

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

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

HOUSE

Wednesday, March 26, 1980

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

Prayer by the Dr. Reverend David L. Glusk-
er of the Green Street Methodist Church, Au-
gusta.

Reverend GLUSKER: Let us pray! Lord,
God, we pause in your presence recognizing
that you are involved in all of the activities of
life, that we are a part of your world and not
the other way around. Lord, God, we pray your
special blessing on us as we are gathered to-
gether today that we may be sensitive to that
which is best for all people, that we may not be
rebellious or full of pride or stiff-necked, but
rather that we may be open to that which is for
the good of all.

So bless us and enable us to be sensitive to
negotiations and responsive to your will. Hear
us as we pause in prayer honoring you. Amen.

The Journal of yesterday was read and ap-
proved.

Committee of Conference Report

Report of the Committee of Conference on
the disagreeing action of two branches of the
Legislature on Bill "An Act to Increase Trap-
ping Fees" (H. P. 1833) (L. D. 1937) have had
the same under consideration and ask leave to
report that the Senate recede from failing to
Enact the Bill and Pass the Bill to be Enacted
as amended by Committee Amendment "A"
(H-890) in concurrence.

Signed:

Messrs. DOW of West Gardiner
MacEACHERN of Lincoln
CHURCHILL of Orland
— of the House.
Messrs. REDMOND of Somerset
PIERCE of Kennebec
— of the Senate.

The Report was read.

On motion of Mr. MacEachern of Lincoln,
the Committee of Conference Report was ac-
cepted and sent up for concurrence.

By unanimous consent, ordered sent forth-
with to the Senate.

Papers from the Senate

The following Communication:

March 25, 1980

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

The Senate today voted to Adhere to its
former action whereby it accepted the Ought
Not to Pass Report on Bill, "An Act to Approp-
riate Money for the Maine Energy Resources
Development Fund and to Permit the use of
Those Funds for Demonstration Projects", (H.
P. 1713) (L. D. 1819)

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered
placed on file.

The following paper appearing on Supple-
ment No. 2 was taken up out of order by unan-
imous consent:

Passed to be Enacted

An Act Relating to Agricultural Develop-
ment (H. P. 1719) (L. D. 1830) (S. "A" S-503
to C. "A" H-843)

Was reported by the Committee on En-
grossed Bills as truly and strictly engrossed.

Mr. Rollins of Dixfield 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 of a roll call, a roll call was
ordered.

The SPEAKER: The pending question is on
passage to be enacted. All those in favor will
vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Baker, Barry,
Beaulieu, Benoit, Berube, Birt, Blodgett,
Bowden, Brannigan, Brenerman, Brodeur,
Brown, A.; Brown, D.; Brown, K.C.; Call, Car-
rier, Carroll, Conary, Connolly, Cox, Cunning-
ham, Curtis, Damren, Davis, Dellert, Doukas,
Drinkwater, Dudley, Dutremble, D.; Dutrem-
ble, L.; Elias, Fenlass, Fillmore, Gillis,
Gowen, Hall, Hanson, Hickey, Hobbins, Howe,
Hutchings, Jackson, Jacques, P.; Joyce, Kany,
Laffin, Lancaster, LaPlante, Lewis, Locke,
Lowe, MacBride, MacEachern, Mahany, Mar-
shall, Masterman, Masterton, Maxwell, Mc-
Henry, McKean, McPherson, McSweeney,
Mitchell, Nadeau, Nelson, A.; Nelson, M.;
Nelson, N.; Paradis, E.; Paul, Payne, Peltier,
Peterson, Prescott, Reeves, J.; Reeves, P.;
Roope, Sewall, Sherburne, Simon, Soulas,
Stover, Studley, Theriault, Tierney, Torrey,
Tozier, Tuttle, Twitchell, Vincent, Violette,
Vose, Wentworth, Wood, The Speaker.

NAY — Aloupis, Bordeaux, Brown, K.L.;
Bunker, Carter, F.; Churchill, Dexter, Gavett,
Hunter, Immonen, Kiesman, Leonard, Lougee,
Matthews, Rollins, Sprowl, Tarbell.

ABSENT — Berry, Boudreau, Carter, D.;
Chonko, Cloutier, Davies, Diamond, Dow,
Fowlie, Garsoe, Gray, Gwadacos, Higgins,
Huber, Hughes, Jacques, E.; Jalbert, Kane,
Kelleher, Leighton, Lizotte, Lund, McMahon,
Michael, Morton, Norris, Paradis, P.; Pear-
son, Post, Rolde, Silsby, Small, Smith, Stetson,
Strout, Whittemore, Wyman.

Yes, 97; No, 17; Absent, 37.

The SPEAKER: Ninety-seven having voted
in the affirmative and seventeen in the nega-
tive, with thirty-seven being absent, the
motion does prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forth-
with.

The following papers on Supplement No. 1
were taken up out of order by unanimous con-
sent:

**Passed to be Enacted
Emergency Measures**

An Act to Empower the Board of Trustees of
the Maine Veterans Home to Borrow Funds
and to Issue Bonds, Notes and Other Evidences
of Indebtedness (H. P. 1781) (L. D. 1892) (S.
"B" S-516 to C. "A" H-933)

Was reported by the Committee on En-
grossed 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. 105
voted in favor of the same and none against,
and accordingly the Bill was passed to be en-
acted, signed by the Speaker and sent to the
Senate.

An Act to Provide Compensation and Ben-
efits Agreed to by the State and the Maine
Teachers' Association for Employees in the
Bargaining Unit of Instructors at the Vocation-
al-technical Institutes (H. P. 2027) (L. D. 2033)
(C. "A" H-976)

Was reported by the Committee on En-
grossed 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 the
Bill was passed to be enacted, signed by the
Speaker and sent to the Senate.

An Act to Provide Compensation and Ben-
efits Agreed to by the State and the Maine
Teachers' Association for Employees in the

Bargaining Unit of Administrators at the Voca-
tional-technical Institutes (H. P. 2028) (L. D.
2034) (C. "A" H-977)

Was reported by the Committee on En-
grossed 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. 109
voted in favor of the same and none against,
and accordingly the Bill was passed to be en-
acted, signed by the Speaker and sent to the
Senate.

Passed to be Enacted

An Act to Clarify the Board of Environmen-
tal Protection's Responsibility to Regulate
Roads under the Site Location Law (S. P. 696)
(L. D. 1832) (S. "B" S-514)

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

An Act to Provide Funds for Residential
Energy Conservation (S. P. 766) (L. D. 1963)
(S. "B" S-513 to S. "A" S-465)

Was reported by the Committee on En-
grossed Bills as truly and strictly engrossed.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gen-
tlemen of the House: This is the third time, I
believe, that I have gotten up on this particular
bill, but it is because I feel so strongly about it.

This is the bill that would give low interest
loans to people making up to \$25,000 a year. I
have said before, and I hate to keep repeating
myself, but it is not necessary. Even people in
very low incomes are making every effort they
can to make their homes energy efficient. One
speaker, I believe it was Mr. Brown from Liv-
ermore Falls, had spoken about the fact that
government is supposed to help people who
can't help themselves, not people who can very
easily help themselves and who are showing
that they can help themselves.

The money is backed by the Maine Housing
Authority. I believe we heard, I believe it was
Mrs. Kany from Waterville, who described how
it works, but she went so far and she didn't go
all the way, and I am not sure that it is on the
record anywhere, the rest of the story after she
gave it to us.

The Maine Housing Authority actually buys
money from a bank; that is what it does. Then,
in turn, it can sell that money, and the reason it
can sell it and make a profit is that they can
sell it in no-interest bonds. The only people who
can conceivably buy no-interest bonds are very
very wealthy people because (1) they come in
very large denominations and (2) the only way
it would be worth your while to pay that much
money for the bond is if you are in a very high
income bracket, so your income bracket would
have to be in the 90 percent in order to have it
worth your while to buy these no-interest
bonds. So to say that the middle income person
doesn't pay is absolutely wrong, because who
pays all the taxes? The middle income people.

Also, the middle income person not only
would be paying, would be making up the dif-
ference here and if somebody reneges on the
bond, then the Maine Housing Authority is
going to be left holding that debt, so the Maine
Housing Authority gets its money from the
state. Also, if no-interest bonds money is sold,
that means that is an area where the govern-
ment is not getting any income. The only way
our government gets income is from taxes, so
if we sell no tax bonds, obviously there is no tax
money coming in there, it has got to come from
somewhere else.

It is a raid on the middle income people again
to give them something that they are not really
asking for to make some people feel that they
are doing something to make us look more
energy conscious. Well, I can assure you,
nobody has to make Maine people look more

energy conscious than they are, because I believe we have one of the best records in the United States for showing how we can conserve energy.

Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentlewoman from Auburn, Mrs. Lewis, moves that this bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of the gentlelady from Auburn this morning. During the past several days, I have talked with many of my constituents, especially those who are in the middle income bracket because this is a bill that supposedly would benefit that group. Ladies and gentlemen, those folks are amazed that this legislature is considering the kind of legislation as this bill represents. This group of people doesn't want a whole new layer of programs and bureaucracy. This group of people wants a break, and this is not the kind of break that they are looking for, because if we continue on with the bureaucratic layering and the development of new programs to support this group of individuals, which, up to this point at least, has not needed these kinds of programs, we are indeed making a serious mistake.

People in this income bracket already are fixing up their homes, making them more energy efficient. Why? Very simple—price of home heating fuel is somewhere around a buck a gallon, and we all know what it is going to be next year.

Why do you think that this country is in the kind of economic condition that we are at the moment? We are in the kind of condition that we are because of these kinds of bills. Please, ladies and gentlemen, show some reason this morning and vote to indefinitely postpone this bill.

The SPEAKER: The Chair will order a vote. All those in favor of this Bill and all its accompanying papers being indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Blodgett of Waldoboro 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 Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this bill today because I thought that most of us in this room had enough sense to vote for something that we know the people really want.

All I hear today is middle income people, middle income people pay, pay and pay. That gives you more reason to vote for this bill. This group of individuals—what group of individuals? The people where I live, maybe I live in a different part of the world, but everybody in my area thinks it is a good bill, it is enabling legislation. It is the first chance they have to borrow some money to at least try and fix up their homes. Is that asking too much?

As I said earlier, I don't have my car today, I have got a truck, and all you people that still have so much money, I will back up the truck and you can give it to me.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I don't think I would have to speak again on this bill today, but some of the remarks that Mrs. Lewis made, I must admit,

really got me going.

I think she is right that people in Maine are doing all that they can to fix up their homes for the winter, they are doing all they can, and quite often that is not enough. Why isn't it enough? Because it is very expensive to insulate your home, to buy storm windows, storm doors, wood stoves, new furnaces, switch your heating system to something else—how many of you have done that? Do you know how much it costs to do that? We are doing all that we can but we are not doing as much as we should be doing because we can't afford to. We have to pay for food, we must pay for oil, we must pay for gasoline, how much do you think is left? Those are necessities.

I urge you not to vote for indefinite postponement of this bill.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentlelady from South Portland, Representative Benoit, the answer to her question is \$3,750.

I support the motion for indefinite postponement this morning, and I think we ought to remind ourselves just what tax free bonds are. These are bonds that people buy because they don't need to pay any federal income tax on the earnings of those bonds; so, consequently, they decide to take their money out of savings banks and savings and loan associations and invest them in these kinds of bonds. This, coupled with the federal government selling their T bonds at the market, with a record return now of something like 16 percent, prompts people further to take their money out of savings banks and this gives us the situation that I compared to my dog chasing his tail when we talked about this last week. We go round and round in a vicious cycle trying to treat the effect instead of the cause, which is inflation.

There are several things wrong with this. First of all, it is inflationary and it doesn't attack the root of the problem. The second thing wrong with it is that it crosses the threshold of taking the middle class onto the subsidy in the dole. There has been a tradition in this country of helping those that can't help themselves. But with things like this, we are crossing the line into helping people who can help themselves in providing subsidies to people who earn up to \$25,000 a year. In other words, we are encouraging more and more people to ride, if you will, on the economic wagon of this country instead of pushing it.

Finally, for no good reason at all, we are increasing the scope and the function of an agency of state government which existed only for some nine or ten years and when the problem is thoroughly analyzed, you discover there is no reason for the existence of the agency at all, but it just gives them a further reason to live and a further useless function.

I could go on and on about this but I don't want to prolong this debate, but I would urge your vote for indefinite postponement.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: The Appropriations Committee had this bill, we gave it a lot of consideration and reported the bill out favorably. I have heard the arguments that this is inflationary and this is an extra layer of government and all that sort of thing. The government layer exists, it is right there and this is merely changing it in such a way that you give them a little more latitude.

This roll-over provision that is provided here is so that the loans which are presently on the books for merely building homes can be purchased by the authority and that same money is required by the authority to be put back into energy-saving loans. You know and I know that if this is done, it will cut down on the use of that tremendously expensive foreign oil that we have had to use to heat our homes today. It will

make the opportunity for retrofitting homes, insulating them, and I don't know why all of a sudden there is tremendous pressure in this body to abandon this group of people who makes salaries in the neighborhood of \$15,000 to \$25,000.

I do believe, as the gentleman from Lewiston pointed out the other day, I think it was on the floor, I have heard him talk so much in committee that I am not positive it was on the floor, but it seems to me he said it was on the floor and he talked about the person with a youngster in college and another youngster in high school getting ready to go to college and another one in grammar school who is looking forward to that same kind of an education. The point is that these people are hurting also. So I see no reason why all of a sudden we are abandoning them.

This is merely an extension of the authority that presently exists so that loans can be made to cover energy, retrofitting, energy improvements, and it enables them to roll-over some loans which are presently made only for housing per se. I think it is a reasonable bill and I hope you will support the bill as it comes down the line.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: You have to remember, we have to define what the term middle income is. The maximum is \$25,000 but it also deals with \$18,000, \$14,000, \$16,000, and that is the key issue.

We all campaigned two years ago, and we are going to go out and campaign shortly, many of us, about ways to help the middle income. We have done it time and time again and, darn it, this bill will do that. It is going to help the middle income and those are the people that have been paying the bills for a long time. Anytime we use oil, what we are doing is increasing inflation in this country, and I think what this is going to do is allow maybe less oil to be used.

It is time that we helped the middle income people. This will do it and I hope you will all join us.

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: It was Mr. Jalbert who said on the floor, I believe yesterday, that it was the people who have an income in the \$15,000 to \$25,000 bracket that are the poor people, if they have people in college, because they don't get any assistance.

The thing I resent with my good friend and seatmate and joshing person beside of me, Mr. Leighton, when he starts talking about doles for these people. These are the people in my district, these people I grew up with, these are the people that are in that category. We do assist, and I don't like the term dole, poor people with food stamps, with direct assistance, with many others, and most of them need it and deserve it but there is another great group of people that we assist, and that is the rich people, the big corporations, and nobody uses the word dole for Chrysler and for all of the shipyards not our own, because they are able to come across when their deadlines are due. But others are on cost plus, our government assists and assists and assists and that is really dole. But this group of people in the bracket that come from my district and my own life and need to feel that they are also getting some kind of attention. This kind of a bill gives that kind of attention; I resent the word 'dole'.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I take exception to the gentleman from Farmington's remarks and I would only guess that perhaps Mr. Morton and Mr. Diamond were not in their seats when the

previous remarks were made. We are not abandoning the middle-income group of people. Just to the contrary, we are trying to hold onto something which we think is very sacred, and that is allowing the middle-income group to perhaps function on their own, which is what they want to do and are asking very desperately to let them do.

I would only ask you to consider this—who will be paying the bill? Ask that question to yourselves; it is the middle-income group that is going to be paying that bill, and for every dollar of assistance that they might be getting, it is going to cost \$2 of money out of their pocket.

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Conary.

Mr. CONARY: Mr. Speaker, I would like to pose a question. It just occurred to me, if, for instance, I qualified for this particular assistance, falling within the \$25,000 bracket, I believe there are energy credits available to me tax wise. Does this mean that if I applied and received assistance under this program, I would also qualify for tax credits? If that is the case, then would not the state income be reduced and should this bill then have a fiscal note?

The SPEAKER: Is the gentleman posing the question to the Chair? I can check the record if there is a fiscal note on there.

Mr. CONARY: Mr. Speaker, I am posing the question to anyone. The second part of the question is, if the first part is yes, I would qualify for two things, low interest and energy credits taxwise. If the answer to that question is yes, then maybe we should follow up with a fiscal note. That just occurred to me.

The SPEAKER: The Chair would advise the gentleman that the Chair has no fiscal note required on the bill, pursuant to the second part of that question. I can't respond to anything else, except that there is no fiscal note required.

Mr. CONARY: Would someone care to answer the first question?

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I really don't know the answer to the question but if you borrow money from your credit union or your bank, which I happen to do, to do some insulation or buy storm windows or what have you, you have to pay that money back. In addition you can get a tax credit, and I don't see why it would be any different to borrow the money in this manner and pay it back and also get a tax credit. I am sure someone can correct me if I am wrong.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: The question posed, I believe, can be answered by saying yes, in fact, there are federal tax credits available and it would not accrue directly, it would not be the responsibility and obligation of state tax money. Does that answer the question?

The SPEAKER: The Chair recognizes the gentleman from Oakland, Mr. Conary.

Mr. CONARY: Mr. Speaker, Ladies and Gentlemen of the House: If I understand it correctly then, there is no state tax credit involved. Is that correct?

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I believe that there is a program which we enacted last year which does provide for energy credits at the state level.

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

Mrs. HUBER: Mr. Speaker and Members of the House: The energy credits just referred to you are for putting in central heating systems that use renewable resources. They are not conservation improvement tax credits.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just respond to my good seatmate and I agree with him totally that Chrysler shouldn't be bailed out and neither should the middle class.

I would also respond, very briefly, to the remarks of the gentleman from Farmington.

In the general feeling that somehow this bill is directed towards energy conservation, I can assure you that this thing, in its administration by the savings banks and the savings and loan associations, will take the form of home repair, and when someone comes in and qualifies and gets the money, there is no policeman that is going to go out and see how he spends this money. This money will be spent for various things. It will be spent for apartment houses, to buy cars, for Bermuda vacations. There is just no way these kinds of things are policed and home repair loans usually don't even constitute a lien on the property. So, those who think this thing is anything other than something to generate lendable money into saving institutions might be absolutely wrong.

The SPEAKER: A roll call has been ordered. The pending motion is on the motion of the gentleman from Auburn, Mrs. Lewis, that this Bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Call, Carrier, Carter, F.; Conary, Damren, Davis, Dellert, Dexter, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Hughes, Hunter, Hutchings, Immonen, Jackson, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, MacBride, Marshall, Masterman, Masterton, Maxwell, Nelson, A.; Paradis, E.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Sprowl, Stover, Studley, Tarbell, Torrey, Twitchell.

NAY — Aloupis, Bachrach, Baker, Barry Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Bunker, Carroll, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Gillis, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Jacques, P.; Jalbert, Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Locke, Lowe, Lund, MacEachern, Mahany, Martin, A.; Matthews, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Simon, Smith, Soulas, Strout, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, The Speaker.

ABSENT — Boudreau, Davies, Fowlie, Jacques, E.; Kelleher, McMahon, Silsby, Small, Stetson, Whittemore, Wyman.

Yes, 50; No, 90; Absent, 11.

The SPEAKER: Fifty having voted in the affirmative and ninety in the negative with eleven being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith to the Senate.

An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems (H. P. 1770) (L. D. 1900) (C. "A" H-972)

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.

Orders

Tabled Unassigned

On motion of Mr. Paradis of Augusta the following Joint Order (H. P. 2047) (Cosponsors:

Mrs. Kany of Waterville and Senator Ault of Kennebec)

WHEREAS, the costs of building, repairing and buying housing are high; and

WHEREAS, the income in Maine makes this an especially serious problem; and

WHEREAS, at least a part of this problem may be solved by action of State Government; 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 State Government shall study the housing policy of Maine State Government to determine to what extent it can be used to improve housing in this State, including an investigation of current and potential programs under the Maine State Housing Authority, local housing authorities, the Municipal Securities Approval Act, the Division of Community Services and the State Planning Office; 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 on 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 Mrs. Mitchell of Vassalboro, tabled unassigned pending passage.

(Off Record Remarks)

Recessed until the sound of the gong.

After Recess

1:00 p.m.

The House was called to order by the Speaker.

On motion of Mr. Tierney of Lisbon Falls, the Chair laid before the House the third tabled and unassigned matter:

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. 2003) (L. D. 2025)

Tabled—March 24, 1980 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Mrs. Kany of Waterville offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-969) was read by the Clerk.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment and would speak to my motion.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that House Amendment "C" be indefinitely postponed.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: When this originally was adopted, I understand, in 1977, I was on the side that adopted this particular measure on the federal budget. The federal budget is made up of this book here, it takes about \$200,000 to \$250,000 worth of work on the part of the state,

hundreds and hundreds of man hours, and what comes out of it, you open to any individual page and you go to any particular place, and this one I just happened to open up to says "Washington County Vocational-technical Institute," in there they will give us figures of what they expect they might be able to get from the federal government. We go through all the rest of them, we did it for a couple of weeks in the Appropriations Committee, and when we got all through, nothing was changed and we are still waiting to see if the federal figures are going to be the same as they said they might be in the federal budget.

I think it was of the best intentions when it was originally proposed; I just don't think it has worked out. I don't think it is worth the time, I don't think it is worth the money, and I especially don't think it is worth the amount of time that the people who work for state government put into this particular document. Consequently, I would hope that you would vote for the indefinite postponement.

I would tell you also that this particular part of the budget that Mrs. Kany is trying to amend does include language that says that if the federal government—I should say it prohibits anybody from new or expanding services without the approval of the legislature. So if you feel that if you do away with this federal budget that the state government is going to grow because nobody is going to be watching it, we have language in there to prevent that.

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

Mrs. KANY: Mr. Speaker and Members of the House: I hope you vote against the pending motion and in favor of adoption of the amendment.

Our budget is over a billion dollars, we have passed that mark. A third of it is in the form of federal funds. This is for state-level programs. Certainly, we should be looking at those federal funds and how they are spent; otherwise, we would be concentrating all our energies on just two thirds and we would have the same situation that we noted before. We would have the situation in which the legislature makes a policy decision, decides not to have a particular program, turns around and finds out that indeed that agency has implemented a program, and how have they done it? With federal funds in which there is quite a bit of discretion in how they are spent.

I do understand and sympathize with our hard-working Appropriations Committee, in that they feel that this is a lot of work, but certainly we should be doing it. Even if we didn't, even if we shouldn't, we should be taking this up at another time. No way in the world, in the tail end of an appropriations bill, in a supplemental appropriations bill, should we be repealing a major law without having given notice in advance that there was consideration of repealing it.

I ask you to please vote against the indefinite postponement on that basis alone, that there was no notice, no bill, no opportunity for public input or if they want to keep this very major law. Please vote against the pending motion.

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

Mr. BRANNIGAN: Mr. Speaker, I would like to pose a question to the Chairman, Representative Pearson. Considering that this was the first time that this effort was made, considering that a great effort was made in passing this piece of legislation and trying to get a handle on how we are multiply funded through federal funds, I would ask two questions. First, was this the only way to do it, this way that you and your colleagues found cumbersome and not very profitable, was this the only way to do it given it was the first time you tried?

Secondly, why repeal it in this way rather than in some other way.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, has posed questions to the

gentleman from Old Town, Mr. Pearson, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would respond to Mr. Brannigan, the Representative from Portland, in this way. This is the second year of the biennium, this is the short session, and this is the supplemental budget when you take all of the state financial programs, this is probably not nearly as significant as the budget that is passed in the first year of the biennium, this is a supplement when we found that we needed new things, inflation, trying to catch up and everything, so you can imagine what it would be like next year when we really are going to be tackling all sorts of programs in an attempt to cut the budget, which we are going to have to do, and have to deal for weeks at a time with something that we have little or no effect on.

You ask, is there any other way to do it. I suppose there is. I really can't think of one right now. We pursued this the same way we do our General Fund budget, looking it over from item to item. There may be another mechanism to do it if you really wanted to. And why repeal it this way? Because we are going into the first year of the biennium next time, and if it is not done now, then it is going to cause us problems then because of time constraints. We not only have the budget that we deal with, but we have got all sorts of L.D.'s that are referred to our committee and we simply don't have the time, and I don't think it is worth the money and effort that goes into it.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that House Amendment "C" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
71 having voted in the affirmative and 42 having voted in the negative, the motion did prevail.

Mrs. Berube of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-966) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker and Members of the House: I now move that we indefinitely postpone House Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: I would ask for a roll call on the motion.

I would like to say that I am speaking for myself on this amendment and not for the other members of the committee which I sit on, although we have discussed this.

The amendment simply removes or deletes the funding mechanism for the agricultural reorganization bill which has been passed earlier today. I had felt that this—and I supported, by the way, the reorganization bill—I had felt that the funding mechanism should take its place on the Appropriations Table like all the other good bills that have just been voted on this noon, I understand, and I realize that it is the expedient thing to do, to put a funding mechanism onto an appropriations act, but I don't think it is right. I think it negates, in a sense, all the good work that we did in our committee; namely, improving programs and saving tax dollars.

We had sent a letter to the Appropriations Committee, and I will just quote briefly. "We did not earmark the savings which have resulted from our sunset reviews for any specific purpose or area of government. We tried to save General Fund dollars whenever we felt changes could be made, and we were not carrying out our sunset responsibilities to free up funds to be dedicated to any specific program."

I would like to quote from a letter which was

sent from the department because you will be hearing that the monies were not dedicated and the savings from the sunset were, indeed, put into the General Fund budget and from there passed on to various programs, among which is the reorganization program.

The letter said: "It should be noted that these 15 new positions" which the bill we passed this morning is creating, "may be balanced off against the elimination of 13 General Fund positions in the sunset bill with an accompanying reduction of \$335,480. In other words, the savings in the sunset bill would fund the revised proposal." I take issue with that. I guess what I am saying is that it should have taken its chance on the Appropriation Table and not use up all the monies that we managed to save, most of which, by the way, came from the very department that is now expanding.

Some people told me, in the real world outside, that no matter how many savings we made with sunset, that it wouldn't be reflected in lowered cost of government because someone would come right along and create new programs, spend it, and I guess I refused to be that cynical. You know, we really worked hard in that committee and we tried to sift the justifiable against the self-perpetuating, and I think we succeeded, but in the same spirit I am presenting an amendment, because if the sunset bill was a sincere effort to cut costs and to keep the sunset mechanism on the right track, I think this amendment would assure that it would keep on the right track.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The agriculture bill, the appropriations bill, both those bills, were submitted in January. They were drawn up before that time.

The Committee on Performance Audit submitted their report much later than that, after they had diligently looked over various departments to see where they could cut. I tell you that time frame because I want you to understand that the idea for the reorganization of the Agriculture Department didn't take place as a result of any savings that was realized as a result of the Audit Committee's report and the subsequent bill which was passed in this House.

I think it is unfortunate that anybody would have written any kind of a letter or make any kind of a statement that said that one was tied to the other, because I don't think they were in my own mind and I think that is true of most members of the Appropriations Committee.

I wouldn't deny for a minute that it didn't come up, that we didn't say, well, you know there has been some savings, but one is not related, in my mind, to the other.

I understand that the Audit Committee wants to be able to save some money, and I think they should, but I think that at the same time they ought to realize that some of the savings that they can make will make it possible to have a better government, a better Maine, in other areas, and that you can't always assume that every cent you save is never going to be spent again, especially when you have a world that includes inflation.

I understand where Mrs. Berube is coming from and how she feels, but I don't look at it the same way she does. She believes that we did one thing because she saved some money, and I don't think we did.

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

Mr. JALBERT: Mr. Speaker and Members of the House: When we first got the appropriations act, I took the position that I was not going to support the funding mechanism of the reorganization of the Agricultural Department within the budget. I want the lady from Lewiston to listen to me very, very carefully. I fought that position right down the line, until such time as a compromise was effectuated, and I must say that emotionally the gentlelady from

Lewiston is correct, but technically she is not correct.

As the time drew nearer and nearer to come out with the appropriations act, I could see that there were two areas of dissent; one was for fuel for the second year of the biennium; the other was the agricultural program. A favorable compromise, to my thinking at least, was arrived at by putting the money for the second year of the biennium into the budget and leaving the agricultural program as it was, but funding for only half of it, half the money. That was the reason why I voted for it.

I contend now, and I still contend, that if we do not go this route with the Appropriations Committee, we are going to be right back in the Appropriations Committee with a split report, which is about the worse thing that could happen to us. I can assure you that something is going to have to give, because with the Indian case and other things that we have got before us, it will take us longer than three days to settle this situation.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I would like to correct the gentleman, the chairman of Appropriations. He has left the room, but for his benefit, the report of the Committee on Audit and Program Review was dated December 31, 1979, and I believe it was on the members' desks immediately thereafter.

I am afraid there is a connection. Certainly the commissioner and members of his department worked with us over the summer and through the fall developing our recommendations. The letter that Mrs. Berube quoted from, I think, is quite explicit and I frankly feel that this legislature has a credibility problem, not among ourselves and not in how we arranged things so that they work but with the public, and I would ask you to support the gentlelady's amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to put this in perspective if I possibly can.

First I want to say, without equivocation, that I think the word that was done by the Performance Audit Committee is vastly important, absolutely necessary to the on-going good government of the State of Maine, and I support what they did do. I think they should be congratulated on the success of the program that they were able to bring forward. They got it passed here in the House and the Senate, so their efforts have been rewarded by the support they have received from the rest of the legislature. By the very nature of the way that this process works, the money that they save is going into the General Fund. Then, unfortunately, it was proposed with the agriculture bill throughout the session at various times, the money, first of all, is only half enough, and then when the agriculture bill was reduced, it was about the same amount, but I submit it was only just a position in people's minds, and I think you must understand that.

The General Fund money is for every program, and you can say that with the passage of this bill, which is the bill we are attempting to deal with this afternoon, and with the amendment that the gentlelady has put on it, we haven't touched the money that was saved by the Performance Audit Committee, because perhaps you can look at it any way you want to, label those dollars any way you want to, but presumably they are still in the General Fund until we get much further down the line and take bills off the table.

So, it really is absolutely and technically incorrect. The money was not dedicated; it merely went flowing into the General Fund, and it was supposed to do. Whether it was spent for one project or another, you label those dollars after they get in the General Fund, I can't.

But I will say that with the passage of the appropriations act that you have before you, there still remains available for disposition by this legislature several times the amount of money that was saved by the action of the Performance Audit Committee, which will be disposed of according to the dictates of this legislature.

I certainly want to emphasize again and again that we need the type of work that was done by Performance Audit, it needs to be expanded. In some states it is expanded much beyond what they are authorized to do here. I support that idea, I hope we get to that position sometime here in the State of Maine.

They should not feel defeated; they should feel very proud of the work they were able to accomplish and getting it through the legislature.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I think that where the mistake was made in this measure is the Governor took his supplemental appropriation bill and gave preferential treatment to a particular program, a program that probably should have been placed on the Appropriations Table with other programs, and in doing so, I think there were other measures and other bills that probably should have been in the supplemental appropriations act that were not. I think that is where the mistake and the unfairness of giving preferential treatment to this measure has come.

Any way you look at it, it is a brand new program, it reorganizes department of state government, it encompasses, even in its revised and shortened and condensed form, in appropriation form, it does call for a new layer of bureaucracy, it does call for expanded government. It is a brand new program that should have been on a bill with funding on the Appropriations Table and not tucked into the appropriations act at a time when other bills are equally sitting on the table and do not share and enjoy that kind of preferential treatment. I think the mistake was made early on, the unfair mistake was made early on when the measure came into the legislature in that form, and I think in all fairness, not to fault the Appropriations Committee, in all fairness, it should have put that measure out on the table along with the other bills.

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. 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 of a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Easton, Mr. Mahany, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Blodgett, Bordeaux, Bowden, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Fenlason, Fillmore, Garsoe, Gwadnosky, Hall, Hickey, Higgins, Howe, Hughes, Hunter, Immonen, Jackson, Jacques, P.; Jalburt, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, Lizotte, Locke, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Pearson, Peltier, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Roope, Sherburne, Simon,

Smith, Theriault, Tierney, Torrey, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Alopis, Austin, Barry, Berube, Brown, D.; Brown, K.L.; Bunker, Carrier, Carter, F.; Canary, Damren, Davis, Dellert, Dexter, Gavett, Gillis, Gowen, Gray, Hanson, Huber, Hutchings, Jacques, E.; Kiesman, LaPlante, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, Matthews, Payne, Peterson, Rollins, Sewall, Silsby, Small, Sprowl, Stover, Strout, Studley, Tarbell.

ABSENT — Boudreau, Churchill, Cunningham, Davies, Dudley, Dutremble, L.; Fowlie, Hobbins, Masterton, McMahon, Paul, Soulas, Stetson, Whittemore.

Yes, 95; No, 42; Absent, 14.

The SPEAKER: Ninety-five having voted in the affirmative and forty-two in the negative with fourteen being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed and by unanimous consent, ordered sent forthwith to the Senate for concurrence.

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

Passed to Be Enacted Emergency Measure

As Act to Make Further Revisions to Salaries of Certain County Officers (H. P. 2046) (L. D. 2036)

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. 124 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Non-Concurrent Matter

Bill "An Act to Amend Allocations from the Highway Fund for the Fiscal Years from July, 1, 1979 to June 30, 1980 and from July 1, 1980 to June 30, 1981, Decrease the State Aid Bonus from 40% to 20%, and Revise Drivers' License and Examination Fees" (Emergency) (H. P. 1723) (L. D. 1827) on which the House Insisted on its former action whereby the Bill was passed to be Engrossed as amended by Committee Amendment "A" (H-812) as amended by House Amendments "E" (H-868) and "G" (H-947) thereto in the House on March 25, 1980 in non-concurrence.

Came from the Senate with that Body having Adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-812) as amended by Senate Amendment "L" (S-250) thereto in non-concurrence.

In the House:

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

Mr. STROUT: Mr. Speaker, I move that the House adhere.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope this afternoon that we do not kill this bill.

Some time ago I stood on the floor of this House and I was very much opposed to a bill that did away with about 90 jobs in this state. They said it would beautify our state and put 90 people out of work. They tore down one of these signs in Portland and when they did, they took away the beauty.

I stood on the floor of this House and I defended the Maine Turnpike Authority to keep the tolls on the turnpike so that we could keep 332 people working, and I am hoping that in time we will see that we were wrong in our action then and we will bring that back and we

will continue to go the route to keep people working.

If we do not agree with the other body, we are going to put 400 people out of work. Now, I don't believe that the members of this legislature want to put anyone out of work, and I don't care who drew it up, I don't care who is to blame. I don't know how we got into this mess because I am not as smart as many of you here, but I do know that we have an obligation of keep people working in this state. If we don't keep people working in this state, I think we have done an injustice, we have done a grave injustice.

I would hope that this afternoon we would go along, keep this bill alive so that we would come out of here with something. I don't want to go back home and tell the people in my city that this legislature put 400 people out of work and we went home with nothing, and I don't believe you do either.

This package may not be perfect, I am not saying that, because there are a lot of things up here that we pass that are not perfect. I have voted for bills and when you read down, you see in the small space—gee, I don't want that bill in there. I don't want this piece in there, I don't want that in there, but we vote for it. We do that on a lot of pieces of legislation and nothing comes out of this House that is perfect.

We voted on an appropriation bill, and I am sure a lot of you have many questions about that bill. Some of you wanted to put amendments on there and you couldn't get them on, but that is the process. You weren't satisfied with the whole package, and today I want that bill kept alive to keep 400 people working.

I am not going to take credit for anything, but I will tell you one thing, if we don't keep that bill alive, we are going to take credit for putting 400 working people in this state out of a job.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Garsoe.

Mr. GARSOE: Mr. Speaker, I request a vote.

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

Mr. LAFFIN: Mr. Speaker, I move we recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, 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. Laffin of Westbrook 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 of a roll call, a roll call was ordered.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I think it would be remiss for me, for anyone within the committee, to not give you the scenario of what has happened and give you an opportunity to make up your mind what you want to do on this very important issue.

As you realize, we originally had a Governor's Bill which came to the committee, which the committee acted on with 12 different amendments, and each time the amendments had a problem with them that was either seen in the House or at the other end of the hall, and today we are down to the point where we are either going to have a bill or we are not.

I can't truthfully say that we are not going to have a bill if we do adhere, what I am going to tell you is this—when you come down here on April 2, you are going to find, instead of just the Indian Land Claim, you are going to have a

highway bill also, because I don't think the Governor of this State, I don't think the other end of the hall, and I don't think there is anybody in here that doesn't want to try to solve the problems that the Highway Department has.

The issue, as far as I am concerned, has turned somewhat political, and I think that is a shame, I think it is a real shame.

Many, many meetings were held and not one individual on the Transportation Committee was even invited or involved, and I can truthfully say that in most of the meetings not even the House Minority Leader was involved, or the Majority Leader, and the decisions were being made by two or three members of the other body who didn't even come down to the meetings, who didn't even bother to come to the committee hearings. I think that is a shame.

So, we have come down to this point; if we recede and concur and we buy the version of the bill we presently have, you have a million and a half dollars out of winter maintenance. I am going to tell you something, my friends, as of the 14th of March, you have \$3 million in the winter maintenance account. You were spending on the average of \$900,000 a week in that account, and everybody says, oh, the winter might be over—it might; then again, it might not. You still haven't cleared the culverts up north, you still have ice in the culverts. There is nothing to say that \$900,000 per week isn't going to continue as is, and if it does, where are you going to be three weeks down the road if you have another storm? Where is the account going to be then and what is going to happen next year? Well, we say we can pull a half a million out because it is not going to snow as much next year. I think you have lived here long enough, just as I have, to know that could be a false statement also.

You also say, we will pull \$2 million out of the summer maintenance account, which means there is 400 miles less road in this state that we are going to resurface. Well, I will bet you right now that about half of that, or 200 miles of those roads, when it comes back to the time you can resurface, you are not going to talk about resurfacing, you are going to talk about reconstruction at a cost now of about \$28 per square foot, so you can figure out what it is going to cost two years down the line from now.

This is the bind that you are in. If you don't recede and concur and you move to adhere, there is a possibility that we can come back here on the 2nd of April and have a good bill. I think we can put our faith in our Majority Leader, our Minority Leader, and even the people at the other end of the hall when they realize that on the 2nd of April when we come back, we don't have another chance, and I think right now they realize we do have another chance. I am not going to say that you wouldn't have a bill if this bill was dead. This would be, but you would have something to work with.

This is the position you are in now. I have got to leave it up to you, however you want to vote.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, we voted on the highway bill. The highway bill is the life blood of the State of Maine. School buses will not travel, food will not move, you have many, many things.

Yesterday, you killed a bill for the snowmobile riders to travel all over this state, and that the pleasure boats can ride all over the lakes and get their refunds. I have been filing for 32 years and I never filed for one cent gas money back—why—because I felt that I have a responsibility to fund the highways. No, I wanted to be honest. I think we have all tried to be honest, but I listened to some speeches in the unmentionable body that were dishonest, because the gentlemen, who live in the cities, they can walk to work, they don't have to ride. It is not going to affect them if you don't have a budget. They

are going to have everything they have always had, but I don't want to hear over and over again that we want a long-range program. We don't have anybody in business today who can tell you what is going to happen a week from today. Nobody can give anybody a long-range program today with the economy bouncing along the way it is.

I tell you, ladies and gentlemen of this House, this bill still has the emergency amendment on it and I am just wasting my time getting up here and I know it. I know when I am beat and I know when I am being pushed around, but I haven't begun to fight, because I will come back again and again and again. I can turn the other cheek and walk away, I can take my licking today, but I haven't enjoyed it. There are days when I have enjoyed losing, when I lost that \$2 million—that was the good doctor's son—we owed it to him, we gave it to him.

But I am not happy to lose this battle here today and I am not happy with the statements that were made in the unmentionable body, because I think we tried. We didn't try once, we tried over and over and over again.

First one would come in, then another and then another, amendments galore, papers galore and what did it all amount to? All these hours and hours of work, all for naught. Why? Why? Because you have a power struggle going on here—power. Boy, am I powerful, am I powerful, the House isn't having their way, we won, we won. A hollow victory was won, a very shallow victory was won.

Ladies and gentlemen, I hope you will agree with Representative Laffin here today and vote against, and I would request the yeas and nays.

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

Mr. BRANNIGAN: Mr. Speaker, Members of the House: I stand with great fear and trepidation being a freshman with no power and from the city, following Representative Carroll.

I feel I would just like to say, first of all, that I voted against yesterday and I just voted against a few minutes ago. I certainly don't want to vote against jobs—we are talking about 400 jobs. I think we are probably talking about positions and not jobs, but I am not sure and hopefully that will be clarified. I voted against because I felt at this time that no bill at all, versus what we were voting on, provided more economy in the department and the least effect on our towns and cities, but I may be wrong and I may be naive about that. It seems to me that I have heard some suggestions from some members of the committee—I certainly have been impressed with some of the things that Representative Elias has said—there are still things that can be done that would give us a bill that will provide the economies and will protect our city and town tax rates. Therefore, unless other arguments come to convince me, I feel that I still will have to vote against and I hope that I am not voting against jobs.

Another thing that I think about—my wife and I are cutting back on our budgets and some things have to go. The federal government is cutting back on budgets, we are cutting back on budgets at this level. Some positions, at least, are going to have to be cut out, as some things are going to have to be cut out in my own life, and I don't think we can always react to that, that jobs are going to be lost. Let's talk about positions, hopefully, attrition, but let's think this through very carefully. Hopefully, we can come up with something that will provide the most economy for the department with the least effect on our home towns and cities.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly have the greatest respect for my colleagues from Aroostook County; however, I don't have a crystal ball. The Governor doesn't inform me what he is going to do. He doesn't call me in and say,

well, you kill this and I will present something next week.

We have before us one bill, that is all we have. We don't have promises, and I don't care about the other body, they don't mean a thing to me and they shouldn't mean anything to members of the House. What is before us is what we have, and what we see is what we have got. If we don't have that, we go out of here with nothing. If the Governor has promised you or any member of this House or the leadership, they haven't told me, that when we come back next week, he's got a whole new ball game, a whole new package. Maybe he has, I am not saying that he hasn't, all I am saying is what we have before us is not 400 positions, it is 400 jobs of working people. Now, if the members of this Legislature that have always supported the working people of this state want to throw out 400 jobs because of some squabble that I don't know anything about—I don't know the first thing about it and I am not even interested, I could care less what they do—but I can assure you that Representative Carroll wouldn't be on the floor of this House supporting something if it was against the working people, and I can say the same.

If you people want to go on here today and vote for 400 jobs to be lost, then do it, go back and tell your people, well, we have been promised something else. I haven't been promised anything. All I know is what is before us today, and we can only take into consideration the bill that we are working on now. The bill we had 10 minutes ago is gone, that is dead. The bill that you had yesterday is gone, that is dead, but the bill we have before us today is the only bill in consideration.

What might happen tomorrow—what about the Appropriations Committee? They might do a lot of things but the Appropriations Committee will have the final say on the bill that is before them. We hope they support our legislation, we hope they do what we want them to do, we have no guarantee of that. But we have a guarantee of this bill, because our vote is going to tell—the Appropriations Committee isn't going to say anything about this bill. But if we kill it and go home, we have nothing.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I think the Highway Budget of the State of Maine has been in the intensive care unit since last January and were the doctor to come up to the budget now and put a mirror under its nose, it is highly likely that there would be very little breath at all reflected on that mirror. Before we pull out the life supports, I thought I would try to at least cast the bill in some kind of perspective. I am going to vote to recede and concur but that should be no surprise, I voted last night to recede and concur.

We have here two immovable political facts of life. The first is that we have a constitutionally mandated system of collecting money for highway revenues, which has resulted, because of the increased cost of energy, in reduced revenues. We have, on the other hand, the political fact of life that those revenues will not be increased by the 109th Legislature. The instable result of that is a forced reduction in the level of services provided by our Department of Transportation, that is inherent in the process.

Now we as government officials have a very hard time in dealing with shortages, we have an easier time dealing with surpluses, and because of that, so many of you have your own ideas as to what specific part of that budget should be added or subtracted to and everyone has their own interest which they are trying to protect, be it the Municipal Association, be it the State Police, be it Fish and Game, be it boatowners, be it snowmobile owners, everyone has their own issue which they are trying to protect.

I agree with Mr. Laffin that fundamentally

the process has got to work and we have to have a consensus and we should have a budget and I am going to support this budget as the best of all bad possibilities. But I would like to add one more thing that Mr. Laffin stated which was absolutely correct—this is the only vehicle before us and this is the last legislative day. If this budget goes down, then there will not be another budget before us today before we adjourn, or, in the immortal and often quoted words of my good friend from Portland, the gentlewoman, Mrs. Nelson, "if she dies, she dies."

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think I have been on this committee for about 18 years and I have never seen anything like this. Let me tell you, we have worked on this bill all winter in our committee, and almost everybody on the committee came out with an amendment. Now, the Senate is doing the same thing we have done all winter, the same exact thing. They cannot find out what is going on themselves.

I will tell you one thing right now, these are the exact figures, and I just got them. There will be 250 full-time jobs cut out and 150 summer jobs; that means the summer fellows that are out of college that take summer jobs, these are the ones that are going to be hurt by this.

I don't know if you know how much the costs have gone up in our department but you can figure rails that we use to pay \$5 a foot are now \$13 a foot. We use to buy cars for \$3,000; it is now up to \$6,000; and gasoline, we use to pay 24 cents a gallon and you know what it is today, I don't have to tell you, and diesel fuel is the same price, so how can we get out of this hole? There is no way.

They don't want to vote a gasoline tax. My people certainly don't want it in my area. It would cost my city \$350,000 per month if we accepted the gasoline tax, and what do we get from the state? We get \$40,000. You think my delegation from Lewiston would vote for this?

This is what is happening. By you guys cutting this budget the way they wanted to cut it, the towns are the ones that are going to get hurt. The big cities aren't going to get hurt because we do our own plowing, we take care of our highways, we don't accept money from the state. As it is, there is a little money coming into the state. Yet, with the T&R money, out of \$2 million that I voted for for Mr. Carroll two years ago, he asked me to vote for it, I was on his committee with him, I said, sure, I will go along with it, I want to help the towns because they need it. We got \$2,500 out of \$2 million. I certainly didn't vote to help my community. I did it because I wanted to help the small towns.

Let me tell you something, next winter when you get up in the morning, don't think that that plow is going to be in your area—at eleven o'clock maybe, but not seven o'clock or six o'clock in the morning that highway will be open, because you are not going to see it. I think those days are gone, but I am telling you right now, don't wait until next week to put this bill in because you are going to have the same problem that you are having today because we have had that problem all winter and we still haven't resolved it, and you guys aren't going to resolve it either.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you didn't get the impression that when I spoke I tried to sway you to vote one way or the other, which was not my idea.

Before we came in here, I spoke to the House Chairman, who I normally follow—every once in a while anyway—I talked to the leadership and I, myself, in spite of what you think, Representative Laffin, I am going to vote to recede and concur and that was my intention today

when we got on the roll.

I would like to say this, when we vote, we are also voting to drop 150 jobs, you didn't know that but there it is. When you recede and concur, you are dropping a 150 jobs, so you see what kind of a world you have got yourselves in, two of them. Of course, 150 is better than 400, that I will agree to, but you are still dropping 150 jobs.

I would like to make it very, very clear, and I want it on the record so the department knows that it is very, very clear that the intent of the legislation that we have worked with within our committee and I am sure and do believe wholeheartedly the intent of the legislation, which was worked by certain members at the other end of the hall, is not to take those jobs out of the bottom of the rung, they guy who operates the plow. The intent of this legislation is to make streamlined cuts throughout the department, from the top right on down, not 150 jobs right at the bottom, which is where so many times it happens. Every time you say cut, they sit up there and say, boy, who can we cut on the bottom, because it doesn't affect us sitting up here in these fat cat jobs? I am going on record and I hope everybody in this House goes on record as saying—we are watching you Department of Transportation, we are watching you. And lo and behold the wrath of this House if you take the cuts out of the bottom of the pile and leave the top alone.

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brenerman, Brodeur, Brown, D.; Brown, K.C.; Call, Carrier, Carroll, Carter, D.; Cloutier, Connolly, Cox, Diamond, Dutremble, D.; Gowen, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Jacques, E.; Joyce, Kane, Kany, Laffin, Lancaster, LaPlante, Mahany, Marshall, Martin, A.; Maxwell, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, P.; Pearson, Prescott, Reeves, P.; Rolde, Simon, Soulas, Stover, Theriault, Tierney, Tuttle, Twitchell, Violette, Wentworth, Wood, The Speaker.

NAY — Aloupis, Austin, Berry, Berube, Bordeaux, Bowden, Brannigan, Brown, A.; Brown, K.L.; Bunker, Carter, F.; Chonko, Conary, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Gwadsky, Higgins, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, P.; Jalbert, Kelleher, Kiesman, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Masterman, Masterson, Matthews, Nelson, A.; Paradis, E.; Paul, Payne, Peltier, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Strout, Studley, Tarbell, Torrey, Tozier, Vincent, Vose, Wyman.

ABSENT — Boudreau, Churchill, Cunningham, Davies, Dudley, Dutremble, L.; Fowlie, McMahon, Stetson, Whittemore.

Yes, 65; No, 76, Absent, 10.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-six in the negative, with ten being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

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

Tabled Unassigned
On Motion of Mr. Blodgett of Waldoboro, the

following Joint Order (H. P. 2043)

WHEREAS, the Legislature finds that transfer of petroleum products can be hazardous, and that spills and discharges of petroleum products can cause great damage to property and the environment; and

WHEREAS, the Maine Coastal Protection Fund was established to provide a fund for the rapid removal of petroleum spills and payment of 3rd party damage claims; and

WHEREAS, petroleum handlers are held strictly and vicariously liable for all acts relating to the transfer of petroleum with no limit; and

WHEREAS, this unlimited vicarious liability makes it difficult for some petroleum handlers to obtain liability insurance, thereby undermining the protection of the Maine Coastal Protection Fund; 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 Energy and Natural Resources shall study petroleum handler's liability insurance, determine what types of insurance are available and carried by handlers and determine whether group insurance for terminal operators and other handlers is available; and be it further

ORDERED, that the committee shall review the adequacy of the Maine Coastal Protection Fund, and whether it would be in the interests of the State to administer group liability insurance through the fund; 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 or available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purposes are 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.

On motion of Mrs. Nelson of Portland, Recessed until three-thirty in the afternoon.

After Recess

The House was called to order by the Speaker.

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

Tabled Unassigned

The Following Joint Order: (S. P. 819)

WHEREAS, the Legislature finds that its operating budget has grown from approximately \$1,900,000 in the 1970-71 biennium to an estimated \$6,000,000 in the current biennium; and

WHEREAS, the number of permanent legislative employees has increased from 8 to 26 over the same 10-year period, and the space occupied by legislative activities has grown proportionately; and

WHEREAS, the financial controls on access to the legislative budget may be inadequate to permit a prudent check on the expenditure of taxpayers' funds; and

WHEREAS, the state's finances are in a critical condition and all segments of government must responsibly look for every opportunity to reduce spending, and the Legislature must not hold itself immune; now, therefore, be it

ORDERED, the House concurring, subject

to the Legislative Council's review and determinations hereinafter provided, that the Joint Select Committee on Legislative Finances be created to be composed of 7 members as follows: One to be appointed by the President of the Senate; one by the Speaker of the House; one each by the floor leaders of both bodies; and a chairman to be chosen by agreement of the appointees of the 2 presiding officers. Members shall be lay citizens who are not elected state officials or employees of State Government. They shall serve without pay and be reimbursed for necessary out-of-pocket expenses; and be it further

ORDERED, that the committee shall review the method of preparation and spending of the legislative budget to assure that adequate accountability and controls exist for the maximum protection of taxpayers' dollars. The committee shall identify possible cost savings in staffing patterns, review out-of-state travel and unnecessary costs of constituent services; 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.

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage in concurrence.

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

Special Sentiment Calendar

Recognizing, Jacob Shur, a beloved resident of Island Falls, who will celebrate his 70th birthday on March 31, 1980, amid family and a deeply appreciative community; (H. P. 2048) by Mr. Lougee of Island Falls. (Cosponsors: Mr. Peltier of Houlton and Senator Sewall of Penobscot)

Lottie Merrill, 99 years old, who received the gold-headed cane on March 22, 1980 as Harpswell's oldest resident; (S. P. 822)

There being no objections, the above items were considered passed. By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

Committee of Conference Report

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Provide for Licensing and Regulation of Adult Foster Homes" (H. P. 1816) (L. D. 1927) have had the same under consideration, and ask leave to report: that the Senate recede from its action whereby the Bill was Indefinitely Postponed; read and adopt Conference Committee Amendment "A" (S-521) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A"; that the House recede from its action whereby the Bill was Passed to be Engrossed, as amended by House Amendment "A" (H-938); recede from its action whereby it adopted House Amendment "A" and Indefinitely Postpone same; read and adopt Conference Committee

Amendment "A" (S-521) submitted herewith; and Pass the Bill to be Engrossed, as amended by Conference Committee Amendment "A" (S-521) in concurrence.

Signed:

Mr. PIERCE of Kennebec

Mrs. GILL of Cumberland

Ms. CLARK of Cumberland

— of the Senate.

Mrs. PRESCOTT of Hampden

Mr. BRENERMAN of Portland

— of the House.

The Report was read and accepted.

The House receded from its action whereby the Bill was passed to be engrossed as amended by House Amendment "A"; receded from its action whereby House Amendment "A" was adopted and indefinitely postponed same.

Conference Committee Amendment "A" (S-521) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Conference Committee Amendment "A".

By unanimous consent, ordered sent forthwith.

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

The following Communication: (S. P. 820)

March 26, 1980

Honorable Samuel W. Collins, Jr.

Honorable Barry J. Hobbins

Chairmen, Joint Standing

Committee on the Judiciary

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Eugene W. Beaulieu of Milford for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

JOSEPH SEWALL

President of the Senate

JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

In the House, the Communication was read and referred to the Committee on Judiciary in concurrence.

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

The following Communication: (S. P. 821)

March 26, 1980

Honorable Samuel W. Collins, Jr.

Honorable Barry J. Hobbins

Chairmen, Joint Standing

Committee on the Judiciary

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating William S. Brodrick of South Berwick for appointment to the District Court.

Pursuant to Title 4 MRSA Section 157, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

JOSEPH SEWALL

President of the Senate

JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

In the House, the Communication was read and referred to the Committee on Judiciary in concurrence.

The following paper appearing on Supplement No. 12 was taken up out of order by unanimous consent:

The following Communication:

March 25, 1980

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

Dear John:

The combination of medical treatments and my own schedule have postponed until today my writing you.

However, I want to thank you and each and every member of the House of Representatives for your thoughtfulness and graciousness in awarding the desk and chair I used in Augusta to me and my family. Admittedly, this placed me traditionally in the same position as accorded other Governors, and I am very much aware it took you and your confreres to make this possible.

Once again, thank you so very much, John, for your thoughtfulness in this situation and please extend my warmest regards and appreciation to each and every member of the House.

Best Personal regards.

Sincerely,

JAMES B. LONGLEY

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

The following papers appearing on Supplement No. 13 were taken up out of order by unanimous consent:

Special Sentiment Calendar

Recognizing, the Post-graduate Boys' Basketball Team of Maine Central Institute, winner of the Maine Small College Conference as well as the New England Preparatory Tournament for 1979-80; (H. P. 2049) by Mr. Elias of Madison)

Abbie Palmer of Thomaston, who having answered the call of Gen. John J. Pershing for switchboard operators during W.W. I, was recently discharged with honors from the U.S. Army; (H. P. 2050) by Mr. Gray of Thomaston)

There being no objections, the above items were considered passed and sent up for concurrence.

By unanimous consent ordered sent forthwith.

The following paper appearing on Supplement No. 14 was taken up out of order by unanimous consent:

Passed to be Enacted

An Act to Provide for Licensing and Regulation of Adult Foster Homes (H. P. 1816) (L. D. 1927) (Conference Committee Amendment "A" (S-521))

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.

The following paper appearing on Supplement No. 15 was taken up out of order by unanimous consent:

Passed to be Enacted

Emergency Measure

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 (H. P. 2003) (L. D. 2025)

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. 114 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.

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplement No. 16 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Provide Arthritic Drugs to Eligible Individuals under the Low Cost Drug Program (S. P. 654) (L. D. 1693) which was Passed to be Enacted in the House on February 22, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-414))

Came from the Senate passed to be Engrossed as amended by Committee Amendment "A" (S-414) as amended by Senate Amendment "A" (S-522) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

An Act to Expand the State's Tourism Promotion Effort (H. P. 1690) (L. D. 1789) which was Passed to be Enacted in the House on March 13, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-836))

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-836) as amended by Senate Amendment "A" (S-527) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The following papers appearing on Supplement No. 17 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Revise and Strengthen the Bee Industry Law (H. P. 1745) (L. D. 1861) which was Passed to be Enacted in the House on March 12, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-810) as Amended by House Amendment "B" (H-826).)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-810) as amended by Senate Amendment "A" (S-526) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

An Act to Appropriate Funds for an Increase in Board Rates for Foster Parents and Clothing Allowances for Children under the Care or Custody of the Department of Human Services (H. P. 1754) (L. D. 1881) which was Passed to be Enacted in the House on March 14, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-837).)

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-827) as amended by Senate Amendment "A" (S-528) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The following papers appearing on Supplement No. 18 were taken up out of order by unanimous consent:

Non-Concurrent Matters

An Act to Provide for the Education of Pre-school Handicapped Children (H. P. 1756) (L.

D. 1882) which was Passed to be Enacted in the House on March 17, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-895).)

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-895) as amended by Senate Amendment "A" (S-525) and Senate Amendment "B" (S-530) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

An Act Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981 (H. P. 1868) (L. D. 1958) which was Passed to be Enacted in the House on March 20, 1980. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-915).)

Came from the Senate, passed to be engrossed as amended by Committee Amendment "A" (H-915) as amended by Senate Amendment "B" (S-524) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The following paper was taken up out of order by unanimous consent:

The following Communication: (S. P. 825) March 26, 1980

Honorable Howard M. Trotzky
Honorable Laurence E. Connolly
Chairmen, Joint Standing
Committee on Education
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Barbara A. Cassidy of Bangor for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & S.L. Chapter 37, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

JOSEPH SEWALL

President of the Senate

JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Education.

In the House, the Communication was read and referred to the Committee on Education in concurrence.

Special Sentiment Calendar

Recognizing, Jock Robie, and his sons Douglas and Seth of Gorham, for their heroic rescue of 2 ice fishermen at Wathic Lake; (S. P. 823)

No objections being noted, the above item was considered passed in concurrence.

On motion of Mr. Tierney of Lisbon Falls, the Chair laid before the House the fourth tabled and unassigned matter:

An Act to Create the Maine Spruce Budworm Management Act (Emergency) (H. P. 1980) (L. D. 2015) (H. "A" H-950 and H. "D" H-960) Tabled—March 24, 1980 by Mr. Tierney of Lisbon.

Pending—Passage to be Enacted.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 voted in favor of same and 13 against, and accordingly the Bill was passed to be enacted.

signed by the Speaker and sent to the Senate.

The following papers appearing on Supplement No. 19 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act Relating to Budgetary Hardship in Maintaining Special Education Students (H. P. 1789) (L. D. 1908) which was Passed to be Enacted in the House on February 13, 1980.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-531) in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

An Act to Expand the State's Program to Promote Apprenticeships (H. P. 1617) (L. D. 1727) which was Passed to be Enacted in the House on February 7, 1980.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House:

Mr. Tuttle of Sanford moved that the House adhere.

Whereupon, Mr. Pearson of Old Town moved that the House recede and concur.

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

Mr. TUTTLE: Mr. Speaker and Members of the House: I would like to ask for a division.

I would hope that we would adhere on the present motion. Essentially, I can endorse the acceptance of L. D. 1727, thus ensuring the future of trained craftsmen in the State of Maine by expanding the apprenticeship program.

Apprenticeship is one of the oldest forms of training highly qualified workers when an individual completes an apprenticeship program. They can take pride in the job that they have finished. They know they are ready to begin their career in the trade of craft they have selected as a vocation.

Last year in Maine, 336 apprentices started their training with 115 completions. At present, there are lightly more than 1,800 apprenticeships registered within the state.

The Apprenticeship Council was established under Title 26 and amended under Chapter 11. One of the many functions of the council is to assist employers in the development of an apprenticeship program. This is accomplished when an employer expresses a desire to conduct a training program where the apprenticeship specialist contracts an employer to explain how training program functions. The modest increase in members of apprenticeship programs point out that as more employers learn about apprenticeship and how their employees may become better trained and more qualified, more will take advantage of the apprenticeship training.

If the state would like to see more quality training programs with well-trained journeymen and a future of generations of skills continued, then I would recommend you accept this L. D. in its present form.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This bill, like several other bills, is a very worthy bill, there is no doubt about that. Mr. Tuttle is right, but, you know, there are only so many things that you can fund and you have to draw the line somewhere, and that line has apparently been drawn on a bill that Mr. Tuttle is interested in and that many of us also are.

I am sorry that it is not possible to fund everything. I think that most members of this House understand that.

The SPEAKER: The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, 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.

87 having voted in the affirmative and 9 having voted in the negative, the motion did prevail.

The following papers appearing on Supplement No. 20 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Provide a Manpower Coordinator in the State Development Office and to Establish a Fund to Aid Manpower Services for Economic Development (H. P. 1717) (L. D. 1823) which was Passed to be Enacted in the House on March 20, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-923))

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

An Act Providing Release Benefits for Certain Persons Discharged from the Maine Correctional Center (H. P. 1714) (L. D. 1820) which was Passed to be Enacted in the House on February 12, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-759))

Came from the Senate, with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

The following papers appearing on Supplement No. 21 were taken up out of order by unanimous consent:

Non-Concurrent Matter

RESOLVE, Appropriating Funds to Camden Community School, Inc. (H. P. 1645) (L. D. 1755) which was Finally Passed in the House on March 14, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-838))

Came from the Senate, with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

An Act to Expedite Criminal Trials and Provide for the Election of Jury Trials (H. P. 1733) (L. D. 1849) which was Passed to be Enacted in the House on March 20, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-875) and House Amendment "A" (H-922))

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

The following papers appearing on Supplement No. 23 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Provide for Improved Information on Worker's Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners (H. P. 1795) (L. D. 1911) which was Passed to be Enacted in the House on March 19, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-907))

Came from the Senate, passed to be Engrossed as amended by Committee Amendment "A" (H-907) as amended by Senate Amendment "A" (S-535) thereto in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase the Amount which the District Court is Allowed to Deposit into the District Court Building Fund from \$3,000 per Month to \$120,000 Per Year (Emergency) (H. P. 1640) (L. D. 1749) which was Passed to be Enacted in the House on February 4, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-748))

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

The following papers appearing on Supplement No. 22 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Develop Elderly Congregate Housing in Maine (S. P. 724) (L. D. 1873) which was Passed to be Enacted in the House on February 28, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-413) as Amended by House Amendment "A" (H-789) thereto)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-413) as amended by Senate Amendment "A" (S-532) thereto in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

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) which was Passed to be Engrossed as amended by Senate Amendment "B" (S-496) and Senate Amendment "C" (S-497)

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

By unanimous consent, all matters were ordered sent forthwith

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

An Act to Provide a Limited Exemption from Maine Income Tax on Interest Earned on Accounts in Maine Financial Institutions and on Certain Dividends (H. P. 1722) (L. D. 1826) (C. "A" H-973)

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

On motion of Mr. Pearson of Old Town, the Bill and accompanying papers were indefinitely postponed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

The following papers appearing on Supplement No. 24 were taken up out of order by unanimous consent:

Non-Concurrent Matter

An Act to Provide a State Income Tax Credit for Installation of Renewable Energy Systems (H. P. 1770) (L. D. 1900) which was Passed to be Enacted in the House on March 26, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-972))

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

An Act to Provide a Cost-of-Living Adjustment for Fiscal Year 1980-81 to Members of the Maine State Retirement System (S. P. 677) (L. D. 1784) which was Passed to be Enacted in the House on March 25, 1980. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-508) as Amended by House Amendment "A" (H-970) thereto).

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: The House voted to recede and concur.

The House recessed until nine o'clock in the evening.

**After Recess
9:00 P.M.**

The House was called to order by the Speaker.

By unanimous consent, House Rule 22 was suspended for the purpose of conducting business after 9:00 P.M.

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

Passed to Be Enacted

An Act to Provide Arthritic Drugs to Eligible Individuals under the Low Cost Drug Program (S. P. 654) (L. D. 1693) (S. "A" S-522 to C. "A" S-414)

An Act to Expand the State's Tourism Promotion Effort (H. P. 1680) (L. D. 1789) (S. "A" S-527 to C. "A" H-836)

An Act to Revise and Strengthen the Bee Industry Law (H. P. 1745) (L. D. 1861) (S. "A" S-526 to C. "A" H-810)

An Act to Appropriate Funds for an Increase in Board Rates for Foster Parents and Clothing Allowances for Children under the Care or Custody of the Department of Human SERVICES (P. 1754) (L. D. 1881) (S. "A" S-528 to C. "A" H-827)

An Act to Provide for the Education of Preschool Handicapped Children (H. P. 1756) (L. D. 1882) (S. "A" S-525 and S. "B" S-530 to C. "A" H-895)

An Act Appropriating Funds to the Department of Human Services, the Department of Mental Health and Corrections and the Department of Educational and Cultural Services for Insufficient Payments for Placement of Emotionally Disturbed Children in Residential Treatment Centers for the Fiscal Year Ending June 30, 1981 (H. P. 1868) (L. D. 1958) (S. "B" S-524 to C. "A" H-915)

An Act Relating to Budgetary Hardship in Maintaining Special Education Students (H. P. 1789) (L. D. 1908) (S. "A" S-531)

An Act to Develop Elderly Congregate Housing in Maine (S. P. 724) (L. D. 1873) (S. "A" S-532 to C. "A" S-413)

An Act to Provide for Improved Information on Workers' Compensation and to Provide Funds for Full-time Workers' Compensation Commissioners (H. P. 1795) (L. D. 1911) (S. "A" S-535 to C. "A" H-907)

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.

On motion of Mr. Kelleher of Bangor, the following Joint Order (H. P. 2051)

ORDERED, the Senate concurring, that the following be recalled from the Governor's office to the House: Bill, "An Act Relating to Games of Chance at Agricultural Fairs." (H. P. 1797) (L. D. 1919)

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forth-

with to the Senate.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, by unanimous consent, all matters were removed from the Unassigned Table:

JOINT ORDER — Relative to study of Environmental Health (H. P. 1990)

TABLED—March 20, 1980 by Mrs. Mitchell of Vassalboro.

PENDING—Passage.

JOINT ORDER — Relative to the Joint Standing Committee on Agriculture studying data, information and recommendations relating to a standard cord of fire wood (H. P. 2008)

Tabled—March 24, 1980 by Mrs. Mitchell of Vassalboro.

Pending—Passage.

JOINT ORDER — Relative to a study of Sewerage and Sanitary Districts (H. P. 2030)

TABLED—March 24, 1980 by Mr. Tierney of Lisbon.

PENDING—Passage.

JOINT ORDER — Relative to Creating a Joint Select Committee on the Regulation of Foreign Trucking Companies (H. P. 1958)

— In the House, Read and Passed on March 14.

— In Senate, Read and Passed as Amended by Senate Amendment "A" (S-491).

TABLED—March 25, 1980 by Mrs. Mitchell of Vassalboro.

PENDING—Further Consideration.

JOINT ORDER — Relative to a Study of Dental Health in Maine (H. P. 2032)

TABLED—March 25, 1980 by Mrs. Mitchell of Vassalboro.

PENDING—Passage.

JOINT ORDER — Directing the Joint Standing Committee on Audit and Program Review to Study the Winterization Program (H. P. 2041)

TABLED—March 25, 1980 by Mr. Tierney of Lisbon.

PENDING—Passage.

JOINT ORDER — Relative to Appointing a Joint Select Committee to evaluate the findings and recommendations of the Joint Select Committee to Study the Maine State Retirement System (H. P. 2044)

TABLED—March 25, 1980 by Mr. Tierney of Lisbon.

PENDING—Passage.

On motion of Mr. Tierney of Lisbon Falls, the preceding Joint Orders were indefinitely postponed.

By unanimous consent, ordered sent forthwith.

House at Ease

Called to order by the Speaker

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

Bill "An Act to Provide for Implementation of the Settlement of Claims by Indians in the State of Maine and to Create the Passamaquoddy Indian Territory and Penobscot Indian Territory" (S. P. 827)

Came from the Senate referred to the Joint Select Committee on Indian Land Claims.

In the House, was referred to the Joint Select Committee on Indian Land Claims in concurrence.

By unanimous consent, ordered sent forthwith.

Bill Recalled from the Governor

(Pursuant to Joint Order — House Paper 2051)

An Act Relating to Games of Chance at Agricultural Fairs (H. P. 1797) (L. D. 1919) (S. "A" S-480 to C. "A" (H-910)

—In House, Passed to be Enacted on March 20, 1980.

—In Senate, Passed to be Enacted on March 20, 1980.

On motion of Mr. Violette of Van Buren,

under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" to Committee Amendment "A" was adopted, and on motion of the same gentleman, the amendment was indefinitely postponed.

On motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-979) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Joint Order relative to the Joint Select Committee on Legislative Finances (S. P. 819) which was Indefinitely Postponed in the House on March 26, 1980.

Comes from the Senate with that Body having Adhered to its former action whereby the Joint Order was Read and Passed.

In the House: The House voted to adhere.

By unanimous consent, ordered sent forthwith.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Madison, Mr. Elias, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Elias of Madison assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

On motion of Mr. Bunker of Gouldsboro, adjourned until Wednesday, April 2, at ten o'clock in the morning.