

# 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

Wednesday, February 13, 1980

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

Prayer by the Reverend John Dunn, Jr., of the First Baptist Church, Dexter.

Rev. DUNN: Our heavenly Father, we thank you for this day, we thank you for the strength and health to be about our tasks this day. We thank you for these men and women gathered in this chamber and, thank you, Father, for your presence with us today.

We ask for wisdom and discretion that you would guide our thoughts. Help us in decisions that we make. We pray that your will might be done in your midst. We pray for our loved ones and ask you to give them guidance today, give them a most excellent day. We pray that you would continue to be our source of strength, give us health and wisdom, guide our affairs in public and private. Help us to know that you are always near. We should like to live in the joy of Our Lord; we come to you in his name. Amen.

The journal of yesterday was read and approved.

## Papers from the Senate

The following Communication:

February 12, 1980

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

The Senate today voted to Adhere to its former action on Bill, "An Act to Provide Low-interest Loans for Middle and Low Income Families for Residential Energy Conservation Improvements." (S. P. 743) (L. D. 1922)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

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

The Newport Women's Club, which has contributed greatly to the restoration of Sebastcook Lake; (S. P. 754)

The Marion Chapter of the Order of Eastern Star which has observed its 80th anniversary; (S. P. 756)

Gordon Corbett of Yarmouth, who is the 1980 Maine Teacher of the Year; (S. P. 755)

Came from the Senate read and passed.

In the House, were read and passed in concurrence.

## Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-413) on Bill "An Act to Develop Elderly Housing Congregate in Maine" (S. P. 724) (L. D. 1873)

Report was signed by the following members:

Mrs. GILL of Cumberland  
Messrs. HICHENS of York  
CARPENTER of Aroostook  
— of the Senate.

Mrs. CURTIS of Milbridge  
Mr. NORRIS of Brewer  
Mrs. PRESCOTT of Hampden  
Messrs. BRODEUR of Auburn  
CLOUTIER of South Portland  
Mrs. MacBRIDE of Presque Isle  
Mrs. PAYNE of Portland  
— of the House.

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

Report was signed by the following member:  
Mr. MATTHEWS of Caribou  
— of the House.

Came from the Senate with the Majority

"Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-413)

In the House: Reports were read.

On motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-413) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

## Divided Report

## Later Today Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-411) on Bill "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment" (S. P. 666) (L. D. 1720)

Report was signed by the following members:

Messrs. USHER of Cumberland  
O'LEARY of Oxford  
EMERSON of Penobscot  
— of the Senate.

Mrs. HUTCHINGS of Lincolnville  
Messrs. McKEAN of Limestone  
JACQUES of Lewiston  
ELIAS of Madison  
CARROLL of Limerick  
— of the House.

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

Report was signed by the following members:  
Messrs. McPHERSON of Eliot  
STROUT of Corinth  
HUNTER of Benton  
BROWN of Mexico  
LOUGEE of Island Falls  
— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-411)

In the House: Reports were read.

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

Mr. STROUT: Mr. Speaker, I move we accept the Minority "Ought Not to Pass" Report.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Strout of Corinth to accept the Minority "Ought Not to Pass" Report in non-concurrence, and later today assigned.

## Petitions, Bills and Resolves

## Requiring Reference

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

## Appropriations and Financial Affairs

Bill "An Act to Appropriate Operational Moneys for the Mattawamkeag Wilderness Park" (Emergency) (H. P. 1845) (Presented by Mr. MacEachern of Lincoln) (Cosponsors: Mr. Pearson of Old Town, Mr. Birt of East Milinocket and Mr. Dudley of Enfield) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

## Tabled and Assigned

Bill "An Act to Create the Maine Spruce Budworm Management Act" (Emergency) (H. P. 1846) (Presented by Mr. Morton of Farmington) (Cosponsor: Mr. Carter of Winslow) (Governor's Bill)

Committee on Energy and Natural Resources was suggested.

On motion of Mrs. Post of Owl's Head, tabled pending reference and tomorrow assigned.

## Orders

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

(H. P. 1841) The Falmouth Volunteer Fire Department for outstanding service during the emergency resulting from the propane tank truck accident in Falmouth on December 6, 1979.

Presented by Mrs. Huber of Falmouth. (Cosponsor: Senator Huber of Cumberland)

(H. P. 1842) The Falmouth Police Department for outstanding service during the emergency resulting from the propane tank truck accident in Falmouth on December 6, 1979.

Presented by Mrs. Huber of Falmouth. (Cosponsor: Senator Huber of Cumberland)

(H. P. 1843) The Falmouth Emergency Medical Team for outstanding service during the emergency resulting from the propane tank truck accident in Falmouth on December 6, 1979.

Presented by Mrs. Huber of Falmouth. (Cosponsor: Senator Huber of Cumberland)

The Orders were read and passed and sent up for concurrence.

(H. P. 1844) The Maine Historical Society where those who strive to know may perceive our rich heritage and join in its defense against the ravages of time;

Presented by Mrs. Masterton of Cape Elizabeth (Cosponsors: Mr. Rolde of York, Senator Katz of Kennebec and Senator Clark of Cumberland.)

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: Incorporated in February of 1822, just two years after Maine became a state, the Maine Historical Society is the fourth oldest historical society in the United States. The purpose of the society, as stated in its charter, is "to collect and preserve whatever may tend to explain and illustrate any department of civil, ecclesiastical and natural history of this state."

Governor Albin Keith Parris was its first president; Chief Justice Prentiss Mellen its first treasurer, and Reverend Dr. Edward Payson, Librarian. Stephen Longfellow, Governor William King and William D. Williamson also numbered among the charter members. Governor James Phinney Baxter served as president of the Maine Historical Society from 1890 until his death in 1921.

From its founding in 1822 until 1881, the society made its headquarters at Bowdoin College. Portland City Hall then housed it until 1889 when the society moved into the Portland Public Library building, given to the city by James Phinney Baxter. In 1895, the society accepted the offer of Anne Longfellow Pierce to deed the Wadsworth Longfellow House on Congress Street in Portland to the society, provided that the society would construct a library on the property and maintain the two front parlors of the Longfellow House as a memorial to her brother, Henry Wadsworth Longfellow. Today, the Longfellow House is Portland's chief tourist attraction, with 8,000 visitors annually.

The library was dedicated on February 7, 1907, the hundredth anniversary of the poet's birth. Its collection of over 6,000 printed works and more than 1.7 million manuscript items, Maine paintings, photographs, broadsides, maps, glassware, pewter, military and Marine artifacts and other museum objects constitutes the most comprehensive resource available to students and scholars of Maine history. The jewel of the collection is the John S. H. Fogg autograph collection, which contains a priceless set of autographs of the signers of the Declaration of Independence. Because of its important role in the preservation of private papers indispensable to historical research, the

an annual appropriation from the State of Maine.

The membership was originally restricted to 100. In 1910, it expanded to 200, later to 400 and, finally, in 1922, to 1,000. Today, the unrestricted membership numbers about 1,500 persons located throughout Maine and the United States.

The society has sponsored the publication of numerous historical works widely known for their scholarly excellence. Among them is "Maine Becomes a State" by a former professor at the University of Maine, Dr. Ronald F. Banks, who met a tragic death during the past year. You will find a copy of this book on your desks later this morning.

One cannot serve in this legislature without having a deep and lasting feeling for the history of Maine and those who went before us in this body, the Executive Branch, the Judiciary and in the state at large. In this spirit, the Maine Historical Society cordially invites you to drop into room 327 today until 1:00 P.M. to enjoy samples of the Society's invaluable collection of Maine paintings which are on the walls of that room, to see some of their publications, and to chat over coffee and donuts with members of the society.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### House Reports of Committees Leave to Withdraw

Mr. Wyman from the Committee on Labor on Bill "An Act Concerning Right of Access, Performance Standards, Public Farm Workers, Supervisory Salaries and Firemen's Wages Under the Labor Laws" (H. P. 1663) (L. D. 1772) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Ought to Pass

Mr. Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine State Troopers Association" (Emergency) (H. P. 1753) (L. D. 1880) reporting "Ought to Pass"

Report was read and accepted, the Bill read once and assigned for second reading Thursday, February 14.

#### Consent Calendar First Day

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

(H. P. 1630) (L. D. 1740) Bill "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon"—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-785)

(H. P. 1672) (L. D. 1779) Bill "An Act to Appropriate Funds for Special Election" (Emergency)—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" (S. P. 674) (L. D. 1778) RESOLVE, Authorizing Execution of Leasehold Agreement Between Department of Educational and Cultural Services and the City of South Portland Establishing a Greenbelt and Public Park Area on the Southern Maine Vocational-Technical Institute Campus as Part of Spring Point Shoreway (Emergency)—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-412)

(H. P. 1631) (L. D. 1741) Bill "An Act to Limit Possession of Lobsters on Board Boats Rigged for Otter or Beam Trawling, Seining or Netting"—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-786)

(H. P. 1633) (L. D. 1743) Bill "An Act to Allow Limited Use of Hydraulic Dredges in the

Taking of Soft Shell Clams or Quahogs"—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-787)

(H. P. 1727) (L. D. 1846) Bill "An Act Relating to Plumbing Permits and Waivers for Septic Systems under Certain Conditions"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-788)

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

#### Passed to Be Engrossed Amended Bill

Bill "An Act to Amend the Law Regarding the Reporting of Accidents under the Motor Vehicle Laws" (H. P. 1626) (L. D. 1736) (C. "A" H-775)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, read the second time, the House Paper was passed to be engrossed as amended and sent up for concurrence.

#### Finally Passed Emergency Measure

RESOLVE, to Honor James B. Longley (H. P. 1792) (L. D. 1910)

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. 112 voted in favor of same and none against and accordingly the Resolve finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Increase License and Examination Fees for Barbers (S. P. 706) (L. D. 1842) (C. "A" S-405)

An Act Relating to Publication of School Records Under the Education Laws (H. P. 1595) (L. D. 1706)

An Act to Add the Commissioner of Educational and Cultural Services to the Energy Testing Laboratory of Maine and to Correct References to the Oil and Solid Fuel Burner Technicians Licensing Board (H. P. 1674) (L. D. 1781) (C. "A" H-763)

An Act Relating to the Maximum Seating Capacity of School Buses Transporting a Combination of Students Attending Grades Kindergarten through 12 (H. P. 1675) (L. D. 1782)

An Act Relating to State Liability for Damages Suffered on Certain State and State Aid Highways (H. P. 1686) (L. D. 1794)

An Act to Revise the Local Registration Program to Authorize the New Registration of Trucks Weighing more than 6,000 Pounds (H. P. 1752) (L. D. 1868)

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.

#### Orders of the Day

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

An Act Relating to Budgetary Hardship in Maintaining Special Education Students (H. P. 1789) (L. D. 1908)

Tabled—February 12, 1980 by Mrs. Huber of Falmouth.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, I don't wish to speak to the merits of this bill today, but I would ask for a roll call on passage because it is my understanding that it is an extension of existing policy and does call for an appropriation of \$300,000.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I think the key word in this bill is 'unexpected'. I had a bill similar to this last year and it went all the way to the Appropriations Table and died at that location.

This bill would take care of what we call initial placement of special education students, that is students moving into a community during the summer or late in the year, just prior to the opening of school, or a student who might be evaluated to the classification of special ed prior to the opening of the school year.

What this does is to induce a heavy hardship on local, small communities. If any of you have explored the cost of special education students, we know that in these residential treatment centers they run up to \$25,000 apiece a year. Now, that is quite a hardship for a small community; it blows their budget all apart. This bill would take care of that situation and would help the locals.

There is not much we can do about it because this is a mandated program. Every community is mandated in this field of special education.

The difference between this bill and the one I had last year was the possibility of taking care of some of these young people at the local level, which would, in fact, decrease the cost.

I think this is a good bill and I would hope that you would vote to go along with it.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a question to anyone who may care to answer. Where does the money come from for this bill?

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

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I think it is important to say something about the process that we go through here. As we all know, bills come through this House and through the Senate during the session and sometimes it is very difficult to set priorities on them one by one when you see them one by one, and that is why we have what we call the Appropriations Table, as Representative Jalbert knows. When the bills are all there at the end of the session, we take a look at how much money we have, and we then have a chance to set our own priorities, and that is the process that we go through. I think we make a mistake sometimes if we try in either body to set those priorities when we are dealing with a bill in isolation.

From my own standpoint on this particular bill, when we are talking about a program where the state is mandating that local communities carry out a program, it is one of my high priorities that they provide the funds to give the assistance to those towns in doing that.

Once this bill lands on the Appropriations Table, that might not be my highest priority and I might choose not to fund it, but right now, I think, when we are talking about this type of situation, rather than put local communities in bad financial positions, this bill has enough merit to go on the Appropriations Table and at the end of the session we can take a look at how much money we have and what ought to be funded. I think that is a process that has worked well for us and one that we ought to continue.

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

Mrs. KANY: Mr. Speaker and Members of the House: I plan to vote for this particular measure today, but I think it is an opportunity to point out a problem with our particular process. We will be voting on this individual item today and send it on to the Appropriations Table if we do enact it. The House may never again have an opportunity to decide if this is actually one of its priorities. The Senate, unless there is an amendment to lower the appropria-

tion or some other amendment on this bill, could make the final decision and actually set the priorities.

I just wanted to mention that. While we are talking about the process here, perhaps we should keep this in mind and perhaps be thinking about a way to improve our appropriations process.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think probably the question that was asked by the Representative from Lewiston is a very appropriate question. I think it is a question that must always be asked when we mandate special programs onto local districts without supplying the funding to carry out those programs.

This particular bill does address a very acute problem to small towns and small administrative districts. I happen to represent one of the small towns in an administrative district which is impacted seriously nearly every year.

We have within the boundaries of New Gloucester Pineland Hospital, we have an Opportunity Farm program and students come into our small elementary school year in and year out who demand and require special services. It is nearly impossible to predict every year what kind of impact you are going to have, and with the mandation that these youngsters be taken care of by the local district, nearly every year a serious impact on our particular budget is realized.

The point is very well taken—where does the money come from? Where does it come from? Today, we should show our support for these districts, we should show our support that when we mandate a program onto the local districts, we intend to follow that mandation with support for these districts, we intend to follow that mandation with support, some kind of financial support, and by your vote today, perhaps you might indicate how much of a priority it is so that that priority may be taken under consideration by the Joint Committee on Appropriations.

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

Mr. JALBERT: Mr. Speaker, the gentlelady from Owl's Head, my good friend Mrs. Post, talks about the Appropriations Table, for which I have a better name, called the dumping ground.

Let's start being a little bit realistic here. According to the figures that I have, we have available \$9 million—I will round out the figures—which is the balance of the Special Session—three and a half million dollars for increased revenue estimates and those increased revenue estimates didn't show up too good a couple of days ago when we went down \$3,300,000. Increased revenue estimates for the VTI's on tuition, \$600,000; income tax exemptions, \$1,000,000, which is something that I started a few years ago, which means that we will have some people going out-of-state to grab some of the money that is owed to us from people that haven't paid us; inheritance tax changes, \$2,500,000; energy credits, down \$300,000, which leaves us with a total of \$16,348,000.

If you add up the appropriations act, which is \$3,010,000, less some of the Governor's recommended bills, I have an extra sheet that I will share with you a little later, but it says \$1,766,000, and I think it would be fair to assume that that figure would double, plus \$5,000 for collective bargaining, plus the \$6,400,000 that we must put back into the retirement fund. That leaves us with the grand total of \$172,000 to fund countless numbers of bills, some of them Governor's bills, some of them your bills.

That does not give us any money to fund cost-of-living increases for retirees which we passed, which we moderated and which the council eliminated at the last session. If we don't settle the Indian Land Claims case, we

have got to appropriate \$2,000,000. Whether we like it or we don't like it, we must appropriate \$2,000,000. It does not involve any increased heating costs for next year; spruce budworm, \$700,000 and I repeat myself, it does not involve several L. D.'s that have not smoked themselves out yet where it concerns part of the Governor's programs, where it concerns some of the bills that you people have.

I asked the question—where the money comes from and I would not have gotten up had Mrs. Post not talked about letting all this stuff go to the Appropriations Table. The fact of the matter is, we are not only broke but we are in the red. I, for one, was not shown any part of the budget from anybody in the Finance and Administration Office or the Executive Branch before I got it. I can read and I can figure and I am not going to hold the bag for anybody. That is why I asked the question, that is why I am talking to you now.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the gentleman from Lewiston for his rundown of some of the problems that are facing us. I would like to take this opportunity to assure you that I am not a hit man or woman. However, I have concerns about whether we can keep within our revenues this year. I think it is a different situation perhaps than we have had in the past.

I believe our current Governor made a statement last year when he realized he couldn't put a three-way tax break for homeowners which reflects that even a Democrat can't spend money that we don't have. I am sure that Mr. Jalbert would agree with him.

I do think, thanks to Mrs. Post's wise observations and Mrs. Kany's, that it is time that this House set some priorities. It bothers me very much that the Audit and Program Review Committee can spend a whole year of study, that the Department of Agriculture recommend \$225,000 in cuts and then we have a bill to raise that figure, to raise those costs by some \$600,000. I hope you will at least give this principle some thought—all bills have merits, but can we afford them?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I shall not go into the point of argument of what the process is on bills reaching the Appropriations Table but I might remind this House that we on the Appropriations Committee haven't even begun to work on the budget itself so we are not exactly sure just what is going to be in the budget and how many dollars are going to be spent in the budget that was proposed to us by the Governor.

I would urge that the House consider the merits of this bill on the bill itself and not the cost at this point in time because later on, each of us as members are going to have an opportunity to express our priorities to the members of the Appropriations Committee and more importantly to the members of leadership. I don't think we should be worried about anyone waving a red flag on the argument of what costs are until we know exactly what the recommendations are from the Appropriations Committee and the members of leadership concerning the budget documents that are down there in Room 227.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.C.; Bunker, Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Hunter, Immonen, Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Simon, Small, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, the Speaker.

NAY — Bordeaux, Brown, K.L.; Carter, F.; Dellert, Dudley, Garsoe, Higgins, Huber, Jackson, Jalbert, MacBride, Sewall, Smith.

ABSENT — Austin, Barry, Brannigan, Carrier, Doukas, Hutchings, Jacques, E.; Laffin, Leonard, Lizotte, McMahon, Michael, Silsby, Soulas, Stetson.

Yes, 123; No, 13; Absent, 15.

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

Signed by the Speaker and sent to the Senate.

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

An Act to Validate Proceedings Authorizing the Issuance of Bonds and Notes by School Administrative District No. 37 (Emergency) (S. P. 659) (L. D. 1697)

Tabled—February 12, 1980 by Mr. Connolly of Portland.

Pending—Motion of the same gentleman to Reconsider Failing of Passage to be Enacted.

On motion of Mr. Connolly of Portland, tabled pending his motion to reconsider failure of passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Permit the Department of Transportation to Acquire Railroad Operating Equipment" (S. P. 666) (L. D. 1720) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Corinth, Mr. Strout, that the House accept the Minority "Ought Not to Pass" Report in non-concurrence.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that I wasn't here when that came up.

This bill is a bill that is going to be used to help some of the farmers within the State of Maine. It is a bill or an idea that I hope can be expanded in the very near future to poultry farmers, potato farmers, the entire agriculture industry in the state. When the bill originally came to the committee, I, too, had some concern about the bill. Right now, it is nothing more than permissive legislation.

What it will do is allow either individual farmers, or a conglomerate of farmers or a farming industry, to lease or purchase railroad equipment, that being railroad cars mainly, for the use of storage of grain or agricultural products. Right now, the storage of grain and agri-

cultural products in the state is very essential and is very limited and is very expensive. This is a cheaper way for us to handle agricultural products.

The state will act only as a mediator. Perhaps they will make a few calls to Washington because there is some federal money that can be had within this program to help the agriculture program within the State of Maine. We do have to have state sanction, though, as you well know, to get this federal money that we so directly need.

In order to put a lock on it so state funds could not be used, and we would only act in an administrative category, we amended the bill to read, if you will look at the amendment, "that no state funds will become involved." That means if a municipality wants to take advantage of this program, they can go to their town council, go to the town meeting and get the money that they want to put into the program. All we will do is act as a mediator. If an individual or a conglomerate of farmers would like to come up with the money to fund the program or lease the cars or whatever they would like to do, they can do it. Again, we only act as a mediator and only as an agency to go to Washington to get the funds to help the program. It is going to be a help to our agricultural industry, it is a step forward and I would like you to consider that and accept the Majority Report rather than the Minority Report of this bill.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Corinth, Mr. Strout, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Strout of Corinth 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 Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I asked for a roll call this morning is, I guess, to put it before you people that if this is such an important bill, and with the Department of Transportation being in the financial situation that they are today, it seems to me that this is not the time to be expanding their programs.

The amendment that was put on in the committee strikes out and says that there will be no use of state funds. If there is going to be federal funds available, how are we going to get these federal funds without using some state dollars? You know as well as I that this is only a step in the door.

I would ask you to consider this very carefully, because I think what you are doing is opening up another program, and it surprises me to see some of the members of that committee, knowing the situation that we are in, supporting a bill of this type. That is why I asked for the roll call. I think we ought to go on record and show the people of the State of Maine where we are really at.

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

Mr. JALBERT: Mr. Speaker, I would like to be excused from voting because of a conflict of interest.

The SPEAKER: The Chair will grant the request of the gentleman.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I am proud to go on record. When a person asks for a roll call, a roll

call doesn't scare my vote and I hope it doesn't scare your vote.

In regards to the Department of Transportation being in a financial bind, we are going to solve that bind; don't you worry about it, don't lose any sleep tonight. We have got some solutions; we are working on them and we are going to have some answers. If we don't have some answers, some heads are going to roll. Don't let anyone kid you about that either.

I mean business. I have spent a lot of hours on this Department of Transportation and I am in nobody's vest pocket and nobody's back pocket, whether it is the lobbyists or the Department of Transportation or anybody else, and I don't belong to any farmer's back pocket either.

I think we have an opportunity here to help the farmers and the agricultural people of the State of Maine. I have asked people to check on this throughout this state. I have made many telephone calls, spent many evenings calling people asking them to go check, and I find that this is permissive legislation and I would urge you all to support it and don't be fooled by anybody getting up saying this is just a foot in the door. That is the oldest proverb that was ever used in the legislature.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Corinth, Mr. Strout, that the Minority "Ought Not to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Carter, F.; Cunningham, Damren, Davis, Dexter, Fenlason, Gillis, Gray, Higgins, Huber, Hunter, Immonen, Kiesman, Lancaster, Leighton, Lewis, Lowe, MacBride, Masterman, Matthews, McPherson, Nelson, A.; Payne, Peltier, Roope, Sewall, Smith, Strout, Studley, Torrey, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Brenerman, Brodeur, Brown, K.C.; Call, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Dellert, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, P.; Joyce, Kane, Kany, Kelleher, LaPlante, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paul, Pearson, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Sherburne, Simon, Small, Sprowl, Stover, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Austin, Brannigan, Carrier, Elias, Garsoe, Hutchings, Jacques, E.; Laffin, Leonard, Lizotte, Lougee, McMahon, Paradis, P.; Silsby, Soulas, Stetson.

EXCUSED — Jalburt.

Yes, 40; No, 94; Absent, 16; Excused, 1.

The SPEAKER: Forty having voted in the affirmative and ninety four in the negative, with sixteen being absent and one excused, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-411) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

#### (Off Record Remarks)

On motion of Mr. Berube of Lewiston, adjourned until nine-thirty o'clock tomorrow morning.