

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Wednesday, April 13, 1977

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

Prayer by the Reverend Gene F. Gillin of the Penney Memorial United Baptist Church of Augusta.

The journal of yesterday was read and approved.

The following Joint Order, an Expression of Legislative Sentiment recognizing that:

The Girls' Swimming Team of Bangor High School has won the Maine Interscholastic Girls' Swimming League Title for Academic year 1977 (S. P. 438)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Bill "An Act Concerning the Podiatrics Practice Act" (S. P. 425) (L. D. 1483)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, on motion of Ms. Clark of Freeport, referred to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

Bill "An Act Establishing the Maine Student Incentive Scholarship Program" (S. P. 423) (L. D. 1481)

Came from the Senate referred to the Committee on Education and ordered printed.

In the House, referred to the Committee on Education in concurrence.

Bill "An Act to Amend the Requirement for Public Notice of Public Proceedings under the Right to Know Law" (S. P. 426) (L. D. 1484)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Provide Help to Small Businesses in Dealing with State Statutory and Regulatory Requirements" (S. P. 427) (L. D. 1485)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Bill "An Act to Protect the State Retirement System from the Cost of Abnormal Disability Claims" (S. P. 428) (L. D. 1486)

Came from the Senate referred to the Committee on Veterans and Retirement and ordered printed.

In the House, referred to the Committee on Veterans and Retirement in concurrence.

Reports of Committees

Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Resolve, Authorizing Health Insurance Coverage for Fifteen Retired State Troopers (Emergency) (S. P. 262) (L. D. 822)

Came from the Senate with the Report read and accepted.

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

Divided Report

Tabled Unassigned

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-52) on Bill "An Act Permitting Corporal Punishment in Certain Private Schools" (S. P. 181) (L. D. 495)

Report was signed by the following members:

Mr. USHER of Cumberland
PIERCE of Kennebec
KATZ of Kennebec
-of the Senate.

Mr. FENLASON of Danforth
BAGLEY of Winthrop
BIRT of East Millinocket
WYMAN of Pittsfield
LYNCH of Livermore Falls
-of the House.

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

Report was signed by the following members:

Mrs. MITCHELL of Vassalboro
BEAULIEU of Portland
Mr. CONNOLLY of Portland
Mrs. LEWIS of Auburn
-of the House.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-52) Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-52) and Senate Amendment "A" (S-58).

In the House: Reports were read.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is the companion bill to the one that was thoroughly debated in the House in the last few days.

Let me preface my remarks by saying that this and the other bill, the impact has been thoroughly distorted by the words corporal punishment. What both bills seek to do is to put back in place what has been recognized down through the years that the teachers can stand in the place of the parent.

This bill comes to us engrossed as amended, and what does the bill mean? It means that teachers in the christian schools would be allowed to stand in the place of the parent to maintain discipline in their school system. If this bill is passed, what you are in effect saying is that we recognize that the teachers in the christian schools are responsible individuals, can stand in the place of the parent, they are reasonable in maintaining discipline in their christian schools.

If you accept this bill and the other bill is defeated, what I think you are doing is seriously indicting the public school system of the State of Maine. To defeat the other bill, you are saying, we recognize the teachers in the christian schools can stand in the place of the parent and are reasonable individuals, but teachers in the public school system we don't feel are responsible to stand in the place of the parent, we don't feel that they would maintain discipline with reason. That, to me, is a very serious indictment of the teachers in the public school systems of Maine.

I find it ironic, because we passed an exceptional law, and in the law we said to the teachers of school systems in Maine, we consider you as responsible people, we think you are reasonable people, we are going to entrust you with the handicapped child, the kid with the minor disabilities and sometimes the serious disabilities. We have given that respect to the teachers, but suddenly we turn around and say, with all the other children in the public school system we don't feel you are responsible, we don't think you would act reasonably in maintaining discipline.

I think you have to take it upon yourselves, do you want to recognize a small group of teachers in a relatively few schools in the State of Maine and confer a standing upon them that you are going to deny to the teachers in your public schools of Maine? Because I would like to have you think about it and I would like to see the

other bill disposed of in one way or another, I would ask that this be tabled unassigned.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending acceptance of either Report.

Divided Report

Tabled and Assigned

Five Members of the Committee on Legal Affairs on Bill "An Act Relating to Mother's Day, Father's Day, and Sons' and Daughters' Day" (S. P. 202) (L. D. 600) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-53)

Report was signed by the following members:

Mrs. DURGIN of Kittery
Mr. GOULD of Old Town
MOODY of Richmond
DUDLEY of Enfield
COTE of Lewiston
-of the House.

Five Members of the same Committee on the same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. BURNS of Anson
SHUTE of Stockton Springs
JOYCE of Portland
BIRON of Lewiston
CARRIER of Westbrook
-of the House.

Three members of the same Committee on the same Bill report in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-54)

Report was signed by the following members:

Mr. CARPENTER of Aroostook
Mrs. CUMMINGS of Penobscot
Mr. HEWES of Cumberland
-of the Senate.

Came from the Senate with Report "C" read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-54)

In the House: Reports were read.
(On motion of Mr. Cote of Lewiston, tabled pending acceptance of any report and tomorrow assigned.)

Non-Concurrent Matter

Bill "An Act Concerning Record Checks on Applicants for Employment with Fire Departments" (H. P. 1214) (L. D. 1451) which was referred to the Committee on Judiciary in the House on April 5, 1977.

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

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

Non-Concurrent Matter

Bill "An Act to Exempt Certain Woodburning Appliances from the Sales Tax" (H. P. 1240) (L. D. 1465) which was referred to the Committee on Energy in the House on April 7, 1977.

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

In the House: On motion of Mrs. Huber of Falmouth, the House voted to adhere.

Non-Concurrent Matter

Tabled and Assigned

Bill "An Act to Regulate the Circulating of Initiative or Referendum Petitions" (H. P. 223) (L. D. 287) which was indefinitely postponed in the House on April 6, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-59) in non-concurrence.

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Clarify the Definition of Activities Reportable as Lobbying" (H. PL 1183) (L. D. 1236) which was passed to be engrossed in the House on April 4, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-55) and Senate Amendment "B" (S-57) in non-concurrence.

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

The following papers were taken up out of order by unanimous consent:

Petitions, Bills and Resolves**Requiring Reference**

The following Bills, Resolves and Resolution were received and referred to the following Committees:

Agriculture

Bill "An Act to Give Milk Markets the Option of Terminating the Maine Milk Commission's Retail Price-Fixing Authority" (H. P. 1335) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Hobbins of Saco, Mr. Davies of Orono, Mr. Blodgett of Waldoboro)

Bill "An Act to Establish the Maine Food and Farmland Study Commission" (H. P. 1336) (Presented by Mr. Spencer of Standish) (Cosponsors: Mr. Hall of Sangerville, Mr. Wilfong of Stow, Mr. Wyman of Pittsfield)

Bill "An Act Concerning Standards for the Measurement of Wood and Providing for a Standard Contract for Use Between Paper Companies and Wood Suppliers" (H. P. 1337) (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Mr. Hall of Sangerville)

Bill "An Act to Require the Department of Agriculture to Study the Feasibility of Establishing a Central Grain Handling Facility in Maine" (H. P. 1338) (Presented by Mr. Wood of Sanford) (Cosponsors: Mr. Spencer of Standish, Mr. Wyman of Pittsfield)

Bill "An Act to Promote Direct-Marketing of Agricultural Commodities" (H. P. 1339) (Presented by Mr. Wood of Sanford) (Cosponsors: Mr. Spencer of Standish, Mr. Wyman of Pittsfield)

Bill "An Act Establishing Farmers Homestead Loans" (H. P. 1340) (Presented by Mr. Wood of Sanford) (Cosponsors: Mr. Spencer of Standish, Mr. Wyman of Pittsfield) (Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Appropriate Funds to the Metropolitan Leadership Development Camp" (H. P. 1341) (Presented by Mr. Talbot of Portland)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act to Increase Salaries of Maine Maritime Academy Employees" (Emergency) (H. P. 1342) (Presented by Mr. Greenlaw of Stonington)

Committee on Appropriations and Financial Affairs was suggested.

(On motion of Mr. Birt of East Millinocket, tabled pending reference and later today assigned.)

Appropriations and Financial Affairs cont'd.

Bill "An Act to Appropriate Funds to the Maine Amateur Athletic Union Cultural Exchange Program" (Emergency) (H. P. 1343) (Presented by Mr. LeBlanc of Van Buren) (Cosponsor: Mr. Martin of Eagle Lake) (Ordered Printed)

Sent up for concurrence.

Indefinitely Postponed

Bill "An Act to Amend Certain Provisions of the Laws Relating to Nonprofit Hospital or

Medical Service Organizations in Order to Facilitate the Retention of Jobs for Maine People" (Emergency) (H. P. 1344) (Presented by Mr. Palmer of Nobleboro) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Business Legislation was suggested.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Due to a duplication here, Item 10 and Item 11-A are the same bills, so at this time I would like to move the indefinite postponement of this bill.

Thereupon, on motion of Mr. Palmer of Nobleboro, the Bill was indefinitely postponed.

Business Legislation

Bill "An Act Against Unfair, Deceptive or Unreasonable Debt Collection Practices" (H. P. 1345) (Presented by Mr. Tarbell of Bangor)

Bill "An Act to Amend Certain Provisions of the Laws Relating to Nonprofit Hospital or Medical Service Organizations in Order to Facilitate the Creation of Jobs for Maine People" (Emergency) (H. P. 1413) (Presented by Mr. Palmer of Nobleboro) (Cosponsors: Ms. Clark of Freeport, Mrs. Boudreau of Portland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 25) (Ordered Printed)

Sent up for concurrence.

By unanimous consent, House Paper 1413 was ordered sent forthwith to the Senate.

Education

Bill "An Act to Authorize a Bond Issue in the Amount of \$300,000 for the Renovation of Leavitt Hall at the Maine Maritime Academy" (H. P. 1346) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Clarify Reimbursement to Local School Systems" (Emergency) (H. P. 1347) (Presented by Mrs. Kane of Augusta)

Bill "An Act to Permit State Aid to be Distributed to the Unit or School which the Student Attends" (Emergency) (H. P. 1348) (Presented by Mr. Garsoe of Cumberland) (Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Clarify the Authority of the Board of Registration in Medicine to Conduct Programs of Medical Education" (H. P. 1349) (Presented by Mrs. Post of Owls Head) (Cosponsor: Mrs. Mitchell of Vassalboro) Committee on Education was suggested.

On motion of Mr. Goodwin of South Berwick, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Election Laws

Bill "An Act to Make Certain Changes in the Election Laws" (H. P. 1350) (Presented by Mr. Boudreau of Waterville)

Bill "An Act Concerning Information Required on Voter Registration Cards" (H. P. 1351) (Presented by Mr. Tarbell of Bangor)

Bill "An Act Concerning the Inspection of Nomination Petitions by Boards of Voter Registration" (H. P. 1352) (Presented by Mr. Tarbell of Bangor)

Bill "An Act Concerning the Registration of Voters by Justices of the Peace" (H. P. 1353) (Presented by Mr. Tarbell of Bangor) (Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide Certain Residency Requirements to Purchase Resident Hunting and Fishing Licenses" (H. P. 1354) (Presented by Mr. Tozier of Unity) (Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Make Allocations and Appropriations for Title XX Social Services Programs" (Emergency) (H. P. 1355) (Presented by Mrs. Najarian of Portland) (Cosponsor: Mrs. Kany of Waterville)

Bill "An Act to Repeal and Correct Certain Laws Relating to Health and Institutions" (H. P. 1356) (Presented by Mrs. Trafton of Auburn) (Cosponsor: Mr. Brenerman of Portland)

Bill "An Act to Assure Coordination and Adequate Services to Children by Community Mental Health Centers" (H. P. 1357) (Presented by Mr. Kerry of Old Orchard Beach) (Cosponsor: Mrs. Kane of Augusta)

Bill "An Act to Appropriate Funds for Foster Care of Abused and Neglected Children" (H. P. 1358) (Presented by Mr. Kelleher of Bangor)

Bill "An Act Relating to Municipal General Assistance Programs" (H. P. 1359) (Presented by Mr. Dutremble of Biddeford) (Cosponsors: Mr. Brenerman of Portland, Mr. McBreairty of Perham) (Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to the State Bureau of Identification" (H. P. 1360) (Presented by Mr. Hobbins of Saco)

Bill "An Act Concerning Debtor's Property Exemptions from Attachment and Bankruptcy Proceedings" (H. P. 1361) (Presented by Mr. Tarbell of Bangor) (Cosponsor: Mr. Boudreau of Waterville)

Bill "An Act Concerning Penalties for Operating a Motor Vehicle Under the Influence of Intoxicating Liquor or Drugs" (H. P. 1362) (Presented by Mrs. Locke of Sebec) (Cosponsors: Mr. Tarbell of Bangor, Mr. Diamond of Windham)

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1363) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Provide Uniformity in the Method of Payment of Fees in Criminal Cases" (H. P. 1364) (Presented by Mr. Tarbell of Bangor)

Bill "An Act Limiting the Payment of Child Support in Certain Instances" (H. P. 1365) (Presented by Mr. Henderson of Bangor)

Bill "An Act to Assist in the Determination of the Mental Condition of Criminal Defendants" (H. P. 1366) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to Irreconcilable Marital Differences as Grounds for Divorce and Mental Illness as an Impediment to Divorce" (H. P. 1367) (Presented by Miss Brown of Bethel)

Bill "An Act to Repeal Certain Laws Relating to Domestic Relations" (H. P. 1368) (Presented by Mr. Hobbins of Saco)

Bill "An Act Relating to Use of Criminal Records in Occupational Licensing" (H. P. 1369) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Establish a Judicial Qualifications Commission" (H. P. 1370) (Presented by Mr. Tarbell of Bangor) (Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Establish the Maine Wage Assurance Fund" (H. P. 1371) (Presented by Mr. Spencer of Standish) (Cosponsor: Mrs. Kany of Waterville)

Bill "An Act Concerning Payment of Unemployment Compensation for Musicians" (H. P. 1372) (Presented by Mr. Mackel of Wells)

Bill "An Act to Provide for the Provisional Payment of Certain Disability Benefits Pending the Outcome of a Workmen's Compensation

Application" (H. P. 1373) (Presented by Mr. Moody of Richmond)

Bill "An Act to Require Proration of Unemployment Benefits for a Person who is Absent for Illness" (H. P. 1374) (Presented by Mr. Greenlaw of Stonington)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Repealing Certain Laws Relating to Property" (H. P. 1375) (Presented by Mr. Davies of Orono) (Cosponsor: Mr. Wyman of Pittsfield)
(Ordered Printed)
Sent up for concurrence.

Business Legislation

Bill "An Act to Provide for the Licensing of Mobile Homes and Modular Housing Dealers and Mechanics" (H. P. 1376) (Presented by Mrs. Boudreau of Portland)

Committee on Legal Affairs was suggested.

On motion of Mrs. Boudreau of Portland, the Bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

Legal Affairs cont'd.

RESOLVE, Authorizing Alfred E. Berg, M.D. to Bring Civil Action Against the State of Maine" (H. P. 1377) (Presented by Mr. Kelleher of Bangor)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs" (H. P. 1378) (Presented by Mr. Gray of Rockland)

Bill "An Act to Increase the Salaries of Kennebec County Officials" (H. P. 1379) (Presented by Mr. Bustin of Augusta)
(Ordered Printed)
Sent up for concurrence.

Natural Resources

Bill "An Act to Encourage Local Inspection Systems to Identify Illegal Domestic Waste Disposal Units" (H. P. 1380) (Presented by Mrs. Masterton of Cape Elizabeth)

Resolve, Authorizing the Exchange of Certain Public Reserved Lands with the Dead River Group of Companies (H. P. 1381) (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Mr. Palmer of Nobleboro)

Bill "An Act Relating to Discharges, Emissions and Leakages from Nuclear Generating Facilities" (H. P. 1382) (Presented by Mr. Greenlaw of Stonington)

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Oxford Paper Company" (H. P. 1383) (Presented by Mr. Martin of Eagle Lake) (Cosponsor: Mr. Palmer of Nobleboro)

RESOLVE, to Provide for the Development of Recommendations on Coastal Policy Issues" (Emergency) (H. P. 1384) (Presented by Mrs. Trafton of Auburn) (Cosponsors: Mr. Spencer of Standish, Mrs. Huber of Falmouth, Mrs. Masterton of Cape Elizabeth)

Bill "An Act to Control Conversion of Seasonal Dwellings to Year-round Use in Shoreland Areas" (H. P. 1385) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)
Sent up for concurrence.

Human Resources

Bill "An Act to Provide Annual Updating of Determinations of Need Under the 'Aid to Families With Dependent Children' Program" (H. P. 1386) (Presented by Mr. Davies of Orono) (Cosponsor: Mr. Connolly of Portland)
Committee on Performance Audit was suggested.

On motion of Mrs. Berube of Lewiston, the Bill was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

Performance Audit

Bill "An Act to Provide for Budgeting of State Expenditures of Federal Funds" (H. P. 1387) (Presented by Mrs. Najarian of Portland) (Cosponsors: Mrs. Kany of Waterville, Mr. Carter of Winslow, Mr. Spencer of Standish)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Require that Certain Conditions be Met Prior to Certification of any Nuclear Power Plant by the Public Utilities Commission" (H. P. 1388) (Presented by Mrs. Huber of Falmouth)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Establish the Contract Review Board to Oversee the Bureau of Purchases" (H. P. 1389) (Presented by Mr. Wilfong of Stow) (Cosponsor: Mr. Green of Auburn)

Bill "An Act Creating a Maine State Board for Registration of Architects and Landscape Architects" (H. P. 1390) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Provide Legislative Oversight of Appropriated Fund Transfers" (H. P. 1391) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mrs. Najarian of Portland, Mr. Wilfong of Stow)

Bill "An Act to Require Speedy Disposition of State Employee Classification Requests" (H. P. 1392) (Presented by Mr. Tierney of Lisbon Falls) (Cosponsor: Mr. Palmer of Nobleboro)

Bill "An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies" (H. P. 1393) (Presented by Mrs. Najarian of Portland) (Cosponsors: Mrs. Kany of Waterville, Mr. Wilfong of Stow, Mr. Spencer of Standish)

Bill "An Act to Provide that the Chairman of the State Liquor Commission shall be Director of the Bureau of Alcoholic Beverages" (H. P. 1394) (Presented by Mr. Raymond of Lewiston)

Bill "An Act to Insure Citizen Participation in the Adoption, Amendment and Repeal of Agency Rules and to Provide Legislative Review of Agency Rules" (H. P. 1395) (Presented by Mr. Shute of Stockton Springs)

Bill "An Act Relating to the Powers of Plantations and their Organization" (H. P. 1396) (Presented by Mrs. Post of Owls Head) (Cosponsor: Mr. LeBlanc of Van Buren)

RESOLUTION, Proposing an Amendment to the Constitution to delegate Certain Emergency Budgetary Powers to a Joint Legislative Committee (H. P. 1397) (Presented by Mrs. Najarian of Portland) (Cosponsor: Mr. Martin of Eagle Lake)

Bill "An Act to Facilitate the Setting of State Financial and Tax Policy by the Legislature" (H. P. 1398) (Presented by Mr. Wilfong of Stow) (Cosponsors: Mr. Greenlaw of Stonington, Mr. Spencer of Standish, Mr. Davies of Orono)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Exempt Post-secondary School Books from Sales Taxation" (H. P. 1399) (Presented by Mr. Davies of Orono)

Bill "An Act to Remove Sales Tax from Residential Water" (H. P. 1400) (Presented by Mr. Lizotte of Biddeford) (Cosponsor: Mr. Twitchell of Norway)

Bill "An Act to Eliminate Dissimilar and Inequitable Taxation of Mobile Homes Owned by Maine Home owners" (H. P. 1401) (Presented by Mrs. Boudreau of Portland)

Bill "An Act to Provide Maine Homestead Property Tax Relief" (H. P. 1402) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Mrs. Trafton of Auburn, Mr. Martin of Eagle Lake, Ms. Benoit of South Portland)

Bill "An Act to Permit Municipalities to Levy and Collect Service Charges for Certain Municipal Services from Tax Exempt Residential Property Used to Provide Rental Income" (H. P. 1403) (Presented by Mr. Greenlaw of Stonington)

Bill "An Act to Impose a Sales Tax on Rental Fee for Cable T.V." (H. P. 1404) (Presented by Mr. Lizotte of Biddeford) (Cosponsor: Mr. Twitchell of Norway)

Bill "An Act to Provide for a Sales Tax Rebate for Machinery and Equipment used in Commercial Fishing" (H. P. 1405) (Presented by Mrs. Post of Owl's Head) (Cosponsors: Mr. Greenlaw of Stonington, Mr. Perkins of Blue Hill)

Bill "An Act to Provide for an Income Tax Credit for Limited Political Contributions" (H. P. 1406) (Presented by Mr. Quinn of Gorham) (Cosponsor: Mr. Palmer of Nobleboro)

Bill "An Act to Assist Municipalities in the Acquisition of Land or Interests in Land" (H. P. 1407) (Presented by Mr. Spencer of Standish) (Cosponsor: Mrs. Trafton of Auburn)

Bill "An Act Concerning the Farm and Open Space Tax Law" (H. P. 1408) (Presented by Mr. Wyman of Pittsfield) (Cosponsor: Mr. Spencer of Standish)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Appropriate Money for Improvements to Airports and to Authorize General Fund Bond Issues in the Amount of \$1,200,000" (H. P. 1409) (Presented by Mr. Palmer of Nobleboro) (Cosponsor: Mr. Pearson of Old Town)

Bill "An Act to Reestablish the Town Road Improvement Fund" (Emergency) (H. P. 1410) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)
Sent up for concurrence.

Veterans and Retirement

Bill "An Act to Provide State Prison Guards With the Same Retirement Benefits as the State Police" (H. P. 1411) (Presented by Mrs. Post of Owl's Head) (Cosponsor: Mr. Laffin of Westbrook)

Bill "An Act to Provide for the Retirement of Forest Rangers in Fire Control Work After 20 Years of State Service" (H. P. 1412) (Presented by Mr. Connors of Franklin)

(Ordered Printed)
Sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess 12:15 P.M.

The House was called to order by the Speaker.

Non-Concurrent Matter

Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252) which was passed to be engrossed as amended by House Amendment "B" (H-138) as amended by House Amendment "A" (H-150), thereto, in the House on April 12, 1977.

Came from the Senate, passed to be engrossed as amended by House Amendment "B" (H-138) as amended by House Amendment "A" (H-150) and Senate Amendments "A" (S-63) and "D" (S-64) in non-concurrence.

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

Mr. BURNS: Mr. Speaker, I move we adhere.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

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

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

Mr. BIRT: Mr. Speaker, I move we recede.

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

Mr. CAREY: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from East Millinocket, Mr. Birt. What is the intent behind the motion just to recede and not recede and concur, if he might tell us.

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

The Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think there is some thinking that some of the people would like to be able to have this back in the hands of the House where they can make their own decisions and put their own amendments on, and that is the reason I made the motion to recede, so that the House can make the decision on that motion first.

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

Mr. CAREY: Mr. Speaker, I would pose an inquiry to the Chair or anyone who may be able to answer, the deadline being tomorrow night, the mechanics of moving things around and I would assume that the Chair has had the bill pre-engrossed in several conditions in any event so that engrossing may not be a delaying factor, but I would like to know, Mr. Speaker, if we have not finally enacted this by midnight tomorrow night, first, is my understanding correct that the mill rate automatically goes to 12½ and, secondly, that part of the question I am hazy on right now, is, whose funding level is adopted automatically? Is it the commissioner's or the Governor's?

The SPEAKER: The gentleman from Waterville has posed a question through the Chair to anyone who may care to answer.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the question of the good gentleman from Waterville, Mr. Carey. It is my understanding that the statute simply addresses the question of mill rate and I do not believe that the statute, as it is presently written, addresses any type of overall educational funding, whether it be a recommendation from the commissioner or a recommendation from the Governor or any other recommendation that might be pending.

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

Mr. LYNCH: Mr. Speaker, I would like to ask a question. It is my understanding that if the bill is not enacted by the legislature and not signed by the Governor by the deadline that it is not a law and therefore the tax rate is automatically 12.5. I think the courts have ruled that it must be in place in order to be a law.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to members of leadership. Has this bill been engrossed more than one way already?

The SPEAKER: The Chair would answer in the affirmative.

Mr. KELLEHER: Mr. Speaker, It has been engrossed at least two different ways?

The SPEAKER: The Chair would answer in the affirmative.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest we defeat the motion to recede and then pass the motion to recede and concur. I hope we vote quickly because the quicker we move, the quicker we can get this thing in the other branch, back here for enactment, see if we can get the votes and then we are in business.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I do believe that we should recede on this bill. It is no longer, as far as I am concerned and as far as many of us are concerned, a question of repeal or not repeal. That decision has been made by this House and it has also been made by the other body, and we do accept the decision that there will be no repeal.

The real question here, I believe, is fiscal responsibility. Are we going to pass a bill here that cleans out the state treasury, that leaves only \$1.7 million in the treasury to fund all the other programs that are available? I think that is the real problem that we have here. It is my understanding that there are amendments being prepared, or have been prepared, which will instill a certain amount of fiscal responsibility into this bill, one that will set priorities, and I think for that reason alone we should vote to recede and we should consider these amendments.

There are going to be people who will throw out the deadline to you and indicate that we can't meet that deadline. I say we can meet the deadline. We can grind out these bills as fast as you can vote on them.

Additionally, the apprehension of the 12.5 mill rate was raised. I don't think we have to worry about that either. We can come up with a good, responsible, solution and I think we should attempt to work on this bill and make it more responsive to the public's demands.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do defeat the motion to recede and go forward to defeat the motion to recede and concur and come back to my original motion to adhere.

The trade-offs were made yesterday. The property tax monies are taken from small towns like Pleasant Ridge, Belgrade, Cranberry Isles and others, and to be paid in part to the inventory tax to cities. We are now asked to allocate monies that may come to this state to repay 100 percent of the inventory tax, while we in the rural areas are still only going to get \$100 per pupil on our local leeway effort.

We were asked a short while ago, how we could get back to the \$125 per pupil? We could get back the \$125 per pupil by stripping the inventory tax repayment from the bill that went over to the other body.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Members of the House: Just for the information of the House, I would like to read a little bit of a press release from the Department of Finance and Administration which was released today and announced that due to the March 15th filing date for corporate income tax returns, General Fund undedicated revenues exceeded estimates by \$5.2 million for March. I don't wish to imply that we might end up with \$5.2 million surplus at the end of June, but for right now at least, we are \$5.2 million better off than we were last month when we had a \$4,000 deficit.

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

Mr. PERKINS: Mr. Speaker, Ladies and

Gentlemen of the House: In response to that I, too, was encouraged by those receipts but I went a little further and went to Legislative Finance and looked at the yearly graph on the receipts and the ups and downs of the graph and the graph for the year goes way up for one month and way down for another, so I think to imply that we have this money and we can now spend it is also an implication that maybe we should take the funds which have not really been allocated and spend those also, which I think is a fallacy.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would defeat the motion to recede. I feel that every level of school funding has been put before this House, and I think that the House, certainly by a great majority, has decided on the school funding level as it is in this bill. We have tried the repealer of the uniform property tax, and I think certainly those people have had every opportunity presented and we have debated it and that has been defeated. So, we are faced now with more amendments and those amendments, as my good friend from East Millinocket, Mr. Birt, and my good friend from Wells, Mr. Mackel, said, to put in fiscal responsibility. I feel that this House has spoken at this point to the level of school funding that we want. I think that sticks right to the issue of the difference between recede and recede and concur. If we want to talk about the inventory tax when it comes to the recede and concur motion, if this is defeated, fine, but I think what we are talking about here is whether or not we can have another go-round in either raising or lowering the school funding level and I think that the House has made its determination.

I would hope that you would defeat the motion to recede and then we will talk about the motion to recede and concur.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I guess it is time for us all to have two or three seconds' worth and I would like to take mine by suggesting perhaps one other alternative which we have not discussed here this morning which might be constructive. I would like only to have you keep in mind just in case we should defeat the motion to recede, and if we should defeat the motion to recede and concur, there is a motion to insist and ask for a Conference Committee. I only suggest that because we have 151 members in this House. If we recede, we begin amending and amending and amending and then send it over to the other body to do the same thing. Perhaps it is a possibility, a viable possibility, that a good Committee of Conference between this branch and the other to get together and come back to each of us with compromises.

As I suggested in caucus this morning, I think we have arrived at the point in time where we realize we represent our own individual districts and I think we all have to begin to realize that we are, indeed, state representatives and we have to give a little and take a little along the way to arrive at something decent and honorable between now and tomorrow night.

I would suggest that if these motions are defeated and you feel that might be an alternative, representatives of the two branches get together and see if they could iron out the differences and bring back to us a compromise package. It might save a lot of time. It might involve other people in the process, it might let a breath of fresh air breeze through this chamber as well as the other and come up with a solution. I suggest it, and if these first two motions are defeated, I shall move that we insist and ask for a Committee of Conferences.

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

Mr. CONNERS: Mr. Speaker, I would like to pose a question through the Chair. On these counter-cyclical funds, are they already available or do we have to wait for the Congress to pass this in June for the fiscal year coming?

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

The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, as I understand it, the monies which will be used have not even been appropriated by Congress yet.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Franklin, Mr. Connors, for asking the question, and somewhere here earlier today, I had in my possession a telegram from Al Fromme, who is the Staff Manager of Inter-Government Committee for the Senate and I specifically asked that question this morning. I got a telegram back saying that the level of funding that is currently on the books is even being supported for an increase by Speaker O'Neil, by the President, by Senator Muskie and the leaders of the Senate. So what we are trying to tell you is, if that money is not appropriated, then the 70 percent funding level that the gentleman from Lewiston has come up with will be the answer. If that money is appropriated, then it would be made available to those communities for the funding of full reimbursement on the inventories. That is basically the question that is before you, and the communities that are asking for the full funding are very aware that that is exactly the case.

If you will recall, some of you who were here previously, and we discussed this in Democratic caucus, the very first year of repeal of the inventory tax, we underfunded the package and we had to come back in a Special Session and ask for more money because the municipalities received 55 percent of what they were entitled to for reimbursement. The Special Session of the Legislature had the option of telling the communities at that time, you will either have to live with what you had the previous year or we will make up the difference. They felt a moral commitment, as I think and hope that this legislature will feel, that full reimbursement was due and therefore a special bill was passed, which reimbursed those communities the full 100 percent. We have already had a test of the legislative intent as to whether or not they would live up to a commitment made by a previous legislature and that particular legislature lived up to that intent, and all that is being requested is that this legislature try to be somewhat consistent with previous legislatures in trying to live up to the intent of the law.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I still feel very, very strongly, in spite of the reassurances that we have received from Mr. Carey, I feel very apprehensive about what we are doing. It seems to me a kind of funny-money financing that we are dealing with, money we don't have, money that is being promised, and I don't personally like to feel in that manner.

I feel and I am very much convinced that anyone who votes for this bill in its final passage would be voting himself an obligation to vote for a tax increase. I personally will vote against a tax increase and I will do so with a clear conscience because I will be voting against this bill. I don't think anyone else who votes for the bill will be able to do so.

I would like to remind you that in spite of your responsibilities up here, and we have many responsibilities here as state legislators, we

have an ultimate responsibility to our constituents. If you haven't had the experience, when you go back home and your taxpayers and your local constituents looks you eyeball to eyeball and ask you why you voted for a tax increase, you had better be ready with an answer, because he will want a good answer.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Everytime a measure has come through here to fund education at less than \$290.6 million, it has been coupled with repeal of the uniform property tax. If we are to believe the information that we received that funding at \$290.6 is going to ultimately mean increased taxes when the University of Maine comes around asking for \$6 million, when the public employees come around asking for \$19 million, or whatever it may be, and we are fully funded at \$290.6 and have not compromised on that figure one iota, they are going to argue, you have given exactly 100 percent request funding to education, it is only fair that you do the same to us. A little of our responsibilities as State Representatives, not only our constituents at home, but as State Representatives we have a responsibility to give full faith and credit to the public employees and to the University of Maine and other programs that are going to come along in the next couple of months of this session.

There are amendments, and probably a multitude of them, that I am unaware of, but there are amendments that would lower the \$290.6 million funding, which many of us seem to be fixed and locked into at this point, which would lower it to raise or free up an additional \$3 million. Three million dollars may be modest in terms of cuts for the education budget, \$3 million as an aggregate to spread across the State of Maine would be very modest as a cut. It would also be very modest in terms of freeing up only \$3 million to use for other things but it is symbolic as well. It would in essence mean that when the University of Maine, when state employees come along and they want to be fully funded as well as their 100 percent request, we can say, we have had to chisel a few million dollars off the public education, it is only right and only fair that we can also entertain the same notion of chiseling a few million dollars off of your full funding requests. If we don't, we are opening ourselves up to the argument that we played unfair, we fully funded public education but now we are not ready to bite the bullet and go the rest of the mileage with them, and the only other alternative is to raise taxes.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: Just very briefly. I guess I have said it before and I will say it again. As far as I am concerned now, we are really playing with funny money, playing with money that has not been appropriated which, if it is appropriated, is money which I thought we had pretty well committed to social service programs for the state. We have left ourselves \$1.7 million to play with. We are playing now with the paper that says there is possibly a \$5 million surplus as of this minute which may not exist in July, and we have, and I read them all off yesterday, all the various people coming to us.

I wish the deadlines were reversed. I wish we had to do things for the state employees and for the elderly and for some of the other people by tomorrow, or by the 28th, and then we had to face these other questions, because what is going to happen I think, we are not going to have enough money to do all we want to do, and if there is a tax increase, the onus of that tax increase is going to fall on the state employees and on the poor people of this state. I don't know as it can get through, but I bet you that if the

situation were reversed and we were able to fund those programs first and then the inventory tax were left and unfunded, I bet we could find the votes in here to pass a tax.

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

Mr. HENDERSON: I would like to pose a question, Mr. Speaker, through the Chair to the chairperson of the Appropriations Committee, Ms. Goodwin, and the question is this. You just argued that the counter-cyclical money may not be reliable. You have also argued that regardless of that, it ought to be appropriated to Human Services, and my question to you is, why do you choose the unreliable source for Human Services rather than the distinct other sources for Human Services?

The SPEAKER: The gentleman from Bangor, Mr. Henderson, has posed a question through the Chair to the gentlewoman from Bath, Ms. Goodwin, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: One thing, some of it is already in hand, so that is pretty much hard money. We are pretty much assured, I think, that we have that money coming in for at least one more year, and that is money that I thought was going to be used for social services for the second year of the biennium. I thought it was pretty firm money. I didn't know it was going anywhere else. I don't know what is going to happen in the third year, and if nothing happens in the third year, then we are in trouble.

I say it again, I think it is just a matter of where the onus is going to fall. I would rather take what we have got right now and put into human services and the state employees and then worry about a tax increase than to do the reverse, because I think we are boxing ourselves right in; I don't think we are going to find our way out by July 4th.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Being involved in an area that is fuzzy, I know that the inventory communities are well aware that it is a fuzzy area and they are going to have to plan it as accordingly as they can. Maybe the gentlelady from Bath, Ms. Goodwin, can tell us a little bit about the history of the Appropriations Committee action when, in fact, they stole \$5 million from the Teachers' Retirement Fund and ask if that in fact was not somewhat hokey financing?

The SPEAKER: The Chair would refuse to put the question to the gentlewoman from Bath.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: It may very well be that a rephrasing of the question would be proper?

The SPEAKER: The Chair would answer in the affirmative.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Maybe the lady from Bath, Ms. Goodwin, can explain the transferring or underfunding of Teacher Retirement for a previous biennium?

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

Mr. TIERNEY: Mr. Speaker, a point of order? I understand that the issue before us is educational funding and not the teacher retirement?

The SPEAKER: The Chair would answer in the affirmative. The point of order is well taken.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take exception to some of the comments here made by my good friend from Bangor, Mr. Tarbell. I think the simple issue here is that the deadline

is tomorrow night and we have to make some hard decisions.

I think it is unfortunate that people like the gentleman I mentioned are going to get up here and say, I have got an amendment prepared that would call for \$287 million. We have heard 287, we have heard 283, we have heard repeal of the uniform property tax, we have heard 11.7, we have heard 11.5. Are we going to deal with this issue or aren't we? All of us in here could go out and present our own amendment that would make our little town or our little area be a little bit better off than it is with someone else's.

It seems to me the mood of this House and the mood of the Senate is that we are going to \$290.6 million. Both bodies have agreed to 11.5. The only issue there is left is how we are going to reimburse and at what level. If we can solve that problem, I think \$290.6 and 11.5 will fly and we won't have this problem we are in right now.

Mr. Greenlaw of Stonington requested a roll call vote.

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

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

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

ROLL CALL

YEA — Berry, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carter, F.; Chonko, Churchill, Connors, Cunningham, Davies, Devoe, Dexter, Dudley, Durgin, Fowle, Gillis, Greenlaw, Hall, Huber, Hughes, Hutchings, Jackson, Lewis, Mackel, Marshall, Mitchell, Moody, Nelson, N.; Perkins, Post, Shute, Silsby, Spencer, Sprowl, Tarbell, Tierney, Valentine, Wilfong, Wood.

NAY — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Clark, Connolly, Cote, Cox, Curran, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Garsoe, Gauthier, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Henderson, Hickey, Higgins, Hobbins, Howe, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Smith, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Twitchell, Tyndale, Whitemore.

ABSENT — Flanagan, Peakes, Wyman.

Yes, 42; No, 105; Absent, 3.

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

The question now before the House is on the motion of the gentleman from Corinth, Mr. Strout, that the House recede and concur.

The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Members of the House: I hope we will defeat this motion to recede and concur so we can have the motion to insist and call for a committee of conference between this body and the other body and come up with the breath of fresh air that we all need.

Mr. Lynch of Livermore Falls requested a roll call vote.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I am not very good on this bit here, but I have had a man here from Eastport who is an expert on this. His message to me is that 11½ and \$100 on the leeway is the only thing we can live with. If it goes to 12½ mills or anything else, with the increased valuation put on by the state on the coastal villages and hamlets along the coast, those places will be dead if it doesn't go at 11½.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to Senate Amendment "D" under filing number S-64, which was attached to this bill last night. It reads, "Any funds received by the state after 1 April 1977 would go to reimburse the inventory tax."

Yesterday, this state received a check for \$900,000. If this rides, I am told by Bill Siebert that the last passed bill takes precedence and therefore this \$900,000 would have to go for the inventory tax. It has already been allocated by other bills and other actions, so we would be pulling that back if this passes.

Secondly, this amendment is open-ended. There is no cutoff of one year, there is no cutoff at all. It says, "The Public Works Act of 1976." We are currently operating and have been operating under this act for the last six or more months. That is why I made my initial motion to adhere.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have put in quite a few hours, as you have, listening to the debate, and I thought we made the wisest possible decision that probably could get yesterday, and I hope we stick by it today. In order to do that, I ask you not to recede and concur, that we finally vote to insist and have a committee of conference and see if we can improve our posture.

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

Mr. CAREY: Mr. Speaker, in answer to the gentleman from Anson, Mr. Burns, when he spoke about the Public Works Employment Act of 1976, I would point out to him that it is not only an act which was passed in 1976, it was the continuation of a law which it amended which had been passed in 1965. It is interesting to note that he might try to make you believe that it is an act of 1976, thus inferring that it may only be funded for one year when in fact we are operating under right now the state's education act of 1976, and that obviously was not intended to get involved with education for only one year.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to make it clear at the outset that I am in favor of one hundred percent reimbursement of the inventory tax. I would like to say secondly that I am in favor of voting for a tax increase to pay for that one hundred percent reimbursement if that is the way that this House and this Legislature desires to go.

I am not going to vote to recede and concur and thus make this Senate Amendment law.

I would like to make two points, because I feel that this amendment is perhaps the most imaginative amendment that I have seen in my three terms in the legislature, and I would like to say first that by simply reading it, and in plain English, anything we received after April 1, 1977 has to go to the inventory tax. That is what it says. If we received something yesterday, yesterday was after April 1, 1977, and, ladies and gentlemen of the House, under this

law that means it has to go to the inventory tax, and that is the first \$900,000.

The second point that I think is more important, what this amendment does, it takes federal funds which are not yet appropriated and puts them towards the inventory tax. Well, I agree with the gentleman from Waterville, I think the federal government is going to increase the counter-cyclical program. I do not agree with those who feel that this is going to be one-shot money and it is going to disappear. But read the amendment, it says, "Any funds to be received by the state." We don't know how much they are going to appropriate. Those wild spending Democrats down in Washington and that wild Democratic administration might appropriate all kinds of money for countercyclical.

We may end up under this amendment not just reimbursing 100 percent, ladies and gentlemen, but 150 percent, or maybe 200 percent for the towns and cities, because this says that every cent we get after April 1, 1977 shall be prorated back to the towns based on the 1973 inventory taxes. The gentleman from Waterville voted against the motion to recede because he didn't want any amendments. He wants to recede and concur, he wants to go along with the Senate, and I think that is the wildest scheme I have heard of and I hope this House doesn't go along with it.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the Majority Leader for his comments and I would point out that there may be some very good safeguards in this measure, that the more money that comes out of this from the federal government, the less would have to come out of the General Fund; therefore, more money would be made available for other programs. It is an extremely iffy program, not as iffy as the General Fund has been known to be under some previous Governors.

I would like to point out, Mr. Speaker, that the Public Works Employment Act, Title II, Antirecession Provisions, point out that that money at one time was 100 percent intended for the municipalities of this country. The National Governor's Conference got involved in some reasonably heavy lobbying and were able to rip off one third of the money to go to the states, thus stealing, if I can use that term, one third of the money that was intended for municipalities would go into state coffers.

But the law is very clear in its finding of fact, that because of the large layoffs, the heavy budget cuts in municipal government, this money was intended to keep people from getting laid off.

I tried to point out in a Democratic caucus that, while they have the combined unemployment rate, are not the ones in fact who have the unemployment, it is the municipalities, it is the municipalities who have to increase their welfare loads to take care of those people who are out of work, it is not the state. The unemployed person gets his money from industry through the unemployment act, so the state is not as responsible towards its unemployed people as anyone might be led to believe, because the burden falls more heavily on the municipalities of the state.

It is interesting to note that of the two thirds that is currently going to municipalities, and I would hope you would, if you are in possession of a copy of December 1976 Maine Townsmen, you might review that because it has a town by town list of those municipalities that received money in the first two quarters of counter-cyclical funds, the antirecession monies.

This bill doesn't touch those monies. Those municipalities will continue to receive that. The commitment that we are asking for is that commitment for the other third of the money, the monies that were originally intended for the

municipalities to go to those municipalities that are going to be the hardest hit budget-wise and therefore employment-wise, and we will not in effect be doing anything to control the unemployment rate in this state. I know that the employment is dear to the heart of the Majority Leader, as it is to the rest of us, but it will not go to keep the unemployment rate down if you use it for new programs.

The law is very insistent that the use of the payments — each state and the local government shall use payments made under this title for the maintenance of basic services. This is the law. The law was recovered out of the law library down stairs, so we are not finagling with somebody's views of what the public assistance law was of 1976. We are actually quoting from the law.

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 Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to say that Mr. Tierney's comments were quite appropriate, because on that vote I voted the wrong way.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I share some of the concerns that Representative Tierney and others have about the \$900,000, and I was just speaking with a member of the other body who indicated that this came up, I hope it didn't come up while I was out speaking to him, but there was intention at least in the other body to propose legislation to exempt this \$900,000 from this particular amendment that I personally would be in favor of and would support and urge that that happen. But on the other hand, I think we still should recede and concur and get this business out of the way but also keep faith with the intention that that \$900,000 was not meant for this particular purpose.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bagley, Beaulieu, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carey, Carrier, Carter, D.; Carter, F.; Clark, Connolly, Cote, Cox, Curran, Diamond, Dutremble, Fenlason, Gill, Green, Henderson, Hickey, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Lizotte, Lunt, MacEachern, Marshall, Masterman, Masterton, McHenry, Mills, Morton, Najarian, Nelson, M.; Norris, Pearson, Raymond, Strout, Stubbs, Talbot, Tarbell, Teague, Theriault, Trafton, Truman, Twitchell, Tyndale.

NAY — Ault, Bachrach, Bennett, Berry, Birt, Blodgett, Brown, K. L.; Bunker, Burns, Byers, Carroll, Chonko, Churchill, Conners, Cunningham, Davies, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Elias, Fowlie, Garsoe, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, LeBlanc, Littlefield, Locke, Lougee, Lynch, Mackel, Mahany, Martin, A.; Maxwell, McBrearty, McKean, McMahon, McPherson,

Mitchell, Moody, Nadeau, Nelson, N.; Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Tarr, Tierney, Torrey, Tozier, Valentine, Whittemore, Wilfong, Wood, The Speaker.

ABSENT — Flanagan, Wyman.

Yes, 67; No, 82; Absent, 2.

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

Mr. Palmer of Nobleboro moved that the House insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Nobleboro, Mr. Palmer, moves that we insist and ask for a Committee of Conference.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to make a few comments relative to this particular motion. I fully realize what I am doing and what I am saying. I fully realize also the prerogatives of the Speaker.

I could willingly vote for this provided there is at least one member on the committee from the House who represents the dissenting views of the towns who feel they are most aggrieved, the pay-in towns. Who that particular person is, I have no particular choice. I think that decision should and could well be left with the Speaker who has the right, but I think if we are going to have an objective Committee of Conference, it should reflect the various views of this body.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks of the gentleman from Millinocket, Mr. Birt. I do want to say that I have faith at this crucial juncture in this debate and the time limit hanging over us that the Speaker will be fair in making those appointments. I think it should be no one on the Conference Committee from leadership, have people from this House who have not served before on such a committee, reasonable minds get together with reasonable minds in the Senate and come up with something for us all to buy.

I have faith that the Speaker will make that decision and make it correctly. I know it is almost a job which the wisest of men would not want, but I have faith you can do it. I hope we will do this and I think we will find it a very constructive move.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I have served as a member here for 33 years, and 27 of them have been under the friendly opposition party, and I have never heard such a suggestion made before. I know that the good gentleman from East Millinocket, Mr. Birt, has been a member of the majority for more than one term and there has been suggestions of committees of conference when he has been sitting here time and time again, and I have never heard a mike go up. Whoever the Speaker would put on the Committee of Conference is his business and nobody else's.

The SPEAKER: The Chair would like to remind you of Joint Rule 16, which says, and I quote: "Committees of Conference shall consist of three members on the part of each House representing its vote and their report agreed to by a majority of each committee."

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

Mr. BIRON: Mr. Speaker, if the Committee of Conference cannot come up with a decision between this body and the Senate, what action is taken then?

The SPEAKER: The Chair would respond that if there is no report from the Committee of

Conference, then it is obvious that under the rules within 10 days I have to appoint a new Committee of Conference. However, based on what would take place, we do not have 10 legislative days and it would be the hope that whatever Conference Committee might be appointed would report at some point in the course of the day if that were to take place.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I recognize fully the intent of the gentleman from Nobleboro, Mr. Palmer. I am very deeply involved in this situation. I could say he could always take advantage of the Committee on Ways and Means, fairly good chairman there, but regardless of that fact, I think with this kind of procedure, Mr. Speaker, I don't think we have got a snowball's chance of getting out of here and passing this into law by the deadline tomorrow.

I think it is a well-intentioned motion, and I don't think it is going to work out at all. I think it is a bad deal. I know what the situation is, and you are never going to get from \$100 to \$125. I think the 100 percent funding is here to stay. If you don't, you are going to wind up with an impasse, you are not going to get 101 votes on that board, and it won't get enough votes in the other branch.

I think the idea of a Committee of Conference is an absolute exercise in complete and total futility. With absolute due respect to the leader of the opposition party, for whom I not only have legislative respect but for whom I have personal respect, having served with him in the late forties and the early fifties as well as when he came back a few years ago — you are not going to get anywhere with this at all. I wish you well, and I think what we had better do, some of us that have our prayer beads, is to wish you well along with the prayers because that is as far as you are going to go with it.

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

Mr. PALMER: Mr. Speaker and Members of the House: I appreciate the remarks of the gentleman from Lewiston, Mr. Jalbert. I would just remind you of one thing, however; he mentioned the deadline. I want to remind you that if we pass this particular motion, we can already be moving forthwith to the Senate and get these people moving, six people to work on this project. I say it can be done in much less time and bring back a more viable instrument than for us to stay here and have amendment after amendment, hours of debate in this House, send it to the Senate for hours of debate in that body and come back with something else. Perhaps we can begin right now to build a foundation which will stand.

I believe that instead of costing us time and money, it will indeed save us that time and money, and I believe it is a viable instrument. I hope you will vote to insist and ask for a Conference Committee.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: After serving a few terms in this legislature myself, and if I understand the rules of going to a Committee of Conference, we would be going back to yesterday to the members who voted on the prevailing side, who would be eligible to be on that Committee of Conference. I would suggest to a great many of us here, who for a variety of reasons voted against it, we in fact would be disenfranchised if we go back to the bill that was passed here yesterday, whether it would be members from the cities or you people from the coastal communities.

I talked to Representative Palmer about this and I can understand the position, as we all understand the position we are in right now in terms of what could be somewhat of a com-

promise. But if we go back to what was voted on yesterday, we would be disenfranchising at least 51 of us House members.

I respect his viewpoint in saying he wanted three members on the part of the House to be representing three different positions in dealing with the education funding, the inventory tax or anything else we may consider; but the 51 of you sitting here remember, as far as I can see under our House rules, you will not be eligible for a Committee of Conference.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I agree wholeheartedly with my floor leader. I think we should think very hard before we lock the door. If we defeat this motion, then we go to adhere, and that locks the door.

I would implore you to go the Committee of Conference, let's use every method that we have to reach an accommodation, let's use every method that we have. Let's be open-minded about it. Please go along with this motion.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The door is not locked if we defeat this motion. We can go right back to reconsidering whereby we recede and concurred. The door is anything but locked, and my very dear friend Mr. Norris from Brewer knows that. The door is never locked here. We are open 24 hour a day for business here.

The SPEAKER: The pending question is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House insist and ask for a Committee of Conference. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 64 having voted in the negative, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

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

On motion of Mr. Tierney of Lisbon Falls, Recessed until five o'clock this afternoon.

After Recess 5:00 P.M.

The House was called to order by the Speaker.

Orders

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Frederick Lunt of Presque Isle be excused April 19th, 20th, 21st, and 22nd for personal reasons.

House Reports of Committees Ought Not to Pass

Mr. Lynch from the Committee on Education on Bill "An Act to Remove the Spending Ceiling on the Raising of Educational Funds by Municipalities" (H. P. 612) (L. D. 749) reporting "Ought Not to Pass"

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Allow Municipalities and County Commissioners in Unincorporated Places to Grant or Deny Applications for Liquor Licenses" (H. P. 712) (L. D. 839) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw

Mrs. Martin from the Committee on Local

and County Government on Bill "An Act Recognizing the Maine County Commissioners Organization as an Instrumentality of Maine's Counties" (H. P. 993) (L. D. 1194) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Drafts Printed

Mr. Blodgett from the Committee on Natural Resources on Bill "An Act Amending the Great Ponds Alteration Statute" (H. P. 201) (L. D. 261) reporting "Ought to Pass" in New Draft (H. P. 1334) (L. D. 1504)

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act to Repeal Incorporation of the Patten Water District" (Emergency) (H. P. 552) (L. D. 669) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Patten and the Dissolution of the Patten Water District" (H. P. 1333) (L. D. 1503)

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-145) on Bill "An Act to Provide Voluntary Teacher Certification" (H. P. 745) (L. D. 950)

Report was signed by the following members:

Messrs. USHER of Cumberland
KATZ of Kennebec
PIERCE of Kennebec
— of the Senate.

Messrs. LYNCH of Livermore Falls
WYMAN of Pittsfield
BAGLEY of Winthrop

Mrs. MITCHELL of Vassalboro
Mrs. BEAULIEU of Portland
Mr. CONNOLLY of Portland

— of the House.

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

Report was signed by the following members:

Messrs. FENLASON of Danforth
BIRT of East Millinocket
PLOURDE of Fort Kent
Mrs. LEWIS of Auburn

— of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move we accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the Majority "Ought to Pass" Report be accepted.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take any particular action on this bill. I think probably it would be a losing, time-consuming thing.

I think the reason why I signed the bill out "ought not to pass" was the fact that it is a foot-in-the-door type of situation. At the present time laws require education of children from five to seventeen years of age, I believe, but this allows certification for teachers of children under five years of age.

I think we have some issues before us that we are going to have to make some major decisions within the committee either this year or next year as to just where we want to establish the age limits on education. Some of the special education bills, because of problems that have developed with mental or physical conditions at

the time of birth or shortly after, and there is a desire to educate children probably starting at zero age and on up to probably the top age of 17.

I do have a fear that once we start to establish standards for certification of teachers teaching under five years of age, this is going to grow and mushroom and eventually we are going to find many of these schools that are almost day care schools are going to require certified teachers. I think it is the foot-in-the-door situation that bothered me, and that is the reason why I signed the bill out. Having made those remarks, I am not going to go any further as far as any motion is concerned.

The SPEAKER: The Chair recognizes the gentlewoman from Auburn, Mr. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, signed the "ought not to pass" report and I am very much opposed to it. I think, as Mr. Birt has said, it certainly is a foot in the door and there is no need, really, to certify people who are teaching nursery school children or similar types of schools for small children.

I had a nursery school myself at one time. It was a neighborhood nursery school, I didn't charge anybody anything to come to it, and under this bill right now, I could have voluntary certification, but as you all know very well, voluntary certification is a very temporary thing and the first thing you know, it would be mandatory certification for people who want to have a group of pre-school children in a small nursery school, and I feel that this is very bad legislation. I would hope that you would not accept the majority report.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: The reason I signed the "ought to pass" report is very simple. These teachers that are teaching groups that are below school age are mostly without any special preparation. A few of them are getting special preparation at the University of Maine, in the Home Economics Department primarily, and various other places.

In Winthrop, we have a nursery school that is held in my church. It is not sponsored particularly by my church but it is a public thing. There is one teacher who is trained in her work; all the others are local people who simply happen to be good with kids. This teacher would like very much to have a certificate just simply so when parents come in and say, is there a certified teacher here — they don't realize there is no need for one now — we can say there is one.

I have had letters from quite a number of people who are taking this special course hoping that we will pass this bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Majority "ought to pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Henderson of Bangor requested a roll call vote.

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

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

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

Mr. HENDERSON: Mr. Speaker, I would like to clarify some of the issues surrounding this bill if I may. First of all, as the title suggests and as the amendment and the Statement of Fact to that amendment reinforces, this is

voluntary, absolutely and unequivocally voluntary. It does not in any way, shape or form profess to license nursery schools. It has nothing to do with the institutions or the groups, what it has to do with is people who are teachers of nursery schools. When a group of teachers asked me to sponsor this, I asked them whether it was voluntary and I told them that I was unequivocally opposed to it being mandatory because many people do this on a part-time basis; however, there are many people who do take courses in child development and are trying to become more professional in this particular area of early childhood education.

For that reason, the bill allows the Commissioner of Education — let me read you the amendment which is, in fact, the bill. "The State Board of Education may authorize the Commissioner of Education to establish standards for certification of teachers of children under five years of age." First of all, the board may authorize the commissioner. That is one stage.

The second stage is even if they authorize the commissioner, he may require those standards only upon the request of a teacher seeking certification. So, any teachers who do not want to be certified or do not want to be tested, they have absolutely no worry about the bill. It only says if a teacher comes and would like to be certified as having met certain standards, they may do so and they will be given a little stamp on their certificate. This, I think, would give better information to parents who are seeking to place their child in certain kinds of nursery schools. Some parents are perfectly willing to have an informal babysitting, maybe even by not certified but rather well qualified people to run those nursery schools. Other people would prefer more of a professional background. At least they would then have the information by which to judge where they would like to send their children.

I also realize the time is late and I would suggest that we could at least accept the committee report and then on a more leisurely day we could drag this out a bit further.

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

Mr. BIRT: Mr. Speaker and Members of the House: I agree completely with the remarks of the previous gentleman. He amplified exactly what I have said. I said the bill was permissive at the present time that you 'may' but it is very easy to change 'may' in another legislature to come down and there would be another simple little bill to change 'may' to 'shall.' Then we are into a whole program of funding costs and everything else involved.

I think probably the action we have just taken is a very good one. Ladies and gentlemen, I hope you continue in the same direction we have been.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I apologize, but I must react to the issue of spending and costs. These are completely private operations. There would be no question of spending and costs. I do not want to get this confused in any way with educational funding — perish the thought.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: It would not entail any cost as far as the teacher goes, but it obviously would require a cost as far as the University goes if we have to add special courses for this type of certification.

This bill has come in several times before. I have been on the Education Committee, this is my third term on the committee, and it usually comes in as a companion piece; one the certification and the other the required courses.

This is just a foot-in-the-door, I can assure you. The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker and Members of the House: I think one reason some members of the committee were a little disturbed about this particular bill was the fact that we have had before us this year three of four bills on special education for children below the age of five. There is no connection between a nursery school, with the type of training that is required, and a special education school for children under five. I am sure that the foot-in-the-door and all the other worries about additional expenses and so forth are strictly on this matter of special education. I am sure that there is no talk of trying to educate people below the age of five at the present time. It may come. If it comes, it will have to be compulsory certification anyway, and this is certainly not aimed as a foot-in-the-door for that. It would take an act of this body to put the age down to two or three or zero or whatever and in addition, it would take an action of this body to raise the money for it.

It seems to me this is a completely safe, completely innocuous thing for a few women who have spent some time and effort preparing themselves and they simply want recognition.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I rise only because we dealt with a similar issue to this last session when we dealt with the issue of licensing nursery schools. We spent a long time on that, dealing with this whole type of issue of whether or not the state should get involved in all this, and the only thing I would like to point out is that there are private associations statewide of people involved in early childhood development and nursery school programs and everything that could very easily set up their own certification standard and do this on their own. I don't really think we need to get into the position where we are going to have the state certifying or putting a stamp of approval from the State Department of Education on this type of program, and I would urge that we not accept the majority report.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I would just point out one or two other comments. It is said that this is at no cost but that the State Board of Education is going to oversee it. It seems to me that if any state outfit is going to do work, somewhere there is some cost involved.

The other factor is, it was stated that it would help parents to select the school. I am sure if I were a parent of a child that I was going to place in a nursery school, I would go look the school over, several schools, and pick out the best one. I don't think I would have to have voluntary certification. I think we should defeat this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Majority "Ought to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Biron, Blodgett, Boudreau, P.; Brenerman, Burns, Bustin, Chonko, Churchill, Clark, Connolly, Cox, Davies, Dexter, Diamond, Drinkwater, Elias, Fowle, Gauthier, Gill, Greenlaw, Hall, Henderson, Hobbins, Hughes, Hunter, Jensen, Kany, Kelleher, Laffin, LeBlanc, Locke, Lynch, MacEachern, Masterton, McBrearty, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, N.; Peakes,

Quinn, Rideout, Rollins, Spencer, Talbot, Theriault, Truman, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Benoit, Berry, Berube, Birt, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Byers, Carrier, Carter, D.; Carter, F.; Conners, Cote, Cunningham, Curran, Devoe, Dow, Durgin, Dutmembre, Fenlason, Flanagan, Garsoe, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hickey, Howe, Huber, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kane, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Mahany, Marshall, Martin, A.; Masterman, McHenry, McKean, McMahan, McPherson, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Tierney, Torrey, Tozier, Trafton, Twitchell, Tyndale, Valentine, Whittemore, Wilfong.

ABSENT — Carey, Carroll, Dudley, Higgins, Maxwell, Mills, Nelson, M.; Norris, Tierney.

Yes, 55; No, 86; Absent, 9.

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

Thereupon, the Minority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Relating to Corporate Expense in Public Utilities Commission Hearings" (H. P. 132) (L. D. 166)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Mr. COLLINS of Aroostook
— of the Senate.
Mrs. CUMMINGS of Penobscot,
Mr. SMITH of Mars Hill
CUNNINGHAM of New Gloucester
BERRY of Buxton
LUNT of Presque Isle
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Mr. CARPENTER of Aroostook
— of the Senate.
Mr. KELLEHER of Bangor
WOOD of Sanford
NADEAU of Sanford
McHENRY of Madawaska
PEARSON of Old Town
— of the House.

Reports were read.

Mr. Kelleher of Bangor moved that the Minority "Ought to Pass" Report be accepted.

On motion of Mr. Quinn of Gorham, tabled pending the motion of Mr. Kelleher of Bangor to accept the Minority "Ought to pass" Report and tomorrow assigned.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act Concerning Municipal Transit Districts" (H. P. 721) (L. D. 973)

Report was signed by the following members:

Mr. CARPENTER of Aroostook
— of the Senate.
Mr. KELLEHER of Bangor
Mrs. TARR of Bridgton
Messrs. CUNNINGHAM of New Gloucester
NADEAU of Sanford
McHENRY of Madawaska
PEARSON of Old Town
— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
COLLINS of Aroostook
— of the Senate.

Messrs. WOOD of Sanford
SMITH of Mars Hill
BERRY of Buxton
LUNT of Presque Isle
— of the House.

Reports were read.

Mr. Kelleher of Bangor moved that the Majority "Ought to pass" Report be accepted.

On motion of Mr. Quinn of Gorham, tabled pending the motion of Mr. Kelleher of Bangor to accept the Majority "Ought to pass" Report and tomorrow assigned.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Protecting Consumers from Termination of Certain Utility Services when such Termination may be Dangerous to their Health" (H. P. 653) (L. D. 796)

Report was signed by the following members:

Mrs. CUMMINGS of Penobscot
Messrs. COLLINS of Aroostook
CARPENTER of Aroostook
— of the Senate.

Messrs. McHENRY of Madawaska
KELLEHER of Bangor
BERRY of Buxton
WOOD of Sanford

Mrs. TARR of Bridgton
Messrs. CUNNINGHAM of New Gloucester
LUNT of Presque Isle
PEARSON of Old Town
SMITH of Mars Hill
— of the House.

Reports were read.

Mr. Kelleher of Bangor moved that the Majority "Ought not to pass" Report be accepted.

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

Mr. QUINN: Mr. Speaker, I move this be tabled for two legislative days.

Whereupon, Mr. Palmer of Nobleboro requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Gorham, Mr. Quinn, that this matter be tabled pending the motion of Mr. Kelleher of Bangor to accept the Majority Report and specially assigned for Tuesday, April 19. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 54 having voted in the negative, the motion did prevail.

Consent Calendar

First Day

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

(H. P. 531) (L. D. 647) Bill "An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years" — Committee on Public Utilities reporting "Ought to Pass"

(S. P. 112) (L. D. 271) Bill "An Act Relating to Reconstruction of Certain Railroad Grade Separation Structures on Non Federal Aid-State Aid Highways" — Committee on Transportation reporting "Ought to Pass"

(S. P. 165) (L. D. 441) Bill "An Act Pertaining to Funding the Central Licensing Division of the Department of Business Regulation" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 461) (L. D. 566) Bill "An Act to Permit

the Taking of Halibut under Certain Conditions without a Commercial License" — Committee on Marine Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 14, under listing of the Second Day.

Tabled and Assigned

(H. P. 204) (L. D. 264) Bill "An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-153)

On the objection of Mr. Jensen of Portland, was removed from the Consent Calendar.

(On motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.)

Tabled and Assigned

(H. P. 43) (L. D. 60) Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-152)

On the objection of Mr. Bustin of Augusta, was removed from the Consent Calendar.

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

Mr. bustin; Mr. Speaker, could I have this tabled for two days, please?

Whereupon, Mrs. Berube of Auburn requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Bustin, that this matter be tabled pending acceptance of the Committee Report and specially assigned for Tuesday, April 19. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 51 having voted in the negative, the motion did prevail.

(H. P. 504) (L. D. 623) Bill "An Act to Provide for Specially Designed Registration Plates for the Maine National Guard" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-151)

No objection being noted, the above item was ordered to appear on the Consent Calendar of April 14, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 424) (L. D. 529) Bill "An Act to Standardize the Provision of Copies of Medical Records to Patients of Hospitals" (C. "A" H-124)

(H. P. 260) (L. D. 328) Bill "An Act Permitting Reciprocity with States that Issue Complimentary Hunting and Fishing Licenses to a Person who is Suffering from Paraplegia or who is Suffering from Loss of or the Loss of the Use of Both Lower Extremities" (C. "A" H-132)

(H. P. 266) (L. D. 334) Bill "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (C. "A" H-133)

(H. P. 262) (L. D. 330) Bill "An Act Concerning Revocation of Certain Inland Fisheries and Wildlife Licenses" (C. "A" H-130)

(S. P. 61) (L. D. 134) RESOLVE, Authorizing Robert J. Gilbert of Mexico to Bring Civil Action Against an Agency of the State of Maine (Emergency) (C. "A" S-48)

(H. P. 238) (L. D. 301) Bill "An Act to Establish the Salary Level for the Superintendent of the Bureau of Consumer Protection"

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

Second Reader

Tabled and Assigned

Bill "An Act to Revise the Laws Relating to State Financing of the Expenses of the Superior and Supreme Judicial Courts" (S. P. 424) (L. D. 1412)

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

On motion of Mr. Spencer of Standish, tabled pending passage to be engrossed and tomorrow assigned.

Second Reader

Tabled and Assigned

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 1298) (L. D. 1495)

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

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

Mr. TYNDALE: Mr. Speaker, may I have this item tabled for two days?

Mr. McKean of Limestone requested a vote on the tabling motion.

The SPEAKER: The pending question is on the motion of the gentleman from Kennebunkport, Mr. Tyndale, that this matter be tabled pending passage to be engrossed and specially assigned for Thursday, April 14. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

89 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

Passed to Be Engrossed

RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of the Peace as a Constitutional Office (H. P. 655) (L. D. 798)

Bill "An Act Relating to use of Flashing Red Lights on School Buses when Negotiating Turn Arounds on Public Ways" (H. P. 207) (L. D. 266)

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

Amended Bills

Bill "An Act Concerning the Hiring of Bus Drivers by School Administrative Districts" (H. P. 810) (L. D. 985)

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

Mr. Henderson of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-155) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: This clarifies the original intention of the bill, which was not properly drafted, and strikes out in the title "school administrative districts," so this applies to bus drivers in all school districts and also assures that no one will drive a bus before they pass the required test.

Thereupon, House Amendment "A" was adopted. The bill passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

Bill "An Act to Amend the Duties of the Com-

missioner of Educational and Cultural Services Relating to the Teaching of Maine Studies" (H. P. 158) (L. D. 196) (C. "A" H-122)

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

On motion of Mr. Laffin of Westbrook, the House reconsidered its action whereby Committee Amendment "A" was adopted.

Mr. Laffin of Westbrook offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-154) 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: What my amendment does is require that the history of the trade union movement be taught as part of a basic curriculum in the Maine schools. The history of the trade union movement form is an important part of our American history and has a profound effect on the American economy. It is vital that Maine students have an understanding of that portion of their heritage, and I feel that if management can be taught in our public schools, I feel that the history of trade unions can also be taught.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I believe that if we accept this amendment, we are opening up the door to all sorts of attempts to introduce into the school curriculum more than they can handle.

The bill says "the privileges and the responsibilities of citizenship in a free enterprise system" and that, to me, includes everything. That includes labor, management, everything that goes to make up our economic system.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: If my memory serves me correctly, the argument that Mr. Lynch just used about cluttering up the curriculum with mandated subjects was precisely the argument he used to urge the House to accept a unanimous "ought not to pass" report on a bill that would have required teaching free enterprise system. So that went down the drain and the next thing we knew along came the business of teaching the Maine studies, and lo and behold, from the same committee comes another bill with the free enterprise system as a mandatory subject of teaching.

Now, lest you not think that Representative Laffin is serious about this matter, I can tell you, as Chairman of the House Committee on Labor, that there is a general non-understanding among the populace, not only to the basic principles of labor organization in this state but even to the matter of specific terms. Agency fee, arbitration, units — what do all these things mean? I think Mr. Laffin has a good amendment and I would hope that here today the people's House would support it.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Now I trust and I would hope that you would understand why I wound up signing the bill "ought not to pass" all by myself. I asked you yesterday, or whenever we debated the bill, to consider this very carefully what you would be getting involved in if you voted yes to pass the bill in the first place. That did not happen. The votes were there to pass the bill.

I am not going to fault anybody but I think what is happening here today is an exceptional example of what you are going to find when this has to go back to our superintendents, our teachers, our curriculum developers and those

classroom teachers who are going to have to teach the expansion of the program that you voted for the other day.

I am going to support Mr. Laffin's amendment. If you are going to mandate local school departments to do more than what they are doing now, if you are going to support this bill which calls for the expansion of teaching of these areas, then by golly we had better do it right because you told me you wanted to do it. I say, if you can't do it right, don't do it at all.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Before you get the wrong idea. What is in this bill is what is in present law with the exception of these words: "in a free enterprise system" that is the only change except to remove some obsolete language and to clear up the language from extremely long sentences to short sentences.

I would request a roll call when the vote is taken.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I must say I am sure that little L. D. 196 is very flattered by all the attention. I have one question which I would like to direct to the Chair. It has not been answered in the debate we have had on this particular issue for two days, and that is, what was the intention of putting in the additional wording of free enterprise system? We teach history, government, the Declaration of Independence, the American Constitution — what was the intent of putting in the free enterprise system? I would submit that it was probably at least parallel to the intent the gentleman from Westbrook, Mr. Laffin, is trying to make sure there is a balance and I certainly hope that you all will support his very good amendment.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that, since there is a division on this, I don't agree with the amendment of Mr. Laffin's. I also agree with Mr. Lynch that most of this is already mandatory except for the privilege and responsibility of citizenship in a free enterprise system. Probably what we should do is table this bill and then separate the privilege and the responsibilities of citizenship in the free enterprise system in back of the word "may" and those schools who could afford to teach this would do so without enlarging the entire school budget.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak on this one. I thought it was so simple that there was any particular need of it.

When we had the hearing on teaching of the free enterprise system as such in a separate bill, one of the speakers came in and said, if we are going to teach the free enterprise system, we have also got to teach labor unions, and I said at the time, that was the only reason I was in favor of accepting the bill, because if a free enterprise system does not include the labor unions, I would like to know what it does include. The free enterprise system is the system we are living under at the present time and certainly at the present time we have unions, we have management, we have a lot of people in the middle who are not affected by either one except financially, but it is part of the whole system. I fail to see any need of adding anything for either management or labor to the whole free enterprise system.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am very concerned

about this fact. I believe that we all have a responsibility to what we feel as legislators are good pieces of legislation. When this bill was presented, I wanted to be sure that the teachers of the State of Maine give nothing more than equality, than due justice, to the labor force of this state.

The unions of this state have put the working people on a competitive basis so that they can take home a respectable wage. How many in this House know what collective bargaining means? There are many things in the labor organization that I don't even know myself and I would like to know more but I have had no education in it. I am learning every day on the Labor Committee, and there are many people who are far more qualified to speak on this than I am.

I believe in my amendment or I would not have put it in the first place. I want to be sure that the labor unions get the same recognition that any one else, any organization in this state gets. If you are not going to give it to them, then you are not going to give it to anyone.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I brought this to your attention when we debated the bill before, but it is obvious that many people still don't understand the difference between the original bill, L. D. 326, and the amendment which was turned out by the Committee on Education.

The original bill, as I presented it before the Committee on Education, did deal with the teaching of a form of economics, the free enterprise system. However, the bill was killed in committee. They instead turned out an amendment which read, "the privileges and responsibilities of citizenship in a free enterprise system."

I had a nice long speech I was going to make if they had passed the original bill out, but I can't make that now because they have taken economics out of the bill and inserted the "privileges and responsibilities of citizenship," and I am sure that if during the course of you going out and campaigning for the seat that you are in now that you urged people to go out and vote and take part, and this is part of the privileges and responsibilities of living in a free enterprise system, voting, running for office, participating in civic functions and collective bargaining. So, economics has already been removed from this. Personally, I have no objections to Mr. Laffin's amendment but I think he misunderstands the amendment along with some other people.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: We thank Representative Gray from Rockland for that explanation on how all this came to pass. I have one question for him or for Mr. Lynch. Why include the words? I mean, where else are we talking about citizenship?

No, the thrust of this comes from the Chamber of Commerce of Maine. I was fortunate enough to hear the President of that group, Mr. Reny, speak at my local service club, and when he said that it was a terrible thing that you couldn't even get the Maine Legislature to adopt mandatory curriculum to teach the free enterprise system and then the rest of his speech went on into the evils of the unemployment fund, workmen's compensation, the minimum wage, he wasn't talking about the history of labor movement that Mr. Laffin is talking about. I suggest that the reason that the people on the Education Committee put this language in is a sop to that group because the other bill came out under Rule 201 and if not, I can't think of any reason in the world why it is there.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Once in my life I was chosen to represent a union in my city. Twenty minutes after I received my newspaper, it stated that I had been chosen to represent the union, I got a call from the attorney retained by the City of Lewiston who was on the other side and against the union movement and still is on all points.

I made the statement to the press that I was withdrawing myself because I didn't want to be chewed and cut up and spit out, at least while I was alive. Not only did the man, after he got through reading the paper where I had been appointed, not only did he tell me that I had been appointed — one, he told me that there was to be a meeting, when it was to be held, and the second thing he did was to suggest a cohort that would join the both of us and the man he suggested was just as broadminded as a Gillette blueblade. He was worse than he was. So I would have been caught in a very, very thin, pretty near rotten slice of balogna between two fresh slices of bread and I didn't want any part of it, so I bowed out.

Do not take Mr. Laffin's amendment lightly. It is sound and it is solid. It is for the workingman, and I am for it. I read the gentleman from Rockland very clearly and, again, I commend my friend from Livermore Falls, Mr. Lynch, for his position, but in this particular situation, I am afraid that I would have to go against him because I believe really in free enterprise. I believe in the labor movement and I am an officer, non-union, of a corporation.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The words "in a free enterprise system," were put in there, because if you are at all aware of what is going on in this state and in the country, there is a general lack of knowledge of how this economy functions, and it is time we started to develop it within the school system of the country.

I find it amazing that Mr. Bustin, a member of the Maine Teachers Association, does not trust his own people, his own teachers, to teach the free enterprise systems fairly in the public schools of Maine, that they have to be told that they must introduce a program as Mr. Laffin has suggested. I find that that is amazing.

I will agree that all the teachers in the State of Maine do not think the same, and I would suggest that as a student progresses through school, he will be exposed to a bias in this direction, next year he may be exposed to bias in another direction, but the sum total of all his experiences should be beneficial to him, to be exposed in all directions. I hope you do not support the amendment.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I have a great deal of respect for the gentleman from Livermore Falls, my good friend and colleague on the Education Committee, but I fail to see why, if we truly trust our teachers, why we must mandate the wording "free enterprise system," why do we assume that it is not being taught now when we teach history and when we teach government?

Also, in response to the gentleman from Augusta's remarks, it does jog my memory, because I received only one letter on this particular wording, "The free enterprise system," and it happened to be from a president of a major corporation in the state. Perhaps that more than anything else will answer the question which the gentleman from Augusta has posed that no one has seen fit to answer, and that is why we do require this additional wording, "free enterprise system."

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the question of why the words "free enterprise" — this is the language of the committee, not mine, but I assume that they used the word free enterprise system as opposed to teaching the privileges and responsibilities of citizenship in a socialist system or a communist system or a fascist system. I think we should be concerned with privileges and responsibilities of citizenship in a free enterprise system.

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

Mr. BUSTIN: Mr. Speaker — and the defense rests.

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 adoption of House Amendment "A" to Committee Amendment "A". Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Dow, Drinkwater, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Lizotte, Locke, Lunt, MacEachern, Mahany, Martin, A.; McBrearty, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Shute, Spencer, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tozier, Trafton, Truman, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Bagley, Brown, K. L.; Bunker, Byers, Carter, F.; Cunningham, Devoe, Dexter, Diamond, Durgin, Fenlason, Garsoe, Gauthier, Gray, Huber, Hunter, Hutchings, Immonen, LaPlante, Lewis, Littlefield, Lougee, Lynch, Mackel, Marshall, Masterman, Masterton, Morton, Palmer, Perkins, Peterson, Raymond, Rideout, Rollins, Silsby, Smith, Sprowl, Stover, Tarbell, Torrey, Twitchell, Whittemore.

ABSENT — Carey, Connors, Dudley, Gill, Gillis, Higgins, Maxwell, Mills, Tierney.

Yes, 98; No, 44; Absent, 9.

The SPEAKER: Ninety-eight having voted in the affirmative and forty-four in the negative, with nine being absent, House Amendment "A" to Committee Amendment "A" is adopted. Committee Amendment "A" as adopted by House Amendment "A" thereto was adopted.

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

Bill "An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services" (S. P. 130) (L. D. 310) (C. "A" S-45)

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

On the disagreeing action of the two branches of the Legislature on Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252) the Chair appointed the following conferees on the part of the House:

Messrs. CAREY of Waterville
TIERNEY of Lisbon Falls
HIGGINS of Scarborough

Orders of the Day

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

"An Act to Provide a Supplemental Appropriation for Instructional Television" (Emergency) (H. P. 145) (L. D. 175)

Tabled — April 11, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Enacted.

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

A vote of the House was taken.

121 having voted in the affirmative and 16 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

"An Act to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities" (Bond Issue) (H. P. 496) (L. D. 615)

Tabled — April 11, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

The SPEAKER: In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. All those in favor of this Bond Issue being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

123 having voted in the affirmative and 12 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

Bill, "An Act to Prohibit the Practice of a Mandatory Retirement Age" (H. P. 1310) (Committee on Human Resources suggested)

Tabled — April 12, 1977 by Mr. Greenlaw of Stonington.

Pending — Reference.

On motion of Mr. Kelleher of Bangor, the Bill was referred to the Committee on Veterans and Retirement, ordered printed and sent up for concurrence.

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

Joint Order — Relative to Maine State Retirement System (H. P. 1297) read, in House, April 12.

Tabled — April 12, 1977 by Mr. Theriault of Rumford.

Pending — Passage.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I am not going to object to this order, but I would like to have you read it over if you have the chance and see what it is all about. I don't think the order is going to accomplish anything. I am a firm believer in not having committees appointed that don't accomplish anything, but if they do, they pass in a report and when you get the report you just throw it in your wastebasket.

I understand the reason for the order. It is to try to make people realize what is going on and

the dangers that we are getting into by the way we are passing some of this legislation, and I appreciate that. I hope it will accomplish what they believe it will. I will not oppose the order and it may well pass as far as I am concerned. Thereupon, the Order received passage and was sent up for concurrence.

The Chair laid before the House the fifth tabled and today assigned matter:
 Bill, "An Act Relating to Responsibility of Parents to Provide Medical Care Coverage for Minor Children" (H. P. 1257) (L. D. 1414)
 Tabled — April 12, 1977 by Mr. Howe of South Portland.
 Pending — Passage to be Engrossed.
 Thereupon, the Bill was passed to be engrossed and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Greenlaw of Stonington, Recessed until the sound of the gong.

After Recess
 10:00 P.M.

The House was called to order by the Speaker.

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

The following Communication:
The Senate of Maine
 Augusta

April 13, 1977

The Honorable Edwin Pert
 Clerk of the House
 Augusta, Maine 04333
 Dear Mr. Pert:

The Senate today voted to Insist and join in a Committee of Conference on Bill, "An Act Relating to School Funding and Inventory Tax Reimbursement" (H. P. 1160) (L. D. 1252)

The President appointed the following conferees to the Committee of Conference:
 Senators:

MORRELL of Cumberland
 COLLINS of Aroostook
 MERRILL of Cumberland

Respectfully,
 (Signed) MAY M. ROSS
 Secretary of the Senate

The following paper appearing on Supplement No. 2 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 Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252) have had the same under consideration and ask leave to report:

That the House recede from passage to be engrossed as amended by House Amendment "B" (H-138) as amended by House Amendment "A" (H-150) thereto; indefinitely postpone House Amendment "B" as amended by House Amendment "A" thereto; adopt Conference Committee Amendment "A" (H-161) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-161)

That the Senate recede from passage to be engrossed as amended by House Amendment "B" (H-138) as amended by House Amendment "A" (H-150) and Senate Amendments "A" (S-63) and "D" (S. 64) thereto; indefinitely postpone House Amendment "B" as amended by House Amendment "A" and Senate Amendments "A" and "D" thereto; adopt Conference Committee Amendment "A" (H-161) and pass the Bill to be engrossed as amended by

Conference Committee Amendment "A" (H-161) in concurrence.

(Signed)

Messrs. CAREY of Waterville
 TIERNEY of Lisbon Falls
 HIGGINS of Scarborough
 — of the House.

Messrs. MORRELL of Cumberland
 MERRILL of Cumberland
 COLLINS of Aroostook
 — of the Senate.

The Report was read.

Mr. Tierney of Lisbon Falls moved that the Conference Committee Report be accepted.

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

Mr. KELLEHER: Mr. Speaker, when we get to vote on it, I request the yeas and nays and would urge the House to vote against the Conference Committee Report.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, that the Conference Committee Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Bennett, Boudreau, P.; Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Dutremble, Elias, Fenlason, Garsoe, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Immonen, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Martin, A.; McBrearty, McHenry, McKean, Mitchell, Morton, Nadeau, Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Smith, Stover, Stubbs, Teague, Theriault, Tierney, Torrey, Trafton, Truman, Twitchell, Whittemore, Wood, The Speaker.

NAY — Aloupis, Ault, Beaulieu, Benoit, Berry, Biron, Birt, Blodgett, Boudreau, A.; Brenerman, Brown, K. L.; Bunker, Byers, Carter, F.; Churchill, Connolly, Cote, Cunningham, Davies, Dudley, Durgin, Flanagan, Fowlie, Gill, Gray, Green, Greenlaw, Hall, Hughes, Hutchings, Jackson, Jalbert, Jensen, Joyce, Kane, Kelleher, Lewis, Littlefield, Mackel, Marshall, Masterman, Masterton, McMahon, McPherson, Moody, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Perkins, Post, Raymond, Shute, Silsby, Spencer, Sprowl, Strout, Tarbell, Tarr, Tozier, Tyndale, Valentine, Wilfong, Wyman.

ABSENT — Berube, Clark, Connors, Devoe, Jacques, Maxwell, Mills, Talbot.
 Yes, 78; No, 65; Absent, 8.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-five having voted in the negative, with eight being absent, the motion does prevail.

Thereupon, the House voted to recede from passage to be engrossed and from the adoption of House Amendment "B" as amended by House Amendment "A" thereto. House Amendment "B" as amended by House Amendment "A" thereto was indefinitely postponed.

Conference Committee Amendment "A" (H-161) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. GOODWIN: Mr. Speaker, I move we reconsider our action of earlier in the day whereby Bill "An Act Relating to Municipal General Assistance Programs," House Paper 1359, was referred to the Committee on Health and Institutional Services.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

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

Mr. CURRAN: Mr. Speaker, I move that we reconsider our action of earlier in the day whereby Bill "An Act to Provide for Legislative Review of Federal Grant Applications by State Agencies," House Paper 1393, was referred to the Committee on State Government.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

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

Mr. CURRAN: Mr. Speaker, I move we reconsider our action of earlier in the day whereby Bill "An Act Relating to the Powers of Plantations and their Organization," House Paper 1396, was referred to the Committee on State Government.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Increase Salaries of Maine Maritime Academy Employees," (Emergency) (H. P. 1342) which was tabled earlier in the day and later today assigned pending reference.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Burns of Anson, Adjourned until one o'clock tomorrow afternoon.