

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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APPENDIX

HOUSE

Tuesday, March 21, 1978

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

Prayer by the Reverend George L. Hammond of the United Baptist Church, Ellsworth.

Reverend HAMMOND: Our Heavenly Father, we ask for Thy presence and Thy blessing as we come here to consider the important business of the people of this state. We are grateful that we can depend upon Thee for wisdom, for You have said that if any man ask You will hear his request and give and upbraid not. So, Lord, we implore Thee to be here and give us Thy guidance. Amen.

The members stood at attention during the playing of the National Anthem by the Shead Memorial High School Band of Eastport.

House at Ease

Called to order by the Speaker.

The journal of the previous session was read and approved.

Papers from the Senate

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Rick Mansir of Randolph, student of Gardiner Area High School, has finished third in the 1978 New England Schoolboy Wrestling Tournament (S. P. 754)

Came from the Senate read and passed.

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

Order Out of Order

An Expression of Legislative Sentiment (H. P. 2287) recognizing that: the Rams of Cony High School have won the State of Maine Class A Boys' Basketball Championship for the academic year 1978

Presented by Mr. Bustin of Augusta (Under suspension of the rules) (Cosponsors: Mr. Hickey of Augusta, Mrs. Kane of Augusta, Mrs. Mitchell of Vassalboro, Senator Katz of Kennebec)

The Order was received out of order by unanimous consent and read.

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

Mr. BUSTIN: Mr. Speaker, Men and Women of the House: All of you who are at least some kind of sports fans know that the Cony High School Rams, last Saturday night, electrified the Augusta Civic Center with a stunning 83 to 62 victory over a very good South Portland High School team. The five boys that you see in front of you are honorary pages of the day. They have played basketball together since they were in grade school. In one sense, this is a dream come true. In another sense, it is a dream come true for everyone, as years of hard work, anxiety, temporary setbacks finally result in the big payoff, the complete satisfaction of reaching an ultimate goal.

Men and women of the House, the Cony team is not aware of some of the very bad poetry that has surrounded the victory of some athletic teams by members of this House, so I do not feel at all ashamed to take a few moments to read you some good poetry which was written about this team — no, not by myself but by one of my constituents, whose name is Bea Sansoucy an Augusta housewife and an avid Cony basketball fan. The title of her poem is — The Fabulous Five of Cony High.

"The fabulous five of Cony High

Is something to behold.

It boasts of Busque and Raymond Felt,
Of two O'Bs and a kid named Towle.

They shoot, they run, they play defense,

The team is sure and sound,

They're coached by, trained by, quite a man,

His name is David Pound.

The first was Brewer, who tried to press,
And came away confused,
Then Waterville High, they tried to run,
And Cony was amused.
The real test was concluded,
With champion Presque Isle,
They tried each trick to penetrate,
To wipe off Cony's smile.
Their game plan was to handcuff Towle,
And foul out Felt you see,
Then all they'd worry about was Busque,
They seemed to forget O'B.
They ran and passed, they slowed it down,
And even tried a stall,
But Scott O'B directing plays,
Just knew Presque Isle would fall.
Then Pistol Towle and Lady Luck,
And four guys just as great,
Ran off a string of points so big,
Presque Isle was much too late.
The final gun had sounded,
The Rams had won it all.
For the Fabulous Five of Cony High,
It's their game of basketball.
It all boils down to one more game,
The season of '78,
And soon we'll hear the final score,
That Cony has won the "STATE".
Somewhere the guys are looking on,
Someday they'll get their try,
To set a goal that's somewhere near,
The Fabulous Five of Cony High."

Gentlemen, your school is proud of you, your city is proud of you, the State of Maine is proud of you. This Order carries the congratulations of the Maine Legislature on your outstanding accomplishment. You have our best wishes for a successful New England Tournament as you represent our State of Maine. Congratulations!

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: We in Augusta have every reason to be proud of Coach Pound and his state championship basketball team. His excellent season and exciting tournament play provided many thrills for Maine basketball fans. Today, with numerous fine coaches, players and competitive programs training young players, it is practically impossible for any one school to create a dynasty. This team competition forces each school to be competing and acquiring experience to develop their players. To put together this fine Cony team has required a patient coach, blessed with dedicated discipline, hard-working players with a definite goal. Each of you responded in doing your part towards reaching your goal, oftentimes, no doubt, requiring great personal sacrifices.

We admire your accomplishments and admire you as fine gentlemen both on and off the court. By your success, you now have an enviable responsibility by your example to be a source of inspiration to many aspiring youngsters in Augusta.

Joining with your hundreds of loyal supporters, I wish you every success in the New England Tournament.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Coming from the Millinocket area, I feel it is only right that I congratulate the team and their fine coach. David Pound came out of Millinocket, played for Stearns High School and was one of their top athletes at that time. Interestingly enough, his father was probably one of the finest athletes that ever came out of Stearns High School, a school that has produced a great many fine athletes. I think today that all the people in my area of the state, Millinocket, are especially proud of the Augusta team and particularly their coach.

The SPEAKER: The Chair is pleased to recognize Dave Pound in the balcony. He is accompanied by the assistant coaches, Pete Meager, Bob Fairbrother and Bob Atwood and

the rest of the team. Could they please stand to accept the greetings of the House. (Applause)

On behalf of the members of the House, congratulations and, in particular, best wishes in the New England Tournament.

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

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Seven Members of the Committee on Education on Bill "An Act to Insure Local Control Over Education Policy" (S. P. 708) (L. D. 2155) report in Report "A" that the same "Ought to Pass" in New Draft (S. P. 752) (L. D. 2203)

Report was signed by the following members:

Messrs. USHER of Cumberland
KATZ of Kennebec
PIERCE of Kennebec

— of the Senate.

Mrs. MITCHELL of Vassalboro
Messrs. FENLASON of Danforth
PLOURDE of Fort Kent
BAGLEY of Winthrop

— of the House.

Four Members of the same Committee report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Mrs. BEAULIEU of Portland
Messrs. WYMAN of Pittsfield
CONNOLLY of Portland
BIRT of East Millinocket

— of the House.

One Member of the same Committee reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-585)

Report was signed by the following member:

Mrs. LEWIS of Auburn

— of the House.

One Member of the same Committee reports in Report "D" that the same "Ought to Pass" as amended by Committee Amendment "B" (S-586)

Report was signed by the following member:

Mr. LYNCH of Livermore Falls

— of the House.

Came from the Senate with the Bill and accompanying papers Indefinitely Postponed.

In the House: Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move that we accept the Minority Report "D" and would request a roll call.

Ladies and Gentlemen of the House: This is as controversial a bill as we have in the legislature. It pits the employer vs. the employee.

I think you have to get some background. If you look at the Constitution, it says that the legislature is authorized and it is its duty to see that a suitable provision is made for education, public school education. Now, 184 members of the legislature cannot supervise public school systems, hundreds of units across the state, so they have delegated, they have created governmental units called school boards, school committees and they have delegated powers to these boards.

In 1976, we enacted a law that gave just cause on a voluntary basis and the law said, "just cause may be negotiated," may be negotiated. It was the intent of the legislature that it would not be mandatory, that it would a voluntary agreement and the Senate Chairman of the Committee, at that time, said, "but it also says in the statute that if a school unit wishes to bargain collectively and in a comprehensive contract grant, the just cause provision may do so." He also says, "first the passage of this bill does not take away authority from a school board to retain the right to fire teachers or get into the whole area of just cause at all. What it does do is say that the board may legally, if it

wishes, negotiate a just cause with the school unit and that is a far cry from taking it away because it is a voluntary collective bargaining process." There are other quotes from members of the committee when this legislation was being debated.

What has happened in the meantime? The voluntary agreement on just cause is not voluntary. Bargaining units have taken the thing to arbitration and the arbitrators and the American Arbitrators Association have come into the state and said, you may not negotiate, you must negotiate. Across the state there are many, many school units that have been forced to accept just cause in their contracts. I think you have a responsibility, as I have, to support the governmental board that you created or that was created by prior legislation. You cannot leave them hanging out on a limb without some backing.

In 1976, we made a mistake, we said the just cause "may" be negotiated and it was the intention of the legislature that it would be voluntary, not mandatory, and I think you have a responsibility to look at this situation and say to yourselves, do we want individuals coming in from outside of the state to circumvent Maine law? That is exactly what has been happening. You are not only getting just cause put in through arbitration, you are getting just cause put in by intimidation. The arbitrator is saying, you take it or I will put it in there.

I think you have a responsibility. I was very disappointed in the debate that was heard Friday and the indefinite postponement of the bill in the papers because I think it is a copout. I know that this is an election year and the issue is controversial but you have responsibilities that supercede your reelection. You have a responsibility to the citizens of this state to support the governmental units that were created by prior legislation, and to take no action is just to continue the same process of forcing just cause on local school boards by arbitration or intimidation. I know it is controversial and we may get a little bit heated up at times.

I would like to kind of digress for a moment. My interest in education goes back to the 1930's and 1940's when I served on a local school board. I have been very much interested in education ever since.

A Bangor Daily News column the other day caught my eye. There is a growing movement of the RASP organization. What is RASP? Redheads are special people. You wouldn't know it, but when I had hair, it was red but what I would like to bring to your attention is the organization dispels the myth that circles around redheads. First and foremost, the fiery temper, which those with red hair are supposed to possess, is much exaggerated. Most redheads are mild tempered with a pleasant, engaging personality, which is often difficult, if not impossible, to resist. I hope I can persuade you today to act responsible and pass the minority report and I will try to explain what it does.

It does not repeal present law. Just cause may be negotiated but it shall not be subject to interest arbitration. What does that mean? It means that if a school board does not want to negotiate with the bargaining units on just cause, it prevents the bargaining unit from taking one, two or three or four items and putting it into the bargaining contract and then reach an impasse and going to arbitration where the arbitrator has consistently awarded just cause to the bargaining units, the teachers' units. That I would like to have stopped and revert to the intention of the legislature when they passed the just cause clause, that it would be voluntarily arrived at.

The teachers' organizations are not at fault entirely. School boards are at fault to some extent. Any school board that is stubborn and refuses to arrive at some standards, some procedures, some evaluations for teachers, is not only stubborn but stupid, because they are going to get it forced on them sooner or later.

But what I am concerned about is that the rights of teachers is not so broad that it conflicts with the ability of the school boards to govern the local school systems.

The other present law says, "to confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession and accept that public employers of teachers shall meet and consult but not negotiate with respect to educational policies for the purpose of this paragraph. Educational policies shall not include wages, hours, working conditions or contract grievance arbitration, and the amendment that I have proposed adds these words." However, an item which is an impact of educational policy shall not be subject to interest arbitration under subsection 4 until the Maine Labor Relations Board determines that the item shall be considered either a question of educational policy or an item of negotiability. That simply raises a red flag to the local school boards and says, look, you inspect the bargaining packet. If there is anything in there that impacts on your educational policy, you had better go to the Maine Labor Relations Board for a determination, whether it has a substantive impact on educational policy or whether it can be negotiated. If the school boards do not take that route, then it will be determined by arbitration.

I have left existing law in place. I have added, in the two amendments, some restrictions that gives some more control to the local school boards — if they take it. Now, there isn't much more that I can do than offer them a red flag in both areas. I hope you sustain the motion.

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

Mrs. BEAULIEU: Mr. Speaker, a question to you. Does a motion to indefinitely postpone this bill and all its papers supersede the motion that we have before us?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. BEAULIEU: Mr. Speaker, then I move this bill and all its accompanying papers be indefinitely postponed.

Ladies and gentlemen of the House, the fact that you have before you such a divided report from a committee who, over the past two years, has been able to compromise and has established some credibility should be of a great concern to you.

The division you see in the committee is the same kind of division that was witnessed at the hearing, that exists in the education community and in the public sector because of the introduction of this bill.

I urge you not to legislate anything affecting the current bargaining laws at this time. This bill, in my opinion, was introduced for the wrong reasons and at the wrong time and to the wrong committee. We, as a committee, spent four and half, two-hour sessions listening to and learning about the bargaining process. Though we gained knowledge, let me say to all of you that none of us have become so proficient in the ins and outs of collective bargaining that we need to change the laws or can even begin to propose a change in the law.

I have been exposed to the collective bargaining process all of my adult life as an employee and a member of a Guild and as a former member of the Portland School Board, and I say to you, even though I am not an expert in the collective bargaining process, the proposals contained and printed on your calendar today are not deserving of consideration.

The title of the bill says "An Act to Insure Local Control over Education Policy." Why do we have locally elected school boards elected by local people? Does the state and should the state begin to tell the local people what to do? You have heard Representative Lynch make

mention that if, indeed, school boards are stupid in their lack of knowledge of the law, then I say that the community that elects them has the ultimate responsibility of forcing them to shape up or ship out. The time has come for school boards to make it a point to know and learn what the laws of this state are.

You have heard reference to the "just cause" clause. Let me say to you that whenever "just cause" is in question, the two parties, the school board and the union, have to agree to arbitration over the issue or they have to agree to go to the labor relations board. They also have the ability to select ultimately the arbitrator.

I am not as paranoid as most people tend to be about outside arbitrators. We have in-state arbitrators. It is up to the two parties to decide which they wish to use. As far as I am concerned, if we are going to start putting the hammer down on who the negotiating parties are going to utilize for arbitrators by dictating that they need to be in-state people only, then let me say to you that maybe we should come back and pass a law that says we will not hire out-of-state superintendents, principals, teachers, teacher aides and that school board members will have to establish residency in their communities before they are elected.

The responsibility for what happens at the negotiating table happens at home, not at the state level. At one point, I was a strong advocate for putting this bill out to study. I have changed my mind. The reason I changed my mind is because our committee, point blank, asked the representatives of the teachers' union and the representatives of the school boards who sat with us and answered our questions if they would agree to a study commission, an impartial study commission. We were told by the labor people that they did not mind sitting down and reviewing the laws. We were told by the school board people that they felt it would be of no value because they were positive that there would be no agreement. It was at that point that I decided to sign an "ought not to pass" report, because I don't believe that when that kind of mentality prevails, that we should legislate to no avail.

I feel the motion I have placed before you is appropriate and in everybody's best interest, regardless of whether it is an election year or not. Mr. Speaker, when the vote is taken, I call for the yeas and nays.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think you heard the good lady from Portland say in effect, don't legislate in Augusta. It is a local problem; let us handle it at home. The Portland School Board and the Portland Teachers Association reached an impasse in 1977 over three issues — just cause, reduction in force and personal leave. They went to arbitration. The result, Portland School Board had just cause forced upon them. That is leaving it to local decision. Not only Portland, but we have Southern Aroostook CSD, Limestone, SAD 74, 9, 63, 25, 75, 8, I could go on indefinitely, plus two, SAD 17, Norway-South Paris and Winthrop that have just cause put into their contracts by intimidation, not by an award by an arbitrator.

I think this points out that there is a problem in the State of Maine and you had better address it.

Of course, nobody wants to go to a study. That is a delaying tactic which the MTA would gladly accept. Maine School Management, local school boards, know that you could study this thing for two or three years and still come up with nothing. Why? Because the impasses are not in the black area or in the white area, they are in that large grey area in between, and you have to have a third party come in and resolve the dispute. That is what I am asking — just cause can be negotiated in certain areas. I think school boards across the state are stub-

born and stupid, I will repeat it — stubborn and stupid, because they don't negotiate with teacher organizations in certain areas, but I don't want them forced into just cause in all areas by arbitration. I have simply raised red flags that say to the local school boards, we created the problem, now we have addressed the problem to the extent that we are saying to you once more, you had better look at the package and if it impacts on educational policy or there is an interest arbitration item in there, you had better go to the Maine Labor Relations Board and have it determined before you go to arbitration.

That is it, and I hope you do not support the indefinite postponement. I think to put this thing out to a study, I think the way the matter was handled at the other end of the hall was not entirely responsible. I heard the full debate and I am sure if you got the message from home, I hope you have thought about it.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I would like to make a few comments. In the first place, I agree with the previous speaker on redheads. I was going to a conference with another superintendent and I mentioned one particular teacher as being particularly good, and in order to identify, I said, she is the one in Oakfield with the red hair. A few minutes later, we were talking about another teacher and I said, she is the one in Smyrna Mills with the red hair, and then I suddenly realized that my redheaded teachers were the best teachers I had.

We went to the conference, and at the time the State Department of Education had four helping teachers who traveled over the state working with elementary teachers. They were all at that meeting and they all sat in the front row, we sat a little ways behind them, and I pointed to them and nudged him — they also had red hair. So I think there is no doubt but what the redheads are rather outstanding.

The second thing I want to say is that when the Governor talks about spending, increased spending due to negotiations, I think he is way out in left field and I can hardly tell you why because it would sound as if I were blowing my own horn, but I have the figures from Book of the States, which is as authoritative of any place I know, and they show that the last 10 years I worked for the Maine Teachers Association, 1960 to 1970, that purchasing power of Maine teacher salaries increased 65 percent, which was the most of any state in the union. They also show that after I retired and the teachers got collective bargaining, in the next five years, their salary purchasing power dropped 4.2 percent. In other words, they would have been much better off with me for the next five years than they were with collective bargaining. As I said, I hesitated to say that because it sounds as if I were blowing my own horn but I am not, I am strictly quoting facts.

The third thing I want to say is that under the present law, if the school board members realize it and start in time, any of these questions, such as have been discussed today, may be sent to the Labor Relations Board without any further action.

I told the committee earlier that I had a lot to do with the original continuing contract law, and when I worked for the Maine Teachers Association, if I found a teacher was going to be dismissed, I would walk into the school board and waive that continuing contract law and they would all roll over and play dead. Well, that didn't last very long. After three or four years they suddenly realized that they didn't have to; if they went through the proper process, they could dismiss the teacher at the end of the year. It was as simple as that. Then I suggested that possibly this new system, which hasn't been in effect too long yet, will have the same effect over a period of time that eventually the school board people will realize that

there are certain specific things they can do, including taking these things to the Labor Relations Board, and after a period of a few more years, the thing will level out.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to stand up and support the House Chairman in this regard. I do believe that the local school boards need the additional protection that is provided by Committee Report "D". I feel that these school boards cannot compete with the professional, out-of-state arbitrators and do need this additional protection that is offered by this particular report.

I am not concerned about the split reports, as was indicated by a previous speaker. I would like to say that many of us in this body have looked to the House Chairman for leadership on matters of education. I don't believe he has ever steered us wrong, and I think in this case he is one hundred percent correct and I would oppose the indefinite postponement.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: I feel an obligation to respond to the comments made by Representative Lynch concerning the Portland situation and the inclusion of just cause. May I say to you that the parties signed a mutual agreement at a hearing prior to the fact-finding session. So it was not by intimidation or by arbitration.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would like to agree with Mr. Mackel, that we all do support and cherish our redheaded chairman of the Education Committee, but he also pointed out something else about redheads, that they can be quite stubborn. He knows full well that we on the committee agree with him on a major issue, and that is the substance of the majority report. I think before you vote on these two motions that you have before you, I would like to explain what the majority of the committee felt would be a reasonable path to follow.

We did agree on the fact that there was some confusion about whether the impact on educational policy was a working condition or it was an item subject to negotiation which is a working condition. Let me explain. The statutes say that you cannot negotiate educational policy; that belongs to the school boards, but when the school board lengthens the school day, say two or three hours, you are also having an impact on working conditions because teachers are working longer. To decide that question, under current law you can go two routes. You can go before the Maine Labor Relations Board, and they are building up a body of caselaw saying whether it is a negotiable item or whether it is policy and you can't touch it, or you can simply go to this outside arbitrator who has been portrayed as a cigar-smoking guy from New Jersey.

What our amendment proposes to do is set up a procedure that says when there is a dispute, when you don't know if it is policy or whether or not it is a working condition which is subject to negotiation, you go back to the Maine Labor Relations Board. These are three Maine people who decide whether it is policy or whether it is a working condition. They are building up a body of law so it will be uniform and school boards can know what to expect. This is the part that we did agree on, the part concerning just cause we have many many questions on, whether it is bad, whether it is good, whether it should be negotiable or not, so we thought we would take the one narrow isolated area we understood, or thought we understood, propose some definite action this time so we would not be accused of copping out and doing nothing, and then studying the part that Mr. Lynch has some valid concerns about. That is the other

report, so I guess I would hope you would vote against Mrs. Beaulieu's motion and support the majority report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the motion presently before us to indefinitely postpone. I have been, like the gentlelady from Portland, Mrs. Beaulieu, involved in the collective bargaining process to some degree all my working life, and that is a fairly long period of time. During that time, I have been at the negotiation table with one of the large corporations in the State of Maine and I have seen them make some good deals for themselves and I have seen them make some bad ones. I also have seen them make some that were fairly expensive and actually reflect back on the person who is purchasing the product which they manufacture.

To take a look at some of the things that are coming up today and some of the comments that have come up, the previous speaker, the gentlelady from Vassalboro, Mrs. Mitchell, has indicated that the majority report has both the minority report that was previously made by the gentleman from Livermore Falls, Mr. Lynch, and also the study committee. I think this is the first time that I have ever seen an action of this type taken in which there is recommendation for a change in the law and then a study in which the change in the law might only be in effect for some six or eight months. That the study might indicate that they should go in another direction, and I think there are other directions besides the use of Maine Relations Board. I think there is probably one section of the court that might better handle this than to go through the Maine Relations Board because of some of the experiences and some of the comments that are coming out of the problems of the National Relations Board. I do feel at the present time that this is a very inopportune time to make a decision on this law.

I think there is adequate room for study, but there were also some comments made at the public hearing that were rather interesting. One of the members of the Maine Relations Board said that the present law is not altogether a bad law. There were indications from some superintendents that they were able to work it out effectively. The head of the Maine Teacher's Association indicated that negotiators were getting tougher and tougher and superintendents and school boards were becoming more experienced in this particular program. Actually, it has only been on the books for about six years and negotiations have been going on for about four years, and the National Relations Board and the National Relations Act have been on the books for some 40 years right now and there are still continually problems being sent to the National Relations Board. I think what has happened in that case, over a period of time they have built up a case law and I think probably in the future this probably could be worked out as far as the interpretation of this law. I am not altogether sure that we can write any law on the books that would cover all situations.

The cost of education has been a factor and I think I might want to point out just one brief thought that has gone through my mind during the thinking on this, that actually some of the most expensive costs that have gone into education in the last four to five years were because of programs that were mandated on the floor of this House and over which the local school boards had absolutely no control and I refer to particularly two items — one is special education and the other is vocational education. I think there is fault to be found here as well as there is at home. I think at the present time it would be a mistake to adopt either one of the reports and the motion to indefinitely postpone, I support.

The SPEAKER: The Chair recognizes the

gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentlewoman from Vassalboro, Mrs. Mitchell, to please explain exactly what will be going out to study on the majority report.

The SPEAKER: The gentleman from Sabattus, Mr. LaPlante, has posed a question through the Chair to the gentlewoman from Vassalboro, Mrs. Mitchell, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. MITCHELL: Mr. Speaker and Members of the House: The part that we effectively changed is disputes over whether or not something is policy or a working condition. That is in the bill. We set up a procedure that the Maine Labor Relations Board will make that decision, the part that goes to study or what you would like to do with just cause, if anything, and any other problems that have arisen in the collective bargaining area.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am one of the board members of the committee that signed this bill out "ought not to pass" and it is one of the few times that we have had a divided report in the committee that I find myself in an opposite position from the gentlewoman from Vassalboro, Mrs. Mitchell.

I would just like to make one comment to the remark that she has made. Currently, without this bill and or any of the amendments, when the teachers' union and the school board sit down to negotiate and a question arises over the impact of educational policies, either one of the parties can file an unfair labor practice and that then brings the matter automatically before the Maine Labor Relations Board. Her amendment or the position that she supports would require it, but I would just point out for your information that now if the parties disagree over that, there is a mechanism in place whereby the Maine Labor Relations Board can decide the matter.

There is just final comment that I would like to make. This is the first time in the four years that I have been on the Education Committee that we have had this much disagreement over a particular issue, and it is the first time that I have found myself in agreement, when we have had a divided report, with the gentleman from East Millinocket, Mr. Birt, and he reminded me that he had told me earlier that sometime in my stay in the legislature we would agree when there was a disagreement on the committee.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would like to thank Representative Connolly for giving me another chance to agree with my chairman. He has said that sometimes school boards are just plain stupid and don't take the initiative, and my amendment doesn't allow them to be stupid, because these decisions will be made in a proper forum.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This report doesn't really have as many people in disagreement as it would appear. Mr. Lynch is on a report all alone and four people are opposed to the bill altogether. However, the seven people who are for the majority report, and I, are not really in that much disagreement. I didn't go along with this study report, but I do go along with the report and if I could just tell you briefly what the difference between Report "C" and Report "D" are. Report "C" is the one that I support, as well as seven members of the Education Committee.

In Report "C", the items to be negotiated are

presented to a school board. The school board then accepts those which it wants. If there is any question of whether or not it is educational policy, everybody agrees that educational policy cannot be negotiated, but if there is a question whether it really has an impact, that this educational policy has an impact, then Report "C" would say, all of the items that you can agree upon — in fact, many times a contract can be signed with those agreeable items. Then take those that you can't agree upon, take them to the Maine Labor Relations Board and have the Maine Labor Relations Board make a determination. If they determine it is educational policy, then it cannot be negotiated. If they determine that it is not educational policy, then it can. From there it could go to the Superior Court — that is the report that most of us agree with.

Mr. Lynch's report would say, take the whole thing through to arbitration. Then if there are disagreements, then you go to the Maine Labor Relations Board with the whole contract, not with the parts of the contract that have been agreed upon. I felt that that was more time consuming than the other, because many times the contract, as I said, can be signed with just those items pending that the Maine Labor Relations Board has to determine.

When Mr. Connolly of Portland spoke, he said, "as currently in law," it is. When anybody claims unfair labor practice, it can then go to the Maine Labor Relations Board, but what this amendment does is, it spells it right out so there isn't any question. I feel that it is the fairest bill that we could pass that would be equal for both sides. As far as the study report goes, I do agree with Mr. Lynch and Mrs. Beaulieu, that a study report — really, this has been studied to death, I don't think there is anything more that could be found out from a study.

I would hope that you would defeat the motion to indefinitely postpone and I would hope that you could support my position, which would be Report "C."

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 is on the motion of Mrs. Beaulieu of Portland that L. D. 2203 be indefinitely postponed in concurrence. 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.; Brennerman, Brown, K. C.; Bustin, Carey, Carroll, Chonko, Clark, Connors, Connolly, Cox, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Henderson, Hickey, Hobbins, Hughes, Jacques, Jalbert, Kane, Kelleher, Kerry, Laffin, Lizotte, MacEachern, Mahany, McHenry, Najarian, Norris, Pearson, Peltier, Plourde, Prescott, Quinn, Raymond, Rideout, Spencer, Raymond, Rideout, Spencer, Stubbs, Talbot, Tierney, Trafton, Truman, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman, the Speaker.

NAY — Aloupis, Ault, Bagley, Boudreau, P.; Brown, K. L.; Bunker, Burns, Carrier, Carter, D.; Churchill, Cote, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Greenlaw, Hall, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kany, Kilcoyne, LaPlante, Lewis, Littlefield, Locke, Lougee, Lynch, Mackel, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahon, McPherson, Mitchell, Morton, Nadeau, Nelson,

M.; Nelson, N.; Palmer, Paul, Peakes, Perkins, Peterson, Post, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torey, Tozier.

ABSENT — Carter, F.; Lunt, Marshall, Mills, Moody, Theriault, Tyndale, Whittemore.

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

The pending question now before the House is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept Report "D." The gentleman also requested a roll call.

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

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Report "D" is, of course, Committee Amendment "B" to the original bill. It is short, it is succinct, it says exactly what I think we all want to say, that no community, no SAD, no local school board shall have arbitrators thrust anything upon them. This happened in SAD 9 last year and is now in the courts. I think the amendment that the gentleman from Livermore Falls has drafted and is reported out of the committee is the best one. In fact, it is probably the only good one on the bill and I hope you will support it.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question through the Chair to any member as to what this does to collective bargaining.

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: It does two things, Mr. Jalbert. First of all, it prevents a collective bargaining package being offered with one or more items in it that would allow an arbitrator to force a school unit to accept just cause. It prevents the backdoor approach to just cause.

The other thing — it simply says that any item in a collective bargaining package that has substantive impact on educational policy shall be referred to the Maine Labor Relations Board for determination as to whether it has substantive impact or it can be an item of negotiability. It does two things, that is all.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to answer the question of my good friend from Lewiston, Mr. Jalbert, as to what this does to collective bargaining.

What this report does is to take the most important item that anyone can ever put on a collective bargaining table off the table forever. That item, of course, more important than wages, more important than fringes, more important than health insurance, the thing that no longer can be negotiated is job security.

The very nature of the area of collective bargaining naturally leads to friction. The people who are on school boards are oftentimes frustrated if they can't get rid of the teacher that they want to get rid of, and the teachers sometimes over-react and get paranoid and think that everyone's job is on the line. So, naturally, we have received communications from both

sides on this issue, I know that I have.

I would like to take a little of the heat out of this and point to something, which is very interesting. I went to a conference two years ago in Washington, D. C., while I was Chairperson of the Labor Committee, and found out that Maine was the only state in the country that had never had a major teacher's strike. I thought that that was kind of interesting. I figured that there were some states, especially in the south, that you would never have a possibility of a teacher's strike but, no, all of those states with representatives from all over the country said there had been strikes. Kids has lost time from school. There had been major problems. So before we get too anxious in amending our law, let's first of all ask that maybe, despite the immediate frictions, our law is not all that bad.

The second thing I would like to say is this. As soon as you take just cause away from collective bargaining and, by the way, over half of the contracts of the state already have this just cause provision, oftentimes is put involuntarily, the immediate reaction is that every teacher is going to feel that their job is a threatened. Every school board election, at that point, becomes a personality battle over which teacher is going to be hired and which teacher is not going to be hired.

We had a horror story in our community where one Latin teacher almost lost his job because he had the courage to flunk one of the children of a school board member. That teacher kept his job by a 3 to 2 vote of the school board. That is exactly the type of issue that you would have all over the state, and I just don't think that that is in the best interest of our kids, which is really what education is all about. Some teachers, by the way, in my opinion, should be fired, just as in my opinion some school board members should not be elected and just again, in my opinion, maybe, if we are honest with ourselves, maybe some of us haven't done the job. All of us, in every profession you can think of, there are people who shouldn't be rehired or come back, but let's not over dramatize and over emotionalize the field of education.

I think this amendment is bad education, it will create a fantastic amount of unrest in all of our communities and I think we should defeat it.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I am not too surprised that the speaker just before me said that we haven't had any teacher strikes in the State of Maine. I am not surprised at that because this state has always given them everything that they have asked for and our laws have been so liberal that they could get it. I don't think this amendment does all that much harm. I support Mr. Lynch's amendment. I think it is a very good amendment. I think it will improve the teacher relationship here in this state. I think it is time that we did something about it. So be it if we do have a strike, it is time that the other people had a little bit of a say. I am not proud that we never had a teacher strike in the State of Maine, I am a bit disgusted, because we have given them everything they have asked for right down the line. We have been for the last 15 years and no wonder we never had a strike, that is the reason for it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to say that the Maine Labor Relations Board is there for a purpose. If the parties, through an impasse, cannot resolve their dispute, it goes to the Maine Labor Relations Board and I say, if the teachers are stonewalled by a school board, the Maine Labor Relations Board has the power to decide what can be in the contract, what can be negotiated.

Teachers have rights, and I would refer to the Portland school system again. They had just cause imposed on them and the result is that they are now negotiating standards. It can be done between the school boards and the teachers in certain areas, but when either party attempts to go beyond a reasonable solution to the problem, that is where you have the difficulties. I don't care if you study this thing for five years, no one is going to solve all the problems that are going to develop and you are still going to have to have this procedure.

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

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

In response to the last comments made, if just cause is taken from the table of collective bargaining, what would just cause work its way into a contract? Is it only by the voluntary good graces of the school board or is there another way?

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

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

Mr. LYNCH: Mr. Speaker and Members of the House: I don't believe a school board can be arbitrary and capricious on the rules it sets down for teachers' rights. I am sure that that can be resolved. It can be resolved during negotiations, during mediation and fact-finding before it even gets to arbitration.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question that was asked by the gentleman from Bangor, the effect of this amendment, if it were adopted, would mean that just cause would only get into contracts if the school board said yes, we would like to see it in the contract. The effect would be to prohibit just cause where school boards didn't want to allow it. I think that is unfair not only for teachers but for anybody who is a working man or woman in the state.

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

Mr. JALBERT: Mr. Speaker, I would like to ask a question. Where does the union get off with this thing?

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 House accept Report "D" in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Brown, K. L.; Bunker, Burns, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Garsoe, Gill, Gould, Gray, Hall, Higgins, Huber, Hunter, Hutchings, Immonen, Kilcoyne, Littlefield, Locke, Lougee, Lynch, Mackel, Martin, A.; Masterman, Masterton, Maxwell, McBairty, McMahon, McPherson, Morton, Nelson, N.; Palmer, Perkins, Peterson, Rideout, Rollins, Sewall, Silsby, Smith, Sprowl, Stover, Strout, Tarr, Torrey, Twitchell.

NAY — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Conners, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gillis, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Laffin, LaPlante, Lewis, Lizotte, MacEachern, Mahany, Marshall, McHenry, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Paul, Peakes, Pearson, Peltier, Plourde, Post, Pre-

scott, Quinn, Raymond, Shute, Spencer, Stubbs, Talbot, Tarbell, Teague, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

ABSENT: Carter, P.; Lunt, Mills, Moody, Theriault, Tyndale, Whittemore.

Yes, 49; No, 95; Absent, 7.
The SPEAKER: Forty-nine having voted in the affirmative and ninety-five in the negative, with seven being absent, the motion does not prevail.

The Chair Recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, I move that the House accept the "ought not to pass" report.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the House accept Report "B" in non-concurrence.

The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, I hope that we will indefinitely postpone that motion and that we will accept Report "C". I move that this be indefinitely postponed.

Thereupon, the Bill and accompanying papers were indefinitely postponed in concurrence.

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

Mrs. LEWIS: Mr. Speaker, I thought that I was moving to indefinitely postpone the motion that was made by Mr. Tierney.

The SPEAKER: The Chair would answer that is what the gentleman from Lisbon Falls moved acceptance of Report "B," which is the "ought not to pass" report. The gentlewoman from Auburn then moved to indefinitely postpone. The motion to indefinitely postpone, indefinitely postpones everything.

Mrs. LEWIS: Mr. Speaker, then I move that we reconsider.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
Whereupon, Mr. Tierney of Lisbon Falls 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 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 Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote in favor of reconsideration. Regardless of what your position is on this issue, if you vote no to reconsider, you will be taking advantage of a member of this House in the worst possible way. Ask yourself if you would ever like to be in the position the gentledady from Auburn is in?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just a point of information. I, myself, was confused by the gentledady's motion. In no way do I support the bill or report, but if I understood the lady correctly, I thought that she was moving to indefinitely postpone Report "B" or Report "A". In my humble opinion, I thought if that did happen we were back to another report. I am going to vote to give her another shot, and I don't agree with her at all.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that the House reconsider its action whereby this

Bill and all accompanying papers were indefinitely postponed in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Berry, Berube, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Bunker, Burns, Carrier, Carroll, Carter, D.; Churchill, Cote, Cunningham, Curran, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Fowlie, Garsoe, Gill, Gillis, Gould, Gray, Gree, Greenlaw, Hall, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lynch, MacEachern, Mackel, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBreairty, McKean, McMahan, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Trafton, Twitchell, Wilfong, Wood, Wyman.

NAY — Benoit, Blodgett, Brown, K. C.; Bustin, Carey, Chonko, Clark, Connolly, Cox, Davies, Diamond, Flanagan, Goodwin, H.; Goodwin, K.; Henderson, Hickey, Hobbins, Hughes, Jensen, Laffin, Mahany, McHenry, Prescott, Quinn, Raymond, Spencer, Talbot, Tierney, Tozier, Truman, Valentine, Violette.

ABSENT — Biron, Carter, P.; Conners, Lunt, Mills, Moody, Theriault, Tyndale, Whittemore.

Yes, 109; No, 32; Absent, 9.

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

Mr. Jalbert of Lewiston requested a roll call vote on acceptance of Report "B."

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 Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will adopt the "ought not to pass" report which was signed out by four members of the Education Committee. We spent a great deal of time considering this particular issue and it is complex, and I happen to personally believe that the issues that have been raised by those proponents of the bill are legitimate issues. I think that especially those who are in the position of being school board members are very frustrated over what they perceive the inability to remove unqualified teachers, and I certainly can sympathize with that frustration. However, I believe that in line with considering those teachers who are not qualified and a desire to have those removed from their positions of authority in the school system, I think we also have to consider teachers who are qualified to teach, good teachers who need this protection.

I want to comment just briefly on the report which I think if we do not accept the "ought not to pass" report, then we will probably be in a position, I think, to accept the majority report, which is an amendment. I want to explain to you very briefly and to reiterate what the good gentleman from Portland, Mr. Connolly, has already said and to make sure that you understand that the amendment would serve no useful purpose whatsoever. The amendment, if you adopt it, will only mandate that the two parties involved go to the Maine Labor Relations Board. Under present law, they may go to

the Labor Relations Board if either party so desires. This will mandate it. It seems to be to be diametrically opposed to the intent of the legislation, which would grant local control, to insist that they will, regardless of the circumstances, go to the Labor Relations Board.

I also want to point out to you, ladies and gentlemen, that the amendment has a fiscal note on it of over \$14,000 which will be appropriated from the General Fund to do something which can already be done under the current law. It also is quite disgusting to me to realize that this bill has come in late, that this bill came in as the result of, I personally feel, what was a longstanding struggle and political conflict between the Governor of this state and the Maine Teachers Association, and it is unfortunate, extremely unfortunate, that the governor of this state would seek to wipe out completely all protection for the good teachers of this state simply because of a personal vendetta he has against the Maine Teachers Association, and I am not an apologist for any union in this state, but I think we ought to consider the merits of the legislation. We ought to consider what we are doing for the teachers of this state, and I am sure you will all agree that the overwhelming majority of teachers in this state are dedicated, hard working men and women, and you have to be dedicated and you have to be sold out completely to your profession in order to be a teacher.

When I was in college, I considered getting a degree, a Bachelor of Science Degree, and becoming a teacher. The only thing that persuaded me otherwise was that it was a much too demanding profession, so I decided to run for the legislature, but the teachers of this state deserve a lot more from us than what we are giving them this morning, and I hope that you would accept the "ought not to pass" report.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe any member of this House has any more friends who are teachers. Most of my friends are teachers; in fact, my closest friend is a teacher, so I wouldn't consider doing anything that would in any way hurt their cause at all. I think if you look at the report — I realize this is complex, I think all of labor relations seem to be pretty complex, but if you will look at the report, Report "C," which is really identical to Report "A," except that Report "A" has a study along with the report, so actually there are eight members of the Education Committee who are in favor of that report. What it does is, it just lays down an orderly system so that the negotiations can be carried on a little more quickly and a little more carefully.

As I said before, if there are items that both parties can agree upon, then those can automatically go into the contract, but on those items that there is an impasse and it is difficult to determine whether or not it is educational policy, those will go to the Maine Labor Relations Board to have that board make its ruling. I think it is the fairest thing that we can do in this body.

Granted, the Maine Labor Relations Board is there to hear the unfair labor practices, anything that could constitute an unfair labor practice, but what this amendment does is, it spells it out and it makes it very clear that that is the way to go, and I think it would be beneficial, really, to everybody in this state, and I would hope that you would accept Report "C."

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone on the Education Committee who might answer. If one of the reports were accepted which establishes the procedure of going to the Maine Labor Relations Board, would we end up with a situation

where you had the negotiations and then it went to arbitration and then, at the conclusion of the arbitration, it went to the Maine Labor Relations Board and then from there went to court and wouldn't that tend to extend the whole process a lot longer than what we now have and was that problem considered by the committee?

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to that question, I would just say that the amendment, as it reads, says on the first page of the amendment "The arbitration proceedings shall not be reviewable by the Superior Court as provided herein until the Maine Labor Relations Board shall have ruled on the controversy and determined whether the issues involved were matters of educational policy or working conditions, the ruling by the board to be in response to a prohibited practice complaint filed by the aggrieved party to the arbitration proceeding." The answer to the question, I believe, is yes. As the amendment reads, it would lengthen the process out, because even after the Labor Relations Board made its decision, it still could be pursued to Superior Court, and that is following, of course, the arbitration proceeding. I think it would draw it out considerably at a great deal of cost and it is totally unnecessary.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I do feel I should respond to that. It wouldn't draw it out one minute longer than it is already being drawn out.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House accept Report "B" "Ought Not to Pass." All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Bustin, Carey, Carroll, Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Henderson, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Marshall, McBreairty, McHenry, McKean, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Peakes, Pearson, Peltier, Perkins, Plourde, Prescott, Quinn, Raymond, Spencer, Stubbs, Talbot, Tarbell, Teague, Tierney, Tozier, Trafton, Truman, Valentine, Violette, Wilfong, Wood, Wyman, the Speaker.

NAY — Aloupis, Ault, Brown, K. L.; Bunker, Burns, Carrier, Carter, D.; Conners, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Garsoe, Gill, Gillis, Gould, Gray, Hall, Huber, Hunter, Hutchings, Immonen, Jackson, Kany, Lewis, Littlefield, Lougee, Lynch, Mackel, Martin, A.; Masterman, Masterton, Maxwell, McMahan, McPherson, Mitchell, Palmer, Paul, Peterson, Post, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarr, Torrey, Twitchell.

ABSENT — Carter, F.; Lunt, Mills, Moody, Theriault, Tyndale, Whittemore.

Yes, 90; No, 54, Absent, 7.

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

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

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

er our action whereby we adopted Report "B" and hope you will all vote against me.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, moves that the House reconsider its action whereby Report "B" was accepted. All those in favor of reconsideration will say yes; those opposed will say no. A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The Chair would ask the Sergeant at Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Greenlaw of Stonington assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

Non-Concurrent Matter

Bill "An Act to Increase State Reimbursement for the Net Costs of Local General Assistance" (H. P. 1859) (L. D. 1922) on which the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-1165) Report of the Committee on Appropriations and Financial Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-1165) as amended by House Amendment "A" (H-1175) thereto in the House on March 16.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-1164) Report of the Committee on Appropriations and Financial Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-1164) in non-concurrence.

In the House: On motion of Ms. Goodwin of Bath, the House voted to recede.

On motion of the same gentlewoman, the House receded its action whereby Committee Amendment "B" as amended by House Amendment "A" was adopted.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, I move that Committee Amendment "B" as amended by House Amendment "A" be indefinitely postponed.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would oppose this motion to indefinitely postpone Committee Amendment "B". This is an amendment which allowed towns to take their choice of whether they would estimate their reimbursement for general assistance on the basis of the decimal percentage or the 30 percent reimbursement, and this was the amendment that was accepted the House the other day. I would like to maintain the position we are in now and in fact, not recede but to insist on our original position.

I would ask you to oppose the indefinite postponement of this amendment and I would ask for a division.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Bath, Ms. Goodwin, that Committee Amendment "B" as amended by House Amendment "A" thereto be indefinitely postponed. Those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

55 having voted in the affirmative and 15 in the negative, the motion did prevail.

Committee Amendment "A" (H-1164) was read by the Clerk and adopted.

Mrs. Najarian of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1210) was read by the Clerk.

Mrs. NAJARIAN: Mr. Speaker and Members of the House: This amendment reads — I will read it because it is very short. "The Legislature shall annually adjust the formula to ensure that the municipalities share of costs will not increase as the state valuation increases."

Actually, what the amendment will do is require the legislature to annually adjust this formula if the state valuations increase so the state's share will not diminish in the town costs increase, which we have allowed it to do for the last three years under the present formula.

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

Mr. BURNS: Mr. Speaker, I would like to pose a question through the Chair. What is the status right now? Are we on a 30 percent, a three-tenths mill choice or are we on a straight three tenths of a mill choice?

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

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

Mrs. NAJARIAN: Mr. Speaker, we are on three-tenths mill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, could I pose a parliamentary inquiry, please? It would appear that this is a House Amendment to the bill and would be required to be attached or attempted to be attached at Second Reading and we have just adopted the Committee Amendment.

The SPEAKER pro tem: The Chair would indicate that that is exactly right, as we are in non-concurrence with the other body. The bill has gone through the two readings in the House. We are in non-concurrence with the other body.

The Chair recognizes the gentleman from Auburn, Mr. Green.

Mr. GREEN: Mr. Speaker, I would like to pose a question through the Chair to the sponsor of this amendment.

Is there any effect in the adoption of this amendment to the deallocated funds in the Appropriation Budget under general assistance? Would there be any effect to that at all?

The SPEAKER pro tem: The gentleman from Auburn, Mr. Green, has posed a question through the chair to anyone who may care to answer.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: The answer to the question is no.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I would like to pose a question through the Chair. Does the amendment have the effect of freezing the valuation of the communities?

The SPEAKER pro tem: The gentleman from Stockton Springs, Mr. Shute, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: No, it would have no effect on freezing valuations. If valuations increased, it would require the legislature to look at the formula again and adjust it, if necessary, so the municipalities' costs would not be more than they are under the adoption of this amendment today. It does not prevent the legislature from increasing, if it so chooses, but it shall not allow the state costs to increase.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Shute hit it right on the head, and I would differ with the answer given my good friend from Portland, Representative Najarian. This has the effect of freezing state valuations. I think it is a very poor move to be making. I think we would be making quite a move to go back to .0003, and I can support that, but to say that we are going to

freeze every municipality's state valuation at this point, at least as far as any possible increase taking effect, is unwise and a commitment that I would think we would have learned by now not to make on behalf of the state.

I am glad that we are getting away, as I understand it, from the 30 percent approach, which would be sending money back to towns that don't need it but I think we would be making quite a step if we put this back to the point of .0003, if that is procedurally possible if this is defeated, and go along with the fact that state valuations are to be considered as a means of determining the ability of any given community to pay.

We have heard quite a bit in the discussion on this matter in past days railing at the state valuation process, and we have got to realize that millions of dollars goes back to these communities every year on the basis of state valuation — everything from road construction, road repairs, general assistance. State valuations may not be the most accurate device that is known to man, but I say it is the most equitable device that we have to work with and we shouldn't start now picking out certain projects and saying that we are going to, in effect, freeze, for this particular aspect, the impact of state valuation.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I would like to differ with the gentleman from Cumberland, Mr. Garsoe. I believe that he is incorrect. This does not freeze state valuations. What it does is to say that when state valuations increase, as they have over the past four years, then the formula for reimbursing towns for general assistance should change so that the percentage that the towns pay does not increase. I think this amendment gets at what we have been trying to change in the last four years, and that is that the state shall continue to pay the same percentage of general assistance as it would under .0003.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: As the law currently stands on general assistance, it is at .006. The change would be to go to .0003. Those communities that are now benefiting from .006 would be benefiting more from .0003. The communities that do not benefit at all will continue not to benefit at all in most cases. Some of them can be caught in the .0003, but very very few. What it causes for Old Town and for many, many, many communities in the state is that we will continue to receive nothing while other communities will continue to receive what they are getting plus a lot more. I see an injustice in that. I have had a hard time understanding why other people have not seen that injustice.

Last week this House amended the bill that came out of the Appropriations Committee to go to .0003 and gave other communities the choice of having 30 percent percentage of their general assistance paid for by the state. It was an either/or proposition. It seemed to me that that answered the questions of the gentleman from Van Buren, whose community was going to be hit hard, and all of the other communities in the state. It seemed to me that everybody was benefiting by this from the state because they had a choice. There were others in the House, who felt that we should not have that choice, that their way was the only way, and so they proceeded to go down to the other end of the hall and lobby and the bill comes back as it is.

Now, communities like my own that takes a great deal of pride and a great deal of effort in keeping costs of general assistance down, aided by good local industry, we have had a difficult time understanding why it is that we are not given the choice, why it is that we are not

given some of the money that everybody else is getting.

I have a question that I would pose to the Chair, at this time, because I am, frankly, a little confused, and that is, is the motion in order to indefinitely postpone this bill? I would like to move that we indefinitely postpone this bill and all its accompanying papers and return it to .006.

The SPEAKER pro tem: The Chair would answer that we are in a non-concurrent situation now with the other body. The motion that would be in order in terms of the House Amendment would be either adoption, rejection or indefinite postponement of the House Amendment.

Mr. PEARSON: Mr. Speaker, I would move that House Amendment "A" be indefinitely postponed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleman from Old Town, Mr. Pearson, has hit the nail right on the head here. If we adopt this amendment today, what we are doing is, we are sort of the rich get richer and the poor get poorer, and I know that is a poor analogy on this one, but what we are doing is, we are obligating future legislatures into guaranteeing an increase each year ad infinitum, and I think that that is a policy decision that each legislature should make as to how much they want to reimburse general assistance throughout the state. It should depend, at least to some extent, I would think, on the available funds that the legislature has.

I think this amendment before you today is circumventing the law that we have on the books now and is trying to say, you know, no matter what happens, the state is going to reimburse you for X-number of dollars and if you are a high valuation town and you are receiving nothing now, perhaps you are doing an exceptionally good job of handling your general assistance cases or perhaps you are in a position where there are very few general assistance cases for one reason or another, you are going to be penalized, you are not going to receive anything.

Even though I argued for the report the other day that was defeated, the amendment that was put onto the other committee report, which we have taken off today, would have solved a good many problems and would have benefited almost every town in the State of Maine. I think that that was an admirable amendment, and I think now that perhaps the people who are receiving great dollars from general assistance are now seeing that maybe they made a mistake in allowing that amendment to go on. Now they want it all their way, and I think that is just what this bill does. If your town is receiving no support now, you can continue on receiving no support forever. I think if we had stuck with what we had before, at least 90 percent of the towns would have benefited, some more, some less, but at least we would have had the option of taking the 30 percent route or the six tenths of a mill, and I think that that was a better deal.

So, I would hope that you would go along with the good gentleman from Old Town, Mr. Pearson, indefinitely postpone this amendment, and Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

Mr. GARSOE: Mr. Speaker, Members of the House: Since making my last remarks, I have received quite a few notes indicating that I am confused. I would like to share my confusion with you people.

My position that this, in effect, insulates communities against an increase in state valuation, I think is accurate. As I read this

amendment today, from now on no community is going to have to accept the larger share of their welfare costs than they are currently paying. No matter what happens to your state valuation, your share of those costs are going to be protected, regardless of the cost to the state. The state will put more money in to keep any given town at its current share of welfare cost. This does nothing but insulate that community from whatever happens to their state property valuation. So I say, in effect it has the impact of freezing it, or at least putting it out of kilter. You are fooling around with something that applies to everything else, from education to you name it, but you are saying in this particular instance, we are going to juggle this formula so that the state will put more money in to protect community A, from an increase in their share of costs, and on that basis, I will insist that it has the effect of titivating that state valuation to the benefit of a community that would otherwise have had an increase.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a comment on the amendment, that at this point I would be in favor of indefinite postponement.

I would have to go along with the gentleman from Old Town that, yes I guess you could say that the larger communities would benefit under the .0003, but last year in the regular session to what I thought would put us more in the line with the 50 percent that we were at a few years ago.

I guess I would ask at this time, Mr. Speaker, if we do indefinitely postpone this amendment, this puts us in concurrence with the other body, is that right?

The SPEAKER pro tem: The Chair would answer, assuming that the House concurred, it would put us in concurrence with the other body.

Mr. STROUT: That is the position that I take on this. I think that regardless of how you feel about what the larger communities are going to get, they are going to get it anyway. If you stay at six tenths, they are going to get it.

This was a very good insurance on the small towns in the State of Maine. I could have gone with the 30 percent, but I believe that the .0003 is the best route that we can take here today because it appears to me that if we don't indefinitely postpone this amendment and agree with the other body, we are going to be faced with keeping the six tenths that we have now, and I think that is doing a lot of harm down the road for the small communities.

I would hope that you would indefinitely postpone this amendment so that we could concur with the other body.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I find myself in a very strange position. I was hoping by our action to try to reach some kind of compromise to address some of the inequities that we all feel exist in the general assistance program. At this late hour, I thought this was the best way to go about it. Had I realized that the opponents of Report B were going to be speaking so strongly in favor of it today, I don't think I ever would have taken this action.

In 1974, many of you realized that 237 towns were receiving assistance. By 1978, about 40 were qualified. The attempt of this amendment was to assure that would not happen again. If, however, this amendment is indefinitely postponed, I would not want to concur, because we would then go to .0003 with no guarantee and this House is now speaking very strongly for the option of 30 percent or the .0006, I would then hope that we would insist. I think it is a matter for all of us to stop and think about.

As far as my own city is concerned, the City of Bath gets nothing out of Report "A" as

amended or any other way. It can profit only from Report "B", which is why I supported it so strongly last week.

I do want to address the inequities, and I was hoping this would be the quickest way to do it. If you would rather insist and perhaps end up with a committee of conference, that is all right with me, too.

The SPEAKER pro tem: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. MCBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: I see nothing wrong with going from .0006 to .0003. I compare it again with insurance. We had a \$100 deductible with the .0006; now we have a \$50 deductible. In other words, when we reach .0003, the state will kick in 90 percent.

Now, the amendment we put on the other day on the other report only kept the poorest of the poor towns where they are now; it gave them absolutely no increase. I also see nothing wrong with the amendment. This amendment would say that they do exactly what they should have done over the last three or four years, adjust as valuations go up so that the towns' percentage and the state's percentage would stay in the same comparison. So, I see nothing wrong with either one. I hope you will accept this amendment.

The SPEAKER pro tem: 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 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 the desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The Chair recognizes the woman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you all not to vote against the indefinite postponement of this amendment.

In 1974, 237 municipalities received reimbursements from the state for their general assistance cost. This year, under present formula, only about 20 or so would receive any reimbursement because we have not readjusted the formula as valuations have increased. This amendment that I am offering simply ensures that the state legislature will look at the formula. They can do many things, but each year the amendment requests them to take a look at it and adjust it as valuations go up. However, the legislature can repeal the whole thing or do anything it wants when it gets back. All I am asking in this amendment is that the legislature be required to take a look at it.

The SPEAKER pro tem: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: The amendment actually does have the effect of freezing the valuations or it safeguards against any inflation. It doesn't really affect my county too much either way, because, under the .003, Waldo County receives zero out of this \$842,000; Franklin County gets \$65 out of the \$846,000; Hancock gets \$1,800; Lincoln County gets \$733; Piscataquis County gets \$11,000; Oxford County gets \$3,000; Sagadahoc County gets \$3,000, so the money is only going into about three counties in the state, so it really doesn't matter to me whether we got .006 or .003 or 30 percent or nothing.

The SPEAKER pro tem: The chair recognizes the gentleman from Portland, Mr. Brenerman.

Mr. BRENERMAN: Mr. Speaker and Members of the House: It may not matter to Mr. Shute but it does matter to over 100 communities in the state whether the formula is changed to .003. Now, I don't want to read all 100 communities, but there are almost 40 in Aroostook County; there are several larger

communities in the state; there are 10 or 20 in Penobscot County; there is Phillips, Eastbrook, Orland, Augusta, Hallowell, Bradley, Bowdoinham, Milo, Lincoln, Newport, Hampden, Richmond, Anson, Cornish, Buxton, there are several all over the state. I think that most of us represent towns that would benefit by the change in formula.

In the future, according to Mrs. Najarian's amendment, we will do what the members of the Legislature have been trying to do for the last four years, and that is to keep the formula updated so that when valuations increase, the amount of money that the towns spend for general assistance doesn't increase.

If we stay at .003, I think that less than 100 communities will benefit next year. That means that we are going to have to come in again and try to change the formula in the next legislature. So, it seems to me, if we accept Mrs. Najarian's amendment, we would attempt to automatically change that formula so that more towns could benefit in the future.

The SPEAKER pro tem: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to clarify a little bit what the gentledady from Portland has said here. She seemed to indicate that the amendment would simply require the legislature to review this every year. I think that perhaps that is a misleading statement, because if you read the amendment it says that the legislature "shall" annually adjust the formula. What it means is that if we should adopt this amendment with the three-tenths of a mill, if state valuation goes up next year on the average of, say, 33 percent, it goes up one third, then this three-tenths of a mill will be reduced by one third, at a cost to the state of — no one can tell how much money; I would say at least a half a million dollars. My contention is that that is a policy decision that each legislature should make, and that we should not here try to subrogate what the future legislatures of the state may want to do.

I don't know why all of a sudden the good lady from Portland the other day argued in favor of the 30 percent, at least signed out that jacket, and now all of a sudden we want three-tenths of a mill. But if we have the three tenths of a mill, then we are going to guarantee that it stays at three tenths of a mill, including inflation reduced down whatever year. I don't think that is fair and it is especially unfair to those communities who are receiving nothing now. They are going to continue to receive nothing and will probably get farther and farther away from nothing every year and the people who are receiving it are going to continue to get more and more every year.

So, I hope today you would indefinitely postpone this amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: We hear people here continually say that it is unfair to the towns that are getting nothing. General assistance, the intent of general assistance, is to give help to the people who need it. The reason these people are not getting anything is because their general assistance bills are under this .0003 or .0006, so definitely they don't need the assistance. Now, you don't go out and find people and give people who don't need assistance the same amount of help as ones that do. This is what this 30 percent would have done.

The SPEAKER pro tem: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Stockton Springs says that his county and some of the others are hardly benefiting at all. I will tell you why, because it was from his county and those other counties that the state moved

these welfare people and put them in communities like mine and we have been supporting them ever since. All we want is a little help from his county. We would be glad to send them back.

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

Mr. PEARSON: Mr. Speaker and Members of the House: A parliamentary inquiry. Is this amendment properly before the House, in that it says that the legislature "shall annually" adjust the formula? Is that a constitutional thing to require of this House?

The SPEAKER pro tem: The Chair would answer that if the gentleman's question is whether or not there should be a fiscal note, the Chair would rule there should not be at this time. The Chair is not in a position to rule on the constitutionality of an amendment.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that while we have had this amendment for a very short period of time, but I, in my recollection, have never recalled any bill that would require a legislature to take an action in the next legislature. For that reason I suspect that this amendment is unconstitutional. On my own part, I haven't had nor will I have time to ask the Attorney General for an opinion on this.

I think that if I could appeal to your fairness, the amendment that was attached to this bill last week, which would allow all the towns in Maine to benefit — you know there are about 500 towns in Maine, about 490-some-odd, and under the amendment that is before us, only 100 of them or just a little over 100 of them will benefit. I don't think that is fair. I think we had a proper solution to it last week, but those people who wanted it all killed the amendment at the other end. So, I hope that you will vote to indefinitely postpone this amendment.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I just wanted to call Representatives Pearson's attention that we do that all the time, we are always asking a future legislature to do something, whether it is set a uniform property tax rate annually or whatever. I don't see any real problem in constitutionality in that whereas we can not bind the future legislatures to do something; what we can do is to request them to do it and naturally they can always change that statute and state that they do not want to and that is the difference.

I would also like to point out that Waterville, unless we did go to the 30 percent or one third of welfare costs being paid by the state, would never benefit, and yet, I am willing to go along with this amendment and with the bill and I will tell you why, just because we in Waterville with our extremely low unemployment rate, should just count our blessings and just be thankful that we don't have the terrible unemployment problems that others face in this state.

The SPEAKER pro tem: The chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate this morning quite carefully and I think the gentledady from Waterville, Mrs. Kany, hit it on the head. This really doesn't have any meaning, unfortunately. I wish perhaps it might, although I am not sure I agree with the principle. We are dealing with something entirely different from deciding what the annual rate shall be. We have got a bill that calls for .0003. I supported that and still do because I think it reflects an administrative change that was made several years ago in the other direction, and that the .0006 is outmoded, but this really is dealing with an altogether different matter. It deals with holding the — and it says here, the share of cost will not increase.

That says exactly that the municipalities share of costs will not increase. I sincerely doubt that this legislature, no matter how much it may implore on other legislatures to take action in that direction, I don't think it will have any effect at all and so, at this point in time, I guess I am going to go along with the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: What disturbs me is the failure of this legislature and other legislatures in the past to address the formula of valuation. Valuation is a formula that has been set on sales, and primarily sales alone. We know and you know that they should crank into their formula the economics of an area, the salary and the pay scales of the people of an area, the ability to pay, and this has never been cranked into the formula of valuation.

Whenever I sat in on a Maine Municipal Appeals Board, for which I served for five years, whenever I brought this up, I was ridiculed and laughed at, but this is a very, very sad state of affairs in the State of Maine.

Our valuations have escalated throughout our land here. Many, many small town valuations have climbed and climbed and climbed and many people who own homes and property are being forced to sell them because they cannot keep up with the escalating valuations in their communities. When I asked them, who sets the valuation, what do you do when the pendulum swings the other way, when the valuation decreases, when sales are no longer sales, when many of the paper sales are proved just to be what they are, paper sales, not honest, bonafide sales, when will you address the formula, when will you address the valuation — when an area has lost their industries, when their sales are no longer there, how and how soon will our valuation come down and a big smile and a big smirk is on their face? They have no intention of addressing the valuation that is no longer climbing but is at a steady plane or is dropping.

Our valuation continues to increase, our costs continue to increase but our pay scales and our employment in our areas is no longer increasing.

We have a very serious problem. We have homes, property that has been in families for generations, which they have to dispose of what they have in order to have a roof over their head at night, and this is what this is all about. It isn't just percentages, it is valuation. how do they arrive at this formula? They say they use sales, but when there is no sales, you play a jig and they will jig to it; if you play a square dance, they will square dance to it and they can even rumba.

You have a very serious problem with the escalating valuations throughout our land. We have professional appraisers going out and saying they are professionals and going along many of our hamlets and our rural highways saying that this land that borders on highways, these house lots, so-called, are worth so much money, and they putting forth themselves as professionals in this field and communities are hiring them. I know because it happened to me this past year and I asked them to back and walk over this land and look it over — that was swamps along the highway and not houselots, ledge rock and not houselots, and yet the valuation in many areas has continued to escalate and climb.

I ask this legislature and I pray and hope that future legislatures will have the courage to address the formula of valuation. Sales and sales alone is no honest way to arrive at fair valuation, which is crucifying our small and historic communities throughout this state.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson. that House Amendment "A" be indefinitely

postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Berry, Berube, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carter, D.; Churchill, Clark, Cox, Cunningham, Devoe, Dexter, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Garsoe, Gill, Gillis, Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Lougee, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, McHenry, McMahan, McPherson, Morton, Norris, Palmer, Pearson, Peltier, Perkins, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Tarbell, Tarr, Torrey, Tozier, Trafton, Twitchell, Valentine, Whittemore, Wilfong

NAY — Beaulieu, Bennett, Benoit, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Bustin, Carrier, Carroll, Connolly, Cote, Curran, Davies, Diamond, Dow, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jensen, Joyce, Kane, Kany, Kelleher, LaPlante, Locke, Maxwell, McBreairty, McKean, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Peterson, Plourde, Post, Prescott, Quinn, Spencer, Stover, Stubbs, Talbot, Teague, Tierney, Truman, Violette, Wood, Wyman

ABSENT — Bagley, Carey, Carter, F.; Chonko, Conners, Greenlaw, Jacques, Jalbert, Kerry, Lunt, Lynch, Martin, A.; Mills, Moody, Theriault, Tyndale

Yes, 75; No, 59; Absent, 16.

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

On motion of Ms. Goodwin of Bath, the House reconsidered its action whereby Committee Amendment "A" was adopted.

On further motion of the same gentlewoman, Committee Amendment "A" was indefinitely postponed.

On further motion of the same gentlewoman, the House reconsidered its action whereby Committee Amendment "B" as amended by House Amendment "A" was indefinitely postponed.

On motion of the same gentlewoman, the House reconsidered its action whereby the House receded.

The same gentlewoman withdrew her motion to recede.

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

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

The SPEAKER pro tem: The motion to recede and concur is not in order because of the fact that we have already considered the motion to recede, so the motion before the House is the motion to insist.

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

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I have done my little bit of trying to compromise and now I am finished and I am going back to being parochial and I am going back to insisting on doing what will benefit all 496 communities in this state and not just 100 communities including my own city. I hope all of you will do the same thing and will vote to insist.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lewiston, Mr. Raymond.

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

The SPEAKER pro tem: The Chair would inform the gentleman that the motion is in order.

The SPEAKER pro tem: The pending ques-

tion is on the motion of the gentleman from Lewiston, Mr. Raymond, that the House concur. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Strout of Corinth requested a roll call vote.

The SPEAKER pro tem: 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 yes; those opposed will vote no.

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would only point out to you that we have been all through this exercise before. This morning we are back to the position where we were earlier and a vote yes on the concur motion will end this once and for all.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston, Mr. Raymond, has moved that we concur. If we were to concur, we would be in a situation, I believe, where we would be at .0003. That would not, as I understand it, be of benefit to the City of Lewiston. I understand that a 30 percent situation would be of benefit to Lewiston and not .0003.

The SPEAKER pro tem: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will concur here today. When you say that this .0003 won't benefit only a certain number of towns, you are completely wrong. This .0003 will guarantee that no town in the State of Maine will pay more than .0003 mills of their state valuation for genmkThe state. Once they reach that figure, they will be reimbursed for the balance that they spend at 90 percent.

Now, even though your town presently is not spending this much, if you had a mill close or a major disaster of any kind, you could be spending more than that. So, this is a real insurance for everybody. I hope you will concur.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I usually agree with my good friend, Mr. McBreairty; this morning I don't. I concur wholeheartedly with the gentleman from Old Town, Mr. Pearson. If we move to concur, it not only hurts Lewiston, but Auburn and every other community in Androscoggin County, and I want no part of it.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I believe Mr. Pearson is wrong. Lewiston would benefit under either Report A or Report B, .0003. They would also benefit under the 30 percent formula but I believe to a lesser extent.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am going to take the word of the City Controller and the Treasurer of Lewiston when he tells me something, and if the lady from Portland will excuse me, that is where I would want to go. That is what he told me, that is what the sheets tell me. There are some people you can't convince of anything short of a hammer. Now, that is the story with me.

I picked up the phone in the Appropriations Room, I knew nothing about this thing, I

wanted to know what it did to my community. When I don't know anything, I am one of those idiots that likes to inquire. That way, sometimes you might learn something, you might get to learn something. I said what the story is on this situation here. Then he told me that under the .0003 we would get hurt. The 30 percent would help the City of Lewiston. I represent the City of Lewiston. They know about this situation better than I do and that is where I am going, I am not going to be told otherwise by anybody.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I just want to remind you that last week we voted for our original position, which allowed everyone to take his choice of whether they benefited better under the .0003 or under 30 percent. I hope you will defeat the motion to concur and vote to insist on our former action.

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

ROLL CALL

YEA — Alopis, Austin, Bennett, Berube, Biron, Birt, Brown, K. L.; Bunker, Burns, Churchill, Cox, Cunningham, Devoe, Dexter, Diamond, Drinkwater, Dudley, Flanagan, Fowlie, Garsoe, Gould, Gray, Henderson, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, LaPlante, Littlefield, Locke, Lougee, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, Morton, Norris, Palmer, Peltier, Peterson, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Tarbell, Teague, Torrey, Tozier, Valentine, Violette

NAY — Bachrach, Beaulieu, Benoit, Berry, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Conners, Connolly, Cote, Curran, Davies, Dow, Durgin, Dutremble, Elias, Fenlason, Gill, Gillis, Goodwin H.; Goodwin K.; Green, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Lizotte, Lynch, MacEachern, Mahany, McHenry, McKean, McMahan, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Pearson, Perkins, Plourde, Post, Prescott, Quinn, Rollins, Silsby, Spencer, Stover, Talbot, Tarr, Tierney, Trafton, Truman, Twitchell, Wilfong, Wood, Wyman

ABSENT — Ault, Bagley, Brown, K. C.; Carter, F.; Greenlaw, Lunt, Martin, A.; Mills, Moody, Theriault, Tyndale, Whittemore

Yes, 58; No, 80; Absent, 12.

The SPEAKER pro tem: Fifty-eight having voted in the affirmative and eighty in the negative, with twelve being absent, the motion does not prevail.

On motion of Ms. Goodwin of Bath, the House voted to Insist and ask for a Committee of Conference.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair thanks the gentleman from Stonington Mr. Greenlaw.

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

Order Out of Order.

An Expression of Legislative Sentiment (H. P. 2292) recognizing that: Mary Flagg has served the United Way with great dedication

for the past 43 years and is now entering retirement

Presented by Mrs. Beaulieu of Portland (Co-sponsor: Mrs. Boudreau of Portland)

The Order was received out of order by unanimous consent and read.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I spent the weekend trying to figure out what I could tell you about the lady that we are talking about today and, lo and behold, when I picked up my newspaper, the Evening Express last night, I found that an editorial writer had said just about all that I would have liked to say to you.

So, I ask you to indulge me, because I wish to read the editorial to you. It simply begins with "Mary, someone very special," and it reads, "If she had things her way, Mary Flagg would prefer to simply put the dust cover over her typewriter, empty out her desk and quietly depart the Portland Area United Way Office without notice. We are not about to let the lady have her way, not this time. She can sit right down and listen while we tell her a thing or two. We think she is terrific.

"In more than four decades of service to the people of greater Portland, Mary Flagg has done more for her community than most people would accomplish in a couple of lifetimes. She has combed a garbage dump in support of the United Way. She has led a torch light parade drumming up dollars for uses as diverse as aiding the elderly or bringing comfort and care to an abused child. No one ever gave Mary Flagg job to do that didn't get done. She had any number of titles with United Way, volunteer, staff assistant, public relations director; and associate executive director. None of them fit. To most Portlanders she was the United Way."

I could go on and on. However, let me say to you that Mary, in her years of service to the United Way, has worked under the direction of 44 campaign chairmen, 33 presidents and 8 executive directors.

I remember Mary best for the several weeks of intensive training she organized for some 48 employees from 48 companies who returned to their jobs to serve as referral agents. The objective of this course was to send us back to our companies fully prepared and able to refer our fellow employees to any social program they, their families, or friends could make use of.

I also remember those dark days when Mary broke her heart and her head trying to find some agency who would find money to bring back the body of a young Portland man who had been murdered out west. She finally had to turn to the community and they responded, because Mary was willing to admit failure, Mary was not ashamed to ask and Mary was doing the asking.

Now, all of us know, as state representatives, that from time to time we are told by our constituents they are sick and tired of having this legislature tell them how, when, where and why to live. That is nothing new to Mary, because back on March 4, 1941, an Order was passed in this legislature because Mary's husband was a state representative. I would like to read it to you. It is dated March 4, 1941. "Whereas, Representative Joseph Flagg of Portland has become the proud father of a baby boy and whereas his proper place at such a time is with the wife and mother, now, therefore, be it ordered, that the said Joseph Flagg be excused from attendance for the legislative session today, and be it further ordered that the baby be named Charles F. Flagg, II and that the Clerk of the House be directed to send to Mrs. Flagg an attested copy of this order." In effect, the legislature named the baby and Mrs. Flagg, being a good citizen, receded and concurred.

Mr. Speaker, Mrs. Flagg is present with us this morning. I would ask you to introduce her

to the House as the guest of the Portland delegation.

The SPEAKER: The Chair is pleased to recognize Mary Flagg, could she please stand and accept the greetings of the House. (Applause)

Thereupon, the Order received passage and was sent up for concurrence. By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill, "An Act to Restore Matching Funds to the Maine Criminal Justice Planning and Assistance Agency" (Emergency) (H. P. 1860) (L. D. 1923) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-1162) in the House on March 16, 1978.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" as amended by Senate Amendment (S-584) thereto in non-concurrence.

In the House: On motion of Ms. Goodwin of Bath, the House voted to recede and concur.

Non-Concurrent Matter

Bill, "An Act to Revise the Maine Sunset Law and State Agency Rules Law" (Emergency) (H. P. 2229) (L. D. 2189) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-1180) in the House on March 17, 1978.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-1180) and Senate Amendment "A" (S-587) in non-concurrence.

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

Non-Concurrent Matter

Bill, "An Act to Provide for Reform of the State Tax Laws" on which the Majority "Ought to Pass" Report (H. P. 2216) (L. D. 2184) of the Committee on Taxation was read and accepted and the Bill Passed to be Engrossed as amended by House Amendment "C" (H-1138) and House Amendment "D" (H-1139) as amended by House Amendment "A" (H-1142) thereto in the House on March 9, 1978.

Came from the Senate with the Minority "Ought to Pass" Report (H. P. 2215) (L. D. 2183) of the Committee on Taxation read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-533) as amended by Senate Amendment "A" (S-563) thereto in non-concurrence.

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

Messages and Documents

The following Communication:

STATE OF MAINE
ONE HUNDRED AND EIGHTH
LEGISLATURE
COMMITTEE ON JUDICIARY

March 16, 1978

The Honorable John Martin
Speaker of the House of Representatives
Maine State Legislature
State House
Augusta, Maine 04333

Dear Speaker Martin:
The Committee on Judiciary is pleased to report that it has completed all business placed before it by the 108th Second Regular Session of the Maine State Legislature, and reports the following:

Total number of bills received	26
Unanimous reports	24
Divided reports	2
3 bills were given Leave to Withdraw	
1 bill was referred to another committee	
1 study was recommended by the Committee	
16 amendments were prepared	
5 new drafts were prepared	

Public hearings were held on 12 Legislative days.

Working sessions were held on 29 Legislative days.

Signed: Respectfully
RICHARD A. SPENCER
House Chairman

The Communication was read and ordered placed on file.

Orders

An Expression of Legislative Sentiment (H. P. 2259) recognizing that: The Green Street United Methodist Church of Augusta is celebrating the 150th anniversary of its establishment and location in the Capitol City, and the distinction of being the oldest place of continuous worship in the City of Augusta

Presented by Mr. Bustin of Augusta (Cosponsor: Mr. Hickey of Augusta)

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

An Expression of Legislative Sentiment (H. P. 2276) recognizing that: Sharon Renee Talbot, a 20-year old sophomore at Smith College, has been appointed to the International Women's Year Continuing Committee which will meet with President Jimmy Carter on March 22, 1978

Presented by Mr. Peterson of Caribou (Cosponsor: Mr. McBreairty of Perham)

The Order was read.
The SPEAKER: The Chair recognizes the gentleman from Perham, Mr. McBreairty.

Mr. McBREAIRTY: Mr. Speaker and Members of the House: Several days ago, while attending Representative Aloupis' greek dinner. Representative Talbot, honored Representative Peterson and myself by sitting at our table for a short time. During that short time, Representative Talbot told us what his daughter had accomplished at the young age of 20 years. I never saw a prouder father than Representative Talbot was at that time. I am pleased to be able to partly share Representative Talbot's pride and joy by co-sponsoring this order.

The Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 2285) recognizing that: Virginia A. Merrill, Gertrudy M. Chick, Irene Kennedy, Barbara Ellis, Doris L. Mallar, Margaret H. Robbins, Madeline Griffith, Phyllis C. Small, Constance Pillsbury, Jeanette I. Whiting, Bernice L. Bixby and Barbara H. Graves are teachers in the South Portland Public School System and will retire this year, combining over 390 years of outstanding service teaching the children of South Portland citizens.

Presented by Mr. Howe of South Portland. (Cosponsors: Mr. Curran of South Portland; Ms. Benoit of South Portland, Mrs. Gill of South Portland)

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

Mr. HOWE: Mr. Speaker and Members of the House: I would just like to call the members attention to the fact that the twelve teachers named in this Order are all retiring from the South Portland School system at the end of this school year. There must be very few families in South Portland who have been there any length of time whose children whose lives have not been affected by at least some of these people. These twelve teachers have a combined total of over 390 years teaching experience. most of those years in South Portland.

One of those women, Irene Kennedy, was my own daughter's teacher last year, and Mrs. Kennedy's 38th year as a teacher. This year is her 39th, and all of those years have been in South Portland and I think that the city will miss the services of these twelve people greatly.

The Order received passage and was sent up for concurrence.

On motion of Mrs. Kany of Waterville, the

following Joint Order: (H. P. 2278)

WHEREAS, trial by jury is an important protection against unjust incarceration; and

WHEREAS, persons adjudicated to have committed a juvenile offense can be incarcerated for several years; and

WHEREAS, juveniles are denied the right to a trial by jury before being adjudicated of committing a juvenile offense; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Judiciary study the advisability of providing juveniles who have not been bound over for trial as an adult the right to a trial by a jury; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and shall submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

The Order was read.

Mr. Joyce of Portland moved the indefinite postponement of the Order.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This coming year will be the time when the new juvenile code will be implemented. From the debates that we have had in this House this session and last, it appears that the juvenile code will have sufficient growing pains, adjusting pains, in this coming year. I feel this Order would be rather burdensome for the Judiciary Committee, also because of the Probate Law Commission that will report back this coming June and the Order creating the Probating Law Commission spelled out that the Judiciary Committee would have to hold state-wide hearings on the probate law. Together with this and the problems with implementing the new juvenile code, I urge you, at this time, to indefinitely postpone this Order.

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

Mrs. KANY: Mr. Speaker and Members of the House: I have heard that all before. I heard that a year ago and I was kind enough, I thought, at that time not to press the issue, not to call for a real debate on whether juveniles should indeed be allowed jury trial. We brought this up in Democratic caucus not too long ago, and there seemed to be quite a bit of support for jury but I refrained from taking the time of the legislature in debating this important issue, and I don't think it is too much to ask to at least have the Judiciary Committee address this question.

I was told by some of those who supported the concept that they wanted to look at what would be necessary procedurally as far as the District Courts and the ability of our court system to handle juvenile trials, but I guess what it boils down to with me, I know that the whole area of rights of juveniles is open, that the U. S. Supreme Court has not really dealt with too many areas of juvenile rights. But it seems to me that if we call for basically adult proceedings in which the press is allowed in, names are given, so on and so forth, and many other things, the only things that under the juvenile proceedings a juvenile is not allowed, if accused of a juvenile crime, is a jury trial, and I find there is something very special. I feel that a jury trial, whether a justice is best served or not, it is part of our American heritage and American tradition in trying to provide the best possible means of producing justice, and all I ask is to have the Judiciary Committee at least address this question. If you are all so busy with other, much more important things, perhaps an hour, if you think that is sufficient, then I just don't think that is

too much to ask and I hope that you will vote against the motion of Representative Joyce and go along with this study order.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I concur with my good friend, Representative Joyce, but for a different reason. I feel that the Juvenile Commission has addressed this question. I think the Judiciary Committee has addressed this question in the regular session of the legislature, then we addressed it again in the off session, the question of the jury trial, and, of course, many other matters, so the decision, and I think I speak for the Judiciary Committee and, as was read in the report that we went down on the Juvenile Code, and I see that the fine young lady from Waterville, Mrs. Kany, is shaking her head, but believe me, we did address this problem. We did discuss it in the Committee and our finding is at this time that it is not necessary. Now, that doesn't prohibit the good lady from Waterville, in the next session of the legislature, from putting a bill in requiring jury trials for juveniles, but in the combined thought of the commission, the Judiciary Committee, the law enforcement people across the state, the judges and almost to a person was that we should try this code as it is, so we have addressed the question; there is no question about that. We have addressed it and our answer was in the resolve that we had, in the one that you passed, so that I think it would be timely to indefinitely postpone this order. I see that it accomplishes nothing.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to begin by apologizing for having committed the sin of pride. I was talking to my seatmate a minute ago and looking at the report of the Judiciary Committee, I said, look at this. We had 24 unanimous reports and only two divided reports. I should have known that having made that proud statement that the unanimity of the Judiciary Committee would dissolve immediately.

I think that the question raised by this order is a legitimate question that I don't feel has been addressed as fully as it could and should be addressed by the legislature. When Representative Kany first began to express her concern about jury trials for juveniles, one of the problems that I feel was involved with it was that in order to provide jury trials for juveniles, it would require some modification of the court system in the procedures that are now used, because the District Court, which hears juvenile cases, does not have any mechanism for providing jury trials, and I don't think it would impose too great a burden on the committee to consider the question of jury trials for juveniles. I think there is a substantial amount of support for that idea in the legislature and among the general public, and speaking for myself and apparently not for the committee as a whole, I would vote against the motion of indefinite postponement and I think that we should give this question the airing that would be involved in having the committee take a look at it between the sessions.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that this Order be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Spencer of Standish 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; 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 Portland, Mr. Joyce, that this Joint Order be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Berube, Biron, Birt, Blodgett, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carrier, Churchill, Cote, Cunningham, Devoe, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gillis, Gould, Gray, Higgins, Hunter, Hutchings, Immonen, Jackson, Joyce, Kelleher, Lewis, Littlefield, Lizotte, Lougee, MacEachern, Marshall, Masterman, McBreaity, McHenry, McKean, McMahon, McPherson, Morton, Nadeau, Norris, Palmer, Peltier, Perkins, Peterson, Raymond, Rideout, Rollins, Sewall, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Truman, Twitchell

NAY — Bachrach, Bennett, Benoit, Berry, Boudreau, A.; Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dow, Gill, Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, Jensen, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Mahany, Masterton, Maxwell, Mitchell, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Pearson, Plourde, Post, Prescott, Quinn, Spencer, Talbot, Tierney, Tozier, Trafton, Valentine, Violette, Wilfong, Wood, Wyman

ABSENT — Bagley, Beaulieu, Boudreau, P.; Brenerman, Carter, F.; Connors, Dexter, Dudley, Eliad, Goodwin, H.; Jalbert, Lunt, Lynch, Mickel, Martin A.; Mills, Moody, Theriault, Tyndale, Whittemore

Yes, 69; No, 61; Absent, 20.

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

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the Clerk of the House of Rhode Island, Gene McMahon, to the rostrum.

Thereupon, Mr. McMahon was escorted to the rostrum by the Sergeant-at-Arms, amid applause of the House, the members rising.

On motion of Mrs. Trafton of Auburn, the following Joint Order: (H. P. 2280) (Cosponsors: Mr. Morton of Farmington, Senator Conley of Cumberland, Senator Cummings of Penobscot)

WHEREAS, there is growing awareness and concern about the serious problem of domestic violence in Maine; and

WHEREAS, domestic violence results in abused and battered family members with little or no legal protection or recourse; and

WHEREAS, there is no coordinated or consistent approach to the problem of domestic violence by law enforcement agencies, courts, or social agencies; and

WHEREAS, it is essential that the State of Maine address these problems through legislative study and action; now; therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on Domestic Violence be established to study the problem of domestic violence; and be it further

ORDERED, that this committee be comprised of 3 members of the Joint Standing Committee on Judiciary, 3 members of the Joint Standing Committee on Health and Institutional Services, a representative of the Maine Human Services Council, a representative of the Maine Coalition for Family Crisis Services, and such representatives of law enforcement agencies, State Government and the judiciary as deemed appropriate; and be it further

ORDERED, that all members of the Joint Select Committee on Domestic Violence be appointed jointly by the Speaker of the House and

the President of the Senate; and be it further ORDERED, that the study of the problem of domestic violence shall include, but shall not be limited to, current and prospective legal protection and recourse for domestic violence victims; current and prospective services for victims and perpetrators of domestic violence; current powers and duties of state and local agencies and institutions on the problem of domestic violence and how those powers and duties are being carried out; and data to adequately identify the scope of the domestic violence problem; and be it further

ORDERED, that the committee, where possible, shall hold public hearings throughout the State on the problem of domestic violence; and be it further

ORDERED, that the committee shall establish recommendations which shall include all legislation, appropriations and other actions which it deems necessary to adequately alleviate the problem of domestic violence, protect the victims of domestic violence and provide necessary services to victims and perpetrators of domestic violence; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978 and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

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

On Motion of Mr. Birt of East Millinocket the following Joint Order: (H. P. 2281) (Cosponsors: Ms. Benoit of South Portland, Mr. Howe of South Portland, Mrs. Gill of South Portland)

WHEREAS, the State's vocational-technical institutes and the Maine School of Practical Nursing are providing a vitally important service by preparing Maine citizens for employment opportunities, as evidenced by a successful placement of approximately 90% of their graduates; and

WHEREAS, the voters of Maine have singled out the vocational-technical institutes by showing their strong support in voting favorably on the vocational-technical institute bond issue on December 5, 1978; and

WHEREAS, the Commission on Maine's Future concluded that the "vocational-technical institutes are deserving of substantial and increased financial support because of their importance to the economic growth of Maine;" and

WHEREAS, the authority to establish, maintain and operate the vocational-technical institutes and the Maine School of Practical Nursing is vested with the State Board of Education; and

WHEREAS, the fiscal and administrative responsibility for operating the vocational-technical institutes and the Maine School of Practical Nursing is assigned to the Commissioner of Educational and Cultural Services within whose department these schools are located; and

WHEREAS, this fragmentation of policy-making and administrative authority places the vocational-technical institutes and the Maine School of Practical Nursing in a unique position with respect to the balance of Maine's public post-secondary educational effort and further results in limitations on the flexibility which these schools have in engaging in both short-range and long-range planning; now, therefore, be it

ORDERED, the Senate concurring, that a joint select committee is hereby created composed of 11 members appointed as follows: The President of the Senate and the Speaker of the House shall jointly appoint one member from the administration of the vocational-technical institutes, one member from the faculty of the

vocational-technical institutes, 2 members from industry and 2 members from labor. Two members from the State Board of Education shall be appointed by the chairman of the board, 2 members of the Joint Standing Committee on Education shall be appointed by the Chairmen of the Joint Standing Committee on Education and one member from the Joint Standing Committee on State Government shall be appointed by the Chairmen of the Joint Standing Committee on State Government; and be it further

ORDERED, that this committee shall conduct a comprehensive review of legislation affecting these schools, including implications of collective bargaining and present conditions surrounding the operation and governance of the vocational-technical institutes and the Maine School of Practical Nursing, and shall prepare recommendations for modifying the structure and organization of these schools by December 1, 1978, and submit within the same time period those recommendations, together with complete and final drafts of any recommended legislation, to the Legislative Council; and be it further

ORDERED, that the membership of this committee shall be constituted not more than 30 days following the passage of this order and shall be reported to the Commissioner of Educational and Cultural Services; and be it further

ORDERED, that, within 30 days thereafter, the Commissioner of Educational and Cultural Services shall call a meeting of the appointed members, at which meeting the members shall organize and elect their chairman and that the members of the committee shall receive \$25 per diem plus actual expenses in relation to each meeting attended; and be it further

ORDERED, that there shall be allocated from the Legislative Account a sum of \$3,500 for the per diem and expenses of the members of the committee; and be it further

ORDERED, that, upon passage of this order in concurrence, a copy of this order shall be sent to the Speaker of the House, to the President of the Senate and to the Commissioner of Educational and Cultural Services and that, upon appointment of the committee, a copy of this order shall be sent to each member of the committee.

The Order was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This Joint Order came as the result of a meeting that the Education Committee and the State Board of Education had last Tuesday night. Much of that meeting was devoted to the problems that the vocational-technical schools are facing now in the state. It is hoped that possibly out of this order the committee that would be established could provide some direction for the future growth of the vocational-technical schools.

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

An Expression of Legislative Sentiment (H. P. 2282) recognizing that: H. Lewis Taylor, M. D. is retiring after 39 years of dedicated service to the people of Dexter and the surrounding communities

Presented by Mr. Peakes of Dexter. (Cosponsor: Senator Cummings of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 2283) recognizing that: the Maine Public Broadcasting Network is celebrating the 25th year of public broadcasting in the United States

Presented by Mr. Davies of Orono.

The Order was read.

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

Mr. DAVIES: Mr. Speaker and Members of

the House: This order is to help the Maine Public Broadcasting Network celebrate the 25th anniversary of public broadcasting in the United States. If any of you have some time in your busy schedule to look at the television, you perhaps have had a chance to see the great variety of shows that is offered by the Maine Public Broadcasting Network, which includes three radio stations, four television stations and one independent network, the WCBB station in Lewiston. This network provides the people of the State of Maine with a wide variety of intellectually stimulating television fare which many times contrasts very distinctly from that which is available on commercial television.

One of the nice things about public broadcasting is that it does make possible television shows that otherwise would not be commercially feasible, that would not sell a lot of advertising. It makes possible shows like Legistate, which brings the message of what we do here in the legislature to the people of the State of Maine in a clear and concise and informative manner, which goes beyond the typical political reporting that you have in most television, radio and newspapers. So I think it is appropriate that we join with them today and say Happy Birthday to the whole network that has provided us with a great deal of enjoyment. We hope that their next 25 years will be as productive.

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

An Expression of Legislative Sentiment (H. P. 2284) recognizing that: on March 5, 1978, Raymond Lee of Unity performed a heroic life-saving act

Presented by Mr. Tozier of Unity. (Cosponsor: Mr. Drinkwater of Belfast)

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

An Expression of Legislative Sentiment (H. P. 2288) recognizing that: Gary Melanson of Boy Scout Troop No. 84 of Old Town has achieved the high rank of Eagle Scout

Presented by Mr. Pearson of Old Town.

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

An Expression of Legislative Sentiment (H. P. 2289) recognizing that: the Men's Swim Team of the University of Maine at Orono, winner of the last three Yankee Conference swimming titles, recently won the 1977-78 New England Intercollegiate Swimming Association Title, its second in three years and during that meet six New England records

Presented by Mr. Devoe of Orono (Cosponsor: Senator Curtis of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 2290) recognizing that: the Women's Swim Team of the University of Maine at Orono recently won the 1977-78 New England Intercollegiate Swimming Association Title

Presented by Mr. Devoe of Orono (Cosponsor: Senator Curtis of Penobscot)

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

An Expression of Legislative Sentiment (H. P. 2291) recognizing that: Coach Alan Switzer of the University of Maine at Orono Swim Team has, in six years, developed a team which has won two of the last three NEISA titles and the last three Yankee Conference swim titles

Presented by Mr. Devoe of Orono (Cosponsor: Senator Curtis of Penobscot)

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

A Joint Resolution (H. P. 2279) in memory of

Clayton "Pezo" Bardsley of Bridgton, a beloved sportsman and businessman

Presented by Mrs. Tarr of Bridgton (Cosponsor: Senator Jackson of Cumberland)

The Resolution was read and adopted and sent up for concurrence.

Second Reader

Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in Any Cost-sharing Formula Mutually Agreeable to the Communities Involved (S. P. 749) (L. D. 2198)

Was reported by the Committee on Bills in the Second Reading and read the second time. (On motion of Mr. Greenlaw of Stonington, tabled pending passage to be engrossed and later today assigned.)

Passed to Be Enacted Bond Issue

"An Act to Authorize a Self-liquidating Bond Issue in the Amount of \$2,100,000 to Establish a Dormitory at Northern Maine Vocational-Technical Institute" (H. P. 2183) (L. D. 2175) (H. "A" H-1143)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 117 voted in favor of the same and none against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec Count for the Year 1978 (H. P. 2260) (L. D. 2197)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for laying of the County Taxes and Authorizing Expenditures of York County for the Year 1978 (H. P. 2241) (L. D. 2193)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted Emergency Measure

"An Act to Incorporate the Vinalhaven Water District" (H. P. 2164) (L. D. 2173) (C. "A" H-1178)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Relating to the Taxation of the Unorganized Territory" (H. P. 2139) (L. D. 2159) (H. "A" H-1170 to H. "B" H-1169)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the

House being necessary, a total was taken. 121 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

"An Act Relating to the Transportation of Primary Wood Products" (H. P. 2162) (L. D. 2171) (C. "A" H-1153)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Revise the State Criminal Extradition of Criminal Codes" (S. P. 697) (L. D. 2144) (H. "A" H-1163 to C. "A" S-531)

"An Act to Amend the Credit Life and Credit Health Insurance Laws" (H. P. 2233) (L. D. 2191)

"An Act Relating to Post-graduate Education in the Field of Medicine, Dentistry, Optometry and Veterinary Medicine" (S. P. 732) (L. D. 2177) (S. "B" S-552)

"An Act Appropriating Funds to Establish Emergency Shelters for Family Members who are Victims of Family Violence" (H. P. 1979) (L. D. 2074) (C. "A" H-1152)

"An Act Creating a Statehouse Commission" (S. P. 722) (L. D. 2172) (C. "A" S-544)

"An Act to Authorize Washington County to Raise Either \$1,200,000 for Construction or \$900,000 for Renovation of a Detention Center" (H. P. 2270) (L. D. 2201)

"An Act to Increase the Reimbursement for Small-scale Boarding Homes and Adult Foster Homes" (H. P. 1895) (L. D. 1952) (C. "A" H-1151)

"An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis" (H. P. 1909) (L. D. 1970) (Conf. Com. "A" S-553)

"An Act Relating to Abandoned Property" (H. P. 2043) (L. D. 2109) (S. "A" S-548 to C. "A" H-1136)

"An Act to Clarify the Administration of the Department of Manpower Affairs" (S. P. 683) (L. D. 2103) (S. "A" S-546 to C. "A" S-532)

"An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws" (H. P. 2070) (L. D. 2130) (S. "A" S-562 to C. "A" H-1160)

"An Act to Revise Maine's Aeronautics Laws" (H. P. 2055) (L. D. 2119) (C. "A" H-1132; H. "B" H-1201)

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

Finally Passed

RESOLVE, Authorizing the Sagadahoc County Commissioners to Pay an Overdraft for 1977 (S. P. 751) (L. D. 2200)

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

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

Finally Passed Emergency Measure

RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine (H. P. 2173) (L. D. 2174) (S. "B" S-561 to C. "A" H-1167)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113

voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Provide for Refunding of Municipal Claims under the Maine Tree Growth Tax Law" (H. P. 1969) (L. D. 2049) (H. "A" H-1168 and H. "B" H-1174 to C. "A" H-1161)

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

"An Act to Clarify and Define Certain Existing Provisions of the Maine Fair Credit Report Act" (H. P. 2234) (L. D. 2192)

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

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

Mr. HOWE: Mr. Speaker, at this point of enactment of this bill, I would like to offer some comments for the Legislative Record as to the meaning of a phrase within the bill.

This bill is pretty much as the title says, to clarify and define certain existing provisions of an act which we passed in the last session, which both that act and this bill are unanimous committee reports from the Committee on Business Legislation. I would like to take this opportunity to make a brief comment for the Legislative Record as to a term used in Section 1312, Subsection 7, of the existing law, which is not touched in any way by this bill. The committee was asked to consider the question of whether mode of living, which is one type of information which might be included in an investigative consumer report, whether that might include a report that pertained only to the description to a piece of physical property when that report was being used to underwrite insurance risks solely as to that piece of physical property. The Committee on Business Legislation did not consider it necessary to amend this provision of the law because it appears it does not; however, as sponsor of the act and of this bill, I would like to say for the record that in our view, mode of living would not include such a report, that is a report including only a physical description of a piece of real property when that report is used for the purpose of underwriting insurance for that property.

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

"An Act to Improve the Administration of the Industrial Accident Commission" (S. P. 655) (L. D. 2015) (C. "A" S-555; S. "A" S-560)

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

Enactor

Later Today Assigned

"An Act to Conform State Statutes to the Maine Administrative Procedure Act" (H. P. 2107) (L. D. 2145) (H. "A" H-1150 to C. "A" H-1146)

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

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

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

Passed to Be Enacted Emergency Measure

"An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 748) (L. D. 2199) (H. "A" H-1184; H. "F" H-1189; H. "G" H-1190; H. "H" H-1191; H. "K" H-1194; H. "L" H-1195; H. "M" H-1196; H. "O" H-1198; H. "P" H-1202; H. "Q"

H-1203; H. "R" H-1206; H. "S" H-1207; H. "T" H-1208; S. "C" S-567; S. "G" S-571; S. "H" S-572; S. "I" S-573; S. "J" S-574; S. "K" S-575 as amended by H. "A" H-1204; S. "L" S-576; S. "M" S-577; S. "N" S-578; S. "O" S-579; S. "P" S-580)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all members elected to the House necessary, a total was taken. 114 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the first tabled and unassigned matter:

House Divided Report — Majority (8) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Local and County Government on Bill, "An Act to Revise the Municipal Boundary between the Town of Old Orchard Beach and the Town of Saco" (H. P. 1980) (L. D. 2072)

Tabled — March 6, 1978 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

Thereupon, on motion of Mr. Kerry of Old Orchard Beach, the Majority "Ought to pass" Report was accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

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

(Off Record Remarks)

On motion of Mrs. Kany of Waterville, Recessed until three o'clock in the afternoon.

After Recess
3:00 P.M.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Palmer of Nobleboro, Recessed until the sound of the gong.

After Recess
6:00 P.M.

The House was called to order by the Speaker.

Orders of the Day

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

Bill, "An Act Making Certain Substantive Revisions to the Marine Resources Statutes" (H. P. 1939) (L. D. 2019)

Tabled — March 17 (Till Later Today) by Mr. Greenlaw of Stonington.

Pending — Passage to be Engrossed.

Mrs. Post of Owls Head offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1214) was read by the Clerk and adopted.

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

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

Bill, "An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) (S. P. 740) (L. D. 2195)

Tabled — March 17 (Till Later Today) by Ms. Goodwin of Bath.

Pending — Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Establish the Health Facilities Information Disclosure Act" (S. P. 695) (L. D. 2136)

Tabled — March 17 (Till Later Today) by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.

On motion of Mr. Goodwin of South Berwick, retabled pending passage to be engrossed and tomorrow assigned.

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

Joint Order — Relative to Amending Joint Rule 33 — Expressions of legislative sentiment (H. P. 2275)

Tabled — March 17, 1978 (Pursuant to the rules)

Pending — Passage

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

The Chair laid before the House the following matter:

Resolution, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in Any Cost-sharing Formula Mutually Agreeable to the Communities Involved (S. P. 749) (L. D. 2198) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: It is perhaps unfortunate that this resolution should come before the House in the closing days of this regular session, but I have some questions that I would like to ask and I hope that if it does nothing else but generate an understanding of what the resolution is all about, then my questions, hopefully, will be well asked.

What I would like to do is pose a question to some member of the Education Committee to explain why they have recommended to the Legislature that a constitutional amendment be recommended to the people of the State of Maine as opposed to attempting to remedy the situation of the so-called pay-ins in the SAD's and CSD's through a change in statutory language?

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

Mr. McMAHON: Mr. Speaker, I would like to pose an additional question to any member of the Education Committee on this very subject. I would add to the previous speaker's question the following: If the constitutional amendment is adopted by this body and the other body and subsequently approved by the voters of the state, will it not have the effect of literally setting in cement the existing formulas, some of which are the cause of a lot of existing problems within the SAD's, setting them in cement so they can't be changed? That is a very important question as it impacts on my SAD, since we are one of the formula "D" districts that are having a lot of problems.

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

Mr. LYNCH: Mr. Speaker and Members of the House: The legislation says that cost-sharing must be mutually agreed upon. It doesn't see anything in cement.

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

Mr. WOOD: Mr. Speaker, I would just like to ask a question following up on Representative McMahon's. Would they then have to come before the legislature for validation of their formula, each individual district?

The SPEAKER: The gentleman from Sanford, Mr. Wood, has posed a question to anyone who may care to answer.

The Chair recognizes the gentleman from

Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, the answer is yes. All of those SAD's, CSD's will have to be validated.

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

Mr. McMAHON: Mr. Speaker, I would like to pose a further question, and in case any of you here are wondering, we are inserting this in the record for what we think are very important reasons.

Based on the previous speaker's questions and Mr. Lynch's answer, can I assume that if the constitutional amendment is approved, that an SAD such as mine, for example, that has a formula that causes a great deal of difficulty in the apportioning of the costs locally, that that SAD can change its formula and come to this body with a changed formula and receive the approval of this body? If so, how would that be done mechanically? Would it be done by a bill applying only to that SAD?

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch, who may respond if he so desires.

Mr. LYNCH: Mr. Speaker, I am not sure, but I would assume that all the SAD's and CSD's, would be validated at one time.

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

Mr. McMAHON: Mr. Speaker, not to belabor the point, but the good gentleman expressed just what our fear is. If the constitutional amendment is approved, we will very likely have one vehicle before us in the 109th Legislature approving or legitimizing everything that exists. What about those districts that are locked into situations that they don't want to continue to exist? Are we going to be able up here to change the agreement for one particular district?

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

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

Mr. LYNCH: Mr. Speaker, if the districts and CSD's are all validated at one time, my opinion, for what it is worth, the validation will be on the cost-sharing basis agreed to by all the communities within the SAD or CSD. You can't validate a CSD or SAD unless they have agreed to a cost-sharing basis. You are really going back to ground zero in asking them to come up with a cost-sharing formula.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: We are asking the gentleman from Livermore Falls, Mr. Lynch, this evening to do some yeoman's work and I still haven't had an answer to my question. Perhaps he was in the hall when I asked it. I would like to repeat the question and if he could render an answer, I would appreciate it very much. The question is, what is the need for a constitutional amendment and are we, in fact, not tying ourselves into something that we might have otherwise accomplished by amending the statutes rather than proposing a constitutional amendment?

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

Mr. LYNCH: Mr. Speaker, I think the answer to that is, if you want a cost-sharing formula that is based on pupils and state valuation, you have to go the constitutional route.

There is provision now based only on state valuation. If an SAD wants to go straight state valuation cost-sharing, they can do so now, but if they want to share on pupils and state valuation, the only solution is the constitutional route.

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

Mr. WOOD: Mr. Speaker, I would like to pose

a further question through the Chair. If there are formulas or agreement in place right now, if the school districts cannot, through problems of negotiations in terms of debt, if they have incurred debt, it is my understanding it is very difficult to renegotiate and if they cannot renegotiate, it is assumed that we will validate what is already in place or will they have options to further renegotiate and how will they do that?

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

Mr. LYNCH: Mr. Speaker, I am not a lawyer and I am not sure that I can give you the answer. The only thing I can see is, they have to come to a mutual agreement on a cost-sharing basis. If they have outstanding debt on a district, they are going to have to satisfy the bond holders, and if they are not able to come to a cost-sharing basis, I am sure the bond holders will make it difficult for them to do almost anything.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Another question to the Chairman of the Education Committee. You said this would be done by agreement, coming to the legislature to change the formula. Let's go back one step. How do we get to that agreement? Is that agreement done by each individual town in the SAD or must the agreement be taken by a full vote of the entire SAD?

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

Mr. LYNCH: Mr. Speaker, I am not sure I should have come back into the chamber. You are going to have to go through the same procedure that you did in forming the SAD. You arranged a cost-sharing basis on a voluntary agreement. If you want to change the cost-sharing basis, it has to be voluntary. Does that answer your question?

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

Mr. BURNS: Mr. Speaker, we will have in place, when this constitutional amendment goes in, agreements already on the books. What is the mechanism to change those agreements? Again, will it be a vote of each one of the towns within the SAD or must it be a total vote of the SAD?

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch, who may respond to the question.

Mr. LYNCH: Mr. Speaker, the vote would be done exactly as it was done when the SAD was formed in the first place.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Municipal Boundary Between the Town of Old Orchard Beach and the Town of Saco" (H. P. 1980) (L. D. 2072) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I stopped this bill at this point this morning because I did want to point one thing out, and it goes against my grain very very much that there is no referendum on this. We are changing the lines of the towns without asking the people to vote on it, and I cannot in all good conscience go along with a bill like that, thinking that down the road somebody may put a bill in and before I know it, I will go to sleep in North Anson and wake up in Embden.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr.

Kerry.

Mr. KERRY: Mr. Speaker, as I stated this morning about House Amendment "A", has that been offered correctly, first of all? Should it be offered at this point?

The SPEAKER: The Chair would advise the gentleman he may offer House Amendment "A" at this time.

Thereupon, Mr. Kerry of Old Orchard Beach offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1213) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

"An Act to Conform State Statutes to the Maine Administrative Procedure Act" (H. P. 2107) (L. D. 2145) (H. "A" H-1150 to C. "A" H-1146— which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

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

The following Joint Order: (S. P. 758)

ORDERED, the House concurring, that the following be recalled from the Governor's office to the Senate: Bill, An Act to Abolish the Mental Health and Mental Retardation Improvement Fund and Make Appropriation from the General Fund to Continue Existing Programs" (H. P. 2010) (L. D. 2085)

Came from the Senate read and passed.

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

By unanimous consent, ordered sent forthwith.

Ought to Pass

Pursuant to Joint Order S. P. 753

Committee on Education reporting "Ought to Pass" — Pursuant to Joint Order (S. P. 753) on Bill "An Act Creating an Interim Education Finance Commission" (Emergency) (S. P. 755) (L. D. 2204)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-594)

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

Senate Amendment "A" (S-594) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Bill "An Act to Clarify the Education Laws" (H. P. 2018) (L. D. 2093) which was Passed to be Engrossed as amended by Senate Amendment "B" (S-564) and House Amendment "A" (H-1148) as amended by House Amendment "A" (H-1211) thereto in the House on March 17.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-1148) as amended by Senate Amendment "A" (S-592) and House Amendment "A" (H-1211) thereto in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

Reports of Committees

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An

Act to Improve Property Tax Statutes" (H. P. 2057) (L. D. 2115)

Report was signed by the following members:

Messrs. WYMAN of Washington
MARTIN of Aroostook
JACKSON of Cumberland
— of the Senate.

Messrs. TWITCHELL of Norway
MAXWELL of Jay
MACKEL of Wells
CARTER of Bangor
IMMONEN of West Paris
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1215) on same Bill.

Report was signed by the following members:

Messrs. CAREY of Waterville
COX of Brewer
TEAGUE of Fairfield
Mrs. CHONKO of Topsham
POST of Owls Head
— of the House.

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

Mr. CAREY: Mr. Speaker, I would move that we accept the Minority "Ought to Pass" Report and would speak very briefly.

The SPEAKER: The gentleman from Waterville, Mr. Carey, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. CAREY: Mr. Speaker and Members of the House: This is another one of those bills that has ended up in the Senate Chairman's pocket and he held the bill until the hen scratching was completed, so what started out as a majority report ended up as a minority report, and I would like to place on record, Mr. Speaker, that it is not business as usual, as it has been with that particular gentleman, that we do have now a Democratic House and a Republican Senate. He can still kill the bill if he wants to, in the other body, that is obviously his prerogative.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1215) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Consent Calendar

First Day

(H. P. 2273) (L. D. 2202) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and Council 74, American Federation of State, County and Municipal Employees. (AFSCME) for Employees in the Institutional Services Bargaining Unit" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

No objections having been noted, under suspension of the rules, the Bill was given its Consent Calendar Second Day notification, the Bill passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

On motion of Ms. Goodwin of Bath, the following Joint Order: (H. P. 2301)

ORDERED, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs be directed to report out a bill making additional appropriations for the

expenditures of State Government and for other purposes for the fiscal years ending June 30, 1978, and June 30, 1979.

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

By unanimous consent, ordered sent forthwith to the Senate.

Reference was made to (S. P. 672) (L. D. 2076) Bill "An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service" (Emergency)

In reference to the action of the House Friday, March 17, 1978, whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Messrs. CURRAN of South Portland
DIAMOND of Windham
CHURCHILL of Orland

(Off Record Remarks)

On motion of Mr. McPherson of Eliot,
Adjourned until ten o'clock tomorrow morning.