

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

Thursday, February 28, 1980

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

Prayer by the Reverend Michael Chase-Dwinell of the Episcopal Diocese of Maine, Cape Elizabeth.

Rev. CHASE-DWINELL: The Lord be with you; let us pray! Heavenly father, you have called these women and men into the vocation of representing their brothers and sisters. It is a difficult vocation. They are called to know and read the minds of their constituents, keep communications open and be ever responsive and yet never to lose sight of their own integrity and authenticity. They are called with ever shrinking dollars to find funds to enlarge programs with growing budgets and yet never to raise taxes and at the same time to be generous where they are charged with the well-being of all of us. They are called to be wise and objective as Solomon in matters of justice and objective as Jesus in matters of mercy. They are called to be available for public appearances and at the same time to find time for reading, for their personal lives and for the refreshment of solitude.

Sometimes, Father, we wonder if perhaps when you were writing the job description, you did not have yourself in mind.

We fervently pray this morning that in all vocations you call us to we find them difficult and cannot do them without you, so we ask that you be ever present to and amongst this august body, that you pour your holy spirit upon them and lead them, guide them, nourish and support them, for their vocation is difficult.

Finally, we give you thanks for the gifts you send among us, the gifts of friendship and patience, the gifts of laughter and humor.

Let up pray in the words of Jesus, the one who represents us all: Our Father, who art in Heaven, hallowed be thy name; thy kingdom come, thy will be done on earth as it is in Heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil, for thine is the kingdom, the power and the glory for ever and ever. Amen.

The SPEAKER: The Chair is pleased to recognize in the balcony Francis Dunn from Patten, a guest of the gentleman from East Millinocket, Mr. Birt. Francis, would you please stand to accept the greetings of the House? (Applause)

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: It is with a good deal of pleasure that I make a few remarks about Francis Dunn today.

Francis is retiring tomorrow from the Fisheries and Wildlife Department after spending 27 years as a wildlife biologist. I think his chief claim to fame is the fact that he is probably the best authority in the state of Maine and maybe the best in the country on the study of moose. He has spent a great deal of his time studying the moose population and all of the effects of disease and growth and everything else that concerns it.

This has been a real dedicated show with him. I have one friend at home who used to get upset when he found moose wandering through the woods with collars on them that Francis would put on. He spent a great deal of time in this and I think the state owes him a real debt of thanks for the time that he has spent and we hope he has a happy retirement. (Prolonged applause)

The journal of yesterday was read and approved.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative John Norris of Brewer be excused February 27 to 29, 1980 for Legislative Business.

Special Sentiment Calendar

In accordance with House Rule 56, the following Joint Orders (Expressions of Legislative Sentiment) Recognizing

Hodgdon High School "Hawks" 1979-80 Eastern Maine Class C girls' basketball champions; (S. P. 768)

Stearns High School Girls' Basketball team, 1980 Eastern Maine Class B champions; (S. P. 769)

The Buckfield Bucks, coached by Rodney Millett, winners of the 1979-80 Western Maine Class D boys basketball championship; (H. P. 1882) by Mr. Immonen of West Paris (Cosponsors: Miss Brown of Bethel and Senator Sutton of Oxford)

The Buckfield High School Girls' Basketball team, which won its 5th consecutive Western Maine Class D Girls' Basketball championship; (H. P. 1883) by Mr. Immonen of West Paris (Cosponsors: Miss Brown of Bethel and Senator Sutton of Oxford)

There being no objections, these Expressions of Legislative Sentiment were considered passed.

House Reports of Committees
Divided Report

Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-804) on Bill "An Act to Increase Interest Rates on Judgment Debts" (H. P. 1687) (L. D. 1795)

Report was signed by the following members:

Mr. COLLINS of Knox
Mrs. TRAFTON of Androscoggin
Mr. DEVOE of Penobscot

— of the Senate.

Mr. JOYCE of Portland
Mrs. SEWALL of Newcastle
Mr. STETSON of Wiscasset
Messrs. GRAY of Rockland
 HOBBINS of Saco
 SIMON of Lewiston
 HUGHES of Auburn
 SILSBY of Ellsworth

— 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. CARRIER of Westbrook
 LAFFIN of Westbrook

— of the House.

Reports were Read.

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

Mr. JOYCE: Mr. Speaker and Members of the House: This is my bill and a very good bill. However, I understand there is a small cell of opposition to this bill and I just learned this morning that my very dear friend, J. Robert Carrier of Westbrook, is not with us today. I know that he has been thinking all week of rising to oppose my very good bill, and I hope there is some kind member in this body that would rise and table this bill for two days to give my very dear friend, Mr. Carrier, the opportunity to attack my bill.

Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

Thereupon, on motion of Mr. Nadeau of Lewiston, tabled pending the motion of Mr. Joyce of Portland to accept the Majority Report and specially assigned for Monday, March 3.

Consent Calendar

First Day

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

(H. P. 1791) (L. D. 1909) Bill "An Act Concerning the Incorporation of the Mission Congregational Church"—Committee on Legal Affairs reporting "Ought to Pass"

No objections being noted the above item was ordered to appear on the Consent Calendar of February 29, 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:

(S. P. 694) (L. D. 1816) Bill "An Act Relating to the Bonding of Voting Device Vendors" (C. "A" S-423)

(H. P. 1818) (L. D. 1946) Bill "An Act Relating to the Powers of Hospital Administrative District No. 1 in Penobscot County" (Emergency) (C. "A" H-803)

No objections having been noted at the end of the Second Day, the Senate Paper was passed to be engrossed as amended in concurrence and the House Paper was passed to be engrossed as amended and sent up for concurrence.

Tabled and Assigned

(H. P. 831) (L. D. 1038) Bill "An Act to Provide for County Self-government" (C. "B" H-805)

On the objection of Mrs. Nelson of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "B" (H-805) was read by the Clerk.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: At this point, as Chairman of the Cumberland County Delegation, we are wrestling with the county budget, and since at this time I have only a half Nelson on this budget. I would like to find out more about this bill. I understand it is a good one. I have some questions and concerns, so I ask the chair of the committee if he would stand, please, and explain this amendment to us.

The SPEAKER: The gentleman from Portland, Mrs. Nelson, has posed a question through the Chair to anyone who may care to answer.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Basically, the bill is the same as it was last year except for the problem that we had on the budget recall procedures. So the committee called in the representative from the Governor's Office, Maine County Commissioners Association and the Maine Municipal Association and some other people that were interested, and we sat down and ironed out all the problems that we felt concerned everyone. Historically, we achieved something that hasn't been heard of, and that is having the Maine County Commissioners Association and the Maine Municipal Association agree on the same thing. Then, to add a historical note, they also got the Governor's Office to agree on the bill also, and the entire committee, so the item in question has been very well taken care of.

What we have done in the whole bill is really left it up to local control. Similar to a city charter, we have allowed the counties to do the same by a county charter.

I talked to the good lady from Portland, Mrs. Nelson, this morning, and the area in question to be explained was a county choosing to exercise its authority, which is on page 8, Section 1604, the second paragraph—"A county choosing to exercise its authority under this section shall specify the charter number, term and selection of members of the finance committee, and there shall be equal representation from each commissioner district and one of the following methods of selection shall be used."

Now, in the charter it can be written that the finance committee would be chosen in one or

two manners: (1) the appointment by the county commissioners, each county commissioner shall appoint the finance committee members from that commissioner district from among the municipal officers of that district, so we are trying to involve the local municipalities a lot more so that they can work on their tax problem; (2) the selection would be by municipal officers, the municipal officers within each commissioner district shall caucus and elect the finance committee members from that district. The principle of proportioned representation shall be followed in the selection of the finance committee, which means one man-one vote system that everyone seemed to want. These are two methods that the charter commission can go through, and basically that is about the only really strong guidelines that we gave from the state other than how they shall form the charter and how to implement the whole process.

Hopefully, local control will prevail; hopefully, all the members who have previously worked on county budgets will get involved in a county charter, will get involved to serve on the charter, will attend the public hearings and, hopefully, for once, we will remove the haggling at the state level that we have had in the past.

If there are specific questions to be answered, I will be happy to answer them.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: To add to what the chairman of the Local and County Government Committee has just told you, this bill is a landmark of sorts because it is the first time this legislature and the Executive Branch and the various associations have had before it a proposal that everyone agrees on.

You will recall during the end of the last session the first attempt at accomplishing this county home rule. It did pass but it was held by the Governor so that the committee could address further one narrow part of the bill. Accordingly, the Governor allowed us to recall the bill and recommit it to the committee. We did that; the committee members worked on it along with the representatives of the association, and you have the final product before you in the amendment.

Committee Amendment "B", filing H-805, is the only document that we are dealing with. In effect, Committee Amendment "B" is an amendment to the existing law. Title XXX, Chapter 11, presently provides for so-called county home rule, but when the committee looked at that law last year, we determined that there were additional changes that needed to be made in it, some of a technical nature and then, of course, the one big issue, the manner in which budget home rule might be achieved.

The committee started with a basic premise. Our starting point, and it is important that you understand this, was that we in the committee were not willing to report out a bill unless the bill contained an alternative check to the present budget process, which is ourselves. At the same time, we favored an enabling act approach rather than separate charter bills for each county. We felt that the enabling act approach was better, because those counties that wished to avail themselves of the home rule authority that was offered in this bill could do so and those counties that chose not to would not have to.

You will recall that the previous governor commissioned a task force to recommend changes in this very subject, and that task force report would have mandated sophisticated county government structures on our 16 counties. The committee rejected that approach, as did, I believe, the present counties. The committee rejected that approach, as did, I believe, the present governor, and the result is the enabling act approach which you have here before you.

Most of the changes in this pink document are what we would call in the committee a technical nature. For example, we have changed the existing law, Chapter 11, to provide that any referendums that are held will be held on the dates of state elections. The language in the present law is not that. The language in the present law refers to county elections. We made this change because we felt that a state election would guarantee maximum citizen voting participation in any questions regarding county charters.

We have also spelled out and broadened somewhat, I think, the composition of the charter commission by providing for expertise from the municipalities and from the county government and even from the legislative delegation. But the most important change is that which the chairman of our committee has explained to you, the alternative mechanism that will be used by any county adopting a home rule charter with regard to its budget process. That was the sticky point that took us a long time and many other legislators a long time trying to find an acceptable alternative to our present approval process which, as you know, involves each of us.

So, in summary, just to add and summarize what my colleague has said, the main thrust of this effort is home rule but it is optional, it is an enabling act approach, it is not mandated, and it maximizes the local decision-making but it does provide parameters for the budget process so that we will not be giving over our role in a willy-nilly manner.

I do hope that you support this. If there are additional questions, of course we will respond.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: Yes, I do have an additional question. It is not clear to me from reading this amendment in saying the committee shall act on the budget whether they have the final say on the budget or they are to act by recommending the budget to the commissioners. As I understand it, the recall provision was removed; is that correct? I would like an answer to those two questions.

The SPEAKER: The gentleman from Brunswick, Mrs. Bachrach, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, the finance committee would not have the final say on it but they would be running the public hearings on the budget. That in itself, again, would be local participation.

The recall provision was removed, yes.

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

Mr. HICKEY: Mr. Speaker, I would like to pose a question to the sponsor. In reading this bill, one of my concerns is about the election. Are they elected annually or on a staggered basis?

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

The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, I am not the sponsor of this, it is a committee bill. I believe you are talking about the finance committee and that is up to the charter commission and what you work for to put in the charter. Everything will be specified in there. Again, it is open and it is optional.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I have specific questions and I hope the committee will not view this as someone who is not going to vote for the bill. I am in sympathy with it, I think it makes a lot of sense, and I, as someone who has worked very

hard, and many of the members of the county delegation have, too, recognize what you are trying to do and appreciate it and, indeed, I will vote for it.

However, in looking over the bill, I have questions. First of all, who replaces that check that the legislature has now on the budgetary process? That is to say, what avenues do you have for appeal? Do the counties have that lot, the commissioners? If so, that is fine, I just want to make sure that I understand.

Also, how many referendums are we asking for, how many votes, who pays for those referendums and should we, in setting up our budget for this year, in 1980, include some money that would allow for those changes? Indeed, how long will it be, once this is passed, before we will have this change in county government?

The SPEAKER: The gentleman from Portland, Mrs. Nelson, has posed additional questions to anyone who may care to answer.

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

Mr. McMAHON: Mr. Speaker, I shall try to. I am sure I will forget at least one of your questions and please pose it again.

With regard to the time frame, it is a long one. There is in the amendment, which would be in addition to the existing law, as I said earlier, a definite time frame which requires the formation of a charter commission and then a referendum at the local level, as I said, keyed to the state election so that the maximum number of people will participate. The committee took great pains to ensure that a charter cannot be adopted nor can it be amended without that process being very definite and very clear.

There is also in the amendment a provision for petitioning for changes, which is the case now on your municipal level, if the commissioners are not of a mind to go along with it or propose changes themselves.

With regard to the money, there is a provision in Section 11 of the amendment which specifically authorizes the county to provide monies and transfer monies if a charter commission is started after the budget process is finished by us. So, the commissioners are given that authority. I am sorry, I forgot the rest of your questions.

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

Mrs. NELSON: Mr. Speaker, the other question was, where is that check that would allow people or agencies or whatever the opportunity for appeal? At this point, the legislature has always been; I am not saying that is the right way but that is one way, and I just wondered if that is assumed in the charter revision or whatever? Where is that right to appeal?

The SPEAKER: The gentleman from Portland, Mrs. Nelson, has posed an additional question.

The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, hopefully, it is through the finance committee, being from the municipal officers, that through public hearings would be the process by which the public or agencies would come forward, but only by petition after the decision is made.

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

Mr. McMAHON: Mr. Speaker, in further response to the gentlelady's question, there is in Section 24 of the amendment language that I think will answer your question. It says: "Any method," that is alternative to what we do now, "provided shall vest in the county legislative body the authority to appropriate money according to the budget, which must first receive approval by a majority vote of the finance committee. In the event a budget is not approved before the start of the fiscal year, the county shall, until a budget is finally adopted, operate on an interim budget which shall be no more than 80 percent of the previous year's

budget."

If there is a check, it is that language in combination with the local language that a particular charter would adopt.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I would like to pose a question through the Chair to the chairman of the Local and County Government Committee. In formulating the recommended changes to the charter, it is mandatory that the districting feature be included or is it optional?

The SPEAKER: The gentleman from Calais, Mr. Gillis, has posed a question through the Chair to the gentleman from Sabattus, Mr. LaPlante, and the Chair recognizes that gentleman.

Mr. LaPLANTE: Mr. Speaker, there is one county that has refused to district. That is a very good question. I imagine your commissioner district is at large, so, therefore, your people may come at large. If not, I think that Representative McMahon can answer that question better than I can.

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

Mr. McMAHON: Mr. Speaker, in further response to the gentleman's question, the language contained in this amendment would require that a county wishing home rule would adopt a charter with districts. Section 22, Sub. 3, of the amendment says: "A county adopting a charter pursuant to this chapter shall provide for the election of county officers from three, five or seven districts, from each of which one officer shall be elected. The charter shall specify the number of districts and establish the boundaries of each district."

I suspect the gentleman's question was borne of the fact that Washington County does not have districts and I guess my response to what I assume his question is, Washington County is not affected at all by this until such time as they may wish to adopt a charter. At that time, they would have to have districts but, again, the local citizenry of Washington County would have the final say because, of course, this would be subject to referendum.

Any county adopting a charter would have to establish districts, three, five or seven members, with single-member district elections.

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

Mr. MORTON: Mr. Speaker and Members of the House: I have received conflicting signals here on the powers of the finance committee. I do want to make sure that that is straightened out for the members because I think that is a vital point.

In one instance, I heard that they would conduct public hearings and that would be the opportunity for people to have their input and obviously the finance committee to have its input, but then I listened to the gentleman from Kennebunk and he read Section 24, and I guess I want an affirmative answer one way or the other, and I think I would ask the gentleman from Kennebunk, does the finance committee have veto power over the budget?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentleman from Kennebunk, Mr. McMahon, who may respond if he so desires.

The Chair recognizes the gentleman.

Mr. McMAHON: Mr. Speaker and Members of the House: Veto power in a sense, as the language of the amendment says, it must be approved by a majority vote of the finance committee. If you choose to call that veto power, then, yes, but truthfully it must be said that this approach is much less drastic and complicated. It is much more simple than the one that was rejected by the Governor and which caused us to take this issue back before us.

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

Mr. BRODEUR: Mr. Speaker, I would like to pose a question through the Chair. Is there a provision for the commissioners themselves to order a charter commission?

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

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

Mr. McMAHON: Mr. Speaker and Members of the House: The answer to the gentleman's question is, yes. The county officers shall by order provide for the establishment of a charter commission. They can be petitioned to do so or they may do so on their own. I don't have the exact language in front of me but I will find it for the gentleman before this proceeds to the end of the road.

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

Mr. HICKEY: Mr. Speaker, I would like to pose a question through the Chair to the sponsor. Does the legislature have the final jurisdiction over this budget?

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

The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Members of the House: No.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I have a few problems with this bill and I would like to get some information on it. Would this be in a status to request tabling for two days?

The SPEAKER: The Chair would answer in the affirmative.

On motion of Mr. Higgins of Scarborough, Mr. Higgins, tabled pending adoption of Committee Amendment "B" and specially assigned for Monday, March 3.

Passed to Be Enacted

An Act to Develop Elderly Congregate Housing in Maine (S. P. 724) (L. D. 1873) (H. "A" H-789 to C. "A" S-413)

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

The Chair recognizes the gentlewoman from Lewiston Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I would like to move indefinite postponement of this bill and all its accompanying papers and further request a roll call.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the gentlelady who has just made the motion to indefinitely postpone this bill, if I might.

I would like to find out what the reasons the gentlelady has for indefinite postponement, because it was my understanding that she supported the concept of the bill and I would like to find out now what reservations she really has?

The SPEAKER: The gentlewoman from Hampden, Mrs. Prescott, has posed a question through the Chair to the gentlewomen from Lewiston, Mrs. Berube, who may respond if she so desires.

The Chair recognizes the gentlewoman.

Mrs. BERUBE: Mr. Speaker and Members of the House: I would like to give my reasons why.

Last week when the issue was debated, we were told that the bill would provide 48 units for "the frail elderly" in the form of a new concept call congregate housing, a boarding home type thing, as I understand it. In reading over the bill, nowhere could I find that this specific number was mentioned and so I questioned the Maine Housing Authority. I received a letter on the 15th, the day after, which stated that there would be two pilot projects, one urban and one

rural. The urban would be a development of 50 units, 25 of which would be assigned to the congregate housing concept, and in the rural development, 36 units would be built, allowing 18 to be congregate housing, for a total of 43.

This says that this project, in effect, is a federally subsidized housing development of 86 units, which would also include 43 units for the "frail elderly". I questioned one of the sponsors as to why we had been given misinformation and the smiling answer was, "The question was never asked."

Imagine my surprise when last evening I read in the Lewiston Evening Journal where plans were being formulated by a local sub-agency as well as a developer, and these have increased, these developers, there are many starting up, apparently it is a very lucrative business, and they have organized or plan at least, according to the article, to set 100 units, 100 of federally subsidized housing to include 50 congregate housing if this bill passes. I find it incredible that on one hand we are being asked to place \$87,360 in an escrow account for 48 units, those are the figures that were in the record from Mrs. Prescott, and yet the plans are being drafted for double the number of units.

The bill states that one project will be in a city, an urban, and the other in a rural. If that is the case, why is it that most of the monies or all of the monies, as far as I can read in the article, would be assigned for the plans of the urban project?

Representative Prescott, and I know that she would never deliberately deceive this legislature, nor would any of us do it, but I also believe that she has been misinformed in the data which was furnished her relative to the needs assessment. I recall that she also smilingly mentioned that Lewiston, under the needs assessment of the State Planning Office, had been listed as number one priority.

It showed that there was a need of 207 additional units for subsidized housing. This would have indicated, according to their percentage figures, that Lewiston has 396 units presently for the elderly, plus a needs assessment of 207, which would make a total of 603. Well, the actual figures are that Lewiston does not have 396 units for the elderly, they have 649 units for the elderly, plus 67 which are being completed at the present time, for a total of 716. Now, bear in mind that these are only subsidized units for the elderly. This does not include the family housing and, as I understand it, if we would include that, Lewiston is very privileged in having 18 percent of all its rental units in public subsidized housing.

We are asked to take \$87,360 from the taxpayers and set it aside, unused, we are told, for two years. I understand also that it will draw interest and that can be substantial amount. If we read the morning paper, the CD accounts are now paying 13.629 percent.

This \$87,000, according to the bill, will be administered by the Bureau of Maine's Elderly in two years, then passed down to a sponsoring agency, such as the Western Older Citizens Council, which I understand is a non-profit corporation. They would sponsor the services, in other words, coordinate the support services, and then the rest of the monies would be passed down to the agencies which actually furnish the services.

According to the Maine State Housing Authority, this is a short-term appropriation. By short term, we mean a one-shot deal. They say that the assumption must be made that once the state begins a program which requires financial support, it will continue that policy.

We were told that in order to have this congregate housing, to sell the bonds, we needed this financial assurance to the purchasers. This also says that there is a risk that can be borne by both the state and the bond holder, because we are not promising a long term appropriation.

While I am on the subject of figures, \$87,360 today does not take into account the inflationary rate of 13 percent, I guess, which is our present rate.

I suppose that the easiest thing to do would be to just sit here and vote to allow this program to be started, never questioning and in a sense becoming a faceless body, which none of us want to be. I feel that we are raising false expectations of the elderly if this is passed, because for two years not one of them will benefit.

I have called several elderly, some who came to the public hearing, some who went to the Blaine House Conference on Aging, and some who are officers in the senior citizen groups, not one told me that they were aware that this would also include subsidized housing. Not one told me that they wanted that, but all of them told me that their number one priority was the arthritic drug program, which, by the way, I understand has very little, in fact minimal, administrative costs.

I think we should be sensitive to their needs but, by the same token, we must also be realistic and very vigilant, so I ask your good judgment in voting for indefinite postponement.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the good gentlelady's concerns that she has raised here today, but I do question some of the figures that she has given you. For example, the elderly units that she has mentioned, I find that Lewiston has 396 elderly units, I am not sure just exactly where she got some of the other figures.

I would like to remind this House that there was a fact sheet passed out—it has been some time now since this bill has been tabled and has been debated in the other body—that the fact sheet did point out the need for congregate housing.

The article which the good gentlelady mentioned that was in the Lewiston Journal last night also pointed to the fact that congregate housing is absolutely needed. We don't have any units now in Maine. It is cost effective and it is a necessary piece of legislation.

Congregate housing is an independent type of living for the older citizens. It will provide them with case managers who will coordinate the services that they need; it will determine what services they need.

The resident pays part of the cost within the congregate housing units, which I think makes this most acceptable. For example, a person who would be on an income of \$220 a month, SSI income, would be paying out 25 percent of that income toward the rent for the unit, which would amount to \$55. Then the resident would also pay, in addition to that, up to \$80 for support services. That would leave the resident an amount of \$85 a month for personal use. The only thing the state will be paying will be the \$80 matching for the part of support services.

The state will have nothing to do with the construction of these units. Capital costs will be incurred by the Maine State Housing or Farmers Home Administration, none of these costs will be borne by the state. The only costs borne by the state are one-half of the costs of support services, or \$80 a month if it is one person or \$120 a month for two.

The point is that the state of Maine cannot afford to wait any longer. Federal programs that will be providing the congregate units are limited and if we don't act now in showing our support to provide these units with the monies for support services, then we can lose out of having any congregate housing units in the state of Maine. If we do that, then I think we should be reminded that the people that will be residing in these units, the 48 people that we have said will live in these two units, would have to go to nursing homes and the cost for a nursing home per day has been estimated at

\$35, but the cost of the congregate housing, as we have factored out in this \$87,000 figure, is \$5 a day to the state.

The only other option that I can see is for us to construct more nursing home beds, because it is shown to us that we have 30 percent of the people now in nursing homes not needing to be there. We have up to 2,000 people in nursing homes that don't need to be there, that could be in congregate housing or in another level of care at a lesser cost to the state of Maine.

The concern that the gentlelady raised about the money being held in escrow is a concern that I think is addressed in the bill. It is shown that clearly that the money will not be used until the unit is occupied. We have letters that say that Farmer's Home cannot begin construction unless the state shows a good-faith effort in providing the support services, and Farmer's Home has told us that their regulations, which is under—if anyone wants to look at them—444.5 Exhibition S, specifically state that there must be a commitment to fund the support services before the agency can finance the shelter. So there will be no construction if we don't show the good-faith effort and put up the \$87,000.

I want to just remind you that with the Medicaid Budget, with the commitment to nursing homes in Medicaid and Medicare, it is going to cost us millions of dollars more down the road to pay for nursing homes. If we don't start looking at other alternatives, alternatives that already have been proven cost effective, then we are being very shortsighted.

I hope that you would not support the motion to indefinitely postpone, that you let us demonstrate that we can show you the cost effectiveness of this program and that you would want to put more money into it in the future. I hope you support my suggestion that we don't indefinitely postpone this bill.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Thomaston, Mr. Gray.

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

The Chair recognizes the gentleman from Orland, Mr. Churchill.

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carter, D.; Carter, F.; Conary, Cunningham, Damren, Davis, Delbert, Drinkwater, Dudley, Dutremble, L.; Fillmore, Garsoe, Gavett, Gwadosky, Hanson, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Lougee, Lund, Marshall, Martin, A.; Masterman, McPherson, Morton, Nelson, A.; Paradis, E.; Paul, Peltier, Peterson, Reeves,

J.; Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Strout, Studley, Torrey, Twitchell, Wentworth, Whittemore.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Brannigan, Brennerman, Brodeur, Brown, D.; Carroll, Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fenlason, Fowlie, Gillis, Gowen, Hall, Hickey, Higgins, Hobbins, Howe, Hughes, Joyce, Kane, Kany, Kelleher, Locke, Lowe, MacBride, MacEachern, Mahany, Matthews, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, P.; Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Rollins, Soulas, Stover, Tierney, Tozier, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT — Blodgett, Carrier, Laffin, Masterton, Maxwell, Norris, Tarbell, Theriault, Tuttle.

PAIRED — Churchill-Jalbert; Gray-Simon; Yes, 68; No, 70; Absent, 9; Paired, 4.

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

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.

Orders of the Day

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

Bill, "An Act to Allow the Commissioner of Marine Resources to Exercise Limited Authority over the Conservation of Atlantic Salmon" (H. P. 1630) (L. D. 1740) (C. "A" H-785)

Tabled—February 26, 1980 by Mr. Dow of West Gardiner.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Fowlie.

Mr. FOWLIE: Mr. Speaker, Men and Women of the House: We have reached an agreement on this bill but we are just waiting for the amendment and I would ask that someone table this for one legislative day.

On motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and tomorrow assigned.

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

An Act Relating to the Effective Date of Administrative Changes in the Employment Security Law (Emergency) (H. P. 1762) (L. D. 1888)

Tabled—February 26, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Mr. Wyman of Pittsfield, under suspension of the rules, the House reconsidered 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-806) was read by the Clerk.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular amendment, although it is very thick, you will notice in the Statement of Fact that it is merely a technical change to make sure that this particular bill is in legal form and that is about all I have to say on the amendment. I just wanted you to know that there are no substantive changes in this amendment.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I just looked at the amendment this morning, obviously, and it is some 21 pages, and I am not suggesting that the gentleman is

incorrect but I would hope that someone might table this for one day so perhaps someone could read it.

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

Mr. TIERNEY: Mr. Speaker and Members of the House: The 21 page amendment is precisely the same thing as the bill we enacted last year. We found it necessary to put an emergency preamble on this particular piece of legislation.

The original bill simply did that and it has the unanimous support of the committee involved to have that bill become effective immediately. However, last week the Attorney General said that it is improper to enact just an emergency preamble, that you had to reenact the entire legislation which was enacted last year in order for it to become effective. That is all the bill does, it is just a restatement of what is already on the books in order to speed up the effective date of it and the amendment is made necessary by an opinion from Mr. Cohen.

If you really want to redebate the issue that was debated all during the regular session, it is up to you, but I just want you to know that there is nothing in here that hasn't already been debated and enacted by this legislature.

Thereupon, on motion of Mr. Garsoe of Cumberland, tabled pending adoption of House Amendment "A" and tomorrow assigned.

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

Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1089) (L. D. 1466)

—In House, "Ought to Pass" in New Draft under same title (H. P. 1816) (L. D. 1927) report of the Committee on Health and Institutional Services read and adopted and the New Draft Passed to be Engrossed.

—In Senate, Bill and Papers Indefinitely Postponed.

Tabled—February 27, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, re-tabled pending further consideration and specially assigned for Monday, March 3.

On motion of Mrs. Mitchell of Vassalboro, the Chair removed from the table the first tabled and Unassigned Matter:

Bill, "An Act to Revise the Small Claims Law" (S. P. 684) (L. D. 1807)

—In Senate, referred to Committee on Judiciary.

Tabled—January 23, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Reference in concurrence.

Thereupon, the Bill was referred to the Committee on Judiciary in concurrence.

Mr. McMahon of Kennebunk was granted unanimous consent to address the House.

Mr. McMAHON: Mr. Speaker and Members of the House: I would just like to put on the record the answer to the question posed by the gentleman from Auburn regarding the county officer's role in the suggestion of a charter.

Under present law, Section 1551 of Title XXX, specifies that the county officers may determine that the adoption of a charter should be considered or that the revision of a charter already adopted shall be considered and by order provide for the establishment of a charter commission to do that. So, the choice is, either the county commissioners or the petitioners. I just wanted that included in the record, and I thank the gentleman for asking the question.

(Off Record Remarks)

On motion of Mrs. Post of Owl's Head, adjourned until twelve o'clock noon tomorrow.