

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, March 20, 1980

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

Prayer by the Reverend Richard Beebe of the First Congregational Church of Fryeburg.

Rev. BEEBE: Let us pray! Almighty God, our Heavenly Father, not only have you created us and provided for us, but you have set before us your laws by which you expect us to live. We pray this morning for this gathering of men and women who have undertaken a great responsibility of enacting the laws of our land, the rules by which all of us treat each other. May your divine guidance be with this great assemblage that their actions may truly reflect in our modern law and rules those precious Commandments which you revealed to us through Moses those many years ago.

We pray also that these legislators may work together in harmony, while honestly reflecting the particular needs of each of their constituents from fishing villages to great city, from small farms to vast timber country. It is a difficult task before this House of Representatives, dear God, and yet you make it possible for all of your children to accomplish not only the difficult but even the impossible for those open to your divine presence.

Bless these men and women today with your love, your truth and your grace. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

March 19, 1980

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 Indefinitely Postponed Bill, "Act to Provide an Income Tax Checkoff for Voluntary Contributions to the Department of Inland Fisheries and Wildlife," (H. P. 1825) (L. D. 1929)

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

March 19, 1980

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 voted to accept the Ought Not to Pass report on Bill, "An Act to Adjust License Fees, for Inflation, for the Department of Inland Fisheries and Wildlife," (H. P. 1830) (L. D. 1934)

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

Orders

Tabled Unassigned

On motion of Mr. Davies of Monmouth, the following Joint Order (H. P. 1990) (Cosponsors: Mrs. MacBride of Presque Isle, Mr. Hickey of Augusta, and Mr. Kelleher of Bangor)

WHEREAS, chapter 18 of the Resolves of 1979 directed the Commissioner of Human Services to conduct a study of environmental health in Maine; and

WHEREAS, this study resulted in recommendations by the commissioner for implementing and conducting an environmental health program for the State, which were in-

cluded in Legislative Document No. 1834; and WHEREAS, L. D. 1834 proposed to create a program within the Department of Human Services, Bureau of Health, which would require additional staffing for implementation; and

WHEREAS, such a program may be possible without the need of additional staffing, if the various agencies responsible for environmental quality and protection are the subject of a legislative study to determine the feasibility of an environmental health program within existing resources; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Health and Institutional Services shall study the feasibility of establishing an environmental health program within the existing resources of State Government, which program could include:

A. Coordinating available resources. Establishing contact with people in other state agencies and on public and private boards who have training and experience in the public health field, particularly in environmental medicine, occupational medicine, epidemiology, toxicology and statistics, in order to develop information about current state efforts in this area;

B. Monitoring health status. Monitoring the health status of the people of the State;

C. Identifying health problems. Identifying the prevalence and distribution of health problems, including those which may be related to environmental factors; and

D. Advice to state agencies. Advising the Commissioner of Human Services, as well as other relevant state agencies and boards, regarding the potential health implications of their actions, the nature and extent of identified problems and the steps which can be taken to address them; 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 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, tabled unassigned pending passage.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment) Recognizing,

Arthur C. Michaud, of East Millinocket, who has served 23 years as a member of the board of selectmen, serving 6 of those years as chairman (H. P. 1989) by Mr. Birt of East Millinocket) (Cosponsor: Senator Pray of Penobscot)

The 1979-80 Westbrook High School Girls' Basketball Team, State Class A champions for the 3rd consecutive year (S. P. 809)

Sanford High School Boys' Basketball Team, coached by Bruce MacKinnon, runner-up in the 1979-80 Western Maine Class "A" tournament (H. P. 1991) by Mr. Tuttle of Sanford. (Cosponsors: Mr. Wood of Sanford, Mr. Paul of Sanford, and Senator Lovell of York)

There being no objections, these Expressions of Legislative Sentiment were considered passed.

House Reports of Committee

Ought to Pass — Pursuant to Joint Order (H. P. 1954)

Mr. LaPlante from the Committee on Local and County Government on Resolve, Authorizing and Directing the Department of Business Regulation to Study and Report on Current Practices Relating to Siting of Manufactured Housing" (Emergency) (H. P. 1988) (L. D. 2021) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1954)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

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

Bill, "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1879) (L. D. 1962) (C. "A" H-919)

Tabled—March 18, 1980 by Mr. MacEachern of Lincoln.

Pending—Passage to be Engrossed.

On Motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and later today assigned.

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

Non-Concurrent Matter

Bill "An Act to Revise the Administration of the Election Laws" (Emergency) (H. P. 1641) (L. D. 1750) on which the Majority "Ought to Pass" as amended Report of the Committee on Election Laws was read and accepted and the Bill Passed to be engrossed as amended by House Amendment "A" (H-929) in the House on March 19, 1980.

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

In the House: The House voted to adhere.

Bill "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1816) (L. D. 1927) which was passed to be engrossed as amended by House Amendment "A" (H-938) in the House on March 19, 1980.

Came from the Senate with that Body having insisted on its former action whereby it Indefinitely Postponed the Bill and Accompanying Papers and asked for a Committee on Conference in Non-concurrence.

In the House: On motion of Mrs. Prescott of Hampden, the House voted to Insist and join in a Committee of Conference.

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

Non-Concurrent matter
Later Today Assigned

Bill "An Act Relating to the Qualifications for the Licensing of Auctioneers" (S. P. 708) (L. D. 1844) which was passed to be Enacted in the House on March 17, 1980.

Came from the Senate passed to be Engrossed as amended by Committee Amendment "A" (S-447) as amended by Senate Amendment "A" (S-487) as thereto in non-concurrence.

In the House: On motion of Mr. Howe of South Portland, tabled pending further consideration and later today assigned.

Special Sentiment Calendar

Recognizing, William T. Johnson, of Augusta, recipient of the Calumet Club's Outstanding Citizen Award for 1980 (S. P. 810)

No objections being noted, the above item was considered passed.

By unanimous consent, all matters were ordered sent forthwith to the Senate.

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

In reference to the action of the House on Thursday, March 20, 1980 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mrs. PRESCOTT of Hampden
Mr. BRENERMAN of Portland
Mr. MORTON of Farmington

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

Ought to Pass with Committee Amendment

Mr. Carter from the Committee on Taxation on Bill "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of the Federal Gross Estate" (H. P. 1769) (L. D. 1899) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-954)

Report was read and accepted and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted. Under suspension of the Rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent ordered sent forthwith to the Senate.

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

Passed to be Enacted Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution Allowing Either the Constitution or Statutes to Determine the Manner of Selection of Judges of Probate and Justices of the Peace (S. P. 804) (L. D. 2007)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the Members present being necessary, a total was taken. 88 voted in favor of the same and 37 against, and accordingly the Resolution was passed to be Enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Making Supplemental Appropriations from the General Fund for the Fiscal Year Ending June 30, 1980 to the Department of the Attorney General for the Defense of Land Claims Asserted by the Passamaquoddy Tribe and the Penobscot Nation (S. P. 719) (L. D. 1869) (S. "A" S-473 to C. "A" S-460)

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. 115 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Expand the Period for Issuance and Coverage under the Maine Medical and Hospital Malpractice Joint Underwriting Association Act by One Year (S. P. 764) (L. D. 1957)

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. 120 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

An Act Relating to Requirements for School Bus Operators and to the Inspection of School Buses (S. P. 737) (L. D. 1916) (C. "A" S-462)

An Act to Establish a Modified Procedure on Matters before the Public Utilities Commis-

sion Relating to Contract Carrier Permits and Special and Charter Bus Licenses (H. P. 1771) (L. D. 1891) (C. "A" H-928)

An Act to Amend the Probate Code (S. P. 792) (L. D. 1990) (S. "A" S-458; S. "B" S-466; H. "A" H-937)

An Act to Authorize Operational Moneys for the Mattawamkeag Wilderness Park (H. P. 1845) (L. D. 1950) (S. "A" S-482 to C. "A" H-896)

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

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

Passed to be Enacted

An Act to Provide Funds for Vocational Training to Aid Manpower Services for Economic Development (H. P. 1717) (L. D. 1823) (C. "A" H-923)

An Act to Clarify the Board of Environmental Protection's Responsibility to Regulate Roads under the Site Location Law (S. P. 696) (L. D. 1832) (C. "A" S-499 as amended by H. "A" H-920 and S. "A" S-486)

An Act to Permit the Bingham Water District to Withdraw from the Maine State Retirement System (H. P. 1678) (L. D. 1787) (C. "A" H-932)

An Act Prohibiting Nondegradable Connectors for Returnable Beverage Containers (H. P. 1974) (L. D. 2013)

An Act Relating to Games of Chance at Agricultural Fairs (H. P. 1797) (L. D. 1919) (S. "A" S-480 to C. "A" H-910)

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

An Act to License Users of Ionizing and Nonionizing Radiation Equipment (H. P. 1682) (L. D. 1791) (S. "A" S-477 to C. "B" H-855)

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to call your attention to this bill again and point out that this is the one where we are going to now be charging Maine Yankee \$52,900 to monitor the radiation that would exist outside of the immediate perimeter of Maine Yankee. It was pointed out the other day that the federal government already, under the NRC, does the monitoring inside, and I, frankly, for one, am very much opposed to this bill because it is unnecessary waste of money at a time when energy is very precious and its cost is even worse than I think we anticipated it ever possibly could be. We are trying now to make nuclear power as expensive, I think, through small dosages like this, as expensive as our fossil fuel power.

I just wanted to be on record as opposing this and, Mr. Speaker, I ask for the yeas and nays.

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 will vote yes; those opposed will vote no.

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

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

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, K.L.; Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis,

Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, LaPlante, Lizotte, Locke, Lowe, MacEachern, Mahany, Master-ton, McHenry, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Peltier, Post, Prescott, Reeves, P.; Rolde, Sewall, Simon, Soulas, Tarbell, Theriault, Vincent, Violette, Vose, Wood, The Speaker.

NAY — Bordeaux, Bowden, Brown, A.; Brown, D.; Bunker, Call, Carter, F.; Churchill, Conary, Cunningham, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Hanson, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Lancaster, Leighton, Leonard, Lewis, Lougee, MacBride, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McKean, McPherson, McSweeney, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Torrey, Tozier, Twitchell, Wentworth, Whittemore.

ABSENT — Austin, Birt, Boudreau, Damren, Laffin, Lund, McMahon, Pearson, Tierney, Tuttle, Wyman.

Yes, 77; No, 63; Absent, 11.

The SPEAKER: Seventy-seven having voted in the affirmative and sixty-three in the negative, with eleven being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Clarify the Education Laws (H. P. 1965) (L. D. 2011)

An Act Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981 (H. P. 1868) (L. D. 1958) (C. "A" H-915)

An Act to Reorganize the Sales and Use Tax Law and to Encourage Conversion to Coal through Treatment of Coal as Oil for Sales Tax Purposes (H. P. 1793) (L. D. 1918) (C. "A" H-911)

An Act to Revise the Law Concerning Sales Tax Exemptions (H. P. 1908) (L. D. 1974)

An Act to Expedite Criminal Trials and Provide for the Election of Jury Trials (H. P. 1733) (L. D. 1849) (H. "A" H-922 and C. "A" H-875)

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, all preceding enactments were ordered sent forthwith to the Senate.

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

Passed to Be Enacted

An Act to Provide Funds for Residential Energy Conservation (S. P. 766) (L. D. 1963) (S. "A" S-465)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that we debated the other day. It is the bill that allows people whose incomes are up to \$25,000 to get loans from the Maine Housing Authority to make their homes more energy efficient. I maintain that these middle income people that we are talking about would a hundred times rather be able to keep their own money in their own pockets. The last thing they want to do is send this money to Augusta through their taxes, which they have to do, and then get some

of that money back, not all of it, but some of it back with instructions as to just how they are supposed to use that money.

I would ask you, how many people do you know in this state, and we represent the entire state here, who haven't been already doing things to help make their homes more energy efficient? I haven't been in a single home probably in the last two years where I haven't seen people tightening up their homes, closing off unnecessary rooms, converting to wood stoves, all kinds of energy saving devices, they are doing on their own. To give people an incentive to try to encourage them to become more energy conscious is kind of like giving a person an incentive to buy steak. You really don't have to do it. People want to do this themselves and I call this a terrible waste of money.

If this bill should pass, anybody who doesn't take advantage of it is really being foolish. As Oliver Wendall Holmes said, "it is as wrong not to take advantage of the law as to disobey the law." So, a person should, and anybody here whose income is \$25,000 or under should make a beeline to get one of those loans, because I can assure you that you can find some place in your home that you can say would qualify for this kind of a loan. It is really ridiculous.

If every middle income person in the state wanted it, it might be a little fairer but, otherwise, you know perfectly well that those people who are paying for everything are going to be asked to pay for this again, because some people are going to want the loans and who is going to pay, who is going to subsidize those loans but the other middle income people who don't want or need the loans?

I hope that we will not enact this bill and I move its indefinite postponement and would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to rise to support the motion of Mrs. Lewis.

Actually, I guess all we have to do is wait a little while and the federal government will probably do all this for nothing anyway. I just watch these programs expand.

As I have told you many times, we have quite a few rental units in Bath and, in the north end of Bath we have 35 duplex houses and 7 or 8 years ago, we thought we would get in line so we put in all new furnaces, we put vinyl siding on the outside of the houses and storm windows, and we rent these to what the government calls low-income people, sometimes I think it is middle income but, anyway, they qualify for a lot of things because they come under that category and last fall one of them came up to me and said, you know, we can get these houses insulated for nothing. I said, we can? He said, yes, they have some kind of a deal down there, you sign here and I will sign here—fine. I said, well, after all, I didn't make the program but why not take advantage of it—it is there. So, I have been signing papers like crazy and they are insulating our houses for us and blowing in insulation.

The other day I went by a house and I saw they were taking off their storm windows that we put on five or six years ago. I didn't stop because I had to come up here, but the next morning I called up the tenant and said, what is going on? Well, he said, I complained about the air coming in around those storm windows so they took off yours and put on all brand new ones. Of course, if it had been me, I would have gone down there with a caulking gun and probably put quite a bead of caulking compound around in ten minutes and it would have done it but, anyway, in this particular case, they put on all new storm windows.

I think this is an example of what is happening and we have a chance here to show how we feel about it and I would urge support of the motion to indefinitely postpone this bill.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill was debated the other day and what it does, it provides low-interest loans by using money that is freed up in the Maine State Housing Authority to provide middle-income people with money for energy conservation, and isn't it about time that we did something for people in the middle incomes? Have you been to the bank lately to take out a loan to do any kind of major improvements on your home?

John Joseph appeared before our committee and told us we could service 2,000 homes across the state each year with energy savings of about 2 million gallons of heating oil every year. I don't know, but the last time I bought some heating oil in Old Town, I was paying, I think it was 97 cents a gallon and it is probably a lot more than that now because it has been about a month.

If we can do anything in this state to save energy, we should be addressing those problems now more than ever in the past.

Last year, I remember when we were doing the Appropriation bill, I was talking to Representative Higgins one day and I said, I don't know about you, but as far as I am concerned, when we are doing a budget and we come to the end of the session, I am going to be looking at things that deal with energy more than anything else because I think that is the most crucial need in the state.

This is just a mechanism to provide people with the wherewithal to be able to get some low interest loans to fix up their houses, and they have to pay that back. I don't see what is so insidious about helping people who are in the middle income, who can't afford to go to the bank right now and get the kinds of loans that they need in order to insulate their homes.

I hope that you will vote for this bill.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The only justification that I have heard in favor of this bill is the one that was mentioned by the previous speaker and that is "let's do something for the middle-income group." The middle-income group, when it wants something done for it, is not looking for programs. For heaven's sake, it is looking for tax breaks. Have we gone crazy?

We are looking at the bill here which is going to enable a family making \$25,000 a year to qualify for low-interest loans. That is the most preposterous thing that I have heard of.

Those who are in that income category are fixing up their homes. Look around you, you can see your neighbors, you can see yourselves fixing up your homes and saving energy because you know how much it costs per gallon to buy that oil.

This bill isn't needed, it is unnecessary, it is a complete violation of the principles of what government is supposed to be doing for the people. Government is supposed to be helping those people who can't help themselves. Let's let reason prevail and let's vote with the pending motion to indefinitely postpone this bill.

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

Mrs. KANY: Mr. Speaker, Men and Women of the House: I would like to reiterate what Representative Pearson said, that this bill will allow lower interest loans for home improvement.

The one thing that I don't think is clear to all of you, and that is, there will not be a taxpayer money involvement at all. It is not a direct loan from the Maine State Housing Authority. The actual mechanism is that someone would go to a bank, a regular private bank, and they would get the loans and then the Maine State Housing Authority has the authority to purchase those notes, basically, the loans themselves from the bank; therefore, naturally the banks are enthu-

siastic about this because it allows them to have more available capital. There is no taxpayer money involvement.

Then the Maine State Housing Authority sells its bonds as tax exempt bonds and therefore, that interest that the original homeowner has and will be paying is at a lower rate than would normally would be available to that individual. So, these middle-income and lower-income people have available to them lower-interest loans from the bank, and that is the way the mechanism works.

I thought you would all be interested in that since it was stated that perhaps there was some taxpayer money involvement. There is not and, furthermore, this is not the winterization program that I think Representative Stover was referring to; this has nothing to do with that. That is taxpayer money, this is not.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would beg to differ with the gentelady from Waterville, the Reagan supporter, Representative Kany. There is a subsidy involved here of taxpayer funds and it is involved in the tax-free nature of the bonds that are sold to fund the thing.

Maybe we ought to look back and see how the Maine Housing Authority came into being. Approximately 10 years ago, there was a credit crunch, one of several that we have had in recent years, and the credit crunch, not to be repetitive, came from the federal policy or federal reserve policy of raising the reserves that banks had to maintain and restricting the terms of credit.

Some smart fellow, I don't know whether he was in Maine because these kinds of abuses are rampant across the country and are now being very seriously studied and looked at by the Congress, said, hey, let's use the concept of tax-free bonds to generate some mortgage money in the State of Maine that contravenes the federal policy. In other words, let's make it so that Maine doesn't have to put up with what happens.

Again, it is important to understand that if we didn't have this federal policy in the first place, there would have been no shortage of funds to lend at banks; the money would be available. What this does is, it lowers the federal tax collections, further widens the deficit, the budget deficit which causes the inflation in the first place, and more seriously aggravates the problem that this was designed to cure.

As a real estate broker, I can tell you that this has been the pattern of recent years and I think we are all aware of it—mortgage money dries up, the Maine Housing Authority comes up with some tax-free bond deal and for two or three weeks there is a run on the banks. There is not enough for everybody, so what happens is, just a certain segment of the population manages to get this subsidy.

I think an important question we ought to ask about any program that is inaugurated by the government at any level is, if we extended this to everybody in our society that is eligible, would it work? Could we spread it that far? The fact is, it wouldn't fit. Consequently, we have this patchwork of programs that benefits a few, we run out of the money, there is no money until somebody thinks of another scheme.

This crosses another threshold. Representative Pearson said, and this bothers me a little bit, "isn't it about time we did something for the middle class?" I would like to think I am in the middle class, but what does this do besides saying that we are going to solve your problems the same way we solved the problems of the lower earners by putting you on the dole? This is what it amounts to. We will take you into camp and pretty soon everybody is going to be riding on the wagon and nobody is going to be pushing it.

I urge you to support Mrs. Lewis's motion for

indefinite postponement and I would like to take the opportunity to salute her courage because I wasn't going to tackle this boondoggle this morning but she did and wound me up and let's stop and think, we are going to give a tax subsidy, are we, to people earning up to \$25,000 a year? Holy mackerel!

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I suppose that it isn't unusual that I rise to speak against the motion from the gentlelady from Auburn, Mrs. Lewis, or the gentleman from Harrison, Mr. Leighton, but I think the House ought to know that when this bill was originally heard last May before the State Government Committee, the Savings and Loans Associations, the Maine Savings Banks Association and numerous other banking lobbyists supported this bill very strongly. That, I think, is for a "progressive" Democrat like myself, for me to be on the side of that bill, I don't know why I am, but I certainly am in favor of this bill this year because I see a definite need for it.

They lobbied us very strongly. They said they not only liked the bill, they loved it, because it would provide money for them to lend to people, good money, money they knew they would get back because the Maine Housing Authority was behind it and they have the best bonds in the whole country. So, I wasn't swayed then, but after one winter of near \$1.04 a gallon fuel oil in Augusta, I am in favor of this bill. I am in favor of any bill that would save one gallon of oil, that would keep one gallon of oil on the other side of the Atlantic and that we wouldn't have to import but would create another deficit in our trade imbalance and that would further weaken our defense posture.

I think I have an obligation to vote for this and I know that when I do vote for this bill, against indefinite postponement, that I am helping the savings and loans associations, I am helping the savings banks association, commercial banks. I can sleep with that but I hope you will join me in voting against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to pose a question to Representative Pearson. I would like to ask the Representative if Mr. Joseph or the proponents of this bill indicated that they made a survey of this middle-income group and if they did, in fact, indicate they wanted this kind of legislation?

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Roope.

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

In view of the President's announced policy to curb the use of credit as a means of slowing down inflation, what effect would this policy have on that program?

The SPEAKER: The gentleman from Presque Isle, Mr. Roope, has posed a question through the Chair to anyone who may care to respond.

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

Mr. PEARSON: Mr. Speaker and Members of the House: I would like to respond to Mr. Davis's question. I have researched through my papers here, and according to John Joseph of the Energy Office, he said that the Office of Energy Resources estimates that there are 200,000 dwelling units in this state that still require some sort of weatherization to make them as energy efficient as possible. How he arrived at getting that figure, I am not all that sure of the process that he used, but I assume that they must have some kind of a handle on finding out what buildings need to be brought up to energy standards.

The SPEAKER: The Chair recognizes the

gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer both questions and Mr. Pearson just gave an answer but I don't think it is really an answer, he just said that they had that many buildings that might need weatherization, but he didn't say that there were that many people who were asking for loans to do it, which I think are two entirely different things. The survey that I believe Mr. Davis asked for was, were people asking for these loans; maybe he can give us an answer to that.

While I am on my feet, I would like to answer Mr. Roope's query, because I think that is an extremely important one, what effect this would have on inflation. That is exactly what it would do, it would increase inflation. It is an inflationary kind of bill. If you all listened to Mr. Leighton, I would call him the House economist, who gave us a lesson in economics, deficit spending has to cause inflation. When you spend money that you don't have, it has to cause inflation, and President Carter, who I am so grateful has finally read a book on economics and I think he comprehended what was in that book, because he seems to be proposing a policy that might get this county back on the road to whatever the opposite of inflation is—deflation. One of the things he is talking about is tightening credit. Tightening credit is one of his major programs, and what does this bill do? It loosens credit, it is urging people, people who really don't want to borrow money, urging them and putting them in such a situation that they would almost be fools not to do it because it would be so easy to get one of these low interest loans.

As far as the bankers go—of course bankers would love it. This is a real banker's bill. It is great to be able to loan money and get an absolute guarantee that that money is going to be returned. It couldn't be more of a banker's bill if it tried, so I certainly hope that if there are any more questions, I or someone else could answer them, but please vote to indefinitely postpone this bill.

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

Mr. DAVIES: Mr. Speaker and Members of the House: In response to the supposed answer that Mrs. Lewis has just given to Mr. Roope's question, I would like to also respond because I consider her answer to be rather uninformed. The single item that is fueling the fires of inflation more than anything else in this country at the present time is the cost of energy. If we can take any action that enables people in the State of Maine to reduce their consumption of energy, we are taking a step towards reducing the effects of inflation on Maine citizens.

I think this bill enabled people to take that action to begin cutting out that 10 percent of the inflation rate that is caused by the rapidly escalating price of fuel oil and other sources of energy. A bill like this is going to provide Maine citizens, the middle class that are always screaming that the government never does anything for them, with the ability to deal with one of the most serious problems that our society faces, and I think we ought to pass it.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: Let me tell you why you should support this bill and vote against the motion to indefinitely postpone. The one and only major reason is as follows—you and I need the money. It is our last chance to say yes, I need the money, and, yes, at a small interest rate.

For those of you who want to vote against this bill, I would like to ask you to meet with me later and share all the money that you must have and don't need so I may borrow it, and please bring plenty of money because my neighbors are very many.

The SPEAKER: The Chair recognizes the

gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is very simple to me. It is going to help the middle income and it is not going to raid the General Fund. If you want to help the middle income without costing any money, this is the bill to help them.

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

Mr. HUGHES: Mr. Speaker and Members of the House: It is with great trepidation that I rise to agree with the gentlewoman from Auburn, Mrs. Lewis, in her opinion on this bill. I know a number of instances in which this legislature has helped the middle class, tax breaks for United Technologies, which owns Pratt and Whitney, for example. Most of the shareholders of that company are at least in the middle class, so there are plenty of examples where we have helped the middle class, but I do agree that her thinking on this issue is correct.

There is no compelling reason that this subsidy for the middle class is necessary. I haven't seen that kind of evidence presented, except it is about time we did something for them, and it certainly doesn't do anything for them to funnel their money through government and take out enough to pay employees to handle it and then funnel it back to them through tax breaks. So, I will join with those who oppose this bill and vote against its enactment.

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

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

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

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I am almost at the end of my reign as a Representative and I am not going to go down without doing just battle to legislation like this.

I have heard many times, lessons given on the floor of this House and I simply wonder if some people shouldn't go down to the audiologist and have a hearing test. It is just simply unbelievable.

We have inflation in this country. Why do we have inflation? Somebody said "energy crisis", yes; I wonder if anybody ever heard Mr. Leighton a while back say that our dollars abroad are worth a lot less because of deficit spending, because of what the government has done to our dollars. Has anybody ever heard that? It happened. The fact is, we can't buy as much oil for a dollar today as we could 10 years ago, and energy is going to continue to go up in its cost for many reasons, but one of them is because of the devaluation of our dollar, and it is programs exactly like this that have caused the dollar to go down in its value, because we are promoting deficit spending.

There is a basic misconception—I will call it misconception because I am on the other side—there is a misconception in this House that the government is the answer to people's problems, and if it is the answer, why has it messed up this country so much at this time?

It is about time that government simply kept the peace so the people in this state and this country can do their business, and their business is, in this case, to go to a free enterprise bank, pay the going interest rate and energize or insulate their homes or whatever is necessary to conserve on the consumption of fuel. Let's indefinitely postpone this bill.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will be very brief, but I am not an expert like Mr. Leonard or Mr. Leighton on

inflation or economics or the value of the dollar, but I will tell you what I am an expert on, I am an expert on living on a middle income. Maybe I'm not even middle income anymore; maybe I wouldn't even qualify for this.

My house needs to be winterized. I have an old house and I don't have a fireplace. I can't automatically put a woodstove in there. Do you know how much it costs to put insulation in an attic that has none? I do, and I haven't done it all yet because, quite frankly, I can't afford to do it. I cannot afford to put a woodstove in my cellar. I was told the other day by some colleagues that that might cost me \$1500 to \$2000 and I don't have \$1500 to \$2000 to put into that cellar. That is why we need this bill.

I may be one of the ones that lines up with Mr. Soulas, and I will be happy to meet all of you that have the money to winterize your homes, and maybe you can share it with both of us.

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

Mr. LEIGHTON: Mr. Speaker and Members of the House: Very briefly, but, first of all, what the good gentledady from South Portland talks about is not a cause, it is an effect, and she has my sympathy. I suffer from the same thing.

I have to correct my good friend from Orono, Mr. Davies, in his definition of what constitutes inflation. I know of only one economist, and he is not very accredited, that would agree with that definition, and that is John Kenneth Galbraith, and I would think that along with John Maynard Cains, he has been long ago discredited.

Inflation is the degree to which we as a nation spend on ourselves in excess of our gross national product, which is the sum total of all the goods and services that we produce.

Another way to say that—inflation is the deficit that we run, the money that we don't tax from ourselves or produce.

Another way to say it is the degree to which we kid ourselves or buy snake oil. That is also the degree to which we produce currency, paper currency in excess of our real gross national product. That, by definition, is inflation—so much for that. This is an inflationary bill.

The other point I would like to make is a point about energy. How in the world can we call this directly an energy bill? Certainly, there is some indirect method, it is not very direct, and there is a brokerage fee in that we create a bureaucracy that is going to ever expand. Certainly, ever since 1969, the Maine Housing Authority, that wasn't needed in the first place and still isn't, is going to come in with bills to increase their stature every year in their functions.

What conserves energy are the natural forces of the market, and I know that we all know that if we just ask ourselves. I put glass doors on my fireplace when the heat bill got so high. It got a little higher and I bought a woodstove. I drove a car that got 15 miles to a gallon. When the price of gasoline got so high, I got one that goes 39. If it goes high enough, I won't drive at all. These are the things that make us conserve, not silly bills like this.

This is sheer socialism. It is going to plug a little phony money into our local mortgage market for a little short period of time, but in the long run, these kinds of programs have created the shortage of mortgage funds.

This is my business. Bankers aren't going to like me. When I go in, I am going to go in and try to get a loan next month and they are going to remind me of my vote and my speech; they don't like this at all. But in the long run—they think in the short run too; they want to know where next month's money is coming from. What we ought to think about is where the next decade's money is coming from or where the money is coming from in our children's life-

time.

Sorry to take so much time, Mr. Speaker, but I consider inflation to be the most vital problem in the western world today, and certainly we ought to take time enough to debate it and understand it.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am on my feet because I have sat here very patiently and listened all about inflation, and I have heard all about how we have listened to our good friend over here, the House economist, and I don't claim to be the House economist. I have, at the suggestion of my good friend from Harrison, Mr. Leighton, taken a course in economics. I know there is nothing wrong with my hearing, it is just that I happen to listen to different economists, perhaps some of the ones that Mr. Leighton just rattled off.

I would like to read just a brief statement from a man who I think some of you might know and some of you might not. He was responsible for helping to spark the war on poverty by writing a book called "The Other America," by the name of Michael Harrington.

All I can say is that the structural sources of inflation is corporate power, not wages that have been chasing after prices, it is not federal spending which has fluctuated with a narrow band as the percentage of the full employment gross national product, it is corporate power.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker and Members of the House: The real reason this bill is back before us this year is because the Maine Housing Authority wants to expand their program. They wanted our approval last session and they didn't get it. Now they are back with the same bill with the energy provision attached and the upper income limit increased.

I would really like to know what percentage of the remodeling or renovations have to be energy related. I would like to know if I could add a playroom, a swimming pool and a wood furnace all under one loan? Last year there were no restrictions, it was any kind of renovations. I think this would really expand their program and I don't think it is needed.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The following things could be done under this particular bill—thermal insulation, replacement of oil burners, replacement of furnaces and boilers, flue opening modifications, storm or thermo windows and doors, energy saving setback thermometers, caulking, weatherstripping, heat reclaimers, structural work necessary to insure the proper performance of the energy measures and renewable energy resource measures.

The SPEAKER: The Chair recognizes the gentleman from Belgrade, Mrs. Damren.

Mr. DAMREN: Mr. Speaker, I don't know where he is reading this; it certainly isn't in the bill before us or the amendment.

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

ROLL CALL

YEA — Austin, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Carrier, Carter, F.; Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gray, Hanson, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, MacBride, Marshall, Masterman, Masterton, Matthews, Maxwell, Nelson, A.; Paradis, E.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne,

Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell, Wentworth, Whitemore.

NAY — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowle, Gillis, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Jacques, E.; Jacques, P.; Jalbert, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, Lowe, MacEachern, Mahany, Martin, A.; McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Soulas, Theriault, Tierney, Tozier, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Boudreau, Joyce, Laffin, Lund, Strout, Tuttle.

Yes, 66; No, 79; Absent, 6.

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

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

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

The following Communication:

To Edwin H. Pert, Clerk of the House of Representatives of the 109th Legislature

In compliance with the directive of the House, enclosed herewith in the form of an Order is the Majority, report of the House Committee on Elections regarding the seating of J. P. Marcel Lizotte of House District 115 (2).

DONALD CARTER of Winslow
JOHN M. NORRIS of Brewer
DAVID BRENERMAN of Portland
PHILIP P. BERRY of Buxton

Dated: March 20, 1980

The Communication was read and ordered placed on file.

On motion of Mr. Carter of Winslow, the following Order:

WHEREAS, on December 27, 1979, the Secretary of State certified to this House that a special election was held on November 6, 1979, in Representative District 115 (2) for the purpose of electing a Representative to the One Hundred and Ninth Legislature; that J. P. Marcel Lizotte of Biddeford, having received a plurality of all votes cast in District 115 (2), as contained in a report to the Governor on November 26, 1979, appeared to have been elected a Representative to the One Hundred and Ninth Legislature; and

WHEREAS, on January 2, 1980, the election of Mr. Lizotte from House District 115 (2) was challenged by a member of the House on the basis of a question of residency as required by the Constitution and laws of the State of Maine; and

WHEREAS, on January 2, 1980 J. P. Marcel Lizotte was administered the oath of office and was permitted to assume his seat pending a final determination by this House of the aforementioned challenge; and

WHEREAS, after due investigation and deliberation the committee finds that J. P. Marcel Lizotte was a resident of the House District 115 (2) which he represents in accordance with Article IV, Part First, Section 4 of the Maine Constitution; now, therefore, be it

ORDERED, that the House rescind its action in temporarily seating J. P. Marcel Lizotte as the Representative of House District 115 (2); and be it further

ORDERED, that J. P. Marcel Lizotte be seated in the House as the duly elected Repre-

sentative of House District 115 (2).

The Order was read.

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from Lisbon Falls, Mr. Tierney, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Tierney of Lisbon Falls assumed the Chair as Speaker pro tem and Speaker Martin occupied his seat on the floor of the House.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: On January 3, 1980, the House Elections Committee was charged with a specific charge, and I quote, "determine legal questions relating to the election and seating of members of the Legislature." The Committee has labored long and hard in attempting to arrive at a decision and to make its report to this body. This we have done; you have the reports before you. Unfortunately, we were not able to come up with a unanimous report.

As for myself, and I think other members of the committee, an awful lot of time and thought went into the makeup of their decision. I believe that is so because we are paving new grounds. We are setting a precedent on something that has never occurred before in this House.

I would like to relate to you how I arrived at my decision. I would like to ask everybody to turn to the Senate and House Register that you all have, turn to Page 7, Article III, Section 1, "Distribution of Powers: The powers of this government shall be divided into three distinct departments, the Legislative, Executive and Judicial." Three distinct departments.

I would like you now to turn to Page 11 of the Register, Section 3, and I quote: "Each House shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business." The key here is that each House shall be the judge of the elections and qualifications of its own members.

If you will bear with me, turn to Page 8 of the Register, Section 4, and a portion of the last sentence after the semi-colon, it would be the fourth sentence down—"and for three months next preceding the time of his election shall have been and during the period for which he is elected shall continue to be a resident in the town or district which he represents."

With this in mind, the committee tried to come up with a solution. Members of the committee thought that perhaps one of the more simpler ways, the quickest way, would be to have Representative Lizotte submit to a deposition. This was suggested by the minority party on the committee, and a majority agreed. The deposition was taken but, unfortunately, a long story, through some unforeseen event, the deposition was lost by the state postal section and it still has not turned up, the original that is, all we have is a copy to work with. But the deposition is not the issue at this point, because, technically, the 30 days that Mr. Lizotte was allowed under the Civil Rules of Procedure, the deposition is not due back until next week.

The key to this whole debate, in my opinion, revolves around the definition of the word "resident". Just exactly what does the Constitution mean by the word "resident"?

There are those who will argue that the courts have said this and the courts have said that. The courts have nothing to do with what the House determines. As I pointed out to you previously, under the distribution of powers we are a separate entity, we chart our own future and we solve our own problems in relation to elections of any one of the members sitting here.

Understandably, it is a very foggy area. It is left up to the House. There is no precedent that we could rely on, we had our council search, research, couldn't come up with any prior cases that we could look at to give us some guidance.

Under the regular election laws, I know I have experienced it in my own community and I am sure some of you have, I happen to know a gentleman that used to live in my community but moved away 20 years ago, but he claims his legal residence as still being the town of Winslow and he votes in that community. According to the regular law, the definition of residence under intention to vote, apparently it is quite different—or is it?

I could not in good conscience, after hearing that the Board of Registration in the town of Biddeford certified Representative Lizotte as an eligible candidate and then the people of that community or that district, 6,000 or more strong, elected him to office by a vote, I believe, of 10 to 1, and it is my understanding that they were well aware of the facts.

I would hope that this House would go along with the findings of the House Elections Committee, the majority report, and that in the future some sort of a board or a permanent standing committee should be established to answer such questions before the situation arises. I think it would go a long way in solving any of the problems that we might encounter in the future. Again, I would hope that you would support the majority report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to preface my remarks, which will be a chronological sequence of the matter before us today, and try to place it in historical legal perspective by simply saying that this matter before us today is not a personal issue, it is not a political issue, it is not a matter of partisan politics, it is not a matter of friendship, it is simply a question and a matter of the law and the Constitution of the State of Maine.

Back in the 108th Legislature, the single-member districts were established throughout the cities of Maine. At that time, I sat on the floor of this House, as many of you sat on the floor of the House, when the 108th established those single-member districts and I believe Mr. Lizotte also sat with us on the floor of the House.

As a result of that redistricting and carving up the cities into single-member districts, many legislators were placed in a predicament. In many cases, two or sometimes three legislators, who were sitting on this very floor, were living in the same district, residing in the same district where they had their homes and lived with their families. It was necessary for them to either decide not to run again or to move their residence or to run against one another in primaries, and many people were faced with that decision.

During the 108th Legislature, Mr. Lizotte was a Representative with us and he was placed in a similar predicament, I believe, where the district in which he lived, at 312 Elm Street in Biddeford, which was District 115-3, was his residence where he had lived with his family for 19 years, and another legislator also lived in that district, so Mr. Lizotte posed a question to the Attorney General of the state at the time and the Attorney General's office was conducted by Joseph Brennan at the time, and Kirk Studstrup gave an opinion. That Attorney General opinion is dated February 1, 1978. Mr. Lizotte wondered what he would have to do in order to be able to run in the different district, 115-2.

I would like to quote to you a few clauses from the Attorney General opinion of February 1, 1978. It says, "The redistricting has had the result that your place of residence, which is in 115-3, is located in one representative district while your place of business, which is in 115-2, is located in another district." Then the opinion by Kirk Studstrup went on to say, "The Constitution says that no person shall be a member of the House of Representatives unless he shall, for three months next preceding the time of

his election, have been and during the period for which he is elected shall continue to be a resident in the town or district which he represents."

Then the Attorney General opinion went on and quoted statutory law, which flushes out what the meaning of residence is. "The residence of a person" (and this is the statute) "is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention to return." The statute further says, "A change of residence is only made by the act of removal joined with the intent to remain in another place. There can only be one residence."

The opinion further says, "Residence of a Representative would be determined by a combination of (1) where the individual actually lives and (2) where he intends his residence to be." A two part test. To continue with the opinion, "If it is necessary for the candidate to change his residence in order to meet the constitutional requirement, such change can be accomplished by the act of physically moving to the new district, together with the manifest intent to remain a resident in that district."

The next clause, I think, is the most important. "Since you have indicated" (he was speaking to Mr. Lizotte at the time) "that your present residence is not in the district that you wish to represent, it will be necessary for you to change your place of residence in this manner." In the opinion it said, "in order to change, you must physically move into the new district with an intent to call that your new home."

As I have said, that opinion is dated February 1, 1978, back during the 108th Legislature, after the new districts were established. Mr. Lizotte asked for the opinion to get the advice in advance of what would be necessary, for him to do in order to run in the new district 115-2.

By his own admission, Mr. Lizotte indicates that he did not reside in District 115-2, although he has a store there, a real estate branch office, I understand, and three apartments, but he did not live there then and he does not live there now. He has never physically moved his place of habitation to 115-2 to establish a residency. All Mr. Lizotte did, after this opinion of 1978, was to change his place of voting registration, but the qualification for voting and where you are registered to vote and the qualification for holding office are the same. You must be physically living, physically moved into the new district with the intention to call that your home and your residence. Mere intent alone is not enough. The law requires, in addition to intent, physical habitation, living physically in a place.

After the special election this last fall, in 1979, Representative Garsoe requested an Attorney General's opinion and this opinion was a little more elaborate than the one Mr. Lizotte requested in 1978 but it supports, reaffirms and expands upon it. This Attorney General opinion, rendered by Richard Cohen, is dated September 18, 1979, and a matter of public record. The important clause here is that he says, "Our answer is that the act of registering," in other words, registering to vote, "does not in and of itself establish residence. It is not sufficient, it takes more."

Then it goes on to list factors of residence, which include things such as the address at which the person lives, the address at which his or her family resides and the address used on official documents, such as motor vehicle registration, driver's license, hunting and fishing licenses and tax forms.

The factual evidence in this case, that Mr. Lizotte will tell you and the public record itself shows, are these: Mr. Lizotte has lived at 312 Elm Street with his family for over 19 years and continues to live there, fixed habitation, physically living there, and he still lives there on this very day.

Prior to the special election, Mr. Lizotte's driver's license, the address on his driver's li-

cence was 312 Elm Street; however, a few days after the special election, he changed the address from 312 Elm Street to the Harrison Avenue address, into the new district.

The registration of his motor vehicles in the family are not in District 115-2, they are outside of district, in 115-3, and 312 Elm Street.

If you will look at the Biddeford telephone book, it separates residence from business telephone numbers, and that indicates resident at 312 Elm Street, and in the end, Mr. Lizotte agrees that he makes his home at 312 Elm Street, not 39 Harrison Avenue, which is located in 115-2 district. In the end, Mr. Lizotte admits that his residence is, in fact, at 312 Elm Street, as defined by the Constitution and the statutes.

Mr. Lizotte's argument, as I understand it, it can be clarified by others on the floor, is although he lives at 312 Elm Street with his family, the fact that he has changed his voter registration into 115-2, the fact that he owns the property in 115-2, pays taxes on that property in 115-2, and spends some time there at his business property at 115-2, is enough for him to say that that is his residence even though he lives somewhere else.

I submit to you today in deciding this question, this is a question of future precedent. It is a question of whether we are going to read out of the Constitution and the laws of the State of Maine that districts, the House districts from which we come, because it would be extremely easy for any of us and probably most of us do at this time own property or rent property outside of our districts, have offices, stores, places of business outside our districts, pay taxes on that property outside of our districts and spend some time there outside of our districts, but we don't live there, we don't physically habitate there. We live in our homes somewhere else, in the districts from which we come. And if the argument that is made by the majority of the committee is sustained by this House, we will effectively eradicate any common sense meaning of districts in this House under the Constitution of the State.

Now, the point has been made that the Constitution says that the House is the sole judge of judging the qualifications of its members and you are urged here, I believe, today, to say that this Legislature can read the Constitution any way it wants to. This Legislature is not bound by other constitutional provisions in the Constitution because we solely judge. We must uphold the provisions in other provisions of the Constitution. We took an oath of office when we first came in to do that, and I would like to read to you from the Attorney General's opinion on this point dated December 18, 1979. It is directed to us, the members of the Legislature.

"The Legislature has no power to require different qualifications. Compliance with constitutional residence requirements for qualifications for public office is mandatory." We must comply, voting on the floor of the House on this issue, as well as we must comply with the residence requirement when we establish our residence and run for this House; thus, while the House is the judge of the qualifications of its members, it must make the judgment in accordance with the dictates of the Maine Constitution, the residency requirement.

I am aware, and I think most members of the House are aware, that over the past there may have been individuals that violated this provision. There may have been some individuals who did not reside in the districts or maintain their residency in the district from which they ran and were elected. That is not the question. The question today is the issue before us, a legal setting of a precedent before us for future times so that we can put this issue aside.

This is no longer a political question because we are at the end of the session, it is over; we have a few days remaining. What we are establishing today is not a personal issue with Mr.

Lizotte and his seat and Biddeford, we are establishing today a constitutional precedent in applying, for the first time, the residency requirement of the Constitution and the laws. I think that is a very high duty and a very high obligation upon us.

There are individuals that have run from their home towns, who sit here on this floor with us today, where they live with their families, where they have a place of residence and, yet, they spend time in other places. They may have gone to law school outside of their district and outside of their hometown, the University of Maine at Portland, they have gone to law school in another state, in the State of New Hampshire, yet, they still maintain their physical home back home in their district, and they still maintain their intent to call that their physical home even though they may not have been there very much because they may have been outside of the state or outside of their district at a school and may have been here as well. Their physical home, where they never intended to move or change, remain back home in their district with the intent to call that their district. That is very, very different from this case before us today.

In this case, Mr. Lizotte was told, you have admitted that you live at 312 Elm Street, that is your residence. If you want to run in another district, you must physically pack up and move into another district with the intent to change your residence to that district. No physical moving or fixed habitation has ever been done. That is the point of a factual matter that calls into question to apply the residency requirement.

That is as simply as I can state the facts, the law, the Constitution, the statutes and the evidence in this matter. I hope that you will vote against the motion to adopt the majority report and instead vote later in favor of the Minority report. That residency was not met in this case; therefore, legal qualifications under the Constitution were also not met.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I find it both interesting and ironic that a controversy surrounding Mr. Lizotte's serving as a Representative from District 115-2 arose only after his election.

When he ran as county treasurer a couple of years ago, no one questioned his residence. When he filed papers for this office to succeed his son who has resigned, no one questioned his residence. Throughout the subsequent campaign and special election his residency was not a subject of controversy. In fact, after he had been victorious, his opponent wrote a letter to the paper and congratulated him on a fair and square election campaign.

From that sequence, it is clear to me that those who question Mr. Lizotte's seating were not interested in raising these questions at the appropriate time so that the voters of Biddeford could address them in the election. Rather, opponents to this, to Mr. Lizotte's seating, have sprung this, what may be called political ambush, as opposed to a fair and open democratic resolution of the matter where it should have been, in Biddeford.

The voters of Biddeford knew the circumstances of Mr. Lizotte's residence before his election. As you have heard, the Board of Voter Registration read the law, got clarification from the Secretary of State's Office, and determined that Mr. Lizotte was a legal resident of the district he now represents. The people of Biddeford have spoken. They wanted Mr. Lizotte to represent them not only because he reflected their views but also because he had a legal voting residence at this store, real estate business and an apartment on Harrison Avenue in District 115-2. He spent many hours a day and night in that district.

Obviously, the interpretations of the Constitution can differ. As you note, on Page 8 of the Register, Section 4, it states that for three months next preceding the time of his election, and during the period for which he is elected, shall continue to be a resident in the town or district which he represents. That is a very cloudy subject, and it is so cloudy, in fact, that I cannot say that Mr. Lizotte should not represent his district.

In a letter from the Attorney General to Representative Garsoe, he states: "It seems clear that the framers of the Constitution intended that a member of the House have at least as much connection with the place he represents as is required for a voter." Obviously, Mr. Lizotte has that.

Mr. Tarbell stated that this would set a legal precedent. That is possible, but I am sure that this could happen again, and again we would have to go through this same process and vote whether a person stays or leaves, and I am not sure that that process would be based upon what we do today.

Considering the fact that the issue of residence is such a cloudy one both in the Constitution and in present law, I cannot vote to unseat Mr. Lizotte and I ask the House not to do that.

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

Mr. GARSOE: Mr. Speaker and Members of the House: Since I am the one who raised the question of the challenge, I just want the gentleman from Portland to know that I regret very much his compulsion to degrade the level of what had been, I think, a pretty high-class debate with words like 'political ambush.' I want the members of this body to know that I was aware of no violations prior to this. I learned about this two days before the election and I proceeded in a businesslike and orderly manner to go on with it. And I hope we will erase from any further reference in this discussion such remarks as we just heard.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to look at this from a slightly different angle and direct your attention again to the now much quoted Section 4 under Article IV, Part First, in which it states "for the three months next preceding the time of his election shall have been, and, during the period for which is elected shall continue to be a resident in the town or district which he represents."

The previous speakers have zeroed in on the ambiguity about the word 'resident'. I would like to concentrate on the word 'district'. In our minds, and particularly since the action of the 107th Legislature in creating single-member districts, the word 'district' has a connotation of being a district within a town. But what was the connotation for those who wrote the Constitution in 1820 and what was their intention in using that word? What was a district to them? Was it our conception of it or was it a larger entity, an entity larger than a town? I believe it was the latter.

The only context which I can find where the word 'district' was used prior to the writing of our Constitution was that all of Maine was called the District of Maine when we were a part of Massachusetts.

Checking the records of the first Maine Legislature in 1820, there were no districts within towns, although many towns, including my own, sent more than one representative to Augusta. Senators came from counties, and it may very well have been counties to which the Constitution writers were referring when they spoke of districts.

Also, in the Massachusetts General Court, which was the precursor of our legislature, there were no districts within towns and there were much larger councillor districts in which members of the lower house were elected to

the upper body, or council, the ancestor of the Senate.

It seems to me there is also a potential conflict between this Article and the other quoted Article, Article IV, Part Third, Section 3, which declares that each House shall be the judge of the elections and qualifications of its own members. In other words, the framers of the Constitution recognized that there was a certain ambiguity possible in the various requirements set down for membership.

On a less juridical and more human plane, let me just state that I have visited the gentleman from Biddeford, Mr. Lizotte, in his store and assumed that that was his home neighborhood because he was so much at home there and has been for many, many years, knowing everyone in the neighborhood and having served them as their Representative in the past.

How much more so, in fact, is he representative of those in his neighborhood than persons who move into an area three months before an election and then run, which is now permitted under the ambiguous provisions of our Constitution?

I certainly believe that the spirit of the law, which is to bring representation closer to the people, and, by the way, let me remind you, we are probably the only democratic government that has a residency requirement for representation, has been complied with in Mr. Lizotte's case, and given the possible interpretation of the framers of our State Constitution, that the letter has been followed too, and I hope you will accept the majority report.

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

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I guess that one of the first things I would like to do is read to you a statute of Section 21 dealing with determinations of elections. It first deals with the primary election, and since we are not talking about that, we are talking about the general election, I will read you the second paragraph right after it. This is from the statute.

"In any other election, the person who receives a plurality of the votes cast for election to any office is elected to that office." It is very clear in the statutes. So, according to the statutes, Representative Lizotte is the rightful owner of that seat.

But more so than that, according to the people of Biddeford who voted for Mr. Lizotte, he is the rightful owner of that seat. The vote, 1,204 to 308 clearly shows that Mr. Lizotte not only won a victory for that seat but it was a mandate from the people.

I would like to read a letter that appeared in our local newspaper, the Journal Tribune, from Mr. Lizotte's Republican opponent. "I wish to publicly congratulate Mr. Lizotte on his victory in the November 6 election. I am sure that he will serve his district well, as he has done so in the past. As for the people that went to the polls and gave me their vote, I wish to thank them for their support. If I could thank them individually, I would."

The voters said Mr. Lizotte was right, the statutes say he was right, and I just can't see how we here, after the people in his district overwhelmingly voted for him, can negate their will. Are we saying that the will of the people who put Mr. Lizotte in District 115-2 in the Maine Legislature, are we saying that their will doesn't count? I just can't believe that. But if anybody here has any question at all about that, why don't you come down to Biddeford with me, and I am sure that the message that you will receive will be clear, very clear.

I have a piece of paper here about an article that was in the Portland Press on September 28, 1979, concerning the questions that a reporter had asked and the answers that the Secretary of State's Office gave. This is from the newspaper.

"Henderson said Thursday, the Secretary of

State's Office was satisfied for its own purpose that Lizotte's local voter registration established his residency in District 115-2. Under State election law, a candidate's intent to reside in a certain area is nearly as important as living there for establishing residency is a concern, Henderson said." He said a person voting in a district where he doesn't live is a relatively normal circumstance. He said the voter's intent may be eventually to live in the voting district.

The people didn't bring it up, the Secretary of State didn't bring it up, the registrar didn't bring it up; it was only brought up when we got here the first day.

We have talked about the Constitution and residency. Well, I would like to take you through the Constitution on a few different pages, Page 3: "We, the people of Maine, in order to establish justice..." Well, I ask you, is it justice that we are putting Mr. Lizotte through this today when the laws of this state concerning elections are vague? Is it justice that after the people of the district in which Mr. Lizotte lives voted for him and we are trying to negate their wish? I question whether it is justice that we are even putting Mr. Lizotte through this at all.

Page 5, "The people have the right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give the instructions to their representatives, and to request of either department of the government by petition or remonstrance, redress of their wrongs and grievances." I want to know if at any time the people have assembled and said that Mr. Lizotte does not belong in that seat? Well, I live in Biddeford and they haven't.

On Page 6, "Every citizen of the United States of the age of eighteen years and upwards, shall be an elector for Governor, Senator, Representative..." Aren't you taking a vote away from the people of Biddeford who voted for Mr. Lizotte? They have the right to vote and they voted. Don't take that right away, it is in the Constitution.

Finally, on Page 11, which clearly states that the legislature has a legal right to sit any member it wishes.

We have, according to the Constitution, every right to seat Mr. Lizotte. According to the Constitution, Mr. Lizotte has every right to be here. According to the Constitution, nobody opposed Mr. Lizotte. The laws are vague; let's not pick on Mr. Lizotte because of that; let's change the law. If the laws are vague, change the law. Let's not set precedents by picking on an individual legislator. To me, that just doesn't seem to be right.

Mr. Lizotte's intentions were honorable, they were good, they were in good faith at all times. He wanted to come up here and serve the people of his district and has done so. For us to try to throw him out of here two or three days before the session is over just isn't right.

I know a lot of you here are torn on this issue not only because of the issue itself but also because of the fact that you know Mr. Lizotte, you know him as a friend, you respect him, and you know him as an honorable man. I hope I have shown you enough so that you can clearly vote to keep Mr. Lizotte in his seat. The registrar said it was all right, the people said it was all right, the statutes say he belongs in this seat, the Constitution says we can put him in his seat, so let's put him in his seat, the seat that he won and the seat that the people want him to keep.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: There is no question, for all of us this is a difficult question to answer for ourselves, not only for us but the people that we represent back home.

I speak as a legislator from Eagle Lake, not

as Speaker. I speak as a legislator who has been here now for 16 years. I speak in part because it was to me that the gentleman from Cumberland, Mr. Garsoe, came when he broached the subject in early January. At that time, I thought for a moment and wondered whether, in fact, this case might be a little different, because we had in 1975 adopted single-member districts. That, I suppose, could make a difference in deciding the question on the seating of the gentleman from Biddeford. So, for a while, and after reading, I decided that I was going down the wrong path.

In 1975, this Legislature and the people accepted single-member districts, but when you read the language dealing with single-member districts, nowhere do you find any definition as to what has to take place—no definition is described as to what a district is in the Constitution. So, that meant very clearly to me that you had to go back to the original, to Article IV, Part Third, Section 3, and that is on Page 11, if you have your House and Senate Register, which deals with each House being the judge of its own members.

When we look at what our forefathers meant when they wrote "residing in the district in which you live," the gentleman from York, Mr. Rolde, has clearly outlined the historical significance of that. It was not what we think it today; yet, there is nothing in that single-member district constitutional amendment that says anything about single-member districts, so there has been no change since 1820. So I thought for a moment about history, having been here eight terms, and I wondered if these things had ever happened before, regardless of political party, because I don't think it is a political question from that sense of the word, but I thought for a moment of a dear friend of mine, a member of the opposition, Marion Fuller Brown, who was elected from York, married a lobbyist friend of mine from Augusta, and at that point had two residences. We, this House, some of you in this body, accepted her intent, her desire to say that York was her home.

I remember a majority floor leader of the other body, Senator Richard Berry, who, from time to time, he and I were friends, who, after he moved out of his home, lived in an apartment in Augusta and in Stratton.

Senator Guy Marcotte, Kennebunkport—address, Biddeford. Former Speaker of this body, Dave Kennedy, a close friend of mine, when his wife taught in Brewer, he lived in Brewer—elected, Milbridge. Jock McKernan, a member of this body, went to law school, lived in Portland—intent, Bangor; elected, Bangor; represented Bangor.

And finally and not least, in the last election, on December 8, 1978, I received a communication from people in Bangor who questioned the setting of one of the members of this body on the question which is now before us. I had completely forgotten about this until a few minutes ago, before I came down from the rostrum, so I went to my office and my secretary was able to locate the communication in which a losing opponent questioned the seating of a Bangor legislator on the very same question. My answer was very simple; that decision was decided by the people of Bangor. I do not believe that you have a right or would you win or would I support you if the issue were to come on the floor of this House. For whatever reason, that became the end of the controversy.

Then I think for a moment of our own United States Senator Bill Cohen—no home in Bangor; home, Sugarloaf; voting district Bangor. Then I think of United States Senator Ed Muskie—voting district Waterville; home, Kennebunk; intent, Waterville.

After I put that through my mind, I said to myself, what right have I got, regardless of where I am from, whether it be Cumberland or Eagle Lake, what right have I got to overturn the decision of the people who chose to elect

Mike Lizotte as a member of this body, because, after all, the final judges are not you and I, are the people. The Constitution very clearly states that our last responsibility is to determine qualifications, and when there is a question as serious as the one before us, there is no way in my mind that I can vote to disenfranchise the people of one district in Biddeford anymore than I could to agree with the challenge which came from Bangor.

So, today I would hope that the members of the House, on those bases, will vote in the affirmative on the pending order presented by the gentleman from Winslow. It is not an easy one, but I think it is the right one.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The reference to the gentleman from Bangor, I believe, was referring to me, and I would like to set the record straight on that.

I moved to my present residence on 798 Kenduskeag Avenue, within District 83-3, in the March before the election, March 1978. I moved into an old house which I intended to remodel. The contractors came in here in June, started remodeling in June. I had fully intended to remain there during the period of remodeling but, due to the major job that was being done, they gutted the house and took out the plumbing and the wiring and so forth, and it was impossible for me to remain.

During the period from the middle of June until September, I was not, indeed, living in that house, but I had moved there in March and it was my intention to return just as soon as I was able to, and I did return probably sometime in September, I don't remember the exact date.

I think it was in August, I received a letter from Mr. Chandler, who I believe was representing the Democratic State Committee, questioning my residence and saying that it was his understanding that I was not, indeed, a resident of the district from which I was running, and if I did not forthwith withdraw from the race, he would bring charges against me to terminate my candidacy.

I referred the letter to my own attorney and he contacted Mr. Chandler stating the facts, and I never heard any further challenge from that.

I have had references from time to time, such as the gentleman from Eagle Lake mentioned today, regarding the fact that I was not a resident at the time I was running for the House. The facts do not bear that out and I resent the fact that this is brought up from time to time.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Eagle Lake says that we have no right to vote to unseat the gentleman from Biddeford, and I agree with him. This is not a right, it is not something I sought; I think we have a duty, and I think that duty is laid out for us very clearly in the Constitution and in two opinions from the Attorney General.

I am going to feel very secure as I cast my vote against the majority report. The only thing I want to leave with this body is that the only references to Mr. Lizotte and his honor have been made by those who profess to defend him. That has never been a question in my mind. The first person I approached on this was Mike Lizotte himself; the second one was John Martin and the third one was Jim Tierney, to get advice as to how to proceed so we would avoid this personalities and character damage that always seems to creep in when we get into something that is a little difficult.

No, we don't have a right to be voting on this, we have a duty to be voting on this. You certainly have had the Constitution recited to you

enough today so that I am not going to attempt it.

I just can't finish without pointing out that the gentleman from Eagle Lake always does a thorough job. I can only observe that Senator Muskie's district is the entire State of Maine, and I don't think it makes any comparison at all to raise his situation and many of the others that he raised as being an argument for agreeing with the majority report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: Some four years ago, I ran for the House from District 89 and I was elected by 133 votes. But it was brought out by my opponent, he contested my election, and said that there were people voting in that election that shouldn't have and finally came to the House and apparently the majority of the members of this House felt it was their duty not to seat me, feeling that there was some question about whether I was actually elected by the majority of the people in my district. They called for another election and I did win the second time, the second time was in February.

I never felt it was a personal matter. I felt that the House had a duty to do. They performed that duty and I was very happy, naturally, to have the endorsement of my district, the majority vote of my district the second time.

I do live in District 89, I live in the Town of West Bath. I have an office which happens to be in District 90, and if we vote to seat Mr. Lizotte, it seems to me all I have to do, if I look the situation over and say, well, it seems to me I have a little better chance of getting elected from my office in Bath than I do from West Bath, all I have got to do is take the most expedient course.

So, it seems to me the House has an opportunity to set up some fairly firm guidelines. I realize that nothing is completely firm because there are always certain ambiguities there, but it does seem to me that we do have a chance to set up some guidelines that will be of benefit not just to the Republicans and not just to the Democrats but to all of us as a whole.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker and Members of the House: I would hope that we have heard both sides of this issue, in my opinion, quite thoroughly, and outside of once or twice—I mean, this thing can get both emotional and sometimes it can get a little rough around the edges, but I think we know now where we stand, and I am thinking of a friend by the name of Mike Lizotte, and I know he is a friend, and whichever way you vote, I would suggest, Mr. Speaker, that we do vote out of compassion for Mike Lizotte, who is somewhere in this building listening to what is going on. I think he has gone through some sort of an experience that he probably thought he would never have to go through. As far as I am concerned, he is a very close, dear, personal friend of mine. I think we have listened to enough and I think, Mr. Speaker, it is time to vote.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree entirely with my good friend, but I am on the committee and I feel that I should say just a few words to explain why I voted the way I did.

Under the Constitution of the State of Maine, today I could run for any district, any House seat, any Senate seat, in the State of Maine today under the Constitution and be constitutionally safe. The Constitution states that I only have to have the intent to be in that area 90 days before the general election—intent. The reason I say that is that the thing we deal with

here this morning, in my opinion, is intent.

The framers of the Constitution, in my opinion, as a layman, made this a gray area because they had put in another portion of the Constitution the fact that under the Constitution this House would seat itself.

The reason I bring the fact of the layman out, and this matter has bothered me greatly and I have conferred with what I think are some of the finest legal minds in the State, I have conferred with the people from my area, conferred with lay people, but the framers of the Constitution there were 274 delegates, and of those 274, 37 of them were attorneys, so 13 percent of the framers of the Constitution were attorneys and the other 87 percent were lay people like myself. I brought this out in the discussion of this with some of the learned people and they said to me, even though they are learned attorneys, that that probably was a good thing, that that allowed some, rather than the strict legal, allowed the thing to be framed so that the people's will could be heard, and in this case, I feel Mr. Lizotte's intent is clearly set up. Everybody has accepted the fact, I guess, along the line, the chain of command, that he is here legally, so I took the only course that I could take.

I looked Mr. Lizotte right in the eye and I said to him, "Mr. Lizotte, what was your intent and where is your residence?" And he affirmed to me that he felt that his residence was the one that he chose.

I am going to read one other section of the Constitution. It says "All men are born equally free and independent and have certain natural, inherent and inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness." I believe under that, that gives the right of any citizen in this State of Maine to choose their own residence.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Old Town, Mr. Paradis.

Mr. E. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: My election, as you know, I believe I am the junior member here in the House, having been elected in December. In November, I was faced with an opponent for the nomination. He was living not in the district but was building a house in the district. The seat was vacated by Steve Gould's death. He requested a determination at that time whether he was eligible to apply or to run for the seat, and without any question, the 90 day rule was placed on him.

Now, he was disenfranchised if this comes to pass here today, what we are contemplating. He was disenfranchised from an opportunity to contest for this seat.

If we pass this today, I see an extension of it going into the counties, in that they are district, and the county commissioners represent a certain piece of terrain, a certain number of people.

I also have in my district, and I am certain some of you have in yours, seasonal non-residents who will probably have the opportunity now to apply for selectman, for councilman, for county commissioners and probably the opportunity to represent your district here in this House. I believe that is worthy of your consideration right here at this moment.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we ought to go back to January when this matter was first raised in this House, and I would just like to read to you the order, Supplement No. 1, on January 3, 1980. "On motion of Mr. Tierney of Lisbon, the following Order: (Cosponsor: Mr. Garsoe of Cumberland) ORDERED, that the sum of the \$3,000 be allocated from the legislative account to the House Committee on

Elections to determine legal questions relating to the election and seating of members of the legislature."

To the best of my recollection, that order received unanimous approval of this body. There was not one objection to that order at that time. So, this body determined that there were real legal questions concerning the election and seating of Mr. Lizotte.

It does us no good at this late date in time to say that the question should not be decided by a determination of those legal questions, but it should be decided only on what Mr. Lizotte's intent was, or it should be decided on the basis of what happened in the past 16 years, or even that it should be decided on what the framers of the Constitution contemplated to be a district back at the time of our State Constitution.

It does us no good to say that because the people in District 115-2 in Biddeford cast votes for Mr. Lizotte in an overwhelming number that that determines the issue. I say, if we debate this question on the basis of those arguments, we are abdicating our responsibility and we are not living up to our oath of office. We took an oath of office to uphold the laws and the Constitution of the State of Maine and that is what I intend to do here today.

Several of the proponents of the majority report have urged that the registrar of voters of the Board of Registration determine that Mr. Lizotte was a resident of 115-2. Well, I guess each and every one of you has received a copy of a letter dated March 19, 1980, placed on your desks, reproduced and distributed at the request and the expense of Representative J.P. Marcel Lizotte, and I would like to direct your attention to the next to the last paragraph in that letter where the Chairman of the Board of Registration points out that it is in his opinion that "legal residence as used in Title 21 would be defined as a place where you have lived and have slept with the intent to return."

So, when we say that the Board of Registration determined that Mr. Lizotte was a bona-fide candidate from District 115-2, let's look and see what that board did determine. I think if you read the rest of that letter, you will see that the board simply accepted Mr. Lizotte's statement as to what his residence was, without question. They simply accepted his statement; they did not conduct any independent investigation as to where he lived, where he slept or where he intended to return.

You will note that the deposition of Mr. Lizotte was taken some time ago. That deposition wherein Mr. Lizotte was sworn to tell the truth, the whole truth and nothing but the truth, and where he did candidly answer the questions put to him by the minority counsel to the committee, and in each instance when asked, where do you live, he replied, 312 Elm Street, I believe it was, wherever the residence, which is not within 115-2. Time and again, this question was put to the witnesses; time and again he answered that he intended to return there, where his family lived, where he took his meals, where he slept.

I submit to you that we have been charged with a very solemn obligation here and our obligation to interpret what was really meant when we put into our Constitution that a Representative must reside in the district in which he represents, and it doesn't really do us honor to say that we will take that word "district" and put it back 100 years or more to determine what does the word "district" mean today. We know what that word "district" means today. We know what that means the legislative district that each and every one of us serves. It does us no honor to say that we will accept or adopt some convoluted definition of district looking back to what the framers of the Constitution meant when they spoke of the district of Maine. We know what a legislative district is today. We know what was intended when single-member districts were created by this legislature.

I am asking you to vote your conscience. I am asking you to agree with Mrs. Beaulieu's vote in the committee this morning, because Mrs. Beaulieu stated that in all good conscience she could not find that Mr. Lizotte actually resides in District 115-2, and Mrs. Beaulieu advised in that committee meeting that the counsel to the majority had so advised her that there was no legal basis for finding that Mr. Lizotte is a resident of 115-2, and I ask you to vote your conscience.

I request a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

MR. LIZOTTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read into the record an editorial that appeared in my local newspaper concerning my position, which all of you have on your desks. "The Maine Legislature is wasting \$2,000 of the taxpayer's money trying to determine if Biddeford Democrat J. P. Marcel 'Mike' Lizotte should be seated in the House of Representatives. Of course he should but the members of the Republican leadership have been arguing that Lizotte does not meet the state's constitutional residence requirements, or, in other words, that he doesn't live in a district he purports to represent and so \$1,000 is going to Republican Charles Cragin and \$1,000 to Democrat Severin Beliveau for legal inquiries to see if Lizotte should be allowed to fully occupy his seat. He has been seated conditionally."

"The Republican argument is that there is a principle involved and, besides, the case is a precedent—setting one because it would be the first one involving a dispute following the change from multi-membered to individual seat districts."

"The Lizotte's dispute stems from the redistricting three years ago. Until then, Biddeford was a triple-district, with three at-large representatives for the city. Lizotte served six years as one of those representatives."

"Beginning with the 108th Legislature, Biddeford was divided into three separate districts. At that time, Lizotte stepped down and his son, Guy M. Lizotte ran for and successfully won the district 115-2 seat, but then Guy Lizotte took a job with an airline and resigned his seat during his first year on the job. His father decided to run for the seat and he won the election handily by a four to one margin over his Republican opponent, John R. Bolduc. The vote was 1,204 for Lizotte and 308 for Bolduc."

"The problem came out because Lizotte ran for and won a seat in District 115-2, within which district is located the family-owned Mike's Market. Lizotte says that he spends most of his time in that district, either at the store or at the apartment above it. But his actual residence is 312 Elm Street, which is in another legislative district, District 115-3."

"What are the lawyers going to look at? They are going to look at what the voters in 115-2 said, and the voters plainly said that they wanted Lizotte to represent them. Undoubtedly, many of them knew that he had a primary residence in 115-3 and another one in 115-2."

"But Lizotte has answered the question a number of times and always with the same observations: He has two homes. He spends most of his time in the district from which he was elected. He sees nothing wrong with his position."

"The lawyers are also going to look at how he is registered as a voter. And they will find that his voting address is on Harrison Avenue at the market and the apartment-home, in District 115-2."

"The legislature knew all this when its members hired the two lawyers anyway so it is not really clear what the GOP hopes to gain by having Lizotte's status investigated."

"Plainly, because the voters elected him, because he has a residence in 115-2, he should be allowed to take his seat in the Maine House of

Representatives unconditionally."

I would also like to put in the record the letter from the Board of Registration of voters which Mr. Stetson read part of, which is dated March 19, 1980. "To the Honorable J. P. Marcel Lizotte; 30 Harrison Avenue; Biddeford, Maine. Dear Representative Lizotte: In accordance with our telephone conversation this morning in which you requested that I write a letter of explanation pertaining to the problem you are having in the State Legislature in regards to your being seated as a duly elected member of the House from the City of Biddeford, District 115-2, I wish to make the following statement."

Immediately after your son, Guy M. Lizotte, resigned as a State Representative to the Legislature from the City of Biddeford, District 115-2, you came to my office and asked my opinion as to whether you were eligible to run for the vacancy created by your son's resignation. I told you that I was very familiar with this section of Title 21 as it had come up in this office many times in the past. I further stated that the law is very loosely written as to what constitutes legal residence. I further said that as I read and understood it, we, the members of the board, have to take the word of the voter that the address he has given us is his legal residence, whether it is his continual physical residence or not, we must use, if he tells us that it is his intent to return to this address. I explained to you that the word intent was the key word in this paragraph. We cannot possibly know if the voter is sincere but the law states that we have to take his word as to his intent."

"It is my opinion that legal residence, as used in Title 21, would be defined as a place where you have lived and sleep or have slept, with the intent to return."

"I sincerely hope that the above will be of some help when the vote to seat you is taken at tomorrow's session."

Yours, truly, Murial Marchand."

I would like to go to the definition of residence. Residence, as I see it, is where you live. How do you define where you live? They say "where you domicile". Definition of domicile—where you sleep or where you slept with the intent to return. Many people have many definitions; I chose this one.

I have been given many recommendations for what I should do, resign, resign so that you will not put anyone in a difficult position. As I see it, I am the one who is in the difficult position."

At this time, I would like to say that I have not been sent here on a recommendation. I am here with a commitment, which is what I have always tried to live by. I have committed myself to serve the people whom I represent, which I have always tried to do to the best of my ability. I aim to live with what I think is of the most importance—my commitment."

My decision was made when I ran for this office. Since I have been here, I have always tried to do things in an honest way and I am not about to change my ways for anyone."

When this seat became available, I decided that I would try to obtain it since I was and had been a registered voter at 115-2 since 1977. I was lucky enough to be selected out of a few to fill the vacancy which, I must admit, I am very thankful for to all the people of Biddeford, which I properly represent."

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

MR. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Lizotte has chosen to read into the record an editorial of his hometown newspaper, which I submit to you should not enter into your deliberations here today on the legal question as to whether Mr. Lizotte is or is not a resident of District 115-2. So I am going to take this opportunity to read into the record certain portions of a deposition of Mr. Lizotte that was taken under oath

on January 28, 1980. The questions were posed by minority counsel, Charles L. Cragin, Esquire—

The SPEAKER Pro Tem: The Chair would ask the gentleman from Winslow, Mr. Carter, for what purpose he arises?

Mr. CARTER: Mr. Speaker, a point of order? I would like to ask the Chair for a ruling.

The document that Representative Stetson wishes to quote from is not legally before this body. As I have stated previously, in my earlier statement, Mr. Lizotte has until Monday of next week to sign or not to sign and return that document. Until that transaction takes place, I don't think that document should be quoted from or read from into the Record, and I would ask the Chair to rule on that.

The SPEAKER Pro Tem: The Chair understands the position of the gentleman from Winslow, Mr. Carter, and the Chair will rule that as to the truth or non-truth of the characterizations concerned in the deposition, given the fact Mr. Lizotte has not signed it, that the truth or not truth will in no way refer in any further legal matters outside of this House to Mr. Lizotte.

However, the Chair will further rule that since the gentleman from Wiscasset, Mr. Stetson, was present during the course of the deposition, he may certainly refer to my document or any recording or any transcribing of any recording made during the course of that deposition. Therefore, your point of order, as far as this particular issue is concerned, is overruled.

The gentleman may proceed.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I will read only certain excerpts and I will offer this document to any other member of this House to read such other portions as he cares to.

I will try to make it brief. The question was put to Mr. Lizotte immediately after he had identified himself. "Where do you live?" Answer "312 Elm Street." I turn now to Page 5 of the deposition—"Where do you now live?" Answer: "312 Elm Street"—

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt, and requests for what purpose does the gentleman rise?

Mr. JALBERT: Mr. Speaker, I don't care to have, and I have nothing but friendship and respect for Mr. Stetson, but what I predicted a few minutes ago if we didn't stop would happen is happening. On the basis of that, I don't care if we stay here until six o'clock on this issue, but I don't want the good gentleman, who is a very learned attorney, to read excerpts from a deposition. I want the deposition read in its entirety.

The SPEAKER Pro Tem: The gentleman from Wiscasset, Mr. Stetson, has the floor and may continue as he chooses.

Mr. STETSON: Mr. Speaker, as I stated earlier, I will offer the document to the gentleman from Lewiston or any other member of this body to read whatever else he cares to into the record.

I continue on Page 5—"Where do you habitate? You say you live with your wife and child on 312 Elm Street, right?" Answer: "I hope so, yes." Next question, down the page, "How many nights a week do you sleep at 30 Harrison?" Answer: "Nights, I don't sleep any nights at 30 Harrison Avenue." Page 6, question: "You generally went home to 312 Elm Street for meals?" "Yes."

I believe that the record is very clear from those questions and answers that Mr. Lizotte resided at 312 Elm Street. Now, Mr. Lizotte is here in this body today and has chosen to address us, and if he wants to disavow any one of those answers, I would be willing to have him do so. However, the record is clear that on January 28 he testified in the fashion that I have just read to you.

I am going back to the letter of the Board of Registration. Again I point out to you that that board stated that it was their opinion that one's residence, under Title 21, is a place where you have lived and sleep or have slept with the intent to return.

This is a legal question. Legal counsel for the majority has rendered an opinion to at least one of the members of the committee that he could not sustain on a legal basis Mr. Lizotte's residence in District 115-2. Legal counsel for the minority has filed an opinion, which is made a part of the minority report, stating clearly that based on the facts, the Constitution and the law, it is his opinion that Mr. Lizotte is not a resident of District 115-2.

I think we have our obligation before us. The obligation is clear and I think we cannot avoid it on grounds of sentiment, on grounds of personal relationships, and I hope not on grounds of politics, because it is our Constitution at stake.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Following up, I guess, in part, to make one simple point—the Constitution of this state says, and I quote, in Section 4 "that a person shall continue to be a resident in the town or district which he represents"—provision of the Constitution drafted in 1820, which was not changed when single-member districts were adopted by this body and the people of Maine in 1975.

I believe very strongly that the people of Biddeford ought to have a right to make that determination.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is the last time that I will speak on this matter, and very briefly.

There is a larger question here today than the question of residency and the question of the representation in 115-2. The question is a constitutional question the very meaning and integrity of that document.

There have been arguments made today that the will of the majority of the people to be overturned by this House would be a violation of the spirit of our state, our Constitution, our laws and democracy. That is absolutely incorrect.

The Constitution was drafted by the framers of the State of Maine in 1820, when it became effective, as well as our U.S. Constitution drafted by our founding fathers, not only to protect and to preserve our freedom but to restrain our people, whether it be a majority or a minority, from violating the Constitution.

The Constitution works both ways. It restricts us to live within its bounds with the hope that it will maintain and guarantee our freedoms, and our liberty and our equality. This residency restriction was placed in the very first document of our Constitution in 1820. It is a restriction on all of us as we vote here today to decide the question as well as a restriction on the people back home in our districts to elect and select only people who are residents in their districts to represent them in representative democracy, which is self-government.

This question has been raised many, many times before throughout the history of our country, the right of majority rule, whether or not it should prevail.

During the Civil War, Abraham Lincoln said no, the right of majority rule is not the absolute and most fundamental principle of this country, because what was majority rule throughout our country in the mid 1800's? The majority rule was voting for slavery in the territories and in the states throughout our country. In the Douglas and Lincoln debates, Lincoln said majority rule supporting slavery, if it violates the Constitution and the foundation of our country and the Declaration of Independence, it shall

not prevail. He said, the majority must be restrained and live within the Constitution if we are, in fact, to have a Constitution and to have democracy.

I submit to you, that is precisely the larger question that is before us today, is democracy itself, the integrity of our Constitution and the obligation of all of us to abide by it and live within it as well as enjoy its freedoms.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: There is no question with respect to the qualifications of its members, this House is all powerful. In effect, that question can say that black is white and white is black and that will prevail. There has been a great deal of rationalizing this morning in this House. Some of it, I fear, is at least unbelievable to me.

I would remind our good gentleman from Eagle Lake that it is also in the Constitution, adopted in 1975, and I presume had to have been supported by the people, that we would have single-member districts. It is unfortunate that those single-member districts are within municipalities which existed as multiple districts for a long time. Be that as it may, it was the will of the people to amend the Constitution to provide for single-member districts.

I have no intention of reading anything else into the record that has been said over and over again. I think the next to the last paragraph in the letter of the registrar of voters is a very telling one.

As I pointed out, this House is all powerful in its seating of its members, but there is one thing this House cannot do or any citizen of the state or for any of its own members, and that is to repeal common understanding and common sense. In my opinion, the positive vote on the majority order that was presented by the gentleman from Winslow belies common sense and the testimony that we have heard this morning from all sides supports that position.

It is regrettable that this editorial does bring in the party label, but there it is and I am only referring to it in a peripheral way.

I want to set an example of raw power which was expressed in a very succinct manner. It occurred in the committee and when I asked a question as to what made a certain matter right, the answer I received was, "because we have seven votes and you have six." I certainly hope this morning that that is not the basis upon which any member casts his vote on this question. The matter we have before us has no reflection on the gentleman's integrity, Mr. Lizotte, or on how he views his own position.

The matter which the gentleman from Eagle Lake brought up of past errors, to the best of my knowledge were not matters of official challenge. If they were, I have no idea of how they might have been disposed of.

The point remains that this matter that is now before this Legislature, it is not before the people of District 115-2 or 115-3. We have to make the decision. Let us make the one which supports the oath we took and the Constitution of the State of Maine.

At this point, Speaker Martin returned to the Rostrum.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Winslow, Mr. Carter, that this Order receive passage. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, I wish to pair my vote with the gentleman from Lewiston, Mr. Simon. If Mr. Simon were here, he would be voting yes; I would be voting no.

ROLL CALL

YEA — Bachrach, Baker, Benoit, Berry, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Soulas, Theriault, Tierney, Tozier, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Barry, Beaulieu, Berube, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Chonko, Churchill, Cunningham, Curtis, Damren, Davis, Dellert, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Hanson, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Masterman, Masterton, Matthews, McPherson, Morton, Nelson, A.; Paradis, E.; Payne, Peltier, Peterson, Reeves, J.; Roope, Sewall, Sherburne, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth, Whittemore.

ABSENT — Boudreau, Conary, Dexter, Gray, Laffin, Lund, Marshall, McMahon, Rollins, Strout, Tuttle.

PAIRED — Silsby-Simon.

NOT VOTING — Lizotte.

Yes, 72; No, 65; Absent, 11; Paired, 2; Not voting, 1.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-five in the negative, with eleven being absent, two paired and one not voting, the order receives passage.

The following Communication:

To: Edwin H. Pert, Clerk of the House of Representatives of the 109th Legislature

In compliance with the directive of the House, enclosed herewith in the form of an Order is the Minority report of the House Committee on Elections regarding the seating of J.P. Marcel Lizotte of House District 115 (2).

SWIFT TARBELL of Bangor

RUFUS E. STETSON JR. of Wiscasset

EDITH S. BEAULIEU of Portland

Dated: March 20, 1980

The Communication was read and ordered placed on file.

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

Consent Calendar

First Day

(H. P. 1780) (L. D. 1902) Bill "An Act to Enable the State to Protect the People of Maine and its Natural Environment from the Damages Resulting from the Discharge of Hazardous Matter" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H. 957)

No objections having been noted, under suspension of the rules, the above item was given

Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Non-Concurrent Matter

Bill "An Act to Authorize Bond Issue in the Amount of \$6,000,000 for Improvements to Vocational-technical Institutes" (Emergency) (H. P. 1757) (L. D. 1887) on which Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-943) was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-943) in the House on March 19, 1980.

Came from the Senate with Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-944) read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "B" (H-944) in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the House recede and concur.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The other day we had this issue before us, and you will remember that the scenario was the same at the very beginning.

We are talking about bond issues for vocational schools. At the time, you will remember that I moved the report that would include roof repairs at the Eastern Maine Vocational-Technical Institute and now it comes back to us from the other body in non-concurrence because they have added on it money for the Maine Maritime Academy at Castine.

I have thought about it, talked about it to Admiral Rogers just a few minutes ago myself about this particular matter. I am convinced now that probably that would be an advantageous thing for us to do and what they intend to do with that added money is to have seom engineering building constructed on the waterfront at Castine where they have the remanants, he tells me, of what used to be an old sardine factory there. I think that is one of the state's most prestigious schools, one that everyone is proud of. Probably at the very beginning I would have been reluctant to go that high in the bonding, but I think it is important that this be passed for all the other reasons, plus I think Castine can stand on its own merits with this too.

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

Mr. JALBERT: Mr. Speaker, speaking as the ranking member of the Appropriations and Financial Affairs Committee, and former chairman, I would like to agree wholeheartedly with my young friend and present chairman of the Appropriations Committee.

I am not going to stand here and kill off a piece of legislation because I can't have all of my cake.

I think, frankly, a very bad error is being made. I think that this program that I want so badly to start in South Portland would have been started, which would have meant the acceptance of my report, on which I spoke at length yesterday, and I feel very strongly that the building at Washington County should be built. However, you know, there is an old saying that you can't have your cake and eat it too. I am not going to stand in anybody's way. I bow to the wisdom of the House Chairman of the Appropriations Committee, and I wholeheartedly endorse this new concept.

Thereupon, on motion of Mr. Pearson of Old Town, the House voted to recede and concur. By unanimous consent, ordered sent forthwith to engrossing.

Ought Not to Pass

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Prohibit the Generation of Electric Power by Means of Nuclear Fission" (I. B. 2) (L. D. 1984) reporting "Ought Not to Pass"

Report was read and accepted and sent up for concurrence.

The following papers appearing on Supplement No. 10 were taken up out of order by unanimous consent:

The following Communication:

March 20, 1980

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 Bill, "An Act to Permit the Department of Inland Fisheries and Wildlife to Borrow in Anticipation of Revenues", Failed of Enactment. (H. P. 1836) (L. D. 1940)

Sincerely,

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

March 20, 1980

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 Indefinitely Postponed Bill, "An Act to Providing to Standby Authority Regulate Essential Oil Heating Deliveries"(H. P. 1984) (L. D. 2019)

Respectfully,

MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Ought to Pass with Committee Amendment

Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-471) on Bill "An Act to Increase Compensation to Municipal Clerks and other issuing Agents for the Issuance of Certain Fish and Game Licenses" (S. P. 682) (L. D. 1805)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-471) as amended by Senate Amendment "A" (S-481) thereto.

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-471) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-481) was read by the Clerk and adopted in concurrence. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

Passed to Be Engrossed

An Act to Expand the Kinds of Projects Eligible for Financing Under the Municipal Securities Approval Act. (H. P. 1767) (L. D. 1898)

(S. "A" S-468 to C. "A" H-859)

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 to the Senate.

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

Enactor

Tabled and Assigned

An Act Amending Criminal Laws and Procedures (S. P. 750) (L. D. 1925) (C. "A" S-456)

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

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we could get a tabling motion on this for one legislation day.

Since the debate of the other day, I have been in contact with three separate attorneys and it is now turned over to the Attorney General's Office for an opinion, and that opinion should be forthcoming tomorrow. I would hope that we could get this tabled until we get the opinion.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

Enactor

Reconsidered

An Act Establishing the Child and Family Services and Child Protection Act (H. P. 1787) (L. D. 1906) (S. "A" S-474 to C. "A" H-832)

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

On Motion of Mr. Hobbins of Saco, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House Reconsidered its action whereby Committee Amendment "A" as amended by Senate Amendment "A" thereto 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-959) was read by the Clerk.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The staff counsel to the Judiciary Committee informed me that an amendment was needed, which I am presenting, which will add a fiscal year to the committee amendment.

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

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

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

Passed to Be Enacted

An Act to Revise the Small Claims Law (S. P. 684) (L. D. 1807) (C. "A" S-470)

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.

Finally Passed

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Georgia-Pacific Corporation (H. P. 1895) (L. D. 1971)

Was reported by the Committee on En-

grossed Bills as truly and strictly engrossed.

On Motion of Mr. Nelson of Roque Bluffs, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

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

House Amendment "A" (H-958) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I present this amendment in hopes that I can amend out a portion of land that is involved in this land swap, and that is the 1,000 acres that is being taken out of the consolidated lot, No. 18, which is just above East Machias.

I realize that the state has a mandate to consolidate the Bigelow tract and I accept that, but I cannot accept the fact that all of the land that is being traded here in this resolve, all but 1,370 acres, is coming out of Washington County over there. You realize, I have said a 'swap'.

This amendment would exclude that 1,000 acres that is about to be chopped off that consolidated lot down there in Washington County. The state has gone to a lot of trouble to consolidate that lot and all of a sudden they want to dig into it and start chopping off and adding it into this land swap that is going to take place to enlarge the Bigelow tract.

As was brought out at the hearing that you had on this bill, that 1,000 acres, why that was added onto that tract, the trade was not available. In fact, 1,000 acres was not added to the amount.

I submit to you, ladies and gentlemen, if that is the case, this must be a pretty valuable piece of land for the paper companies to want to acquire that.

I am putting this amendment on in hopes that the people of this House will amend that 1,000 acres out of that resolve and leave it in that consolidated parcel in 18.

At the present time, East Machias is up there cutting wood, they are paying the stumpage on that land, they are cutting wood for their needy and the elderly in the town of East Machias. This land is easily accessible they drive right to it. It is not like the rest of the lots that are up in the back country. I realize none of us could find them if we had to.

I do hope that you will go along with this amendment.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I move this amendment be indefinitely postponed.

This portion of land that the good gentleman from Roque Bluffs is attempting to delete from the arrangements between the State and Georgia Pacific is not necessarily a choice piece of land. It is a piece of timberland that has been included in the agreement between the State and Georgia-Pacific. It is not, as it states in the amendment, a choice piece of land.

This amendment is just a copy of the amendment that was defeated yesterday, and it calls for deletion of 1,000 acres.

There has been a lot of controversy in the last week or 10 days over the land swap, and there have been a great many innuendoes shot back and forth via the media regarding the circumstances surrounding the deal. Well, this agreement has been five to six years in the making. It came to a final solution, I believe, on the 14th of February, I believe that is the correct date, and there has been some screaming about the lack of time to notify people.

Well, throughout the four or five years of negotiations, there have been news items in the papers concerning the proposition. Those have not necessarily been headlines. This is a good deal for the state, this is a good deal for Georgia-Pacific, and let's not make any bones

about that. This allows the state to pick up good acreage up in the Bigelow area so that they may consolidate the holdings there on the Bigelow Preserve.

The land in Washington County that would go to Georgia-Pacific allows them to consolidate their holdings there closer to their mill, closer to their plant. Rather than transporting timber from the Bigelow area to Woodland, Maine, which would be a very costly journey, a very costly transaction, the holdings would be in Washington County and therefore would be much less costly to the company.

Anything that improves the fortunes of Georgia-Pacific automatically improves the economy of Washington County, and this is what I am concerned about.

We have a total of slightly over 9,000 acres in Washington County that is being traded to Georgia-Pacific. Out of that 9,000, over 6,000 of the acreage Georgia-Pacific already holds timber rights. In order to swap the land to a solution, Georgia-Pacific, of course, would have to surrender those rights. They will surrender those rights to attain the finalization of this contract.

If this 1,000 acres is deleted from the bill, I am not too sure, I have been trying to get hold of individuals at Georgia-Pacific, but they are all out this afternoon so I can't get an answer, but I would believe that the contract or the agreement would be null and void. I am not positive on that but I assume it would. Maybe some of the legal beagles here could enlighten us on it.

The agreement has been made and all that is left is legislative approval.

I could go on here for another 15 or 20 minutes, but I can't see extending this debate any longer. None of the rights of the people of Washington County would be denied them as far as access to the land is concerned. Georgia-Pacific is a firm believer in multiple use. As an example, they put out a sportsman's map every year, bring it up to date every year, showing all the trails, the lakes, ponds, picnic areas, hiking areas, hunting areas, the whole bit. They are very cooperative with the sportsmen throughout the county in all their lands; the only restriction they place on their land is in dry, tinder seasons, when we have a drought, they do close the land for fear of fire. During hunting season when they have their men out in the woods in certain areas cutting, they do close those sections they are cutting to hunting so as to protect their woodsmen there. Other than that, the land is wide open to the public.

I again urge you to indefinitely postpone this amendment.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support Mr. Gillis's indefinite postponement motion. I think we can rest assured here that Washington County, indeed, has not really lost a thousand acres over all, when we conclude all the land exchanges, as it might appear if we only considered this one single one, because since we have started this, and including this particular land exchange, Washington County is still ahead of the game by about 9,000 acres. So, they have had a net gain over the past half dozen years with these exchanges.

To follow up with what Mr. Gillis said, definitely the deal would be off. There would be no exchange if we were to cut this 1,000 acres. So I think we should go ahead with the exchange. It is a good deal, it is good for the people of the State of Maine. The people of Washington County have not been shortchanged at all.

The SPEAKER: The Chair recognizes the gentleman from Milbridge, Mrs. Curtis.

Mrs. CURTIS: Mr. Speaker, Men and Women of the House: I agree with my colleague from Roque Bluffs that this piece of land is a nice piece of land and we need it in Washington County.

This amendment only does one thing; it keeps this large tract of land together which the state worked to get together in the first place. We are trying to retain this for the residents of Washington County, and that is all the amendment says.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: It should be clarified, the fact is obvious that Georgia Pacific knew of the possibility of a land swap in Washington County. It is also obvious that the State of Maine was aware of the possibility.

The Bureau of Public Lands has carried out a consolidation policy into Washington County for quite a number of years, and they have exchanged land with other companies to acquire a large land base in Washington County in preparation of this very exchange that is now in process.

The Lot 18 that we are speaking of was consolidated by the Bureau of Public Lands toward this end to be used as necessary.

Now, the lots that they are exchanging, or proposing to exchange with Georgia Pacific, they have made every effort to exchange lots that are far removed from habitations and municipalities so as not to exchange land that could have been used, as has been stated many times, for woodlots for the needy people in that area.

This particular piece of land, if you will look on your L. D. 1971, on Page 16 it says "small slice, possibly one-tenth or less of a lot of land that they accumulated and it is off one end of that farthest removed from Machias, I believe, and in any case, it is contiguous to land owned by Georgia Pacific, and naturally they want to consolidate their lands rather than have them take a piece out of the middle of that lot, for example. In any case, in the middle of the lot is a fine lake which the Bureau is trying to stay away from.

If they were not to use this 1,000 acres, they would have to find another 1,000 acres somewhere else in Washington County that Georgia Pacific would exchange for, and that being the case, they probably would get a 1,000 acre parcel that would be close to a municipality because that is all that is left.

I would urge you to go ahead and vote to indefinitely postpone this amendment and let's go on with this exchange that has been in the making for many many years, and I am convinced, after the hearing and a lot of discussion on it, that it is in the best interest of all of the people of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, when the vote is taken, I would ask that it be taken by the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Gillis, that House Amendment "A" be indefinitely Postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Bowden, Brenerman, Brodeur, Brown, D.; Brown, K.L.; Brown, K.C.; Call, Carter, F.; Churchill, Damren, Davies, Davis, Dellert, Doukas, Dow, Drinkwater, Dudley, Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gwadosky, Hall, Hanson, Higgins, Hobbs, Howe, Huber, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kane, Kelleher, Kiesman,

Lancaster, Leighton, Lizotte, Locke, Lougee, MacEachern, Mahany, Marshall, Masterman, Masterton, McSweeney, Michael, Morton, Nelson, A.; Norris, Paradis, E.; Paradis, P.; Paul, Peltier, Peterson, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Soulas, Sprowl, Stetson, Stover, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Vose, Wentworth, Whittemore.

NAY — Bachrach, Baker, Brown, A.; Bunker, Carroll, Chonko, Cloutier, Connolly, Cox, Cunningham, Curtis, Diamond, Dutremble, D.; Gray, Hickey, Kany, LaPlante, Lowe, MacBride, Martin, A.; Matthews, McHenry, McPherson, Mitchell, Nelson, N.; Payne, Pearson, Prescott, Smith, Studley, Violette, Wood, Wyman.

ABSENT — Berry, Birt, Boudreau, Brannigan, Carrier, Carter, D.; Conary, Dexter, Gowen, Hughes, Immonen, Jacques, E.; Jacques, P.; Laffin, Leonard, Lewis, Lund, Maxwell, McKean, McMahon, Nadeau, Nelson, M.; Post, Reeves, P.; Simon, Strout, Tuttle, Vincent.

Yes, 89; No, 33; Absent, 29.

The SPEAKER: Eighty-nine having voted in the affirmative and thirty-three in the negative, with twenty-nine being absent, the motion does prevail.

Thereupon, the Resolve was passed to be engrossed.

The Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine" (H. P. 1879) (L. D. 1962) (C. "A" H-919) which was tabled earlier in the day pending passage to be engrossed.

On motion of Mr. MacEachern of Lincoln, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "B" to Committee Amendment "A" (H-956) was read by the Clerk and adopted.

Mrs. Post of Owl's Head offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-925) was read by the Clerk and adopted.

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

Mr. JACKSON: Mr. Speaker, could this House Amendment "B" to Committee Amendment "A" be explained?

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

The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, I will try to answer it in my scratchy voice.

These are mainly housekeeping amendments. There are three changes in the law. If you will look at your bill, it changes the word 'resident' and adds the word 'junior' and it changes the word 'while' to 'which'. It is very technical! It really doesn't make any big change in the law, it is just a change in the wording of the thing.

Thereupon, Committee Amendment "A" as amended by House Amendments "A" and "B" thereto was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the second

tabled and today assigned matter:

Bill "An Act to Create the Maine Spruce Budworm Management Act" (Emergency) (H. P. 1980) (L. D. 2015) (H. "A" H-950)

Tabled—March 19, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mrs. Prescott of Hampden offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-960) was read by the Clerk.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you what the amendment does propose to do. It directs the Bureau of Forestry to provide for an environmental health monitoring of the spruce budworm spray program. It will provide for contracting of services and the monitoring will be done by an agency other than the Department of Conservation. I am not pretending to preclude agencies contracting out for the necessary services.

The program will be funded totally out of the spruce budworm management act, and this will come out of the revenues from the excise taxes that are assessed in connection with the spruce budworm spraying program; it will not come out of the general fund.

The cost will be one cent per acre, or it will go from \$1.44 an acre to \$1.45 an acre for pulpwood and from 72 cents to 72½ cents per acre for the mixed wood.

The amendment, I think, will provide the necessary authority that we need and the resources to undertake the adequate health monitoring effect in connection with this spraying program.

I don't feel that I can support this bill if we don't provide for these safeguards.

Thereupon, House Amendment "D" was adopted.

Mr. Diamond of Windham 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 and having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on passage to be engrossed as amended by House Amendment "A" and House Amendment "D". All those in favor will vote yes; those opposed will vote no.

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

ROLL CALL

YEA — Aloupis, Austin, Barry, Berube, Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Carter, D.; Carter, F.; Chonko, Damren, Davis, Dow, Dudley, Fenlason, Gillis, Higgins, Hutchings, Jalbert, Joyce, Kany, Kelleher, Locke, Lougee, MacBride, Masterman, Masterton, McPherson, McSweeney, Morton, Nelson, M.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Peltier, Peterson, Prescott, Rollins, Roope, Sewall, Silsby, Small, Smith, Soulas, Tarbell, Theriault, Tierney, Tozier, Twitchell, Violette, Vose, Whittemore, Mr. Speaker.

NAY — Bachrach, Baker, Beaulieu, Benoit, Berry, Blodgett, Bordeaux, Brenerman, Brodeur, Brown, A.; Call, Carroll, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gavett, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbs, Howe, Hughes, Hunter, Jackson, Kane, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lowe, Mahany, Martin, A.; Matthews, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, N.; Pearson, Post, Reeves, J.;

Rolde, Sherburne, Sprowl, Stetson, Stover, Studley, Torrey, Wentworth, Wood, Wyman.

ABSENT — Birt, Boudreau, Bowden, Brannigan, Carrier, Conary, Cunningham, Dexter, Garsoe, Immonen, Jacques, E.; Jacques, P.; Laffin, Lizotte, Lund, MacEachern, Marshall, Maxwell, McMahon, Reeves, P.; Simon, Strout, Tuttle, Vincent.

EXCUSED — Huber.

Yes, 56; No, 70; Absent, 24; Excused, 1.

The SPEAKER: Fifty-six having voted in the affirmative and seventy in the negative, with twenty-four being absent and one excused, the motion does not prevail.

Sent up for concurrence.

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

An Act to Amend the Maine Securities Act (H. P. 1779) (L. D. 1901) (C. "A" H-887)

Tabled—March 19, 1980 by Mrs. Post of Owl's Head.

Pending—Passage to be Enacted.

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

Mrs. POST: Mr. Speaker, I move we suspend the rules for the purpose of reconsideration.

Mr. Howe of South Portland objected.

The SPEAKER: The Chair will order a vote. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would hope that you would vote against enactment on this particular bill. I almost got by suspension of the rules, but unfortunately my seatmate was listening a little bit, so at this point I would urge you to vote against enactment of this bill so that we might again be able to get it back in position to take care of some of the objections I have. I don't have too great an outlook for this, because I understand the committee is not willing to accept the amendment.

If you want to take a look at the bill, it is L. D. 1901, An Act to Amend the Maine Securities Act, and I don't know how I ever got involved in securities, except that an amendment came across my desk that had the word taxes in it, and Internal Revenue Code, and that caught my eye.

Essentially what this does, it provides exemptions from having to register for securities in two different areas, and that is on Page 2 of the bill. One is paragraph A, which is a relatively general type of exemption, and it is a person organized and operated not for private profit religious, educational, benevolent, fraternal, charitable, social, athletic or reformatory purposes or as a chamber of commerce or a trade or professional association, if no part of the net earning of the issuer inures to the benefit of any person, private stockholder, member or individual. Actually, they have changed the language in the amendment, but it is essentially the same as it is in the bill.

Our experience has been with many of the laws in the state, when we have tried to give people exemptions based just on rather general and corporate law, that it is very easy for people who do not necessarily fall into some of the tighter definitions of the Internal Revenue code to get those exemptions. "B" is a much more specific classification of people, and what that essentially says, if you want to be exempt from the Maine Securities Act, not have to register, and you still want to somehow sell securities, the specific securities authorized, in order to get that right end benefit, you have to be able to prove to the Internal Revenue that you are, in effect, tax exempt under those specific sections of the law.

Those sections of the law that are quoted

really take into consideration just about all of the appropriate tax exempt types of organizations.

This bill, as I understand it, essentially came about as a group of lawyers, or at least the one that I have been talking with down in Portland, and when we talked about why we could not simply just exempt organizations from the Maine Securities Act that were in fact appropriately tax exempt under the IRS Code. I got a couple of reasons, one is that it really would be more difficult for lawyers that way. The other is that there may, in fact, be some kind of organizations which are not able to get tax exemption to the IRS Code, and one of those kinds of organizations might be, for instance, an organization of Buick dealers. An organization of car dealers could get a tax exemption under the code, but an organization of Buick dealers, one specific category of sales, would not be able to get tax exemption status under the Internal Revenue Code.

What this is saying is, what this bill would allow them to do is, even though they are not able to get that kind of tax exemption, they would, in fact, be exempt from the Maine Securities Act under the restrictions put down on it.

My amendment really makes the bill a bit more conservative. My stand is from a tax standpoint, that we are much better off to take a conservative standpoint and if, in fact, someone can show us at some future time that there are appropriate organizations that are not able to fall under these categories, then come back with a very narrowly defined amendment rather than the broad language that we have under "A".

I have talked with the people in the Bureau of Banks and Banking and they have no objection to this amendment. What they have told me, what this would provide, at least, is that these people who are exempt under the IRS Code have to file annual reports on their activities and at least somebody would be taking a look at the kinds of activities that they were undertaking as far as security sales go.

The other thing that my amendment does do is to say that even with these exempt organizations, they have to file an intent to sell the securities with the Bureau of Banks and Banking. The intention of that is a very easy to fill out form just saying we are going to do it, so that people have an idea what kinds of organizations are out there selling the securities. Under the present bill, L. D. 1901, there is actually no notice requirement at all, so we have no idea who might be out there selling, and by the time activities took place that were not particularly appropriate, the act would be all over and one with.

The reason I would ask you to vote against enactment of 1901, and I request a roll call, is for two basic reasons. One is that everyone who wants to sell securities under this particular exemption and not have to register will at least have to file a notice of intent to sell. The other is that it provides a more narrow definition of people who are exempt from the Maine Securities Act.

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

Mr. HOWE: Mr. Speaker and Members of the House: I shall probably forever more bear the wrath of my colleague from Owl's Head for taking advantage of the opportunity to object, but I was, indeed, listening.

Now you see why the Business Legislation Committee worked so hard to bring out unanimous reports, because some of the bills we deal with aren't terribly easy to explain, but I am sure that if you didn't follow everything that Representative Post was relaying to you, you probably picked out certain few words she inserted in her comments. Those words, and I made note of them, were (1) lawyers, (2) Buick dealers, and (3) conservative, and I am sure that will help her cause if you heard nothing else.

But let me try to do a bit more than that on the other side of the issue. The section of the bill to which she is referring would exempt nonprofit organizations from having to register some of the securities which they might offer. I have been assured that the only type of security that a nonprofit organization would not have to register under this language would be what is called an equity share or an equity offering, and the example I am given is a membership share in an organization, let's say the Podunk Country. The Podunk Country Club offers equity shares of membership certificates in the country club and, at least in theory, what you get for that is a share of the assets of that country club. Under the Article of Incorporation of that country club, if, someday, should that country club ever dissolve, the assets would go back to the members, but on those types of offerings, there are no earnings or dividends; they are not like stocks or bonds or anything like that.

So, the type of security offering that this type of a nonprofit organization would make, it seems to me, is not the kind of security that would invite somebody to try to defraud the public, because the only thing they can offer the public for that kind of security would be someday, if this organization dissolves, you would get a share back. But there is no guarantee that that share will be worth any more than it was when it was purchased and may, indeed, be worth a heck of a lot less due to inflation and so forth and so on.

Under this bill, there are two ways to recognize a nonprofit organization. One is if it files under Title 13-B of the Maine Laws, and the other is if it is granted status under Section 501 of the Internal Revenue Code, or both.

Mrs. Post's point, I think, is that the IRS makes a more thorough review of nonprofit qualifications than the State of Maine does. However, that review is not the way that a securities fraud would likely to be uncovered, so I don't think that review provides much qualification.

What her amendment would do would be to deny completely this exemption from registration for this narrow type of security entirely to a nonprofit organization filed under Title 13-B of Maine law. Then, if they chosen to go ahead and offer this type of security, what they would have to do to be fully in compliance with the law is to go and hire an attorney, it has been estimated at ten to fifteen thousand dollars, and then would have to go through all of the same registration procedures that IBM or the Fortune 500 has to go through in order to sell stock to the general public. Yet, all they are offering is a membership certificate in the Podunk Country Club. I just don't think that that kind of burden on those nonprofit organizations for this one type of security is necessary for the very remote likelihood that there is anything fraudulent here apt to be going on here.

There are still anti-fraud provisions in the law that could be involved if somebody engages in any monkey business, and I have been told that that usually is the way security fraud is picked up anyway, after somebody has started perpetrating a fraud and not in the registration process beforehand.

I implore you to permit this bill to become law today and not throw the proverbial baby out with the bath water.

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

Mrs. POST: Mr. Speaker, I just wanted to clarify a few things about the Podunk Country Club, and that is, actually the Podunk Country Club fits very nicely into the 501-C-3 IRS Code. There is a specific tax exemption classification for the Podunk Country Club, it is not that difficult to get, you don't even have to hire a lawyer, because I have filed nonprofit status for organizations and I am not a lawyer. They would have to get a more thorough review of their annual statements. Actually practically no review takes place on those not under the

IRS Code, and and they decide they want to sell securities, then they don't have to pay ten or fifteen thousand dollars to register. If it is appropriate that the are, in fact, a tax exempt organization, they, instead, can file very easily for the IRS status.

I am not really concerned about the Podunk Country Club; I am concerned about the kinds of organizations that can be set up under our very easy laws in the State of Maine for nonprofit corporations, those kinds of organizations that can be very easily set up just to get around the Maine Securities Act.

I would ask you again to vote against enactment. It doesn't mean the bill is dead, it just means that we might then have it in the position where it can be amended.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: We have taken probably the most confusing bill that Business Legislation had this session and we have made it even more confusing by dragging the red herring of the Podunk Country Club, which Mrs. Post has gotten into, and I think it has gotten even more confusing.

Very basically, the motion here, before we start debating the amendment, which we seem to be, is enactment of the bill.

The bill was a majority report of the committee. We spent a good deal of time on it and it is a very confusing bill. There were a couple of points made that I would like to make again very briefly, and I won't discuss Mrs. Post's amendment; I will discuss this particular section of the bill that her amendment would address if we were looking at her amendment, which we are not. That is, the fraud provisions are still left in here. The bill has worked on by a joint study of the state's securities department, along with a group of lawyers who set up a special thing to go through on it. It was reviewed in detail by the committee, and I could read you about a 6-page statement of what exactly the bill does, which would probably leave you more confused than you are now, but we feel that there is safeties in here that will not allow fraud. The way the bill is structured, these securities that are issued cannot go to benefit any person. We feel there is sufficient registration and the bill is structured so that it is in conformity with other types of legislation like this throughout the United States in other states and I think that is important.

I hope very much that you will move passage of this bill at this time.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: The only thing I could say on this bill to correct the gentleman from Yarmouth, Mr. Jackson, is to say that the Podunk Country Club was not brought into this debate by Mrs. Post but I believe by Representative Howe, and that is the only thing I know about this bill so far.

I would like to pose a series of questions through the Chair to anyone who may care to answer.

The first question I have is, this particular group of lawyers that everyone seems to be speaking about, was this an officially sanctioned group, was this paid for by the government? Was this requested by some governmental agency or was this done voluntarily on behalf of the lawyers involved?

Secondly, I am wondering if the sponsor of the bill, if the sponsor of the bill is present in the chamber, understands the bill or was the bill put in by request? Is the sponsor able to comment on it?

I presume that the sponsor has not yet spoken on the bill, and I was also wondering, and I suppose we all asked this, this is really one of the acid tests of my legislation, what is the necessity of this bill in the first place? I am not getting a very clear explanation of it and maybe it

is because I am tired, but I suspect that probably most of the members who vote on this bill at this point aren't going to know that they are voting on.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, has posed a series of questions through the Chair to anyone who may care to respond.

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

Mr. HOWE: Mr. Speaker and Members of the House: The gentleman from Pittsfield is tired, but that is all right, I think we all are. He asked about the group of lawyers which proposed the legislation—it was a subcommittee of the Maine Bar Association, the Subcommittee on the Revision of the Maine Securities Act. What they were doing is to try to align the Maine Securities Act more nearly with the Federal Securities Act. Talking about federal law, it has not gotten me anywhere in the past on other bills, but I think it makes sense in this case because the protections in the Maine law, even with these amendments, actually are going to be more conservative or more protective of the purchases of securities than the federal law. Even though we are moving in the direction of the federal law, this bill, even without the amendment, takes a more cautious approach.

It is basically a move in the area of deregulation. There are three basic types of securities regulation. One is the registration of the dealers who sell securities; the second is registration of the offerings of the securities themselves and the third ring, if you will, are the anti-fraud provisions of the law.

I think I will not go through the entire bill. If I did, I would start reading a rather lengthy statement that was presented to the committee, and I am not going to do that unless I am certain that that is welcome here on the floor today. I think I will stick with the provision which we have debated thus far, and which Representative Post is concerned with.

She talks about the fact that a nonprofit organization could take advantage of the exemption under her amendment by also filing under Section 501 of the Internal Revenue Code. However, there are some organizations who could be and are recognized under the Nonprofit Act in Maine but who could not qualify under the more strict 501 of the IRS Code. An example of that is this nasty association of alleged Buick dealers, to which Representative Post referred, and the reason they don't qualify under 501, actually a real example I know about is a muffler association made up of Midas dealers, which is nonprofit in the sense that none of its assets or earnings in any way accrue to its members. It is qualified under the laws of Maine as a nonprofit corporation but because its base of membership is not broad, it does not qualify under 501 of the Internal Revenue Code. It is offering equity shares in its membership, that is to say, its members have to pay some amount in order to become members of this muffler association. Technically, a strict reading of the law would say that when you offer somebody a membership for a fee, and in turn they own a piece of the organization, that is an equity security or equity offering.

As a practical matter, a few, if any, nonprofit corporations under the laws of Maine realize this and they aren't filing now, so the net decrease in filings under this bill would be zero. We are not letting anybody off the hook that is really on the hook now.

I will stop there. If there are any further questions, I would be glad to try to respond.

Finally, just to say that the Majority Report, to which Mr. Jackson refers, is, in fact, a unanimous report and I trust that you will follow the judgment of the committee.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: We started out with a

country club and now we have two examples, a muffler organization, and a Buick dealership, and although I like nonprofit organizations I just can't, in my vivid imagination, wonder how those two organizations would be non profit.

My question, though, would be, if we are modeling this after the national legislation, does the national legislation exempt nonprofit organizations, and if it does, does it exempt them by the 501-C-3R or not?

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

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

Mr. HOWE: Mr. Speaker and Members of the House: Buick dealerships are most decidedly not nonprofit organizations but an association of people who happen to have something in common, that is, if they are Buick dealers, may indeed, under the laws of Maine, form a nonprofit association. It was that latter type of organization I was referring to and not dealerships, which are certainly in the business of making a profit.

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

Mr. WOOD: Mr. Speaker and Members of the House: The question that I really would like answered is, if this is modeled after the federal law, do they exempt nonprofit organizations under the federal law and by what manner do they exempt them? Do they exempt them if they qualify under the state laws or do they exempt them if they qualify under a 501-C-3R?

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I think we are sidetracked in looking at this as a tax issue, this is the issuance of securities. It is also not taken from the uniform state legislation; it was worked up by a voluntary group from the Bar Association working with the State Securities Bureau. They developed their own law but they did tie in certain tenants so at least it coincides with the laws in other states on these particular points. Nonprofit organizations are considered in it because they do issue securities. The total bill does not deal with nonprofit organizations, it deals with a whole spectrum of different organizations and this is one particular area of the bill.

There was another question which wasn't answered, and I would say that the sponsor of this bill was Merle Nelson and I was a cosponsor. I have three notes here, voluntary sponsors and necessity—I have forgotten what the question on necessity was, but I hope that answers the question.

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

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: I suppose you are surprised that I am the sponsor of this most complicated piece of legislation before the Special Session of the 109th Legislature—yes, I too, am surprised at that myself.

Let me tell you that this is a piece of legislation that people have been working since early 1979. These are a group of people who are unpaid, who happen to be, some of them are lawyers, no question about it, but they are working with the Bureau of Banking and this was a piece of legislation that came out that had the absolute endorsement of the Bureau of Banking, Gordon Weil, the Governor and these people, who happen to be lawyers. This is not a lawyers bill, and I was asked to submit this legislation on their behalf, because, obviously, a legislator must do that. I was proud to do that because it was supposed to be good, clean, positive legislation that would help streamline and not hurt.

Let me quote directly from some of the testimony given at the hearing. "Although there are minor amendments that have been made since

the 1913 code, the law still needs to be updated to cope with changing nature of securities transactions," that is the basis of the bill. There are sufficient safeguards that still exist and have been included in order to protect the unsophisticated investor. It goes section by section as to what it does, how it conforms with federal rules, how it conforms with other state laws. It is a clean piece of legislation, a very positive one.

I think that Representative Post introduced an amendment that she thought was worthy and would not hurt the bill and it doesn't help it either.

The things that she is introducing, really, although they are germane to the bill, don't qualify anything. The people that have worked on this legislation feel that there is no need for this amendment at this time. This is a good bill, it deserves passage, it deserves to be signed, it deserves to be used and modified in our State of Maine. I urge you to please pass this bill on, clean, as it is written, without any amendments.

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

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

I would like to pose the same question because I guess everyone else's questions have been answered. My problem is with this whole area of nonprofit organizations. Being on the Taxation Committee, we have been reviewing nonprofit organizations and I can assure you that the statutes in Maine are very loose. We went through the Temple of Bacchus situation in Wells and I think you are all familiar with that. We have pretty loose statutes and we are not tightening them up under this bill. My question is, under the federal law, if it exempts nonprofit organizations that sell securities, does it exempt them by the fact that they are exempted under state statutes or does it exempt them because they file under 501-C-3R?

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

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

Mr. HOWE: Mr. Speaker and Members of the House: I am not certain to the answer to that question. I am going to assume, however, the answer is that they recognize corporations which file that are recognized only under 501. Mr. Wood may feel that response falls in his favor if he is opposed to the amendment.

Frankly, I don't think that issue matters one way or the other, whether they are filing under Title 13B of Maine Law of 501 of the IRS Code. I think what is important is whether there is any room for monkey business when you are offering equity shares of membership in a nonprofit organization, because we are not exempting all of the other types of securities that could be offered, only that one type and I just don't see room for fraudulent behavior there. You are not promising anybody earnings on anything, there is not a lot of money floating around, you are offering only a membership share in that organization.

I would point out that the federal law exempts these nonprofit organizations for any type of security offering, so we are being much more restrictive with this bill than the federal law. We are exempting them from registration only for that one type of offering. So we already are, with this bill, far more restrictive than the federal law and I am convinced, quite restrictive enough.

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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Austin, Bachrach, Barry, Beaulieu, Benoit, Berube, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cunningham, Damren, Davies, Davis, Dellert, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gowen, Gray, Gwadosky, Hall, Higgins, Hobbins, Howe, Hunter, Hutchings, Jackson, Jalbert, Joyce, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, MacBride, Mahany, Masterman, Masterton, Matthews, McPherson, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peterson, Prescott, Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Violette, Vose, Whittemore, Wyman.

NAY — Baker, Berry, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Cloutier, Connolly, Cox, Curtis, Dow, Dudley, Hanson, Hickey, Kane, MacEachern, Martin, A.; McHenry, McKean, Nelson, N.; Peltier, Post, Reeves, J.; Studley, Tozier, Twitchell, Wentworth, Wood.

ABSENT — Blodgett, Boudreau, Brannigan, Carrier, Conary, Dexter, Gavett, Gillis, Huber, Hughes, Immonen, Jacques, E.; Jacques, P.; Laffin, Lund, Marshall, Maxwell, McMahon, McSweeney, Michael, Reeves, P.; Simon, Tuttle, Vincent.

Yes, 98; No, 28; Absent, 24.

The SPEAKER: Ninety-eight having voted in the affirmative and twenty-eight in the negative with twenty-four being absent, the Bill is 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. 12 was taken up out of order by unanimous consent:

Reports of Committees Leave to Withdraw

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act" (H. P. 1871) (L. D. 1961) reporting "Leave to Withdraw"

The Report was read.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read into the Legislative Record a letter of intent on the part of Central Maine Power Company. This letter is similar to one that has also been signed by the Bangor Hydroelectric Power Company and is being considered by Maine Public Service Company as well, so all three major electric companies in the state are either committed to being involved in the procedure that I will be reading about, or are considering it very seriously.

"Dear Representative Davies: It is the intent of Central Maine Power Company to work together in good faith and to cooperate with the Regal Electric Cooperative, Inc., and its constituent municipal electric systems and rural electric cooperatives in making appropriate agreements in drafting and supporting legislation that authorize the parties concerned to pursue opportunities to build and finance electric power facilities. We are willing to undertake negotiations to that end without delay. Sincerely, E. W. Thurlow, President, Central Maine Power Company."

The purpose of this letter of intent is to carry out through negotiations between the concerned parties, namely the electric cooperatives and municipal cooperatives in the state

that are seeking the ability to begin building their own electric generating facilities and therefore take some of the burden off of the private power companies in the state by providing them with electricity, those same private power companies, to arrive at conditions that they can mutually agree to for legislation that would establish an agency through which these municipal and cooperative electric companies will be able to finance the construction of such projects. Both sides have agreed that they will commence their negotiations immediately.

It is my understanding, from speaking with people from Central Maine Power Company, that they feel that negotiations can result in a mutually agreed upon piece of legislation in three to six months.

We have been in contact with the Governor's Office and members of the Governor's staff have indicated that there would be a good possibility, if such an agreement is arrived at between the parties, that he would be willing to bring legislation before one of the expected Special Sessions and with prompt action we may have a law on the books that is acceptable all the way around rather than leaving the bloody scars that often take place with the battle of such a nature, that we may be able to put such a program into effect as rapidly as would be the case if the legislation that was originally presented were enacted as originally presented.

I am pleased that the two sides are willing to carry out these negotiations. It establishes a very important movement towards cooperation between our existing public electric facilities and our private electric companies in the State of Maine for their mutual benefit and for the benefit of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Calais Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: Just a few words. I would like to extend my congratulations to Representative Davies and the members of the Public Utilities Committee for the manner in which they handled this bill. It is truly a wonderful job that pays great merit to the committee and especially to the chairman.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Qualifications for the Licensing of Auctioneers" (S. P. 708) (L. D. 1844) (In House, passed to be enacted) (In Senate, Passed to be engrossed as amended by Committee Amendment "A" S-447 as amended by Senate Amendment "A" S-487 thereto in non-concurrence) which was tabled earlier in the day pending further consideration.

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

Mr. HOWE: Mr. Speaker I make a motion to recede and concur.

On motion of Mr. Howe of South Portland, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

The following paper appearing on Supplement No. 13 was taken up out of order by unanimous consent:

Bill "An Act to Make Additional Revisions to Salaries of Certain County Officers" (H. P. 2002) (Presented by Mr. LaPlante of Sabattus) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Local and County Government was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without ref-

erence to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Fenlason of Danforth, adjourned until nine thirty o'clock tomorrow morning.