

# 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

Friday, March 14, 1980

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

Prayer by the Reverend Blake Ellis of the United Methodist Church, Fairfield.

Rev. ELLIS: Almighty God, our Heavenly Father, who has led your people through the changes of time until we come to this day, we ask your blessing upon the women and men of this House that they may be blessed in both their personal lives and in the work that they do. Grant a blessing upon their families and their homes, and grant that the work that is done here this afternoon may be acceptable in thy sight. In the name of Jesus Christ, Our Lord. Amen.

The journal of yesterday was read and approved.

## Orders

On Motion of Mr. Boudreau of Waterville, the following Joint Order (H. P. 1958) (Cosponsors: Mrs. Hutchings of Lincolnville and Mrs. Post of Owl's Head)

WHEREAS, the trucking industry's continued vitality in Maine is important in our rural State; and

WHEREAS, many Maine trucking companies have been forced to compete with foreign trucking companies which garage and maintain trucks in this State without obtaining Maine registrations for their trucks in this State; and

WHEREAS, the laws governing the issue of which corporations involved in trucking are residents and domiciliaries of this State for taxation and regulatory purposes are ambiguous and difficult to enforce; and

WHEREAS, the State of Maine and its municipalities may be losing substantial revenue due to the regular operation of foreign trucking companies in this State without concomitant tax liabilities; and

WHEREAS, the equitable regulation of that industry and its operations to assure that no segment of that industry obtains an unfair advantage in this State should be encouraged; and

WHEREAS, a thorough study of the ramifications of the State of Maine becoming a party to the International Registration Plan has never been undertaken, now, therefore, be it

ORDERED, the Senate concurring subject to the Legislative Council's review and determinations hereinafter provided, that a Select Committee on the Regulation of Foreign Trucking Companies operating in this State is created, composed of 8 members, as follows: Two members of the Joint Standing Committee on Transportation, one of whom shall be a Representative appointed by the Speaker of the House of Representatives and one of whom shall be a Senator appointed by the President of the Senate; 2 members of the Joint Standing Committee on Taxation, one Representative and one Senator appointed by the Speaker of the House of Representatives and President of the Senate; one member representing the Maine Motor Transport Association selected by that association; one member representing the Department of the Secretary of State, Motor Vehicle Division, appointed by the Secretary of State; one member representing the Maine Municipal Association selected by that association; and one member representing the Public Utilities Commission appointed by the Chairman of the Public Utilities Commission; and be it further

ORDERED, that the committee study the administration and enforcement of laws dealing with the regulation and taxation of foreign and resident trucking companies in the State of Maine; and be it further

ORDERED, that the committee consider, among other issues, the feasibility of Maine's

entry into the International Registration Plan and other alternatives to assure that Maine companies are not in a disadvantageous position when competing with foreign companies operating in this State; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council, for submission in final form at the First Regular Session of the 110th Legislature; and be it further

ORDERED, that the committee held its organizational meeting upon the call of the President of the Senate and shall choose a chairman from its membership and shall organize its study at that time; and be it further

ORDERED, that the members of the committee shall serve without compensation, but may be reimbursed for their reasonable expenses in attending meetings, procuring supplies, correspondence and other selected matters, subject to the approval of the Legislative Council; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available services, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order be forwarded to the chairman of the Joint Standing Committee on Transportation and the other organizations to be represented on this select committee.

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

## Special Sentiment Calendar

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

Frederick "Red" Barry of Bangor, widely known and respected as an educator, coach and truly gifted in dealing with youth; (H. P. 1957) by Mr. Norris of Brewer. (Cosponsors: Mr. McSweeney of Old Orchard Beach, Mr. Kelleher of Bangor and Mr. Davis of Monmouth)

The descendants of patriarch Joseph Simon Daigle, who will be honored by the St. John Valley during 1980 Acadian Festival Week, June 21 to June 29, 1980; (H. P. 1959) by Mr. McHenry of Madawaska. (Cosponsors: Mr. Violette of Van Buren, Mr. Martin of Eagle Lake and Senator Martin of Aroostook)

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 Transportation reporting "Ought Not to Pass" on Bill "An Act to Clarify the Law Relating to Public and Private Driver Education Programs" (H. P. 1708) (L. D. 1811)

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
EMERSON of Penobscot  
USHER of Cumberland

— of the Senate.

Messrs. CARROLL of Limerick  
STROUT of Corinth  
HUNTER of Benton  
JACQUES of Lewiston  
McKEAN of Limestone  
BROWN of Mexico  
ELIAS of Madison  
McPHERSON of Eliot

— of the House.

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

Report was signed by the following members:

Mrs. HUTCHINGS of Lincolnville  
Mr. LOUGEE of Island Falls

— of the House.

Reports were read.

Mr. Carroll of Limerick moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentlelady from Auburn, Mrs. Lewis, has an interest in this bill and has telephoned me and would like to see it tabled, so I would hope that someone would make that tabling motion.

Whereupon, on motion of Mrs. Sewall of Newcastle, tabled pending the motion of Mr. Carroll of Limerick to accept the Majority Report and assigned for Monday, March 17.

## Divided Report

Eight Members of the Committee on State Government on Bill "An Act to Reorganize the Department of Mental Health and Corrections" (H. P. 1786) (L. D. 1904) report in Report "A" that the same "Ought to Pass" in New Draft (H. P. 1956) (L. D. 2006)

Report was signed by the following members:

Mr. MARTIN of Aroostook

— of the Senate.

Messrs. LANCASTER of Kittery

BARRY of Fort Kent

Mrs. KANY of Waterville

Mr. PARADIS of Augusta

Ms. LUND of Augusta

Mrs. BACHRACH of Brunswick

Mrs. REEVES of Pittston

— of the House.

Two Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-901)

Report was signed by the following members:

Mrs. MASTERTON of Cape Elizabeth

Mrs. DAMREN of Belgrade

— of the House.

Three members of the same Committee on same Bill report in Report "C" that the same "Ought Not to Pass"

Report was signed by the following members:

Mr. AULT of Kennebec

Mr. SUTTON of Oxford

— of the Senate.

Mr. CONARY of Oakland

— of the House.

Reports were read.

On motion of Mrs. Kany of Waterville, the "Ought to Pass" Report "A" was accepted, the New Draft read once and assigned for second reading the next legislative day.

## Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-904) on RESOLVE, Authorizing the State to Convey its Interest in the Public Lots in the Town of Osborn to the Inhabitants of Osborn (H. P. 1603) (L. D. 1714)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot  
McBREAIRTY of Aroostook

— of the Senate.

Messrs. KIESMAN of Fryeburg  
PELTIER of Houlton  
JACQUES of Waterville  
DOUKAS of Portland  
AUSTIN of Bingham  
HALL of Sangerville  
MICHAEL of Auburn  
DEXTER of Kingfield  
Mrs. HUBER of Falmouth

Mr. BLODGETT of Waldoboro  
— of the House.  
Minority Report of the same Committee reporting "Ought Not to Pass" on same Resolve.  
Report was signed by the following member:  
Mr. O'LEARY of Oxford

— of the Senate.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to Pass" Report was accepted and the Resolve read once. Committee Amendment "A" (H-904) was read by the Clerk and adopted and the Resolve assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-906) on Bill "An Act to Amend the Laws Relating to Ambulance Service" (H. P. 1869) (L. D. 1959)

Report was signed by the following members:

Mrs. GILL of Cumberland  
Mr. CARPENTER of Aroostook  
— of the Senate.

Mrs. PRESCOTT of Hampden  
Mrs. MacBRIDE of Presque Isle  
Messrs. BRODEUR of Auburn  
BRENERMAN of Portland  
CLOUTIER of South Portland  
NORRIS of Brewer  
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. HICHENS of York

— of the Senate.

Reports were read.

On motion of Mrs. Prescott of Hampden, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-906) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-907) on Bill "An Act to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers Compensation Commissioners" (H. P. 1795) (L. D. 1911)

Report was signed by the following members:

Messrs. SUTTON of Oxford  
PRAY of Penobscot  
LOVELL of York

— of the Senate.

Messrs. WYMAN of Pittsfield  
TUTTLE of Sanford  
Mrs. MARTIN of Brunswick  
Messrs. McHENRY of Madawaska  
BAKER of Portland  
CUNNINGHAM of New Gloucester  
Mrs. BEAULIEU of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-908) on same Bill.

Report was signed by the following members:

Mr. DEXTER of Kingfield  
Mrs. LEWIS of Auburn

— of the House.

Reports were read.

Mr. Wyman of Pittsfield moved that the Majority "Ought to Pass" report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and assigned for Monday, March 17.

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

#### Consent Calendar First Day

(H. P. 1759) (L. D. 1884) Bill "An Act to Amend the Hazardous Waste Statutes in Order that the State May Respond to Dangers to Public Health, Safety or Welfare and Allow Delegation of the Federal Program"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-905)

(H. P. 1820) (L. D. 1948) Bill "An Act Increasing the Indebtedness of Veazie Sewer District and Amending the Charter of Veazie Sewer District"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-902)

(H. P. 1707) (L. D. 1810) Bill "An Act Relating to the Provisions of the Charter of the Brunswick Sewer District"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-903)

There being no objections, under suspension of the rules, the House Papers were given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

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

#### Passed to Be Enacted

An Act Relating to the Reorganization of the Board of Trustees of the State Employees Group Accident and Sickness or Health Insurance Plan (H. P. 1766) (L. D. 1889) (C. "A" H-850)

An Act to Appropriate Funds for an Increase in Board Rates for Foster Parents and Clothing Allowances for Children under the Care or Custody of the Department of Human Services (H. P. 1754) (L. D. 1881) (C. "A" H-837)

An Act to Establish Visible Emission Standards and Delete Certain Definitions under the Environmental Laws (H. P. 1690) (L. D. 1800) (C. "A" H-846)

An Act to Assure Advocacy Services for Children Committed to the Custody of the State of Maine (S. P. 782) (L. D. 1977)

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.

#### Finally Passed

RESOLVE, Appropriating Funds to Camden Community School, Inc. (H. P. 1645) (L. D. 1755) (C. "A" H-838)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I see the sponsor of this legislation is not in his seat, but I would pose a question, perhaps a member of the committee could explain to the House why we would be appropriating money to a private school in Camden?

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I was kind of caught off guard because I was assured that this bill was going to go along its way and lie on the Appropriations Table and if there was any fight, that was where it was going to be, so I don't have my notes in front of me this is from memory, so if I do make some mistakes, I would stand corrected.

The Camden Community School, as I understand it, is a residential boarding school for kids who have dropped out of school. The program has received money from the students, from the parents of the students, some small fees, in some instances, from local school units, and it also receives money from the Department of Mental Health and Corrections and the Department of Human Services. However, the expenses that the school is expected to incur during the next year have not been budgeted for within the budget of the Camden Community School, and since a significant part of their program is an educational program, they came before the Education Committee and made a case as to why there should be educational funds, some small degrees of educational funds, that should go to pay for part of the expenses of operating the school.

The Education Committee dealt with the issue; there was some disagreement as to whether that was a proper role that the state should have, but the majority of the committee felt that it was. The appropriation that was requested on the bill was cut somewhat and the bill has come out of committee and is now on its way.

The sponsor of the bill is here in his seat and he can answer any other questions that you might have.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

#### Consent Calendar First Day

(H. P. 1797) (L. D. 1919) Bill "An Act Relating to Games of Chance at Agricultural Fairs"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-910)

There being no objections, under suspension of the rules, the House Paper was given Consent Calendar Second Day notification, passed to be engrossed as amended and sent up for concurrence.

#### Orders of the Day

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

HOUSE REPORT—"Leave to Withdraw"—Committee on Local and County Government on Bill, "An Act to Prevent the Exclusion of Manufactured Housing from Maine Towns by Unduly Restrictive Police Power Ordinances" (H. P. 1649) (L. D. 1758)

Tabled—March 13, 1980 by Mr. LaPlante of Sabattus.

Pending—Acceptance of the "Leave to Withdraw" Report.

Thereupon, on motion of Mr. LaPlante of Sabattus, retabled pending acceptance of the Committee Report and specifically assigned for Tuesday, March 18.

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

HOUSE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (H-875)—Committee on Judiciary on Bill, "An Act to Expedite Criminal Trials and Provide for the Election of Jury Trials" (H. P. 1733) (L. D. 1849)

Tabled—March 13, 1980 by Mr. Hobbins of Saco.

Pending—Acceptance of the Committee Report.

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

Mr. HOBBS: Mr. Speaker Men and Women of the House: I apologize for having tabled this bill for two days. There appears to be some question as to whether or not there is a financial impact during the next biennium. The effective day of this bill is not until July 1, 1981 and therefore would not have a direct impact upon the Treasury of the State of Maine. It is uncertain what the impact would be during the next biennium, and I just wanted to put on the record the fact that it will have a financial impact during the next biennium and those figures are not certain, having checked with the Legislative Finance Office.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, I do have the amendment which will add the fiscal impact and it will be offered at second reading.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Having consulted with a few members of the Appropriations Committee, it is my understanding that a fiscal note would not be needed on the bill but the bill would have to be put on the Appropriations Table. That is my understanding if it did not have an effect during this biennium.

Thereupon, the Report was accepted and the bill read once. Committee Amendment "A" (H-875) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

Bill, "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1946) (L. D. 1994)

Tabled—March 13, 1980 by Mr. Peterson of Caribou.

Pending—Passage to be Engrossed.

On motion of Mr. Peterson of Caribou, tabled pending passage to be engrossed and later today assigned.

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

SENATE DIVIDED REPORT—Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (S-449) — Minority (6) "Ought to Pass" as Amended by Committee Amendment "B" (S-450)—Committee on Energy and Natural Resources on 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) — In Senate, Minority "Ought to Pass" as Amended Report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "B" (S-450)

Tabled—March 13, 1980 by Mr. Blodgett of Waldoboro.

Pending—Motion of the same gentleman to Accept the Majority "Ought to Pass" as Amended by Committee Amendment "A" Report.

Thereupon, the Majority "Ought to Pass" Report was accepted in non-concurrence and the Bill read once. Committee Amendment "A" (S-449) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

SENATE DIVIDED REPORT—Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (S-452) — Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (S-453)—Committee on Judiciary on Bill, "An Act Increasing the Fees for Probate Proceedings" (S. P. 752) (L. D. 1928)

—In Senate, Majority "Ought to Pass" as amended Report Read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-452)

Tabled—March 13, 1980 by Mrs. Sewall of Newcastle.

Pending—Motion of Mr. Hobbins of Saco to accept the Minority "Ought to Pass" as amended by Committee Amendment "B" Report.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Sewall.

Mrs. SEWALL: Mr. Speaker, Men and Women of the House: I think if you look at these two amendments, the first sections are exactly alike. The only difference is that we are raising the fee, this is a filing fee. This is

not an inheritance tax, this is not a progressive tax in any way, this is a filing fee. Right now, if you have an estate of over \$50,000, which is filed in probate, you pay a fee of \$50. My amendment raises the fee at the highest extent, for over \$200,000, to a \$100 fee. The other amendment raises the fee, in other words quadruples the fee, to \$200.

The bill that was presented to us had a fee, in essence, that said that you would pay \$1,000 over a certain amount.

We asked first, the argument for this bill is that it will help lower the property tax because it will help the counties pay the fees for probate. Now, if you register a deed, the deed, no matter whether you are poor or wealthy, you pay a certain fee to register your deed. In probate, it is set up a little different way, and that is, if you didn't have any estate at all and you have to register something, we lowered that to \$5, you don't have to pay much. It still costs the clerk something to do it but you don't have to pay very much.

If you have an estate between \$10,000 and \$20,000, you pay a lower rate. It may cost more for that lower rate to be processed than it would as higher rate, but we have tried to help out the people on the lower spectrum by raising the filing fee on the higher end of the spectrum.

My amendment simply doubles the fee; the other one makes it four times as high, and I would hope that we would agree, perhaps, with the other body and just double it this time.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: As the good gentlelady said, both these particular amendments to the original bill are consistent with the original purpose of this bill, and that was to increase the fees to better reflect the increased cost of services that are provided by the registrar of probate.

The good gentlelady is right when she discussed the fact that if you present a deed to have recorded in the registry of deeds, the fee, whether you are poor or rich, is \$5 for the first page and a dollar for each additional page. However, what she failed to tell you is that most registry of deeds in the State of Maine are self-supporting and that the register of probate, which this bill deals with, is not a self-supporting office within county government.

The fees have not been changed under the present law since 1973, and if you would take a cost consideration factor in mind, revenues usually are exceeded by cost by more than 200 percent to provide this type of service.

I received many communications, in fact I received one communication from the county commissioners of Kennebec County in which they state their support of the bill—if I may just read one paragraph. This is from Kevin Hill, M. D., County Commissioner of Kennebec County. I will quote this one particular paragraph. "As inflation has increased the cost of providing the services of the register of probate, it seems only reasonable to increase the fees for those services. It also makes sense that these increased costs be borne, in part at least, by those who directly benefit from such services."

The alternative is to pay for these cost increases entirely from county taxes, thus, once again placing the added burden upon the property taxpayer.

The York County budget is being considered now by the York County delegation and we are faced with a potential increase of 25 percent in our budget.

Although this particular bill does not, and I concede that fact, does not provide for a self-sustaining situation within the register of probate, I think this bill will, in fact, help in stabilizing some of the costs which will have to be borne with increased costs in inflation on the county budgets through the appropriation of money to the registrar of probate's office.

I think it is not unfair to charge a \$200 filing fee for an estate that is worth \$4 million, or \$2 million, or an estate that is worth over \$250,000. I don't think that is unreasonable, and I don't think it is unreasonable to ask those individuals who use the service to pay some portion of that service. I do not think that the rest of us who do not utilize the service of the registrar of probate should be paying 200 percent over and above the cost of running that particular office.

The difference between Mrs. Sewall's amendment and the amendment before you which I support and which I support and which we have an unholy alliance of Representative Carrier and myself and Representative Silsby and a person in the other body, we realize that there should be an increase, but the only difference is, we feel there should be an increase of \$200 for an estate that is valued at more than \$250,000.

In the State of Connecticut, I think it should be stated for your consideration, an estate that is worth a million dollars pays a \$7,500 filing fee, but in the State of Maine presently, a million dollar estate pays a \$50 filing fee. So, I don't think it is unreasonable to raise the fee for a million dollar estate, or for an estate that is more than \$250,000, to \$200, and that is the difference.

The gentlewoman from Newcastle, Mrs. Sewall's amendment would place a maximum of \$100 for an estate of more than \$200,000.

I urge you today to consider the impact on the property tax in your counties and look at this bill closely, because I think it is a step in the right direction of basically paying as you go as far as fees are concerned and services which are gained from those fees.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker and Members of the House: I would like to reply to the bright young lawyer from Saco. I appreciate what he is trying to do. He is trying to put the probate court on a pay-as-you-go basis and I, for one, am all in favor of that, in view of my future plans. But, I would say this, that there is a difference between a fee for services and a tax, and I don't think we should confuse the two. I think we should call a fee what it is and not try to use it as a tax.

If you want to increase the inheritance tax on these big estates, all right, but don't try to do it through a fee. I suggest that the filing of a big estate in probate court, the filing fee, should not go beyond \$100 in any event. Then it becomes more than a fee, it really becomes a tax. I suggest the Sewall amendment is the proper approach.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of Mr. Hobbins of Saco, that the Minority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 45 having voted in the negative, the motion did not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill Read Once. Committee Amendment "A" (S-452) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the Second time, and passed to be engrossed as amended in concurrence.

(Off Record Remarks)

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

Passed to be Engrossed

Bill "An Act to Amend the Charter of the Limestone Water and Sewer District" (H. P. 1960) (Presented by Mr. McKean of Limestone) (Approved for introduction by the Legislative Council pursuant to Joint Rule 27)

The Committee on Public Utilities was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Revise the Salaries of Certain County Officers" (Emergency) (H. P. 1946) (L. D. 1994) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. LaPlante of Sabattus offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-913) was read by the Clerk and adopted.

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

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

#### **Consent Calendar**

##### **First Day**

(H. P. 1913) (L. D. 1978) Bill "An Act Adopting the Voluntary Energy Efficiency Building Performance Standards"—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 1895) (L. D. 1971) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Georgia-Pacific Corporation—Committee on Energy and Natural Resources reporting "Ought to Pass"

No objections being noted, under suspension of the rules, the House Papers were given Consent Calendar Second Day notification, passed to be engrossed and sent up for concurrence.

#### **(Off Record Remarks)**

On motion of Ms. Benoit of South Portland, adjourned until Monday, March 17, at nine o'clock in the morning.