S-397) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to engrossing.

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

An Act to Make Corrections and Clarify Provisions of the Inland Fisheries and Wildlife Laws (H. P. 1564) (L. D. 1686) (H. "B" H-727 and H. "A" H-726)

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

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

Mr. PAUL: Mr. Speaker and Members of the House: I guess I should explain just what this bill is because there has been a lot of confusion. This is the errors bill for the Fish and Game Committee. This is not L. D. 1671, which was the original license increase bill. They have amended this bill, the errors bill, including the Fish and Game increase in that bill.

I don't intend to speak too long on this, I think there are some things that should be said for the record, one of which is, there is no increase compensation for town clerks in this bill and there is no bill pending before the legislature which would increase the town clerks compensation. There has been a lot of confusion about that and both of those increases have been amended out of the two various bills.

This is the third, and this is called the compromise, so it is the third proposal we have seen. I would submit that it is the least objectionable to those of us who have opposed this increase from the start. However, it does not change our position that we believe this increase is not necessary. In fact, a proper date of January 1981 would be more an appropriate time to put an increase in effect. I think that the record will speak for itself and history will bear out the various arguments.

There has been one thing throughout this whole Fish and Game increase bill that bothered me and is by far the most difficult bill that I have had to deal with in my short period up here on the Fish and Game Committee and that is, everybody recognizes that the department is in financial instability and that there are no quick solutions, and that something has to be done.

Yet it seems kind of ironic that a very short time ago, we voted, this legislature, about a three quarter million package to give pay raises to the various people over there. I voted for that bill, and if I had a chance to vote for it again, I would continue to vote for it, but out of that \$725,000 that was given in raises for those people, we didn't appropriate any money for it. The Fish and Game Department is forced to raise that revenue, take the money out of their own department, something that was never budgeted for, something that was not anticipated realistically.

You know it was a very short few years ago, we passed a bill which I think was a pretty good bill, a leash law, the dog leash law. I think most of you realize it is having quite a substantial impact throughout the state, but again the bottom line, a legislative mandate, no monies involved. The Fish and Game Department again, through their own resource, which is primarily dedicated revenue from the sales of fish and game licenses, have to bear the cost.

I was looking at the last warden activity report sheet and totaled up the various percentages of time spent by a warden on non-fish and game matters. It came to approximately 20 percent, whether it be for environmental laws or leash law. A good percentage of the time,

the warden is not doing fish and game related enforcement activity. But the prior legislatures have refused to recognize that and have been underfunding the department, always saying no general fund money is available.

It seems to me that the State Fish and Game Department is a part of state government, it ought to be treated like one. Some will argue that we have other departments that had dedicated revenue and if they are to survive on dedicated revenue, then they ought not to be going to the General Fund. But look at those departments, Transportation, and look at the money they get. Somehow I get the feeling that people place Fish and Game at the bottom of the ladder. I am really unhappy about that because I think that without the great resources and utilization of them, not only would our businesses hurt, but many of the broad based taxes that we receive would also suffer.

I hope and pray that the next commissioner, and hopefully if the study order goes through, which would create a committee of pretty good broad based citizenry to study the role of the department in the next few years, will recognize that it is about time that somebody stood up to Fish and Game and said, we want proper funding. If you are going to mandate these Fish and Game laws and tell us, whether it be on watercraft, that you ought to be paid for it and not always going to the sportsmen in the state and saying, we have got to have more money, we have got to have more money, when these laws just continue to pile up on the books.

So, I am hopeful that in the next session, something will be done about that. I spoke to the Governor on it, I spoke to the commissioner, and I think it has to be a priority for the next session that we look at the long-term situation and come up with some concrete solutions for it.

I don't believe that this Fish and Game increase, by throwing another million dollars over there, is going to solve any problems. But I just hope that some of the problems can be solved and I have a lot of faith in the — I am getting rather sidetracked here because I am getting a lot of notes, most of which aren't very good but — so, let's keep this in the back of our minds when we go home this summer. I hope when we come back here in January, we can recognize it. If we are going to have a department in state government here, we ought to be funding it properly. I think it is a shame, in the budget that has been proposed from General Fund money, to not make virtually any appropriation for the enforcement of statutory authority.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I agree with much of what the gentleman from Sanford, Mr. Paul, just said. I was chairman of a committee, a sub-committee of Performance Audit, four years ago, that spent quite a bit of time in reviewing the entire Fish and Game Department and the services they were performing for the state that they were not receiving compensation for. There was legislation introduced in two separate sessions to try to correct some of that and, both times, it failed of passage. I think that the comments that he made are exactly right, that there are many laws on the books that require the Fish and Game Department to do things, search for lost persons is an excellent example that they are compelled to do. I know cases when they have spent as much as \$35,000 of their own money in a search for lost persons and not got one cent of reimbursement. I hope that sometime down the line, we can face up to that problem.

Mr. Paul of Sanford 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 passage to be enacted. All those in favor of passage to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreaux, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Lizotte, Locke, Lougee, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, N.; Norris, Paradis, Payne, Pearson, Peterson, Post, Prescott, Reeves, J.; Rolde, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Vincent, Violette, Vose, Wyman, The Speaker.

NAY—Austin, Berry, Carroll, Conary, Dutremble, D.; Elias, Gwadosky, Hanson, Higgins, LaPlante, Leonard, Lowe, Martin, A.; McHenry, Nelson, A.; Paul, Reeves, P.; Rollins, Studley, Tuttle, Wentworth, Wood.

ABSENT—Carrier, Curtis, Dexter, Dudley, Laffin, Morton, Nelson, M.; Peltier, Whittemore.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs (H. P. 1484) (L. D. 1671) (H. "C" H-718) which was tabled by the gentleman from Lincoln, Mr. MacEachern, earlier in the day and later today assigned pending enactment.

On motion of Mr. MacEachern of Lincoln, the House voted to indefinitely Postpone the Bill and all accompanying papers.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: On the passage of 1613, I would like to just make a few remarks. This legislation, having been enacted, I believe will be a major piece of legislation to give stability, recognition and advocacy to the vocational-technical institutes which, in my opinion and the results of our findings, seem to have been long needed.

Near the end of the last session of the legislature, the Joint Standing Committee on Education met with the State Board, pretty much of an annual event. Much of the discussion revolved around the problems of the VTI's. After a good deal of discussion of these problems, the Chairman of the Education Committee recom-

mended, in order to be prepared and introduced to the legislature, the study of the VTI's reviewing their problems, presenting recommendations of their findings for the next legislature, this was accomplished with the legislation just passed, with the order passing and funding the study. The order calls for a committee composed of two members from labor, two members from industry, two members from the VTI's, one from the administration and one from the faculty, two members from the State Board of Education and two members from the Committee on Education and one member from the Committee on State Government. The members appointed were Charles O'Leary from Labor and Marv Hewen from Labor. From Industry Vic Zeppaletti, Director of the Department of Personnel from General Electric in South Portland and Omer Girardin, an industrial consultant from Lewiston, Ingar Foster and Julia Knowles of the State Board of Education and State Representative Nancy Masterman from the Committee on State Government and Representative Edith Beaulieu and myself from the Committee on Education.

The major reasons I wanted to make these remarks is that I would like to express personally and have something in the record of the people who have spent a good deal of time. There were two members, one from Labor and one from Industry who were not able to serve, but James Patterson was a member of the faculty of the VTI in Presque Isle for administration and Charles Sampson was a member of the faculty of the Eastern Maine Vocational-Technical Institute. Vic Zeppaletti and Charles O'Leary, who is presently the head of the Maine AFL-CIO, Ingar Foster and Julia Knowles and the two members of the legislature, who have spent a great deal of time working with me to put this legislation together, I think merit the thanks of all of us and I did want to leave a little something on the record particularly of the people who are not members of the legislature and made a major contribution in putting this legislation together.

(Off Record Remarks)

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

Non-Concurrent Matter

Bill "An Act to Increase the Salaries of Constitutional Officers and the State Auditor by \$5,000" (Emergency) (H. P. 131) (L. D. 142) which was passed to be engrossed as amended by Senate Amendment "A" (S-382) as amended by House Amendment "A" (H-731) thereto in the House on June 14, 1979.

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

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

Recalled from the Legislative Files Pursuant to Joint Order S. P. 633

Bill "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work" (H. P. 974) (L. D. 1242)

In the Senate, Bill and Accompanying Papers Indefinitely Postponed on June 13, 1979.

In House, Receded and Concurred on June 13, 1979.

Recalled from the Legislative Files pursuant to Joint Order S. P. 633.

Came from the Senate passed to be enacted in non-concurrence.

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

(Off Record Remarks)

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

imous consent:

Non-Concurrent Matter

Bill "An Act to Provide a Grant to Community Health Services for a Long-term Demonstration Project" (H. P. 1087) (L. D. 1343) (Conf. Comm. "A" (H-729) which was passed to be enacted in the House on June 15, 1979.

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

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

Joint Order Relative to a Review of the Committee on Inland Fisheries and Wildlife (H. P. 1517) which was passed as amended by House Amendments "A" (H-698) and "B" (H-717) in the House on June 13, 1979.

Came from the Senate with the Joint Order and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to insist.

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

An Act to Increase the Expenses for Legislators, to Increase the Compensation of the Constitutional Officers, Justices, Judges and District Attorneys and to Appropriate Funds for the Probate Court System Study (S. P. 617) (L. D. 1679) (S. "D" S-397)

Was 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.

By unanimous consent, ordered sent forthwith.

(House At Ease)

Called to order by the Speaker.

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

The Following Communication:

THE SENATE OF MAINE

Augusta

June 15, 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 Allocate Money from the Federal Revenue Sharing Fund and to Appropriate Funds from the General Fund for Teachers' Retirement and a Study of the Maine State Retirement System for the Fiscal Years Ending June 30, 1980, and June 30, 1981. (Emergency) (H. P. 1533) (L. D. 1682)

Respectfully,

S/ MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Expressions of Legislative Sentiment recognizing that:

The personnel of the Reprographics Division of the Bureau of Purchases have provided the professional expertise, dedication and enthusiasm to make this session a success,

The personnel of the Engrossing Division of the Secretary of State's office have provided the professional expertise, dedication and enthusiasm to make this session a success,

The personnel of Kennebec Journal Printing have provided the professional expertise, dedication and enthusiasm to make this session a success,

Came from the Senate Read and Passed.

In the House, the Orders were read and passed in concurrence.

The following paper appearing in Supplement

No. 10 was taken up out of order by unanimous consent:

Non-Concurrent 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) which Failed of Final Passage in the House on June 15, 1979.

Came from the Senate Finally Passed in non-concurrence.

In the House: The House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 11 were taken up out of order by unanimous consent:

An Expression of Legislative Sentiment (H. P. 1585) recognizing that:

Roger and Kay Mallar celebrate their 25th wedding anniversary on June 15, 1979.

Presented by Mr. Carroll of Limerick.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Davies of Orono, the following Joint Order (H. P. 1582) (Cosponsors: Senator Ault of Kennebec, Senator Trafton of Androscoggin and Mrs. Huber of Falmouth)

WHEREAS, the unavailability of fuel to generate electricity and the objections raised by increased use of nuclear energy create a need for alternate means to generate electricity; and

WHEREAS, Maine has an abundance of rivers on which have been built dams that could be used to generate hydroelectric power; and

WHEREAS, the possible use of Maine's small dams to generate hydroelectric power raises issues which should be addressed during a careful investigation; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that a Select Small Dam Study Committee shall be established as follows: Two Senators, one Republican and one Democrat, from the Joint Standing Committee on Public Utilities to be appointed by the President of the Senate; two Representatives, one Republican and one Democrat, from the Joint Standing Committee on Public Utilities to be appointed by the Speaker of the House; two Senators, one Republican and one Democrat, from the Joint Standing Committee on Energy and Natural Resources to be appointed by the President of the Senate; two Representatives, one Republican and one Democrat, from the Joint Standing Committee on Energy and Natural Resources to be appointed by the Speaker of the House; and be it further

ORDERED, that the committee shall study the feasibility of the development of Maine's small dams for the purpose of generating hydroelectric power. It shall examine all pertinent questions relating to the development of small dam hydroelectric power. In addition, the committee shall examine the Mill Act, the Abandoned Dams Act, the Neglected Dams Act, all legal users involving riparian rights and dam owner rights. The committee shall attempt to find statutory means and other means to resolve disputes between conflicting interests over the development of small hydropower generating facilities. The committee shall examine the feasibility of the development of small hydropower at all significant sites in the state, and shall make recommendations to the Office of Energy Resources as to the allocation of any money which the Office of Energy Resources controls for this purpose, including moneys within the Maine Energy Resources Development Fund. The committee shall be assisted in its activities by the Office of Energy Resources, the Office of Legislative Assistants

and the Office of the Attorney General; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the First Regular Session of the 110th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

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

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, the Order was indefinitely postponed.

The following papers appearing on Supplement No. 12 were taken up out of order by unanimous consent:

Non-Concurrent Matters

Bill, "An Act to Revise the Tree Growth Tax Law" (H. P. 1566) (L. D. 1687) which was Passed to be Engrossed as Amended by House Amendment "C" (H-734) in the House on June 15, 1979.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was Passed to be Engrossed as Amended by Senate Amendment "B" (S-392) in non-concurrence.

In the House:

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

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

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

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

The SPEAKER: The gentleman from Millinocket, Mr. Marshall, moves that the House recede and concur.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: This is the final crack that we might have at the tree growth law, our final chance to enact some changes, some badly needed changes, in our tree growth law.

The legislation before us, although not perfect, does accomplish several very worthwhile goals. It increases the valuation under tree growth. It is estimated that the valuation per acre or the valuation for 1980, if this law is passed, would be up about 25 percent from the valuation over 1979. I would point out that the valuation in 1979 was up 20 percent over the valuation of the previous year, and this is accomplished in a change in the discount rate and by the fact that the provision would call for annual recognition or changes in stumpage rate rather than every two or four years, as it is now.

I would point out that most of the controversy over why we have not been able to get agreement between the two Houses has been due to the reimbursement factor. These other factors have not been controversial; the stumbling block has been the reimbursement, but this 25 percent increase that I speak of would mean an average of 18 cents per acre taxes collected by each town that had tree growth. Eighteen cents an acre, I would point out, is about one and a half times the 11 cents reimbursement that our present law calls for.

So, I would hope that we would recede and concur so that we can get the bill or some needed changes in the present bill, because I

believe that these changes are going to be very beneficial and go along way toward alleviating the problems that are inherent in our present tree growth law.

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I haven't really spoken very much on tree growth other than at the beginning when I asked you to accept the majority committee report, that being Committee Report "A" with the severance tax. I see that now we are at a point where we have to recede and concur or simply kill everything, and it seems like a shame. It reminds me of four years past when we were fighting the same battle as this, it was the uniform property tax. That matter was never actually addressed straight on by this legislature and ultimately it had to go to the people and ask the people to straighten out the errors of our ways, and obviously they did.

I think and I suggest to this House that the same thing will come true with the tree growth law. Most people don't understand it, I appreciate that and I am not sure manytimes that I understand all of the workings of the tree growth law. However, I can tell you this, that you haven't seen anything yet. There are many people waiting out there to see what the legislature will do before they put their land under tree growth. There are other people that are now being made aware of the fact that this is a great shelter in which they can put their land and they will ultimately be putting their land under it. You will see tremendous tax shifts in the local communities, tax shifts that will go to you, go to people who are less than able to pay or afford their taxes at the present time let alone the shift that will ultimately be levied upon them. I think that is wrong.

I think the legislature, when it ultimately or initially passed the tree growth law, had a commitment to fund whatever incentives they wanted to promote for the growth of trees and the harvesting of trees in this state. I think that the commitment was from—I don't care where the tax source necessarily came from but it certainly should have come from the state level. It should not have nor should it continue to be forced subsidizing of the local taxpayer, the taxpayer within my town, the town of Woolwich, within many towns in this state.

What we are doing, simply, ladies and gentlemen, is giving a program that will ultimately give the state, I would assume, a greater harvesting of trees, retain a natural resource that we at present have, at the expense of people that are less than able to pay. That is absolutely wrong.

We have problems with our property tax system, we all know that. We have dealt with this year with tree growth to no avail. We have dealt with government properties and the federal properties to no avail. We have dealt tax exempt property to no avail. All of those things have been killed. We have an open space and farm act because we found that farms couldn't survive with the tax structure we presently have.

We have given veterans parts of tax exemption, portions of property tax exemption. We have exempted parsonages from portions of the property tax. We have an elderly property tax relief. How long, ladies and gentlemen, are we going to go before we realize that the property tax structure that we presently have in the State of Maine is wrong and is unfair to the people? We keep dealing with it on a piece meal basis.

I am here today between a rock and a hard place, if you will, and that is a common Maine expression, because I don't know whether to recede and concur or simply kill the whole bill, go back to the very unjust, unfair tree growth law that we presently have and just lead a repeal effort, because I can tell you, ladies and gentlemen, that regardless of what you do

today, that effort is going to be made.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: In this last effort that we have made in resolving some of the problems in tree growth, for many of the same reasons that the gentleman from Woolwich, Mr. Leonard has stated, I ask you to vote to recede and concur.

There is a combination of elements here who are opposing this recede and concur motion. One element which wishes the solution, which was not adopted by the other body and was not acceptable to the other body, because that recommendation that they had made was not adopted, I believe some individuals here would rather let things just sit and let the pot boil without an attempt to even address the problems here. That is one element.

Another element is those towns and cities which, under the current tree growth tax law, are making money. Those communities have a very strange way of saying, we are losing money under tree growth. What they should be saying, in fact, is that we are not going to be able to rip the State of Maine off more. You are going to restrict our ability to make money on tree growth, and that is what I am intending to do. That is why many of the towns that have been listed here as losing money are not losing money according to their tax structure but losing money according to the tree growth tax law to last year, which, again, without any amendment and any attempt to address the problems today, will continue. Those inequities will continue, those towns will continue to make money off tree growth. The problems will continue to be with us.

Now, I am not particularly interested in tree growth one way or the other. My community has not that much land under it, the Great Northern Paper Company, which constitutes much of the land around my area, does not have as much land under it as many other large landowners in this state, but I did want to make an attempt to address a solution to the problem for the rural communities in the state and the coastal communities.

Now, we know we can not reach a bargain which is satisfactory to everyone, but I remind you good people that we have addressed formula changes, changes in the formula, which will start to begin to help correct the situation, and although under Committee Amendment "B" all communities would lose money the first year, that is hoped to be made up in the third year when the formula changes begin to come into effect.

Now, I would remind you again that the towns that are listed as losing money, you have to expect that, because we do not have the money available to fund at 100 percent at this point in time. We are not prepared, according to the other body, to accept a new tax to fund it 100 percent, it is phased in.

So, the alternative here today is to accept Committee Amendment "B" which is a beginning step in correcting the formula and takes a beginning step in trying to achieve 100 percent, reimbursement, which will be fair to everyone and which also corrects the inequities where those communities are making money off tree growth, or we can accept nothing. It is very easy at this late date and time to accept nothing and to go home. But as has been mentioned, the eyes are upon us, this is a valid compromise and I hope that you will earnestly go with it.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Lisbon Falls, Mr. Tierney, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Tierney assumed the Chair as Speaker pro tem, and Speaker Martin occupied his seat on the Floor.

Mr. Peterson of Caribou requested a roll call

vote.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It appears from time to time that we have to end this session, whether this one or a previous one, with tree growth. I guess this is a good a time as any to make it now.

We have been involved in some discussions since January on trying to resolve the problem of tree growth. There is absolutely no question, as the gentleman from Woolwich, Mr. Leonard, has pointed out, that it is one of those things that is not going to go away. It is inequity that exists that must be resolved. We thought we had an agreement yesterday and at my request I asked the Governor if he would submit another bill last night, which we, of course, passed and sent on to the other body. We hoped that that particular bill would solve the problems based on an agreement that had been reached, reimbursements of 35 percent the first year, 50 percent the second year, 70 percent the third and 90 percent the fourth year, with a grandfathering clause so that no one would be hurt, grandfathering those that would be losing money because of what they were getting before.

A funny thing happened since that time and the votes were not in the other body anymore.

The gentleman from Millinocket would tell you that it would be horrible for us to leave here and do nothing. Well, I can tell you this, it would be horrible to pass this and go home. That would be the biggest mistake we could ever make. The gentleman from Millinocket knows, and I agree with his position, he has no other position to take and I understand that, but I think it is a mistake to solve the inequities of the law for those under tree growth and give it to the municipalities of this state. That is what it amounts to.

You take all the pressure off the industry, all of the pressure comes off, ladies and gentlemen, all of their problems of inequity have been resolved; however, reimbursement to the municipalities is worse off than they ever were.

What the Senate version does is to add a little clause which says, yes, they shall be reimbursed at 35, 50, 70, and 90, provided that the money is in the budget, and if it isn't, it shall be prorated among municipalities. Well, try explaining to your municipalities how they have, on a set figure, based on a computer printout, 35 this year, right up the line for four years but they are not going to get that. They will be getting probably 20 percent this coming year based on the money we have available—20 percent.

Municipalities will be going from \$3,000 to \$400. Some of them are far worse than that because of the way this is structured. We can't afford that. The inequities are there, but it would be a bad mistake to say we will solve the problem for the industry, take the pressure off them, simply say, well, if there is enough money coming along the line, we will fund it, because, ladies and gentleman, the municipalities can't afford to have too much more placed upon them.

The gentleman from Bangor, Mr. Carter, indicated to you that would be resolved by itself because the formula changes 25 percent down the road because of the increase in stumpage values over the next two years. I agree that is possible, but there is one other sentence that has to be added to that sentence, and that is, at the same time you have a corresponding land value increase in your municipalities. If, in fact, the land value increase is higher than the percentage of stumpage increase, your municipalities will get even less than what is projected next year, not more. That is the danger with the version that has come down from the other end of the hall, and those dangers to me

represent something that is unacceptable to the municipalities.

Take a look at what happens to your own municipalities. From Harpswell to Eagle Lake the problem is the same; from Durham to Brunswick it is identical. The loss is substantial and the smaller the community is in number of people, the more the burden. That includes every town, almost to a municipality, in Aroostook County and Piscataquis and Somerset, with few exceptions, Northern Penobscot, and you go right down the state, ladies and gentlemen, and, to me, there will be a compromise. When the pressure gets sufficient enough upon every one, there will be agreement. Unfortunately, that time has not come and I certainly hope that we adhere.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Marshall, my good friend, made reference in regard to the eyes are upon us. How little did he realize how true that is.

I would like to take you back just a little, ladies and gentlemen, to what I have been concerned about for the last year and emphasize once more so that there is no misunderstanding on what is happening.

Mr. Carter reiterated about the increase of 25 percent on woodland underneath tree growth being at \$52 an acre this year. Well, let me tell you what happened to Don Hall's land in Sangerville, when it was revalued, it went from \$70 an acre to \$180 this year. This was by Sewall and Co., which is a good company to revalue your land. I have no problem with that and I told the assessors I'll buy that because the value of the land is there.

Now, three years from now in the contract we have, they are supposed to come back and revalue this again. Do you suppose it will stay at \$160 next time, my friends? Absolutely not. Already in the town of Monson, when they were revalued, \$300,000 worth of the property there is gone from the property tax into tree growth or a little over 2,000 acres. Now, what does that tell you? With all of this 18 cents an acre you are telling about giving back to the towns that don't even cover the bottom of the barrel my friends for the difference the towns are already losing from the shift. So, this bill is just no good at all for what we have been trying to work for all winter. Why adhere, I would like to kill the whole cussed thing.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there has been anybody in here that has wanted to solve this issue this year any more than I did and that is why we helped and tried to work with the Governor in getting a new bill in because we thought we had reached the point where there was a possibility for compromise and that did break down, as the Speaker had mentioned a few minutes ago. However, this bill, as it stands now with the reimbursement what we are talking about, really doesn't even meet the straight face test. Because I can't go back to my towns and I don't have much in tree growth but I cannot ask our fellow legislators to go back to their towns and say we solved tree growth and we did it by giving you \$100,000 less reimbursement in the next fiscal year than what you are scheduled to get. We were already scheduled to get \$500,000 worth of reimbursement in this coming fiscal year. The Senate Amendment reduces that to \$400,000.

Now, when you have less money, essentially what that means is towns, individual towns are going to get less, because of the changes in the reimbursement formula, there are a few towns that will get more and we have been working on some of the printouts in terms of taking one page of the printout that we have, we have 21 towns on that particular page, and of those, 16

towns will get less money than what they even got in 1978, never mind what they are scheduled to get this year. 16 towns of those 21 will get less money than they got in 1978. Only two of those towns, of those 21, who will get less are in the classification that Representative Marshall talked about in terms of people who might be making money on tree growth. There are few towns, if you compare their tree growth value of the land with the undeveloped value of the land in the town, they might make money but they are not making money as far as what that land would be valued at if it were going to be valued at roadside frontage or shore frontage or lake frontage or anything else. So, they are not necessarily making money on it. The formula might not show them having a lot but that doesn't mean they don't have one.

So, what we are talking about now is really sort of a system of robbing Peter to pay Paul, under this Senate Amendment. And the mathematics are wrong because when you set up that kind of a system you try to have at least a majority of the towns coming out ahead. The way it looks, in taking a look at this, that is not the case because the page that I chose was just the first page and we have gone over some of the others and they are about the same. We are talking next year, less money for reimbursement to towns. Then the year after that, we are talking about \$600,000 to reimburse, that is supposedly 50 percent. But by the time you get through figuring all the new value of the land that is going to be put into tree growth in this next year, I agree with Representative Leonard that it is going to be considerable. When you start adding in all that value, I think you will find that you will be reimbursing at even less than what you will be reimbursing this year. This year we tell people, hey great you are going to get 35 percent but we are going to prorate everything, so you are only really going to get 20. In many cases, that is going to be less than what you got last year.

Next year, I think the situation is going to be no different. We are going to be back here and staying here, as hot as it is today, I can't be too excited about that, but we are going to be back here in six or seven months.

Certainly the Governor was very responsive in trying to help us work out this problem in the last days of the session. He had made a commitment previously that he would continue to help work and solve this problem. I hope that during the next six or seven months, if we are able to adhere, and I would urge you to vote against the recede and concur motion, I hope that in the next six or seven months, that we again try to get together because we were not that far apart, that we again try to get together and come up with a solution to this problem. It is not going to happen though if a little bit of oil is spread on troubled waters. Just enough maybe to take a little bit of the pressure off with a few of the towns but not enough to solve the problem. So, I would hope that you would oppose the motion to recede and concur so that we can, in fact, move to adhere.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I do want to commend all the members of the Committee on Taxation for attempting to resolve this problem and with the help of the Governor's Office. I would like you to know that, at this time, that I did try, unsuccessfully as it was, to try and separate the formula changes which definitely would have helped eliminate some of the current problems from the reimbursement formula but certain committee members were opposed, they thought it should be addressed as a package. I knew full well what the reimbursement would do to this program, because the reimbursement dealt with money which we do not have. The amendment, which was defeated in the other body, dealt with a deficit which we

would have been committed to fund, next year.

This one that we present to you today does not offer a deficit. It works within the bounds of our budget, it is fiscally practical and I sympathize with many of the communities but I recognize as well that, as the gentleman from Eagle Lake, Mr. Martin, has stated, many communities will lose and I recognize it but what will be lost in the first year, hopefully, will be made up. I say, hopefully, because we do not know, will be made up by the changes in the formula, it is a hand in hand package and because we couldn't separate it, I believe we must accept the full package to begin to address the problem.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Lisbon Falls, Mr. Tierney, for presiding as Speaker pro tem.

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

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 Millinocket, Mr. Marshall, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

Mrs. Huber of Falmouth was excused from voting, pursuant to Joint Rule 10.

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

MR. COX: 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, I would be voting no.

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

MR. MICHAEL: 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; I would be voting no.

ROLL CALL

YEA — Austin, Birt, Bordeaux, Brown, D.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Churchill, Conary, Damren, Davis, Dellert, Drinkwater, Fillmore, Gavett, Gould, Higgins, Hunter, Kany, Kiesman, Lancaster, Leighton, Lewis, Lougee, Lowe, MacBride, Marshall, Masterman, Matthews, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Sprowl, Stetson, Tarbell, Torrey.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carroll, Chonko, Cloutier, Connolly, Cunningham, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Hutchings, Jackson, Jacques, P.; Joyce, Kane, Kelleher, LaPlante, Leonard, Lizotte, Locke, Lund, MacEachern, Mahany, Martin, A.; Masterton, Maxwell, McHenry, McKean, McMahon, McSweeney, Mitchell, Nadeau, Nelson, M.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Small, Soulas, Stover, Strout, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Carrier, Curtis, Dexter, Dudley, Immonen, Jacques, E.; Laffin, Nelson, N.;

Smith, Whittemore.

PAIRED — Cox-Jalbert; Boudreau-Michael.
EXCUSED — Huber.

Yes, 45; No, 91; Absent, 10; Paired, 4; Excused, 1.

THE SPEAKER: Forty-five having voted in the affirmative, ninety-one in the negative, with ten being absent, four having paired and one being excused, the motion does prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Require Premium Impact Statement for Certain Workers' Compensation Legislation. (H. P. 956) (L. D. 1222) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 14, 1979.

Came from the Senate with that Body having Adhered on its former action whereby the Bill was Passed to be Enacted in non-concurrence.

In the House:

THE SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, as I understand it, the bill is alive in the Senate, is that correct, so I could move that we recede and concur?

THE SPEAKER: The Chair would answer in the affirmative.

Mrs. LEWIS: Mr. Speaker, I hope that we recede and concur on this bill. This bill had a very good hearing before the Labor Committee and I feel that it is an excellent bill, it had bipartisan sponsorship. The sponsors were the gentleman from Pittsfield, Mr. Wyman; the gentleman from East Millinocket, Mr. Birt; the gentleman from Freeport, Mr. Fillmore; the gentleman from Lewiston, Mr. Nadeau. It is what I call a real consumer bill, because it would require that this legislature, that the legislative committee, if they so desired, could ask the insurance commissioner for the percentage of either increase or decrease in workmen's compensation fees. It would tell us at a glance whether or not we could expect workmen's compensation to increase, which it does usually, or decrease which would certainly be, I think, a boost to passage of almost any bill.

A legislative committee doesn't have to make the request if it doesn't want to, but if it does, it would be the Commissioner of Insurance would be required to give within 30 days, the percentage of increase or decrease. We heard, at a hearing in the Labor Committee this year, that if a person was building a house today, he would pay the contractor the same amount for the foundation of the House as he would pay because the contractor for workmen's compensation insurance. If you think about that, that is a pretty scary thing, that is where the workmen's comp rates are going in this state.

So, I would hope that we would recede and concur and I would ask for a roll call please.

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

MR. HOWE: Mr. Speaker and Members of the House: I rise again today on what I believe is an insurance bill that went to the Committee on Labor, perhaps mistakenly. I would like to read to you a memo from Superintendent of Insurance, Ted Briggs to the Legislative Finance Officer, dated June 4. The purpose of L. D. 1222 is to obtain information for legislative committees concerning the impact that proposed legislation will have on workmen's compensation rates. It goes on to say that the evaluation of legislation concerning its percentage impact on existing rates is a highly complex and expensive procedure. We currently estimate the cost to the Bureau of Insurance will be \$100,000 per year if this bill is enacted. We will need this to provide for a fellow of the casualty actuarial society, I assume on contract, two actuarial trainees, a key punch operator and the cost of generating the data base and computer time. It is assumed that the cost of this bill will be to the insurance regulatory fund, which is a ded-

icated revenue account and that is why there was not a fiscal note from the General Fund on this. It would use up a large substantial portion of the surplus being carried by that account. But there is a surplus being carried by that account. But there is a surplus there only because the previous administration really and truly didn't want the Bureau of Insurance fulfilling all of its duties charged to it by the legislature. Under a new administration, under a new superintendent, under the Commission of Business Regulation, positions over there are being upgraded, examiner positions, they are trying very hard to hire an actuary.

Last year, they tried to get an actuary, a life actuary, they advertised all over the country, didn't get a single response because they weren't allotted enough money to get an actuary. Actuaries come high.

What I am trying to say is, there is a surplus in that account but it is badly needed to upgrade the Bureau of Insurance if that bureau is going to do the job that it ought to be doing. If we take \$100,000 every year out of that surplus, the bureau isn't going to do it unless, as Mr. Briggs goes on to say, we appropriated additional revenues or we reduced the regulation in future years. I feel this is a bad measure, I think it is kind of hokey. I think that the impact on the Bureau of Insurance was not properly considered by the Committee on Labor and I hope that we adhere today.

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

MR. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly. I speak on the behalf of all leadership here in the House. The gentleman from Cumberland, Mr. Garsoe, just simply asked me to say that there was an agreement that this bill would go to the Appropriations Table, it did and it got down to the Governor's desk and there is a very substantial price tag and, at this point, we just can't afford it.

THE SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hate to have to disagree with the two previous speakers but Mr. Briggs was at the hearing and, if we had passed the bill as it was originally written and that would have asked the impact statement shall contain the superintendents best estimate of the total premium cost, Mr. Briggs said, there would be a substantial charge for that. However, if we change total to percentage increase, and Mr. McHenry was interested in having the decrease too, so we put both of those words into the percent increase or decrease in premium costs, that there wouldn't be any cost at all, that it was just a question of a telephone call. Mr. Briggs was there and said that I don't know when he has come up with other evidence and I think if he has, he should have shared it with the members of the Labor Committee. So, I think that ought to be clarified. I realize this is the last day and there isn't a great deal of time, but somebody isn't telling us the true facts.

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 Auburn, Mrs. Lewis, that the House recede and concur. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Barry, Beaulieu, Berry, Berube, Birt, Bordeaux, Brown, D.; Bunker, Carter, F.; Conary, Connolly, Damren, Davis, Dellert, Doukas, Dudley,

Fillmore, Gavett, Gould, Hanson, Higgins, Hunter, Hutchings, Kany, Kiesman, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Michael, Morton, Nadeau, Nelson, A.; Norris, Payne, Peterson, Reeves, P.; Rollins, Roope, Sewall, Silsby, Sprowl, Strout, Torrey, Tuttle, Wyman.

NAY—Bachrach, Baker, Benoit, Blodgett, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Brown, K.C.; Call, Carroll, Carter, D.; Churchill, Cloutier, Cox, Cunningham, Davies, Diamond, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kelleher, Lancaster, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Mitchell, Nelson, M.; Paradis, Paul, Pearson, Peltier, Post, Prescott, Reeves, J.; Rolde, Sherburne, Simon, Soulas, Stover, Studley, Tarbell, Theriault, Tierney, Tozier, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, The Speaker.

ABSENT—Boudreau, Carrier, Chonko, Curtis, Dexter, Elias, Immonen, Jalbert, Laffin, McMahon, Nelson, N.; Small, Smith, Stetson, Whittemore.

Yes, 52; No, 84; Absent, 15.

The SPEAKER: Fifty-two having voted in the affirmative, eighty-four in the negative, and fifteen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent ordered sent forthwith to the Senate.

(Off Record Remarks)

Mr. McKean of Limestone was granted unanimous consent to address the House.

Mr. McKean: Mr. Speaker, Ladies and Gentlemen of the House: I hate to kind of end things on a sour note. Mr. Howe had something to send to the other end of the hall, but I have something to send to the other end of the hall also.

If you remember, we enacted a piece of legislation, L. D. 1444, which was An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the Use by Electric Utilities of an Estimated Meter Reading as a Basis for a Customer Bill. Well, my friends, we in this House, in our wisdom, enacted a committee report, which was Report A, which put two things on the bill. It changed a Section 96 of the bill, which was the minimum monthly electrical charge and it did something else very important—it added Section 97, which was a family farm rate. What this family farm rate did was recognize the fact that the small family farmers in this state are having a tremendous problem with their electric bills, because a lot of times the farm is run by the residential electricity rate. So this established a different rate for the small family farmer, and we have got hundreds of them in the state.

As you remember, there was not an agreement between this body and the other body on this particular bill; therefore, they went into a committee of conference. I have here a copy of the committee of conference report. The committee of conference report did one thing, it struck out Section 96 and it added a new Section 96. Now, the conference committee amendment "A", which we accepted in this House and which went down to the other body, is not the same as the committee of conference report which went to Research—it is not the same report.

My friends, what this means is that some individual within that committee of conference took it upon themselves to eliminate a section of that particular bill which is of major importance to the small farmers in this state, and I think, my good friends in leadership, that de-

serves an explanation. Not only do I think that, I also think that there needs to be some sort of an action taken by leadership to insure that this type of thing does not happen again, because if it does, my friends, what good are your committee of conference reports? Once you hand it over to one individual and that one individual takes it down and makes a change of that importance without you or the rest of the committee knowing about it, what good is that committee of conference report? It undermines the whole thing that we sit here doing.

I would like this on the record because I think it is wrong and I think there is no need of it and I hope that leadership will do something so that in the future this will never happen again.

Mr. Pearson of Old Town was granted unanimous consent to address the House.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have leadership tell us, when they can, as soon as possible, who was responsible for doing that.

The SPEAKER: The Chair, at this point, knows nothing about the situation but we will check it out.

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

Mr. PEARSON: Mr. Speaker, I understand that at this point you don't know anything about it. I would like to have you find out and tell us who was responsible.

The SPEAKER: I will check it out.

The following papers appearing on Supplement No. 12 were taken up out of order by unanimous consent:

Leave to Withdraw

Mr. Davies from the Committee on Public Utilities on Bill "An Act Relating to Motor Carrier Reform" (H. P. 1381) (L. D. 1606) reporting "Leave to Withdraw"

Mr. LaPlante from the Committee on Local and County Government on Bill, "An Act to Clarify Certain Statutes Relating to Municipalities" (H. P. 318) (L. D. 395) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following Joint Order appearing on Supplement No. 14 was taken up out of order by unanimous consent:

The following Joint Order (S. P. 625)

WHEREAS, the Allagash Wilderness Waterway was established by the Legislature in 1966 for the protection and preservation of the natural scenic beauty and unique character of the waterway; and

WHEREAS, the Legislature has not reviewed the implementation of this intent since the inception of the waterway; and

WHEREAS, this unique area has become widely known for its natural character and the quality of its lakes and rivers, and the use of the area has increased tremendously in recent years; and

WHEREAS, Allagash Lake was included in the waterway with the intention that it provide an especially wild, quality, wilderness experience, maintained by the difficulty of access to this area; and

WHEREAS, the extensive use of Allagash Lake at certain seasons, made possible by easy and nontraditional forms of access, may be a threat to the unique quality of the experience the lake was intended to provide and may degrade the trout fishing, which provides important spawn stock for the Department of Inland Fisheries and Wildlife; and

WHEREAS, increased use on the entire waterway may threaten both the existing high quality fisheries and the wilderness recreational experience; and

WHEREAS, it may be necessary to further

restrict some forms of access to the waterway in order to protect these important values; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that a Special Select Committee shall study the access to and use of the Allagash Wilderness Waterway. The Special Select Committee shall consist of 4 members of the Joint Standing Committee on Fisheries and Wildlife and 4 members of the Joint Standing Committee on Energy and Natural Resources; and be it further

ORDERED, that the Special Select Committee consult with the Department of Conservation and Department of Inland Fisheries and Wildlife, the surrounding landowners and the commercial interests promoting use of the waterway; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

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

Came from the Senate read and passed.

In the House, the Order was read and indefinitely postponed on non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following Joint Order appearing on Supplement No. 15 was taken up out of order by unanimous consent:

The following Joint Order (S. P. 626)

WHEREAS, the Interim Education Finance Commission has recommended further study of the use of income information in the school finance law; and

WHEREAS, bills have been introduced to significantly alter the present method of establishing the state's share of education costs through the inclusion of income data from each administrative unit; and

WHEREAS, any major changes in the school finance law may have significant effects on consolidated school districts which have formed under other laws; and

WHEREAS, without a thorough study of these topics the Legislature will be unable to assess carefully any future proposals of this kind; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Education shall study the use of income data as one factor in the determination of a community's wealth for purposes of school funding; and be it further

ORDERED, that the committee shall also make an assessment of the need, if any, for changes in the laws relating to the formation and subsequent governance of school districts; and be it further

ORDERED, that the Department of Educational and Cultural Services and the Bureau of Taxation are directed to cooperate with the committee; and be it further

ORDERED, that the committee is authorized to select, with the approval of the President of the Senate and the Speaker of the House, a group of 8 persons including 2 school superintendents, the State Tax Assessor, a representative from the Maine Municipal Associa-

tion and 4 members of the public to carry out any portion of the study deemed appropriate by the committee; and be it further

ORDERED, that persons selected by the committee may receive their actual expenses incurred in attendance at meetings authorized by the committee as part of its study; and be it further

ORDERED, that the committee report its findings and recommendations together with all necessary implementing legislation in accordance with the Joint Rules to the Legislative Council for submission in final form at the Second Regular Session of the 109th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

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

Came from the Senate read and passed.

In the House, the Order was read and indefinitely postponed in non-concurrence and sent up for concurrence.

The following Order appearing on Supplement No. 16 was taken up out of order by unanimous consent:

The following Joint Order (S. P. 638)

ORDERED, the House concurring, that notwithstanding Joint Rule 21, the following bills may be retained by the committees to which they have been referred during the course of the interim between the First and Second Regular Sessions of this Legislature and may be considered by those committees during that time under the supervision of the Legislative Council and shall be reported to the appropriate House on the first day of the Second Regular Session:

Business Legislation

(H. P. 1305, L. D. 1586 An Act to Establish the Insurance Regulatory Commission)

(H. P. 1077, L. D. 1330 An Act to Improve Private Remedies for Violations of the Antitrust Laws)

Health and Institutional Services

(H. P. 1089, L. D. 1466 An Act to Provide for Licensing and Regulation of Adult Foster Homes)

Taxation

(S. P. 414, L. D. 1314 An Act Providing for Administrative Modifications to Property Tax Laws Administered by the Bureau of Taxation)

Came from the Senate read and passed.

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

(Off Record Remarks)

At this point, the Speaker appointed Mr. Tierney of Lisbon Falls to inform the Senate that the House had transacted all business before it and was ready to adjourn without day.

Subsequently, Mr. Tierney reported that he had delivered the message with which he was charged.

At this point, a message came from the Senate, borne by Senator Katz of Kennebec, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, to inform him that the House had transacted all business before it and was ready to receive any communication that he may be pleased to make:

Mrs. POST of Owl's Head

Mrs. KANY of Waterville

Mrs. BACHRACH of Brunswick

Mrs. MARTIN of Brunswick

Mrs. WENTWORTH of Wells

Mrs. DAMREN of Belgrade

Ms. LUND of Augusta

Subsequently, Mrs. Post of Owl's Head for the committee reported that the Committee had performed the duties with which it was charged and that the Governor would be present in the House forthwith.

His Excellency, Governor Joseph E. Brennan, entered the Hall of the House amid prolonged applause, the members rising, and delivered the following communication:

Governor BRENNAN: Mr. Speaker, Ladies and Gentlemen of the House: I must say, I am rather overwhelmed by that very low key reception—that is not the way they do it down at the other end of the hall.

It does give me great pleasure to come here for the fourth time this session, and I know it will give you great pleasure to know that my remarks will be considerably shorter than they were when I delivered my inaugural message, my budget message and my legislative message.

Although we have had our fair share of problems, the accomplishments of this First Regular Session of this Legislature, in my judgment, have been impressive. What has been done in the past six months will have a lasting and positive effect on the people of this State.

We have kept faith with the people and we have not raised taxes. We have achieved fair and equitable and long overdue pay raises for secretaries, the prison guards, clerks and all the workers in our state government. We have passed a responsible highway program that will promote safety and stimulate economic development. We have taken a major step towards revitalization of our fishing industry by passing a bond issue to support fish pier construction. We have expressed our faith in higher education, in the vocational institutes and our schools by the financial commitments that you have made to them. We have demonstrated our commitment to human needs of our less fortunate citizens by the actions you have taken in the last few days, and we have acted in many other areas far too numerous to mention, in ways that uphold our responsibilities to a public that looks for leadership and allows each of us to look back with pride on the accomplishments of the past six months, and we have learned to work together.

We have cooperated and we have compromised. It has been a constructive session. In behalf of the people of all of this state, I commend you for your diligent and responsible efforts. I wish to wish you a happy and pleasant summer. Thank you very much. (Prolonged applause, the Members rising).

Thereupon, Governor Brennan retired from the Hall of the House.

The SPEAKER: On behalf of the staff, my staff, the Clerk's staff, I want to thank you and all members of the leadership in both parties, both Houses. Overall, I think we have done extremely well and we will see you, if we don't have a special session, in January.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I move the House stand adjourned without day.

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House adjourn sine die. Is this the pleasure of the House?

The motion prevailed and at 5:09 P.M., Eastern Daylight Saving Time, Friday, June 15, 1979, the Speaker declared the House adjourn without day.