

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Tuesday, January 22, 1980

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

Prayer by the Reverend Alvin E. Hammond of the Hope Community Church.

Rev. HAMMOND: Our gracious Father in heaven, we come to thee this day in the name of the Lord, Jesus Christ, for these men and women who conduct the affairs of State. We thank you for these men and women that you have placed in office. We thank you for the responsibility, dear Father, that they handle with care. We ask today in the deliberations that you might be pleased to give them wisdom, give them discretion. We ask, dear Father, that that which is done might be pleasing unto thee. We ask, dear Father, in the days that are ahead, as we live in these momentous times, that we might see decisions that are made in heaven handed down to these men and women who will in turn enable us, the citizens of this state, to live in a manner pleasing unto thee. We pray in Jesus name. Amen.

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

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act to Expand the State's Industrial Development Promotion Program" (S. P. 695) (L. D. 1831)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Clarify the Board of Environmental Protection's Responsibility to Regulate Roads under the Site Location Law" (S. P. 696) (L. D. 1832)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Amend the Provisions of the Maine Certificate of Need Act Governing the Issuance of an Emergency Certificate of Need" (S. P. 697) (L. D. 1833)

Bill, "An Act to Establish an Environmental Health Program" (S. P. 698) (L. D. 1834)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

Was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Require Parental Responsibility to Provide Medical Coverage and Make Support Payments to the Department of Human Services Whenever Children Receive Public Assistance" (S. P. 699) (L. D. 1835)

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

Was referred to the Committee on Judiciary in concurrence.

RESOLVE, Authorizing the Town of Strong to Sue the State of Maine (S. P. 700) (L. D. 1836)

RESOLVE, Authorizing Larry R. Coffren of Strong to Bring Civil Action against the State of Maine (S. P. 701) (L. D. 1837)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Concerning the Membership of the State Energy Resources Advisory Board"

(S. P. 702) (L. D. 1838)

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

Was referred to the Committee on State Government in concurrence.

Messages and Documents

The following Communication:

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1B, I have the honor of presenting to the House of Representatives the nomination of Alan L. Harding, Esq., of Presque Isle, to the Commission on Governmental Ethics and Election Practices.

I believe that Mr. Harding will serve with distinction, and I respectfully ask the House to confirm this nomination.

Sincerely,

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

Pursuant to Title 1, Maine Revised Statutes Annotated Chapter 25, Section 102. 1. B., a 2/3 vote of members present and voting being required for confirmation, a total was taken. 126 having voted in the affirmative and none in the negative, the nomination of Alan L. Harding to the Commission on Governmental Ethics and Election Practices was confirmed.

The following Communication:

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, ME 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1, I have the honor of presenting to the House of Representatives the nomination of James Bowie of 26 Windsor Street, Lisbon, Maine to the Commission on Governmental Ethics and Election Practices.

Sincerely,

S/JAMES E. TIERNEY

House Majority Leader

Was read and ordered placed on file.

Pursuant to Title 1, Maine Revised Statutes Annotated Chapter 25, Section 102. 1. B., a 2/3 vote of members present and voting being required for confirmation, a total was taken. 134 having voted in the affirmative and one in the negative, the nomination of James Bowie to the Commission on Governmental Ethics and Election Practices was confirmed.

The following Communication:

January 16, 1980

Mr. Edwin Pert

Clerk of the House of Representatives

Office of the Clerk

State House

Augusta, Maine 04333

Dear Clerk Pert:

In accordance with 1 M.R.S.A., Section 1002 § 1B I have the honor of presenting to the House of Representatives the nomination of Roger L. Kilgore of Memorial Drive, Winthrop, Maine, to the Commission on Governmental Ethics and Election Practices.

I believe Mr. Kilgore will bring to the functions of this Commission the same qualities of good judgment and fair mindedness as he has exhibited throughout his very successful life.

Sincerely,

S/WILLIAM J. GARSOE

Republican Floor Leader

Was read and ordered placed on file.

Pursuant to Title 1, Maine Revised Statutes Annotated Chapter 25, Section 102. 1. B. a 2/3 vote of members present and voting being required for confirmation, a total was taken. 131 having voted in the affirmative and none in the

negative, the nomination of Roger L. Kilgore to the Commission on Governmental Ethics and Election Practices was confirmed.

Petitions, Bills and Resolves**Requiring Reference**

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

Energy and Natural Resources

Bill "An Act Relating to Plumbing Permits and Waivers for Septic Systems under Certain Conditions" (H. P. 1727) (Presented by Mr. Martin of Eagle Lake) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Declare the Right of the Public to Attend Judicial Proceedings" (H. P. 1728) (Presented by Mr. Simon of Lewiston) (Cosponsor: Mrs. Sewall of Newcastle) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26.)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Require Fire Warning Equipment in all Residential Dwellings" (H. P. 1729) (Presented by Mr. Martin of Eagle Lake) (Cosponsors: Mrs. Beaulieu of Portland and Mr. Silsby of Ellsworth) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

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

Passed to Be Engrossed

Bill "An Act Concerning Tax Anticipation Notes and Tax Collections in the City of Saco" (Emergency) (S. P. 703) (L. D. 1839)

Came from the Senate, under suspension of the rules and without reference to a Committee, with the Bill read twice and passed to be engrossed.

In the House:

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I am sure we are all, in general, familiar with the situation and the problems facing the City of Saco, but since we are suspending our usual processes in hearing legislation, I think that the members of the House deserve an explanation as to exactly what this bill does and why it has to be done today.

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

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Acting as the representative from Saco today, I ask you to suspend the rules to allow this bill to become law, which is very important to the financial recovery of the City of Saco.

I think I will give you a little history of how we came to this position of having this bill before us, and I think I will bring you back to December 31, 1979. Many people in many communities probably had the regular normal day like everyone else. That particular day was sunny and cold. Most people's thoughts were on New Year's Eve, their plans for New Year's Eve, and most people's thoughts were probably recollecting what occurred that particular year. Little did the people of Saco or the people of the state realize that the events which were to occur that particular day would make Saco the focal point of national attention.

It was on that date that the City of Saco defaulted on \$2.1 million in tax anticipation notes

when the First National Bank of Boston, then the city's financial advisor, withdrew an offer to help Saco bail itself out of its financial quagmire. The Boston bank withdrew financial assistance in helping the City of Saco sell a \$540,000 tax anticipation note, and also to refinance a \$1.5 million tax anticipation note which was due, after the Mayor of Saco, J. Haley Booth, refused to sign the authorization to sell the notes.

Since that date, the City of Saco has been shell-shocked with one crisis after another. The first thing that occurred was, the Merrill Trust, three days after the default on December 31, who was the principal holder of the \$2.1 million tax anticipation note, was successful in Superior Court in attaching Saco's \$1.6 million tax account. In essence, what occurred was, we had a freeze of all the money which is in the bank in the name of the City of Saco. Therefore, the City of Saco was unable to meet its financial obligations. Fortunately, the Merrill Trust, in working closely with the city and state officials, allowed for a \$200,000 tax anticipation note to be floated in order that the City of Saco could meet its payroll.

The City of Saco did something which many people probably have done in this state but which is something that is unheard of, and that is, we bounced a few checks, a few payroll checks of hard workers of the City of Saco.

A second lawsuit was brought by a construction company, alleging that over \$180,000 was owned and the Superior Court, in that particular case which is still pending, attached all of our real property in Saco, which, in essence, the buildings in the City of Saco now have an attachment on them and they cannot be sold or disposed of. Thus, the City of Saco found itself in this situation — our bankbooks were frozen, our assets in real property were frozen, and the people of Saco were looking around wondering what happened and who was to blame and what to do.

I am not here to ask you or to tell you why the City of Saco is in the position it is in, because I think history will find that the answer to that question will be asked many, many years ahead. What I do ask you today is that you will help the City of Saco by passing this particular bill which is required by the First National Bank of Boston in order for us to put together a financial package to bail the city out of its financial mess.

What this bill would do, in essence, would be to establish an escrow fund, a trust fund, which basically would allow the City of Saco, which does not exist in present law, allow them to basically set aside monies which are raised through the property tax which the city receives and place it in an escrow account in order to dedicate this money to pay off the tax anticipation notes which have been defaulted to the tune of \$2.1 million. It is imperative that this bill pass. The financial institutions have worked very closely and I commend them for it. However, they have stated, and probably rightfully so, that in order for us to get back on the financial track, a bill must be passed in the Maine Legislature which guarantees some stability in the mess we have in the City of Saco.

If you have any specific questions, all I can tell you is that the bill does not pledge any obligation of the State of Maine, no financial obligation. It is a special act, an act which is needed, specifically dealing with the City of Saco and the problems we have.

Thereupon, under suspension of the rules, the Bill was read twice and passed to be engrossed in concurrence without reference to any committee.

By unanimous consent, sent forthwith to Engrossing.

(Off Record Remarks)

Orders

The following Expressions of Legislative

Sentiment recognizing that:

(H. P. 1730) Florence Michaud has served for 23 years as Town Manager of Frenchville and through her loyal and devoted service has contributed immeasurably to that community.

Presented by Mr. Barry of Fort Kent. (Co-sponsors: Mr. Martin of Eagle Lake and Senator Martin of Aroostook)

(H. P. 1731) Mary G. Hayward, of Machias, born in Wesley will celebrate her 100th birthday on January 29, 1980.

Presented by Mr. Nelson of Roque Bluffs.

Were read and passed and sent up for concurrence.

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Merle Nelson of Portland be excused January 22 to 25 1980 for Legislative Business.

House Reports of Committees Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require that Children who are under 15 Years of Age Wear Helmets when they are Passengers on Motorcycles" (H. P. 1590) (L. D. 1700)

Report was signed by the following members:

Messrs. EMERSON of Penobscot
O'LEARY of Oxford

— of the Senate.

Mrs. HUTCHINGS of Lincolnville

Messrs. MCKEAN of Limestone

STROUT of Corinth

JACQUES of Lewiston

ELIAS of Madison

— of the House.

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

Report was signed by the following members:

Mr. USHER of Cumberland

— of the Senate.

Messrs. BROWN of Mexico

HUNTER of Benton

McPHERSON of Eliot

LOUGEE of Island Falls

CARROLL of Limerick

— of the House.

Reports were read.

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

Mr. TIERNEY: Mr. Speaker, I move the Minority "Ought to Pass" Report.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the Minority "Ought to Pass" Report be accepted.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you why I joined with the majority group and signed the "ought not to pass" report.

When I first saw the bill, and I thought about this being an emergency session, I went to try to find some figures, figuring that perhaps there was a cornice on the highway that I couldn't find, I didn't see it. I thought perhaps that as a parent, and many of you who are parents, had gotten lax and I didn't have the common sense to tell my youngster if he was going to ride on the back of a motorcycle that they should wear a helmet. So I went and did a little research, and this is what I came up with.

In the age group below 15 years—this is the area that this bill points to, it targets—in hunting injuries and fatalities, you had 8 injuries and one fatality. In boating you had 2 injuries and 2 fatalities. In automobile accidents you had over 200 injuries and 26 fatalities. And I took a look at this bill and I said, boy, this must have it all in there because look at the number of injuries and fatalities—it has nothing whatsoever to do with this particular problem, and there is a problem—26 deaths and 200 injuries in automobiles alone—had nothing to do with

maybe you should wear a seatbelt in a car or maybe you should be under restraint in a car or maybe even wear a helmet in a car—it is not there.

Then I went to those areas where helmets would be a controversy—for instance, snowmobiles and motorcycles. In the snowmobile portion of it—injuries, zero; deaths, zero. In the motorcycles, which is what we are interested in in this particular bill, 15 years of age and younger—injuries, zero; deaths, one. Let me tell you how this death occurred. It was a youngster on a trail bike who rode across the road and got hit by a car. According to the police, whether or not he had a helmet on made no difference; he would have died.

Then I said to myself, if this addresses the problem with trail bikes, which is what most of our youngsters ride, by golly, I could support it, but it doesn't. It has nothing to do with the trail bike where you only have one person on it, and that is the guy that drives it, and this is where the majority of our youngsters are driving, they are driving the trail bikes.

Now, I went a little further, I went into the older age groups on the motorcycles. I said, well, perhaps since we repealed the law there have been a lot of deaths on motorcycles—there were four deaths; 2 of them because of excessive speeding, and again according to the police, it would have made no difference whether they had a helmet on or not. In fact, they did have a helmet on and they were still killed. The other two were driving under the influence of alcohol. That was four deaths and none were related to the fact that they did not have a helmet on.

A representative from an insurance company got up and testified before our committee and he said, yes, the number of accidents on motorcycles has increased—boom, nothing else. I got to thinking, well, perhaps there was a mistake there. Then I asked him a question: "Has the number of registrations also increased?" Well, my good friends, the number of people riding motorcycles this last year, which is the period I am speaking of, has more than increased than the percent of accidents they have had, so that was the reason for the increase in accidents, because there are many more bikes on the road, and that is only common sense.

I asked him a final thing, I said, "Well, if this bill is going to do so much good and it is so important, then perhaps the insurance industry will recognize this and they will lower some of our rates." I bet you can't guess what his answer was to that one—no way, no way.

Therefore, ladies and gentlemen of the House, this bill is not an emergency, it has nothing to do with the number of accidents we have had on motorcycles, and I say as a parent, give me the good sense, I have got good sense, I will make sure my youngster wears a helmet, and if he doesn't, he'll wish he had.

Again, I am a parent; let me do it. Let you as a parent make that decision because most of you can do it, and those who don't have the common sense to go to their children and tell them what is wrong and what is right and what is safe and what is not safe, I don't care if you put 15 bills in, they are not going to do it anyway.

I would hope that you would accept the minority report.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: As is well known to those of you who have served with me over the last few years, the helmet issue is no stranger to me and, fortunately, it is one of those marvelous non-partisan issues that I can feel free to disagree with my good friend from Aroostook County.

Ladies and gentlemen, it appears we have got three questions we have to answer to ourselves before we vote on this bill, and I think the answers to all three of these questions re-

quire us, as decent citizens and leaders in our community, to vote for this piece of legislation. The first is, are helmets safer? The answer must be an unqualified "yes". We know it from common sense, we know it because two members of this House sit with us today only because they had the good judgment to have helmets on when they were in accidents; we know it because we talk to people on the street; we know it because of nationwide studies held in Kansas and Colorado, New Jersey, California, and every single report shows that you have a better chance of surviving a motorcycle accident if you have a helmet on and if you are in an accident, the chances of a severe injury are less.

Ladies and gentlemen, helmets are safer.

The second question, should we require in a free country that people protect themselves? Well, reasonable people can differ on that subject. But, ladies and gentlemen, in this bill we are talking about children, and we have said time and time and time again in this House that we do not trust a child's judgment to make a contract, to buy alcoholic beverages, we restrict their ability to drive cars until they are at least 15½ because we don't respect their own free judgment, they are children, and we stand as leaders of this state in *pariens patrizie*, in a sense, in place of their parents we make these types of decisions. I say to you, because we are dealing with children, the question of an individual's judgment is irrelevant.

Now the last point—is it an emergency, says Mr. McKean? Should it be before us today? Well, I ask that good gentleman and I ask each of you to ask yourselves, how many deaths does it take to make an emergency? How many people in wheelchairs for the rest of their lives before we can feel that it is an emergency—20, 10, 5? Ladies and gentlemen, we know the answer to that question. The answer to that question is one, one child, one life, one family in one community spared a very severe and emotional trauma. Ladies and gentlemen, the answer to all three of those questions come out in one way and one way only—this is a good bill and it is a good start.

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

Mr. TUTTLE: Mr. Speaker, Men and Women of the House: I can only concur with Mr. Tierney in his comments. The way I would like to start off is by saying that in the debate on the helmet law last year, it was mentioned that personal freedom should not preclude common sense in personal safety. Having been a motorcycle operator for many years, I know the excitement and freedom one gains from the sport. In debate on the helmet law, you hear that wearing a helmet creates a false sense of security to a rider, and I might agree with that to a certain extent.

Also, some medical sources feel that in wearing a helmet the rider is more likely to suffer a neck injury on impact.

It has been said, "A good law is best in its instruction of wisdom and virtue. Wisdom enables us to know what to do; virtue guides us in what we should not do."

I am in favor of this legislation inasmuch as it will protect, to some degree, individuals who may not be able to make a decision as to whether or not to wear a helmet.

Before I was elected to the legislature, as most of you know, I was a full-time emergency medical technician with the Sanford Fire Department, so this is a very emotional issue for me. I have seen first hand the personal injury and death resulting from operators and passengers on motorcycles who were not wearing helmets. If any of you have any doubts as to the effect of not wearing a helmet on a motorcycle, I would be glad to arrange some time for any of you to accompany me on an emergency run when we pick up what is left and when we confront the parents of the victim in the emergency room of the hospital and tell them the

reason why their son or daughter is dead, because they weren't wearing a helmet—this is a very important issue. So when you vote today, vote for the lives that will be saved when this bill is passed and pray for the lives of those who are dead because something hasn't been done already.

I hope you support the minority bill.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 25 in the negative, the motion did prevail.

The Bill was read once and assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 1640) (L. D. 1749) Bill "An Act to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per Month to \$120,000 Per Year"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-748)

No objections being noted, the above items were ordered to appear on the Consent Calendar of January 23, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 1616) (L. D. 1726) Bill "An Act Revising the Maine Capital Corporation"

On the objection of Mr. Rolde of York, was removed from Consent Calendar.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: In case anyone thinks I object to the bill, of which I am a sponsor, I am merely trying to put it in a position where it can be amended because something has come up and we may need to put a technical amendment on it.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1629) (L. D. 1739) Bill "An Act to Amend the Law Regarding the Issuance of Registration Permits under the Motor Vehicle Laws"

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

(H. P. 1628) (L. D. 1738) Bill "An Act Relating to Enforcement of the Truck Weight Requirements Under the Motor Vehicle Laws"

On the objection of Mr. McHenry of Madawaska, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(H. P. 1620) (L. D. 1730) Bill "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders" (C. "A" H-746)

(H. P. 1597) (L. D. 1708) Bill "An Act to Make Corrections in the Law with Respect to Bridgton Academy, Gould Academy and North Yarmouth Academy" (C. "A" H-747)

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

concurrence.

Passed to Be Enacted

An Act to Dissolve Patten Academy (H. P. 1604) (L. D. 1715)

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think it is only fair to say just a few words about this little academy which, due to the development of the SAD's, has gone completely out of existence and all of the property that they have has been liquidated in one form or another, sold, so that actually they are back to where they started in 1847.

This little school was started in 1847, and I think it would be interesting if a person were to go through the history of this school to find some of the distinguished people who have come out of it. Many of them have made excellent reputations in all walks of life, some of them in the local area, but many of them have moved away and done very well in other places.

I think I would like to say just one thing. There are quite a few people who have served in the legislature from this school. In fact, a member of the body at the other end of the hall, who served here at one time, his father was principal of Patten Academy at the time that Senator Perkins was born; he was born in Patten.

I think the most outstanding event that ever happened to this school, on their 100th anniversary, they were selected as the Class B champions of the State of Maine to go to Boston and play in the Boston Gardens. They had about 125 students in Patten Academy that played Boston Lapham with an enrollment of 12,000. At the end of the game, the score was tied, they went into overtime and Patten scored five points and won the New England championship beating Boston Lapham. Anyone can read this — or if they remember the papers of the time — they certainly would be aware of the tremendous expressions of enjoyment that happened when the team came back to Patten.

They were an excellent school, they were similar to many academies that were in the State of Maine that educated the people who were the leaders in this state during the 19th Century and in the early part of the 20th Century. The SAD's caused them to go out of existence and the people up there asked me if I would put in this legislation to repeal the act that was passed in 1847.

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

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

Passed to Be Enacted Emergency Measure

An Act Concerning Tax Anticipation Notes and Tax Collections in the City of Saco (S. P. 703) (L. D. 1839)

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I understand that this bill comes as a result of problems the City of Saco is having. I have no objection to their trying to solve these problems. As I understand it, it doesn't commit the state.

I do object very strongly to the fact that we didn't have a public hearing on it. I don't see it as an emergency and much time has passed since the problem, that a public hearing couldn't be had. I think we pride ourselves in having one and all the bills go through here. There are exceptions, agreed, but I don't think this had to be an exception.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I, too, have always looked at public hearings with sympathy to express opinions; however, there is a situation where the public peace, health and safety of the community of Saco is at hand. The City of Saco will make its payroll today, but barely. If you are asking for a solution to a financial crisis which will have a ripple effect over the rest of the state, then we are in a situation, if we don't pass this bill, we will not be able to put together a financial package, which is being put together right now by those people concerned.

I have sympathy for the good gentleman from Yarmouth, Mr. Jackson, as far as the public hearing is concerned, but I think in this particular case, the emergency of the situation is such that a waiver of public hearing is necessary.

Mr. Norris of Brewer requested a roll call.

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

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

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have some reservations about this. I agree with my good friend, Representative Jackson, there has been no public hearing and I am seriously concerned. Does this mean that every time that a community passes a Proposition 13 and then fails to meet their obligations, they are going to come to the state and ask us to bail them out? I understand there are financial problems in York County. If they are not required to make the payments to the county, and I, very frankly, don't know what this does, whether it precludes their making their payments to the county and to the state, so I guess that I am very, very concerned — I understand there is a Proposition 13 in Auburn today. Does this mean, if we pass this bill today, a few months from now if they pass their Proposition 13, they will be coming to the state and saying, we can't meet our obligations and we want you to bail us out? I hope there is some way that we can slow down on this matter just a little bit.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Sorry that I am belaboring this point but I want to address the comments that were just made by the gentleman from Brewer, Mr. Norris.

This particular bill is not the result of totally Proposition 13. It would be very easy for me, who was one of the individuals who did not live the concept of Proposition 13, to get up here and blame it all on those people who were involved in the taxcap. That was a portion of the problem but not the whole problem. The problem has been brewing for years and years and years.

Many of your communities will be faced possibly with the same situation. The situation is cash flow and cash flow means that if you don't have the money in the till, you have to go borrow it for tax anticipation notes to be able to make the payroll and pay your bills. You will find yourselves in a situation like we have found ourselves in, possibly, situations where we spend money when we don't have it in hand because of a cash flow problem, the problem with delinquency of collecting taxes, people who can't afford to pay taxes sometimes, which takes away from the cash flow.

This particular bill, as I mentioned before, is necessary. We have to pass the bill today. The financial advisors have told us that, unless we

pass this bill, they cannot provide us with a financial package to get us out of our problems.

We have had a very cooperative effort in the past three or four weeks with the Governor's Office, with the congressional delegation, with members of state government, local officials and with the banking interest involved and our creditors also. This bill has been worked on, is something that does not pledge any obligation of the State of Maine. It is a special bill, strictly designed for the City of Saco, in order for us to give some assurances to those individuals who we defaulted on our notes with that we are, in fact, making a good-faith effort to take care of that bill. That is all it does.

I sympathize with the public hearing argument but this has been worked on, it was not in final draft until late Friday afternoon. As you realize, the House went into session on Friday morning and we adjourned about 14 or 15 minutes later. The other body went in at noontime and that is the reason, partly, why the bill was not brought up on Friday or why a public hearing could not be had on this particular legislation.

I urge you, it is a dire necessity that this bill pass. It is something that everyone back home knows must be passed in order for the City of Saco to get together with the financial institutions to put together a package to get us out of the quagmire that now exists in the City of Saco.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I can appreciate the efforts of the good gentleman from Saco, Mr. Hobbins, and I also can understand and appreciate the frustrations of the gentleman from Brewer, Mr. Norris. We are having a struggle in our own community trying to meet our financial obligations for the incoming operating year in the City of Bangor and there is a donnybrook going on up there trying to determine exactly what the tax levy is going to be, the tax increase for operating our community.

In the 12 years that I have served in this House, I have always objected to the arguments that were presented on the floor that we are not pledging any obligation of the State of Maine on issues, and a good example is the Maine Housing Authority and the bonds and indebtedness that we allow that authority to operate under. The old argument, the old chestnut that is touted out every year when there is an increase for that particular agency, among others, is that it is not going to be the moral obligation of the State of Maine in commitments to defaults in any particular area over there, and I question the same thinking now as I do when it comes to the City of Saco.

Representative Hobbins has stressed here this morning that in no way is there going to be an obligation on the part of the State of Maine in the financial problems in Saco. If that is the case, why is there a bill in here? Why do the banks, the financial people, trying to correct their obvious situation down there want us to enact a bill in the legislature here this afternoon if there is no absolute moral obligation of the State of Maine? I simply cannot buy that argument for this issue nor have I ever been able to buy that same argument for this issue nor have I ever been able to buy that same argument in the past from people who have been supporting increases in the debt service or the bond indebtedness or the Maine Housing Authority.

I am not going to vote for it this afternoon because of that reason. I honestly believe that there is going to be an obligation put on the people of the State of Maine if, in fact, they do default down there.

I think Representative Norris has raised a legitimate question. It happens to be a philosophical one with me, and I am going to be consistent with my position. If, in fact, there is no obligation on the State of Maine, then why

are we running at a full gallop in supporting this measure here today? I am not detracting from their problems down there; heaven knows, they have got them. If it is poor management, there isn't anything we can do about it here except compound that problem if the management remains as it is. I am not voting for it.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. D. Dutremble.

Mr. D. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I am quite aware of the problems going on in Saco, living right next to the City of Biddeford, Saco is a twin city.

First of all, it hasn't been determined that the tax limitation has been the cause of the problems that Saco now faces, nor has it really been determined that poor management is the cause. You might say there has been a combination of events that have led up to this default in Saco and we have people who have been working very, very hard in Saco to try to solve these problems. They have exhausted just about every possible avenue and this is one of the few remaining avenues that they have and I can't see why we here should turn our backs on them.

I think it has always been one of the good aspects of this country and of this state that people have always helped others when they need it. I would really hope that we would support the Representative from Saco today and the people of Saco.

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

Mr. HOWE: Mr. Speaker and Members of the House: I couldn't sit still without responding to Representative Kelleher, the question he raised, because if the information I was given in the hall with regard to this bill is correct, I can't see any analogy between what we are doing on behalf of the City of Saco and what we do in connection with bonds for the Maine Housing Authority. I hope, if my information on the bill, or my understanding of it, is incorrect I will be corrected, but municipalities in the State receive their authority to act on anything from the Maine Constitution and from the State Legislature, because the ultimate power rests in the state government, and this bill, as I understand it, would amend the municipal laws to say that in this one case and for one time that the banks which underwrite or provide the tax anticipation notes will get first priority when the tax bills are paid. I just don't see any analogy between that and bonding for the State Housing Authority, so I don't share Mr. Kelleher's concern, but if somebody can draw a better analogy, perhaps I would change my mind.

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

Mr. TIERNEY: Mr. Speaker, the gentleman from the Ivy League in South Portland, Mr. Howe, is absolutely correct in the fundamental analysis of L. D. 1839. The constitutional reason why this bill has to be put in here is exactly as was outlined by Mr. Howe. Municipalities exist and all of the powers which they use legally and constitutionally come from the state. The state is the repository, the ultimate police powers, the state is the repository for the ultimate protection of the health and safety of all the people of the state. Through our home rule procedures, we have delegated, over the last 150 years, a great deal of that authority to municipalities. This is just one more step in that process and is not, as implied by the gentleman from Bangor, come back on the moral or actual obligation of the state to repay any loans or bonds should there be a default.

Please take the time to read Section 1 of the bill, 1839. At the outset we are dealing only with the City of Saco and it just says that the City of Saco is specifically authorized to pledge and encumber monies against the tax anticipation loans. It is the City of Saco that we are talking

about. Should they default, it will be up to the citizens of Saco to ultimately bear that burden through a dramatically increased property tax rate in the short run. Let's hope that doesn't happen for the City of Saco's sake, but when we say that, we are saying it not as we are looking at it as afar; this is not something which will come back to us.

I have discussed this matter with the bond counsel who was involved in drafting the bill, and in going over the bill, he is a man of great respect in this state, he is used by virtually every municipality when they run into these difficulties, and he has assured me, and from my own independent analysis, I feel very comfortable in voting for this bill and I hope you join me.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires two-thirds of the entire elected membership of the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carroll, Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gavett, Gowen, Gray, Gwadnosky, Hall, Hanson, Higgins, Hobbins, Howe, Hughes, Hunter, Hutchings, Immonen, Jacques, E.; Jacques, P.; Kane, Kany, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, N.; Paradis, F.; Paradis, P.; Paul, Payne, Pearson, Peterson, Prescott, Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wyman, The Speaker.

NAY — Barry, Carter, D.; Churchill, Fillmore, Hickey, Jackson, Kelleher, McHenry, Norris, Post, Reeves, J.; Strout, Tuttle.

ABSENT — Carrier, Gillis, Huber, Jalbert, Joyce, Laffin, Leighton, Locke, Michael, Nelson, M.; Peltier, Simon, Wood.

Yes, 125; No, 13; Absent, 13.

The SPEAKER: One hundred twenty-five having voted in the affirmative and thirteen in the negative, with thirteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

On motion of Mr. D. Dutremble of Biddeford, adjourned until ten o'clock tomorrow morning.