

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

One Hundred and Seventh Legislature

(First Special Session)

OF THE

STATE OF MAINE

1976

KENNEBEC JOURNAL
AUGUSTA, MAINE

HOUSE

Monday, April 12, 1976

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

Prayer by the Reverend Donald Henderson of Camden.

The journal of the previous session was read and approved.

Papers from the Senate
Non-Concurrent Matter

Bill "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (H. P. 1799) (L. D. 1958) which was Passed to be Engrossed as Amended by House Amendment "C" (H-1033) in the House on April 9, 1976.

Came from the Senate with the Majority "Ought Not to Pass" report of the Committee on Veterans and Retirement accepted in non-concurrence.

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

Messages and Documents

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE

April 9, 1976

To Members of the Senate and House of Representatives

of the 107th Maine Legislature:

I am returning without my signature and approval H. P. 2068, L. D. 2238, "An Act Clarifying the Use of the Mental Health Improvement Fund."

The current law under which we administer the Fund gives approval authority to the Governor and Council. This was purposefully written into law as the amounts to be generated by the Fund were and continue to be somewhat unpredictable. Flexibility is necessary to take maximum advantage of the use of the Fund and the ability of the Executive Department to shift priorities to meet the most urgent needs has been eliminated.

We are currently planning to place a priority on the use of the Fund to upgrade the Pineland Hospital and work towards accreditation of the facility. You have been informed that this is not legal under current language. Although monies retained by the Department of Mental Health and Corrections cannot be used for retardation programs, I am informed it is perfectly legal for the Department of Human Services to grant funds to Mental Health and Corrections to accomplish the objective.

I would not be opposed to the legislation if the funds generated were returned to the General Fund and went through the normal process of appropriation and public hearing. The language of L. D. 2238 establishes a precedent not applied to other special revenue accounts and the singling out of this account while not applying the same principles to other accounts is difficult to understand.

If this Legislature wishes to be consistent regarding low priority/cost effective programs, you must recognize management's responsibilities, including allocations of funds subject to legislative intent in the Executive Branch of government. In addition, even though I am advised that the Attorney General was asked to rule on the constitutionality and I am advised that he does not see a problem, I would hope it would not be necessary to raise this question in the courts in order for the Governor to be absolutely certain his constitutional authority and responsibility was not abrogated by an unintentional transgression. I cannot believe we cannot accomplish the same objectives cooperatively, as I feel this

proposed legislation mandates to a legislature a responsibility that the framers of our constitution have delegated as an executive responsibility.

For these reasons, I respectfully request that you sustain this veto.

Very truly yours,

Signed:

JAMES B. LONGLEY
Governor

The Communication was read and ordered placed on file.

On motion of Mr. Goodwin of South Berwick, tabled pending the question, shall this Bill become law notwithstanding the objections of the Governor and later today assigned.

Orders

Mr. Dam of Skowhegan presented the following Joint Order and moved its passage: (H. P. 2320)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Skowhegan Area High School Cast of the Play "The Romancers" Directed by Mrs. Elizabeth Merrill and Summer Hayward Which was One of Two Selected to Represent the State of Maine in the 1976 New England Drama Festival at South Weymouth, Massachusetts

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Greenlaw of Stonington presented the following Joint Resolution and moved its adoption: (H. P. 2321)

Joint Resolution Concerning the Possible Discontinuance of the Naval Reserve Officers Training Corps Program at the Maine Maritime Academy

WHEREAS, the Secretary of the Navy has indicated his intention to discontinue the Naval Reserve Officers Training Corps Program at the Maine Maritime Academy; and

WHEREAS, the cost savings which are projected by this discontinuance are questionable at best, as United States Naval personnel will remain in Castine to teach Naval Science courses as required by federal statute and as Naval Reserve Officers Training Corps scholarships which are presently held by Maine Maritime Academy students will, in the future, be awarded to students of other institutions having this Naval program; and

WHEREAS, there are presently 60 Maine Maritime Academy students enrolled in this program, and there is a potential for growth of this program to include up to 140 Maine Maritime Academy students; and

WHEREAS, the Maine Maritime Academy, situated in the outstanding natural harbor of Castine, has a marine science and engineering curriculum which, combined with the constant availability of the training ship "State of Maine," can provide invaluable maritime training to potential United States Naval Officers who will hold regular Navy commissions; now, therefore, be it

RESOLVED: That We, the Members of the 107th Legislature in special session assembled, do hereby protest the discontinuance of the Naval Reserve Officers Training Corps Program at the Maine Maritime Academy and respectfully urge and request the Maine Delegation to the Congress of the United States

to attempt to persuade the Secretary of the Navy to reconsider and reverse his decision; and be it further

RESOLVED: That duly attested copies of this Resolution be immediately transmitted to those congressional delegates with our thanks for their prompt attention to this important matter.

The Resolution was read.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: Last week, the Secretary of the Navy announced the Naval Reserve Officer Training Corps Program would be phased out from the Maine Maritime Academy in Castine. This program is now in its fourth year, preparing midshipmen and women for regular commissions in the United States Navy. The assumption for discontinuing this program is, of course, a potential cost savings. After doing a great deal of investigation, I find the cost savings in this particular proposed discontinuance are questionable at best, for the following reasons:

Number one, federal statute requires naval personnel to teach certain courses at maritime academies. These same personnel are also instructors for the naval ROTC program. I find also that the scholarships that are or would be awarded to Maine Maritime Academy students will now be awarded to other students at other institutions.

It seems reasonable to me to think that the United States Navy would see as desirable training of potential officers at our maritime academies in this country. So for the reasons listed, I do hope this morning that you will join me in sending this resolution to members of our Congressional delegation expressing this legislature's concern for the discontinuance or proposed discontinuance of this program and hope that they will be able to convince the Secretary of the Navy to reverse the decision.

Thereupon, the Resolution was adopted and sent up for concurrence.

Mrs. Najarian of Portland presented the following Joint Order and moved its passage: (H. P. 2322) (Cosponsor: Mrs. Miskavage of Augusta)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Professor Judy R. Potter of the University of Maine Law School Who Prepared at Her Own Expense Comprehensive Legislation Supported by Study to Reform Constitutional Aspects of Maine Law Respecting Women's Civil and Human Rights

We the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Later Today Assigned

Mr. Hennessey of West Bath presented the following Joint Order and moved its passage: (H. P. 2323)

WHEREAS, the State Personnel System has been the object of intense legislative and public scrutiny; and

WHEREAS, there have recently been numerous proposals for reform of that system; and

WHEREAS, there is some question as to the ability of the present personnel board to adequately serve all of the departments and agen-

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

House Amendment "C" (H-1253) was read by the Clerk.

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

Mr. JALBERT: Mr. Speaker, I would like to know what House Amendment "C" does?

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

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This amendment allows you to review the ballots when they are being counted in the city clerk's office — the absentee ballot; that is.

Thereupon, House Amendment "C" was adopted.

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

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

Passed to Be Enacted Emergency Measure

An Act to Reorganize the Bureau of Corrections (S. P. 732) (L. D. 2281) (C. "B" S. 544 as amended by H. "A" H-1247, H. "C" H-1254, H. "D" H-1259)

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 2 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Later Today Assigned

An Act Relating to the Suppression of the Spruce Budworm Epidemic (H. P. 2310) (L. D. 2348) (H. "A" H-1251)

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

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

Mr. BUSTIN: Mr. Speaker and Members of the House: I must confess that as this measure has been proceeding through the legislature, I have not been able to keep up with the details. Would someone in the House that is familiar with this bill indicate how much money is involved and specifically what is to be done with that amount of money?

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Augusta, I don't want him or anyone else to feel that there was any effort not to welcome a discussion of this, but it was my understanding that it had been covered in caucuses and that there hadn't been any problems viewed with it.

This program is in a different structure this year. What you see in the final L. D. is the result of a bill submitted for the typical spruce budworm spray program, a bill submitted to incorporate eventually the program in the ongoing Part I Budget of the Forestry Department and a 30 page amendment submitted by the Commissioner of Conservation. These were put together. The objections of landowners, the concerns of the Forestry people and the concerns of the Appropriations Com-

mittee have finally, I believe, been laid to rest in this document.

It calls for the spraying of about 3½ million acres this year. Don't hold me to the exact dollars, but I believe there is a total appropriation in the area of \$3.8 million, all of which is generated either from the balance remaining in the fund from last year's program and the excise tax assessed against owners of forest lands in the spruce-fir district. That spruce-fir district encompasses eastern and northern part of central Maine, principally the area of our spruce forests.

A few of the points that have been addressed in this year's measure are that the excise taxes have been adjusted to more clearly reflect the makeup of the various forest parcels, in that there is a two-tier taxing method for pure softwood growth at 58 cents an acre and a tax rate at the rate of 28 cents an acre for mixed growth areas, and no tax on the straight hardwood land. This, it was felt, since the burden was going up considerably over last year, more closely identified the cost with those who would most benefit from it.

I think those are the highlights of the plan. It meets the need expressed by the Federal Forest Service, that we not continue year after year in a straight spray program, that we begin to incorporate into the program methods that would hopefully have a long-range impact on the overall problem for the State of Maine. These measures include silvicultural practices that would be designed to alleviate the damage of the insect, marketing techniques and practices that might enable landowners to go in and make an accelerated harvest of threatened wood and incentives for these practices, as well as incentives to enable them to develop new markets for some of the diseased wood.

So I can commend this to you as having been considered by all aspects of the legislature, the landowners, the Federal Bureau of Forestry and the State Department of Forestry and the State Department of Conservation. I can't think of any other specifics, but if there are further questions, I would like to try to answer them, or maybe somebody else would.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I would commend the Appropriations Committee for the work they have done. I have one question for the gentleman from Cumberland or for any other person that is knowledgeable with this bill.

I had several complaints last year that the landowners, some of the landowners in my area that paid the tax were not included in the spray area, their land was not sprayed, yet they paid the tax. Is there any provision to exempt these people or any way they can get — I understand there is a spill-over effect, I mean, if we stop it here, if we are able to arrest the problem here, it won't get to their land, so they still benefit indirectly from the spraying that doesn't actually physically touch their land. I had several fairly large landowners come to me and say, we didn't get sprayed, we didn't benefit directly by the program, yet we still had to pay. I would like to have somebody answer that for me if they could.

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

Mr. GARSOE: Mr. Speaker and Members of the House: That is true, and this is what I would consider a refinement and an improvement in this plan. The tax is assessed against everyone in the spruce forest district. Prior to this, it had been assessed against all forest tree growth tax law parcels. Whether you are sprayed or not, you can withdraw your land if it is between 500 and 1,000 acres. Land under

500 acres isn't taxed. But if your land is in contiguous parcels between 500 and 1,000 acres, it can be withdrawn whether it is in a spray area or not. It really refers to the tax, because all lands in the threatened area, whether sprayed or not, it would be taxed.

Of course, last year I believe the tax was on an even broader concept, in that even hardwood land was taxed and it will not be this year. But yes, there is a device to allow for withdrawal, but it isn't automatic, you have to apply for it, you have to indicate that you have some type of plan that will fit the standards of either a silvicultural practice or new market application or some device that will form a basis for there being some logic to allow you to be relieved of the tax. So, the device is there, whether you are being sprayed or not, to withdraw your land from the tax, but it isn't automatic, it has to be on the basis of what you are going to do with the land.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would like to compliment those who developed this plan in the Appropriations Committee for putting forth this bill. It is the first time I know of that we have had any superb long-range plan, and personally I just think it is an excellent job.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to anyone who could answer it. It deals with the language in Section 1017. I don't know that I quite read it the way the gentleman from Cumberland just described it, because it says specifically "any person owning or claiming rights in timber on land designated for spraying may withdraw by applying in writing to the State Entomologist for withdrawal from the designated spray area." I wonder if this language is exactly correct and does what the gentleman from Cumberland says. I know that is the intention, I sure hope that is what it means.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Representative Morton just brought the question. I got a telephone call this morning from my area, because we had spoken over the weekend and I had the impression that a person could withdraw his land and by withdrawing it meant that he could withdraw so that he wouldn't be taxed that 58 cents per acre. But it isn't that way according to the bill, as far as we can find out, that he can withdraw his land from being sprayed, but he can't withdraw his land from the 58 cents per acre tax.

A number of them contacted me over the weekend and they figure that this is just to get the Department of Forestry in so that they can control the cutting of any wood on their property so that they have to go under a certain system of cutting. I hope that somebody here — I looked at my calendar this morning and it wasn't on there, so I would hope that somebody would table this until later in today's session, because I have an amendment that I would like to put on.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the answer to the question isn't on Page 9, Section 3. "Lands withdrawn pursuant to this section shall not be subject to taxation under this subchapter for the years in which such withdrawal is accepted."

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

Mr. GARSOE: Mr. Speaker, I am joined in the confusion now a little bit myself, I guess,

and I was relying on this fact that when you go for your exemption, the exemption is for five years, so it would seem that land could be withdrawn that perhaps isn't up to spraying this year, it may be included in a spray area the next year and, therefore, I assumed that you didn't have to be in a spray area in order to get your exemption. But if I am under a misunderstanding on this, I hope somebody on the committee might have a better grasp of it. This has been my understanding and it wouldn't make sense to me that you could withdraw and be out for five years, because who knows where this spraying is going to be performed next year? But this is a matter in which I would appreciate any assistance that anyone else on the committee might give me.

Thereupon, on motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and later today assigned.

Emergency Measure

An Act Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State. (H. P. 2018) (L. D. 2187) (S "A" S-546)

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, 114 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.

Enactor

Later Today Assigned

An Act Providing for Administrative Corrections in Tax Laws (H. P. 2312) (L. D. 2349) (H. "A" H-1252)

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

(On motion of Mrs. Najarian of Portland, tabled pending passage to be enacted and later today assigned.)

Enactor

Later Today Assigned

An Act Relating to the Geologists and Soil Scientists Certification Act (H. P. 2240) (L. D. 2322) (H. "A" H-1100) (Conf. Committee "A" H-1257)

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

(On motion of Mr. Wilfong of Stow, tabled pending passage to be enacted and later today assigned.)

An Act to Reorganize the Standardization Committee (H. P. 2278) (L. D. 2339) (H. "A" H-1238 to H. "A" H-1202)

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.

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

Bill "An Act to Amend the Authorization for York County to Construct a County Jail and to Increase the Bond Authorization by \$100,000" (Emergency) (H. P. 2325) (Presented by Mr. Farley of Biddeford) (Approved for Introduction by a Majority of the Committee on Reference of Bills pursuant to Joint Order, S. P. 635 as amended)

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to committee and sent up for concurrence.

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

From the Senate: The following Communication:

THE SENATE OF MAINE
AUGUSTA, MAINE 04333

April 9, 1976

Honorable Edwin H. Pert
Clerk of the House
107th Legislature
First Special Session
Augusta, Maine
Dear Mr. Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" (H. P. 1937) (L. D. 2125).

Respectfully,

Signed:

HARRY N. STARBRANCH
Secretary of the Senate

The Speaker appointed the following Conferees on the part of the House:

Mr. BUSTIN of Augusta
Mrs. BOUDREAU of Portland
Mr. LAFFIN of Westbrook

From the Senate: The following Joint Resolution: (S. P. 802)

IN MEMORIAM

Having Learned of the Death of Lucien Lebel Who Was an Outstanding Civic Leader of Lewiston and who Faithfully Served that City for 30 Years as Municipal Clerk

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased; and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

Non-Concurrent Matter

An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems (H. P. 2206) (L. D. 2306) which was Passed to be Enacted in the House on April 8, 1976.

Came from the Senate Having been Passed to be Enacted, Enactment Reconsidered, Under Suspension of the Rules Engrossment Reconsidered and Conference Committee Amendment "A" (S-540) Indefinitely Postponed, Senate Amendment "A" (S-551) Adopted and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-551) in non-concurrence.

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

The following paper from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 751) (L. D. 2305) reporting "Ought to Pass" in New Draft (S. P. 799) (L. D. 2345)

Came from the Senate with the Report Read and Accepted and the New Draft Passed to be Engrossed as Amended by Senate Amendments "B" (S-548), "C" (S-552), "D" (S-553), "E" (S-554), "F" (S-556), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561) and "L" (S-562).

In the House, the Report was read.

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

Mr. JALBERT: Mr. Speaker, as I see it, there must be an end somewhere. Is it almost a must for this bill to be engrossed here and in the other unmentionable body if we hope to get out this week?

The SPEAKER: The Chair would answer in the affirmative, that we had better get it finished today.

Thereupon, the Report was accepted in concurrence and the New Draft read once.

Senate Amendment "B" (S-548) was read by the Clerk and adopted in concurrence.

Senate Amendment "C" (S-552) was read by the Clerk and adopted in concurrence.

Senate Amendment "D" (S-553) was read by the Clerk and adopted in concurrence.

Senate Amendment "E" (S-554) was read by the Clerk and adopted in concurrence.

Senate Amendment "F" (S-556) was read by the Clerk and adopted in concurrence.

Senate Amendment "G" (S-557) was read by the Clerk and adopted in concurrence.

Senate Amendment "H" (S-558) was read by the Clerk and adopted in concurrence.

Senate Amendment "I" (S-559) was read by the Clerk and adopted in concurrence.

Senate Amendment "J" (S-560) was read by the Clerk and adopted in concurrence.

Senate Amendment "K" (S-561) was read by the Clerk and adopted in concurrence.

Senate Amendment "L" (S-562) was read by the Clerk and adopted in concurrence.

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

Mr. GREENLAW: Mr. Speaker, I move we reconsider our action whereby Senate Amendment "C" was adopted and would speak briefly.

The SPEAKER: The gentleman from Stonington, Mr. Greenlaw, moves that we reconsider our action whereby Senate Amendment "C" was adopted in concurrence.

The gentleman may proceed.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I was sitting here trying to read all the amendments which the other body put onto this bill. It occurs to me that we might want to take a longer look at Senate Amendment "C".

Let me just very briefly read the Statement of Fact and perhaps someone can indicate why they think this would be a good change in the law. It says as follows: "The present law disqualifies a former state employee from acting or appearing for another in any proceeding the subject matter of which was directly within his official responsibilities as a state employee. This amendment limits the applicability of the law to proceedings which were pending before the agency at the time of the employee's departure. The purpose of the amendment is to permit departing state employees to utilize the professional expertise which they may have brought to or developed in state service, but still prohibit them from using their influence to affect pending proceedings in which they may have been involved. As the law now stands, it creates a significant impediment to the ability of state employees to obtain alternative employment."

It seems to me, Mr. Speaker, Men and Women of the House, that perhaps this procedure that is presently in law is a good procedure. I am not sure that we necessarily want to have state employees immediately go out into the private sector and then be able to represent clients before an agency of state government in which they have had previous knowledge or workings. Unless someone could indicate to me why they think this amendment should be adopted, I would hope we would reconsider it and then I would move indefinite postponement of the amendment.

The SPEAKER: The Chair recognizes the

gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker and Members of the House: I would like to support the gentleman's motion in one regard, in that this bill should not, in my opinion, have matters of substance in it. Although there are some matters of substance, they are more or less matters that are agreed upon by all concerned. Certainly, if there is something of substance in here, which I think this is, and if there is some dispute on it, as the gentleman from Stonington indicated, then I feel that this should not be a part of the Errors and Inconsistencies bill. I would support the motion to reconsider and ultimately the motion that may be made.

Thereupon, the House reconsidered its action whereby Senate Amendment "C" was adopted, and on motion of Mr. Greenlaw of Stonington, the Amendment was indefinitely postponed in non-concurrence.

Under suspension of the rules, the Bill was read the second time.

Mr. Mills of Eastport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1240) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: What the purpose is of this amendment, at the present time, the Orono Barracks is in such a state of disrepair that it is going to cost a lot of money to repair it or make it continue its life of usefulness. There is another building on the campus in Bangor that can be utilized for a state police barracks and it is also what has been requested to be near the airport there with the international airplanes coming in and so forth. This goes on and gives the setup of the thing so that the Bureau of Public Improvements can advertise the Orono Barracks for sale rather than see it go into disrepair, broken windows and destroyed property. That is what it is, to authorize the Bureau of Public Improvements to advertise.

Thereupon, House Amendment "A" was adopted.

Mr. Tierney of Durham offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1242) was read by the Clerk.

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

Mr. TYNDALE: Mr. Speaker, would you ask the gentleman to explain, I can't find it on my desk.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: Chapter 671 and 697 of the public laws were both passed during this special session. They both dealt with the same general subject area, which was the operating procedure of the Maine Labor Relations Board. There was an inconsistency. What we did in the first L. D. was wiped out in the second L. D., and this just corrects this inconsistency and makes sure that they will be allowed five working days within which to appeal any decision of the Maine Labor Relations Board.

Thereupon, House Amendment "B" was adopted.

Mr. Pierce of Waterville offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-1243) was read by the Clerk and adopted.

Mr. Rideout of Mapleton offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1244) was read by the Clerk and adopted.

Thereupon, Mr. Henderson of Bangor moved that the House reconsider its action whereby House Amendment "D" was adopted.

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

Mr. HENDERSON: Mr. Speaker, I wonder if the gentleman could explain this a little bit and indicate the origin of this amendment? If I interpret this correctly, if a person purchases a motor vehicle which is defective at the time of sale and doesn't return it within five days, does that mean that he loses some of his rights as far as his warranty?

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

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

Mr. DEVANE: Mr. Speaker, I would ask for a division on reconsideration.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: I wonder if somebody could answer Mr. Henderson's question before we have a division, please?

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't been aware of this amendment, but I have read it and I am looking at 1474 on page 16 of the bill, which is what it amends. That refers to the fact that a dealer warrants that the motor vehicle he sells has been inspected in accordance with the state inspection law. The obvious thrust of this amendment is that if a customer finds that some inspection item is not correct and if he wishes that to be warranted, he must report that within five days.

As you know, the inspection, under the law, is considered to be valid the day it is performed. The next day a headlight may go bad or something else, so under those conditions the car would not be inspectable. I think the thrust of this amendment is to make sure that the customer has any inspection item remedied within five days.

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

Mr. HENDERSON: Mr. Speaker, I would withdraw my motion to reconsider.

The SPEAKER: The gentleman may continue, as the approval of the House has not yet been given to the request for withdrawal of the motion.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I find something in this that I don't understand and I don't like what I do understand. Most of these vehicles are inspected much more than 5 days, sometimes 30 days, sometimes 60 days and sometimes 90 days before you buy them. I don't like this bill at all. I have read what is in the bill and I don't like it at all.

I buy quite a lot of vehicles; of course, most of them are new, but I still don't like the way this is worded.

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

Mr. MORTON: Mr. Speaker, the gentleman from Bridgewater must understand that no matter when the car is inspected, that inspection has to be valid the day it is sold by the dealer. So the five days would apply from that date.

I don't know what sort of conditions he is used to up there in the Bridgewater area, but we do have to inspect vehicles ourselves, and that inspection is valid as of the day the sale is made.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DEVANE: Mr. Speaker, Men and Women of the House: I think I finally understand what is going on and why. And Mr.

Henderson's question is — the amendment says, and it should be read: "If any vehicle equipment is found to be defective at the time of sale as to the motor vehicle inspection requirements, the motor vehicle shall be returned to the dealer by the purchaser within 5 working days" which is generally one week. If the limitation on the warranty on these parts of a vehicle sold which are covered by the state inspection, which is usually the headlights, the tail lights, the lenses, the muffler system, so the person buys a vehicle and with this amendment they have five working days or one week in which to come back and say that these things covered under the state inspection, I find fault with this and that. So they can't go over a week, take it out on a back road and come back and say the muffler or headlight or something — it doesn't deal with the general warranty on the vehicle, simply on those things covered by the state inspection. It gives them a week to bring it back.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question about this particular amendment, too. It seems to me, my understanding of the law is that before a car is sold, it must have a motor vehicle inspection sticker. If that is true, it would seem to me that the requirements — the problem which the gentleman from Mapleton, Mr. Rideout, is trying to address should have been considered by the person that is selling the vehicle. If this is so, I am not sure that I understand the need for the amendment.

I would like to ask one further question. Does this pertain only to those portions of a car that have to be inspected in order to get an inspection sticker?

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

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

Mr. DEVANE: Mr. Speaker, in response to the gentleman from Stonington's question, yes, as to the motor vehicle inspection requirements. This limitation on the warranty covers only those parts of the motor vehicle which are inspected and required to be inspected by the state inspection.

The seller is, in fact, required to have inspected the car and have it inspectable on the day of the sale. This would put a five working day or one week limitation on those things which are inspected that the buyer can go back and say I find fault with this. It is a limitation; it is a very reasonable amendment.

I would point out to the members of this House that the sponsor of this amendment, unlike most of us who are speaking, has not labored us with a great many opinions but has worked very hard.

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

Mr. SPENCER: Mr. Speaker and Members of the House: In reading over this amendment and reading the section that is being amended in the law, it looks to me as if this is a fairly serious limitation on the warranty for a new car.

When you buy a car, under Subsection 1 of 1474, the dealer is required to warrant to you that the car has been inspected and meets the requirements — that the car has been inspected and meets the requirements for inspection. If you drove the car home during the day and discovered, for example, that night that the tail lights weren't working, what this is saying is that you then, within five working days, have to return that car to the dealer to have the corrections made, and if you don't, I assume that you lose your warranty with regard to those items. I question whether we

should be making a substantive change which limits the effective warranty to five days on those items in the Errors and Inconsistency bill, and I would urge you to vote to reconsider.

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

Mr. MORTON: Mr. Speaker, I hope I can make this clear. First of all, this is not a new car warranty bill, this is a used car warranty bill, it has nothing to do with new cars.

The basic warranty that everyone is concerned about is the general operating ability of a vehicle that you buy, and the warranty in here is very specific about that and the portions of the vehicle which will be warranted, and they include the drive frame and the brakes and all this sort of thing. These are the things which make a vehicle suitable for what it is built and used for.

We also have in the State of Maine a state inspection law. Now the state inspection law does not treat those particular things which are part of a vehicle, but the state inspection law is concerned with safety items, particularly lights, horns, brakes and steering mechanism and that sort of thing. So, it is the requirement in the State of Maine and, incidentally, it is not a requirement in a majority of the states in the United States, I believe, it is a time still, that cars be inspected twice a year. However, it is not a part of the inspection law that that car remain in its inspected condition for six months, even though it only comes twice a year.

You do the inspection on day one, on day two, if a light goes out, the car is not inspectable. If an officer finds that he cites the person, they come back and get it reinspected. But there was no guarantee that went with the inspection that the light wouldn't go out. There is no guarantee that goes with the inspection that the brakes might fail. If you had a seal go bad on a hydraulic brake system the day after you had it inspected, these are things that can happen. Now, some of those things will be covered in the warranty which does have a time period. Others are covered in the inspection law, but the inspection law by and of itself carries no warranty at the present time.

I do want to differ with the gentleman from Ellsworth a little bit. He calls this a restriction. Frankly, I think it is an extension. I think it gives a person five days to get inspection items corrected free, when in ordinary circumstances he would not have any recourse for an inspection item to be placed free of charge. He goes and gets the inspection, that is the inspection station doing a function for the state. They are licensed inspection stations, they make this inspection and as of the day they make it, the time, the hour and the minute, the car passes the inspection. A day later it might not pass inspection for good and sufficient reasons. However, that inspection is not warranted. This, in actuality, places a five day warranty on an inspection for a person who purchases an automobile. I think it is a reasonable way to go, but it certainly is not implied in this law that the inspection items would last for six months free of charge. I think that would be completely unreasonable and I am sure the gentleman from Standish doesn't expect to get that.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with my good friend, Representative Morton, but my understanding of the present law is that if an inspection station that is licensed turns out a vehicle, for instance, that doesn't have enough brake lining or doesn't have enough tread on the tires, if the person were to go back to the dealer with a situation such as this, he is

in jeopardy of losing his inspection license for turning out a car that is improperly inspected. This, to me, kind of gives a second way to get around all of this by putting a five day limitation on it, because the inspection, as I understand it now or at least the way it used to be, if a dealer takes a used car in, he has to take the sticker from that car and reinspect the automobile himself. He has to take it into his shop, he has to check the steering knuckles, he has to check the tires, he has to check the brakes, he has to check the windshield wipers, the dimmer switches, everything that would pertain to safety, and then he puts his own inspection sticker on it.

Now, if that car is sold and it hasn't been properly inspected, and believe me, 99 9/10 percent of the dealers in the state will make sure that the car is right before it goes out, but that other small fraction won't, and I think this is the situation if you didn't go back and in five days, they could show you the law and say, we are not liable, when I think, in fact, when you deal with such major things as braking and tires and steering knuckles that they really are, because if they don't take care of it, then they are in jeopardy of losing their inspection license or the inspection station that did the inspection for them is in jeopardy of losing their license.

I would hope that you do away with this amendment.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to be wishy-washy, but I would like to take back my withdrawal of my motion and hope that we have a division on reconsideration and I think all this is instructive of some of the amendments that fly by rather quickly when some knucklehead like me asks what does this mean and we start talking about it and we realize that it could be rather substantive and it may in fact have implications that we may not even want, even the sponsors of the amendment, it just hasn't been thought out that well. I feel that this is neither an error nor an inconsistency, no matter what the merits of the particular amendment are concerned and if this is a hardship, and as the gentleman on the second floor says, the next session isn't that far away, we can deal with it then. I do hope you will vote to reconsider, because I feel there is enough uncertainty here that this ought not to be put through in this manner.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question if I might through the Chair. This pertains to what the gentleman from Brewer was talking about. At this point, I would like to know how long after an inspection could the law enforcement go back onto the inspecting station for something that isn't right on an inspected car?

The SPEAKER: The gentleman from Madison, Mrs. Berry, poses a question through the Chair to anyone who cares to answer.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, as far as I know, there is no limitation. The state police can go back and cite a station for failure to inspect properly, if they can prove that.

The gentleman from Brewer very eloquently raised some questions and I don't know what their design is but some of them are correct. It is correct that a judgment item has to be made with respect to tires, although they have got that pretty well down now and you actually use a measuring device and tires presently have a

built in so-called wear strip which indicates that when you get down to that wear strip they should be replaced. You also have the judgment item with respect to the brake linings, but there again that is a measurable thing and it gets pretty much beyond the judgment area at the present time if the wheels are removed. I would point out to the gentleman that braking requirements, in the inspection law, do not require the wheels to be removed to actually examine the brake linings unless a road test indicates that there is a problem.

I have no misunderstanding of this and I hope the rest of you don't. The reason that the inspection law is brought into the used car warranty law is in order to make sure that automobiles are sold with the inspection, as they should be, and that this is part of the warranty, the inspection, the fact that it has been completed. Then, the used car warranty law, which is not spread on the books here, although maybe most of it is, covers the guarantees that go with the various sundry parts of the automobile that are considered part of what should be warrantable.

This will not do what the gentleman from Brewer said, this amendment, it will not allow these stations to get around the inspection law, because that is already in the inspection law and it is altogether a different thing. Whether or not the station loses its license for failure to inspect properly is, again, up to the state police. It might not even be the dealer because some dealers do not have an inspection station and they go and hire the inspection done. But the fact remains that the inspection is a legally defined process which is the responsibility of the state police to check on whether it was done correctly or not. It has nothing to do with any warranty except that this used car warranty bill makes sure that a car is inspected as part of the warranty.

I hope you will understand what I am saying when I say, at the present time, if we didn't have any warranty bill at all, your car is required to be inspected twice a year. If there is anything incorrect about that inspection, it is up to the state police to find it out. If the inspection was correct, then there is no problem with it except for the fact that any vehicle is subject to a loss of some function immediately after the inspection. Therefore, at that point in time the car is not inspectable. This amendment only says that for at least five days even those things which could go wrong with an inspection, the day following or the hour following the inspection are warranted, whereas under present law you have no warranty with respect to the inspection.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I just had to answer the good gentleman, Mr. Morton, that that is exactly as I say, there is no need of bringing the inspection question into the warranty at all. It is taken care of in the law as it is now. There is no need to put it in, so there is no need for this amendment, there is really no need to bring it in. It doesn't do anything, it does absolutely nothing other than to put a time limitation on certain matters of inspection, and that we don't need, the public is better off without it.

The SPEAKER: The pending question is on reconsideration whereby House Amendment "D" was adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Henderson of Bangor requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those

desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Henderson, that the House reconsider its action whereby House Amendment "D" was adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berube, Blodgett, Call, Carroll Chonko, Cox, Curran, P.; Davies, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Hennessey, Hewes, Hobbins, Ingegneri, Jackson, Jacques, Kany, LaPointe, Laverty, Lewis, Mahany, Martin, A.; Miskavage, Mitchell, Nadeau, Najarian, Norris, Perkins, S.; Post, Raymond, Rolde, Saunders, Shute, Spencer, Sprowl, Talbot, Tarr, Tierney, Tozier, Wagner, Wilfong.

NAY — Albert, Ault, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Boudreau, Burns, Bustin, Byers, Carpenter, Carter, Churchill, Clark, Cote, Curran, R.; Curtis, Dam, DeVane, Doak, Dow, Drigotas, Dudley, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gould, Hall, Higgins, Hinds, Hunter, Hutchings, Immonen, Jalbert, Jensen, Joyce, Kelleher, Kelley, Kennedy, Laffin, Lewin, Littlefield, Lunt, Lynch, MacEachern, Mackel, Maxwell, McBreairty, McMahon, Morin, Morton, Palmer, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Powell, Rideout, Rollins, Smith, Snowe, Strout, Stubbs, Susi, Teague, Theriault, Torrey, Twitchell, Tyndale, Usher, Walker, Winship, The Speaker.

ABSENT — Bowie, Carey, Connors, Connolly, Cooney, Durgin, Farley, Gauthier, Hughes, Kaufman, LeBlanc, Leonard, Lizotte, Lovell, MacLeod, Martin, R.; McKernan, Mills, Mulkern, Peakes, Quinn, Silverman, Snow, Truman, Webber.

Yes. 45; No. 81; Absent. 25.

The SPEAKER: Forty-five having voted in the affirmative and eighty-one in the negative, with twenty-five being absent, the motion does not prevail.

Mr. Susi of Pittsfield offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-1248) was read by the Clerk.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I offered this amendment for the Maine Municipal Association. What I am told is that three years ago we put a law through which required municipalities to notify a property owner in case of an impending foreclosure on tax lien. What was omitted was a stipulation as to what notice would consist of.

The problem is this, that municipalities have attempted to notify and found that the property owner has left the area and they have been unable to locate him. This put a cloud on the title of this subject property because at any time that previous owner could come back and say that sufficient effort hadn't been made to notify. This amendment would make serving of a notice to the last and usual place of abode as being good and sufficient notice and remove the threat of this cloud. Also, it would make it possible under this amendment for the municipality to recover the registered mail fee which runs around 65 cents, as I understand it.

Thereupon, House Amendment "E" was adopted.

Mr. Burns of Anson offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-1260) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I was requested by the Department to offer this amendment. I understand that it was discussed in the Judiciary Committee and perhaps they will discuss it on the floor of the House.

This merely gives to the probation officer the authority to arrest for probable cause anyone who is on furlough or work release if he feels they are in violation of any of the terms of their conditions. The probation parole officer now has the authority to arrest a probationer. He would also know these individuals who are on work release and on furlough because he would be working with them also. I move for its adoption.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This was very seriously considered in the Judiciary Committee. I just want to say that we ought to change the label of this bill that comes out of the Judiciary Committee to "An Act to Allow Legislators and Departments to Offer Anything They Darn Well Please to the Laws of the State of Maine" as revised from time to time by this peculiar method. All I can say is that we seriously considered this alternative and that if someone feels it is a useful proposal, it ought to be put forth in the form of a bill and that is all I am going to say, except that I ask for a division on the adoption of the amendment.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In addition, I would just like to say that this particular amendment has been offered in the form of suggestions to the Criminal Code Commission for the past three years in its deliberations and has consistently been, while thoroughly thought of, denied. We by virtue now of an error, supposedly, or inconsistency, are hoping to get it in where it never could have gone before.

The SPEAKER: The pending question is on the motion of the gentleman from Anson, Mr. Burns, that House Amendment "G" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 73 having voted in the negative, the motion did not prevail.

Mr. Goodwin of South Berwick offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-1261) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: This amendment corrects a problem in the large bill that we passed earlier dealing with mental retardation. In that bill, we were trying to establish two sets of licensing procedures for small group homes and boarding homes, one was six beds and under and the other was from seven beds to fifteen beds. However, in the wording of the bill, we did not make this distinction very clearly and it has caused some confusion or the department has raised some questions that there may be some confusion over the licensing. So, this amendment clarifies, instead of saying fifteen beds or less, it says more than six beds but less than sixteen. It just basically clears up that problem that would have developed.

Thereupon, House Amendment "H" was adopted.

Mr. Pierce of Waterville, offered House Amendment "I" and moved its adoption.

House Amendment "I" (H-1262) was read by the Clerk.

Mr. Tyndale of Kennebunkport requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I was involved, two or three years ago, in the proposal to set up the agency store system and it hasn't worked out the way I thought the intent of the legislature was. Now, I see this coming in under Errors and Inconsistencies Bill and I shared the reservations of the gentleman from Bangor, Mr. Henderson, and Mr. Perkins of South Portland, that perhaps we are making a substantive change here.

The intent of the agency store bill, as I understood it, was that in areas where there were no state liquor stores, such as perhaps Vinalhaven, for example, or Greenville, a general store could have a department where liquor could be sold. This is state liquor, liquor obtained from the Alcoholic Beverages Bureau. Instead what has happened, some state stores have been closed, for example in Scarborough and Saco, with an agency store to be set up in an area like that. That was not the intent of the agency store bill, and I would like an explanation of this particular amendment, or I will be forced to vote against it as the gentleman from Kennebunkport apparently will.

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: At this point, all I can say whoa, hold it, there is a misunderstanding here on this. This is not a substantive change, this is a technical change asked for by the Legislative Research. What happened was, by an amendment put on in the other body, they said the bureau, with the approval of the State Liquor Commission, to give the Liquor Commission broader powers, so all we wanted to do with this amendment is to say the State Liquor Commission, and if you will notice the amendment, I don't have the filing number put on in the other body, I believe it was Senator Merrill's, he said "the bureau with the approval of the State Liquor Commission." That is the only change. It has nothing to do with broadening powers of agency stores or anything else.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waterville, Mr. Pierce, that House Amendment "I" be Adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, G. W.; Berry, P. P.; Berube, Boudreau, Burns, Bustin, Byers, Call, Carter, Chonko, Clark, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dow, Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Hewes, Higgins, Hinds, Hobbins, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy,

LaPointe, Lavery, LeBlanc, Lewin, Littlefield, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Maxwell, McBairty, McKernan, McMahon, Miskavage, Mitchell, Morin, Nadeau, Najarian, Norris, Palmer, Pearson, Pelosi, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Usher, Wagner, Walker.

NAY — Bagley, Birt, Blodgett, Carpenter, Carroll, Churchill, Cox, Davies, Doak, Finemore, Gray, Lewis, Morton, Perkins, S.; Tierney, Tyndale, Willfong, Winship.

ABSENT — Bowie, Carey, Connors, Connolly, Farley, Gauthier, Hughes, Kauffman, Laffin, Leonard, Lizotte, Lovell, MacLeod, Martin, R.; Mills, Mulkern, Peakes, Silverman, Snow, Webber.

Yes, 112; No, 18; Absent, 20.

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

Mr. Palmer of Nobleboro offered House Amendment "J" and moved its adoption.

House Amendment "J" (H-1263) was read by the Clerk.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: You may remember that earlier in the session we passed a resolve having to do with the final accounting of the situation between Great Northern Paper and the State of Maine on the exchange of lands. This particular piece of legislation was cosponsored by the Speaker and myself because we had cosponsored the original bill on the exchange of the lands.

The Statement of Fact in this amendment will explain exactly what it does. It repeals the resolve which we passed earlier this session giving Great Northern Paper the right to cut 75,000 cords of pulp which was to be given to them by the Bureau of Public Lands. In the meantime, the tax counsel for Great Northern has learned that this may perhaps be not in compliance with the Internal Revenue code, so they want us to take back the right which we gave them to cut the 75,000 cords of pulp. In other words, the Legislature giveth and the Legislature taketh away, and blessed be the name of this House.

Thereupon, House Amendment "J" was adopted.

Mr. Kelleher of Bangor moved the House reconsider its action whereby Senate Amendment "F" was adopted.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This has to deal with cable television and it was put in the Errors and Inconsistencies Bill, and if I understand the bill correctly, or this portion of the bill, it allows small towns where private capital would fail to go in to establish cable television, it would allow the municipalities or these small towns to in fact operate and finance its own cable television system.

I served on the PUC Committee a few years ago when we looked into the operation of cable television and supported a bill that was before this legislature to regulate them, to put them under the PUC, but the wisdom of both branches eventually killed or stopped the legislation. I guess the arguments in the other body said that this was going to be interfering with the private enterprise and I view it quite to the contrary. I believe that you members of this House that represent the small towns may find yourself someday in a position where private industry itself will not go into these small towns because of the cost to have cable

television in your own municipalities they may be able to do it and this would provide the legislation to do it. I would hope that you would move to reconsider and wipe out this amendment.

Thereupon, the House reconsidered its action whereby Senate Amendment "F" was adopted.

On motion of Mr. Kelleher of Bangor Senate Amendment "F" was indefinitely postponed in concurrence.

Mr. Spencer of Standish offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-1265) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is simply to clarify the law relating to blinking lights on volunteer fire departments, to make it clear that there is no requirement that the vehicle be approved by the Department of Transportation. There is a definition of authorized emergency vehicle in the traffic code revision which created some question on that point.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Did I understand that this is concerned with fire apparatus? On the second line it says front or rear of school buses.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, poses a question through the Chair to anyone who cares to answer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, the law that this is amending which we already passed is a law that governs the use of the mounting of red lights on fire department vehicles and ambulances. The last sentence of that law says nothing shall limit the use of lights on school buses and then this additional phrase says that no designation as an authorized emergency vehicle has to be obtained from the Commissioner of Transportation. So, although it looks as if it is a school bus law, it really is saying that volunteer firemen can flash red lights when they go to the fire.

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

Mr. PERKINS: Mr. Speaker, I would like to pose a question to the good gentleman who introduced this. Am I correct that the Commissioner of Transportation must approve the use of lights on those vehicles that are not otherwise stated as having that authority under this title?

The SPEAKER: The gentleman from South Portland, Mr. Perkins, has posed a question through the Chair to the gentleman from Standish, Mr. Spencer, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. SPENCER: Mr. Speaker, I am not sure want the answer is to that question. The effect of adding this sentence is simply to say that those emergency vehicles which we specifically authorized by statute to have red lights, especially the municipal volunteer fire department vehicles, are able to have those lights without being designated as an emergency vehicle by the commissioner. The effect of this phrase is limited to the section dealing with blinking red lights for ambulances or fire department vehicles, so I don't think that it would affect any other authority which the Commissioner of Transportation may have.

Thereupon, House Amendment "K" was adopted.

Mr. Dam of Skowhegan offered House Amendment "L" and moved its adoption.

House Amendment "L" (H-1265) was read by the Clerk and adopted.

Mr. Spencer of Standish offered House Amendment "M" and moved its adoption.

House Amendment "M" (H-1266) was read by the Clerk.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "M" is a change in the grandfather date for grandfathering deputy sheriffs with regard to whether or not they are required to go to the Maine Criminal Justice Academy.

The original law which was passed, which required local law enforcement officers to attend a course at the Maine Criminal Justice Academy, went into effect in 1971. When that law was passed, it was applicable only to local law enforcement officials. On July 1, 1972, the law was changed so that it also covered county deputy sheriffs or county law enforcement officers, and what this amendment would do would be to change the grandfather date for county law enforcement officers so that it corresponds to the state on which the law requiring them to go to the Maine Criminal Justice Academy became effective. This is really a Lewiston-Auburn issue, and I think that this is the fairest way to resolve it.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: A question if I may. The indication of full-time local law enforcement officers — there is a problem in using "full-time" in reference to a deputy sheriff. Do we mean those who are earning their living as being employed directly in the sheriff's department or are we referring to the part-time deputy sheriffs who are in the towns who are not fully employed, however, at some point in the law, they are full-time deputy sheriffs?

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

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

Mr. SPENCER: Mr. Speaker, as I understand this law, it only applies to people who are employed full time by the local police or the deputy sheriffs.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to reassure the gentleman that this does not affect parttime at all, it is just fulltime. I agree with the gentleman, Mr. Spencer.

Thereupon, House Amendment "M" was adopted.

Mr. Perkins of South Portland offered House Amendment "N" and moved its adoption.

House Amendment "N" (H-1267) was read by the Clerk.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: In explanation of this particular amendment, if you will recall, we dealt with the joint deposit matters back here a few weeks ago in which we retained the amount that would go to a child or relative at \$5,000 and added a provision that would give to a non-relative \$5,000. It was brought to my attention, if you remember also, that we dealt with that bill in its final stages and my amendment, we backed up and put on. I again, apologize for dealing with it so late in the game, so to speak. But it came to my attention after we did enact this law that what we in effect had was a provision that said \$5,000, actually, for all persons other than husband and wife. We gave everything to the husband and wife; this does not change that, but instead of saying \$5,000 to all persons, we said \$5,000 to

children and \$5,000 to non-relatives, and it was suggested and recommended that we just clarify it to make sure that it was understood that anyone other than a husband or wife could get up to \$5,000, which is what the bill said.

Thereupon, under suspension of House Rule 33, House Amendment "N" was adopted.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, I would like to move reconsideration of Senate Amendment "F" whereby it was indefinitely postponed.

This puts the state or the government in the Cable TV business. I was not as fast on my feet as Mr. Kelleher, but after reading this through, I really believe we want to indefinitely postpone this amendment.

I would direct your attention to Page 32 of L. D. 2345, Section 121: "to acquire, construct, reconstruct, improve, extend, enlarge, equip, repair, maintain and operate the telecommunications systems or parts thereof partly within or without the corporate limits of the municipality. You are directly putting Cable TV into the hands of government control and I would move that we adopt Senate Amendment "F" at this time.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House not to reconsider the action that we had taken earlier this morning, and just to clarify one or two comments that Mrs. Tarr made, I think that we are in error. First of all, it does not put the state in the Cable TV business, it simply allows municipalities or the towns that may not be serviced by private enterprise to, in fact, go into business for themselves, so I would urge you not to reconsider the gentlelady's motion.

The SPEAKER: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: It was in error when I said the State of Maine, but that would conceivably follow if we allow municipalities to take over operation and maintaining Cable TV. This should belong to private enterprise, and I would request a roll call.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This matter received quite a lot of discussion amongst the members of the Judiciary Committee, and I might add that the consensus was not unanimous. Some of us, including myself, felt that this was a substantive issue as opposed to most of the things that should be in this bill, and since there was no public hearing on it, since the municipalities, in fact, were not asked whether they perceived that there was a need for this, there was just a lot of questions that some of us, including myself, thought we should have addressed in a more proper form. I hope that you do support the good lady's motion.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The provisions relating to Cable TV were left out in the Attorney General's Office in the draft of the Community Development Act and the reason why it is important, I think, to include these provisions is that at the present time in a lot of Maine communities the town is so small that no private contractor has any interest in providing cable television to the small rural communities. All this does is allow those communities, if they vote to do so under the Community Development Act, to make the effort themselves to have cable TV installed and it also makes them eligible for federal funding for this purpose under the Community Development Act.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question, possibly to the gentlewoman from Bridgton. In our town, we have a Community Development Corporation, which is not a governmental function, but it is open to anybody in the town to join, and one of the things that we talked about was the possibility of having this Community Development Corporation run a cable TV system because we don't have any private cable TV in our town. I just wonder, if this amendment is reconsidered, whether we would be able to, through this Community Development Corporation, which is a private corporation open to anybody in the town to join, would be able to run a cable TV facility?

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a question through the Chair to the gentlewoman from Bridgton, Mrs. Tarr, who may respond if she so desires.

The Chair recognizes that gentleman.

Mrs. TARR: Mr. Speaker, I am not sure. I would assume that you would be able to operate a cable TV and that probably should have a public hearing and be determined by the people in your municipality. This does not give anybody an opportunity to have a hearing on this. I don't think that it is in error, I don't think it is an inconsistency and I would urge your support in reconsideration.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am not sure what the gentlelady did answer me, but does this take away local control from communities? That is what it would seem to me, if you are going to pass the laws saying a community can't do this or can't do that, then you are taking away the question of local control.

The SPEAKER: The gentleman from York, Mr. Rolde, has posed another question through the Chair to anyone who may answer if they so desire.

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

Mr. McMAHON: Mr. Speaker, the authority is not there now. The main point at issue is whether or not this should be considered an error or inconsistency. I don't think anyone is debating the merits of the issue but rather the appropriateness of it. The good gentleman from York is not wrong, but the power is not there now for municipalities to use. This proposal would give them that power without benefit of a public hearing or finding out whether or not they want it.

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

Mr. CAREY: Mr. Speaker, the City of Waterville, in conjunction with the town of Winslow, has a cable TV operator and he gave the city the first refusal on purchasing the operation if and when he went out, so that if the city was dissatisfied with whomever he might have coming in, this would be legal, but had the CATV section not been written into the law, as I understand Mr. McMahon, we would have been entrapped in that we were not in a position to acquire something that had been offered to us. And I would direct a question to the gentleman from Kennebunk, Mr. McMahon, basically in that respect, that any agreement we had reached up to this point that the city might acquire was, in fact faulty then and unless this passes, the city could not have acquired it, is that correct?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to the gentleman from Kennebunk, Mr. McMahon, who may answer if he so desires.

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

Mr. McMAHON: Mr. Speaker, yes, the gentleman from Waterville would be correct. But, again, that is not the essential point of this debate, this is the Errors and Inconsistency Bill. If you want to put this through as a substantive measure for the reasons that the gentleman from York and the gentleman from Waterville stated, which are quite valid reasons I think, then I think you should vote against the motion. The question is whether this is something that ought to be contained in this bill, not whether it is something that is desirable or not.

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

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

The SPEAKER: The pending question before the House is on the motion of Mrs. Tarr of Bridgton to reconsider indefinite postponement of Senate Amendment "F". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Birt, Burns, Byers, Carey, Carpenter, Carter, Churchill, Clark, Conners, Curtis, Dam, DeVane, Doak, Dow, Durgin, Dyer, Farnham, Fenlason, Fraser, Garsoe, Gould, Gray, Henderson, Hewes, Higgins, Immonen, Jackson, Kennedy, Laverty, LeBlanc, Lewis, Lunt, Mackel, Martin, A.; Maxwell, McBrearty, McKernan, McMahon, Miskavage, Morin, Morton, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Pierce, Quinn, Raymond, Rideout, Saunders, Shute, Snowe, Sprowl, Stubbs, Tarr, Teague, Torrey, Tozier, Twitchell, Tyndale, Wagner, Walker, Wilfong.

NAY — Albert, Berry, P. P.; Blodgett, Boudreau, Bustin, Call, Carroll, Chonko, Cooney, Cote, Cox, Curran, P.; Curran, R.; Davies, Drigotas, Dudley, Finemore, Flanagan, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hinds, Hobbins, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Lynch, MacEachern, Mahany, Mills, Mitchell, Nadeau, Najarian, Norris, Peterson, P.; Peterson, T.; Post, Powell, Rolde, Spencer, Susi, Talbot, Theriault, Tierney, Usher, Winship.

ABSENT — Ault, Bowie, Connolly, Farley, Faucher, Gauthier, Hughes, Hunter, Hutchings, Kauffman, Kelley, Leonard, Lewin, Littlefield, Lizotte, Lovell, MacLeod, Martin, R.; Mulkern, Peakes, Rollins, Silverman, Smith, Snow, Strout, Truman, Webber.

Yes. 69; No. 54; Absent, 27.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-four in the negative, with twenty-seven being absent, the motion does prevail.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative McMahon has raised a point whether we should accept this, not on its merits but because it is a substantive change, as he feels it to be, we should reject it on that alone. I would suggest that, it was in the Errors and Inconsistency bills when it came out of the Judiciary Committee and it did not come out as a divided report, it came out as an unanimous report in my mind.

I think that it is a reasonable piece of legislation and, believe me, it is not that substantive in my opinion. I told you I had served on a study committee for the PUC in attempting to

put the cable TV under the rules and regulations. I had an opportunity to meet some very high-classed, high-caliber individuals from Washington, D.C. who have been lobbying for years against any regulations for cable TV, and if I stay here for another 10 years, I doubt if we could ever get any kind of legislation through because of their ability to confuse people.

Cable Television is something that is not new, it has been in the United States since 1947.

Cable television, in my opinion, is going to have a lot of direct influence on the people of this state as well as the people of this nation in the coming years because of its ability to transmit. One of those little cables that can come from your street into your house eventually could have anywhere from 40 to 50 to 100 television stations on it, but that is not the question here this morning, the question is, do you want to allow a town or a municipality that fails to attract private interests to come in and develop a cable TV program for the residents in those towns to be able to operate one at a municipal, and town level? I think we should be able to do that. I think the substantive change that has been addressed here this morning is not as great or as drastic or as alarming as Mrs. Tarr would like to have you believe.

I would hope that you would reject the Senate Amendment that is being reconsidered.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I am told that there is an Attorney General opinion which bears on the subject of whether this is applicable or not, and I can find out sometime in the next half hour, and the gist of the opinion, I am told, is that the amendment does not serve to do what it purports to do, that the bill, as it came out of Judiciary Committee, really was in support of the initial legislation. I would, therefore, since I can find out, I assume, in the next 30 minutes or so, I would be grateful if somebody would talk until later today.

The SPEAKER: The Chair will order a vote. Those in favor of the motion of Mr. Kelleher of Bangor to indefinitely postpone Senate Amendment "F" will vote yes; those opposed will vote no. vote of the House was taken.

76 having voted in the affirmative and 43 in the negative, the motion did prevail.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: Before we act further on this bill, I would like the opportunity to make a few observations. I think I have consistently, within the past three sessions, voted against the errors bill, and even though I have an amendment which has just been passed, and I thank you all, I will again vote against it and I want you to know why.

When I first came to the legislature, I was told that the Errors and Inconsistency Bill was to deal with just that, those errors and inconsistencies that came to the legislature's attention and should be cured. I found the first session that that was not the case and you all have seen it here today. We enact by this bill major pieces of legislation every year without public hearing and make the public think that we are merely correcting an error or an inconsistency, and as long as we as politicians and legislators continue to do that, the general public is going to continue to look at us as something less than honest and forthright people.

I am continually amazed in going through this, and I spent a good portion of the weekend doing so, to think that we in the regular session, last time, passed three bills all dealing with the same subject matter and setting as an example the per hundredweight of milk under

the Milk Commission, one at 2 cents, one at 3 cents and one at 5 cents. I wonder how we managed to do that, I really don't know. It seems to me that there could be a better way to handle pieces of legislation. A good portion of these corrections are the result of two or more bills dealt with by us during the regular session in which one bill said one thing and another bill said another thing and we, by virtue of this bill, and correctly so, are trying to make them rhyme together and have one law on the books. If you look at the back sections of the revised statutes, you will see many places where it will say, Section 2301, this was what was enacted by Chapter 4 such and such and another one that says, this is what was enacted by the same legislature under Chapter such and such else.

There has to be, in my opinion, some better way of coordinating our legislation and the bills that are presented to the legislature, just in the numbers here of dual pieces of legislation that we enacted during the last regular session, if they were corrected in one piece of legislation, it would have reduced the number of bills that we would have had before us and perhaps having gotten us out of here before the 4th of July.

So again, as a matter of observation only, because I know this is going to pass, as has always happened, there are enough pieces of the pie for enough people to make this bill go, no matter what I say or anyone else might say. There is no way that this bill cannot be passed or can it be defeated, so while I recognize that very fact, I will continue to vote against it and understand fully that it will become law.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to expose another side to that. In the time that I have been here, I think we have had a constant improvement. I never before have been in a session where nearly everyone in the House of Representatives understands what was included in these amendments that were offered. If you don't know what was in them, it was your own fault, there was an explanation made on every one of them. Our standards have improved, and I think mainly because of the efforts of gentlemen like Mr. Perkins from South Portland who constantly set higher goals in this legislature.

It was just a few years ago that it was a typical thing for the Errors and Inconsistencies to go through at 8 or 9 o'clock at night when everyone was just about asleep and you would not find five people in the House who would have the least idea of what was included in the amendments. So we have come a long way.

The SPEAKER: The Chair will order a vote. The pending question before the House is on passage to be engrossed as amended by Senate Amendments "B", "D", "E", "G", "H", "I", "J", "K" and "L" and House Amendments "A", "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", and "N" in non-concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
77 having voted in the affirmative and 23 in negative the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Berry of Buxton, the House reconsidered its action of earlier in the day whereby Bill "An Act to Clarify the Election Laws" (H. P. 2293) (L. D. 2344) was passed to be engrossed as amended by House Amendments "A" and "C" in nonconcurrency.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BERRY: Mr. Speaker, I move we recon-

sider our action whereby House Amendment "C" was adopted.

The SPEAKER: The gentleman from Buxton, Mr. Berry, moves that the House reconsider its action of earlier in the Day whereby House Amendment "C" was adopted.

The gentleman may proceed.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I was out of the hall this morning when House Amendment "C" was proposed or I would have done this earlier. This pertains to allowing people to be probably what I would call a little closer to the people that count absentee ballots than I think they ought to be. I have discussed this with several people, including some of the people in the Secretary of State's Office and if you read the amendment I think you can interpret it almost any way you want to and probably being on the cautious side, the people in the Secretary of State's Office seem to think that a person might be able to enter right in behind the rail and actually stand right over the people that are counting absentee ballots and I don't think that that is good procedure. I hope that we will reconsider our action whereby this was adopted so that I might later move the indefinite postponement of this amendment.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the House does not reconsider this amendment. I have discussed this with the Secretary of State. As a matter of fact, the Secretary of State was present when this amendment was being written and he agreed with the amendment at the time we did draw it up.

We have a problem in my community and some of the communities where absentee ballots are counted in the city clerk's office and any candidates that are present can ask to stand back where they can see the counting of those ballots. I feel that any one of us members here has an investment in that election and they should be present and be able to see how these votes are being counted and how these absentee ballot counters are putting down the candidates' names, and I hope that you do not reconsider.

The SPEAKER: The Chair will order a vote. Those in favor of reconsidering adoption of House Amendment "C" will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Berry of Buxton requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, 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 Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: In further explanation, Mr. Jacques has stated that he thinks it is necessary that somebody ought to be watching who voted for whom and how it is marked down. That is not the way it is done when the ballots that are not absentee ballots are counted. There are ample opportunities, if there are any irregularities in the absentee counting process, for a candidate to challenge, to ask for an inspection and to actually have a recount. I think part of what Mr. Jacques would like to do is to include in the counting of ballots what actually happens in a recount. I say that there is no need of this, and if eight or ten municipal election officials are very busy counting the absentee ballots, they don't need eight or

ten bystanders leaning in over their shoulders, making comments, laughing and giggling and everything else. I hope you will go along with reconsideration.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: If you will notice, in L. D. 2344, "An Act to Clarify the Election Laws," we had added a new Section 48 providing that ballots should be counted publicly so that those present may observe proceedings.

House Amendment "C" deletes that section and adds additional words.

This, for everyone's information, applies only to where absentee ballots are counted in central place or in one place. After reading this amendment I have some reservations. Is a central place the place if there is only one voting precinct or voting ward in the town or city? Do you want people standing right over their shoulders counting all the ballots? Really, no one has been able to interpret exactly what this amendment says and it could cause a lot of confusion.

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: This procedure surprises me because in Brunswick the absentee ballots are produced at the same time the other ballots are counted. The names of the people are checked off the voting list and then the ballots are thrown into the boxes along with everybody else's and nobody can tell which ones are absentee and which are not, and I think this is a much better protection for the voters than any isolated counting of ballots. It is impossible to tell at the time of counting which ones are absentee. It seems to me that this is the way we should be going and not having people standing over somebody and apparently being able to see how individuals voted.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: A few years back, the legislature allowed the municipality to either count the ballots in the city clerk's office or a place designated by the city clerk for counting the absentee ballots. Well, any municipality can decide this. Now, our municipality and a few others around our area decided to do this. These ballots are counted as they open the envelopes and the ballots are dropped in the box and then when they are all put into the box, they are thrown on the table and then counted. No one sees how anyone else votes. But I am saying that the candidate or his assistant should be able to watch the counting and at present they are not able to watch the counting. They are put about eight to nine or twelve feet away from the table, facing the counter, which they don't even see the markings of the ballots, or even the envelopes never mind the counting. This is why, Mr. Speaker, ladies and gentlemen of the House, that we wanted this included in the law, because at this time we are having problems with it.

I think that every one of you who has an investment in that election would go along with it. I don't see anything wrong with it and you still have control by the city clerk if these people abuse these counters. The warden or the city clerk has the right to extract you out of the place.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: As I think the number one expert on recounts in the House, I don't think that there is any need for this particular amendment because you can always ask for an inspection of the ballots, ask for a recount afterwards.

Mr. Jacques of Lewiston was granted permission to speak a third time.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: How many candidates over here have been beaten by 100 votes at one time? We have seen that in my community where there was a difference of 100 votes and when we had the inspection, that did come out. But a lot of people will say, well, I got beat by 100 votes I shouldn't have a recount because it is too many votes to pick up, but it has happened.

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

Mr. BERRY: Mr. Speaker, Ladies and Gentlemen of the House: I think maybe now you can see part of the problem that is beginning to evolve. Mr. Jacques talks about how many candidates have been beaten by 100 votes and things of that nature. Now, I submit to you, what kind of a counting process are you going to have if Mr. Jacques or any candidate is standing sufficiently close to observe one Republican, one Democrat who has set up his teams counting ballots. Now, I suppose that the Democrat is going to say one vote for Jacques. The Republican is not going to mark it down. This is what I am assuming is going to happen. So then what happens? Do we have an argument taking place over whether or not that person did mark that down or not? This is all premature. We don't need it. This is what takes place in a recount. If these things do occur, there are provisions in the law to take care of this and they have worked very well for many, many years and this amendment will only add total confusion to a process that works satisfactorily.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that the House reconsider its action whereby House Amendment "C" was adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Cooney, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Dudley, Durgin, Dyer, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Immonen, Ingengeri, Jackson, Jalbert, Jensen, Kennedy, Laffin, LaPointe, LeBlanc, Leonard, Lewis, Littlefield, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; McBreaarty, McKernan, McMahon Mills, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Quinn, Rideout, Rollins, Saunders, Smith, Spencer, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Wilfong, Winship.

NAY — Berube, Call, Carter, Cote, Drigotas, Frazer, Gray, Henderson, Hinds, Hobbins, Jacques, Kany, Kelleher, Laverty, Maxwell, Pierce, Powell, Raymond, Rolde, Shute, Snowe, Stubbs, Talbot, Walker.

ABSENT — Ault, Bowie, Connolly, Farley, Farnham, Gauthier, Goodwin, H.; Hughes, Hunter, Hutchings, Kauffman, Kelley, Lewin, Lizotte, Lovell, MacLeod, Martin, R.; Mulkern, Norris, Peakes, Silverman, Snow, Truman, Webber.

Yes, 102; No, 24; Absent, 24.

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

Mr. Berry of Buxton moved the indefinite postponement of House Amendment "C".

Mr. Jacques of Lewiston requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Buxton, Mr. Berry, that House Amendment "C" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carpenter, Carroll, Chonko, Churchill, Clark, Conners, Cooney, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Durgin, Dyer, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hewes, Higgins, Hobbins, Immonen, Jackson, Jensen, Joyce, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewis, Littlefield, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; McBreaarty, McKernan, McMahon, Miskavage, Mitchell, Morin, Morton, Nadeau, Najarian, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Quinn, Rideout, Rollins, Saunders, Smith, Spencer, Sprowl, Strout, Susi, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship.

NAY — Berube, Call, Carter, Cote, Cox, Drigotas, Farley, Farnham, Gray, Henderson, Hinds, Ingengeri, Jackson, Jacques, Jalbert, Kany, Kelleher, Maxwell, Mills, Pierce, Powell, Raymond, Rolde, Shute, Snowe, Stubbs, Talbot.

ABSENT — Albert, Ault, Bowie, Carey, Connolly, Dudley, Farley, Gauthier, Hughes, Hunter, Hutchings, Kauffman, Kelley, Lewin, Lizotte, Lovell, MacLeod, Martin, A.; Mulkern, Norris, Peakes, Silverman, Snow, Truman, Webber.

Yes, 100; No, 25; Absent, 25.

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This bill that we are considering now, the clarification of election laws, there is an inconsistency and a conflict with L. D. 2056, the education clarification bill, that must be resolved and the amendment is now being prepared, so I would ask that it be tabled until later today.

On motion of Mr. Rolde of York, tabled pending passage to be engrossed and later today assigned.

On motion of Mr. Sprowl of Hope, Recessed until three o'clock in the afternoon.

After Recess
3:00 P.M.

The House was called to order by the Speaker.

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

Mr. Lynch of Livermore Falls presented the following Joint Order and moved its passage: (H. P. 2329)

ORDERED, the Senate concurring, that "An

Act to Clarify Certain Provisions in the Education Laws" (S. P. 651) (L. D. 2056) be recalled from the Governor's desk to the Senate.

The Order read and passed and sent up for concurrence.

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

Non-Concurrent Matter

An Act Redistributing the Powers of the Executive Council (H. P. 1997) (L. D. 2197) which Failed of Final Passage in the House on April 9, 1976.

Came from the Senate, finally passed in non-concurrence.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, I move that we recede.

The SPEAKER: The gentlewoman from Bath, Mrs. Goodwin, moves that the House recede from its action whereby the Bill failed of final passage.

The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: We are essentially at a very important decision on this motion and there is a good deal to it that is not immediately evident. I should like to speak to it in sort of a descriptive or historical sense.

Our parliamentary position first is, if we recede and concur today and we pass it by a two-thirds vote, the matter is law as it now stands and is gone to the Governor. There is a higher motion, however, which is recede. If we adopt this higher motion, then this puts us in a position of being able to offer amendments to the bill again which, in effect, does two things; number one, it backs us up to what really for working purposes is the second reading of the bill and, two, it gives us a leverage over the other body that they previously enjoyed on us.

For example, if we do recede, and once we recede, if that vote passes, it is then obvious that is the intent of the House to put some amendments on the bill. How many, remains to be seen in the debate, but at any rate, some will likely be adopted.

In this event, we can send the bill in its new form back to the other body and the other body, if they fail to accept, will send it back to us so saying, whereupon we adhere, whereupon it goes back to them, assuming this all gets done this week, whereupon it then goes back to them and they are in the same position that we were in the other day, eat your spaghetti or throw yourself out the window (Spinach, Mr. Ingegneri says, excuse me).

There is something else we should know about the bill itself. The Attorney General has given us an interpretation of it. He says that if this legislation fails to pass and if we approve the motion to recede today and do proceed with our amendments and our discussions, then the chance of it failing becomes more and more real every day. If this does fail to pass, then on January 4 next year, the Governor will make all appointments which are non-judicial with absolutely no check by this body. He cannot make any judicial appointments whatsoever until this legislature has seen fit to pass some kind of a law.

The final thing that he ruled was, and most of you may be aware, it takes a two-thirds vote to pass this law now, just exactly as it would take a two-thirds vote to pass any subsequent law in the 108th Legislature which would do some of the things people want to do now.

Now, the people who have different positions on this, on either side of the argument, are perfectly sincere. Mrs. Goodwin wants to put an amendment that includes her Committee for the Aging. The appointments of the

members of this Committee for the Aging would have to be confirmed by a Joint Standing Committee of this Legislature. I respect her opinion in this matter, I respect her desire in this matter. However, there are people on the other side of the fence who feel that if you open the door to one amendment, you may be opening it to more and more.

There also is a strong school of belief that appointments of this type do not require confirmation and it is true. When you speak about the value of having confirmation or not having confirmation, you get back to the basic question of why this state had an Executive Council for 160 years and why the voters of Maine overthrew it last year. It was simply this, a matter of sharing the power.

Now, in this case, those people who are concerned with the appointing power that currently exists feel that they want the legislature to have a check rein on that, and I can sympathize with that. If I had a program in which I had worked as long and as hard as some people had I, too, would object to hostile appointments. But if you do make this a law and you do have a Governor downstairs who is doing things the way you want him; you may well have a committee who will be doing the same thing that the Executive Council was doing to Harrison Richardson four or five years ago. There is no guarantee by putting the legislature itself in the business of these relatively minor, and they are relatively minor in terms of relation of the overall state appointments, putting these people in for committees to approve them. You are guaranteeing now that the good guys have their say. Five years from now, it might be the bad guys who will be having the say. So, you do not guarantee, by any means, improved government by doing this.

Friday, we had a fiasco on the bill. The leadership of both parties agreed that they would back the bill up, permit Mrs. Goodwin's amendment to be placed on there and send it forward. This was the agreement made by everybody. Unfortunately, the leaders on both sides were unable to deliver their votes and, as you say, the two-thirds majority in order to back the thing up was not provided. Now, this means to me, as an original agreement to the party of backing it up, I was perfectly willing to compromise in the interest of getting this extremely important and far-reaching piece of legislation out of here, I was willing to compromise, agreed to compromise with it and so voted. It also became perfectly evident to me that there is not the strength in this body, let alone in the other body, to take exception or dictation or rule from any group who chooses to try and impose their opinion on the matter. This is not, under any stretch of the circumstance, a party issue.

On our State Government Committee here are seven Democrats and six Republicans. I have checked with every single one of them this morning, and with the exception of one Democrat who might possibly accept Mrs. Goodwin's first amendment but no other, says he, that committee remains just as firmly committed to the fact that no amendments of this type should be made to that bill. Therefore, I understand that on the Health and Institutions Committee there is a similar more or less unanimity between both sides of the political aisle.

But the point I want to make, this is not a party issue as such. This is an issue which you will decide based on your concept of how government should operate and based very, very importantly on how you see the dangers that will exist to the life and career of this very important piece of legislation if you do back it up and you do again open it to all kinds of amendments, arguments and discussion.

I would urge, in the interests of getting something done and getting out of here, that we defeat the motion to recede and that we then pass a motion to recede and concur by a two-thirds majority and, then, if we have valid considerations for appointments such as the one Mrs. Goodwin is talking about, they can pass in the 108th Legislature. It takes a two-thirds vote to pass these amendments today; it takes a two-thirds vote to pass those amendments next January. There is no difference, the only difference is that the proponents of the amendments are now holding hostage this extremely important piece of legislation.

I would urge you, in the interest of conscientious legislation, to defeat the motion to recede, then move to recede and concur, pass that by the necessary two-thirds, let's get on with the legislature and then let's consider these questions of other appointments in the next legislature as a clear-cut issue by itself, uncluttered by this 79 page law.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker and Members of the House: Sometime I would like to get together with the gentleman from Gorham and have him explain to me the analogy between eating spaghetti and throwing yourself out the window. I am not too sure I understood what he meant. I would like to assure this House that I have no intentions of trying to kill this bill in the final analysis. I would hope that we would pass the amendment that I would like to offer today and send it to the Senate. I have some reason to believe that the Senate may well recede and concur, since the president of the Senior Citizens Club invited the chairman of State Government in the other body to lunch with the Maine Committee on Aging this noon. Hopefully he was well lobbied and perhaps we may have to file with the Secretary of State for that lunch.

However, I believe that perhaps we are not jeopardizing this bill as much as some are trying to make you believe. But in the event that it does go to the other body and they will not agree, I certainly will be no part of any effort to stop final enactment of this legislation, so I don't believe we are placing it in jeopardy. I am still very concerned about the Maine Committee on Aging and its future and about the Maine Human Services Council. I will not, unless provoked to do so, go on a long tangent about what we do and why I believe we should be confirmed.

I also believe, at least last Friday, the gentleman from Portland, Mr. LaPointe, promised me that if we let this go through he would not yell at the House. So, I would hope that you would let me recede and offer the amendment.

The SPEAKER: The pending question in on the motion of Mrs. Goodwin, of Bath, that the House recede. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Snowe of Auburn requested a roll call vote.

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

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pair with Mr. Peakes; I would be voting no and he would be voting yes.

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, wishes to pair with the gentleman from Dexter, Mr. Peakes. If the gentleman from Dexter, Mr. Peakes, were present, he would be voting ye and if the gentleman from Yarmouth, Mr. Jackson, were voting, he would be voting nay.

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Mrs. Goodwin, that the House recede from its action whereby the Bill failed of final enactment. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, P. P.; Blodgett, Boudreau, Burns, Bustin, Call, Carroll, Carter, Chonko, Churchill, Clark, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Faucher, Fenlason, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Laverty, LeBlanc, Lewin, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, Mills, Mitchell, Morin, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, T.; Peterson, T.; Post, Powell, Rolde, Saunders, Smith, Strout, Talbot, Theriault, Tierney, Tozier, Tyndale, Usher, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bachrach, Berry, G. W.; Berube, Bert, Byers, Carey, Carpenter, Connors, Cooney, Curtis, Doak, Durgin, Dyer, Farnham, Finemore, Gauthier, Gray, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kelley, Kennedy, Lewis, Littlefield, Lunt, Mackel, McBreairty, McKernan, McMahon, Morton, Perkins, S.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rollins, Shute, Snowe, Spencer, Sprowl, Susi, Tarr, Teague, Twitchell, Wagner.

ABSENT — Bowie, Connolly, Dudley, Farley, Garsoe, Jackson, Jacques, Kauffman, Leonard, Lizotte, Lovell, MacLeod, Martin, R.; Miskavage, Mulkern, Palmer, Peakes, Silverman, Snow, Stubbs, Torrey, Truman, Webber.

Yes, 77; No, 51; Absent, 21; Paired, 2.

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

On further motion of Mrs. Goodwin of Bath, the House receded from its action whereby the Bill was passed to be engrossed.

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

House Amendment "G" (H-1241) was read by the Clerk.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I could have this explained to me, please?

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, poses a question through the Chair to the gentlewoman from Bath, Mrs. Goodwin, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I believe that the gentleman from Westbrook is annoyed because I would not go out to lunch with him this noon. If he would like to have an explanation of the amendment, I would be glad to go out to lunch with him tomorrow.

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

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I just rise to clarify a couple of things for the benefit of the gentlelady from Bath, Mrs. Goodwin.

First, in reference in eating your spinach or throwing yourself out of the window, it is an old Italian saying which the gentleman from Bangor could render for you, suggesting that the alternatives we have, neither of them are very pleasant.

Secondly, I am interested that she says the president of the Orono Senior Citizens Association was dining with herself and the Senate Chairman of the State Government this noon, because this gentleman is a constituent of mine and I would expect if he were this concerned about these appointments being confirmed, that he would have corresponded with his Representative, which he nor no other member of the Orono Senior Citizens has done to date. I can't speak for the other Representative from Orono, but I have heard nothing from him and I would assume that his concern is not that great or he would have contacted me, so I shall vote against this amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Only to clarify a point for the gentleman from Orono, Mr. Wagner. Mr. Scammon was in the hall just before the session recessed for lunch. I have known him for several years and he did approach me and he did go through this amendment thoroughly and indicated that he was very anxious that it pass. He did say, and I believe if I quote the gentlewoman correctly, he did say that he was going to lunch with the chairman of the committee from the other body, he did not go with the gentlelady from Bath, Mrs. Goodwin. He went with the gentleman from Orono, Mr. Curtis.

Thereupon, House Amendment "G" was adopted.

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

By unanimous consent, was ordered sent forthwith to the Senate.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121) ask leave to report: that the House recede from Passage to be Engrossed as Amended by Committee Amendment "B" (H-1050) as Amended by House Amendments "A" (H-1068), "B" (H-1163), "C" (H-1164), "D" (H-1172), and "E" (H-1175), thereto; recede from Adoption of Committee Amendment "B" as Amended by House Amendments "A", "B", "C", "D", and "E", thereto; recede from Adoption of Senate Amendments "A" (S-536) and "C" (S-513) and Indefinitely Postpone Senate Amendments "A" and "C" Adopt Conference Committee Amendment "A" (H-1269) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A"; that the Senate recede from Indefinite Postponement; Adopt Conference Committee Amendment "A" (H-1269) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" in concurrence.

(Signed)

Messrs. USHER of Westbrook

STROUT of Corinth

- of the House.

Mr. JACKSON of Cumberland

Mrs. CUMMINGS of Penobscot

Mr. GRAHAM of Cumberland

- of the Senate.

The Report was read and accepted.

The House receded from passage to be engrossed as amended by Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D" and "E" thereto; receded from the adoption of Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D", and "E" thereto; indefinitely postponed Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D" and "E" thereto; receded from the adoption of Senate Amendments "A" and "C" and indefinitely postponed same.

Conference Committee Amendment "A" (H-1269) was read by the Clerk and adopted, and the Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Clarifying the Use of the Mental Health Improvement Fund" (H. P. 2068) (L. D. 2238) which was tabled earlier in the day and later today assigned, pending reconsideration.

On motion of Mr. Rolde of York, tabled pending reconsideration and tomorrow assigned.

The Chair laid before the House the following matter: Joint Order — H.P. 2323 relative to the State Personnel System, which was tabled earlier in the day and later today assigned, pending passage.

On motion of Mr. Hennessey of West Bath, retabled pending passage and tomorrow assigned.

The Chair laid before the House the following matter: "An Act Relating to the Suppression of the Spruce Budworm Epidemic" (H. P. 2310) (L. D. 2348) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mr. Smith of Dover-Foxcroft, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Providing for Administrative Corrections in Tax Laws" (H. P. 2312) (L. D. 2349) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mrs. Post of Owls Head, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

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

House Amendment "B" (H-1268) was read by the Clerk.

The Chair recognizes the same gentlewoman.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago, the issue came to my attention that municipal officials were being told by the Bureau of Taxation that if they in fact were part of a municipal assessing unit, which is a change that we made last year in response to the difficulty of all communities being told that they were going to have to go into an assessing district, that if they were municipal units, they could no longer make abatements for reasons of infirmity or poverty, even though this right was given to communities which were part of the primary assessing area or primary assessing district.

I contacted the Bureau of Property Taxation and I was told that, yes, that was true and it was the understanding that that was an incon-

sistency, that when we had put in the area of municipal assessing units in the regular session, we had neglected to deal with the area of abatement specifically for that and this particular amendment hopes to take care of that particular situation.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House. I would like to read the section that has the meat of this amendment and it says that assessors may on their own knowledge, or on written application therefor, make such abatements as they believe reasonable in the real or personal taxes on all persons who by reason of infirmity or poverty are, in the judgment of the assessors, unable to contribute to public charges.

Back, I can't remember when, it wasn't that long ago, I think within a couple of sessions, I put a bill in which in effect took the assessors out of the welfare business and this amendment puts them right back into it again. When you reinstate this authority to assessors to make judgments on the capabilities of people to pay their taxes, you are, in effect, putting them in a situation where they are judging whether or not these people shall get welfare relief.

We did allow for this provision under the legislation that I sponsored and this authority is in the hands of the assessors now, that if someone comes in and asks for an abatement, the assessors can grant the abatement subject to review a year and a half later, so that in the meantime should the situation of the taxpayer change so that he is able to pay, which many times is so, then the municipality collects these taxes and often times it is elderly people and they will have passed away and this becomes a lien on the property so that the municipalities come in ahead of the other beneficiaries and is able to collect their taxes then. This is the present situation.

If we enact this, then we will have the same situation as before where the assessors will be having to interview all of these people who feel that they are to some extent poverty stricken and should receive abatements. The assessors, I remember at the hearings, said that they should be concerned with assessment, they should not be in the position of welfare directors, that we have all sorts of welfare programs, and we certainly do, to handle welfare, but their function properly should be assessing, and this legislature agreed and enacted that legislation and now this would put us right back where we were before.

The previous speaker has indicated that there is a discrepancy between the way that municipalities are treated under law and the way a primary assessing area is treated, and that is true. When we drew up the assessment district law, we made a mistake and did not take care of this and it was just a mistake, so there is an error involved and the error should properly be corrected by removing this provision in the primary assessing areas, that is where the true error exists.

There is also this about it, we have no primary assessing areas, so none of them are, in effect, practicing this because we have none. There are no municipalities at this time who have applied to be a primary assessing area and those would be the only ones who would be eligible to use this provision in the law. Where there are none, it just is not happening. So I hope you vote down this amendment because I believe we are in the correct posture in this question now.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I support Representative Post's amendment on this. I got a call last night on it and I have called two or three other town assessors and selectmen and they have been told by one of the state assessors that

they cannot follow this practice that they have been doing.

Let's take a widow on Social Security, \$125 or \$130 a month and she is assessed her taxes, there are three assessors, or the selectmen in most small towns, who do the assessing. They know what the circumstances are, they set the value on her place; they make her tax bill out and then they abate a certain percentage of this so that this widow would be able to meet her tax obligation. What is recommended by the state assessors is that they put the valuation on, set the tax, go ahead and put the lien on. In 18 months, the municipality owns that property and then they can allow her to stay there and let this be rent free or a large percentage of what they would consider a fair rent, and a lot of this property they have lived on all of their lives and I think it is a disgrace to our elderly people to put a number of these into that circumstance. I hope you will go along and support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, I would like to ask a question through the Chair to the gentleman from Pittsfield, Mr. Susi. As I understand this law at present, if someone is over-assessed and they are not allowed to put in an application for an abatement, therefore, it leaves the tax collector, if these abatements are not allowed and are unable to collect them on personal property, the tax collector is holding? Those two questions I wish he would answer.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: As I recall the legislation that I offered some previous session here, it concerned itself with the question of welfare. When people came in with a claim that they were infirm or poverty stricken, then it was this issue that that legislation faced and not over assessment.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I have handled a lot of this in my life time, too many of them, but we always have, in my district and in my town, been very good with the elderly people. And to go along with what the gentleman from Franklin, Mr. Connors, has said, at the end of 18 months, the lien expires and this becomes town property, you must at once take possession of that property. Supposing it is for only one day or two weeks, you must take possession of that property in order to make your lien law take effect, so therefore, what you would be doing, you would be taking possession of that property and suppose you had to make those elderly people move out. You cannot let them hold that, not even for 10 days legally, they must be moved out or there must be a provision whereby this becomes town property. Then you can go back and rent it to them, which I am very much against.

I think it is a shame to take people who have owned property for 40 or 50 years, raised their family there, educated them in your town and paid taxes, then turn around and tell them because they are on Social Security, or through some uncertain circumstances they cannot pay their taxes, they must move off that property.

I hope you will go along with this amendment today, as I have a big heart for the old people not only in my community but all over the state. I have seen it happen. We have always allowed it in our town, we have kept their assessments down, which is strictly against the law, so that they could pay their taxes and there are a few today who are not quite eligible for the tax relief for the elderly and who are caught under this who maybe have a \$4,000 income but through uncertain circumstances they cannot

pay their taxes. I hope you will go along with this amendment.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Farnham.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I have no objection to this amendment when it applies to communities where the selectmen are the assessors and the overseers of the poor.

Let's take my community where we have a professional assessor. He has nothing to do with the selectmen, he has nothing to do with the poor, and it just seems to me that this is wrong that that man, whose business is solely to put a proper valuation on a piece of property, to be held into the welfare end of it. The selectmen in the town are also the overseers of the poor, they know the conditions. I certainly don't object to the assessor going to the town fathers and saying, I think you should do something about this, but for him to take it into his own hands to do it I think is all wrong.

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

Mr. HINDS: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Board of Assessment Review in the City of South Portland and in our community, up until this law was previously passed, the assessor and our board referred these types of applications to our welfare director and he would report back the financial circumstances of the people involved and then we would proceed to vote, if it was on the board's case, on the abatement, or the assessor did if the application was made to him.

The amendment to me seems to be a good one. I do have one question, however. I know that we were notified a few months ago that our Board of Assessment Review could no longer make this type of abatement either, and I am wondering whether or not this is covered somewhere else in the law or would that still be the case, that it would only be the assessor and not the Board of Assessment Review that could make the abatement?

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the gentleman from Pittsfield, Mr. Susi. He stated that assessors in primary assessment districts presently have the authority to abate taxes. My question is, if this were defeated, would he offer an amendment to this bill that would strike out what he considers to be an error and inconsistency in the fact that these assessors should not have the authority to abate the taxes anyway?

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

The Chair recognizes that gentleman.

Mr. SUSI: Mr. Speaker, that is certainly my sentiment, and I would support this action. It is late in the session, and I hope that we will get out soon, and I wouldn't want to delay things on account of it, but that is my sentiment.

I would like to point out that this is a part of the controversy that we were in during the regular session that we have been in for several years. Our property taxes here in Maine were in terrible condition. We were getting assessments that were ranging all the way from 10 percent to 130 percent, and it was just a horror tale and we are beginning to make a little sense out of assessments in property tax around the state. We have some rules in that given a few years, without too much pain on anyone, we will start to have our property tax administration in the State of Maine coming into a much better posture than it has been in the past. It has been a scandal, it has just been horrible and we have

got some good legislation, and this is an attempt to take out a provision of it.

This would be a loophole, it would be an excuse to change from a fair valuation so that you begin to get variations and then you whack away at it some more and pretty soon you are right back where you were before where you are getting all sorts of things called assessments.

I hope that you hold your ground, we are gaining a little and so far I don't think there has been any evidence that anyone is suffering that badly out of the legislation that we have and I hope to give it a chance for a year or two and not entertain these various attempts that will be made to disrupt this effort. I hope you vote down this amendment and no doubt there will be more coming along in years to come, but it is worth the effort to improve our property tax administration in Maine.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that we do not vote down the good lady from Owls Head, Mrs. Post's amendment. I think in a small town, whether you want to call these assessors welfare officers or not, I think the assessors in a small town have a pretty good knowledge of the economic conditions of the inhabitants of those towns. This is something that they had enjoyed for many, many, many years and then all of a sudden it was taken out. The only thing that the good lady from Owls Head is asking is that it be put back in.

I can't recall any time that in my town of any knowledge of where this was in the law that it ever worked to the detriment of the municipality. I do think it would help, as Mr. Finemore said, your senior citizens. They don't want to leave their houses. Some of these people could come up with a little money toward paying their taxes but maybe they couldn't come up with the whole amount. But it would make them feel a lot better if they could get an abatement and then have their taxes paid for that value instead of having a lien put on their property.

As far as Mr. Susi saying, well, if something happens to them, they come into money or they die, then the town could always claim the back taxes. I think on the state level we have pretty well taken care of that in our laws relating to state aid. We say that the state can't come back and claim the property, so why should the towns come back and claim the property on these old people if they are going to die?

I think this is a good amendment and I am sure that the bill that Mr. Susi is referring to was the one that we worked on in the regular session of this legislature when this came out. It was a bill that was reported by Maine Municipal Association, and I can see their point in supporting this bill because it was a move to strengthen tax assessing districts and now that we know that the towns don't want this, let's go back to giving the small towns what they want, let's give the assessors the right to make the abatements because they are the ones that know the problems of the people, they are the ones out talking with them, meeting with them, and I would hope today that we would support this with an overwhelming vote.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mr. Susi if I could in his comments that this particular provision hasn't yet caused too much pain. Part of the reason is, perhaps, that it has only been within the last month or so that the town officials have been told that they can no longer give abatements.

I think it has the potential for causing pain and I will tell you the case that I have been familiar with, and it was a woman who called me because she was not able to get enough out

of SSI to live on and I agreed with her that I would check and see whether there were provisions where she might be able to get more money and we found out that she was not and she was eligible for a little food stamps but not very much because she was single, and the one thing that maybe kept her going was that at least the town would be able to give her an abatement on her taxes and the town officials had agreed, yes, they would. She is a very proud woman and I will tell you that it would cause her a great deal of pain if her name has to appear on the town books, having not paid her taxes, and it would give her a great deal of pain if a lien is put on her house.

What we are asking for, essentially, is for those towns who want to be municipal assessing units to have the same kinds of rights and provisions that are presently available to the primary assessing areas. I think the reason why this is an inconsistency is that the grand plan was that everybody was going to be in an assessing area and so that one provision they had for abatements would have been applicable to everyone. It was only during the last regular session that we allowed the municipal assessing units to be set up and when we did that, we did not give them the same kinds of rights under abatement that is given to the primary assessing areas.

I was not aware that that had happened. The municipal officials in my communities were not aware that that had happened. All I am asking for now is that we change that particular provision back to what I think we all intended in the regular session.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would also hope that you would adopt Mrs. Post's amendment. When we set the income guidelines for the property tax relief program for the elderly, we set them back in 1971, and as you all know, the cost of living has gone up dramatically, at least in the last two years about 20 percent, I don't know what the figures are since 1971, but we have not changed the income guidelines. So many people who were in effect under real purchasing power eligible for property tax and rent refunds in 1971 no longer are.

I am also very concerned and it is something that I hope someday perhaps we could do something about in this legislature, but the cost is going to be enormous, and that is the 12,000 people who are on SSI who are not elderly, who are disabled and blind, whose incomes average about \$2,500 a year and who are, right now, not eligible for any kind of property tax relief. I would urge you to adopt the amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I got somewhat concerned when I listened to the good lady from Bath, Mrs. Goodwin, speak about the elderly tax relief program, and I wholeheartedly support that. However, that is a state-sponsored program and is not a burden on the communities, and I am concerned if some communities have so much of this abatement that they have to go through that they might start taxing people based on their income rather than the worth of their property. The richest person in town pays 47½ mills for his property; the other person who is in the middle income would pay 33 mills for his property; the low income people would end up paying 16 mills on their property and the elderly would pay zero, and then you would be defeating what the Constitution says, that people will be taxed equally for equal value on property, that is the Constitution of the State of Maine. You are trying to make, suddenly, income level a part of the property tax, and that is defeating the purpose of the property tax.

I would certainly hope that we do not go along with this thing because I am a little concerned that in some of those municipalities where there are an abundant number of poor people, for instance, that the tax rate itself could go up 2 or 3 mills to make up for the local abatement that is given at the lower level.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Carey of Waterville has hit on it quite well. This would be the first step, then perhaps another time there would be a plea because industry is hurting and we want to make some exceptions for them and then the farmers are having a bad year so we want to make some exceptions for them and then, as times passes, the assessments get so completely out of whack and a piece of property is sold to a new owner whose economic situation is different from the previous owner and come to find out, he is paying a tax that is 10 times what the previous owner was paying on the same property. Now, don't you think for a second that that isn't happening around the state, because all of these subjective judgments enter into it.

And just as the gentleman from Waterville indicated, the tax should be based on value and when you start wandering away from it, you are just getting in a land of horrors that gets people into the frame of mind where they have absolutely no faith in their tax system because new owners find that they are taxed at altogether different rates from previous owners and adjoining properties of the same value are taxed sometimes two and three times as much because of all these extraneous considerations that have been entered into.

So if we are going to have an equitable tax system, I think that we have to stick by our guns in these situations. If we can stave off for just a few years now until an equitable tax system for property taxation actually gets working, then I don't think the public will ever want to change, I think they will like it.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: We did have a couple of circuit breaker bills before us this session and, personally, I kind of favored those. I am sorry that we didn't go into something like that instead of this, at the last minute picking up something like this which is what is equitable, as the gentleman from Pittsfield said. I am wondering just how equitable this abatement level will be. In other words, one assessor or three assessors or whatever it is may determine the abatement level and I would also like to find out what the appeals procedure would be. Perhaps the gentleman from Owls Head could answer these questions and speak to the circuit breakers.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Since the question of circuit breaker is not before us, I think I had better not speak to that at this point. All we are trying to do, essentially, is giving those assessors and those people in the municipal assessing units the same kind of rights and responsibilities as are presently available if you happen to want to go into a municipal assessing area or assessing district.

I want to make it very clear that the town officials and assessors in any community are very, very careful before they give tax abatements. Those of us who have ever been involved in the local assessing I think are very well aware of that. They only give it in extreme cases, and what we are asking for now is that this legislature permit them to carry on the practice that they have carried on, which at least I and I think many other town officials

were not aware were all of a sudden being terminated. That essentially is the question, not the circuit breaker.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the gentelady from Owls Head because I feel that in these small communities we are getting down to the basic area — that local elected officials are in many cases the assessors. These gentlemen also are the people who have to live with the tax rate and they are not going to jeopardize either area, but they do have a heart and I think the Chamber of Horrors that the gentleman from Pittsfield is alluding to is also a Chamber of Horrors when we have to get into a regimented system where everybody is treated with a high tax rate and there is no recourse.

I therefore support the gentelady and urge you to do the same.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the position of the gentleman from Pittsfield, Mr. Susi, and the gentleman from Waterville, Mr. Carey. Like so many of the rest of you, I served my stint as assessor and overseer of the poor, selectman, I served each of these positions 12 years and I was the chairman of each of these positions nine years. Well, it was because of this law that I had to go to court and defend my town. I was taken there by Pine Tree Legal because I did have one in my town who was infirm and the Pine Tree Legal felt that he shouldn't have to pay the tax, but I or the board of assessors felt that he should as he was deriving income from the property, he was renting the farm and they had more income than what the taxes were. Nevertheless, we did have to go before the county commissioners to a hearing and defend our position and the county commissioners did rule for us.

I think this is a bad bill. I think that the assessment and the welfare are two distinct, separate branches and that the assessors shouldn't be getting into the welfare part of town government at all. It is for that reason that I hope you will kill this amendment and go along with Mr. Susi and Mr. Carey.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to debate this too lengthy, but I think here we go again in the state assessors and the state mandating to the towns just what they can do and what they can't do. I know that the assessors and the selectmen, usually they are the same in most towns, they work together and there is no gripe coming out of my town and a number of the other ones that I represent. It is usually that they are pretty strict in who they abate the taxes to. I am just like the rest of the town, I would just as soon pay two or three dollars extra on my tax so that a widow can at least hold her head up and be able to meet her obligations.

As far as the valuation being changed on property in those towns, it isn't changed. The valuation is right there and the tax is set at the mill rate of whatever it is. Then the selectmen or the assessors or both get together and they come up with what they feel that widow or that person can pay. Now, if we go to state assessors and let them go ahead and come up with what Mr. Susi from Pittsfield called an equitable tax, I would like to see if this is equality.

I will give you an example. On a lake in an unorganized township, and it is woodland all around it, there are two different people there who own five acres of land, no buildings, nothing, your big landowners own miles of property around this lake. These two individuals have a valuation per acre on their four

and a half acres at \$1,275.27 per acre. The big landowners right along side have \$11.99 valuation on their property and all that property is doing is growing trees. Let's let the towns go ahead and continue with their tax the way they are and I think the people will be treated fairly and those who have to pay a couple more dollars and are able to pay it on their taxes to relieve some other person, I know they will be glad to do it. I ask for a roll call.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Franklin, Mr. Conners, I think is putting his finger exactly on the problem that we are arriving at, and that is the equity in the administration of the system. It seems strange that he would complain, for instance, about someone getting taxed on a 4 acre piece at \$1,000 per acre and yet somebody next door with thousands or hundreds of acres is getting taxed at the rate of \$11 an acre, and it is the very same people who are assessing those two parcels of land so differently, it is the very same people who will also be deciding what the abatement is going to be. So, how can you say that if the assessment is not correct and impartial, how can you then say that the abatements would be correct and impartial?

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support Mrs. Post's amendment. I hope that you would also do this.

It seems to me that in the twilight of one's years, they should have an opportunity to have a home, especially a home that perhaps they have worked hard for all their life and now, because they are old and they can no longer support themselves and go out and do a hard day's work, perhaps they might have their home taken away from them because they can't afford the taxes.

I would like to share with you an experience that I once had during the campaign of 1974 when I was in a town office and there was an old lady who turned out to be 96 years old, was being helped in by two older people. She was coming in to ask for help from the town. Her problem was that she had outlived the money that she and her husband had put away for all these years. She was 96 and she hadn't planned on living to be 96 years old, she had outlived that. She was very proud and was coming in for a little help from the town.

I thought, and I still think, that local people have a responsibility to help people in their areas. This is a permissive piece of legislation, and if the towns choose to help the people the towns people will know that their assessors are helping people and I am sure they want to help their neighbors. I would ask that you please support this because I think it is a very good amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to this debate with some interest and have been attempting to really get at the answer, because in the back of my mind I felt there was an answer to it. I would like to refer you to this same paragraph, 841, that we are discussing here and that is being amended by this amendment.

In the first sentence of that, in the latest supplement it says, the assessors, for the time being, on written application stating the grounds therefor, within one year from date of commitment may make such a reasonable abatement as they think proper. That is the general statement which assessors are operating under; they may make abatements. It goes on to say, if after two years from the date of assessment a

collector is satisfied that a tax upon personal property or any portion of any tax committed to him for collection cannot be collected by reason of death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the assessors thereof in writing under oath stating the reason why it can not be collected and the assessors, after due inquiry, may abate such tax or any part thereof. That two year provision, of course, gets the abatement before the tax lien law.

So, I would feel as though this particular amendment is not necessary because it adds almost a similar language to a paragraph on the end of that very thing which I just read you and it would seem to me that the assessors, under their present authority, have the right to abate after two years of inability to collect by reason of poverty. That is what we are talking about.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Mr. Morton has made a very important point about the careful checks on how long an abatement can be granted, but there is one point that must be brought out. An assessor for a single town does not have this authority, only a primary assessing district, is that correct? Would you correct me, please, Mr. Morton?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, poses a question through the Chair to the gentleman from Farmington, Mr. Morton, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I was reading from Section 841 and the section that the good lady from Vassalboro is speaking about is Section 841-A, which is a separate section, and that does have the language that she speaks about in the first paragraph but it goes on to have exactly the same language that I just read, the two year provision, in its second paragraph.

It seems to me that the 841-A is the abatement procedure for municipal officers in the primary assessing districts, and 841 is the abatement procedure for assessors under the general law for municipalities, which we are attempting to amend, and it just seems to me that we are adding redundant language to that particular section.

Mrs. Post of Owls Head was granted permission to speak a third time.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think that particular Section 841 in the beginning says that in order to be eligible for one of those abatements you have to comply with all the provisions of 706, which means that you have to send in your list of all the property you own, personal property and all the property that you own that you are going to be taxed on. I think, as many of you are aware, that is not the kind of thing that individuals do year by year. You maybe do it if you build a new house and you are afraid they are going to sock it to you, but it is not something that most elderly people go down every year to declare their property.

I think the most important point is, you have to wait two years, and in the meantime, your name is on the list of town reports. If someone has not paid their property taxes, a lien is put on your house, the person has to go through the stigma of having not paid their taxes and that is a very difficult thing for many many people to go through.

I think it is only because in fact the different communities are being required now to assess equal value that this particular provision is so important. It used to be sort of an informal kind of practice, if you knew there was a widow in the town who was 95 years old and you didn't want to assess her with so much tax, you put a

low value on her property. You can't do that any more and the state is telling these towns they can't do that any more. So the only opportunity they have now to give this kind of assistance is through the abatement process. This abatement process of immediate abatement because of infirmity or poverty, you are able to get it only if you are a primary assessing area or primary assessing district, if you have done all of these things the State of Maine has told you they want you to do in assessing taxes, not if your municipality is going it on your own. That simply is all we are asking.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: Could I pose a question through the Chair. In the debate that I have listened to we are talking about people 95 or in their twilight years, I don't see this in the amendment. Does this in fact apply only to people over 65 or does it apply because they just don't have the money? Does age come into it?

The SPEAKER: The gentleman from Bridgton, Mrs. Tarr, poses a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I want to answer the question. It doesn't necessarily mean that you have got to be 65, you can get it at any age. If you are 25 and become totally disabled and unable to pay, you are still eligible under this.

Another thing, if I may continue, I noticed they were mentioning two years in there, two years would be prior to the lien. The lien must go on no sooner than eight months and no more than twelve in our town, I am not talking about the cities, after the taxes are assessed and then the lien doesn't expire for 18 months. Therefore, the two years is within the limit, unless it went the limit.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think the language is the same here as it is in 841-A and the criteria, by reason of infirmity or poverty, and you can say whether infirmity is age or not, I am not sure, I don't think it is necessarily.

I would like to address the remarks from the good lady from Owls Head, Mrs. Post, when she said that a taxpayer has to comply with Section 706, which is the declaration section, and that is correct. However, the paragraph which I read, the two year one, does not refer to that, this is only on a petition by the collector, and if the collector says it can not be collected and he is satisfied, the language is that if he is satisfied that a tax on personal property or any portion of any tax committed to him for collection cannot be collected by reason of, and it lists several things, including poverty, insolvency, bankruptcy or other inability from the person assessed to pay, he notifies the assessors thereof in writing under oath stating the reason why such tax cannot be collected and the assessors, after due inquiry, may abate such tax or any part thereof.

Then the gentleman from Bridgewater pointed out that the two years was a valid period of time. So, what we are determining here, I think, and we have got most of it out where we can understand it, is that the process does exist at the present time for abating these taxes, but it does take two years and I think the question is, does the position of the lady from Owls Head that you don't want these published in the town report have validity or do we want to go through the normal process?

There is one other rather distinct difference between 841 and 841-A or between this amendment and 841-A, the language. This amendment says, assessors may on their own knowledge, whereas in 841-A, the authority for abatements

in the assessing districts it says, the municipal officers of municipalities comprising a primary assessing area may. In other words, this is a responsibility of the municipal officers in the primary assessing areas, this amendment would give it to the assessors. I realize in many of the smaller communities those are one and the same individuals.

I think what we are doing here is adding something that really doesn't need to be done, is pretty much cosmetic, but I leave it up to your judgment. It isn't a real big deal either way.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Judging from the comments, apparently there is a need for it to be done. There is a need for clarification here if all of the local interpreting the current law as it stands now that it cannot be done, that is, they cannot issue an abatement. So, apparently there is a need for clarification and I do believe this amendment, which I think is a very good amendment, a very necessary amendment, should be passed.

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

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I just want to mention one thing that I think is very pertinent in this consideration. In recent years we have put through the bill that was sponsored by Representative Goodwin of Bath, the elderly householders' tax and rent relief act or whatever name it had, which gives substantial relief to elderly householders on their taxation bills. We have made a major commitment here in the state on this account and I am sure that we are going to follow up. I think that it is an extremely worthwhile effort that we have made and it deals with exactly the same problem that we are considering here today, another reason in my mind why this amendment should be killed.

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

Mr. MCMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of comments. To further comment on Mr. Susi's position, we do have the tax and rent refund law, we have the lifeline program, we have general assistance, we have SSI disability, we have Social Security disability for those who have worked enough quarters under that program and so on to assist people. But there is not too much available to assist the middle class workingman. His name is listed in the town report when he can't pay his property taxes. We don't exempt him from that. There are so many inequities in the present property tax laws, I believe enactment of this amendment will only further compound those inequities.

Now, we had a discussion in the regular session on this subject, a thorough discussion. We knew exactly what we were doing when we repealed this measure. I remember we had to go out and get the book to look it up. I believe that by adopting this amendment we are further shifting the tax burden on the local level to the shoulders of fewer and fewer of the working people who pay the bill in this state. However meritorious our reasons are and the reasons of the good lady Mrs. Post might be, and I don't dispute their merits, the fact is that the middle class is not able to continue shouldering the burden that we are putting on it. In many cases, this is the same group that we are asking to pay higher income taxes to bail out the school funding law.

I would ask you to think very seriously about the wisdom of voting for this amendment.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: One final brief comment. My selectman called me about this particular

provision because one of those fine middle class people that Mr. McMahon is worried about suddenly became disabled and the only choice that this selectman has is to declare this man a pauper, put a lien on his home and then declare it an uncollectible tax and let the man continue to live there. Now, is the town any better off?

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think about everything has been said on this amendment that can be said. I do want to point out one thing, once again, that all the good lady from Owls Head is asking for is that we move over to Section 841 the same language that is in 841-A. Now, if we look in Title 36, Section 841, if a person wanted an abatement, they would have to comply with the section where they would have to list their property and send a true and perfect list of real estate and polls to the assessors before they would have a right to ask for an abatement. Now, if they did not do this, then they are denied that abatement right.

A lot of these old people don't understand this procedure, in fact, you don't have to be old not to understand the procedure, because I know in my community not a great number of people send in that list prior to April 1. They go along with what the town is going to assess. It is only really those that have been there and the old timers that have started doing it and they followed it each year as a pattern. Many people don't know that it exists and they don't do this.

Well, in 841, if you didn't do this, you would not be able to have an abatement, you would be barred from your appeal with the exception that — and it says notwithstanding the failure to comply with Section 706, the assessors for the time being, on written application, may make abatement in the case of the unremarried widow or minor child of a veteran which widow or child would be entitled to an exemption under Section 653. That would be the only time they could make this unless they had a written notice.

All Mrs. Post's amendment would do would move over into Section 841 the same language that is in 841-A, which is speaking to that area comprising primary assessing districts and saying that the assessors, on their own knowledge or written application, may make the abatement. I don't see anything ridiculous in this. I don't see anything in this that is disrupting the whole tax structure of the State of Maine and I am sure that the municipalities in the state that have their assessors, they have enough trust in them and the assessors have enough faith in the community that they are not going to force the community into any bankruptcy by going out and abating everybody's property tomorrow morning.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Owls Head, Mrs. Post, that House Amendment "B" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W.; Blodgett, Byers, Call, Carpenter, Chonko, Churchill, Clark, Connors, Cote, Curran, P.; Curran, R.; Curtis, Dam, DeVane, Dudley, Dyer, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hennessey, Hewes, Hinds, Hobbins, Hunter, Hutchings, Jackson, Jalbert,

Jensen, Kelley, Kennedy, Laffin, LeBlanc, Lewin, Lewis, Lunt, Lynch, Mackel, Martin, A.; Maxwell, McBreairty, McKernan, Mitchell, Morin, Nadeau, Norris, Perkins, T.; Peterson, P.; Post, Powell, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Talbot, Tarr, Theriault, Twitchell, Wilfong, Winship.

NAY — Ault, Berry, P. P.; Berube, Birt, Boudreau, Burns, Carey, Carter, Cox, Davies, Doak, Dow, Drigotas, Durgin, Farnham, Gauthier, Gray, Hall, Henderson, Hughes, Immonen, Ingegneri, Joyce, Kany, Kelleher, LaPointe, Laverty, Littlefield, MacEachern, Mahony, McMahan, Miskavage, Morton, Najarian, Pearson, Pelosi, Perkins, S.; Peterson, T.; Pierce, Quinn, Raymond, Rideout, Sprowl, Stubbs, Susi, Teague, Tozier, Tyndale, Usher, Wagner.

ABSENT — Bowie, Bustin, Carroll, Connolly, Cooney, Farley, Garsoe, Higgins, Jacques, Kauffman, Leonard, Lizotte, Lovell, MacLeod, Martin, R.; Mills, Mulkern, Palmer, Peakes, Silverman, Snow, Strout, Tierney, Torrey, Truman, Walker, Webber.

Yes, 73; No, 50; Absent, 27.

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

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" and sent up for concurrence.

The Chair laid before the House the following matter:

An Act Relating to the Geologists and Soil Scientists Certification Act (H. P. 2240) (L. D. 2322) (H "A" H-1100) (Conf Committee "A" H-1257) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't have to take as much time with this bill as we did that short amendment.

The best way would be to take the time to read the bill. First of all, it is very complicated, there is no need for it, we are having a hard time to agree with the other branch and I don't think it is anything that we need to have right now at the closing hours of this special session. It is something that deserves a lot of time, a lot more time than we have got here the rest of this week, to make this a good bill. There is no need for it, so I move that this bill be indefinitely postponed. I think after you read it, you will see why.

The SPEAKER: The gentleman from Enfield, Mr. Dudley moves the indefinite postponement of L. D. 2322.

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: Perhaps the gentleman from Enfield should read the bill. The bill is a unanimous committee report from the Committee on Business Legislation. There was some difficulty and misunderstanding between the two branches of this legislature. That misunderstanding has been ameliorated with the Committee of Conference, which we adopted last Friday, and I hope that you would oppose the indefinite postponement of this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

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

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

On motion of Mr. Lynch of Livermore Falls, the House reconsidered its action of earlier in the day whereby House Paper 2329, Joint Order relative to recalling from the Governor's Desk Senate Paper 651, L. D. 2056, An Act to Clarify Certain Provisions in the Education Laws, received passage.

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

Mr. LYNCH: Mr. Speaker, I now move the indefinite postponement of the order and would explain why.

The SPEAKER: Mr. Lynch of Livermore Falls moves the indefinite postponement of the Joint Order.

The Chair recognizes the same gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Between the Education Laws and the Election Laws there was conflict and the Election Laws on Page 2, Section 2. There is a conflict with language in the education bill. Also, in the Education Bill there is a section on transportation that the state police say they cannot enforce. So, in attempting to get both of those sections out of the education bill, we have asked the Governor to sign it, and he has signed it. There is not a Chapter number assigned to it and we can take care of those two measures in the omnibus bill. The language in the Election Laws the conflict can be taken care of by an amendment which I hope to present.

Thereupon, the Joint Order was indefinitely postponed.

The Chair laid before the House the following matter:

An Act to Clarify the Election Laws (Emergency) (H. P. 2293) (L. D. 2344) (H "A" H-1230) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" contains the language that is in the education bill and the language that is in the election laws. If you would look at the amendment, the first three sentences, as far as 2061 and 2062, is language that is in both bills. The next part, provided that the facsimile signature of the clerk referred to in Section 2061, Subsection 5, Paragraph F, shall be that of the Chairman of the Board of Directors, is in the election laws. The rest of that amendment is in the education bill. It just puts them into conformity.

Mr. Lynch of Livermore Falls offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1270) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (S. P. 799) (L. D. 2345) which was Passed to be Engrossed as Amended by Senate Amendments "B" (S-548), "D" (S-553), "E" (S-554), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561) and

"L" (S-562) and House Amendments "A" (H-1240), "B" (H-1242), "C" (H-1243), "D" (H-1244), "E" (H-1248), "H" (H-1261), "I" (H-1262), "J" (H-1263), "K" (H-1264), "L" (H-1265), "M" (H-1266) and "N" (H-1267) in the House on April 12, 1976.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendments "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M" (S-566) and House Amendments "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", and "N" in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended.

Senate Amendment "M" (S-566) was read by the Clerk and adopted in concurrence.

Thereupon, House Amendment "A" was indefinitely postponed in concurrence.

The House voted to recede from its action of earlier in the day whereby Senate Amendment "C" was indefinitely postponed.

Senate Amendment "C" was adopted in concurrence.

Mrs. Kany of Waterville offered House Amendment "O" and moved its adoption.

House Amendment "O" (H-1272) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I wonder if Mrs. Kany would explain this.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply provides the confirmation mechanisms out of the Executive Council during the interim period in which the Executive Council Bill, which we may or may not pass later today, will not be in effect and L. D. 2311, An Act Revising Statutes Concerning Alcoholic Beverages, talked about confirmation of the Liquor Commission subject to review by the Joint Standing Committee on Liquor Control, and this particular new law will go into effect 90 days after we adjourn from this session, whereas the Executive Council Bill, if passed, will go into effect January 4, and it simply is to provide for an interim confirmation procedure, so it is truly an error and inconsistency.

Thereupon, House Amendment "O" was adopted.

Mr. Lynch of Livermore Falls offered House Amendment "P" and moved its adoption.

House Amendment "P" (H-1273) under suspension of House Rule 33, was read by the Clerk in its entirety.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that is offered, and I am sorry that you don't have it to look at, but it does two things. It deletes in the Education Law, L. D. 2056, Section 5A, and that was taken care of by the amendment that I offered to the election laws bill this morning. The language that is in the education law is in the election law with the language that was proposed under the election laws. The other section of the amendment deletes Section 25A, which was an attempt to determine the seating capacity of school buses and the State Police say that they cannot enforce this so we have deleted that from the education bill. Those are the two functions of this amendment.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the gentleman from

Livermore Falls, Mr. Lynch, inasmuch as I have been involved in this very same problem with school bus seating capacity matter about a week ago and ran into a minor problem with it.

At that time, I was told that if something was not done with this law the way it was presently written, we are going to have to go out and buy a goodly number of school buses which is going to cost a lot of money, and I would ask the good gentleman if he could tell me what the cost is going to be if no change is made in the present law as he is now suggesting or as the Governor is now insisting upon?

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

Mr. LYNCH: Mr. Speaker, I am as concerned as the gentleman from Portland. I am sure that it will create some problems in some areas. Frankly, I don't know what you can do about it. We have, under this amendment, deleted the language of the education bill that we recently passed and has been enacted and signed into law and we are going back to the old language. Whether it is going to cost any more money or whether we are going to have to buy any more buses, I am not sure. I think it may put some pressure on local school committees to revise or at least look into the transportation problems within their areas.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have stood here at least 20 times in the last 3 years hollering about mistakes and costs in education and underfunding. I have tried everything that I know how and without any success at being listened to.

Sometimes you make a statement about an individual in this body and it might sound quite strong, but there might not be the understanding of the strength of the remarks. I really mean what I say when I say that I have all the respect in the world for the gentleman from Livermore Falls, Mr. Lynch. I kept after him for 3 weeks, up to about a week ago and finally, I guess, to get rid of me, he decided to run again, but I smell something else again and it smells dollars to me. I don't want any part of it.

When the gentleman, and he is thoroughly honest, gets up and says that it may force the communities to be more careful, this may mean more money, when you are talking about buses, you are not talking about buying a ping pong ball, you are talking about funds from \$25,000 to \$30,000 per copy, and I don't know what it means in my area, and I am going to make sure that it means nothing in my area, because I have spent all I am going to spend on these education bills, at least in this session.

I move the indefinite postponement of House Amendment "P" and I would request a roll call.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't indefinitely postpone this bill. The problem is created when you are trying to mix elementary students and high school students on a school bus. If you had all elementary students, it would be one thing; if you had all secondary students, it would be another.

I would remind the gentleman from Lewiston that there is a limitation on the purchasing of school buses. We are not going to get involved in any gigantic bus purchase problem unless he and members of the legislature agree to elevate that bus purchase limit of \$3 million.

I think it is going to impose upon local school committees a reassessment of how many children they transport, and I think in some areas it has been abused. New York State has no problem. They say that you don't have to transport children. In the State of Maine, I think we are ridiculous in transporting children a few

blocks to school and then creating new gymnasiums to give them exercise and new athletic fields so that they can have exercise. I don't think it is unreasonable for any secondary student to walk a half a mile to school; most of us walked more than that and in the city.

I think both of these are needed; certainly the first one is needed, because it deals with a conflict between the law in the educational bill and the law in the elections laws; that has to be taken care of. The transportation, I don't think is a problem. We already have a limitation on what we will spend for bus purchases and as long as we are alert and stay on top of it as a legislature, I think we will have no problem.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have got to repeat myself again. The gentleman from Livermore Falls, unless there is something faulty with my hearing, said I don't know how much this is going to cost. The gentleman from Portland, Mr. Jensen, talked about buying school buses. We balked the education bill for about 7 or 8 weeks and 4 or 5 weeks later, up comes this thing here, we are right back in educational funding again, that is the way I see it. That is exactly where we are.

The gentleman from Farmington, Mr. Morton, shakes his head, no, and I know I am right there, when he shakes his head no, that thoroughly convinces me that I am dead right, I am right on center. All I know is one thing, if I am all alone, I am going to make sure that I go on record that it is not going to cost my city any money, win or lose, and I will lay you 5 to 1 that we will be back here and again I will say, I told you so.

I did say we were \$23 millions short and I was laughed at. I said when we passed 1452 it was going to cost us more money and I was laughed at. I am not going to be laughed at with this thing. When I think about buses, I look at the lovely lady from Auburn, Mrs. Lewis, why they bought enough buses when we passed 1994 to haul America around and I don't want any part of it, that is all. The gentleman himself is confused, he doesn't know if it is going to cost us any money or not, it might mean that the school board or school committee has to tighten up their belts.

I am going to ask you a stupid question. Can anybody here tell me of any school committee that is going to tighten up their belts? One committee? Then you are one of the fortunate ones out of the 500 towns and cities.

Mr. Speaker, I request a roll call vote.

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

Mr. BUSTIN: Mr. Speaker, I would like to pose a question. I don't have the faintest idea of what is going on here this afternoon. I don't know what this has to do with the election laws, so I would like to ask the question, specifically what problem that people see every day is this amendment supposed to correct? What is the problem and how will this fix it?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to anyone who may care to answer if they so desire.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I will retrace the steps that I took this morning. Under the education law, L. D. 2056, Section 5A, there was a section dealing with the voting of meetings held in towns and the election laws still has a section dealing with the same thing. The only thing that the election laws has that the education law does not have is that the facsimile of the clerk's signature shall be that of the Chairman of the Board, and that is the only thing that is in the

election law that is not in the education law. So the amendment that I put in this morning takes the language in the education bill and the election laws and joins them together in a new section to relieve the conflict.

The other section of the amendment that has just been offered is to delete Section 25A that is used to determine the seating capacity in a school buses, and the State Police say that that cannot be enforced.

The gentleman from Lewiston is concerned about escalation in transportation costs. I said I don't know whether there is going to be any increased cost or not. Who can tell what the 108th will do. If the gentleman from Lewiston is here next year, he can keep an eye on the \$3 million and make sure it is not raised any higher. That is the area that there will be escalation of transportation costs, it will be made by the legislature, not by the local school units. I did say that local school committees, if they have problems, where they have a combination of elementary students and secondary students, they may have to force some of their secondary students to walk instead of riding to school, and I think that resolves the problem.

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

Mr. DAM: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch. Since we don't have this amendment before us, it is hard for me to follow it and I admit this, so the question is, will there, in Title 20, still be the language as far as the voting procedure or will there be language referring to Title 21 within Title 20?

The SPEAKER: The gentleman from Skowhegan, Mr. Dam, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, if the gentleman would look at the amendment, it is Title 20, the same as it is in the education bill. Both the education bill and the election laws have the same title and the same subsection, the same paragraph, they are the same.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I would like to pose a question through the Chair to Mr. Lynch. Could he tell us what the difference is between his amendment and what the law is now in regard to seating capacity?

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, I could if I had a copy of the amendment. It has not been printed, but the language in the existing law is in the amendment and the language is that no vehicle shall be operated as a school bus unless a minimum of 13 inches of seating space is provided for each child and there shall be no auxiliary seating accommodations such as temporary or folding jump seats. Effective September 1, 1977, seating shall be provided that will permit each occupant to sit in a plain view, lateral location.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, I would ask somebody to explain to me why the State Police cannot enforce this or why this is so much of a problem in enforcement?

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

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The answer is that, I thought the problem was resolved when we introduced the legislation and enacted it, but the State Police, and I am sure you will have to go to them for the answer, they say it cannot be enforced and I don't know why.

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 Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: Partially in response to the gentleman from South Berwick, Mr. Goodwin's question about why the amendment was needed in some form, is that prior to December 11 of last year, school administrations and the school committees and the school boards around the state were interpreting the law to say that you take the number of total seating inches in the bus, divide that by 13, and that is the number of children that you can sit on the bus. Under that way of determining it, you might sit two kids on one seat, you might sit three kids on another and in the case of very small children, you might even go as much as four children on a pair of seats. The Attorney General ruled that that was not so; you needed a full 13 inches per pupil in all cases, and in no case could you make use of any slack that the seat might have.

If you follow the way the law is presently written, very narrowly, very conservatively, the way the Governor is insisting that we do, you have a couple of alternatives. One, you have either got to change the law that decides who can take the bus and who can't and make the kids do more walking or whatever, as Mr. Lynch has suggested, or you have got to change the method of determining seating or you have got to do some purchasing of buses.

As I mentioned before, the Greater Portland Transit District is one of those groups that transports children around. I don't know how much more it is going to cost for other buses around the state, but from using my pocket calculator, saying that the City of Portland has 44 buses, assuming that after awhile the way the law is going, the Greater Portland Transit District isn't going to be able to carry these children anymore, that is \$1,100,000 in new buses that we will have to buy. It is one thing to say, fine, we are putting a freeze on spending; it is one thing to say, fine, we are not going to buy any more buses, but you have to provide some sort of alternative. You have to change the law. You just can't say no, you can't ride. I am not going to vote for this amendment.

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

Mr. LYNCH: Mr. Speaker, I am not sure, but I think the problem arises because the State Police has the responsibility for enforcing the transportation laws regarding children, and I would suspect that with that responsibility they are not only going to insist on proper inspection, safer buses, as they have in some areas of the state and created some problems, but they are also going to make sure that the children are properly seated and facing in the right direction. I believe that is responsible for the decision. And by the way, I believe the gentleman from Portland said the Governor, it is not the Governor, it is the State Police.

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

Mr. BUSTIN: Mr. Speaker, I wonder if Mr. Jensen would tell us whether he figured in the calculations of his pocket calculator the

average backside of the Portland school child.

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

Mr. JEWNSON: Mr. Speaker, in response to my good friend from Augusta, Mr. Bustin, no, I haven't so far, but I would say that the way this rule is determined, what they do is they take the average woman, who is something like 5'2", or whatever, to the fifth percentile with an average behind of 12.6 inches, I believe. Now, I haven't measured the behinds of those soon-to-be constituents of mine, but I can assure you that it is no where near 12.6½ inches.

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

Mr. LYNCH: Mr. Speaker, I would simply ask the gentleman from Portland, is that measurement taken in the erect position or seated?

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

Mr. SPENCER: Mr. Speaker, could we get printouts from the Department of Education for each school district?

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that House Amendment "P" be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Bustin, Carter, Connors, Dam, Davies, Drigotas, Faucher, Gauthier, Goodwin, H.; Gray, Greenlaw, Henderson, Hennessey, Hewes, Hobbins, Hughes, Jalbert, Jensen, Kelleher, Kennedy, LaPointe, Mitchell, Nadeau, Najarian, Norris, Perkins, S.; Post, Quinn, Spencer, Strout, Stubbs, Talbot, Tarr, Tozier, Tyndale, Wagner, Wilfong.

NAY — Ault, Bagley, Berry, G. W.; Burns, Byers, Carey, Carroll, Chonko, Churchill, Clark, Cox, Curtis, Doak, Dow, Durgin, Farnham, Fenlason, Flanagan, Fraser, Goodwin, K.; Gould, Hunter, Hutchings, Immonen, Ingegneri, Joyce, Kany, Kelley, Laverty, LeBlanc, Lewis, Littlefield, Lunt, Lynch, MacEachern, Mackel, Maxwell, McBreaity, McKernan, Mills, Miskavage, Morton, Palmer, Pearson, Pelosi, Perkins, T.; Pierce, Powell, Raymond, Shute, Snowe, Sprowl, Teague, Theriault, Usher, Walker, Winship, The Speaker.

ABSENT — Albert, Bennett, Bowie, Call, Carpenter, Connolly, Cooney, Cote, Curran, P.; Curran, R.; DeVane, Dudley, Dyer, Farley, Finemore, Garsoe, Hall, Higgins, Hinds, Jackson, Jacques, Kauffman, Laffin, Leonard, Lewin, Lizotte, Lovell, MacLeod, Mahany, Martin, A.; Martin, R.; McMahon, Morin, Mulkern, Peakes, Peterson, P.; Peterson, T.; Rideout, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Susi, Tierney, Torrey, Truman, Twitchell, Webber.

Yes, 43; No, 58; Absent, 50.

The SPEAKER: Forty-three having voted in the affirmative and fifty-eight in the negative, with fifty being absent, the motion does not prevail.

Thereupon, House Amendment "P" was adopted.

Mr. Hughes of Auburn offered House Amendment "Q" and moved its adoption.

House Amendment "Q" (H-1274) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker and Members of the House: Just briefly, this was an error that the Judiciary Committee wanted to put on. It was not ready this morning in time to be put on. It is technical, and it solves an inconsistency between two motor vehicle laws that we passed when we revised our motor vehicle code during this session. You will notice that the effective

date is May 2, and that is so it goes into effect at least one day after the other laws were scheduled to. It is an inconsistency and I am happy to have this opportunity to get it on, since it wasn't ready this morning.

Thereupon, House Amendment "Q" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendments "B", "C", "E", "G", "H", "I", "J", "K", "L", "M" and House Amendments "B", "C", "D", "E", "H", "I", "J", "L", "M", "N", "O", "P" and "Q" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294) ask leave to report that the House recede from passage to be engrossed as amended by House Amendment "A" (H-1111) as amended by House Amendment "A" (H-1116) thereto; Indefinitely Postpone House Amendment "A" as amended by House Amendment "A" thereto; adopt Conference Committee Amendment "A" (H-1271) and pass the bill to be engrossed as amended by Conference Committee Amendment "A".

The Senate recede from indefinite postponement, adopt Conference Committee Amendment "A" and pass the bill to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

Signed:

Mrs. CLARK of Freeport
Mrs. BYERS of Newcastle
Mrs. BOUDREAU of Portland

— of the House.

Messrs. CURTIS of Penobscot
CONLEY of Cumberland

— of the Senate.

The Report was read.

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

Mr. KELLEHER: Mr. Speaker, would one of the members of the Conference Committee on behalf of the House tell us what Conference Committee Amendment "A" is?

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

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: I would respond to the inquiry from the gentleman from Bangor, Representative Kelleher, that the Statement of Fact on Committee of Conference "A", Pages 5 and 6 really delineates rather clearly what we have done in the Conference Committee.

as you remember, this House adopted House Amendment "A" and House Amendment "A" to House Amendment "A" which, in fact, eliminated most of the substance of the central licensing bill as it was presented to the special session in its original form. What it does, actually, is retain in the Central Licensing Division of the Department of Business Regulation all those panels, boards and commissions which are currently within that department with one exception, and that exception, in order to remove any substantive question in the other body, is to remove from the bill the Running Horse Racing Commission from the Department of Business Regulation to the Department of Agriculture.

One of the really neat things about this Committee of Conference is that in line with cost efficiency and cost savings, we have eliminated one of the unnecessary functions of the Department of Business Regulation, and that is that prior to acceptance, hopefully, of this Conference Committee Report, the Superintendent of Banks and Banking, Ralph Gelder, was required under state statutes to twice annually publish in the Kennebec Journal a list of all the registered dealers in securities in the State of Maine, which was kind of dumb, because nobody read it and it is public record anyway, and it cost the state \$2,600 a year. So in line with tightening one's belt, we eliminated that at the same time that we came to some agreement between the chambers on the Conference Committee Report.

I would say that my personal evaluation of the action of the other chamber regarding the Central Licensing Bureau, as finally amended by this chamber, is that they didn't read the amendments before they indefinitely postponed it.

Thereupon, the Conference Committee Report was accepted.

The House receded from its action whereby the Bill was passed to be engrossed as amended by House Amendment "A" as amended by House Amendment "A" thereto and indefinitely postponed same.

Conference Committee Amendment "A" (H-1281) was read by the Clerk and adopted and the Bill passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

(Off Record Remarks)

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326) ask leave to report:

that the Senate recede from its action whereby it Passed the Bill to be Engrossed; adopt House Amendment "B" (H-1213); adopt Conference Committee Amendment "A" (S-563), submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendment "B" and Conference Committee Amendment "A"; that the House recede from its action whereby it Passed the Bill to be Engrossed; recede from its action whereby it adopted House Amendment "A" (H-1208) and indefinitely postpone same; adopt Conference Committee Amendment "A", submitted herewith; and Pass the Bill to be Engrossed, as amended by House Amendment "B" and Conference Committee Amendment "A".

Signed:

Messrs. COLLINS of Knox

CLIFFORD of Androscoggin

— of the Senate.

Messrs. SPENCER of Standish

HUGHES of Auburn

— of the House.

Came from the Senate with the Report Read and Accepted and the Bill Passed to be Engrossed as Amended by House Amendment "B" (H-1213) and Conference Committee Amendment "A" (S-563).

In the House, the Report was read and accepted in concurrence.

The House receded from its action whereby the Bill was passed to be engrossed as amended; receded from its action whereby House Amendment "A" was adopted and indefinitely postponed same.

Conference Committee Amendment "A" (S-

563) was read by the Clerk and adopted in concurrence and the Bill was passed to be engrossed as amended by House Amendment "B" and Conference Committee Amendment "A" in concurrence.

On motion of Mr. Hewes of Cape Elizabeth, Adjourned until ten o'clock tomorrow morning.