

# 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

Monday, March 24, 1980

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

Prayer by Pastor Arthur Corbett of the Trinity Baptist Church of Moscow.

Pastor CORBETT: Let us pray! Dear God and Heavenly Father, we do thank you for your love and your grace toward us. Father, we thank you for this country where men and women can gather together and make plans and give direction, Lord, for the work of this state and of this country. We would ask that you might be with them that they might look to you for guidance and direction; Lord, that they might put aside their petty, personal desires and, Lord, do that which would be pleasing to you and would be for the best interest of all people of this great State of Maine.

Dear God, we just commit them into your hands. We thank you, Lord, for their willingness to dedicate their time in this kind of service. Bless them, we ask, in Jesus name. Amen.

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

The journal of the previous session was read and approved.

## Messages and Documents

The following Communication:

March 21, 1980

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

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

Bills Received in Committee 22  
(Includes two bills recommitted from First Regular Session)

Unanimous Reports 18  
Ought to Pass 6  
Ought to Pass as Amended 4  
Ought to Pass New Draft 7  
Ought Not to Pass 0  
Leave to Withdraw 1

Divided Reports 4

Respectfully yours,

S/Rep. LAURENCE E. CONNOLLY, JR.  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

March 20, 1980

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

The Committee on Appropriations and Financial Affairs is pleased to report that it has completed all business placed before it by the second regular session of the 109th Legislature.

Total Number of Bills Received 22  
Unanimous Reports 17

Leave to Withdraw 0  
Ought Not to Pass 3  
Ought to Pass 3  
Ought to Pass as Amended 9  
Ought to Pass in New Draft 2

Divided Reports 5

Respectfully submitted,  
S/MICHAEL D. PEARSON  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

March 19, 1980

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

The Committee on Business Legislation is pleased to report that it has completed all business placed before it by the second regular session of the 109th Maine Legislature.

Total Number of Bills Received in Committee

Unanimous Reports 24  
Ought to pass 22  
Ought to pass as amended 9  
Ought to pass in New Draft 4  
Ought not to pass 3  
Leave to withdraw 4

Divided Reports 2

Sincerely,  
S/ROBERT S. HOWE  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:

March 21, 1980

Governor Joseph E. Brennan  
and  
Members of the 109th Legislature  
Dear Governor and Legislators:

In accordance with Chapter 25 of the Resolves of 1979, the Department of Transportation herewith submits a report on the feasibility of Cargo Port Facilities in Maine. This Study was completed by the firm of Booz-Allen and Hamilton of Bethesda, Maryland.

The consulting firm had concluded that investments in Maine port facilities are justified and recommends development of facilities at Portland and Searsport. The Advisory Committee that assisted in the study supports these conclusions and recommendations. Based on the results, the Department will be developing specific proposals for your consideration.

Very truly yours,  
S/RICHARD A. LUETTICH  
Acting Commissioner

The Communication was read and with accompanying report ordered placed on file.

## Orders

## Tabled Unassigned

On Motion of Mrs. Nelson of Portland, the following Joint Order: (H. P. 2006)

WHEREAS, the Joint Select Committee to study the Maine State Retirement System has reported to the 109th Legislature presenting a comprehensive review and analysis of the system; and

WHEREAS, the study report has indicated that there are several potential areas of concern which may have a deleterious effect on the Maine State Retirement System; and

WHEREAS, the study report has recommended, as a potential improvement to the system, an "in-depth study the more fully determine the cost-benefit relationship of integrating the Maine State Retirement System with the Social Security System;" now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Aging, Retirement and Veterans shall study the feasibility of integrating the Maine State Retirement System with the Social Security System, including the advantages and disadvantages of Social Security participation and the short-term and long-term cost implications for such participation; 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 Legis-

lature; 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 resources, 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 shall be forwarded to members of the committee.

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage.

## Tabled Unassigned

On motion of Mrs. Locke of Sebec, the following Joint Order: (H. P. 2008) (Cosponsors: Mrs. Roope of Presque Isle and Mr. Mahany of Easton)

WHEREAS, the shortage and high costs of fossil fuels have encouraged Maine consumers to shift to other heating fuels, especially wood; and

WHEREAS, increased demand for wood has highlighted definitional problems in the weights and measures law concerning wood measurement standards; and

WHEREAS, the Department of Agriculture, Division of Inspections, has been conducting a study to determine standard or expected volumes for thrown wood, including the size of sticks relative to the number of cubic feet that may be considered to be a thrown cord; and

WHEREAS, it is appropriate for the Legislature to address the problem and review the information compiled by the Department of Agriculture, Division of Inspections; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Agriculture shall study data, information and recommendations relating to a standard measure of the number of cubic feet contained in a cord of loose, fitted firewood, commonly referred to as a thrown cord; 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 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 resources, and 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 members of the committee.

The Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending passage.

## Indefinitely Postponed

On motion of Mrs. Lewis of Auburn, the following Order:

ORDERED, that the Members of the House of Representatives shall reaffirm their oath to uphold the Constitution of the State of Maine, pursuant to the Constitution of Maine, Article IX, Section 1.

The Order was read.

Mr. Lizotte of Biddeford moved that the Order be indefinitely postponed.

Mrs. Lewis of Auburn requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mrs. KANY: Mr. Speaker and Members of the House: I plan to vote against this and I would like to tell you why. It reminds me too much of taking your wedding vows for the second time, and as far as I am concerned, once is enough.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that this Order be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Bordeaux, Bowden, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Garsoe, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Jackson, Jacques, P.; Joyce, Kany, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lougee, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paul, Pearson, Peltier, Peterson, Post, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Strout, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Viollette, Vose, Whittemore, Wood, Wyman.

NAY — Aloupis, Austin, Brown, D.; Brown, K.L.; Cunningham, Damren, Drinkwater, Fillmore, Gavett, Higgins, Hutchings, Lewis, Lowe, Lund, MacBride, Matthews, Nelson, A.; Payne, Sewall, Smith, Stetson, Stover, Studley, Tarbell, Torrey, Wentworth.

ABSENT — Blodgett, Boudreau, Brannigan, Churchill, Dudley, Immonen, Jacques, E.; Jallbert, Kane, Kelleher, Laffin, Leonard, Michael, Paradis, P.; Prescott.

Yes, 109; No, 26; Absent, 15.

The SPEAKER: One hundred nine having voted in the affirmative and twenty-six in the negative, with fifteen being absent, the motion does prevail.

#### Special Sentiment Calendar

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

The Town of North Yarmouth, which is celebrating the Tricentennial Anniversary of its founding in the year 1680, (H. P. 2007) by Mr. Jackson of Yarmouth. (Cosponsor: Senator Huber of Cumberland)

Donald Learnard, of Durham, commander of AMVETS for the past year; (H. P. 2009) by Mr. Tierney of Lisbon. (Cosponsor: Senator Clark of Cumberland)

The Presque Isle High School Girls' Basketball Team, winners of the Sportsmanship Award at the 1979-80 Eastern Maine Class A tournament; (H. P. 2010) by Mrs. MacBride of Presque Isle. (Cosponsor: Mr. Roope of Presque Isle)

Maude Wing, of New Flagstaff, who will celebrate with family and friends, the 100th anniversary of her birth on May 29, 1980; (H. P. 2011) by Mr. Dexter of Kingfield. (Cosponsor: Mr. Rollins of Dixfield)

The 1979-80 South Portland Red Riots Boys' Basketball Team, winners of the State Class A Boys' Basketball Championship for the second consecutive year (H. P. 2012) by Mr. Cloutier

of South Portland. (Cosponsors: Ms. Benoit of South Portland, Mr. Howe of South Portland and Mr. Kane of South Portland)

Burns Lilley of Oakfield, who has been honored by the Maine Extension Association for his agricultural and public service achievements as an outstanding farmer; (H. P. 2013) by Mr. Smith of Mars Hill. (Cosponsor: Mr. Lougee of Island Falls)

The Cony High School Boys' Hockey Team, coached by Meylon Kenney, runner-up in the 1979-80 Maine Class "B" Hockey Tournament; (H. P. 2015) by Mr. Hickey of Augusta. (Cosponsors: Mrs. Mitchell of Vassalboro, Ms. Lund of Augusta and Mr. Paradis of Augusta)

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

Dorothy Birt, of East Millinocket, a dear friend who has captured the affection of all for the past 18 years in a very special way; (H. P. 2016) by Mr. Norris of Brewer. (Cosponsors: Mr. Martin of Eagle Lake, Mr. Kelleher of Bangor and Senator Sewall of Penobscot)

On the request of Mr. Norris of Brewer, was removed from the Special Sentiment Calendar. Thereupon, the Order was read.

Mrs. Birt was escorted to the rostrum by the Sergeant-at-Arms amid applause of the House, the members rising.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Honorable Walter A. Birt, upon his retirement from the Maine House of Representatives, following 18 years of dedicated and unselfish public service to his community and State; (H. P. 2017) by Mr. Norris of Brewer. (Cosponsors: Mr. Martin of Eagle Lake, Mr. Kelleher of Bangor and Senator Sewall of Penobscot)

On the request of Mr. Norris of Brewer, was removed from the Special Sentiment Calendar. The Order was read.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I want to say, when I came here 12 years ago, one of the first people I met was Walter Birt, who is affectionately known as "Jesus" and over the years I have agreed with him, disagreed with him and seriously come to admire and love him very much. The State of Maine is a much better place to live because of the efforts of Walter over the past years. He has had 18 years of service. I had an article distributed that was in the weekly paper, which is entitled "Walter's Homecoming." I hope you will all read it and really appreciate the sacrifices that Walter has made in order to make this a better country to live in.

Mr. Speaker, I move passage of the Order. The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I have had a parallel of the experiences of the gentleman from Brewer, Mr. Norris, in the agreement and disagreement side far outweighs the disagreement side, and I endorse every statement made by the gentleman from Brewer in the hole that is going to be left in this legislation when Walter Birt goes home. Thereupon, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The SPEAKER: The Chair would just make note that in addition to that hole, a lot of us are going to miss the fine cooking of Dot. We will have to go to East Millinocket to accomplish that. I am going to ask Dot to stay here until we take a break, if she doesn't mind.

#### House Reports of Committees Ought to Pass in New Draft Tabled Unassigned

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act Adjusting Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (Emergency) (H. P. 1732) (L. D. 1850) reporting "Ought to Pass" in New Draft (H. P. 2003) (L. D. 2025)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

#### Ought to Pass

##### Pursuant to Joint Order (H. P. 2004)

Mr. LaPlante from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1980 (Emergency) (H. P. 2004) (L. D. 2024) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Ought to Pass

##### Pursuant to Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1980 (Emergency) (H. P. 2005) (L. D. 2026) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders of the Day

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

An Act to Establish the Municipal Cost Components for Services to be Rendered in Fiscal Year 1980-81 (Emergency) (H. P. 1985) (L. D. 2018)

Tabled—March 21, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion by Mrs. Post of Owls' Head, tabled pending passage to be enacted and later today assigned.

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

Bill, "An Act to Amend the Maine Guarantee Authority Act" (Emergency) (S. P. 780) (L. D. 1972) (S. "B" S-495)

Tabled—March 21, 1980 by Mr. Higgins of Scarborough.

Pending—Passage to be Engrossed.

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

By unanimous consent, ordered sent forthwith to Engrossing.

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

#### Ought to Pass

##### Pursuant to Joint Order (H. P. 1676)

Mrs. Wentworth from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing

Expenditures of Somerset County for the Year 1980 (Emergency) (H. P. 2018) (L. D. 2027) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1980 (Emergency) (H. P. 2019) (L. D. 2028) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1980 (Emergency) (H. P. 2020) (L. D. 2029) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Mr. LaPlante from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1980 (Emergency) (H. P. 2021) (L. D. 2030) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Reports were read and accepted and the Resolves read once. Under suspension of the rules, the Resolves were read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Later Today Assigned

Mr. LaPlante from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1980 (Emergency) (H. P. 2022) (L. D. 2031) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time.

Mr. Cunningham of New Gloucester moved that this matter be tabled until later in today's session.

Whereupon, Mrs. Nelson of Portland requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from New Gloucester, Mr. Cunningham, that this matter be tabled until later in today's session. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Martin of Brunswick requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of Mr. Cunningham of New Gloucester that this matter be tabled until later in today's session pending passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Barry, Berube, Birt, Bordeaux, Bowden, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gowen, Gray, Hanson, Higgins, Hobbs, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kiesman, Lancaster, Lewis, Lougee, Lowe, MacBride, Martin, A.; Masterman, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Morton, Nelson, A.; Paradis, E.; Paul, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall,

Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Torrey, Vincent, Wentworth, Whittemore.

NAY — Baker, Beaulieu, Benoit, Berry, Blodgett, Brennerman, Brodeur, Call, Carrier, Carroll, Carter, D.; Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Gwadosky, Hall, Hickey, Howe, Huber, Hughes, Jacques, P.; Joyce, Kany, LaPlante, Lizotte, Locke, MacEachern, Mahany, Masterton, McHenry, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Pearson, Post, Reeves, P.; Rolde, Simon, Soulas, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wood, Wyman.

ABSENT — Boudreau, Brannigan, Chonko, Elias, Jacques, E.; Kane, Kelleher, Laffin, Leighton, Leonard, Lund, Marshall, Prescott, The Speaker.

Yes, 78; No, 59; Absent, 13.

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

#### Ought to Pass

Pursuant to Joint Order (H. P. 1676)

#### Later Today Assigned

Mr. LaPlante from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1980 (Emergency) (H. P. 2023) (L. D. 2032) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1676)

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve read the second time.

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

Mr. Birt of East Millinocket was granted unanimous consent to address the House.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to offer a couple of comments, particularly while my wife is up on the rostrum.

I think one of the more interesting things in life is that we never know where we will go or what we will do, and this is why I think it offers interesting challenges and interesting opportunities.

Eighteen years ago, when I first walked into the kitchen and told my wife that I was going to be running for the Legislature, I don't think either one of us realized the many interesting experiences we would have and the many fine people we would meet.

I just want to thank all of you. (Applause)

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

#### Passed to be Enacted

#### Emergency Measure

An Act to Provide for Renegotiation of the Cost-sharing Formulas for School Districts (H. P. 1817) (L. D. 1945) (H. "A" H-964 to C. "A" H-940)

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. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

#### Later Today Assigned

An Act to Clarify the Status of a Certain School Renovation Project in the City of Waterville under the Education Laws and to Validate Proceedings Authorizing the Issuance of Bonds or Notes by that City (S. P. 790) (L. D. 1989)

Was reported by the Committee on En-

grossed Bills as truly and strictly engrossed.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

#### Emergency Measure

An Act Creating the Rangeley Water District (S. P. 722) (L. D. 1874)

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. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Amend the Laws Relating to Ambulance Service (H. P. 1869) (L. D. 1959) (C. "A" H-906 as amended by S. "B" S-478)

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.

Whereupon, Mr. Carroll of Limerick requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. CARROLL: Mr. Speaker, I have had a letter of communication in regard to this particular piece of legislation, and I would like to be assured what this now contains with the latest amendment. I have been watching this closely and there are some amendments, and I would like to have someone on that committee explain whether it is a major change in the law or what it is.

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

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

Mr. BRODEUR: Mr. Speaker and Members of the House: In response to this question, this is the result of the study committee which studied the ambulance service.

Some of the things this does, it provides that there be a licensing procedure. We passed a bill in the last session which would have had a licensing procedure for a two-year sunset. This is the result of the study order for the permanent licensing procedure and for licensing ambulance drivers. It requires that courses be taken and a state test be passed.

Also, it includes what is very important, the requirement for relicensure, which was omitted from the laws the last time.

The SPEAKER: A roll call has been ordered. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carrier, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D.; Elias, Fenlason, Fowlie, Garsoe, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbs, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kany, Kiesman, Lancaster, LaPlante,

Leighton, Leonard, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Marshall, Martin, A.; Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Pelletier, Peterson, Post, Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, Wyman, The Speaker.

NAY — Austin, Carter, D.; Curtis, Fillmore, Lewis, Masterman, Rolde, Smith, Strout.

ABSENT — Berry, Boudreau, Brannigan, Brown, D.; Dutremble, L.; Howe, Kane, Keller, Laffin, Lougee, Mahany, Prescott.

Yes, 130; No, 9; Absent, 12.

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

Signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Authorize Deductions from the Term of Imprisonment of Certain Persons Serving a Split Sentence (H. P. 1917) (L. D. 1982) (H. "A" H-963 to C. "A" H-948)

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker and Members of the House: This bill, 1892, in front of us for enactment, requires a lot of attention. The bill went through, and I let it go through without any objection before and the amendments that were put on didn't matter that much.

In essence, this bill will give additional free time to certain inmates, 50 of them roughly, and let them get out of jail before they are supposed to. It is odd how bills of such importance come to us within the last days of the Legislature because we only had this in there for about three or four days, we had a hearing on it sometime last week, towards the end of the week, and all of a sudden it is before us. Regardless of what claims are made, these inmates are in there property, legally, and I think they should stay there and this is why I object to the passage of this bill. This is an emergency measure and I hope that you consider the situation as such.

The main thing about this particular bill that bothers me is the fact that you and I and all the others have probably a lot of respect for the judges and their judgment. The people who came before us in committee at least tried to make us believe that maybe the judges at this particular time did not think about it being a split sentence, that the judge probably did not take into consideration that maybe he should have given them a shorter sentence so they would be out at the same time as others.

It is immaterial, because if someone today murdered someone, he would get 20 years and the other one would get 25, what is the difference? They committed the same crime. The judge uses his judgment and he has the right to do this, and this particular bill tries to circumvent what the judges' sentences have been and the sentence was imposed legally and I think it should be enforced.

I think we should kill this bill; the fellows in there don't deserve good time. It is my opinion that once you go in there, you don't deserve good time. If they don't behave, make them behave. This bill is very distasteful to me and to a lot of others.

It was also said at the hearing, if we don't do anything with this bill, everybody will be out of there, we have nice weather now, you could put them outdoors and get some work out of them.

They also tell us, the Corrections Officer, and I respect him, I know Mr. Hanson very

well, that the only tool they have now to make the prisoners behave is to give them good time. I can never buy this. I think there are other ways. They are in there for a purpose. They did harm and I am sure all of you don't want them back into your community before they have paid their dues. All of us have to pay our dues.

If you look at the Statement of Fact in the bill itself, the Attorney General's Office says that they are there legally—they ruled that they are not entitled to get out of there, they are not eligible because of the fact they committed the crime between July 6, 1978 and so forth.

I hope you really consider this very seriously. If you vote for this bill, you are letting these people out, you are circumventing decisions of judges and I think this is a very bad situation, and I do hope you vote against the enactment of this bill.

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

Mr. HOBBS: Mr. Speaker, Members of the House: A problem exists at the Maine Correctional Center regarding awarding of good time at that institution. There are some 50 inmates sentenced to an initial unsuspended sentence, serving a split sentence, who committed crimes between July 6, 1978 and September 13, 1979. The correctional officials interpreted the law to mean that these inmates will be eligible for good time credits on split sentences in excess of 120 days.

However, as the good gentleman from Westbrook stated, an Attorney General's ruling dated January 15 stated that because of a technicality, these inmates who had been expecting good time, are not eligible because of the fact that they committed crimes between July 6, 1978 and September 13, 1979. Persons committing crimes prior to July 6, 1978, and after September 13, 1979, and serving a split sentence of more than 120 days, are eligible for good time. This discrepancy has created a major problem for those 50 inmates who committed crimes between July 6, 1978, and September 13, 1979.

To give you an example, a person sentenced for one year on a split sentence, who committed a crime between the above two dates, would serve approximately 12 months. However, a person who committed a crime after September 13, 1979, for a one-year period on a split sentence, would earn approximately 90 days deduction from that particular inmate's sentence. That is, he would serve a sentence for approximately 9 months.

This bill would only affect those inmates who committed crimes between July 6, 1978, and September 13, 1979, and sentenced to a split sentence.

The Department of Mental Health and Corrections came before the Judiciary Committee, and 11 members out of the 13 members on the Judiciary Committee, all with different philosophical viewpoints, agreed that there appeared to be a technicality and a discrepancy involving 50 inmates at one particular institution, legislation would be needed in order that all the inmates, no matter whether they committed a crime before those dates or after those dates, should be treated the same and would be eligible to earn good time credits in our state correctional center.

This bill does not adjust what the judge wanted as far as the sentence. What it does, it treats all the inmates at the Maine Correctional Center the same in regards to the eligibility of good time. This does not, as I mentioned before, affect what the sentence is, because under present law inmates at any correctional institution are eligible for good time and for gain time.

I urge you today to rectify a situation which was brought to us by the Department of Mental Health and Corrections, a problem which they have found and which has been brought to light because of the Attorney General's opinion and because of a morale situation that presently

exists.

I hope you will support the 11 members of the Judiciary Committee and vote "Ought to Pass" and enact this piece of legislation.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is not a bleeding heart bill. I hope we don't get it down to that nitty-gritty, that technicality of Maine criminal law. I ask you not to base your decision on Chapter 17 or on the criminal code.

This decision you have to make today is very similar to decisions you have made in the past at little league ballgames. This is strictly a sportsmanlike vote.

They changed the name but it is still known in law enforcement fields as the South Windham Reformatory. They have room in that institution for 216 prisoners. As of last Wednesday, they had 215 residents there. However, 350-plus prisoners have been assigned there.

Now, a split sentence permits a judge to send someone there for six months and then split the sentence so they can go out to a halfway house or back on their own area to a county jail.

These 50 people that they are talking about completed their time at the South Windham Reformatory, so they are ready to transfer them out and they have had these people, taken them out, and weighed them in, taken their picture and all the things and say, we are going to send you now up to the Kennebec County Jail. When they do this, and this is strictly a bill based on fundamental fairness, they say to this prisoner, you have completed six months here, you will now go to Kennebec County Jail for 60 days and that will complete your sentence.

After they got out and they were told that they had 30 days or they had another 6 months to go in a halfway house along the road, and some had only 2 or 3 days to go when they were planning to leave there. The administration then told them, the law is not clear, you have got to do another 6 months. You know, it is tantamount to a decision like this.

The Speaker of the House, last Friday, told you that we are going to extend for two days. What would have been your reply if he said, that 50 days doesn't count? We found in the bottom drawer of Clerk Pert's desk that Order and it was never signed by the Governor, so you have to do another 50 days. That would be unfair and I think this body would respond. This is all this thing does, it straightens out the law.

Now, they have run a good administration and my dear and kind friend, J. Robert Carrier, is the first one that should tell us what a nice place they have run over the years in Windham. We don't read much about violence there.

I don't think this House should go back and tell those people there, who were told that they were going to be out at a certain date, a day certain, go back and say, look, we can't go along with it, you have to do another four months. Really, it is just like a decision in Little League, you don't have to look to the Maine law to decide how you are going to vote on this one. I hope you will once again follow my light.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: This is a bleeding heart bill and I hope that if you vote to enact this bill that your heart doesn't bleed after that, because these people are going to be within your driveways or within your reach one of these days in a very short time and they will do the same harm.

The laws were passed and that is why we have prisons today, we have them to deter, punish and rehabilitate these people. You can forget the third one, because most of them you can't rehabilitate anyway and you have to deter them. You have to deter them from getting to the innocent people, your constituents



and mine and I think the example given of us being here and the time not counting and we have to start over again, well, I can only say to you, the difference between the two examples is that we are not criminals in here but they are criminals in there. That is the big difference; that requires a lot of consideration.

The place is not overloaded. I happen to know the place and when they run out of there, they always head towards my house and I don't know why. They don't stop there, they just keep going, but the fact that they don't stop doesn't stop me from feeling uneasy about it. They do go to Westbrook and to the surrounding communities and do harm again. They are not there on a good crusade mission, you can be sure of that.

The people have agreed that the correctional officers interpreted this law wrongly. I would like to give them a break too, but I don't think we should at the expense of the people that are out there and receive possible injuries from these people who are coming out of there, I really don't. I believe we could even take the opposite view, that these people have been given 90 days deduction, the ones that did get out in the 90 days, recall them back and give them the 90 days and tell them, you weren't entitled to it in the first place.

We can go on with this forever, but I submit to you that this is not a good bill. Put yourself and your constituents in the position of what would happen and what justifiable explanation you would have if one of these inmates gets out of there today and tomorrow they are out injuring one of your constituents or even one of your family. I hope that never happens. That is why I submit to you that you should vote against the enactment of this bill.

**THE SPEAKER:** The Chair recognizes the gentleman from Lewiston, Mr. Simon.

**MR. SIMON:** Mr. Speaker, Ladies and Gentlemen of the House: I would like you to follow the light of the good gentleman from Portland, Mr. Joyce and the 11 to 2 report of the Judiciary Committee and enact this bill.

In response to some of the things that my friend Mr. Carrier has said, I would like to point out that the bill does not address the issue of probation or good time or gain time.

Some of us in the majority on the Judiciary Committee have substantial questions about the function of probation. The issue before us is not whether probation is a good idea or not; the issue before us is not whether halfway houses are a good idea or not. The law of the State of Maine today provides for probation, for split sentencing, for the use of halfway houses, to cut down on overcrowding in our regular prisons.

The issue before us is whether, through a mistake of our own in the Legislature, or through a misunderstanding on the part of some judges, we will have a portion of the population of one of our prisons that was led to believe that the members of that portion of the population would be let out and given time and then later on told that they would not.

The gentleman from Westbrook, Mr. Carrier, has pointed out the need for deterrence in our criminal penalties, and I agree with him, but the best way to deter criminals from committing crime is to have certainty in the punishments. If these men in Windham are not certain as to what the law is, if we flip and flop, if we say one day, you will be out on such and such date, and another day, no, you won't be, then the laws won't have the deterrent effect that they are supposed to.

These prisoners were told they would be out by a certain date. We don't owe them that, we didn't owe them that initially, but we have led them to expect it. If we do anything to undermine the expectability of their sentences, we will undermine the very goal of deterrence that Mr. Carrier has urged us to enforce.

Concerning the fact that this bill came up toward the end of the session, this is, of course,

an inconvenience. I believe this provision should have been in the Errors and Inconsistencies Bill because that is all it is.

I can assure every member of this House that the hearing was held a week ago Tuesday, it was publicized, the committee did listen to evidence on the bill, we acted, we followed all the rules, we merely acted rapidly and I hope that you won't hold that against us.

The pending question before the House is on enactment. 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 21 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure Tabled Unassigned

An Act to Create the Maine Spruce Budworm Management Act (H. P. 1980) (L. D. 2015) (H. "A" H-950 and H. "D" (H-960)

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

On Motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be enacted.

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

#### Passed to be Enacted

An Act Establishing the Child and Family Services and Child Protection Act (H. P. 1787) (L. D. 1906) (H. "A" H-959 and S. "A" S-474 to C. "A" H-882)

An Act to Increase the License Fee under the Maine Coastal Protection Fund (H. P. 1618) (L. D. 1728) (C. "A" H-755)

An Act to Enable the State to Protect the People of Maine and its Natural Environment from Damages Resulting from the Discharge of Hazardous Matter (H. P. 1780) (L. D. 1902) (C. "A" H-957)

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Enactor Reconsidered

An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine (H. P. 1879) (L. D. 1962) (H. "A" H-925 and H. "B" H-956 to C. "A" H-919)

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

**THE SPEAKER:** The Chair recognizes the gentleman from Waterville, Mr. P. Jacques.

**MR. P. JACQUES:** Mr. Speaker, I move suspension of the rules for the purpose of reconsideration.

**THE SPEAKER:** The gentleman from Waterville, Mr. Jacques moves that the rules be suspended for the purpose of reconsideration. The Chair hears objection.

**MR. JACQUES** of Waterville requested a roll call.

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

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

**THE SPEAKER:** The pending question before the House is on the motion of the gentleman from Waterville, Mr. Jacques, that the rules be suspended for the purpose of reconsideration. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Barry, Beaulieu,

Berube, Birt, Blodgett, Bordeaux, Bowden, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Conary, Cox, Cunningham, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Hunter, Jackson, Jacques, E.; Jacques, P.; Joyce, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Locke, Lowe, MacBride, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, Michael, Morton, Nadeau, Nelson, A.; Nelson, N.; Norris, Paradis, E.; Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Sprowl, Stetson, Strout, Studley, Tarbell, Theriault, Torrey, Tozier, Tuttle, Vincent, Vose, Wentworth, Whittemore, Wood.

NAY — Bachrach, Baker, Benoit, Brannigan, Brown, K.C.; Churchill, Curtis, Dow, Garsoe, Gillis, Howe, Huber, Hughes, Hutchings, Kane, Lewis, Lund, Mitchell, Nelson, M.; Post, Smith, Tierney, Twitchell.

**ABSENT** — Berry, Boudreau, Carrier, Chonko, Cloutier, Connolly, Immonen, Jalbert, Laffin, Leonard, Lougee, MacEachern, McSweeney, Paradis, P.; Soulas, Stover, Violette, Wyman.

Yes, 109; No, 23; Absent, 18.

**THE SPEAKER:** One Hundred and nine having voted in the affirmative and twenty-three in the negative, with eighteen being absent, the rules are suspended.

On motion of Mr. Jacques of Waterville, 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-930) was read by the Clerk.

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

**MR. DOW:** Mr. Speaker, Ladies and Gentlemen of the House: It isn't that I see anything against the amendment, it was just the time element that I asked and I figure with two-thirds it would be easier to get than with the majority. The amendment is all right, it is the time of engrossment that was bothering me.

**THE SPEAKER:** The Chair recognizes the gentleman from Caribou, Mr. Peterson.

**MR. PETERSON:** Mr. Speaker, I move the indefinite postponement of House Amendment "A" and request a Division.

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

**MR. JACQUES:** Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion to indefinitely postpone this amendment.

What this amendment will do is clarify the gill net law as we have it. As it is now, it is illegal for anyone of us to possess or use a gill net but agents of the department can still use them. Now, there is a reason to outlaw gill nets. They are very effective and can also kill a lot of fish.

Over the years, I have received more questions and more complaints about the use of gill nets than anything else. When we clarified the law, when we did the revision, I asked them if they were still using gill nets and I had been told that they were not. So, I am using this as a vehicle to make sure that they do not use gill nets in the future.

At a time when we have less and less fish and more and more pressure on fish, I can't see the use of a gill net where you kill fish to find out how fast they are growing and how healthy they are. That is like shooting a bald eagle out of the sky and then finding out if it has DDT in it or not. Then you turn around and say, yes,

if it hadn't had DDT, it probably would have lived, so I hope you will go with me and vote against the motion to indefinitely postpone this amendment and let's get gill nets out once and for all.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: The facts that Mr. Jacques have presented are all accurate and true. I think it is too restrictive and I think if the Fish and Wildlife Department can't clean that mess up among their own and there should be other action other than this. I hope you will vote to indefinitely postpone this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Caribou, Mr. Peterson, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

32 having voted in the affirmative and 74 in the negative, the motion did not prevail.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Assure Compliance with Existing Laws Affecting Disabled Persons' Access to Certain Buildings Open to the Public (S. P. 799) (L. D. 2003) (S. "B" S-496; S. "C" S-497).

An Act to Amend the Charter of the Limestone Water and Sewer District (H. P. 1960) (L. D. 2008) (S. "A" S-494).

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Enactor

##### Later Today Assigned

An Act to Eliminate the 'Pay-in' Inequity within School Administrative Districts and Community School Districts (H. P. 1992) (L. D. 2022).

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

An Act to Make Additional Revisions to Salaries of Certain County Officers (H. P. 2002) (L. D. 2023).

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

By unanimous consent, ordered sent forthwith to the Senate.

##### Later Today Assigned

An Act to Authorize a Bond Issue in the Amount of \$4,000,000 for Court Facilities Improvements (Bond Issue) (H. P. 1916) (L. D. 1985) (C. "A" H-942). —In House, Failed of Enactment on March 21, 1980.

Held at the request of Mr. Kelleher of Bangor.

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

Mr. KELLEHER: Mr. Speaker, is the House in possession of L. D. 1985?

The SPEAKER: The Chair would answer in the affirmative having been held at the request of the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby the Bill

failed of enactment.

On motion of the same gentlemen, tabled pending his motion to reconsider and later today assigned.

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

#### Consent Calendar

##### First Day

(S. P. 785) (L. D. 1981) Bill "An Act to Require Registers of Deeds to Provide Copies from the Records within a Reasonable Time" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-506).

Objection having been noted, was removed from the Consent Calendar.

Thereupon, the Committee Report was accepted in concurrence and the Bill read once.

Committee Amendment "A" (S-506) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in today's session.

#### (Off Record Remarks)

On motion of Mr. Smith of Mars Hill, recessed until one o'clock in the afternoon.

#### After Recess

1:00 p.m.

The House was called to order by the Speaker.

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

#### Passed to Be Engrossed

##### Amended Bill

Bill "An Act to Require Registers of Deeds to Provide Copies from the Records within a Reasonable Time" (S. P. 785) (L. D. 1981) (C. "A" S-506).

Was reported by the Committee on Bills in the Second Reading and read a second time.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to this bill. It does have impact on all the counties in the state and it is a bill that was put in as a result of a problem in York County where the Register of Deeds Office—there were people in that office typing abstracts on a consultant basis to the individual towns and the assessors in those towns wanted a photocopy instead of the typed copy.

I call your attention to it because although I agree in principle with the purpose of the bill, that I think an assessor needs a photocopy, I think there are some serious issues raised here. The law has been on the books for a good long time and I think one of the reasons why it was not mandatory in the past was that we did not, in Augusta, know all of the problems that every registrar of deeds in the state face, so we didn't mandate a service unless they could provide it. Now we are taking on the part of mandating a service for the registrar of deeds in the state and yet we do not know if they have the staff capabilities, the office capabilities, or the machine capabilities to perform this duty.

I can foresee in the future that county budgets might be going up, that they might legitimately come before the counties and say, we want two new staff or three new staff to do this new duty that you have mandating that we do. It will place the delegations and the budget process in jeopardy if we continue not to give them the money and yet keep mandating things. Although I have no problems in mandating a program for the registrar of deeds to do when we are not providing any money for them to do that service. I realize that the goal is for this service to be self-sufficient, but there will be some start-up money.

The other problem I have with the bill, and I

am not sure if the amendment takes care of it, but the bill does not take effect until next year, and with a very few days left in the session, I do not see why we are discussing a bill that supposedly, this session, deals with emergency situations, that we are putting off until next year, and I really think that maybe this bill should be kept over another year and we discuss it more thoroughly to find out what the individual registrar of deeds in the state want.

I am not going to make any motions but I do have some serious reservations about this bill.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, could we have the Committee Report on that, please?

The SPEAKER: The Chair would advise the gentleman that it is a unanimous "Ought to Pass" Report from the Committee on Local and County Government.

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

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

#### Consent Calendar

##### First Day

##### Later Today Assigned

(S. P. 677) (L. D. 1784) Bill "An Act Appropriating Funds to Allow Maine State Retirement System Members a Cost-of-Living Increase" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-508)

There being objection, was removed from the Consent Calendar.

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

Committee Amendment "A" (S-508) was read by the Clerk.

On motion of Mrs. Nelson of Portland, tabled pending adoption of Committee Amendment "A" and later today assigned.

The Chair laid before the House the following matter:

Resolve for the Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1980 (Emergency) (H. P. 2022) (L. D. 2031) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Cunningham of New Gloucester offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-965) was read by the Clerk.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I realize that at this late date it is probably difficult to take up arms and contend with the annual war. However, I feel it is important that I bring before this body a problem that seems to come up annually, and that is the problem of the Cumberland County budget.

Specifically, in the Cumberland County budget, I refer to the area known as the Human Services. This year we had a long process in developing the Human Services portion of the budget. We had the Cumberland County Delegation Sub-committee on Human Services and they enlisted the aid of several people in the greater Portland area who represent Human Services agencies, who represent town officials, city officials, who represent such agencies as the Council of Governments, United Way, people who have more expertise in evaluating human service needs than we in the delegation.

During the process, the Cumberland County Human Services Board finally developed a budget, and it was printed and recommended



by the Cumberland County Commissioners. Then, just about two weeks ago now, just a short time ago, we had a public hearing here in Augusta at which the delegation subcommittee amended many lines of the Human Services budget so that these changes which had not been discussed with the agencies involved prior to this presentation of the amendment, these changes which had not been discussed with the delegation prior to our final meeting, I felt was not clear enough to give us a definitive feeling by the largest number of the people in the Cumberland County delegation; therefore, I feel that it is important that I come before you with an amendment which includes the recommendations that were brought to our last meeting.

We had, last year, 23 different lines or 23 different agencies that we funded. Of all of those lines, 15 agencies had been recommended to be cut by the subcommittee; some of the recommended cuts were only \$100; some were \$400; some were \$1,000, depending on the size of the budget that was allotted to that particular line.

This sounds like a kind of a responsible way to amend and to reduce a county budget, and I agree, it would be. The only thing is, the motive was not to reduce the county budget but the motive was to take from these agencies that had already been planning to get a certain amount, take from them and give it to seven new agencies that had not been previously recommended for funding. Four of those agencies had not been funded last year and three of them, even though they had been funded last year, had not been recommended by the Cumberland County Board nor by the commissioners prior to this meeting.

Now, who attended this meeting? Cumberland County delegation, that is half of the Cumberland County delegation was there, and a large group of people, town officials, town councilors, budget officers, budget officers both from the cities and rural and urban areas of Cumberland County, a few people in attendance who were recipients, agencies that would be receiving funding from the county in this Human Services budget, and they came because they thought that perhaps they would be listened to.

At one point, during our meeting, a straw vote was called for by those people in attendance and not for the delegation to vote, and asked if they would approve the Cumberland County budget as proposed on that day. There was not one vote in favor of approval. I am not talking about the delegation, I am talking about the people the delegation are supposed to represent. One of the assistant city managers, I don't know the specific title of the person, but one of the town officials from South Portland asked the question—how much influence will we have here? The reply was, well, we are hearing you. I would contend that even though the delegation was hearing these people, the delegation refused to listen to those people and to reflect what some of their thoughts were. Since the delegation refuses to reflect those thoughts, I feel that I, as a cochairman of the Cumberland County Budget Committee, have the responsibility to represent those people.

During this process when the delegation voted, one offer of cutting was made and it failed by a 10 to 10 vote. I would say that this is hardly a significant majority of a 40-member delegation. When the Human Services portion of the budget was finally approved, it was approved by a vote of 11 to 9. Again I say, this is not a significant majority of a 40-member delegation.

As Cochairman of the Cumberland County Budget Committee, I was never given an approval sheet to sign, nor was I ever given a sheet on which I might register my dissent. I don't believe that any sheet was ever passed out on which the members of the delegation would be given the opportunity to dissent. I think there was one question asked—if the question was the same as the question last year

where I did write that I dissented, then it was just simply a one question ballot similar to the ballots they get in the democratic communist countries where you have one choice and you either vote for that or you don't vote.

Also at the hearing, I did circulate a little paper so I would know who the people were that I was representing and somebody picked up my paper and took it home with them. Apparently they didn't want me to know who I was representing, but I do know because I did get a second paper circulated so I do know who a large portion of these people were.

I have talked to members of the Cumberland County delegation since that meeting and I have presented and explained what I was trying to do in the amendment and I have 14 people who were willing to sign that they would support this amendment and I have several more people who are not opposed to the amendment, even though they wouldn't sign and say that they would support it because they had already signed the approval sheet, the one-word question that came around prior to my discussing this amendment with them.

All I am trying to do in the amendment is to cut out new payments to new agencies that had not been previously recommended for funding prior to that time. I am also proposing that if the Cumberland County Subcommittee on Human Services, the small cuts that they made, if they were made in a responsible way, and I agree they were, then I propose that those cuts remain the way they cut them, so that those agencies that were cut a few hundred dollars would continue to be cut a few hundred dollars, and instead of giving those funds to new agencies, they would not give these funds out at this time.

What it would finally do is cut from the proposed budget \$11,500. We would, in fact, in our human services this year, be reducing our commitment below the amount that we committed last year.

I believe this is a proper direction for us to take. I believe it is timely; in fact, it is progressive, because it is in line with some of the suggestions that are being made at this time by President Carter fighting inflation, it is in line with some of the suggestions that are being made by our Governor Brennan, who is also trying to hold the line against rising government costs. I feel that if the federal taxpayer cannot afford these additions, the state taxpayer cannot afford these additions from sources that are far broader than the property tax, then I don't believe the Cumberland County taxpayer can afford those additions on a narrow property tax base. I feel that that is a regressive action.

I am asking that you support my amendment today so that we can actually progress in Cumberland County.

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

Mrs. HUBER: Mr. Speaker and Members of the House: Although I can appreciate the gentleman's efforts to pare our county budget, I would point out to him, because I happen to be voting along with him, that we had a number of votes to cut the budget along with him, that we had a number of votes to cut the budget in committee. The votes were based on specific items and, in fact, we were attempting to prioritize at that time.

My objection to this amendment is that it is very black and white; if you weren't in last year, you can't be in this year. Therefore, I would respectfully urge you to vote against the amendment as presented.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I don't believe this is a war, I believe it is just a simple skirmish.

Mr. Cunningham questioned the right of the subcommittee to do what it did. In my mind, it was an orderly, democratic, small 'D' or big

'D', whichever you wish to call it procedure. They did exactly what they were entitled to do.

I must admit that I did vote with Mr. Cunningham on this matter, but the majority of those members, and we had a quorum, ruled that this is what they wanted. When the slip of paper went around to the members of the Cumberland County delegation, of which there were 35, 30 voted to approve the bottom line of that budget. Now, Mr. Cunningham wishes to change that bottom line.

I do hope that you will help me in getting a "full Nelson" on this budget and let us wrestle it down to the mat to a full count, and I hope that you will be voting no on the pending motion.

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

Mr. BAKER: Mr. Speaker, Men and Women of the House: I wish to point out that the amendment to the Human Services budget that we voted on, a majority vote on, does not increase the Human Services budget by one penny. We have not added any additional expenditures in the Human Services budget. We simply rearranged monies and we kept the Human Services budget at the same funding level as the original proposal that was brought into us that afternoon.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I beg to differ with Mrs. Nelson. She calls it democracy, the way it was done—bully for her—but it wasn't done that way. People were at meetings and they were hauling them in just like ants to vote for that budget while the rest of us sat there, and it was boring, I can tell you that, and the rest of us sat there and waited and these people, I am sure they were doing their duty at their meetings, but I don't think that anyone that doesn't attend a meeting should have the right to vote. These people came in and, of course, they got the best of us every time. Someday we are going to win one over them.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I am sorry we have to air our linen in public like this; however, we had a hearing, and this particular hearing we are talking about lasted seven and a half hours. Not everybody could be there from beginning to end. I, as its Chair, was there the whole time.

There were people who were at the Appropriations Committee meetings and other meetings going on simultaneously with this meeting, and they asked me, when the final vote occurred, would I simply call them in their rooms where they were working and they would come and vote. That is where these people came from.

As a matter of fact, many members of our county delegation were at a meeting right behind the room we were in, which is Room 228. You know, if you sit on one side of that folding door, you can certainly hear what is going on in the other side.

The SPEAKER: The Chair will order a vote. The pending question is on the adoption of the House amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

43 having voted in the affirmative and 51 having voted in the negative, the motion did not prevail.

Mrs. Martin of Brunswick requested a roll call vote on passage to be engrossed.

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

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

The SPEAKER: The pending question is on

passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

**YEA** — Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.C.; Carrier, Carroll, Carter, D.; Cloutier, Conary, Connolly, Cox, Davies, Davis, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leonard, Lizotte, Locke, Lund, MacEachern, Mahany, Masterton, Matthews, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peterson Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Sherburne, Simon, Small, Soulas, Sprowl, Tierney, Tuttle, Vincent, Violette, Wood, Wyman.

**NAY** — Aloupis, Bachrach, Barry, Brown, A.; Brown, K.L.; Bunker, Call, Carter, F.; Chonko, Cunningham, Damren, Dellert, Dexter, Drinkwater, Fillmore, Garsoe, Gavett, Gray, Hanson, Higgins, Hunter, Hutchings, Immonen, Jackson, Leighton, Lewis, Lowe, MacBride, Marshall, Martin, A.; Masterman, Maxwell, Payne, Rollins, Roope, Sewall, Smith, Stover, Studley, Tarbell, Theriault, Torrey, Tozier, Wentworth.

**ABSENT** — Austin, Berry, Boudreau, Churchill, Curtis, Dudley, Gillis, Jalbert, Laffin, Lougee, McPherson, Nelson, N.; Peltier, Silsby, Stetson, Strout, Twitchell, Vose, Whittemore.

Yes, 87; No, 44; Absent 19.

The **SPEAKER**: Eighty-seven having voted in the affirmative and forty-four in the negative with nineteen being absent, the motion does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

**RESOLVE**, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1980 (Emergency) (H. P. 2023) (L. D. 2032) which was tabled earlier in the day pending passage to be engrossed.

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

Mr. **CARROLL**: Mr. Speaker, I would like to have this tabled until later in the day. I have an amendment prepared that is being reproduced right now.

Thereupon, on motion of Mr. Higgins of Scarborough, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter:

An Act to Authorize a Bond Issue in the Amount of \$4,000,000 for Court Facilities Improvements (H. P. 1916) (L. D. 1985) (C. "A" H-942) which was tabled earlier in the day pending reconsideration whereby the Bill failed of passage to be enacted.

Thereupon, the House reconsidered its action whereby the Bill failed of passage to be enacted.

The **SPEAKER**: The pending question is on passage to be enacted. This being a bond issue, it requires a two-thirds vote of all the members present and voting. All those in favor will vote yes; those opposed will vote no.

91 having voted in the affirmative and 42 having voted in the negative, the Bond Issue was passed to be enacted.

Signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

An Act to Eliminate the 'Pay-in' Inequity Within School Administrative Districts and Community School Districts (H. P. 1992) (L.

D. 2022) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

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

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

#### Non-Concurrent Matter

Bill "An Act to Establish a Single Maine Estate Tax Based Upon a Percentage of the Federal Gross Estate" (H. P. 1769) (L. D. 1899) which was passed to be engrossed as amended by Committee Amendment "A" (H-954) in the House on March 20, 1980.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-954) as amended by Senate Amendment "A" (S-502) thereto in non-concurrence.

In the House:

Mrs. Post of Owl's Head moved that the House adhere.

Mr. Jackson of Yarmouth moved that the House recede and concur.

Whereupon, Mrs. Post of Owl's Head requested a vote.

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

A vote of the House was taken.

Whereupon, Mr. Higgins of Scarborough requested a roll call vote.

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. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. **HIGGINS**: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, this is the somewhat infamous inheritance bill that has been purported to endow the General Fund by over \$2 million. I wonder if some member of the committee would explain to the House what the bill does and how much revenue we expect to get from it and why we should or should not accept Senate Amendment "A"?

The **SPEAKER**: The gentleman from Scarborough, Mr. Higgins, has posed a series of questions 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: Essentially what this bill does is help move us on to a federal system of estate taxation and it also includes a phase-down where in about eight years we will be able to move to a point where we will be able to compete with Florida in terms of our estate taxation.

We have had a great deal of testimony in the Taxation Committee that has dealt with the issue of people leaving the State of Maine, or at least changing their residences to Florida simply to escape our present system of estate taxation. So while the bill does show a one-time revenue gain because we are moving up the reporting date from 12 months to 9 months, it does show a future, on paper anyway, decrease in revenues, although many of us on the committee feel that that decrease in revenues will eventually be made up by what we will be taken in income taxes.

The difference that we are talking about in

terms of Senate Amendment "A" and the present position of the House is, the original committee report was a unanimous committee report and was arrived at after all of us spent agonizing hours learning all we ever needed to know and more about inheritance and estate taxation, and we came to a rather complicated agreement with both Democrats and Republicans looking out for our own constituencies, whoever they may be, and trying to arrive at a system where the different income levels are essentially paying about the same amount in inheritance taxes as they are presently, or at least from those groups in an aggregate.

When the bill reached its way over to the Senate, an amendment was put on that would exempt all the proceeds of life insurances from being included in the estate tax, as they are presently in the federal estate tax. The original bill, which we would ask you to adhere to, in addition to giving a \$30,000 exemption to each estate, in addition to giving a marital reduction of half the estate, or \$70,000, whichever is greater, also gives an additional exemption of \$50,000 for life insurance. I think \$50,000 is above what the average Maine citizen carries in life insurance. So we would ask you to adhere to that position, which was the original unanimous report of the committee.

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

Mr. **JACKSON**: Mr. Speaker, I would pose a question. How are we taxing life insurance payments now?

The **SPEAKER**: The gentleman from Yarmouth, Mr. Jackson, 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, life insurance proceeds which are to a named beneficiary are not presently included in the Maine Inheritance Tax. We have made many switches in terms of it going on to the estate tax and the federal system. We are, in essence, giving more favorable treatment to farmland than is presently the case. We are giving more favorable treatment to family-owned businesses, which is presently the case, and there are many other changes.

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

Mr. **JACKSON**: Mr. Speaker, it appears this has been before us a good many times before, and I think that the case for the Senate Amendment ought to be at least stated on the floor, and that is, very briefly, that people who buy life insurance under the existing rules, if they are Maine residents, aren't taxed when that life insurance pays off. This would now start to tax it. The original bill would tax it over \$50,000; the Senate Amendment would take that off.

I would suggest that we are possibly changing horses in mid stream. I would also suggest that it is good public policy to have people buy life insurance and that we should encourage that as a state policy and that taxing it is not to encourage it.

I would also suggest that the \$50,000 level, although it seems high, that many working people have life insurance in excess of that and once that is set at the level that taxing can start, it will be very easy for the state, particularly if they need money, to lower that level.

I would be against the bill unless we could put that amendment on.

The **SPEAKER**: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. **CARRIER**: Mr. Speaker, I would like to ask, how does this affect the marital deduction, if it affects it in any way? Is it raised, is it lowered, how is it taxed, how is it treated taxwise?

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

Mrs. **POST**: Mr. Speaker, Men and Women of the House: To answer that question, and per-

haps make a point on Representative Jackson's previous statement, the marital deduction is actually increased under this particular bill, and that is one of the bases of estate taxation.

Presently, as I understand it, materials passing to a surviving spouse, they have a \$50,000 deduction. In this particular bill, there is a \$30,000 deduction for the entire estate, any estate, no matter who receives it. In addition to that, under the federal system which we would adopt, then half the estate is exempt from taxation, and we went a bit further, particularly because we were concerned about the insurance problem, and we said not only half the estate, but if \$70,000 is more than half the estate, you get that. So, essentially, for a surviving spouse that would have a \$100,000 exemption on which they would not pay taxes, which is more than what they have presently now, that is at a minimum, you automatically get half the deduction of your estate under this bill if you are a surviving spouse.

In addition to that, you have a \$50,000 exemption for insurance. So if a surviving spouse, for instance, has a home and goods which the husband's share would be considered to be \$50,000, in addition to that has \$100,000 in insurance policies, under this particular bill they would still pay no tax because they would be deducting half of that insurance policy through the insurance policy deduction and half of that insurance policy to the marital deduction.

I can't think of any instances, or very few instances, I would say, in which a surviving spouse would not be much better off under this particular bill.

In terms of insurance, I can only add that this legislature always has a chance to take a look at its tax policy, its inheritance tax policy and make revisions on that tax policy. We do that from time to time. We have had businesses move here under one set of arrangements and then have changed those agreements. I think to say that because at one time someone sold an insurance policy on the basis that those proceeds would not be taxed forever cements the Maine Legislature from making a change in that. That is totally irresponsible.

In terms of what is likely to happen in the future, at the end of eight years, when we are able to get ourselves in a position where we can switch over to the federal credit, essentially what will happen then, when we take that step to do that, is that the federal system has a credit for state death taxes paid. Let's say that credit is \$100,000. If you pay that \$100,000 to the state, you don't have to pay it to the federal government. If you only pay \$50,000 to the state, you pay \$50,000 more to the federal, and that is the position we would like to get to eventually, and we are not talking about taxing insurance more in the future, we are talking about taxing it, along with all the other inheritance, at a lower rate in the future.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to add that a lot of people are inquiring saying that this insurance tax or the tax on life insurance is in fact a new tax, and I would say no, it is not, in that we are still raising, or projected to raise this year not more under the new system than we would have under the old. It really, in all fairness, is a better form of taxation, if there has to be taxation at all, because it disburses the tax over more of the revenues within an estate.

The other thing that I would like to see is at least one piece of progressive legislation come out of the Taxation Committee. We have worked very hard on this particular bill. All of my concerns have been answered, and I think that everybody, in voting for this legislation, should keep in mind that the end result is a lot less taxes on the people of the State of Maine. In eight years' period of time, people will be taxed much more fairly and much less severely

than they are at the present time.

I think this is really progressive legislation, and I hope you will vote for it.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have been on at least two tax reform committees in the past eight years that I have been in the legislature. Both of those felt that this is one area of reform that should come forward. In my opinion, a deduction of \$50,000 on the aggregate value of life insurance proceeds is fair and reasonable and one which should not be killed. For that reason, I hope you will vote against the motion to recede and concur.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: This was a unanimous committee report from the committee. I remained so among the Democrat and Republican members of that committee.

I might point out and reiterate, as was stated by Representative Post, an arrangement and an agreement had been reached by all interested parties. Initially, the insurance was not exempted at all, and we had agreed unanimously not to. Then one of the members had a legitimate concern, so we agreed to compromise, and again we exempted the first \$50,000.

I think much of what has been said today clearly indicates that there is a need for a change like this, a need for a greater move toward equity for the smaller insurers, or those who receive the benefits of legislation such as this, and I would urge all of the members here to go along with the Taxation Committee and pass this legislation.

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

The Chair will excuse himself pursuant to House Rule 19.

#### ROLL CALL

YEA — Aloupis, Birt, Brown, D.; Brown, K.L.; Bunker, Carrier, Carter, D.; Conary, Davis, Dow, Higgins, Jackson, Jacques, E.; Lizotte, McMahon, Silsby, Soulas.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Bordeaux, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carroll, Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Damren, Davies, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sewall, Sherburne, Simon, Small, Smith, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Wentworth, Wood, Wyman.

ABSENT — Austin, Berry, Boudreau, Curtis, Dudley, Gillis, Kelleher, Laffin, Nelson, N.; Stetson, Vose, Whitemore.

EXCUSED — Mr. Speaker.

Yes, 17; No, 121; Absent, 12; Excused, 1.

The SPEAKER: Seventeen having voted in the affirmative and one hundred twenty-one in the negative with twelve being absent and one excused, the motion does not prevail.

Thereupon, on motion of Mrs. Post of Owl's Head, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Special Sentiment Calendar

Recognizing,

Jeffrey W. Sturgeon, of Old Town, who scored 1,058 points in 4 years for the Old Town High School boys' basketball team (H. P. 2026) by Mr. Pearson of Old Town. (Cosponsors: Mr. Paradis of Old Town and Senator Sewall of Penobscot)

On the request of Mr. Pearson of Old Town, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: As far as I know, Jeffrey Sturgeon, who is up front on the left-hand side, didn't know until this minute that he was going to be honored here today. Mr. Paradis and I are very pleased to present this order to you here in the legislature.

He is a young man who has been working here today, as he has been on several occasions in the past as a courier. He has come back this time at the Clerk's request because he does such a good job here, as he does in everything that he tries.

He has been a starter on the varsity basketball team in Old Town his Sophomore year, his Junior year, his Senior year, in spite of the fact that he has had a broken shoulder and knee surgery, knee surgery just very recently. He has averaged 32 points a game, including a record-setting number of points in one game, including 41 points in the semi-finals of the Eastern Maine Tournament. He has a single season record of 552 points, a career scoring record of 1,058, the most field goals in one game, the most foul shots in one game. He has got the best goal shooting average of 54 percent, he has got the best foulshooting average on the team of 86 percent, and in his spare time, he has also gotten about 10 rebounds per game.

He is an honor graduate, a National Honor Society member. He will be attending the University of Maine next year in Orono on a basketball scholarship and he will be playing for Skip Chappel, who was his father's teammate when he played for Old Town High School and also when his father played for the University of Maine.

This moment is his, he earned it, he deserves it, and I hope you will give him a good round of applause. (Prolonged applause)

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

Trooper Burchell D. Morrell of Strong, Trooper of the Year for 1979, the highest annual award of the Maine State Police (H. P. 2025) by Mr. Dexter of Kingfield. (Cosponsor: Senator Redmond of Somerset)

Mel "Grandpa" Richards, of Milbridge, winner of the Jefferson Award for 1980 (H. P. 2024) by Mrs. Curtis of Milbridge.

These Expressions of Legislative Sentiment were considered passed.

The Chair laid before the House the following matter:

Bill "An Act Appropriating Funds to Allow Maine State Retirement System Members a Cost-of-Living Increase" (S. P. 677) (L. D. 1784) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-508) in concurrence.

Mrs. Nelson offered House Amendment "A" to Committee Amendment "A" and moved its Adoption.

House Amendment "A" to Committee Amendment "A" (H-974) was read by the Clerk.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I support L. D. 1784 with a degree of disappointment. In the past two sessions, the top priority of the Veterans and Retirement Committee has been the cost-of-living increase for retirees. To the committee members, it is annually a frustrating experience to have our top priority receive little consideration.

The legislature is asked to support all segments of society. In serving our retirees, we have failed miserably. By our lack of action, they have been relegated to the status of second-class citizens.

The retirees have served our state faithfully and are deserving of better treatment. Three sessions ago, they were voted a 4 percent cost-of-living increase. Since that time, we have lived in a 24 percent inflation increase. Unfortunately, most retirees, at their ages, have no medium of augmenting their income, forcing them to make greater sacrifices every year to survive in our economy.

The average pension of a state retiree is \$5200. Annually, the legislature sees fit to provide a 25 percent property tax or rental refund for a person 65 years of age earning \$5,000 or less, and our retirees are rampantly approaching that category.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I think it is important at this time that things be read into the record.

We had a hearing on this bill and we had it in March when we felt the weather would be good and many of the retirees could come to the hearing. But on the very day that we held the hearing, we had an unusual snowstorm, so the hearing, although it was held, was sparsely attended. I think it is important that we put some of the thoughts of the people who were there at the hearing on the record.

First of all, let me assure you that what we are trying to do here this afternoon is appropriate because we do have an obligation to carefully review the cost of living increase. As a matter of fact, it is stated in Public Law 1977, Chapter 573, that any increase in the consumer price index during a fiscal year will be reflected by an increase in the retirement benefit of up to 4 percent. When the consumer price index increases more than 4 percent, the retirement allowance will be increased 4 percent and the board of trustees in the retirement system will report the actual consumer price index and the 4 percent retirement allowance adjustment to the legislature in February of the following year. That was enacted in 1977, and in 1978, the adjustment was the bottom level, 4 percent and in September of 1979, again that adjustment was at the bottom level, 4 percent.

We must deal with the issue of cost-of-living separately from the general funding issue because they are separate and cost-of-living does not substantially affect the overall cost of the retirement system because we are talking about two different funding levels.

May I quote directly from the Wyatt Report, which you all had on your desks and I hope that you glanced at from time to time, and I quote directly from Page 12—"The Maine State Retirement System provides a maximum annual cost-of-living adjustment to 4 percent; however, because of the vast majority of covered employees do not also participate in social security, they receive significantly less cost-of-living protection than most persons covered in private plans or other public plans. Inflation is a grueling financial hardship for anyone who must rely solely on a 4 percent annual cost-of-living adjustment. We suggest that consideration be given to increasing the 4 percent annual limit both to provide greater protection for persons retired under the Maine State Retirement System and to assure that the cost attributable to future cost-of-living benefits be

included in current actuarial calculations."

I would like to read a statement that was given to us at the hearing. I want to read it because I think it is so precise and so exact and certainly expresses the need of these people so clearly.

In 1978, the cost-of-living, as measured by the consumer price index, increased 9 percent. In 1979, that increase was 13.3 percent. This year, there was a possibility of the cost-of-living approaching 20 percent. These are only figures and sometimes figures such as these do not really describe the human cost and the impact on lives of our retired state workers and teachers, so let me put these figures in a form which is a little more direct.

The average state employee receives a pension of about \$5,000 per year; that average employee could easily be a highway worker or who retired several years ago at a final salary of \$10,000 after 25 years or more of service, and if he retired in 1977, he would now be receiving slightly over \$5,400 per year. That is \$450 per month. Now remember, unless his wife works or receives social security, this \$450 per month may very well be his sole source of income.

If a similar highway worker retired in 1968 at \$5,000 annual salary, today he would receive approximately \$4,380 per year, or \$360 per month.

Remember these examples are the average state retirees. While there are some that receive more, there are many who receive less.

As most of you are aware, when the bill passed which separated retirees' increases from increases received by active state workers, no one thought that the retirees would be permanently held to that 4 percent ceiling. On the contrary, by passing the bill with the provision requiring the retirement system to report to the Legislature, the difference between the 4 percent increase and the actual increase in the consumer price index, there was a clear indication that if the cost of living greatly exceeded 4 percent, some additional amount would be forthcoming. So far, none has.

The burden of inflation falls upon all of us, the state employees, the taxpayers, legislators, labor and business, young and old; we should not single out one group, especially a group least able to respond to bear a disproportionate share of the burden. By continuing to ignore the impact of inflation upon the retirees, we are doing just that and the situation can't be ignored any longer. Even in the recent report to the Legislature, the Joint Select Committee to study the Maine State Retirement System, recommendations were made to lift this 4 percent ceiling and I read directly from that report.

Now, we are aware of the financial situation of the state. I do not expect nor do I think any one in this room expects that the full 10 percent or, as it is now amended, the \$12 per month increase be funded. We, as legislators, know that such an increase would be unacceptable and so the committee worked and twisted and turned and agonized hour after hour to try to find the proper, the appropriate, avenue so that we could give these people something, because no increase is equally unacceptable. Let me repeat that—I and my committee feel that no increase is equally unacceptable.

I know many of you, as well as our committee, have been concerned that the consideration of this bill unreasonably raises the expectations of the retired employees and that may be the case, and it is, indeed, unfortunate.

I ask you, however, what other avenues could these people pursue? For many of these people, the only other alternative is welfare. Turning to welfare is the last thing the retirees want. These people have earned their way all through their lives. They have a strong work ethics; yet, at this point in their lives, they are least able to look for other alternatives. They do not have the opportunity to get other employment. Many, if not most, are not eligible for social security benefits, which keep pace with the cost

of living. Does the state really want to see its former employees, many of whom spent their entire working lives in state service, turn to welfare in their final years? I don't think so.

As you know, state salaries do not compare favorably with those in the private sector. A decent and adequate retirement system can be an incentive to continued employment in the state and partially make up for the lack of salary. If, however, active state workers can only look forward to a pension drastically eroded by inflation at a time when they are least able to do something about it, the incentive to stay with the state will be gone. The result, I am afraid, will be the loss of some of our most talented state employees.

I just wanted to remind you that last year an increase was defeated because of lack of funds, and this year the same reasons are being heard. I am sure that next year we will be in the same situation. However, just a matter of an hour or so ago, we passed a bill through this House which would entitle the state to \$2.5 million. The problems, reasons and excuses may all be legitimate, but they do not pay the rent, buy the oil or supply the food and clothing these retirees need simply to get by.

I ask for a roll call vote. If you believe—I sound like Peter Pan—that a one-time cost of living increase should be a top priority, then vote yes; but if you do not feel that it is not a top priority in your mind of leadership, vote no, because this is your way of saying to them that this is something that must be addressed and we must do it now.

So, Mr. Speaker, if I would ask for roll call vote.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: You know, one of the hardest things you ever have to do is get up and oppose a retirement benefit for people who have retired in this state after having worked for years in public service. I really can't tell you, I haven't caught the amount of money that this is going to cost, I think it is over a million dollars, and it is just the cruelest kind of hoax—I am sorry, but it really is a hoax, and it is really cruel.

I was home Sunday afternoon and I got phone calls, one right after the other, from retired teachers and retired state employees who want this, and we want them to have it. Mrs. Nelson says that if you believe it should have a high priority, you should vote for this bill and if you don't think it ought to be a high priority, you ought to vote against the bill—it isn't that at all, at all. We don't have any money, and to tell these people and give them any kind of a false sense of hope is just cruel. I just can't understand why you would put that carrot in front of them of giving them an increase when you know you can't do it anyway. It is financially impossible for the state to do it.

We have \$47 million dollars of unfunded liabilities in the retirement system right now, not just this year but next year and the year after and the year after that and we can't do it. We would like to do it, every one of us would like to do it and we all know we would like to do it, Republicans and Democrats alike, but we can't.

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

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: We were promised faithfully that there was \$1.7 million for this purpose. Last year, we passed this bill out of our committee and we were turned down. It wasn't killed, we were told by the Appropriations but was killed in another method.

So, this year, they sponsored the same bill, people did, and promised these people a cost of living increase and just within the last week or so we were told that there was \$1.7 million, and this is not an ongoing thing. This is a one-time deal and it figured out to approximately \$12 a month for each person for one year.



On a percentage basis, our logic for doing this was that it was more fair, everyone would get \$12 rather than one person getting \$2 a month, if you passed out a 2 percent increase someone else might get \$18 if we had a ceiling on it. This way everyone would get \$12 a month for one year and this is over and above the 4 percent cost of living increase which they would get which is an ongoing program.

It is no more than fair, there is no one to speak for these retired people. These retired people are left out when it comes to negotiations and this is something that even private industry is working on. Their pension would remain the same regardless of how many years they had been retired under the present conditions, unless someone at negotiating times does the same for them as they do for the active employees. It is only fair that we pass something for these elderly people that are living on a fixed income presently, because it does not increase and the cost of living has skyrocketed. I certainly hope that you will vote to pass this.

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

Mr. JALBERT: Mr. Speaker, Members of the House: Last year, we passed a bill giving these people a percentage cost of living increase and whatever method and whatever reason in the people's judgment who made the final decision, I accepted it, but I gave my word that if something came back at this session that was of any feasible nature, I would go along with it.

I haven't even discussed this with my friend now, Sharon, of the Appropriations Committee. I know that the amount is there. I think you will recall a few weeks ago that I made a statement that I was all done standing up here and emasculating legislation that you merely ask to go to the Appropriations and Financial Affairs Table and I am holding to that position now. I think that this bill is just as deserving as the others and I am going to go along with it, coupled with the fact that I don't think I have received — there is one other area where I have received mail. My mail is heavy here and heavy at home daily and it might be false hope but in answer to that, I might say to my dear friend, Representative Pearson, while there is life, there is hope. As long as this bill is alive, there is hope.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Jalbert's motives are pure and everyone else's here are too. All of the people who have served on the Retirement Committee have motives as pure as the driven snow, and I understand that and we all want to help. We can't do it, that is all there is to it. The decision can be made here; if you wish to pass the buck, it can be made in the Appropriations Committee. I don't subscribe to the argument that it is a one-time deal. This legislator from Old Town, if we appropriated enough money to give a one percent, or whatever it might be, cost of living increase, I would feel committed to do it in the future. I don't intend to give and then take away, and that is the problem with it.

Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers and I would request a division and I hope, in order to keep people off the hook, that nobody will ask for a roll call.

The SPEAKER: The Chair would advise the gentleman from Old Town, Mr. Pearson, that the pending question is on adoption of House Amendment "A" that was offered by the gentleman from Portland, Mrs. Nelson, and would suggest that he wait until we have dispensed with adoption of Committee Amendment "A" and House Amendment "A" and then a motion to indefinitely postpone would be in order.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gen-

tlemen of the House: I support the motion of the gentleman from Portland, Mrs. Nelson. I think this cost-of-living increase is essential. But I might say that the real killer is inflation and that is the reason this bill is necessary. We have an excellent opportunity today, in the questionnaire that we were given that has to go to the Maine Conference of State Legislatures, because you will notice at the very back of it on the bottom, they ask if you would like to make any other comments, and please use the space below. So I would suggest that you recommend to them that they balance the federal budget. If they could balance the federal budget, we could decrease inflation and there wouldn't be this very desperate need for these people, so I would urge you to write this on your sheet of paper and ask that the federal budget be balanced and to also support the bill.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted in non-concurrence.

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

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

Mr. PEARSON: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers.

Mrs. Nelson of Portland requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: I have refrained from saying anything on this matter because, really, I am kind of in a spot. I originally was against this matter in the committee and went along with it because I could see that it would create quite a disturbance if I didn't. Don't get me wrong, the reason why I was against it was because the amount that was being proposed was not enough. It didn't even meet what I thought was required and, therefore, that is the only reason I was against it.

As far as the matter being in jeopardy because of the lack of money, you heard our committee chairperson say that you have to establish priorities. There is money over there. Whether you want it to go to this program or some other program, that is where your priorities will be shown when you vote on this. Certainly, I don't want this to go just as a Division, I would request a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that this bill and all its accompanying papers be indefinitely postponed in non-concurrence. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Brodeur, Garsoe, Jacques, E.; Lougee, Morton, Nadeau, Nelson, A.; Pearson, Peterson, Smith, Stover, Studley.

NAY — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Bordeaux, Brannigan, Brennerman, Brown, A.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Higgins, Hobbs, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster,

LaPlante, Leighton, Lewis, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Payne, Peltier, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Strout, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Blodgett, Boudreau, Bowden, Brown, D.; Carrier, Dudley, Hanson, Immonen, Laffin, Leonard, Maxwell, Post, Reeves, P.; Stetson, Whittemore.

Yes, 12; No, 124; Absent, 15.

The SPEAKER: Twelve having voted in the affirmative and one hundred and twenty-four in the negative, with fifteen being absent, the motion does not prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### (Off Record Remarks)

The Chair laid before the House the following matter:

Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1980 (Emergency) (H. P. 2023) (L. D. 2032) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Carroll of Limerick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-971) was read by the Clerk.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like the record to state that this takes care of the ambulance rescue units that are presently being served by York County Sheriff's Department communication system. It belongs in to continued to be served and the fee is set by the county commissioners. This amendment requires the sheriff of York County to continue to provide emergency communication services to municipalities with the costs paid by the municipalities being served.

There is a very good reason for putting this in here. We are going to continue to serve those communities. My community has the new ambulance unit, they were just wired into the system and then they were told that within two weeks' time they would have to look elsewhere for that service. I was assured verbally that they wouldn't have to; yet, I was told again yesterday that they would have to. So I feel it extremely important that the legislature put in this solution to the problem.

We are willing to pay a fee, and I am sure it will be a fair fee, for this service. We don't expect to ride on somebody else's taxes free.

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

Mr. MCMAHON: Mr. Speaker and Members of the House: I support the gentleman from Limerick, Mr. Carroll, but I would like to enter onto the record some additional facts.

The York County budget, in the 1050 jail account, which includes the funding for the communications, we are asking this year the sum of \$402,245. In 1979, the actual expenditures of that department were \$472,303.

Part of the problem that the gentleman from Limerick is trying to address is the fact that a majority of the county delegation made some cuts in the budget which may or may not have contributed to this problem.

The reason I am supporting the gentleman is that he is making it quite clear that under the

existing contractual authority in Title 30, the commissioners and the sheriff can contract for the services with these municipalities that wish it, and those municipalities will pay for it. I think the gentleman's amendment is very appropriate but I do want to make it quite clear on the record that it is intended that those communities that want the service will pay for it and that the basic service is not in the county budget by action of a majority of the delegation.

Thereupon, House Amendment "A" was adopted.

The Resolve was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Finally Passed Emergency Measures

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1980 (H. P. 2018) (L. D. 2027)

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1980 (H. P. 2019) (L. D. 2028)

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1980 (H. P. 2020) (L. D. 2029)

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1980 (H. P. 2021) (L. D. 2030)

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. 108 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, the preceding Resolves were ordered sent forthwith to the Senate.

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

#### Non-Concurrent Matter

Bill "An Act to Improve Governmental Remedies for Violations of the Antitrust Laws" (H. P. 1975) (L. D. 2014) which was passed to

be engrossed in the House on March 18, 1980. Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-490) and "B" (S-500) in non-concurrence.

In the House:

On motion of Mr. Howe of South Portland, the House voted to recede.

Senate Amendment "A" (S-490) was read by the Clerk and adopted in concurrence.

Senate Amendment "B" (S-500) was read by the Clerk.

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

Mr. HOWE: Mr. Speaker, I move that Senate Amendment "B" be indefinitely postponed.

The SPEAKER: The gentleman from South Portland, Mr. Howe, moves that Senate Amendment "B" be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. HOWE: Mr. Speaker and Members of the House: This is the bill that was debated for several minutes the other day regarding remedies under the anti-trust laws and it would provide, as you may recall, that the Attorney General of the State of Maine, on behalf of the state or other governmental subdivisions of the state, could sue parties other than those parties from whom the state or the subdivision directly purchased goods and services. As you may recall, the state purchases about 90 percent of the goods it buys through middle people, and if the manufacturers are the ones engaged in antitrust violations, let's say price fixing, the state can't get directly at them.

Senate Amendment "B" guts the bill. It was perhaps a polite way of killing the bill, and I am moving to kill the amendment.

Thereupon, on motion of Mr. Howe of South Portland, Senate Amendment "B" was indefinitely postponed in non-concurrence.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Tabled Unassigned

On motion of Mr. Davies of Orono, the following Joint Order (H. P. 2030) (Cosponsors: Mr. Higgins of Scarborough, Ms. Benoit of South Portland and Mr. McKean of Limestone)

WHEREAS, sewerage and sanitary districts are not regulated by the Public Utilities Commission; and

WHEREAS, sewerage and sanitary districts are required to undertake complex and costly projects to comply with federal and state environmental laws; and

WHEREAS, there is a broad range in the powers and duties of boards of trustees among sewerage and sanitary districts; and

WHEREAS, the Legislature is required to approve all changes in provisions in sewerage district charters; and

WHEREAS, the sewerage district projects, the powers and duties of trustees and charter changes made by the Legislature have a very significant impact upon development in each district and upon user rates throughout the entire State; and

WHEREAS, the opportunity for public participation in the decision-making process is limited in sewerage and sanitary districts; and

WHEREAS, there is widespread public concern about the policies of sanitary and sewerage districts; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Public Utilities shall study the present system of sewerage and sanitary district operation and regulation with particular attention to the present role of the

Legislature over district charters, the advantages and disadvantages of regulation by the Public Utilities Commission and the role of the public in establishing district politics; 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 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 resources, 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 shall be forwarded to members of the committee.

The Order was read.

On motion of Mr. Tierney of Lisbon Falls, tabled Unassigned pending passage.

The following papers were taken up out of order by unanimous consent:

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Instructors at the Vocational-technical Institutes" (Emergency) (H. P. 2027) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mr. Morton of Farmington) (Governor's Bill)

Bill "An Act to Provide Compensation and Benefits Agreed to by the State and the Maine Teachers' Association for Employees in the Bargaining Unit of Administrators at the Vocational-technical Institutes" (Emergency) (H. P. 2028) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mr. Morton of Farmington) (Governor's Bill)

Were referred to the Committee on Appropriations and Financial Affairs, Ordered Printed and sent up for concurrence.

Bill "An Act Relating to the State Valuation of the Town of Patten" (Emergency) (H. P. 2031) (Presented by Mr. Birt of East Millinocket) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Taxation was suggested.

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

By unanimous consent, ordered sent forthwith to the Senate.

Reference was made to (S. P. 811) Joint Order relative to appointing a Joint Select Committee to Study the Proposed Indian Land Claim Settlement Agreement.

The Chair appointed the following members on the part of the House as Conferees:

Mrs. POST of Owl's Head  
Mr. DOW of West Gardiner  
Mr. HOBBS of Saco  
Mrs. MITCHELL of Vassalboro  
Mr. PEARSON of Old Town  
Mr. VIOLETTE of Van Buren  
Mr. BROWN of Livermore Falls  
Mr. GILLIS of Calais  
Mrs. SEWALL of Newcastle  
Mr. STROUT of Corinth

(Off Record Remarks)

On motion of Mrs. Martin of Brunswick, adjourned until ten o'clock tomorrow morning.