

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Ninth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Thursday, February 14, 1980

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

Prayer by the Reverend Doctor Yeager Hudson, Professor of Philosophy, Colby College, Waterville.

Rev. HUDSON: Let us pray! God, our Father, we pause before beginning the work of this day to offer thanks to thee for all the good things we have received from thy hand.

We are mindful that we are a people upon whom thy blessings have been richly poured. We receive thy blessings with grateful hearts, rejoicing that our nation has received thy grace in favor. We are mindful, also, of the challenges and dangers which confront our society today both at home and around the world. We pray especially for 50 of our fellow Americans who on this 103rd day of their harsh imprisonment are innocent victims of the cruelty human beings, in their ignorance, their frustration and their sinfulness inflict on one another. We pray for the leaders of our nation and for those of the other nations of the world, that they may have the patience, the wisdom and the imagination necessary to untangle the small affairs which divide nation from nation and set the hearts and minds of one people against those of another. Teach us as individual human beings and as nations to cultivate trust and good will among all men and women so that our generation may be spared the scourge of war and that our children and their children may live in a world of prosperity and peace.

For these legislators assembled here to deliberate and decide important matters of state policy and law, we ask from thee a generous portion of divine guidance. May they be keenly mindful of the solemn responsibility they bear and of the great respect and trust which the citizens of this state have placed in them. Enable them to set aside partisan interests and all narrow prospectives so that they may perceive clearly and without bias the real needs and concerns of our people. Give them vision to see new and creative ways to deal with our common problems and to find innovative solutions and imaginative answers to the issues of this new decade. May they always have the wisdom to see what is right and the courage to act upon what is just, turning aside from the merely expedient in favor of what is really in the best interest of all our people.

As we look to them for leadership, so may they look to thee and may they find in thee that source of inspiration and strength which can lift them above the level of politics to the plan of true statesmanship. All these good things we ask in the spirit of thanksgiving for thine own mercy's sake. Amen.

The journal of yesterday was read and approved.

Papers from the Senate Non-Concurrent Matter

Bill "An Act to Eliminate Dedicated Revenues for the Department of Inland Fisheries and Wildlife" (H. P. 1828) (L. D. 1932) which was referred to the Committee on Appropriations and Financial Affairs in the House on February 12, 1980.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, I move that we adhere.

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

Mr. PEARSON: Mr. Speaker, this is a peculiar type of situation. Usually committees are fighting over trying to get bills. In this particular situation, Appropriations, at least for my sake, really doesn't think that this bill, on

second blush, belongs in Appropriations. I understand the chairman of Taxation doesn't think it belongs in her committee either, so I move that we recede and concur.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: It is, indeed, unusual when I stand and say that this is a particular bill that should not belong to the Taxation Committee.

I think what happened in the other body was that they, as I understand it, took a look at the bill and said it is dedicated revenues, and since the issue of undedicating the gas tax went to Taxation, this one should also go there. But I think this is a different situation and there are not taxes involved, we are talking about license fees.

I would urge you to simply support the chairman of Appropriations and Financial Affairs in his original motion, which was to send it to Appropriations and Financial Affairs. I think that is a much more, if I may so, appropriate committee. I would ask you to vote against the motion to recede and concur because it does not belong in Taxation.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The Statement of Fact on this bill says—"It also deletes the dedicated Snowmobile and Watercraft funds along with the dedicated revenues from the Department of Inland Fisheries and Wildlife." It goes on to say that the majority of the revenue would come from the General Fund. Really, I am in a quandry, a dilemma, because I understand that my committee has the responsibility of the General Fund but it is a major policy change and maybe it should have gone to State Government in the first place, but Mrs. Kany indicated to the Speaker yesterday that she didn't want the bill.

I see hundreds and hundreds of snowmobiles, and I hope you will still recede and concur.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope you vote against that motion. My suggestion would be to send it to Fisheries and Wildlife.

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

A vote of the House was taken.

45 having voted in the affirmative and 61 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Kany of Waterville, the House voted to recede.

On further motion of the same gentleman, the Bill was referred to the Committee on Fisheries and Wildlife in non-concurrence and sent up for concurrence.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) which was referred to the Committee on Fisheries and Wildlife in the House on February 12, 1980.

Came from the Senate referred to the Committee on Taxation in non-concurrence.

In the House: On motion of Mr. Dow of West Gardiner, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues" (H. P. 1836) (L. D. 1940) which was referred to the Committee on Fisheries and Wildlife in the House on February 12, 1980.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs

in non-concurrence.

In the House: On motion of Mr. Dow of West Gardiner, the House voted to recede and concur.

Non-Concurrent Matter

Joint Order relative to "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District" may be introduced during the Second Regular Session of the 109th Legislature (H. P. 1811) which was read and passed in the House on February 8, 1980.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Dudley of Enfield, the House voted to insist and ask for a Committee of Conference.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and referred to the following Committee:

Judiciary

Bill "An Act Concerning Revisions in the Maine Juvenile Code" (H. P. 1847) (Presented by Mr. Hobbins of Saco) (Governor's Bill) (Ordered Printed) Sent up for concurrence.

The following Joint Orders, Expressions of Legislative Sentiment recognizing that: (H. P. 1840) the League of Women Voters of our State and of our Nation on the 60th anniversary of their founding on February 14, 1920;

Presented by Mrs. Bachrach of Brunswick (Cosponsor: Mrs. Masterton of Cape Elizabeth.)

The Order was read.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: The League of Women Voters originated when women were finally allowed to vote. It was established in order to become a forum where women might become informed about issues. It was always a non-partisan group and there were never any debates upon candidates, only issues.

The league came to consensus on issues they wished to support and worked to communicate their point of view to the various governing bodies of the country.

At this time, there is a real sentiment for including men in the membership in the League of Women Voters and we do, in fact, have some men members. We have thought of changing the name so that men wouldn't feel embarrassed about being members but find that there are legal reasons against changing the name.

The members of the league are interested in governmental issues, and a number of them have been inspired to run for public office. I hope that we will keep up this good work for many more years, and we thank you for your congratulations.

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

Mrs. MASTERTON: Mr. Speaker and Members of the House: Happy Bipartisan Birthday to the non-partisan league. Its graduates have entered the world of politics and decision-making. They hold positions of power and responsibility in local, state and national government. And Happy Bisexual Birthday to the league. The fact that Senator Katz in the other body saw fit to join the league when it opened its membership up to males is not only a measure of his very good judgment but, more importantly, a tribute to the educational virtues of the league.

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

By unanimous consent, ordered sent forthwith to the Senate.

(H. P. 1848) Dana Hamlin of Temple who will

celebrate the 100th anniversary of his birth on February 19, 1980;

Presented by Mr. Rollins of Dixfield (Cosponsor: Senator O'Leary of Oxford)

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

Tabled and Assigned

On motion of Mr. Tierney of Lisbon, the following Order: (Cosponsor: Mr. Garsoe of Cumberland)

ORDERED, that House Rule 22 be amended by striking out all of paragraphs numbered 5th to 10th and inserting in their place the following:

5th. Expressions of legislative sentiment - Special sentiment calendar.

6th. Reports of committees and first reading of accompanying bills and resolves.

7th. Consent calendar - First Day.

8th. Consent calendar - Second Day.

9th. Bills and resolves reported by Committee on Bills in the Second Reading, and on their passage to be engrossed.

10th. Bills on their passage to be enacted.

11th. Orders of the day, and be it further

ORDERED, that the House Rules be amended by adding a new House Rule 56 to read as follows:

56. Any expression of legislative sentiment shall be placed, by the clerk, upon a special consent calendar and remain there for one legislative day; at the end of the legislative day it shall be considered as having been passed. Upon objection of any member to the placement or retention of such an expression on said consent calendar, it shall be removed and the question before the House shall be passage.

The Order was read.

Tabled pursuant to House Rule 53 and tomorrow assigned pending passage.

House Reports of Committees Leave to Withdraw

Mr. Davies from the Committee on Public Utilities on Bill "An Act Extending the Time which the Caribou Utilities District has to Take Over the Caribou Water Works Corporation" (Emergency) (H. P. 1706) (L. D. 1809) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 1720) (L. D. 1824) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Bring into Conformance the Year in which the House and Senate shall be Apportioned — Committee on State Government reporting "Ought to Pass"

(H. P. 1762) (L. D. 1888) Bill "An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law" (Emergency) — Committee on Labor reporting "Ought to Pass"

(H. P. 1785) (L. D. 1894) Bill "An Act to Increase the Level of the Maine Wage Assurance Fund" — Committee on Labor reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 15, under listing of Second Day.

Consent Calendar Second Day

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

(H. P. 1630) (L. D. 1740) Bill "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon" (C. "A" H-785)

On the objection of Mr. Kelleher of Bangor,

was removed from the Consent Calendar.

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

(H. P. 1672) (L. D. 1779) Bill "An Act to Appropriate Funds for Special Election" (Emergency)

(S. P. 674) (L. D. 1778) RESOLVE, Authorizing Execution of Leasehold Agreement Between Department of Educational and Cultural Services and the City of South Portland Establishing a Greenbelt and Public Park Area on the Southern Maine Vocational-Technical Institute Campus as Part of Spring Point Shoreway" (Emergency) (C. "A" S-412)

(H. P. 1631) (L. D. 1741) Bill "An Act to Limit Possession of Lobsters on Board Boats Rigged for Otter or Beam Trawling, Seining or Netting" (C. "A" H-786)

(H. P. 1633) (L. D. 1743) Bill "An Act to Allow Limited Use of Hydraulic Dredges in the Taking of Soft Shell Clams or Quahogs" (C. "A" H-787)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence, and the House Papers were passed to be engrossed and sent up for concurrence.

(H. P. 1727) (L. D. 1846) Bill "An Act Relating to Plumbing Permits and Waivers for Septic Systems under Certain Conditions" (C. "A" H-788)

On the objection of Mr. Brown of Livermore Falls, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-788) was read by the Clerk.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I hesitate to rise on this bill this morning because of who the sponsor is. I may never be recognized again this session, I am not sure.

As I read the content of the bill, it seems perhaps even more surprising. The soil scientists should stand up and object to this bill.

I understand why the item was introduced and I understand the problem involved, but I don't think it is that big a problem, especially as I have seen how the problem works around the state and how the plumbing code works around the state.

My biggest objection to this piece of legislation is very simple. I think that if we pass this bill, we are embarking on the first step to a statewide building code.

The SPEAKER: The Chair would advise the gentleman that we are not on the bill at the moment, we are on Committee Amendment "A".

Mr. BROWN: I am sorry, Mr. Speaker. My previous remarks hold for Committee Amendment "A" as were for the original bill. I am still convinced that if we pass Committee Amendment "A", we are, again, as I stated earlier, getting our foot in the door as far as a statewide building code is concerned. That is the part of the amendment which I object to. If somebody on the committee can perhaps enlighten me and the rest of the body as to what the implications are, I would certainly appreciate it.

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, most members of the committee were very concerned about the possibility of establishing such a statewide building code,

and in order to prevent anything leading along this line, the bill was structured in this manner. It would simply state that the local officials could be shown that the soils could support an underground waste system if the home was going to be used for habitation, or if it were going to be enlarged, it would have to correspond with the number of units that a new home would have. There would be no building code required here at all.

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

Mr. BROWN: Mr. Speaker, again, I understand the rationale, but the State Plumbing Code very explicitly requires that certain conditions be met before a plumbing permit can be issued on any site.

If somebody is foolish enough to go ahead and start construction on a building without having the site evaluation completed, or the soils tested, then he is taking quite a risk. The department of human services in the municipalities do have the authority now, as I understand it, to halt construction on that building and it has been done. There is a building in the Town of Freeport, for example, that is only half under construction that is rotting away because a court order was brought in and the soils have been found unsuitable after the fact and construction was halted.

I think the mechanism is already there and, again, if we enact this bill and its amendment, we are, I think, setting ourselves up again for possibilities of going into a statewide building code, because I still fail to see who is going to enforce this legislation if it is enacted.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

Passed to be Engrossed

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association" (Emergency) (H. P. 1753) (L. D. 1890)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

Amended Bills

Bill "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment" (S. P. 666) (L. D. 1720) (C. "A" S-411)

Was reported by the Committee on Bills in the Second Reading, read the second time and passed to be engrossed as amended in concurrence.

Second Reader

Later Today Assigned

Bill "An Act to Develop Elderly Congregate Housing in Maine" (S. P. 724) (L. D. 1873) (C. "A" S-413)

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

On motion of Mrs. Prescott of Hampden, tabled pending passage to be engrossed as amended in concurrence and later today assigned.

Passed to Be Enacted Emergency Measure

An Act to Establish the Boundary between Rockport and Rockland (S. P. 658) (L. D. 1698) (H. "A" H-777 to S. "A" S-403)

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. 121 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Clarifying the Authority of Municipal-

ities to Acquire and Operate Water Systems (H. P. 1605) (L. D. 1716) (H. "A" H-781)

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. 117 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Encourage Car Pools and Van Pools (S. P. 683) (L. D. 1806) (S. "A" S-409)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Aid Recovery of Medicaid Funds (S. P. 709) (L. D. 1845)

An Act Concerning the Category of Modified Antique Autos under the Motor Vehicle Statutes (H. P. 1598) (L. D. 1709) (C. "A" H-764)

An Act to Clarify Procedures Involved with the Municipal Shellfish Conservation Program (H. P. 1613) (L. D. 1723) (C. "A" H-766)

An Act to Authorize a Bond Issue for Franklin County for the Construction of a New Detention Facility (H. P. 1650) (L. D. 1759)

An Act Providing for the Election of a Deputy Moderator at Town Meetings (H. P. 1737) (L. D. 1855) (C. "A" H-768)

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.

Orders of the Day

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

Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1816) (L. D. 1927)

Tabled—February 12, 1980 by Mrs. Prescott of Hampden.

Pending—Passage to be Engrossed.

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

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

An Act Relating to the Vocational-Technical Institutes (Emergency) (H. P. 1788) (L. D. 1907)

Tabled—February 12, 1980 by Mr. Pearson of Old Town.

Pending—Passage to be Enacted.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 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.

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

An Act Relating to Maine Educational Advisory Organizations (H. P. 1646) (L. D. 1756)

Tabled—February 12, 1980 by Mr. Connolly of Portland.

Pending—Passage to be Enacted.

On motion of Mr. Connolly of Portland, retabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act to Create the Maine Spruce Budworm Management Act" (Emergency) (H. P. 1846) (Committee on Energy and Natural Resources suggested)

Tabled—February 13, 1980 by Mrs. Post of

Owl's Head.

Pending—Reference.

On motion of Mrs. Mitchell of Vassalboro, retabled pending reference and tomorrow assigned.

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

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 37 (Emergency) (S. P. 659) (L. D. 1697)

Tabled—February 13, 1980 by Mr. Connolly of Portland.

Pending—Motion of the same gentleman to reconsider Failure of Passage to be Enacted.

On motion of Mr. Connolly of Portland, retabled pending the motion of the same gentleman to reconsider failure of passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Increase Registration Fees for Watercraft" (H. P. 1835) (L. D. 1939) which was referred to the Committee on Fisheries and Wildlife in the House on February 12, 1980. Came from the Senate referred to the committee on Taxation in non-concurrence — which was tabled earlier in the day and later today assigned pending further consideration.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I have a little problem. This increase in boats traditionally always goes to the Fisheries and Wildlife Department and of course they administer the funds and they keep some in Marine Resources.

My intention was to have somebody from the committee, or a couple people from the committee, sit on the hearing because I have already set the hearing for next Thursday, the 21st, in Fish and Game. So, if possible, I would like to have the House vote against the motion to recede and concur, then go with my motion to adhere.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The watercraft registration fee affects not only inland boats but also boats on saltwater. This fee originally came from the federal government, they used to handle it. You went to the post office and you bought your registration there.

The money is handled by the Division of Watercraft, which happens to fall under the Fish and Game, but the breakdown of boats between saltwater and freshwater, this money goes to pay wardens for safety inspections both inland and on saltwater. The money is also used for a number of other things, it seems to be being used for a number of other things, and I feel that this bill should go to either Taxation or Appropriations. The Senate felt that Taxation is where it should go and I hope that that will be supported and you will vote to recede and concur.

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

A vote of the House was taken.

56 having voted in the affirmative and 64 in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

The Chair laid before the House the following matter:

Bill "An Act to Develop Elderly Congregate Housing in Maine" (S. P. 724) (L. D. 1873) (C. "A" S-413) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mrs. Prescott of Hampden, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-789) was read by the Clerk.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: When the committee sent this bill out, it should have included the fact that the \$80 and \$100 a month would be paid for support services would be 'per month' and it didn't read that way in the Committee Amendment. We wanted that clear.

The second thing that the amendment does is to say that these funds shall not be expended until either one of the two projects is ready for occupancy and that any balances of the funds remaining at the end of the fiscal year shall not lapse but be carried forward.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment thereto was adopted in non-concurrence.

Mrs. Berube of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-790) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: In reading this bill last week, I noticed there were a couple of things that I was a little concerned with. My amendment attempts to address that. One of the concerns is that the legislative review of the program in the 110th Legislature should be given to the Appropriations Committee as well as to Health and Institutional Services. Secondly, it deletes the appropriations.

I had some concern that we were taking \$87,300 and some odd dollars out of General Fund monies and, in a sense, shelving them for two years, approximately, because they would not be able to furnish supportive services for the elderly for that period of time. I was a little concerned that we were taking monies that could be utilized elsewhere on an emergency basis and not have any recourse to them. In other words, they would be held in escrow, drawing interest at the same time. Maybe that is the right approach, I don't know, but I felt that that wasn't quite right. I guess those were my two concerns, which are addressed by the amendment that I have presented.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would move the indefinite postponement of House Amendment "A" for the reason that we are deleting the appropriation, which is the most necessary part of the bill itself.

The other language that she referred to whereby the review should be done by Health and Institutional Services and the Appropriations Committee, I have no objections to having Appropriations Committee do the review. In fact, that should have been included as well. We want the Appropriations Committee made aware of the expenditure of funds.

I do have the objection that we remove the \$87,000 price tag. That is the states share of supportive services for two years' of costs. It is, in effect, seed money which must be up

front money, before Farmers Home or before the Maine State Housing Authority will agree to construct the two units that will house the 48 residents.

We do need the appropriation on the bill, so I move the indefinite postponement of this amendment which takes it off.

Whereupon, Mr. Marshall of Millinocket requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Prescott of Hampden requested a roll call vote.

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

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I was a little confused. The motion was indefinite postponement and I could see that the lights were all red, so I think there needs to be further explanation on the bill.

The amendment would take off the appropriation of \$87,000. We cannot allow that to happen. This bill will not pass without the appropriation. The appropriation is the up-front feed monies which are required if we want to construct the units of congregate housing.

This bill is a priority of the Maine Committee on Aging, it is a priority of the Committee on Health and Institutional Services. It came out of the committee with a majority and only one person signed the bill "ought not to pass". That person, I believe, has since changed his mind.

The Blaine House Conference on Aging, which was held in 1978, attracted a thousand elderly people around the state and, as a result of that conference, there was a task force set up on congregate housing. The task force has worked very hard over the last year in trying to show us some options in the long-term care system, and congregate housing is certainly an option which we should not object to, the reason being that congregate housing is a cost-effective way to take care of the frail elderly. What it will do is, this bill will provide two demonstration projects, two units that will house 48 frail elderly in congregate units in two areas of the state, one in an urban area and one in a rural area.

A lengthy needs assessment has been done by the State Planning Office to determine what areas are in most need. So, there has been a lot of evaluation, a lot of research, which has brought this bill to us.

If we put these 48 people that could go in these congregate housing units in nursing homes, it would cost the state \$145,152 a year. This \$87,000 price tag is for two years, so you can see the considerable savings of putting these people in congregate housing.

This cost-effectiveness will be brought back to the legislature in two years' time to the Health and Institutional Services Committee, and to the Appropriations Committee if you wish, but it will demonstrate to you that congregate housing is the most cost-effective way to go. If you don't believe it, then you should take a look at the Medicaid budget and how much money we are spending for nursing home reimbursement for Medicare and Medicaid. In 1975, we spent \$18 million; in 1981, we are going to spend \$80 million. Unless we stop this trend, we are going to break the bank, the State of Maine.

The SPEAKER: The Chair recognizes the

gentlewomen from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I am not saying that this is not a good concept; it is perhaps an ideal to strive for. The real ideal would be to bring back extended families and help the children assist their parents or relatives, but that is not the issue.

I would like to touch very briefly on the Medicaid costs. I think perhaps we need a new formula change on that aspect of state expenditures. We are presently paying for the overall costs of hospitals and nursing homes including not health connected expenses necessarily but other programs which have been instituted, administrative costs of various types.

Also, 48 people will, indeed, be helped two years hence. They will not be entering these congregate housing establishments tomorrow. They have to be constructed, they have to be built. The determination has to be made which city will have them, which rural community will have them, and there are two, one in each. My concern is not with the concept of the plan. I am disturbed over the fact that we are taking monies from the General Fund and putting them in escrow. In other words, we are telling the taxpayers of this state, and perhaps I am out of touch, I don't know, but we are telling them, we are going to tax you and use your monies and put them at interest and collect interest and have the interest come back to the State of Maine to add to this \$87,000.

We are told that the agency will not use this money for two years. I think the record will show that it is a very easy process and it is done continually within this State, that agencies file a financial request order with the Budget Office for transfers—very easily done—so that effectively parts of those monies could be utilized for other things during the two years that they are sitting on the shelf.

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

Mr. BRENERMAN: Mr. Speaker, Members of the House: It seems like most of us agree that congregate housing is an ideal proposition, but let me clarify why we have to put the money into the bill now as opposed to waiting for two years. We were told at the hearing, and I think I have a letter here from the Farmer's Home Administration which more or less clarifies that they will not construct the congregate housing facility unless the state puts the money up front to pay for the services for the elderly citizens that will be living in those housing projects.

Also, the Director of the Maine Housing Authority has the same problem. She told us at the hearing that the Maine Housing Authority will not construct a facility in the urban area that is designed for this program unless the state comes through with the social services money for the people who live there. She said that private investors will not invest if there will not be any citizens to live in the congregate facility after it is built. The only way that these people can live there is if the services are provided and the services can only be provided if we put the money up front now in the hope that the facilities will be built in the next two years, the money carried over to pay for these services.

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I would like to kind of go over again what Representative Prescott said about the Medicaid project. We are talking about putting up 48 people in congregate housing in this project here and, as Representative Brenerman said, we do need the money up front or else it will not be constructed. If we don't do that, if we don't go ahead and build congregate housing, what is going to happen? We are going to have at least 48 people, who are not capable of staying in their own home, who must go to

nursing homes. What happens with the other system, when somebody wants to construct a nursing home, you can easily find that there are 48 people who have a need for nursing home beds, who have a need for those spaces and, therefore, what the nursing home construction and nursing home industry will do is say, we can build another nursing home, there are 48 other people who need spaces. They will get the approval of the Maine Health Assistance Agency and they will get the approval of the Department of Human Services because there is a need. We have to fund that anyway.

It is kind of a backdoor approach to funding it. It is going to cost \$145,000 or \$148,000 that it would take for the state to finance it if the people would go to either boarding homes or nursing homes. So, if we are going to fund a project, I think we ought to fund one that is, first, cheaper, that is probably much better for the elderly to live there, not as intense care and not the kind of care that you get at a nursing home.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I rise again just to clarify the point that Mrs. Berube raised about the interest. Any interest that would be accrued would go back to the General Fund. She was concerned about which areas of the state would be considered in the rural and urban areas for the project.

As I said earlier, the State Planning Office has done some research in this area and the top three that are considered for the rural areas are, Lubec, Norway and Fairfield. For the urban areas, the top three considered are, Lewiston, Augusta, and Portland.

I think that we should really recall the point of the motion, and that is indefinite postponement of House Amendment "A" to the bill. It would be irresponsible of us not to appropriate the money for the project, because if you don't appropriate the money, then you should move to indefinitely postpone the bill.

Congregate housing has been proved that it is going to cost \$960 a year or \$5 a day and if we put these 48 people in nursing homes, it is going to cost us \$25 a day or \$3,024, so I hope you will support the motion to indefinitely postpone.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that the House indefinitely postpone House Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Birt, Blodgett, Bowden, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Call, Carroll, Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Fenlasson, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Immonen, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kiesman, Locke, Lowe, MacBride, MacEachern, Mahany, Masterton, Matthews, Maxwell, McHenry, McKean, McSweeney, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Small, Sprowl, Stover, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Alopis, Berube, Bordeaux, Boudreau, Brown, K. L.; Bunker, Carrier, Carter, F.; Conary, Cunningham, Damren, Davis, Deller, Fillmore, Garsoe, Gavett, Gray, Hanson, Higgins, Hunter, Hutchings, Jackson, Jalbert, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lund, Marshall, Martin, A.; Masterman, McPherson, Morton, Nelson, A.; Peltier, Roope, Sewall, Silsby, Smith, Soulas, Stetson, Strout, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Austin, Brannigan, Carter, D.; Dudley, Dutremble L.; Elias, Gillis, Huber, Hughes, Kelleher, Laffin, McMahon, Michael, Simon.

Yes, 87; No, 50; Absent 14.

The SPEAKER: Eight-seven having voted in the affirmative and fifty in the negative, with fourteen being absent, the motion does prevail.

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

(Off Record Remarks)

On motion of Mr. Sprowl of Hope, adjourned until nine o'clock tomorrow morning.