

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Thursday, January 18, 1979

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

Prayer by the Reverend Raymond Odiorne of the Wells Congregational Church.

Reverend ODIORNE: Almighty Lord of all creation, as we watch you cover the world around us with this snow, we ask that you might cover this body of legislators with your spirit, that the decisions that they may make, the words that they may say, the concepts they may bring forth will be just as keeping and just as natural as the snow that we see falling all around us, just as pure, just as beautiful, even though some people might not like it as much as they like the snow. Amen.

The journal of yesterday was read and approved.

House at Ease

Called to order by the Speaker.

Papers from the Senate

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

John W. Bird is retiring after 31 years as Town Manager of Corinna (S. P. 64)

Came from the Senate read and passed.

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

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

Everett "Eb" Cary, a lifelong resident of Washburn, will attain the 100th anniversary of his birth on January 19, 1979 (S. P. 63)

Came from the Senate read and passed.

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

The following Communication:

THE SENATE OF MAINE

Augusta

January 17, 1979

The Honorable Edwin H. Pert
Clerk of the House

109th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

The President has appointed the following members of the Senate to the Joint Select Committee on Correctional Institutions, pursuant to Joint Order (S. P. 51):

Senator Perkins of Hancock, Chairman
Senator Pray of Penobscot

Sincerely,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act to Establish a Hunting Season for Moose." (S. P. 62) (L. D. 99)

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

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

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

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolutions were received and referred to the following Committees:

Aging, Retirement and Veterans

Bill "An Act Relating to the Definition of 'Teacher' under the Maine State Retirement System" (H. P. 115) (Presented by Mrs. Prescott of Hampden)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Dissolve Membership of Towns of Hope and Appleton from the Community School District" (Emergency) (H. P. 97) (Presented by Mrs. Hutchings of Lincolnville) (Cosponsor: Mr. Sprowl of Hope)

Bill "An Act Relating to the Computation of the Local Allocation" (H. P. 98) (Presented by Mr. Bowden of Brooklin)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Establish the Maine State Indoor Air Act" (H. P. 99) (Presented by Mr. Twitchell of Norway)

(By Request)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister" (H. P. 100) (Presented by Mr. Connolly of Portland)

Committee on Health and Institutional Services suggested.

On motion of Mrs. Prescott of Hampden, tabled pending reference and specially assigned for Tuesday, January 23.

Judiciary

Bill "An Act to Increase the Amount which the District Court is Allowed to Deposit each Month into the District Court Building Fund from \$3,000 to \$10,000" (H. P. 101) (Presented by Mr. Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Permitting Binding Arbitration for Public Employees in Critical Public Services" (H. P. 102) (Presented by Mrs. Beaulieu of Portland) (Cosponsors: Mr. Sprowl of Hope and Mr. Masterman of Milo)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Revise the Statute Relating to the Removal of Dangerous Buildings." (H. P. 103) (Presented by Mrs. Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Establish Holiday Pay for Deputy Sheriffs" (H. P. 104) (Presented by Mr. Gray of Rockland) (Cosponsors: Mr. LaPlante of Sabattus, Mr. Marshall of Millinocket and Mr. Blodgett of Waldoboro)

Bill "An Act to Increase Salaries of Elected Officials of Washington County" (H. P. 105) (Presented by Mr. Fenlason of Danforth) (Cosponsor: Mr. Gillis of Calais)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Increasing the Minimum Length of Lobsters Which may be Possessed from 3 3/16 Inches to 3 1/4 Inches" (H. P. 106) (Presented by Mr. Vincent of Portland)

Bill "An Act to Remove the Maximum Length for Taking Lobsters" (H. P. 107) (Presented by Mr. Vincent of Portland)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Increase the Limit on Bonded Indebtedness of the Eastport Port Authority from \$500,000 to \$6,000,000" (Emergency) (H. P. 108) (Presented by Mr. Vose of Eastport)

Committee on Marine Resources was suggested.

On motion of Mrs. Mitchell of Vassalboro, tabled pending reference and specially assigned for Tuesday, January 23.

State Government

Bill "An Act Concerning Appointments of Justices of the Peace" (Emergency) (H. P. 109) (Presented by Ms. Brown of Gorham)

Bill "An Act to Provide for Review of Nominations to the Workers' Compensation Commission by the Joint Standing Committee on Labor" (H. P. 111) (Presented by Mrs. Beaulieu of Portland)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the Membership of the House of Representatives shall be Three Times that of the Senate and That Each Senate District Shall be Composed of Three Contiguous House Districts (H. P. 110) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Exempting Incorporated Non-profit Speech and Hearing Institutions from Sales Tax" (H. P. 112) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Require an Annual Motor Vehicle Inspection to Coincide with Vehicular Registration" (H. P. 113) (Presented by Mr. Diamond of Windham)

Bill "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" (H. P. 114) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mr. Diamond of Windham)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Vincent of Portland, the following Joint Order (H. P. 95)

ORDERED, the Senate concurring, that the President of the Senate and the Speaker of the House take appropriate steps to prohibit state agencies located within a 5-mile radius of the State Capitol from the extravagant practice of mass mailing to Legislators' residences instead of delivery to their State House desks or mail boxes, while the Legislature is in session.

The Order was read.

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

Mr. VINCENT: Mr. Speaker, Ladies and Gentlemen of the House: The Order that you have before you is something that I originally hadn't intended to put in until this particular item appeared in my mailbox on Tuesday. It is from the State Planning Office, located here in Augusta on State Street. The mailing cost \$1.32 to send to my home, which is about \$15 for the entire Portland delegation, which is over \$200 for the entire legislative delegation. There is nothing of great urgency or secrecy that would require this being sent to my home as opposed to being placed in my mailbox here or on my desk.

I would hope you would go along with the order and pass it here in hopes that we can save thousands of dollars before the session is over. Thereupon, the Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 96) recognizing that:

Lloyd Libby of Turner has resigned as Fire Chief of the Turner Volunteer Fire Association after nearly 20 years of dedicated and diligent service.

Presented by Mr. Torrey of Poland. (Cosponsor: Senator Ault of Kennebec)

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

A Joint Resolution (H. P. 94) in Memory of J. Frederick Tingley, who served for 28 years as Town Clerk and Treasurer of Millinocket

Presented by Mr. Marshall of Millinocket. (Cosponsors: Mr. Birt of East Millinocket and Senator Pray of Penobscot)

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

(Off Record Remarks)

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

The following Joint Order (S. P. 69)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Wednesday, January 24 at ten o'clock in the morning.

Came from the Senate, read and passed and ordered sent forthwith.

In the House, the Order was read.

Mr. Pearson of Old Town offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-9) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, a point of order. I would suggest that a motion to adjourn is not amendable.

The SPEAKER: The Chair would advise the gentleman that we are not debating adjournment; we are debating the time to which we shall adjourn, and the joint order is before us and that is, in fact, debatable.

Mr. GARSOE: Mr. Speaker, if I may read rules of order—amendment and application of motions to adjourn. An unqualified motion to adjourn is not subject to any of the subsidiary motions except when no time is fixed for the next meeting when the motion loses its privileged status.

The SPEAKER: The Chair would advise the gentleman that what we are debating is not adjournment; we are debating the time of adjournment, which is debatable.

Mr. GARSOE: If I just may persist on one more point, Mr. Speaker, the title of this amendment says "concerning House and Senate adjournment," and that, to me, says no debate.

The SPEAKER: The Chair would answer that that is incorrect.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This morning when I came into the session and I read the Senate calendar, I did not know at the time that the Republicans were going to have an affair on Friday evening. I would like to say at the outset that I have nothing against the Republicans in the House, some of them are my best friends, but it seemed to me that if we had planned our lives around the days of the week that we have been in, that consistency and logic would seem to recommend that we continue to do that. A lot of us have organized various things at home to be in here on Tuesdays, Wednesdays and Thursdays.

It is not my intention to design this to oppose the Republicans because they are having an affair, but just simply because it seemed logical to me that it should not be changed by Legislative Council without asking at least the caucuses of the respective parties what they thought about it. I think that that courtesy should have been extended to us at least last week, and since it wasn't, since I have planned a lot of different things around being in here on Tuesday, Wednesday and Thursday, I have submitted this amendment, and I recommend that you pass it.

The SPEAKER: The Chair recognizes the

gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I move the indefinite postponement of House Amendment "A".

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

Mr. HIGGINS: Mr. Speaker, I request 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. 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 Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to inform you that there are some committees that are scheduled to meet on Tuesday. To be more specific, Appropriations has a confirmation hearing scheduled for Tuesday afternoon. I would think that indefinitely postponing this order might not be in the best interest, and I would hope that you would vote not to postpone the order.

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

Mr. TARBELL: Mr. Speaker, a mere point of inquiry. The motion pending before us is the motion to indefinitely postpone the amendment and not the order?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: I want to make some objection to indefinitely postponing the order. I have planned things for next week, to come here on Tuesday, Wednesday and Thursday and if necessary some other days; but it bothers me to no end to try to understand why a few people in leadership decide to change things like that which affect all of us, 151 people in this House, without going to caucus and getting a consensus of opinion, because we do have caucuses for subjects that are much less important than this.

The main thing that bothers me is the fact that Judiciary will have a hearing on Tuesday. We do have to come here on Tuesday, we are going to be paid on Tuesday whether we have a session or not, and I think that this is wrong. I think that we are probably entitled to get paid if we come, but I think if we are really honest in trying to save some money for the state and trying to spend the money we do have wisely, then we should have a session on Tuesday as planned and at the same time have our hearings and not go into a double payment for our services here.

I sincerely hope, in common sense and good judgment, that you will see it this way and vote against the indefinite postponement of this order.

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

ROLL CALL

YEA — Alopous, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hall, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lougee, Lowe, Lund, MacBride, Marshall, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Rollins, Roope, Sewall, Silsby, Small, Smith,

Soulas, Sprowl, Stetson, Studley, Tarbell, Wentworth.

NAY — Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fillmore, Fowlie, Gwadosky, Hickey, Hobbins, Howe, Jacques, E.; Jacques, P.; Joyce, Kane, Kelleher, Lizotte, Locke, MacEachern, Martin, A.; Masterman, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Sherburne, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, The Speaker.

ABSENT — Bachrach, Berry, Carter, P.; Hughes, Kany, LaPlante, Lewis, Mahany, Masterton, Norris, Stover, Strout, Torrey, Whittemore, Wyman

Yes, 63; No, 73; Absent, 15.

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

Thereupon, House Amendment "A" was adopted.

The Order received passage as amended by House Amendment "A" in non-concurrence and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide for Prepayment of State Bonded Debt" (Emergency) (S. P. 5) (L. D. 5)

Report was signed by the following members:

Mr. PERKINS of Hancock
Mrs. NAJARIAN of Cumberland
— of the Senate.

Messrs. JALBERT of Lewiston
HIGGINS of Scarborough
CARTER of Winslow
KELLEHER of Bangor
Mrs. CHONKO of Topsham
Messrs. DIAMOND of Windham
PEARSON of Old Town
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-3) on same Bill.

Report was signed by the following members:

Mr. HUBER of Cumberland
— of the Senate.

Messrs. BOURDREAU of Waterville
MORTON of Farmington
SMITH of Mars Hill
— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

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

Mr. PEARSON: Mr. Speaker, I move that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the Majority "Ought Not to Pass" Report be accepted in concurrence.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Last October, on October 20 to be exact, the Maine Legislature came into a one-day session, at a cost to the taxpayers of about \$15,000, and voted for L. D.

2214. An Act to Provide for Property Tax Relief. The Maine House voted for this bill by an overwhelming margin of 99 to 25, and it was enacted into law.

Attached to the bill at that time was a Senate amendment, Senate Amendment "B", introduced by a gentleman from the other body, requiring that the State Budget Officer certify the amount of surplus that the state had and that the benefits should be proportioned proportionately so that the actual amount certified would be distributed under that section of the bill.

The bill was further amended to state that the certification should take place by January 20, 1979. If you will check the calendar in the front of the House, you will notice that it is the 18th; the 20th would fall on this Saturday, so we are forced to act on this measure today.

The act provided for a maximum of \$64 for people who owned a homestead and \$32 for renters.

The question that we addressed at that time was one of property tax. Property tax has long been recognized by many, many people over a long period of time to be the most burdensome tax of all the taxes to Maine's taxpayers.

Indeed, figures provided for me yesterday morning by legislative assistants indicated that within the 48 contiguous states, Maine had the seventh highest burden. In the compendium information that was provided to you yesterday, the figures were a little different, but, nevertheless, property is something that people have been telling us for a long long time, and all of us who pay property tax know, that it is something that is very burdensome.

We attempted to address that, and I made that point because I think it is important that we understand that although that was a temporary measure at the time and although it may be insufficient in many respects, the bill does provide some relief from the burdensome property tax. Some people will advance the argument, I am sure, that we acted in haste, and some will say that it was political expediency, with an election drawing near, that caused us to do what we did. Those people that will advance that argument, I will ask them to tell me who, which ones in this House, voted out of political expediency. I don't think we did. I would hate to think that a person in this House in the previous legislature voted out of anything but their conscience. I would like to think that they were in control of their votes, their morals, their principles and everything else.

My best information at this point is that there will be \$20 million available, and I believe that the State Budget Office will certify that it will be available on the 20th.

The promise to the taxpayers of Maine was made last October. It was made just before an election, and I think that a promise made should be a promise kept.

I understand, from reading in the Bangor Daily News this morning, that Governor Brennan has indicated that he feels that if this were changed we would be breaking faith with the people of Maine. That is my thought too.

Many people in this state have filed their tax returns already and thousands will be doing it very shortly. Now the question is, it seems to me, do we keep our word or do we not keep our word? People in Maine are sitting out there, and I had people come in to me this morning and tell me that when they went home the first thing said to them was, I see you are getting ready to take back the money that you gave us last year. I don't think that is the proper thing to do. It boils down to whether we keep our word or we don't.

There are a number of people in here who are freshmen who did not have anything to do with that bill, to be sure. To those freshmen I would say, you're going to take some actions in this 109th Legislature and I think that in the 110th you would be some put out if your actions were rescinded on something that meant that much

to the people of Maine.

Property tax has to be addressed in the long run. We haven't done it nearly as sufficient as we should, but at least we made a start. We have recognized the problem. We have told them we are going to send them back some money and I think we should continue to hold true to the promise that we made.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: As you may well expect, I am standing here in opposition to the position put forth by the gentleman from Old Town, the esteemed colleague who is the House Chairman of the Appropriations Committee, and I want you all to realize, if you have taken the opportunity to study what came out of the Appropriations Committee, that we are faced with an "Ought Not to Pass" report on the original bill and an amended bill by a minority of the committee. I am supporting the position of the amended bill.

The question, basically, is one of setting back the date for certification of the State Budget Officer, and basically that is all we are talking about. The amended version of the bill does not, as did the original bill, specify any particular use of any particular amount of money. It merely says that we will extend the certification by the budget officer from January 20 to March 1.

I am sure you all realize, and the freshmen may not realize it, but the bill passed last October was a one-shot tax payback to property owners. There are many ways that it is possible to turn money back to the people of the State of Maine or to use their money in a prudent, sensible way.

Just to give you a few statistics, because I want them in the record, that would have to do with this. At the public hearing on Tuesday, the Treasurer of the State of Maine made a report and gave us some concrete figures. There are presently \$275.66 million worth of bonds outstanding; there are presently \$144.85 million bonds which are authorized but not issued, and he gave us to understand that as of now he is aware of approximately \$12 million that are up for issuance this year at the request of the various departments which have the money for bonding.

Just to give you some idea of figures, any \$20 million at the present time put out for 20 years at 6 percent, which is the rate we are enjoying with our double A-plus rating, will have to be paid back for a total of \$33.2 million - a total cost of \$13.2 million over and above the principal of the \$20 million. If you went to a 10-year bond at 5.45, which is available today, we would pay back a little over \$26 million, a \$6 million additional cost to the people of the State of Maine.

Avoiding \$20 million bonding means that the General Fund does not have to come up with a million and a half annually for the next 20 years, and conversely, if you put the \$20 million out at interest, you would be able to bring \$2 million into the General Fund. So there is a net difference of approximately \$3.5 million to the General Fund as to whether or not you use this money, make money with, or whether you put it out for bonding.

Those are the facts. I don't think anybody will refute them because I think they are accurate. So it comes down to me to a matter of prudence. The legislature took the action overwhelmingly, as has been pointed out so carefully, last October, and I have no doubt, frankly, as I stand here this morning, that by the 20th the budget officer will certify that \$20 million is available. I expect that to happen. I don't know that it is going to happen. However, I would point out to you that as of today, the 18th, this bill, despite the fact that the forms have been printed, they have gone out and people have already filed them, is still a contingency basis and we could do exactly the same thing

by moving it from the 20th to March 1, still be on a contingency basis without changing anything of the possibility of the payback. However by that time, our new Chief Executive would have had his budget proposal, he would have undoubtedly received some requests that are unforeseen at the moment. In other words, the state's option would remain open.

I was particularly pleased with this legislation when it was originally adopted. I feel as though it is prudent to make the change that we are attempting to make with the minority report of the Appropriations Committee, and I think that is one of the things this 109th Legislature was elected to do, and that is use the funds of the people of the State of Maine prudently, and I think it is prudent to save money, and the action that is proposed in the bill would save money, the action that is proposed in the amendment to the bill would give the opportunity to take another look. That is what I think we should do and I hope that you will vote no on the motion to accept the "Ought Not to Pass" report, so that we can get to the minority report of the Appropriations Committee.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Members of the House: My apologies as a freshman, but to my mind, we do not have the right in a state or a town to overtax one year to pay in advance for a coming year.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: As the sole member of the other party on this report, at least on this one chance I would like to help out my House chairman in case it ever comes down to a party issue later on, which I am sure it never will, but at any rate, I would like to help him a little bit this time.

He did mention the fact of promises, promises that the 108th Legislature had made to the people of the State of Maine. I would just like to put on the record that I feel we are talking about, as far as I am concerned anyway, credibility. I see a tremendous loss of credibility in the legislature if on the eighth legislative day the only thing that we can take home to the people in our districts is the fact that we have perhaps denied them the money that we gave them on October 20.

I think we all know the possibilities that when March 1 comes around the money is going to be spent somewhere else or there are going to be another 50 different ways to spend the money, and I think the people are going to see through that. While it may be a prudent gesture to put off spending this money, or at least the dedication of it, until March, I think that it would seriously impair the credibility that this legislature has with its people back home. There are some people, I might add, that \$64 is a lot of money, or at least it would certainly help them. I think to deny them that now would really be a serious problem.

The idea that it is going to save the state money is true and it is going to save the taxpayers money as well should this money be used to pay up bonded indebtedness, but it kind of reminds me of the story of the wife who comes home and says, "I saved you \$100 today; I bought \$500 worth of clothes and there was 20 percent off, so it only cost me \$400."

With that I would like to say, I would hope that you would vote just for the pending motion to accept the majority "Ought Not to Pass" report so that we can at least deal with this one issue on a positive note for the people back home.

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

Mr. JALBERT: Mr. Speaker and Members of the House: In my humble opinion, to a certain partial degree, I would agree with the good gentleman from Farmington, Mr. Morton. I recognize his honesty and integrity and ability,

but I would remind him that the time has gone as far as this measure is concerned. The time to have debated the pros and cons should have been last October. There are probably some who feel that they might have voted differently.

I am certain of one thing, that we have done our amount of friendly squabbling since we have been here. I think it has gone unnoticed to some, but I know one gentleman sitting in his private office on Main Street in Lewiston is about ready to come out and say a little something and certainly you will hear him. He will say, well, you have accused me of being the whipping boy for four years and you have done nothing but squabble among yourselves and now you have overturned a bill that you voted for yourselves just before I left. You can rest assured that—I could almost read you the scenario and read you what he is going to put on paper.

As far as I am personally concerned, and I have discussed this honestly with Mr. Morton, the previous Governor felt that we had personally squabbled on a few occasions and I might have a few letters to prove that, some maybe he wishes he hadn't written and some he is maybe delighted that he did, but in any event, his friends are my friends and he asked me, he said it would be a nice thing if we would go out peacefully together. I gave him my word then, I kept it and I am going to keep it today.

Going down to the issue itself—if we pay this \$20 million, I have dabbled over the years with projections and I would be willing to make a projection that even if we pay this \$20 million, when the end of this fiscal year comes, we will have an easy \$20 million. We had a very hefty November, and we will know about those figures within a day or so. I assure you that with the inflation going as it is, unfortunately, it is helping us to make money, and I guarantee you that we are always one month behind but the month of December will show you a staggering figure.

But if we delay this thing that the gentleman from Farmington is talking about, it is going to create another problem that nobody has touched upon, and that is an administrative problem, because everybody is filing their tax returns now. If we delay this thing, those who are getting returns on the ordinary tax will not get this money if they have it coming to them. So this actually means a double return, which means twice the amount of work by the Taxation Department, which means the expense of the mailing and it will create a big, big, serious problem. I personally don't want any part of that.

I feel that we voted to enact this bill and many of us who are still here who voted for it, the vote to enact it a couple of months ago was 99 to 25, and I don't know but I have got a sneaky suspicion, maybe some people don't mind going downtown Friday or Saturday after voting one way a couple months ago and voting the other way today. For those reasons, I would support the motion of the report that I made, which is "Ought Not to Pass" and I will ask for a roll call when the vote is taken.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking strictly as an individual. I think the gentleman from Farmington has made a good argument, but I think it is an argument that I would classify as sort of like Monday morning quarterbacking. There is no option; we made a decision and I think we should hang with it. This further delaying is just going to postpone the moment of decision, and I think we should make it now. The action was taken at that time in full knowledge of everything that the gentleman from Farmington has brought to our attention, and I think we would be making a big mistake if we change that at this point.

I think we are making an even larger mistake

if we spend too much more time in this hall today. I have just received word that they are declaring blizzard conditions in southwestern Maine, there is talk of the turnpike closing, and if there was ever a time to expedite the business we have before us, I suggest, Mr. Speaker, that this is it.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I had qualms about this bill when I voted for it last time. I voted against it until enactment. I confess that I have only contacted 11 people back home. As you know, on any major bill it has been my policy in the past to try to call at least 30 to 40 people from all walks of life that I represent. The biggest thing I got from two of the telephone calls this morning was this—we knew there would be something in there like that. You were going to give us back a few bucks and already you want to take it away from us.

The main thing I hope we will continue to establish is credibility.

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

Mr. MORTON: Mr. Speaker, I don't wish to prolong it, but I do want to make a point that the gentleman from Lewiston brought up. I don't know from where he got his information, but I discussed the problem that he mentioned with respect to the administration of this bill with the State Tax Assessor and was assured by him that the administrative problems would not be difficult at all, it would not be necessary for second returns or anything like that if the thing was handled within the next two months, and that would be well beyond March 1.

I have no illusions what is going to happen to this bill, and I would just like, for the first time up here in the House, to disabuse you of the idea that you are not going to be correcting mistakes of previous legislatures as you sit here in this session. There is nothing sancta sanct about what was done in a previous legislature. Circumstances change. You here have come and you have sworn that you will uphold the laws and take care of the people back home and take care of the State of Maine, and that is what your responsibility is here in the 109th Legislature, and I am sure you will all take that very seriously.

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

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

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

Mr. MORTON: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jacques. If he were here he would be voting yes and I would be voting no.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Simon. If he were here, he would be voting yea and I would be voting nay.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Cox, Cunningham, Damren, Davies, Davis, Diamond, Doukas, Dow, Drinkwater, Dutremble,

D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Higgins, Hobbins, Hunter, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, J.; Rolde, Roope, Sherburne, Silsby, Small, Soulas, Sprowl, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, The Speaker.

NAY — Baker, Barry, Brodeur, Bunker, Call, Conary, Connolly, Curtis, Dellert, Dexter, Hickey, Howe, Huber, Hutchings, Immonen, Jackson, Lizotte, Lougee, Maxwell, Peterson, Reeves, P.; Rollins, Sewall, Smith, Vincent, Wyman.

ABSENT — Bachrach, Berry, Carter, P.; Dudley, Hughes, LaPlante, Lewis, Norris, Masterton, Stetson, Stover, Strout, Torrey, Whittemore.

PAIRED — Boudreau-Jacques, E.; Morton-Simon.

Yes, 107; No, 26; Absent, 14; Paired, 4.

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

Mr. Hickey of Augusta was granted unanimous consent to address the House.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise at this time to pay tribute to a fine gentleman who is leaving our House staff. Mr. Larry Downes, our congenial doorkeeper, on doctor's orders, has asked to resign.

Larry served us faithfully and well in the 108th and part of the 109th. We wish Larry a return to health and all good fortune in the future.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort Larry to the rostrum to join me. (Prolonged applause, the members rising.)

(Off Record Remarks)

On motion of Mr. Morton of Farmington, Adjourned until Tuesday, January 23, at 10 o'clock in the morning.