

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Ninth
Legislature

OF THE
STATE OF MAINE

Volume II

First Regular Session

May 7, 1979 to June 15, 1979

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HOUSE

Thursday, June 14, 1979

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

Prayer by Father Valmont Gilbert of St. Augustine's Church, Augusta.

Father GILBERT: Let us pray! God, Our Father, we come together this morning to acknowledge your supremacy over all creation. We ask you to send your spirit on all here present so that those who have been chosen to represent the people of the State of Maine may always show by word and deed the same zealous interest in protecting and furthering the Christian and Judaic principles upon which our nation is founded that others display in belittling or eliminating them. Guide the members of this House of Representatives so that they may return to their homes safely at the end of this session knowing that they have done all in their power to represent well those who have elected them. This we ask in the name of Christ, Our Lord.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communications:

THE SENATE OF MAINE
Augusta

June 13, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its former action on Bill, "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District." (H. P. 1309) (L. D. 1563)

Respectfully,
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE
Augusta

June 13, 1979

The Honorable Edwin H. Pert
Clerk of the House
109th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it Indefinitely Postponed Joint Resolution Urging Voluntary Cardiopulmonary Resuscitation and Basic Life Support Education in Secondary Schools. (H. P. 1271)

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

Expressions of Legislative Sentiment recognizing that:

Howard R. Neville has served with great distinction as President of the University of Maine at Orono from 1973 thru 1979 and, in his pursuit for excellence, the University has benefited, despite difficult times, thus setting a distinguished record of service for others to emulate (S. P. 630)

Joanne Nelson of Brunswick has achieved the rank of First Class in Girl Scout Cadet Troop No. 475 (S. P. 629)

On April 25, 1979, the Portland School of Art received full accreditation from the National Association of Schools of Art for the maximum 5-year period and received full regional accreditation from the New England Association of Schools and Colleges for the maximum 5-year

period (S. P. 628)

Came from the Senate read and passed.
In the House, were read and passed in concurrence.

Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill, "An Act to Provide for the Development of Community Mental Health Services" (S. P. 475) (L. D. 1537)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matters

An Act to Provide for Environmental Education (H. P. 1182) (L. D. 1434) which was Passed to be Enacted in the House on June 13, 1979 (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-676)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

An Act to Provide for the Codification and Indexing of State Agency Rules by the Secretary of State (Emergency) (S. P. 510) (L. D. 1576) which was Passed to be Enacted in the House on May 21, 1979 (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-170)

Came from the Senate, with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

Later Today Assigned

An Act to Provide a State Income Tax Credit for Installation of a Wood Stove (H. P. 851) (L. D. 1051) which was passed to be Enacted in the House on June 13, 1979 (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-687) as amended by House Amendment "A" (H-697) thereto)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration.

An Act to Encourage Pilot Projects using Solid Waste for Energy Production (H. P. 876) (L. D. 1081) which was Passed to be Enacted in the House on June 13, 1979 (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-654) as Amended by Senate Amendment "A" (S-346) thereto)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

An Act to Upgrade, Construct and Maintain Court Facilities (H. P. 1519) (L. D. 1677) which was Passed to be Enacted in the House on June 13, 1979 (Having previously been Passed to be Engrossed.)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

An Act to Coordinate, Effectively Utilize and Comprehensively Plan the Service Needs of Maine's Children and Families by Establishing a Maine Council of Families and Children, County Councils on Families and Children and a State Office for Children and Families (H. P.

1254) (L. D. 1554) which was Passed to be Enacted in the House on June 13, 1979 (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-567) as Amended by Senate Amendments "A" (S-314) and "B" (S-323) thereto.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

Bill, "An Act Relating to Resident State Police Troopers" (H. P. 841) (L. D. 1069) which was Passed to be Enacted in the House on June 13, 1979 (Having previously been Passed to be Engrossed as Amended by Conference Committee Amendment "A" (S-333)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

Bill "An Act to Clarify the Education Law" (H. P. 1534) (L. D. 1683) which was Passed to be Engrossed as Amended by House Amendment "A" (H-711) in the House on June 13, 1979.

Came from the Senate, Passed to be Engrossed in non-concurrence.

In the House: The House voted to recede and concur. (Later Reconsidered)

Bill, "An Act to Increase the Salaries of Constitutional Officers and the State Auditor by \$5,000" (Emergency) (H. P. 131) (L. D. 142) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-636) in the House on June 5, 1979.

Came from the Senate Passed to be Engrossed as Amended by Senate Amendment "A" (S-382) in non-concurrence.

In the House: The House voted to recede and concur. (Later Reconsidered)

Later Today Assigned

Bill, "An Act to Require that Holiday Pay be Considered Wages for the Purposes of Unemployment Compensation" (S. P. 309) (L. D. 902) on which the "Leave to Withdraw" Report of the Committee on Labor was read and accepted in the House on June 13, 1979.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was substituted for the Report and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-161) in non-concurrence.

Tabled pending further consideration and later today assigned.

Bill, "An Act Relating to Lending Institutions and Selection of Title Attorneys" (H. P. 332) (L. D. 431) (S. "A" S-310 to C. "A" H-611) which was Passed to be Enacted in the House on June 13, 1979.

Came from the Senate Failing of Passage to be Enacted in non-concurrence.

In the House: On Motion of Mr. Higgins of Scarborough, the House voted to insist.

Joint Order Relative to a Study of Records Management Function of State Government (H. P. 1295) which was Read and Passed in the House on April 9, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Combining the Offices of Justice of the Peace and Notary Public (H. P. 1286) which was Read and Passed in the House on April 3, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Boundary Disputes (H. P. 1283) which was Read and Passed in the House on April 3, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Recalling (H. P. 956) (L. D. 1222) from the Governor's Desk to the House (H. P. 1562) which was Read and Passed in the House on June 13, 1979.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Joint Order Relative to Adding a New Joint Rule 6-A (S. P. 359) which was Indefinitely Postponed in the House on June 13, 1979.

Came from the Senate with that Body having Adhered to its former action whereby the Joint Order was Passed in non-concurrence.

In the House: The House voted to adhere.

Joint Resolution Making Application to Congress Calling a Constitutional Convention to Propose an Amendment to the Federal Constitution to Require, with Certain Exceptions that the Federal Budget be Balanced (S. P. 327) (L. D. 963) on which the Chair ruled that this matter was in violation of Joint Rule 35 and Was Not Entertained by the House on March 7, 1979.

Came from the Senate with the Body having Adhered to its former action whereby the Joint Resolution was referred to the Committee on Judiciary in non-concurrence.

In the House: The House voted to adhere.

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

On motion of Mr. Boudreau of Waterville, the House reconsidered its action whereby it voted to recede and concur on Bill, "An Act to Clarify the Education Law" (H. P. 1534) (L. D. 1683).

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

Mr. BOUDREAU: Mr. Speaker, I feel there is a substantive change in the bill and I have an amendment being prepared which I would like to offer to the House. That is why I move to table until later in today's session.

Thereupon, on motion of Mr. Higgins of Scarborough, tabled pending the motion to recede and concur and later today assigned.

Messages and Documents

The following Communication:

STATE OF MAINE

House of Representatives

Speaker's Office

Augusta, Maine 04333

June 13, 1979

Mr. Edwin H. Pert
Clerk of the House
State House
Augusta, Maine 04333
Dear Clerk Pert:

I am pleased to authorize and direct you to serve on a full-time basis when the Legislature is not in regular or special session, as provided in Section 22 of Title 3 of the Maine Revised Statutes Annotated, for the 109th Maine Legislature.

Sincerely,
S/JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered placed on file.

Orders of the Day

By unanimous consent, the Chair laid before the House the second item of Unfinished Business:

Bill, "An Act to Increase Revenues Available

to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs." (H. P. 1373) (L. D. 1600) — In House, Majority "Ought to Pass" in New Draft (H. P. 1484) (L. D. 1671) Report Accepted and New Draft Passed to be Engrossed as amended by House Amendment "B" (H-666) on June 6, 1979. — In Senate, Minority "Ought Not to Pass" Report accepted.

Tabled—June 13, (Till Later Today) by Mr. MacEachern of Lincoln.

Pending—Further Consideration.

On motion by Mr. Dow of West Gardiner, the House receded from its action whereby the Bill was passed to be engrossed as amended by House Amendment "B".

On motion of the same gentleman, the House receded from its action whereby House Amendment "B" was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "C" (H-718) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: Just for your information, this is a compromise on the license increase. It increases the resident licenses \$2 a year and the non-residents \$5 a year. It was a compromise.

Thereupon, House Amendment "C" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

(House at Ease)

Called to order by the Speaker.

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

The following Joint Orders, Expressions of Legislative Sentiment recognizing that:

(H. P. 1569) Michael L. Brochu is valedictorian of the Class of 1979 at Sanford High School Presented by Mr. Tuttle of Sanford (Cosponsors: Mr. Wood of Sanford and Mr. Paul of Sanford)

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

(H. P. 1570) Mary A. Allen is salutatorian of the Class of 1979 at Sanford High School

Presented by Mr. Tuttle of Sanford (Cosponsors: Mr. Wood of Sanford and Mr. Paul of Sanford)

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

(H. P. 1571) James Higgins, President of the Class of 1979 at Sanford High School has had a distinguished academic career

Presented by Mr. Tuttle of Sanford (Cosponsors: Mr. Wood of Sanford and Mr. Paul of Sanford)

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

(H. P. 1572) Rachel M. Lebrun, Joseph A. Kane, Celeste R. Provencher, Margaret T. Berard, Daniel P. Landry, Jeffery S. Corkburn, Patricia A. Morin, Mary Ann Bourke Clancy, having demonstrated outstanding academic achievement, graduate in the top 10 of the Class of 1979 at Sanford High School

Presented by Mr. Tuttle of Sanford (Cosponsors: Mr. Wood of Sanford and Mr. Paul of Sanford)

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

(H. P. 1573) Mrs. Helen Jewett, of Pittston, served with distinction as Pittston's Tax Col-

lector and Treasurer for 13 years

Presented by Mrs. Reeves of Pittston

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

(H. P. 1574) the Lisbon High School Greyhounds have won the 1979 State Class B baseball championship

Presented by Mr. Tierney of Lisbon (Cosponsors: Mr. LaPlante of Sabattus, Senator Clark of Cumberland and Senator Minkowsky of Androscoggin)

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

(H. P. 1575) the Oak Hill High School Drama Club, coached by Bob Fuller, was selected as a finalist in the One Act Play competition for 1979

Presented by Mr. LaPlante of Sabattus

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

(H. P. 1576) June 16, 1979 marks the 50th wedding anniversary of Christine and Lawrence Damren of Belgrade

Presented by Mrs. Damren of Belgrade

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

(H. P. 1577) the Portland High School Bulldogs have won the State Class A Baseball championship

Presented by Mr. Brenerman of Portland

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

The following Joint Resolution (H. P. 1578) in memory of those passengers and crew who lost their lives in a tragic air crash in Knox County on May 30, 1979

Presented by Mrs. Post of Owl's Head (Cosponsors: Mrs. Hutchings of Lincolnville, Senator Collins of Knox and Senator Shute of Waldo)

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

The following Joint Resolution (H. P. 1579)

JOINT RESOLUTION

RECOMMENDING THAT TAXI SERVICES BE ALLOCATED 100 PERCENT OF THEIR 1978 FUEL ALLOCATION

WHEREAS, due to the apparent shortages of gasoline, producers, suppliers and distributors have determined an allocation system based on a percentage of the fuel to users in 1978; and

WHEREAS, because they are considered vitally important to the State, certain users, among them farmers, truckers of fresh produce, loggers and mass transportation, have been allocated 100 percent of their 1978 allocation; and

WHEREAS, taxi services perform an equally vital function for the State, providing the only form of transportation for people who do not drive, in areas not served by mass transportation and, frequently, in emergency situations; and

WHEREAS, the Governor and the Director of the Office of Energy Resources, through a fuel allocation program or the state set-aside program, may have authority to help alleviate this situation; now therefore, be it

RESOLVED: That we the members of the 109th Legislature, on behalf of the people of the State of Maine respectfully recommend and urge gasoline producers, suppliers, distributors, the Governor and the Director of the Office of Energy Resources to use every possible means to ensure that taxi services are supplied with 100 percent of their fuel allocation of 1978; and be it further

RESOLVED: That suitable copies of this Resolution be prepared and be transmitted by the Secretary of State to the Governor, the Director of the Office of Energy Resources and the Maine Petroleum Association.

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

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

**Failed of Enactment
Emergency Measure**

An Act to Establish Special Retirement Provisions for CETA Employees (S. P. 268) (L. D. 809) (Conf. Comm. "A" (H-704)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 50 having voted in favor of same and 82 against, the Bill failed passage to be enacted.
Sent up for concurrence.

**Passed to be Enacted
Emergency Measure**

An Act to Expand the Authority of the Maine Turnpike Authority to Convey Interests in Land. (S. P. 618) (L. D. 1680) (C. "A" S-354)

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. 129 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.

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

Joint Order—Relative to Study of State Personnel System (H. P. 1312)

Tabled—April 19, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

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

Joint Order—Relative to Study of Possible Medical Treatment Alternatives to Incarceration or Probation For Convicted Sex Offenders (H. P. 1328)

Tabled—April 24, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the third tabled and unassigned matter:

Joint Order—Relative to Study of Mandatory Retirement (H. P. 1362)

Tabled—May 3, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

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

Joint Order—Relative to Study of Soft-shell Clams (H. P. 1387)

Tabled—May 11, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

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

Joint Order—Relative to Study of Medical Care Development, Inc. (H. P. 1435)

Tabled—May 29, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

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

Joint Order—Relative to Study of Conflict of Interest Relating to State Employees (H. P. 1437)

Tabled—May 29, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the seventh tabled and unassigned matter:

Joint Order—Relative to Study of the Maine State Housing Authority (H. P. 1438)

Tabled—May 30, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the eighth tabled and unassigned matter:

Joint Order—Relative to Study of L. D. 579, "An Act to Authorize a District Attorney and Assistant District Attorney for Washington County" (H. P. 1443)

Tabled—May 30, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the ninth tabled and unassigned matter:

Joint Order—Relative to Study of Used Car Statutes (H. P. 1459)

Tabled—May 31, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the eleventh tabled and unassigned matter:

Joint Order—Relative to Study of Child Abuse and Neglect (H. P. 1462)

Tabled—May 31, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twelfth tabled and unassigned matter:

Joint Order—Relative to Study of Bills Pertaining to Bottle Law (H. P. 1468)

Tabled—June 1, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the thirteenth tabled and unassigned matter:

Joint Order—Relative to Study of the Office of CETA Planning and Coordination (H. P. 1474)

Tabled—June 4, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was indefinitely postponed.

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

Joint Order—Relative to Title XX (H. P.

1522)

Tabled—June 8, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

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

Joint Order—Relative to Study of Alcoholism and Alcohol Abuse (H. P. 1547)

Tabled—June 8, 1979 by Mr. Tierney of Lisbon.

Pending—Passage.

On motion of Mr. Tierney of Lisbon Falls, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the seventeenth tabled and unassigned matter:

Joint Order—Relative to Study of Laws Relating to Special Education. (H. P. 1552)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the eighteenth tabled and unassigned matter:

Joint Order—Relative to Study of Property Tax Exemption for Religious Reasons (H. P. 1548)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the nineteenth tabled and unassigned matter:

Joint Order—Relative to Study of Special Taxes on Various Industry Products (H. P. 1549)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twentieth tabled and unassigned matter:

Joint Order—Relative to Study of State Assistance to Municipalities for Forest Fires both in and out of the Forest District (H. P. 1550)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-first tabled and unassigned matter:

Joint Order—Relative to Study of Use Tax on Diesel Fuel (H. P. 1551)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-second tabled and unassigned matter:

Joint Order—Relative to Study of State's Important Resources (H. P. 1554)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-third tabled and unassigned matter:

Joint Order—Relative to Study of Delivery of Mental Health Services (H. P. 1555)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-fourth tabled and unassigned matter:

Joint Order—Relative to Study of Lobster Fishery (H. P. 1556)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-fifth tabled and unassigned matter:

Joint Order—Relative to 1980 Census Program (H. P. 1557)

Tabled—June 8, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-sixth tabled and unassigned matter:

Joint Order—Relative to D.S.M.O. (H. P. 1565)

Tabled—June 13, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-seventh tabled and unassigned matter:

Joint Order—Relative to Study of Reorganization of District and Superior Courts and Judicial Retirement System (H. P. 1567)

Tabled—June 13, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the twenty-eighth tabled and unassigned matter:

Joint Order—Relative to Study of Practice of Chiropractic (H. P. 1568)

Tabled—June 13, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

On motion of Mrs. Mitchell of Vassalboro, the Joint Order was Indefinitely Postponed.

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

HOUSE DIVIDED REPORT — Report "A" (6) "Ought to Pass" in New Draft under New Title Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund and to Appropriate Funds from the General Fund for Teachers' Retirement and Study of the Maine State Retirement System and other Employee Benefits for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (Emergency) (H. P. 1532) (L. D. 1681) Report "B" (6) "Ought to Pass" in New Draft under New Title Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund and to Appropriate Funds from the General Fund for Teachers' Retirement and a Study of the Maine State Retirement System for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (Emergency) (H. P. 1533) (L. D. 1682) — Committee on Appropriations and Financial Affairs on Bill, "An Act to Allocate Money from the Federal Revenue Sharing Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (Emergency) (H. P. 1266)

(L. D. 1524)

Pending—Acceptance of either Report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of Report "B".

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to urge you not to vote for Report B and before I forget it, I would request a roll call.

We have now come to the moment of truth with respect to the bill on retirement funds. I will be very frank with you, I had hoped that this debate would not be necessary. I certainly did not seek it but since it is here, it is going to be necessary for us to debate L. D. 1681, L. D. 1682 is Report B of the committee. This is a bill to allocate dollars from the federal revenue sharing fund to appropriate funds from the General Fund for Teachers' retirement—

The SPEAKER: I think we have some problems here. The Chair would recognize any gentleman because apparently there is some confusion.

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

Mr. PEARSON: Mr. Speaker, I want to make sure that everyone understands that I moved Report B.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am very happy to note that the gentleman from Old Town has moved Report B. You see, that I was anticipating and I am so very happy at this point if Report B is accepted by this House that I will withdraw my motion for a roll call and I hope it goes under the hammer.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to take up time. It is six and six—there are 13 members on the committee—if the gentleman from Farmington would clarify that point, I was absent, I forgot to give my proxy, I had given it the previous day to the Chairman but I forgot to give it to him the second day. It would make it seven to six, I am on Report B also.

Thereupon, Report B was accepted and the Bill read once.

Under suspension of the rules, the bill was read a second time.

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

House Amendment "A" (H-723) was read by the Clerk.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentleman from Old Town, Mr. Pearson, if he could tell us what this amendment does, please!

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, has posed a question through the Chair to the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee reported out two bills and 1682 is the one that we are currently on. I proposed a modification of 1682, which would do the following two things. First of all, the bill calls for a study of the State Retirement System as was proposed by Governor Brennan in his address that he gave before the legislature some time ago.

In 1682, the allocation is made for that study but it was done in the legislative department and my amendment would put it in Finance and Administration, and I submit to you, the reason for doing that is because the Legislative Council, which would have to decide this under the current bill, really doesn't have the expertise to deal with that sort of thing.

The other part of the amendment that I have proposed deals with money. What it does is, it allocates towards teachers' retirement \$6.4 million. Actually, it is \$6,392,295 towards teachers' retirement for the first year of the biennium and the difference between that and the bill as submitted in Report B, L. D. 1682, was that we have allocated no money in the second year of the biennium pending the outcome of that report and if that report says that we need more money, I think there will probably be a commitment on the part of the legislature to fund it to an adequate level.

I just want to talk to you a little bit about reports. Everyone has seen an auditor's report or that type of a report at one time or another. Sometimes they are a little fuzzy. Sometimes they will say, yes, you ought to do this if such and such is a consideration of yours and such and such and it gets a little fuzzy. We are not absolutely sure that the retirement study will be absolutely definitive and we are not sure that they might not say, you don't need any money. So, we have allocated the money for the first year of the biennium and have not for the second.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: We are right back to square one. I didn't know exactly what the ploy was and I admit that I wasn't listening to the number or letter of the amendment that the gentleman offered, but I certainly am very much aware of what this amendment does to the bill that we have before us, L. D. 1682. With Amendment "A", we are right back to square one and I, again, regretfully am going to have to make the debate. To be very honest with you, I frankly think this may be one of the more important debates that I will have participated in all my career in the legislature.

What I am going to try to do is to prevent this legislature from making a mistake, possibly avoid a legal action against the state, keep operating in a certain intent of the law that is presently on the books and what is the reason for doing this? It is to protect state employees and teachers who for years and years have participated and paid into a state retirement fund.

What is the effect of Report "A"? I wonder, and I am sure that the veterans will recall, but there are people here in the House, Freshmen perhaps, who weren't here or weren't aware of what was going on in part of the Longley administration but we had a little period there in 1976 when the Longley administration ran a little short of money in the first year of a biennium as far as cash flow was concerned. So they wanted to be able to save a little in the first year and then pay it in the second year. We had already appropriated funds for the retirement fund, so there was not a problem of money being there, it was just a problem of when it was paid in. What happened was that, not following the regular pattern but deviating from it somewhat, we had a pay-in from the teachers to the retirement fund in 1973 of \$10 million; in 1974 - 75, it moved up to the vicinity of 12 million. In 1976-77, we got a little aberration there, we dropped back to \$7 million in 1976, then we made it up in 1977 with \$21 million; total, about \$14 million a year, which would be the normal increase.

I just want you folks to know that we heard about that. I probably answered over 100 phone calls assuring people that the money was there. But I do want to point out and repeat, and repeat, and repeat that the money was there. We had appropriated it at that time, so I could assure the people that it would be available in the second year. The following year, of course, it went to \$18.8 million, and this year it is recommended for a higher figure. The point is that we had a problem in 1976 that we heard about even though we had appropriated the money.

To go on from there, we are not subject to federal controls with our state retirement

fund. We have all heard about ERISA and I am sure that if I bring it up, everyone is going to say, well, we are not subject to it and I agree, that is correct. It does set some standards that we ought to at least consider and think about. Although they only apply to private pension plans, the federal courts have already spoken to the obligation that employers—now, I am talking about the state, the state is an employer—that employers have to fund pension plans in accordance with the recommendations of the competent and legally qualified actuary.

I want to capitalize 'actuary.' An actuary is a professional, just like a lawyer, just like a doctor, a CPA, he is a professional. The actuary makes these recommendations. The answer that the courts gave were clear, the actuary was upheld and the companies had to meet his recommendations. I want to again reassure you that the state is not under these regulations, but I feel that the state, as an employer, should be just as exemplary as Caesar's wife. We certainly, as a state, have no particular reason not to carry on and do things as properly as we should.

To get a little bit technical, the trustees of the retirement fund have a responsibility under the law to provide the amount of money each year to keep the retirement fund in a solvent, ongoing condition. They rely on the advice of their actuary. He gives them advice, they can accept it or reject it, it is their responsibility, but he is the professional who gives the advice. This is all covered in Title 5, Sections 1006-1153, if you want to look it up.

Now the state, by law, pays the retirement for teachers even though they are not employees of the state. I would point out at this time, since it also pays retirement for state employees a very important thing in connection with this legislation we have before us. The criticism you are going to hear today is that the actuary may have made some errors; that is for you to decide. That is a fact that this jury of the House can make a decision on.

You are also going to be told that the fund isn't properly managed, and I want to state right here and now that the management of the fund has nothing to do with the actuary's computations as far as the past is concerned. The past is there, the record is there, the actuary bases his work on that. The future, yes, that is what the study can address, whether or not these trustees are properly handling the fund, but that will be subject to future actuarial computations. We will see what happens to the dollars.

The trustees ask the actuary for his recommendations, he makes the recommendations, the trustees accept them or not, then they make decisions with respect to those and by law, they are required to report those decisions to the Budget Office. By law, the Budget Office must set up the amounts that go into the budget.

I would point out to you that the requests came in at a figure which was not funded completely in Part I of the budget on Page 281, although it was recommended for teachers' retirement. If you want to look on 2-281 of your big fat budget book, Part I, you will see that they only funded a portion of what the recommendations were.

The same thing happened in Part II and there was no recommendation from the Budget Office to fund this shortage in Part II that was set out by the figures determined by the actuary.

I won't get into percentages at this point, but how they are determined I can explain to this assembly if you want to get them. The actuarial computations I don't expect to explain in detail but I can certainly give you the results. The results were that the actuary recommended that the Teachers' Retirement Fund receive \$28 million the first year and \$28.5 million the second year. It actually was funded at a recommendation of \$15.7 each year out of federal rev-

enue sharing and approximately \$5.8 and \$6.4 million each year out of the General Fund, leaving it short of the recommendations about \$6.4 a year in each one of the two years. Why this was done, I have no idea. I am not here to set motives on anyone, but I would like to be very clear at this point that it was a decision that was made.

What happens to the funds regardless of how much there is there? With respect to the employees of the state, those funds are utilized by the departments in making up their budgets for personal services as they recommend them to the Budget Office and then the Budget Office puts the whole thing together and that is the Part I Budget. That was done, and in doing that, all the state departments used the new recommendations of the actuary from the retirement committee, the trustees. So, the budget was completed and at this point in time, ladies and gentlemen, already funded in Part I are the necessary funds at the recommended figures of the actuary to fund retirement for state employees that is already in the budget.

Since teacher retirement comes in at a lump sum figure, although not in a lump sum payment because they pay either quarterly or monthly into that for the teachers' retirement, depending on what the source of funds is, they decided that somehow or other they could leave out part of it and they have left out \$6.4 million a year.

These dollars that the state pays in, whether they come from state employees or whether they come from teachers, go into a general fund, an overall fund called the Retirement Allowance Fund. It is from the Retirement Allowance Fund, and this is specified by law, that benefits are paid. Now, the dollars that go into the Retirement Allowance Fund to pay for benefits are the state's money for employees and teachers, the dollars from retirees on the day they retire, the money that they have put in themselves goes from the employees' fund into the Retirement Allowance Fund and 4 percent of the interest they have earned on their money from the Retirement Allowance Fund. They earn interest, employees are limited to 4 percent interest on the money they have put in. They put in 6½ percent of their salaries which goes into the fund, but they are limited to 4 percent interest. That is their money and it is always their money. If they get out, they quit their state job, they can get a check for that amount of money from the retirement fund. When they retire, that moves over into the Retirement Allowance Fund and it is from that that the benefits are paid.

So you see, it is very essential that benefits are paid in, in accordance with the recommendations of the actuary.

According to the law, it is very clear that the Retirement Allowance Fund is the only legal place to get dollars to pay benefits.

At the end of fiscal 1976, there was \$15.8 million in the Retirement Allowance Fund. At the end of Fiscal 1977, there was \$14.2 million in the retirement. In 1978, ladies and gentlemen of the House, it was down to \$3.3 million. The actuary estimates that there will be a deficit in the Retirement Allowance Fund as of the end of the fiscal year we are presently in, July 1, 1979. We questioned him rather carefully on this in the joint meeting between himself and the retirement fund trustees, the Budget Office, the Commissioner of Finance and Administration, members of the Appropriations Committee, and despite the fact that he is not sure just what the deficit will be, he is confident that by putting in the money that he has recommended actuarially, the fund will be in a good, solid, movable, floating, ongoing condition. There doesn't seem to be much disagreement with that from anybody that I have heard from, even though the \$6.4 each year is not necessarily the exact amount that the fund might be in the red. He has specifically said, in answer to a question, that despite the fact that

it might be down or up, the moving averages, which is what an actuarial fund is always about, the moving averages will be so that he can certify and he can recommend that it is okay.

I want to point out, ladies and gentlemen, that this is a very conservative insertion of money into the fund. There is very little question and I am very comfortable with the work of the actuary, although I could not disagree at all that the work of the trustees and the actuary should be subject to a study and a look at by another actuary. I will point out in passing that some two years ago, within the last five I think quite surely, the actuary did a study of the fund, the actuary that the fund hires, he did a study and came up with a report.

The trustees, feeling that they needed verification, hired another actuary to look over his work and all the other actuary reported was that he was a little conservative in his estimates but when you put all the conservative estimates together and make them more liberal, the net dollar result was the same.

Finally, in that same time period, the Maine State Employees Association hired a third actuary who looked over the work of the first two. They essentially said that there was nothing wrong with the work that the others had done. So I am pretty comfortable and, you know, I have heard this phrase 'pretty comfortable' quite a lot lately. The Commissioner of the Department of Finance and Administration is completely comfortable with certain recommendations he has made, that is all right. Well, I am completely comfortable saying that I think the work of the actuary is probably okay, but let's take a look at it, I have no problems with that.

There are those who also say we have not a \$6.4 million problem but a \$16 million problem and that is because we do have another unfunded liability on noncontributory teachers that goes back a long, long ways, which has been periodically recommended to be funded by the trustees and which this legislation has periodically turned down. That is not a question here now. But as I say, there are those that could say that we had a \$16 million problem rather than \$6 million. That is where we are, ladies and gentlemen, and that is why we need the full amount appropriated for the fund.

In 1982, we have made a concession. That concession is, and I think I better read it to you, if I can find the bill in all the stuff on my desk here, it is a relatively important one, in 1982, the concession we have made was that appropriating the \$6 million in both fiscal years. Under Section 8 on Page 3, we are not going to allocate those. We are going to say that the funds appropriated in this section shall not be allocated until the retirement study authorized in Section 7 of this Act is completed and then only in the sums recommended by the study up to the amounts available in the section. Any remaining balance shall lapse to the General Fund. I think that is a very strong concession. It does practically the same thing that the gentlemen from Old Town is proposing in his amendment, the only difference is, his amendment appropriates the first year's funding and does nothing about the second, where is the money? It is not there. It is absolutely available for anything else and it should not be.

One of the most succinct points about this whole thing, ladies and gentlemen, is that this is not our money. You heard me explain that courts in other areas have decided that employers are responsible. We certainly should be responsible.

I can see absolutely no rationale for this approach.

To touch quickly on the difference between the two amendments with respect to who conducts the study, I would point out that the study is going to be done by professionals. Certainly, if it is contemplated that employees of the State of Maine in the Department of Finance

and Administration will conduct this themselves, we certainly are in bad trouble, because they are making these original recommendations. Therefore, I think it would be entirely wrong for this legislature to lose control of hiring the professionals who will do the study. I think that would be a tremendous mistake, so we have got two mistakes in this amendment.

By the way, Mr. Speaker, if I haven't already done so, I move that the amendment be indefinitely postponed and ask for a roll call.

The amendment is a bad amendment all around. I have talked long enough, I have got all kinds of details if you want more, but I guess I will close with this, ladies and gentlemen. You know, we have talked a lot about integrity this session and we have talked a lot about keeping commitments, and we were imported very strongly on the appropriations and I am sure you have all heard about keeping a commitment to put \$200,000 into Pratt-Whitney. That was a commitment that was probably made over a cocktail table, I don't know where it was made, but it certainly was made in a very informal way. I have no idea where it was made and the Speaker is shaking his head to the exact local but the point remains, it was pretty informal—no, written documentation of it. I am talking here ladies and gentlemen, of keeping a commitment that was written into the laws of the State of Maine. This is not our money to fool with, it belongs to the retirement fund. If the study shows that the actuary has been wrong, you are protected. If the study shows the actuary was right, the money is there, that is all we are asking for.

I certainly hope that this House will go along with my motion to indefinitely postpone House Amendment "A".

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

Mr. JALBERT: Mr. Speaker and Members of the House: With his usual refreshing honesty, the gentleman from Farmington has given you a complete breakdown of his position. He was one of two members of the subcommittee that studied this situation. The other member was Representative Carter of Winslow, who also did, in his own right and his own way, an admirable job.

Refreshing my own memory, I did not vote on this thing, I did not give my proxy because I had the position at the time that is being brought forth today. If this is new to some, including some members of the Appropriations Committee, this situation is not new to me. I would like to state to the membership that the front office, its position up to probably a few hours ago was to leave the money alone as far as funding and go into a study. Everybody agrees, although possibly we are in disagreement. I could go either way as far as who should and who shouldn't do the study. It is certainly my hope that the Finance and Administration will not undertake this, but they will hire somebody to do it. Consequently, that is where it is going.

The gentleman from Farmington, Mr. Morton, has given you his position; the position of the gentleman from Winslow, Mr. Carter, was originally zero and zero. He changed his position from 3.2 to 3.2. My position is for originally approximately 10 days to two weeks ago.

Sunday, I spent all morning calling various people, one of whom is the good gentleman from Farmington, Mr. Morton. He said I spoke to him for an hour. I think that is very unlike me. If my memory serves me correctly, the conversation didn't go over 55 minutes.

We did not touch incidentally, on the \$150,000 study other than agree that the study was for something that should happen. We did, however, go into the proposition of \$6.4 and I want this clearly understood, for those who are not aware of it, my position would be possibly \$6.4 and \$6.4 were it not for the fact that if we have \$6.4 now—this is a compromise from all sides—were it not \$6.4 now and \$6.4 would be kept and

not spent, I probably would not go along with the situation. But the only way that this \$6.4 for the second year can be spent—now follow this carefully—the only way it can be spent is if the leadership would meet and possibly was successful in getting us to vote to spend an additional \$6.4. Otherwise, that doesn't go when we leave here. There is nothing that the leadership, if they met and voted 10 to nothing, there is nothing that they can do about it, that money must stay there. It will wind up in a surplus, it will stay there.

In defense of those like Mr. Carter, who reluctantly changed his position, it would very well be that the actuary would show that this \$6.4 was not to be put in there. As he stated in his original position, if we did that and the position was showed that we did not need \$6.4 for either the first year, let alone the second year, the money would be gone.

I am one of those people that figures it is sound to put in \$6.4 for the first year and it may be \$2.8, \$3.5, \$6.4, \$8.9 \$10 million that the actuary will show. So, this is a solid compromise all the way around.

As I spoke to the gentleman from Farmington Mr. Morton, Sunday, and I hope he will not take issue or be angry, I hope he doesn't mind if I mention the private conversation we had. I wouldn't care if anybody would hear it and I am sure he wouldn't either. I told him then, as I say so now, if we don't go for this program here, what will happen is this, and we don't want this to happen, we will wind up with zero for the first year, zero for the second year and possibly no study and that would be bad. Somewhere along the line in the waning hours of any session, compromises are made, agreements are made, and that is it.

Although I am going along with the Pratt-Whitney thing I share the positions of the gentleman from Farmington, Mr. Morton. I made no commitment, I wasn't at that meeting. I don't know if they were having a steak, a brew or a cocktail and I could care less. They may have made the statement standing up and I will bet it was walking around this and that probably was made this way. Don't worry about that, we will take care of that situation as far as the coaching or the training at SMVTI. That is probably what started it and that is probably what ended it anyway. Don't worry about that, that is a minor detail; that is all right with me.

The position I take and I might say this, and I think the gentleman from Farmington would agree with me, he did not necessarily take issue. I had him listening. I can tell when he is going to listen and when he isn't going to listen. I guess I have had it for 37 years—have a good day my good friend—that means hang up, get lost and that is it. My good friend did not say that, he listened very intently, and I can tell when he is listening and I can tell when I am getting through and I can also tell when I am not getting through. He doesn't do it impolitely but he has his own way of telling you that he is not with you. I thought I was getting through, and to even add to my dilemma, when I landed here Monday about twelve thirty or quarter to one, I was put under a grueling test first by the members of the Democratic Appropriations Committee and the leadership as to where I had been. I made the colossal error and then I came up and had a conversation with my dear friend who has the mallet and we spent a very pleasant hour together. It ended, at least, very, very pleasantly with me. I don't know who won, he is here and I am here.

He asked me where I had been, and I had been with the Chairman of the Appropriations Committee and I also asked another member of the Finance Office to come with me. It would appear that I had gone and divulged things that I shouldn't have divulged. I wanted to talk about this thing, I didn't want to be disturbed and I had this conversation with the Chairman of the Appropriations Committee and the member of the Finance Office. It was

done at my request and nobody else's. I think those of you who know me well know that when I want to put a point over, I really work hard at it.

I worked all morning on the phone, I couldn't reach the Speaker, although he told me when I left here Friday, call me up. Well, that is the difference between trying to reach him after he tells you to call him up. Don't worry about him calling you, he is never going to call you, but you call him. He won't call you because he has got the sheets as to who calls you every month, so he can tell and he doesn't want to have it shown that he calls me, he wants me to call him so I can get dunned possibly for the phone bill. Now, that is the situation as it is. If we don't pass Report "B", the gentleman from Waterville, Mr. Carter, and he is no soft touch, I have heard of Missouri mules and I wouldn't accuse him of being a Missouri mule, I have heard of people being a little stubborn, I have heard of people being built in a brick and cement and there it is right behind me. I respect and admire him as a friend for it. He has been—downstairs, they have been—the leadership has been of my party. It is a question now of zero or this situation here. My friends, that is where we are.

My compliments to the gentleman from Farmington, Mr. Morton, for the hard work he has done. He could fill you in for three hours on this program. He and Don Carter did a fine job on this subcommittee. We have reached the point now where we have got to fish or cut bait. This is the compromise, it is the final compromise, it is either this or nothing. It would be an absolute shame if it were nothing. I want to emphasize again, there is no way on the Lord's earth that this money can be spent unless we spend it, it will be lying there. Now, somebody might say it is going to be lying there, why don't you appropriate it. That is where the compromise comes in for those people who say maybe give them \$6.4 for the first year is too much, that is the compromise we make, by setting aside for what is needed, up or down, the \$6.4 million for the second year without appropriating it.

I hope Report "B" is not indefinitely postponed so that we can accept the report and go on our way before we wind up with absolutely nothing and that is absolutely what is going to happen.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard my good friend from Farmington, Mr. Morton, say that perhaps this would be his most important debate since he has served in the legislature. I would like to tell you that this is the first time since I have been here that I have ever participated on any issue dealing with what I do when I am not here. I have a voided getting involved in any insurance bill or any retirement bill because I don't want the slightest indication of conflict. I have maintained that position since I have been here and this is my seventh term.

On this issue I had to get involved. As it has been stated, we have spent many hours researching this thing. We have reached agreements in some areas and differ in other areas.

The primary purpose I believe, of both myself and Mr. Morton was the integrity of the fund and to protect the fund. The reason I got involved was because we also have to protect the taxpayers who pick up the tab.

You have heard mention that the actuary makes the recommendations and that the trustees, under law, must follow the recommendations of the actuary.

Now, the actuary bases his recommendations on ERISA and it has been stated to us that ERISA, which the state does not have to observe and it is not under its regulations or its authority, ERISA has been referred to as every rotten idea since Adam. It depends on which

position you take. You can either adopt this or adopt another position.

You have also heard it stated that the fund or the recommendation by the actuary of \$6.4 probably should be \$10 million or \$16 million. It has also been pointed out to us, we talk about short falls, it could also be stated that the fund is \$700 million short. Nevertheless, the actuary makes recommendations. This is the area that really concerns me. In this case, he recommends that the investments should be returning no less than 8.5 percent. The figures that I have obtained from the Director, Mr. Blodgett, are at both the book value and actual value. Now, book value sometimes presents a beautiful picture, but I suggest to you that it is pretty difficult to eat a book at book value. Actual value is what we are concerned with, this is what the retirees are paid with. You can't pay the retirees out of a fund with book value, it has got to be actual dollars.

Very simply, to make this as uncomplicated as possible, I took the experience over the past six years of the fund, from 1973 to 1978. The book value shows an approximate return of 4.8 percent over this period of time. But the actual return, the actual dollars, shows a return of approximately 2.016 percent. There is a big difference between actual returns and book value. You translate that into potential loss of dollars, actual value is \$10 million lost per year, book value is \$5.7 million. This is the difference between what the actuary recommends and what the fund actually returns. With this type of activity, the fund will not last very long.

For the fund to maintain its proper balance, the investment, according to the current rate of inflation, should be returning somewhere around 16 percent. When you compare what it should be earning and what it actually earned there is a great big difference.

It is very important to note that the recommendations of the actuary should be followed by the trustees under the law, but they don't have to follow his recommendation when it comes to investments.

It has also been stated in a direct question that I posed to Mr. Blodgett that if the return of the fund had been what it should have been, as recommended by the actuary, this \$6.4 million, or \$12.8 for the biennium, would not have been needed. In other words, the taxpayers would not have to dip into their pockets and pick up the tab. This is the area that really concerns me.

As it has been pointed out, I have gone along with the \$6.4 million. I think we should show good faith. We are not trying to take anything away from the retiree or the retirement fund and conversely I don't think we should be trying to take any away from the taxpayers. I am going along with the \$6.4 and the study, which I think is very much needed, and I guess we are all in very much agreement with the need for the study, except for who should do it. I think the current amendment is the one that we should follow and I would hope that you would vote against the motion to indefinitely postpone.

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

MR. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee talked about this issue for a long time downstairs in Room 228. My experience on the committee has been very positive. I have come to respect the gentleman from Lewiston, Mr. Jalbert, very much, except that I have to disagree with him today on this particular issue. One of my concerns, from looking at this issue as opposed to other issues the Appropriations Committee has dealt with, in the last five or six months many times the Finance and Administration Office sent us committee memos on different needs of State Government, and Pratt Whitney is a case in point. Often—times the department heads have gone to Mr. Scribner and pointed out additional

needs either in Mental Health and Corrections, Human Services, people that handle certain departments have come forward and said "we need extra money to do this, we need extra money from Pineland Consent Decree, we need extra money under the law to satisfy the requirements of the law for this particular program." I am very concerned that in this specific case, where the actuary who is handling this retirement fund has come forward and said the fund needs \$12.8 million. No one from the administration has come forward and said, yes, we should do something, we should put money into that fund.

I am really surprised that in this specific case the Governor didn't make a recommendation to the legislature to put some money into the fund, as the actuary requested. I don't see why this case is any different than other case where we have dealt with extra money for Mental Health and Corrections, Human Services, different kinds of things that under statute we have to do. For some reason, in this specific case, the actuary's recommendations were not entertained at all—I don't know why. I think they should have been entertained and we discussed the issue many times downstairs and really couldn't come into a consensus, as we see here today, as to how much money should be put into that fund.

Originally, I agreed with Mr. Jalbert in his position, that we should put this \$6.4 in and wait until later, after the study, to probably put additional money in if the study in fact, said we should. After talking to other people who know much more about this than I do, I am convinced now that Mr. Morton is correct and that we should put the \$12.8 million into the fund, and I hope you will vote to indefinitely postpone House Amendment "A".

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

MR. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As arguments have been presented here this morning, there was no question that there was mixed emotions between both the political parties that are represented in this body that serve on the Appropriations Committee. In fact, there was mixed emotions between, at least that I am familiar with, the Democratic members of the Appropriations Committee. I like Representative Carter, because of the fact that no one can concretely put enough complete evidence in front of us to determine (1) whether we should give them the \$12.8 million or, (2) give them no dollars at all, it was extremely difficult for us to back off from not giving them any monies because of the fact that the information that was presented to us was not concrete enough.

The only thing that both political parties on the Appropriations Committee could agree on is that there is a necessity for a study. We are in mutual agreement on that, but for myself and Mr. Carter to go from point zero to \$6.4 million is a difficult position for me to accept today. Nevertheless, there has to be a point of compromise.

We were willing to go \$3.2 the first year and \$3.2 the second year. We are now at a point, at least 'we' are, that we are willing to support \$6.4, plus a study. The reason that we don't want to put any money in the second year is because the study is going to take from three to five months. Whatever the result of the study is, if in fact, we have to produce additional monies this legislature, you and I who belong to it, are going to be back here next year, but we should not make the mistake of appropriating additional monies for the second year when we in fact do not know that they are necessary. That is the point in question, that is the point that Mr. Carter has made. We are willing to make a commitment for \$6.4 million, until we have documented evidence it is necessary.

Now, if you are willing to gamble \$6.4 million of the taxpayer's money and not knowing for sure that is entirely up to you as an individual

legislator but, at this time and place, this legislator at seat 121 is not about to be willing to gamble your money, your constituents money and mine, on something that may not be necessary. That is why the study has been presented on both sides of the aisle because we know it has to be done.

The public confidence, and I am talking about that as far as some members of the Appropriations Committee are concerned, dealing with the trustees, to say the very least, support is shaky. But being reasonable men and women that we all are in this House, there has to be an ultimate point of compromise. The compromise, my dear friends, is the amendment that was presented and worked on by both Mr. Pearson and Mr. Jalbert. As of this morning, I am prepared to support it because I think it is a reasonable one, only to the point that we are not sacrificing on the possibility that we are spending \$6.4 million unnecessarily in the second year.

I would urge that this House oppose Mr. Morton's motion and adopt the Pearson-Jalbert Amendment.

THE SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

MR. DIAMOND: Mr. Speaker, Men and Women of the House: One thing Mr. Morton said when he first started out was that when the Longley Administration of 1976 deferred payment of about \$5 million, that he had 100 phone calls and that he assured the people because he said the money had been allocated or appropriated. I am glad that he satisfied that many people that called him by simply saying that. That is not the case as far as the people I was concerned about. I was a legislator here, people I was working with every day, that certainly didn't solve our problems. So, I would just point out, that is not going to solve anything by telling the people, yes, we have already appropriated this money.

Now the difference between Representative Pearson's amendment and what Representative Morton wants is simply that Representative Morton wants a second year, \$6.4 million, the money allocated or appropriated for that fund. What Representative Pearson is saying in his amendment is that what he wants to do is pay the \$6.4 the first year and then wait. Do the study between now and January and then put the money aside, and if the money is needed, then spend it. Put it in there—now, my word. I am a recipient of this kind of thing. I don't want to put this whole fund in jeopardy.

What we have to remember is what Representative Kelleher said, we are talking about taxpayer dollars. Up here I am also a Representative and I certainly don't want to take the taxpayer's money and put it in a system or fund that may not be needed, and it may need more.

My only point is, do the study. We all agree on the study, do the study, then in January, if the money is needed, then the money is going to be there, as Representative Jalbert pointed out, put it in. But what is the big hassle of putting it in now or appropriating it now before the study is even done?

I think we have talked about negotiating and compromising and I think we are all reasonable people, men and women, and I hope that we could kind of agree on this, do the study and if Representative Morton is correct and we are going to need that money, I will be the first one to support it.

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

MR. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I had intended and I hope I have allowed everyone on the Appropriations to have their say because certainly they have been living with this much more closely than I, but I think you are getting some bad advice. The attempt to make this seems to be a confrontation between Mr. Pearson and Mr. Morton is fallacious. You are not putting Mr. Morton's genius against that of Mr. Pearson.

The language that would tend to have you believe this is taxpayer money, and let's not nick them if we don't have to, it has a hollow ring to it also. A retirement fund, ladies and gentlemen, is a form of deferred compensation. Deferred compensation makes employees money. It is an obligation that is set up in statute. It is not Mr. Morton saying we need this money, let's put it away and let's appropriate it so that it is appropriated, it is an actuary.

Mr. Pearson would have you think this is a fuzzy science, similar to some auditor's report that he has seen that look fuzzy. Well, it is not a fuzzy science, it is a mathematical exercise performed by people so skilled that there are very few of them across this country that attain that rating. So, this actuary has done his duty, he has made his recommendation to the trustees, and under statute, they have done their duty. That is where the duty has stopped, because we have seen no further percolation, except that on the state employees side, the allocation and the appropriations have been made. Why? This is what is wrong with the way that we are funding teacher retirement. It started out a long time ago in a way that fit then but it doesn't fit now.

The reason we are seeing this problem is because it takes a lump sum appropriation that makes it very easy for political expediency to avoid it or put it to study, which is, as you all know, one of our favorite ways of avoiding our responsibilities. Lump sum appropriations made quarterly—very dangerous way to do business. It is proven by the fact that the same actuary has been followed to the letter on state employee, every payroll an increased percentage for the retirement fund is now going, or will be on July 1st, going to the State Retirement Fund.

So, you are being sold a compromise. I don't think it is going down very well and I certainly hope it doesn't.

There should be no party lines on this, this is deferred compensation for state employees and public school teachers and we are not protecting the taxpayers' money, we are either going to live up to a commitment on the basis of expert advice or we are going to substitute our judgment and the judgment of the gentleman in seat 121 that somehow this isn't needed.

Mr. Carter, the gentleman from Winslow, makes the point that the investment policies of the fund have been less than satisfactory. I wouldn't argue with him on that point, but I will point out to you, that it is completely not germane. It could have been challenged. It is not germane to this discussion. It has absolutely nothing to do with it except to prove that the fund, quite obviously, needs more income, it needs income that has been certified as should be going to it.

I hope you won't buy the compromise, I hope there won't be any party lines, but don't let it be sold to you as a contest between Mr. Pearson and Mr. Morton, although I have no doubt who would win in that event either.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I do feel as though there are some comments that were made that must be refuted. First of all, the gentleman from Winslow, made the statement, which I caught and I hope I caught it wrong, but he said the actuary made his recommendation on the basis of ERISA, and I completely refute that and if he did say it, it is absolutely incorrect. The actuary makes his recommendations on the facts involving this retirement fund. ERISA has nothing to do with it but I do understand that there was an audit made last year and because of the objections of the Governor, the audit was modified to some extent prior to its ever being published.

I didn't understand what the gentleman was talking about with respect to return, but as the

gentleman from Cumberland has just pointed out, it is not germane to this discussion. We are talking about the future and not the past. The past is already with us and the dollars that are presently in the fund or not in the fund are what the actuary is working with.

The gentleman from Bangor, Mr. Kelleher, mentioned documented evidence. He wants documented evidence. The only documented evidence we have, ladies and gentlemen, is the actuary, and that is real documented evidence. Anything else is pure guess work.

I would point out again and again that this bill, in its original form, provides exactly what everybody wants, except for some reason or other there is a reluctance to appropriate money that we have available. Everybody says it is here. The gentleman from Lewiston says it is there and is going to be there for something which is absolutely needed, required by law; yet, when they say it is going to be there, they don't read what this says because it says that if it is needed in accordance with the study, then it will revert to the General Fund. It is just as simple as that, the money is going to be right where they want it.

The only thing, ladies and gentlemen, that I want to do is lock it up and I will tell you why. There was a debate yesterday afternoon; the gentleman from Scarborough brought in some figures. We have many potential uses for money, and if you don't put this \$6.4 million in, you will have spent it once for this, once for something else, once for another thing.

Yesterday, we passed a bill here in connection with tree growth. It went through yesterday, I say yesterday, it was almost nine o'clock last night when it went through, and hardly anyone had an opportunity to read it and I don't think it was printed until this morning. I have been looking at it and I understand it is going to be amended. It does carry a relatively strong potential liability for the future, if we pass the bill in its present form. I am not opposed to it particularly. The point remains that it is a potential liability and, as are many other things, which I could enumerate which I am not going to.

So, who says the money is going to be there? The only way to make sure the money is there, ladies and gentlemen, is to put it there. That is the only way to make sure.

When the gentleman from Lewiston called me last Sunday, we did have a very long and interesting discussion. Essentially, it was about this amendment. I believe the gentleman from Lewiston was confusing me, at least a little bit, because he said he was in favor of the bill as printed and then he says this is a compromise. The gentleman from Bangor calls it a compromise, and the gentleman from Windham called it a compromise, ladies and gentlemen, there is not compromise on the dollars. There is none. I will not agree to a compromise on the dollars because the dollars are required by the actuarial figures and sure, this legislature and the executive can recommend anything and this legislature can do anything, but that doesn't make it right. That money belongs to the employees and those are the exact words, in this lovely conversation that the gentleman from Lewiston and I had on Sunday that he used with me. I am sure he believes that. So, all I am saying is, there is no way to do it.

Early on in this discussion, when we discussed it in Appropriations and the gentleman from Winslow and I got into it, quite a lot of conversation about his being in the insurance business and his having background knowledge and I certainly defer to him in that area, we were talking a great deal about the actuarial tables that were used of that kind, and I haven't heard any of that debate today. All I want to say with respect to that is, it just so happens that teachers are living longer than other state employees and hence it is necessary to put a little more money in with respect to teachers than it is state employees on an actuarial basis.

The actuary is only following the precepts of his profession when he does that. So, there is every evidence that there is not too much wrong there but that is what the study will find out.

The bill that is before you without any amendments does not spend the money, it appropriates it and it only allocates subject to the study. There is no difference, except that I am protecting the dollars and making sure that they are not going to be spent for replacing federal revenue money that we may not get, or paying for tree growth that we may become liable for, or any of the many other demands that are going to be made on extra money.

Ladies and Gentlemen, there is only one thing that you can do if you want to have integrity in this legislature, if you want to carry out the mandates that this legislature has and the customs that have been carried out year after year, and that is, appropriate this money, allocate it the way we have described it, but appropriate it now. Failing to do that, we are not doing what we should and I have heard absolutely no reason, and I challenge someone to give me a real solid reason why we should not appropriate it under the circumstances that are laid out here—anyone.

I have heard all kinds of mousing around about it, the taxpayers' money, well it sure is the taxpayers' money, ladies and gentlemen, but we can't spend it more than once, no matter whose money it is. That is what this bill is all about, that is what this amendment is all about, and I certainly hope you will turn it down with at least 101 votes. I am looking for that.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard references made to the fact that what we are debating here, dollars, are not germane. This is the whole crux of the problem. First of all let me say that I have stayed away from speaking on these standard mortality tables because the issue is complicated enough. I am sure that the study will take care of that problem. Therefore, I have stayed away from there. We are only talking about dollars. I suggest to you that dollars are very much germane.

Now, the point is very simple from where I come from. If the fund would have generated the return as recommended by the actuary, we wouldn't have this document here before us, it is that simple. If anybody can convince me that this is not germane, I am willing to listen.

I would hope that you would vote against the motion and support the amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I regret to have to rise but I was somewhat disturbed by what Representative Garsoe had to say that this was an exercise in pitying the gentleman from Farmington and myself on our intellectual abilities against one another and I want you to know, that is not true. We have different philosophical points of view on this and there isn't any Democrat on that committee, whether it is Mr. Kelleher or Mr. Carter, Mr. Jalbert, Mr. Diamond or myself, Mrs. Chonko who has not the highest respect for Mr. Morton's intellectual ability, and have all year long, and it has been a joy to serve with him, I think that we just have a different idea on this particular issue.

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 Houlton, Mr. Peltier.

Mr. PELTIER: Mr. Speaker, I request permission to pair my vote with the gentleman from Brewer, Mr. Cox. If he were here, he would be voting no; I would be voting yes.

The SPEAKER: The pending question is on the motion of the gentleman from Farmington, Mr. Morton, that the House indefinitely postpone House Amendment "A". All in favor of that motion will vote yes, those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Barry, Birt, Borda, Boudreau, Bowden, Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Hanson, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Michael, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth, Whitemore.

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

ABSENT — Brown, A.; Brown, D.; Churchill, Dudley, Gray, Laffin.

PAIRED — Cox-Peltier;

Yes, 68; No, 75; Absent, 6; Paired 2.

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

Thereupon, House Amendment "A" was adopted.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: As I understand the situation, this bill is now going forth with no money appropriated for the second year. Am I correct that this is the final moment? I just want to remind the members of this body that when January comes, you may find yourself, we may all find ourselves, in a delicious situation of wondering whether tree growth or collective bargaining, a down turn in the economy, or any one of a number of things, would have made us wish that today we had the foresight and the prudence to merely appropriate this amount of money, not to spend it, but just to earmark it so that you weren't going to, in the words of the gentleman from Farmington, "be faced with even the temptation to spend it twice." It is here and it can be gone tomorrow.

Thereupon, the Bill was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLVE, Authorizing an Appropriation of \$300,000 to Provide Administrative and Other Initial Operating Expenses Incidental to the Construction and Operation of the Maine Veterans Home (Emergency) (H. P. 1014) (L. D.

1248) — In House Passed to be Enacted on May 7, 1979. — In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-282) as Amended by Senate Amendment "A" (S-360) thereto.

Tabled—June 13 (Till Later Today) by Mr. Tierney of Lisbon.

Pending—Further Consideration.

Thereupon, the House voted to adhere.

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

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Provide a Grant to Community Health Services, Inc. for a Long-Term Care Demonstration Project" (H. P. 1087) (L. D. 1343) ask leave to report: That the House recede from Passage to be Engrossed as Amended by Committee Amendment "A" (H-380) as Amended by House Amendment "B" (H-455); recede from Adoption of Committee Amendment "A" as Amended by House Amendment "B"; recede from Adoption of House Amendment "B" to Committee Amendment "A"; Indefinitely Postpone House Amendment "B" to Committee Amendment "A"; Indefinitely Postpone Committee Amendment "A"; Read and Adopt Committee of Conference Amendment "A" (H-729) attached herewith and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" (H-729) in non-concurrence.

That the Senate recede from Adoption of the Minority "Ought Not to Pass" Report of the Committee on Health and Institutional Services; Substitute the Bill for the Report; Read the Bill twice; Read and Adopt Committee of Conference Amendment "A" (H-729) attached herewith and Pass the Bill to be Engrossed as Amended by Committee of Conference Amendment "A" in concurrence.

(Signed)

Mrs. NELSON of Portland

Ms. BENOIT of South Portland

— of the House.

Messrs. PIERCE of Kennebec
PERKINS of Hancock

— of the Senate.

The Conference Committee Report was read.

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

Conference Committee Amendment "A" (H-729) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Non-Concurrent Matters

An Act to Allow the Board of Environmental Protection to Regulate Activities Affecting Sand Dunes under the Alteration of Coastal Wetlands Program (H. P. 1163) (L. D. 1468) which was passed to be engrossed as amended by Committee Amendment "A" (H-360)

Came from the Senate, passed to be engrossed as amended by Senate Amendment "A" (S-388) in non-concurrence.

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

An Act to Regulate the Sale of Business Opportunities (S. P. 465) (L. D. 1499) which was

passed to be enacted in the House on June 5, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-251)

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (S-251) as amended by Senate Amendment "A" (S-381) thereto in non-concurrence.

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

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

The following Joint Order, An Expression of Legislative Sentiment: (H. P. 1580)

Charles and Barbara Stitham of Mars Hill will, on June 24, 1979, celebrate their 65th wedding anniversary.

Presented by Mr. Smith of Mars Hill (Copsponsor: Senator Carpenter of Aroostook)

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

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

The following Communication:

COMMITTEE ON LABOR

Rep. John L. Martin, Speaker

Maine House of Representatives

State House

Augusta, Maine 04333

Dear Speaker Martin,

The Joint Standing Committee on Labor is pleased to report that it has completed all business placed before it by the first regular session of the 109th Maine Legislature.

Total number of bills received 116

Unanimous Reports 64

Ought to Pass 16

Ought to Pass as Amended

Leave to Withdraw 35

Ought Not to Pass 4

Divided Reports 52

Sincerely,

S/ JASPER S. WYMAN

House Chairman

The Communication was read and ordered placed on file.

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

THE SENATE OF MAINE

Augusta

June 14, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it Indefinitely Postponed Bill, "An Act to Provide Loans for Family Farms." (H. P. 925) (L. D. 1134)

Respectfully,

S/ MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

Non-Concurrent Matter

Bill "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers" (H. P. 1333) (L. D. 1580) on which the Bill was substituted for the Report and the Bill passed to be engrossed in the House on June 13, 1979.

Came from the Senate with the "Leave to Withdraw" Report of the Committee on Public Utilities read and accepted in non-concurrence.

In the House: The House voted to adhere. (Later Reconsidered)

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

Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Require that Public School Employees Receive the Minimum Wage" (S. P. 353) (L. D. 1101)

Came from the Senate with the Report read and accepted.

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

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

The following Communication: COMMITTEE ON HEALTH & INSTITUTIONAL SERVICES

June 8, 1979

The Honorable John Martin
Speaker of the House
State House
Augusta, Maine 04333
Dear Speaker Martin:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the first regular session of the 109th Maine Legislature.

Total Number of Bills Received in Committee	89
Unanimous Reports	
Ought to Pass	15
Ought to Pass as Amended	28
Ought to Pass in New Draft	0
Ought Not to Pass	3
Leave to Withdraw	24
Divided Reports	24
Total Number of Amendments	81
Total Number of New Drafts	1
Bills Carried-Over to the 2nd regular session of the 109th Legislature	1

Sincerely,
S/ Representative SANDRA K. PRESCOTT
Chairman

The Communication was read and ordered placed on file.

On motion of Mr. Davies of Orono, the House reconsidered its action of earlier in the day whereby it voted to adhere on Bill "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers," House Paper 1333, L. D. 1580.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I gave my word to members of this body and the other body that we would not fight this matter, we would not send it back to the Senate. Therefore, I move that we recede and concur.

The SPEAKER: The gentleman from Orono, Mr. Davies moves that the House recede and concur.

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

Mr. McKEAN: Mr. Speaker, I didn't give my word. I am with the people at home and not with Maine Public Service or Central Maine Power.

I would ask for a roll call.

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

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

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

ROLL CALL

YEA — Aloupis, Austin, Benoit, Berube, Birt, Bordeaux, Boudreau, Bowden, Brannigan, Brodeur, Brown, K. L.; Bunker, Call, Carter, F.; Cunningham, Damren, Davies, Davis, Dexter, Doukas, Dow, Dutremble, D.; Fenslason, Fillmore, Garsoe, Gavett, Gillis, Gould, Higgins, Huber, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kiesman, Lancaster, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, Mahany, Marshall, Masterman, Masterton, Matthews, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Norris, Paradis, Payne, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Soulas, Sprowl, Stetson, Stover, Strout, Tarbell, Tierney, Torrey, Vincent, Vose, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Blodgett, Brenerman, Brown, A.; Brown, K. C.; Carrier, Carter, D.; Chonko, Cloutier, Conary, Connolly, Curtis, Dellert, Diamond, Drinkwater, Dutremble, L.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Hughes, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, LaPlante, Lizotte, MacBride, Martin, A.; Maxwell, McHenry, McKean, Nelson, M.; Nelson, N.; Paul, Pearson, Reeves, P.; Rolde, Simon, Smith, Studley, Theriault, Tozier, Tuttle, Twitchell, Violette, Wentworth, Wood, Wyman.

ABSENT — Berry, Brown, D.; Carroll, Churchill, Cox, Dudley, Gray, Howe, Laffin, McMahon, Michael, Peltier, Post.
Yes, 78; No, 59; Absent, 13.

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

The Chair laid before the House the following matter:

An Act to Provide a State Income Tax Credit for Installation of a Wood Stove (H. P. 851) (L. D. 1051) which was passed to be enacted in the House on June 13; in the Senate, the Bill and accompanying papers indefinitely postponed.

Tabled earlier in the day and later today assigned pending further consideration.

Thereupon, the House voted to insist.

The Chair laid before the House the following matter:

Bill "An Act to Require that Holiday Pay be Considered for the Purposes of Unemployment Compensation" (S. P. 309) (L. D. 902) — In the House, the Leave to Withdraw Report was accepted; in the Senate, adhered to its former action whereby the Bill was substituted for the Report and passed to be engrossed as amended by Senate Amendment "A" (S-161)

Tabled earlier in the day pending further consideration.

Thereupon, the House voted to adhere.

By unanimous consent, the Chair laid before the House the ninth tabled and unassigned matter:

Bill, "An Act to Require Each Primary Candidate to be a Resident of the District from which he is Running Prior to the Primaries" (H. P. 518) (L. D. 661)

Tabled—May 30, 1979 by Mr. Martin of Eagle Lake.

Pending—Adoption of Committee Amendment "A" (H-546) (Pending Ruling of the Chair)

Mr. Tierney of Lisbon Falls withdrew his request for a ruling from the Chair.

On motion of Mrs. Payne of Portland, Committee Amendment "A" was indefinitely postponed.

On motion of the same gentlewoman, the Bill and all accompanying papers were indefinitely postponed.

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

(Off Record Remarks)

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

Non-Concurrent Matter

Bill "An Act to Make Corrections and Clarify the Provisions of the Inland Fisheries and Wildlife Laws" (H. P. 1564) (L. D. 1686) which was passed to be engrossed in the House on June 13, 1979.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

On motion of Mr. Dow of West Gardiner, the House voted to recede from its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-726) was read by the Clerk and adopted.

Mr. Dow of West Gardiner offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-727) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

The following Joint Order: (S. P. 633)

ORDERED, the House concurring, that Bill, "An Act to Provide Personal Care Assistance Services to Enable Persons with a Severe Physical Disability to Work" (H. P. 974) (L. D. 1242), be recalled from the legislative files to the Senate.

Came from the Senate Read and Passed.

In the House, the Order was read.

The SPEAKER: This requires a two-thirds vote of all the members present and voting. All those in favor of the Order receiving passage will vote yes; those opposed will vote no.

A vote of the House was taken.

100 having voted in the affirmative and none in the negative, the Order received passage.

Mr. Hobbins of Saco was granted unanimous consent to address the House.

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to read into the record a clarification of the Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of the State of Maine, L. D. 1639. This is in regard to Section 13 of the bill. I would like to read into the record the following so that the Secretary of State will know what the intent of our action was in this regard.

The term 'churches', in the new language added by this section, is intended to mean all organizations incorporated for religious purposes, which may be incorporated under Title 13, Section 901, or which have been incorporated under that section or its predecessors.

On motion of Mr. Reeves of Newport.

Recessed until 2:30 in the afternoon.

After Recess

2:30 P.M.

The House was called to order by the Speaker.

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

Bill, "An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Benefits" (S. P. 189) (L. D. 456) — In House Passed to be Enacted on April 18, 1979. — In Senate, Bill and Accompanying Papers Indefinitely Postponed.

Tabled—June 13 (Till Later Today) by Mr. Kelleher of Bangor.

Pending—Further Consideration.

Mr. Kelleher of Bangor moved that the House recede.

Mr. Garsoe of Cumberland requested a Division on the motion.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Kelleher of Bangor requested a roll call vote.

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

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

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House this afternoon to recede. If the House does extend that vote, this bill would be in the posture for me to have an opportunity to present an amendment which, at this moment, I cannot talk about because the bill is not in a position to do so, but I am quite sure that you are all familiar with it. So, I would urge the House to recede and it would give me an opportunity to present an amendment which I believe would be of great interest to all of you who are sitting here this afternoon.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Now that I have gotten my head out of the wastepaper basket, I would suggest that we might possibly extend the courtesy of receding to the gentleman from Bangor, Mr. Kelleher, so he could present an amendment, which we won't talk about now. I hope you go along with the motion to recede.

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

Mr. TIERNEY: Mr. Speaker Men, and Women of the House: I hope you will not recede. I think the reasons were perfectly explained in my caucus and I trust my good friend Mr. Garsoe discussed it in his caucus. We can't always do everything you want in this legislative session and lots of times we just don't have enough money. I think that this is clearly a situation.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalbert, and inquires as to why the gentleman rises?

Mr. JALBERT: Mr. Speaker, if the gentleman from Lisbon Falls can debate the issue as to reasons why we should or shouldn't recede—can we do it?

The SPEAKER: The Chair would answer in the affirmative.

The gentleman from Lisbon Falls may continue.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The motion to recede, for whatever purpose, places us in a position to amend the bill. It is obvious that the bill has a price tag on it and no matter what you do up or down, whatever it is, this bill is going to eventually cost money.

Now, when we met to discuss this issue, we certainly didn't feel that our retired state employees did not deserve a raise, they deserve something, the fact is they have already received four percent and the law says if things don't go all right and the economy inflation rate continues to gallop ahead, they will receive another four percent automatically next year. We don't have the kind of money nec-

essary to do the things that we all want to do.

Now, we all speak for very personal positions. I have a father who collects a state retirement check; I have a mother that collects a state retirement check. I trust that I, too, someday will collect a state retirement check, but, ladies and gentlemen, we just can't do it, the money isn't there. I think we ought to be realistic and I hope you will join with me and vote no on the pending motion.

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

ROLL CALL

YEA—Baker, Barry, Beaulieu, Berube, Blodgett, Boudreau, Brennerman, Brodeur, Carrier, Carroll, Carter, D.; Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Fenlason, Hall, Hanson, Hickey, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kelleher, LaPlante, Locke, Lowe, MacEachern, Mahany, Maxwell, McKean, McSweeney, Nadeau, Norris, Paul, Peltier, Prescott, Reeves, J.; Reeves, P.; Rollins, Sherburne, Simon, Strout, Studley, Theriault, Twitchell, Vose, Wyman.

NAY—Aloupis, Birt, Bordeaux, Bowden, Brannigan, Brown, K.C.; Bunker, Call, Carter, F.; Chonko, Cunningham, Damren, Davis, Delert, Dexter, Dutremble, D.; Elias, Fillmore, Fowle, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hunter, Immonen, Kiesman, Lancaster, Leighton, Lizotte, Lougee, Lund, Martin, A.; Masterman, Masterton, Matthews, McHenry, McMahon, Morton, Nelson, A.; Nelson, N.; Payne, Pearson, Peterson, Post, Rolde, Roope, Sewall, Silsby, Small, Smith, Stetson, Stover, Tarbell, Tierney, Torrey, Tozier, Tuttle, Vincent, Wentworth, The Speaker.

ABSENT—Austin, Bachrach, Benoit, Berry, Brown, A.; Brown, D.; Brown, K. L.; Davies, Dudley, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Jackson, Kany, Laffin, Leonard, Lewis, MacBride, Marshall, McPherson, Michael, Mitchell, Nelson, M.; Paradis, Soulas, Sprowl, Violette, Whittemore, Wood.

Yes, 56; No, 63; Absent, 32.

The SPEAKER: Fifty-six having voted in the affirmative, sixty-three in the negative, with thirty-two being absent, the motion does not prevail.

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to the files.

(Off Record Remarks)

The following items appearing on Supplement No. 13 were taken out of order by unanimous consent:

The following Joint Order: (S. P. 632)

ORDERED, the House concurring, that Bill, "An Act to Provide a State Income Tax Credit for Installation of a Wood Stove," (H. P. 851) (L. D. 1051) be recalled from the legislative files to the Senate.

Came from the Senate Read and Passed.

In the House, the House the Order was read and indefinitely postponed in non-concurrence and sent up for concurrence.

An Expression of Legislative Sentiment, recognizing that:

The State Law Librarian and the personnel in the Law and Legislative Reference Library have provided the professional expertise, dedication and enthusiasm that has made this session a success

(S. P. 631)

Came from the Senate read and passed.

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

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act Making Adjustments in the Basic Need Standards and Payment Maximums of the Aid to Families with Dependent Children Program" (H. P. 587) (L. D. 734) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-707) 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 "A" (H-707) in the House on June 13, 1979

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-708) Report of the Committee on Appropriations and Financial Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-708) in non-concurrence.

In the House: On motion of Mr. Pearson of Old Town, the House voted to recede and concur.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

On Motion of Mr. Wyman of Pittsfield, the following Joint Order: (H. P. 1581)

ORDERED, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation." (H. P. 956, L. D. 1222)

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Mitchell of Vassalboro, the House voted to take from the table the fourteenth tabled and unassigned matter:

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval (S. P. 580) (L. D. 1640)

Tabled—June 7, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

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

By Unanimous consent, ordered sent forthwith, to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Education Law." (H. P. 1534) (L. D. 1683) which was tabled earlier in the day and later today assigned pending passage to be engrossed in non-concurrence.

On motion of Mr. Boudreau of Waterville, the House voted to recede.

Mr. Boudreau of Waterville moved that House Amendment "A" be indefinitely postponed.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a Division on that and I would hope that this body which overwhelmingly, I understand, adopted House Amendment "A", would keep that amendment on the bill. It doesn't do anything that I think anybody in this body would disagree with. I think it ran into a problem at the other end of the hall, but I think that problem can very easily be overcome and I would hope that we would not indefinitely postpone House Amendment "A".

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Waterville, Mr. Boudreau, that the House indefinitely postpone House Amendment "A". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Boudreau of Waterville requested a roll call vote.

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

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

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" was rejected in the other body. It is my understanding that the committee was requested to make the change that is made in House Amendment "A" and the committee decided not to make the change and not incorporate the change in the bill. So, I really don't understand why the gentleman from Portland now wants to incorporate the change in the bill, because the committee had decided not to do so. Maybe I am wrong about that and he could clear that up for me.

I don't believe that House Amendment "A" should continue to be on the bill because it is a significant change, and since that bill is a so-called Errors Bill, I just don't think it should be there. Maybe Mr. Connolly could tell us why it should be there.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to explain, and if any members of the committee want to get in on this, feel free to do so.

It is my understanding that we were having work sessions on this bill that we pretty much were operating that if everybody on the committee agreed to incorporate certain things into the legislation, we would do that in committee. If there was disagreement, and on this particular issue there was one member of the committee who had strong disagreement with this amendment, that we would not bring it to the floor and allow the issue to be introduced on the floor, which is exactly what happened with Representative MacEachern's amendment.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to Mr. Boudreau speak twice and Mr. Connolly speak twice, and so far I have yet to find out what House Amendment "A" really does do. We probably debated it the other day, but I think somebody ought to give us a clarification or a little reminder of what it is that we are voting on.

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

Mr. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is my amendment. It was a bill two years ago, it passed with flying colors in the House, with flying colors in the Senate, ended up somehow, I don't know how, but on the Appropriations Table. There it died.

The amendment is very simple, it is a non-partisan issue, it shouldn't become a partisan issue, but somehow it has.

The amendment provides a change from the present statute which limits to \$10 a meeting the amount that can be paid by the various school districts to their board of directors. The amendment changes the \$10 per meeting to \$25. It also provides for a vote of the participating towns whether or not they want to increase it from \$10 to anywhere up to \$25. It is a very simple issue. It isn't a change that is going to change the whole education system, it's a reasonable amendment. In this day and age, I think \$10 is kind of a ridiculous fee to pay the people who serve on our board of directors.

I know in my district, the people spend a lot of time, probably four or five meetings a month, in deliberation over school problems, and in order to attract people that are productive and efficient to these jobs, we should consider giving them a little more money. It isn't a mandate, they can do it on their own, they can vote within the district whether or not they are going to pay more than \$10.

Somehow, after it was unanimously accepted in the House the other day, the amendment, and incidentally, before I introduced the amendment, I picked up my little orange card here and I looked at the membership of the Education Committee and I personally contacted, individually, every member on the Education Committee, showed them what my amendment would do and until I reached the chairman in the other body, I had no opposition. They read the amendment, thought it made sense and said that they would have no objection to the amendment. When I reached the chairman in the other body, he said it should come before a public hearing, and I thought it was a little late for a public hearing for a little insignificant thing like this. Anyway, somehow between that point and the time it came up on the Senate floor, something happened and the amendment was stripped off over there.

I don't know whether it became a partisan issue or not, but I couldn't see any opposition in this body on the thing and it just doesn't make sense to jeopardize a bill of this magnitude for a small amendment that doesn't hurt anybody and it doesn't cost too much money. It doesn't cost the state a nickel. If the various districts decide to increase their payment to their directors, it will cost them a few bucks.

I just hope you would consider keeping this amendment on the bill.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I rise merely to point out to this body that this is not a partisan issue.

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

Mr. BOUDREAU: Mr. Speaker, I would withdraw my motion for indefinite postponement of House Amendment "A".

Thereupon, House Amendment "A" was adopted.

Mr. Boudreau of Waterville offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-278) was read by the Clerk.

Mr. Connolly of Portland moved the indefinite postponement of House Amendment "B".

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: The bill we are talking about is a so-called Errors Bill dealing with the education law. There is a significant change in that bill dealing with how districts go about calling to petition to talk about their cost sharing formulas. The present law says you need a two-thirds vote to do that. In this Errors Bill, the committee has changed that two-thirds to a majority vote. It is a significant change, I don't believe that it should be in the Errors Bill, and that is why I offered the House Amendment and I think the House Amendment should be adopted.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to indefinitely postpone this amendment. I agree with the gentleman that this was something of a substantive change, but it was something that the committee agreed upon. Perhaps we should have put this out in a separate bill but we did, as a committee, unanimously agree to put this into the Errors and Inconsistencies Law.

I would point out, we had another situation where a member of the other body came to us and asked us to put something into this law

which would have given community school districts the right to have eminent domain. We felt that that was a very substantive change and we refused to put it into this document. That gentleman subsequently put it into the Errors and Inconsistencies Bill and this body supported that.

So, I hope you will support our method of dealing with this question in this particular bill.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if this amendment is in error, because if you look at the Errors Bill, this amendment is changing more than the one area that the gentleman from Waterville has spoken of. I would ask that somebody table this until a little later so we can straighten this out.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what the gentlelady is alluding to. David Silsby and I went over this amendment five times and he assures me that the amendment is doing what we are trying to do, so if she can be more specific about what the problem is with the amendment, we might be able to get this resolved and get it over with.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to but I think it would probably save time if we tabled it.

In the Errors Bill, the only actual change that we made was to say, instead of two-thirds, a majority. However, a whole paragraph of the present law was cited, but in the amendment that is being offered today, the whole paragraph isn't being cited, only part of it, and that is the trouble that I see. I see more of the present law being removed than I think was the intention with this amendment.

On motion of Mr. Garsoe of Cumberland, tabled pending the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "B" be indefinitely postponed and later today assigned.

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

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the 14A tabled and unassigned matter:

Bill, "An Act Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981" (Emergency) (S. P. 600) (L. D. 1673)

Tabled—June 7, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence. By unanimous consent, ordered sent forthwith to Engrossing.

On motion of Mr. Tierney of Lisbon Falls, the House voted to take from the table the 13A tabled and unassigned matter:

Bill, "An Act to Allow Direct Purchase by Citizens of Certain Bonds" (S. P. 459) (L. D. 1373) (C. "A" S-194)

Tabled—June 5, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed in concurrence. By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

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

Mr. BIRT: Mr. Speaker, is the House in possession of Bill, "An Act to Increase the Sala-

ries of Constitutional Officers and the State Auditor by \$5,000" (Emergency) (H. P. 131) (L. D. 142) which was passed to be engrossed as amended by Committee Amendment "A" (H-636) in the House on June 5, 1979.

In the Senate, passed to be engrossed as amended by Senate Amendment "A" (S-382) in non-concurrence.

The SPEAKER: The Chair would answer the affirmative being held at the request of the gentleman.

On motion of Mr. Birt of East Millinocket, under the suspension of the rules, the House reconsidered its action of earlier in the day whereby it recede and concurred.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, the House reconsidered its action whereby Senate Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Senate Amendment "A" (H-731) and moved its adoption.

House Amendment "A" to Senate Amendment "A" was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Education Law" (H. P. 1534) (L. D. 1683) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Portland, Mr. Connolly, that House Amendment "B" be indefinitely postponed.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I have talked to the gentledady from Auburn, Mrs. Lewis, and have soothed her fears about this amendment and I think we are all set to act on it.

I just feel that the change from two-thirds to a majority, that was part of an L. D. that was withdrawn earlier in the session, is a significant change in the law, and I don't think it should be in the Errors Bill and that is the objection I am making. That is why I am offering this amendment.

I hope you do not indefinitely postpone House Amendment "B".

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Just to reiterate what Representative Rolde told you when Representative Boudreau raised this issue earlier, we had a bill before our committee that dealt with this subject matter and also with the subject matter of an individual community or town withdrawing from a SAD. The committee felt that it was not prepared to make a decision on the issue of an individual town withdrawing from a SAD, so we have made that issue part of a study order.

We did not want the particular legislation to come on to the floor where people might have an opportunity to play games with that legislation and perhaps substitute the bill for the committee report, so the committee decided as a group, the lobbyists who were interested in this legislation were there, the people from the Department of Education were there, anyone who had expressed an interest in the legislation was there, when the committee decided that we would take this issue and put it in the clarification laws, and if someone wanted to address the issue and debate on the floor, they could do as Representative Boudreau has done,

offer an amendment to delete that section from the bill and we could debate the issue on its merits. It is not an attempt by anyone on the Committee on Education to sneak one by.

I would hope that you would support the motion to indefinitely postpone.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I didn't expect to speak on this but I think I will because none of the previous speakers, to my knowledge, live in or represent SAD's and I do. I represent two of them and live in one of them.

I would like to give you the practical effect of what this amendment does. One of the two SAD's that I represent is SAD 57. It is made up of six rural towns and has three directors from each town, for a total of 18 directors.

SAD's are governed under the terms of the cost-sharing agreement that was agreed to at the time the SAD was formed. They are practically never changed after they are formed. The law, however, does allow a procedure by which they can be changed and that procedure requires a two-thirds vote initially by the group that has been put together to recommend a change. It is that procedure, that two-thirds vote, that this section of this bill is attempting to change.

I have been aware of this, I have talked to the Education Committee about it and I am convinced that they certainly acted in good faith, and as the chairman of that committee said, it was intended that this should be our opportunity to discuss this matter and that is why I am doing it.

It is, however, a substantive change. There is no question in my mind about it. The issue, however meritorious or however non-meritorious, should be considered along with the larger question of whether a two-thirds vote required by a petitioning town to get out of an SAD altogether should be considered in a separate L. D.

Let me tell you the effect this change would have on one of my two SAD's. I told you a moment ago that SAD 57 has 18 board members, three of those six towns are pay-ins to their district, the other three are not. That is a particular kind of problem that certain SAD's have which, unfortunately, we are not going to solve in this session because of the demise of L. D. 1636. The pressure will be on to dissolve SAD's that have these kinds of pay-in problems. Both of my SAD's have them and I suspect that as soon as July 1st, we will be trying to dissolve SAD 71, the other district which I represent. But SAD 57, where they have six towns, if they were to rewrite their cost-sharing formula, or attempt to, under the present law they would need to have a two-thirds vote of the group that is formed to make the recommendation as to whether or not to change it. Under this change, they would simply need a majority.

I guess I am not trying to convince you to vote for or against Mr. Boudreau's motion, but I do think it is important that you understand what this will accomplish. It is a substantive change and it will make it easier if this change goes through, in my view, for towns that wish to change the formula and it will make it harder for those towns that wish to keep the formula the way it is.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to address a question to the gentleman from Kennebunk, Mr. McMahon.

I would like to ask the gentleman if this change from two-thirds to a majority applies to any other function of the SAD or does it only apply to changing the formula within the SAD?

I will be very frank with you in where I am heading. I would be sympathetic if it only deals with changing the formula within the SAD. I would not be sympathetic if it goes beyond that

and facilitates breaking up the district.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, the section that is being amended is in Title 20, Section 305, and the section deals only with the formula within a SAD. The thing that you have to remember is that individual SAD's are governed by the terms of its cost-sharing agreements, which is what we refer to as their formulas. The problem with the repeal of the uniform property tax and with the rise of state valuations of some member towns, the problem is that certain towns have become pay-ins to their own SAD's because of their cost-sharing formula and their relative state valuation. Obviously, the pressure is going to be on some towns, those that are paying within the SAD, to petition to change the cost-sharing formula. This change in this bill would make that process easier within the SAD.

Now, there is another section of the same law that goes to how you petition to break up a SAD. That is not under consideration right now.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: There is one other aspect. I lay no great burden on the door of the Committee on Education for trying to wing one by us, I don't think that is the problem, but I do insist it is a substantive change and you have got to keep in mind, those of you who don't live in SAD's, that this committee that is going to meet to determine the formula procedure is made up of five people from each municipality. Regardless of the population of the municipality, you are going to have five people representing that population. I think it has been very wisely set up that it requires a two-thirds vote of this group, which is now being proposed to change to a majority, because you could have a small percentage of the total population of the SAD represented by a majority. I think the two-thirds is, therefore, a wise restriction that has been in and I hope we can keep it.

Secondly, not to get Machiavellian about it, but the break up of SAD's is becoming very, very much of a question. What better way to break up a SAD than to impose upon them a formula that so offends enough people that it precipitates it.

So, I see no reason, either on the substantive change or on the two-thirds to the majority change, for us to be meddling with this at this time because it contains both of those factors. You can have a minority population group reflecting a majority vote, given the makeup of a SAD.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I guess I am the fox in the chicken house in regards to SAD 57. I introduced the legislation that created this district. The formula was drafted by the community and the superintendent of schools, because some of the communities had high value property and low enrollment, so we drafted up a formula based on 50 per cent enrollment and 50 per cent valuation. They were all very happy to form this district. We were involved in one with other communities and we dissolved it, we went into this one.

Being the sponsor of the original legislation and also having sat many hours and listened to bond people come in and testify to us while I served on the Education Committee, and being informed by Ropes and Gray that they frown and they frown a great deal on anyone that they take and sell bonds to for a school district being formed in such a manner, 50 per cent valuation and 50 per cent enrollment, and then coming into the legislature and wanting to change that formula.

Now, I represent three districts, not two. I represent SAD 57. I happen to have had all the complaints that other people are talking about and it seems to me that where I was the original sponsor of this legislation, I should be the fox in the chicken house that they would be coming after.

I would move, if it hasn't already been done, if this amendment does what they say it is going to do, that it be indefinitely postponed at this time.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I wanted to respond to some of the comments of Representative Garsoe because I feel he was incorrect in some of the statements that he made.

Presently, it is not that every town has five people at that meeting. What happens is, if you go through that process, if this bill were passed, you would each have two people at large, you would each have three of your municipal officials and you would have your school board members. Usually, at least in all of the school districts that I am familiar with, and I happen to represent parts of six, although some of them are single town school districts, your larger communities have on the school boards a larger number of school board members, so every town does not, in fact, get the same number of people at the district meeting.

Now, what the district meeting is, that decision is not made then on whether or not to change the cost-sharing formula. That group gets together and they decide on a proposal to put out to referendum. They don't actually make any decisions themselves other than deciding on a change that they can agree on and put it out to referendum. When the issue actually goes out to referenda, it has to be accepted by a majority of the people in the district, and that is the way all issues are settled, major issues, within a school district. So what in fact happens is that your majority interest, as far as the population of school district goes, is protected by the final referenda, because that is when the decision is made.

At the present time by requiring a two-thirds vote of that group that gets together to decide what you are going to put out to referendum in the first place, it prohibits, essentially, any small towns from even having a chance to have the entire district vote on whether or not they want a cost-sharing change. That is really all that we are asking for. It in no way, and I will say in no way—facilitates breaking up a district. In fact, it does just the opposite, because what is happening now, as Representative McMahon said very clearly, and it is happening in his district, in mine, and I know it is happening in others, we have communities which are pay-in communities within a school district that are trapped into those school districts as far as the cost sharing formula goes. At the present time, they can't change those cost-sharing formulas because they can't get the two-thirds requirement to even put anything out to referendum. They are the ones that are dissatisfied with being in the district and they are the ones who are trying to get out of the district.

This particular amendment in no way facilitates breaking up a district. In fact, the Department of Education backed this particular proposal, they supported this proposal because they saw it as a way of maybe heading off that scheme for trying to break up school districts. The Department of Education supported this proposal. I have to say that it is the first one of my bills that they have ever supported in Education. They supported this particular proposal because they thought that if towns were given at least a chance to vote within their school districts, their regular decision-making forum within that district, even though they might lose the very chance that they had a chance to go through the process and try, would at least maybe save some of the districts, and that is

why they thought it worthwhile.

Now, when we were talking about this particular proposal, it had no opposition at the public hearing, the Department of Education supported it because they support school districts, it meets the needs of some of our individual communities within the school district, I am sorry that it happens to be in this particular bill right now. It was my bill to start with. I am sorry that it is in there, but that is what the education committee wanted and I was willing to go along with it because I understood their problems not wanting the other bill out on the floor and here it is.

So, I guess if you have to vote against it, I hope you do so on the merits of that particular proposal and not getting into the substantive change issue. If a motion to indefinitely postpone has been made, I would ask your support in opposition to that particular motion.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to second what the lady from Owl's Head said. I would point out that we did have a bill before us, it was introduced by the gentleman from Brooklin, Mr. Bowden, which had a price tag on it of about \$600,000, and that bill dealt with those SAD's which had towns in them that were so called pay-in towns because of their cost-sharing formula. That bill did not go anywhere, neither did the bill that dealt with other pay-ins in SAD's, but it is a question that is going to come back to us and I think that is why the committee unanimously supported this measure. This might take a little bit of the pressure off and help those towns change their cost-sharing formulas.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: If any of you didn't know what to do on this amendment when I set it before you, you probably do now. My original statement said it was a substantive change and we have been debating it for 45 minutes, and it shouldn't be in this bill. So, don't vote against House Amendment "B".

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I guess I have probably heard longer debate on less substantial matters, as we have been here for 99 or 100 days, but I would like to correct a statement I made, and that is, I certainly hope that you will vote for indefinite postponement of this particular amendment. It is getting late.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am hoping the gentlelady from Owl's Head will correct another statement she made, because in her pointing out that I had made an error, and up until now that has never been heard of, she suggested that everyone on the school board or all the school directors would be members of this committee. I would like to have her read that language, because as I read it, it says three of its municipal officers, school directors or school director and two representatives at large chosen by the municipal officers. So, I don't read it as being the full school board or the full municipal officers but rather three chosen from that category.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: The way that that particular section works is, and the mistake, I guess, is in the reading, the way it works is, you get three of your municipal officers. If you have one school board director you will only get one, and that it is school director or directors. You get all of your school board members, you get three of your municipal officials and two people at

large. I see the gentleman shaking his head, but I can tell you that is true because we have gone through this process in my area and that is what the representation has been.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I will accept the gentlelady's experience as being correct, but my argument doesn't lose any of its impact, because the representative proportional representation on a school board or a school directorship is reflective of the population. These five people do not reflect the population. It still weights the minor municipalities population-wise unduly in the group that is going to make the determination that there will be a meeting to bring about a change and, in fact, the lady alluded to that in her remarks, saying that up until now the small towns have been prohibited from having any impact in effecting a general meeting. So, I stand corrected if she is right on the make-up of this thing, but basically you are beginning to weight this thing away from proportional representation.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Not to prolong it, I just want to point out that in this process there are two votes. The ultimate vote is that there would be a majority vote of the people in the whole district, and we are not changing that at all, and the people will ultimately have the final say as to whether the cost-sharing formula will be changed or not. This vote that we are talking about here that we are changing, or proposing to change, only deals with the issue of whether or not there will be a referendum, and we think that it is legitimate to say that it should be a little bit easier than it is now to put the question before the people and ultimately let the people decide it. That seems to me to be a local control issue and I hope you would support the motion to indefinitely postpone.

Mr. Boudreau of Waterville requested a roll call vote.

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

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

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: One very brief statement. I reluctantly agreed to this clause being in this errors and consistencies bill, because having served on this Education Committee for the full term, I would dare say that 80 percent of our problem has been with these SAD's. Now to me, this change would have just the opposite effect as has been proposed here. I think it would present a problem, it would be more angling and it would lead towards more dissolutions and processes in that direction. I truthfully feel that the Department of Education may have gone along with it because this is where they are getting a considerable amount of pressure. They feel that this will relieve them a little and they will be happy to put up with it. I truthfully hope that you will not vote to indefinitely postpone this bill.

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

ROLL CALL

YEA—Bachrach, Baker, Beaulieu, Benoit, Birt, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.C.; Call, Carter, D.; Chonko,

Cloutier, Connolly, Cox, Curtis, Davies, Dexter, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Gowen, Gray, Gwadosky, Hall, Hobbins, Howe, Jacques, E.; Kane, LaPlante, Leighton, Leonard, Lewis, Locke, MacEachern, Mahany, Martin, A.; Maxwell, Mitchell, Morton, Nelson, N.; Norris, Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Sewall, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood.

NAY—Aloupis, Austin, Barry, Berube, Boudreau, Boudreau, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Carrier, Carroll, Carter, F.; Conary, Cunningham, Damren, Davis, Delert, Diamond, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hanson, Hickey, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Joyce, Kany, Kiesman, Lancaster, Lizotte, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Nadeau, Nelson, A.; Nelson, M.; Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth, Whitemore.

ABSENT—Berry, Churchill, Dudley, Kelleher, Laffin, Michael, Wyman, The Speaker.

Yes, 62; No, 81; Absent, 7.

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

Thereupon, House Amendment "B" was adopted.

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

By unanimous consent ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Reduce the Minimum Public Utility Monthly Electrical Charge to \$2 and to Prohibit the use by Electrical Utilities of an Estimated Meter Reading as a Basis for a Customer Bill" (H. P. 1193) (L. D. 1444) ask leave to report: that the Senate Recede from its action whereby it Accepted the Ought Not to Pass Report "B" of the Committee; Read the Bill Once; Read and Adopted Conference Committee Amendment "A" (S-387), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A"; that the House Recede from its action whereby it Passed the Bill to be Engrossed, as amended by Committee Amendment "A" (H-383); Recede from its action whereby it Adopted Committee Amendment "A" and Indefinitely Postpone same; Read and Adopt Conference Committee Amendment "A" (S-387), submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A", in concurrence.

(Signed)

Messrs. DEVOE of Penobscot
EMERSON of Penobscot
FARLEY of York

— of the Senate.

Messrs. DAVIES of Orono
LOWE of Winterport

— of the House.

The Report was read

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

Conference Committee Amendment "A" (S-

387) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in concurrence.

The following Enactors appearing on Supplement No. 18 were taken up out of order by unanimous consent:

Passed to be Enacted Emergency Measures

An Act Concerning the Continuation of Pilot Projects for More Effective and Efficient Delivery of Services to Preschool Handicapped Children (S. P. 75) (L. D. 165) (S. "A" S-373)

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

An Act to Regulate Cone Burner Incineration for Disposal of Municipal Solid Waste (H. P. 1480) (L. D. 1672) (C. "A" H-713)

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. 118 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.

An Act to Amend the School Finance Law (H. P. 1433) (L. D. 1636) (S. "A" S-376)

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. 118 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor Reconsidered

An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause (H. P. 507) (L. D. 1567) (S. "A" S-307 to C. "A" S-228)

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

On motion of Mr. Davies of Orono, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

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

House Amendment "A" to Committee Amendment "A" (H-370) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

Passed to be Enacted

An Act Relating to Self-insurance under the Workers' Compensation Act (H. P. 396) (L. D. 526) (S. "B" S-370)

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, I want to ask for a division and express a few reservations, and I plan to vote against this bill.

I spoke on this some time ago when it came through prior to being placed on the Appropriations Table. The present law, as you may know, permits groups of employers in similar types of business to set up self-insurance funds or programs under the worker's compensation laws. This bill extends that to any group of employers, like or unlike, and in my view, that is contrary to the concept and definition of self-insurance.

Beyond that, the bill isn't adequately funded in order to permit the Bureau of Insurance to properly regulate it. The fiscal note attached by the Bureau of Insurance was \$27,000 or \$29,000, I forget which. In order to see the bill go through, however, it has been conveniently amended so that the fiscal note is only \$5,000. The Bureau of Insurance, however, didn't have a hand in that and they still maintain it is going to cost a good deal more than that to regulate and supervise these new types of self-insurance programs under the worker's comp laws.

Furthermore, I think there is going to be a reduction in General Fund revenues as a result of this bill, because to the extent that employers are not purchasing worker's compensation coverage from commercial carriers, there will be a reduction in premium taxes which presently go into the General Fund. I am concerned about where the money is going to come from to regulate this new law, whether it is going to have to come from the General Fund or from dedicated revenues, and it seems to me, neither will happen until we appropriate it.

Furthermore, I am concerned that while proponents of the bill say that these plans are going to be properly protected because of the self-insurance, I have recently learned that laws of Maine exempt self-insurance from the Maine Insurance Guarantee Association, which would otherwise protect them in the case the reinsurance companies go insolvent. So, I think it is a risky proposition, I think it is contrary to the definition of the self-insurance, I don't think it is adequately funded, and I believe that the workers of Maine who will be covered under these plans will be inadequately protected.

I plan to vote against this, and I ask for a division, Mr. Speaker.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I rise only on the subject of compensation to justify what we put on it. The Legislative Finance couldn't find any justified cost. The bureau, I am sure, understandably finds cost. Legislative Finance couldn't identify any specific costs, and \$5,000 was put on just to be on the safe side.

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

Mr. MORTON: Mr. Speaker and Members of the House: Despite the fact that there is little or no cost on this bill, I want to let this House know that I completely agree with the gentleman from South Portland.

I think this is bad in every way and I would like very much to have my vote recorded in the negative; therefore, I would ask for a roll call.

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 Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, I didn't realize there was one person who voted against it.

Actually, I am surprised that this has come up now, because at the hearing we didn't hear any of these arguments and the Commissioner of Insurance was there, as I remember. It was

awhile back, so perhaps my memory isn't a hundred per cent clear on it.

But really, what it would do would be allow people who are not in like businesses to have self-insurance. Presently, under the workmen's compensation, people in like businesses can self-insure, but just because people are in like businesses doesn't say that their rating is the same. For example, if you take the woods industry, some people in the woods industry have a very, very high rate of accidents, so there are many claims, whereas some haven't any accidents at all. The gentleman from Kingfield, Mr. Dexter, was one of the people on our committee who could vouch for that. He has never had an accident. It seemed only fair that people who had a very good rate ought to be able to combine with other people who had good rates rather than having to combine only with people in their own field. This really, we felt, would be helpful, especially to the small employer, and I feel very badly that at this point it looks as though the bill is going to die. I hope that you won't vote against it.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: This is a good bill and I hope you will all support it because it will help the small businessmen. I am not going to go any further.

I hate to see all of the good bills die to help the small businessmen this year. Let's pass one.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: In the bipartisan spirit of that committee report, I hope you will send this bill speedily on its way to enactment.

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: What this would do would be to allow a self-insurer to use the services of the Insurance Department, as well as the Industrial Accident Commission, at no cost. It would be about \$50,000 in lost revenue within a couple of years from the Business Regulation Department, and I think the real person we are putting in jeopardy is the worker, because as was pointed out by Representative Howe, the reinsurance company does not come under the Maine Guarantee Association, which is an association of insurance companies that would furnish money for claimants in case the reinsurer went insolvent.

Really and truly, I think the person you should be thinking of is the worker.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Bowden, Brannigan, Brenerman, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Cox, Cunningham, Curtis, Davies, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Elias, Fillmore, Garsoe, Gavett, Gould, Gowen, Gray, Hall, Hanson, Huber, Higgins, Hobbins, Huber, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kany, Kiesman, Lancaster, LaPlante, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stetson, Studley, Tarbell, Theriault, Torrey, Tozier, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The

Speaker.

NAY — Barry, Birt, Brodeur, Carrier, Damren, Davis, Dellert, Fenlason, Gillis, Gwadosky, Howe, Hughes, Kane, Leighton, Leonard, McHenry, Morton, Stover, Whittemore.

ABSENT — Berry, Boudreau, Conary, Connolly, Dow, Dudley, Dutremble, L.; Fowlie, Laffin, MacEachern, Post, Prescott, Strout, Tierney, Twitchell.

Yes, 116; No, 19; Absent, 16.

The SPEAKER: One hundred sixteen having voted in the affirmative and nineteen in the negative, with sixteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Appropriate Money to the Northeastern Research Foundation, Inc. (S. P. 170) (L. D. 377) (S. "A" S-372)

An Act Providing Funds for Young Women's Christian Association Fair Harbor Shelter in Portland (S. P. 194) (L. D. 461) (S. "A" S-371 to C. "A" S-27)

An Act to Increase the Reimbursement Rate to Residential Child Care Facilities (S. P. 303) (L. D. 893) (S. "A" S-366 to C. "A" S-341)

An Act to Appropriate Funds for Emergency Shelters and Services for Victims of Domestic Violence (S. P. 316) (L. D. 946) (S. "A" S-363 to C. "A" S-119)

An Act to Provide Additional Assistance to County Law Libraries (S. P. 344) (L. D. 1032) (S. "A" S-362)

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

The following paper appearing on Supplement No. 20 was taken up out of order by unanimous consent:

Leave to Withdraw

Mr. LaPlante from the Committee on Local and County Government on Bill, "An Act to Authorize a District Attorney and Assistant District Attorneys for Washington County" (H. P. 471) (L. D. 579) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

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

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Shift Local Leeway Payment to a Current Year Basis (H. P. 1477) (L. D. 1663) which was Passed to be Enacted in the House on June 7, 1979 (Having previously been Passed to be Engrossed)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

The following items appearing on Supplement No. 22 were taken up out of order by unanimous consent:

Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for Local Government Buildings (H. P. 908) (L. D. 1132) (S. "A" S-378)

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. 114 voted in favor of same and 13 against and accordingly, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

Later Today Assigned Emergency Measure

An Act Relating to Current Funding of Special Education Tuition (H. P. 410) (L. D. 527) (S. "A" S-383 to C. "A" H-388)

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

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and later today assigned.

The following items appearing on Supplement No. 24 were taken up out of order by unanimous consent:

The following Communications:
COMMITTEE ON BUSINESS LEGISLATION
June 14, 1979

The Honorable John Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Business Legislation is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Legislature.

Bills received in Committee	163
Unanimous Reports	147
Ought to Pass	27
Ought to Pass as Amended	48
Ought to Pass in New Draft	6
Ought Not to Pass	10
Leave to Withdraw	56
Divided Reports	13
Bills referred to another committee	1
Bills held in committee	2

Sincerely,

S/ROBERT HOWE

House Chairman

The Communication was read and ordered placed on file.

LOCAL AND COUNTY GOVERNMENT

June 7, 1979

The Honorable John Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Joint Standing Committee on Local and County Government is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Legislature.

Bills received in Committee	84
Unanimous Reports	74
Ought to Pass	12
Ought to Pass as Amended	20
Ought to Pass in New Draft	2
Ought Not to Pass	16
Leave to Withdraw	23
Referral	1
Divided Report	9
Bills held in Committee	1

Respectfully yours,

S/ MR. LaPLANTE

House Chairman

The Communication was read and ordered placed on file.

The following items appearing on Supplement No. 25 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Provide for the Registration and Protection of Trademarks (S. P. 43) (L. D. 29) which was passed to be Enacted in the House on June 13, 1979. Having previously been passed to be engrossed as amended by Committee Amendment "A" (S-294)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-294) as amended by Senate Amendment "A" (S-395) thereto in non-concurrence.

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

By unanimous consent, ordered sent forth-

with to Engrossing.

Bill "An Act to Provide Property Tax Relief through a Homestead Exemption Tax Credit" (H. P. 1343) (L. D. 1585) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-449) Report of the Committee on Taxation was Read and Accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-499) in the House on May 23, 1979.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

The following Enactors appearing on Supplement No. 19 were taken up out of order by unanimous consent:

An Act to Provide for the Consideration of Environmental and Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove (H. P. 558) (L. D. 705) (S "A" S-369)

An Act to Encourage the Historic Preservation at the Statehouse and Blaine House (H. P. 613) (L. D. 777) (S "A" S-368 to C "A" H-352)

An Act to Require the Public Utilities Commission to Study the Safe and Proper Decommissioning of Nuclear Generating Facilities in Maine (H. P. 632) (L. D. 783) (S "A" S-367 to C "A" H-346)

An Act Relating to the Administration of School Dental Health Programs (H. P. 733) (L. D. 920) (S "A" S-364)

An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery (H. P. 923) (L. D. 1138) (S "A" S-361 to C "A" H-264)

An Act to Permit a Resident of an Intermediate Care Facility or a Skilled Nursing Facility who Receives Aid for the Medically Needy or Aid for the Categorically Needy to Give \$210 a Month from his Income to a Dependent Spouse (H. P. 1054) (L. D. 1305) (S "A" S-379 to C "A" H-458)

An Act Relating to the Management of the Department of Attorney General (H. P. 1100) (L. D. 1352) (S "A" S-358)

An Act to Implement a Plan for Prevention and Treatment of Alcoholism and Alcohol Abuse (H. P. 1206) (L. D. 1485) (S "A" S-357 to H "A" H-585)

An Act to Expand the Tourism Promotion Program (H. P. 1386) (L. D. 1609) (S "A" S-365)

An Act to Remove Restriction on Eligibility under the Elderly Householders Tax and Rent Refund Act Based on Marital Status (H. P. 24) (L. D. 41) (S "A" S-374 to C "A" H-653)

An Act to Increase the Personal Needs Allowance for Recipients of State Benefits Residing in Adult Foster Homes, Boarding Homes and Nursing Homes (H. P. 212) (L. D. 260) (S "A" S-377 to C "A" H-98)

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

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Housing Assistance Allocation (H. P. 402) (L. D. 508) (Conf. Comm. "A" H-709)

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

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair to anyone who may respond if they so desire.

Briefly, what does this bill do? I am concerned with the tremendous amounts of — there appears to be some sort of a bond fund of \$275 million, \$100 million for the calendar year, not to exceed \$200 million. I don't recall that as being something that came across our desks recently in reference to this and I just wish someone could explain what the bill is trying to do.

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

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

Mrs. KANY: Mr. Speaker, Members of the House: The bill is basically the result of a Committee of Conference and the portion regarding the bonds was something upon which we had voted earlier in the session, a week or two ago, and the context is identical to what we had voted upon.

The Statement of Fact is the bill having to do with the Maine State Housing Authority used the word "insure" as opposed to "assure", and I think actually some member of the Maine State Housing Authority staff wanted to make that correction and we can't just correct within a Statement of Fact, an original Statement of Fact. It really wasn't that important, but I think they wanted to make it absolutely clear what the intention was. There is nothing new in substance there.

I didn't serve on the Committee of Conference, but personally I am very satisfied with the work that was done. It was a very good compromise and should satisfy the communities as well as the bonding of the lending authorities as far as the consent resolution is concerned. Our local municipalities will have more participation in decisions in which there will be Maine State Housing Authority participation.

Does that satisfy you, Representative Higgins?

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

By unanimous consent, ordered sent forthwith to the Senate.

The following Orders appearing on Supplement No. 28 were taken up out of order by unanimous consent:

Expressions of Legislative Sentiment recognizing that:

The Coordinator and personnel in the Office of Legislative Staff Assistant have provided the professional expertise, dedication and enthusiasm that has made this session a success (S. P. 635)

The Director of Legislative Research and the personnel in the offices of Legislative Research and Legislative Information have provided the professional expertise, dedication and enthusiasm that has made this session a success (S. P. 634)

Came from the Senate Read and Passed.

In the House, the Orders were read and passed in concurrence.

The following item appearing on Supplement No. 27 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Allocate Money from the Federal Revenue Sharing Fund and to Appropriate Funds from the General Fund for Teachers' Retirement and a Study of the Maine Retirement System for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (H. P. 1533) (L. D. 1682) which was passed to be engrossed as amended by House Amendment "A" (H-723) in the House on June 13, 1979.

Came from the Senate passed to be engrossed in non-concurrence.

In the House:

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

Mr. TIERNEY: Mr. Speaker, I move that the House adhere.

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

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

Mr. Tierney of Lisbon Falls 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 pending question is on the motion of the gentleman from Farmington, Mr. Morton, that the House recede and concur.

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

Mr. BRODEUR: Mr. Speaker, I would like to pair my vote with the gentleman from Skowhegan, Mr. Whittemore. If he were here, he would be voting yes; I would be voting no.

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

Mr. HIGGINS: Mr. Speaker, I would like to pair my vote with the gentleman from Biddeford, Mr. L. Dutremble. If he were here, he would be voting no; I would be voting yes.

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

ROLL CALL

YEA—Aloupis, Austin, Barry, Birt, Bordeaux, Bowden, Brown, D.; Bunker, Carter, F.; Churchill, Cunningham, Damren, Davis, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hanson, Huber, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Torrey, Twitshell, Wentworth.

NAY—Bachrach, Baker, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brenerman, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, LaPlante, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Vincent, Viollette, Vose, Wyman, The Speaker.

ABSENT—Berry, Boudreau, Brown, K. L.; Conary, Dellert, Dexter, Dudley, Kelleher, Laffin, Lizotte, Nelson, A.; Sprowl, Strout, Wood.

PAIRED—Brodeur-Whittemore; Dutremble, L.-Higgins.

Yes, 62; No, 70 Absent, 14; Paired, 4.

The SPEAKER: Sixty-two having voted in the affirmative and seventy in the negative, with fourteen being absent and four paired, the motion does not prevail.

Thereupon, the House voted to adhere.

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

Emergency Measure

An Act Coordinating Regional and Intercity Public Transportation Programs (S. P. 495) (L. D. 1556) (C "A" S-255; S "A" S-355 and S "A" S-385)

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. 110 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The following Enactors appearing on Supplement No. 26 was taken up out of order by unanimous consent:

An Act to Revise the Medical Examiner System (H. P. 1151) (L. D. 1533) (S. "A" S-356)

An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment (H. P. 1476) (L. D. 1662) (S. "A" S-303 and S. "B" S-353)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 30 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill, "An Act to Grant the Public Utilities Commission Jurisdiction to Review Adjustments under the Fuel Adjustment Clause" (Emergency) (S. P. 507) (L. D. 1567) which was passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by House Amendment "A" (H-730) and Senate Amendment "A" (S-307) thereto in non-concurrence.

Came from the Senate with that body having Adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by Senate Amendment "A" (S-307) thereto in non-concurrence.

In the House:

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

Mr. DAVIES: Mr. Speaker, I move that the House Adhere.

Mr. Tarbell of Bangor 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 pending question before the House is on the motion of the gentleman from Orono, Mr. Davies, that the House adhere. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Fowle, Garsoe, Gowen, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Hutchings, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, LaPlante, Leonard, Lizotte, Locke, Lowe, MacEachern, Mahany, Martin, A.; Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Rollins, Simon, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY—Aloupis, Austin, Berube, Birt, Bor-

deaux, Bunker, Carter, F.; Cunningham, Damren, Davis, Dellert, Fenlason, Fillmore, Gavett, Gillis, Gould, Hanson, Higgins, Huber, Hunter, Immonen, Lancaster, Leighton, Lewis, Lougee, Lund, MacBride, Marshall, Masterman, Masterton, McMahon, Morton, Peterson, Reeves, J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Stetson, Stover, Studley, Tarbell, Torrey, Twitchell.

ABSENT—Berry, Brown, K. L.; Conary, Dexter, Dudley, Dutremble, L.; Kelleher, Laffin, Nelson, A.; Sprowl, Strout, Whittemore.

Yes, 91; No, 47; Absent, 13.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act Relating to Political Fundraising by State Employees" (S. P. 270) (L. D. 811)

Report was signed by the following members:

Mr. FARLEY of York — of the Senate.

Ms. SMALL of Bath

Messrs. NADEAU of Lewiston

BERRY of Buxton

STUDLEY of Berwick

GOULD of Old Town

TIERNEY of Lisbon

HALL of Sangerville

Ms. BENOIT of South Portland

Mrs. SEWALL of Newcastle

Mrs. WENTWORTH of Wells

— of the House.

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

Report was signed by the following member:

Mr. PIERCE of Kennebec

— of the Senate.

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

In the House: Reports were read.

On motion of Ms. Benoit of South Portland, the House accepted the Majority "Ought to Pass" Report in non-concurrence and the Bill was read once.

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

Ms. Benoit requested a roll call on passage to be engrossed.

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: Could I have one minute's explanation on what this bill does?

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

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

Ms. BENOIT: Mr. Speaker, Members of the House: It allows state employees to do what everyone else can do, raise funds. Right now, they can contribute to candidates of political parties but they can't sell raffle tickets or go next door to their friends and ask them for a do-

nation or whatever. It simply allows them to do what the rest of us can do.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: It does a little more than that. It allows state employees to solicit one another for political contributions. Just recently they gained the right to be able to participate in political contributions and on the basis of that, it would make them first-class citizens. The take has been disgustingly small. They haven't seen fit to voluntarily give. This will enable them to be solicited by their fellow employees and I welcome the roll call, because if by any chance anyone intends to deduct from the way we vote on this our concern for the welfare of state employees, I am not going to point to this roll call, I am going to point to the one on the retirement fund where this body, at the behest of Democratic leadership, has shown its lack of concern for state employees by leaving in surplus \$40 million that you are not appropriating by your action today in adhering.

In the face of the state of objectives, state of priorities of your Governor in the field of property tax relief. . . .

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney. For what purpose does he rise?

Mr. TIERNEY: Mr. Speaker, there is a section of our Joint Rules which has never been used in all the time I have been here, and I think I will use it today. Mr. Speaker, I rise on the point of correction.

The SPEAKER: The gentleman may state his point of correction.

Mr. TIERNEY: Mr. Speaker, the good gentleman was referring to a piece of legislation which is still alive, the House having adhered and the Senate yet to have acted and, for that reason, there has been no final decision at all on the question of retirement and I would suggest that the good gentleman's remarks are inaccurate and out of order.

Mr. GARSOE: I apologize.

The SPEAKER: The Chair appreciates the gentleman from Cumberland, Mr. Garsoe, correcting his remarks.

Mr. GARSOE: Mr. Speaker, I am apologizing if they are out of order. I don't accept the remarks about their accuracy.

I want to continue this. What we see here that is developing now is that there is going to be a commitment on tree growth, as I understand it, that the Governor has already made, a commitment on property tax rebates, it has only been temporarily delayed. You have got collective bargaining. So, if the intention of the roll call was to demonstrate our concern for state employees, I think it has a rather hollow ring, because, as I am pointing out, if I am not out of order in pointing out, what we have done in this body is express our lack of concern over perhaps the most important aspect of state employment, which is the paycheck at the end of the road.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would suggest that the good gentleman from Cumberland, Mr. Garsoe's record in regard to state employees is very clear with or without this roll call.

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

Ms. BENOIT: Mr. Speaker and Members of the House: I just want to make one more point, that this soliciting of funds, whether it is from a neighbor or a fellow employee, cannot be done during working hours or upon the property or premise of the state or by using facilities of services of the state.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be engrossed in non-concurrence. All those in favor of this Bill being passed to be engrossed will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Lizotte, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Masterman, Masterton, Matthews, Maxwell, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Roope, Sherburne, Silsby, Simon, Soulas, Studley, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman. The Speaker.

NAY—Austin, Birt, Brown, A.; Carter, F.; Dellert, Gray, Huber, Hunter, Hutchings, Leighton, Leonard, Lewis, Lund, Marshall, Martin, A.; Masterton, McKean, Rollins, Sewall, Small, Smith, Stetson, Stover, Torrey, Twitchell, Wentworth.

ABSENT—Berry, Boudreau, Conary, Dexter, Dudley, Dutremble, L.; Kelleher, Laffin, Nelson, A.; Sprowl, Strout, Tarbell, Whittemore.

Yes, 112; No, 26; Absent, 13.

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

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following Joint Order was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 639)

ORDERED, the House concurring, that in accordance with emergency authority granted under Title 3, section 2 of the Maine Revised Statutes, the First Regular Session of the 109th Legislature shall be extended by one additional legislative day.

Came from the Senate read and passed.

In the House: The Order was read.

The SPEAKER: Pursuant to State law, a two-thirds vote of the members present and voting is necessary for passage of the order. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

107 having voted in the affirmative and 30 having voted in the negative, the Order received passage in concurrence.

The following paper appearing on Supplemental No. 31 was taken up out of order by unanimous consent:

An Act to Require Premium Impact Statements for Certain Workers' Compensation Legislation (H. P. 956) (L. D. 1222) (C. "A" H-501)

— In House, Passed to be Enacted on June 1.

— In Senate, Passed to be Enacted on June 5.

On motion of Mr. Wyman of Pittsfield, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 32 was taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Establish Special Retirement Provisions for CETA Employees (Emergency) (S. P. 268) (L. D. 809) which Failed of Passage to

be Enacted in the House on June 14, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-396) in non-concurrence.

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

The Chair laid before the House the following matter:

An Act Relating to Current Funding of Special Education Tuition (H. P. 410) (L. D. 527) which was tabled earlier in the day pending passage to be enacted.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the Bill was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 22 were taken up out of order by unanimous consent:

An Act to Provide More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State (H. P. 191) (L. D. 240) (H. "A" H-710 and H. "B" H-714 to C. "A" H-694)

An Act to Allow Direct Purchase by Citizens of Certain Bonds (S. P. 459) (L. D. 1373) (C. "A" S-194)

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.

(Off Record Remarks)

On motion of Mr. Stetson of Wiscasset, adjourned until nine o'clock tomorrow morning.