

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

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

HOUSE

Thursday, May 22, 1980

This being the day designated in the proclamation of the Governor for the meeting of the One Hundred and Ninth Legislature in extra session, the members of the House of Representatives assembled in their hall at 10:00 o'clock in the morning and were called to order by the Speaker.

Prayer by Father Thomas J. Joyce of St. Mary's Catholic Church, Augusta.

Father JOYCE: Let us place ourselves in the presence of God in praying. Mindful, O' God, of your infinite perfection, we praise you for your power, knowledge and mercy. We ask your blessing on all gathered here this morning. Never forgetting your blessings of the past, we first of all thank you. And also in petition, we humbly pray for all here for the strength and the courage to fulfill their duties. Fill their hearts always with gratitude, that always mindful of you, all their works may be directed by you, carried out by your gracious assistance. We ask this in the name of Christ, Our Lord. Amen.

The members stood at attention during the playing of the National Anthem by the Hall-Dale High School Band of Farmington.

A roll call was taken. 146 members answered to their names and accordingly a quorum was found to be present.

Those absent were: Mrs. Huber, Messrs. Jackson, J. Reeves, Rooth, Stetson.

On motion of Mr. Tierney of Lisbon, it was ORDERED, that a Committee of ten be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

The Chair appointed the following members:

Messrs. CARROLL of Limerick
JACQUES of Lewiston
BROWN of Mexico
ELIAS of Madison
McKEAN of Limestone
STROUT of Corinth
Mrs. HUTCHINGS of Lincolnville
Messrs. HUNTER of Benton
LOUGEE of Island Falls
McPHERSON of Eliot

Subsequently, Mr. Carroll for the Committee reported that it had attended to the duty to which it was assigned.

A message was received from the Senate, borne by Senator Pierce of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

On motion of Mrs. Mitchell of Vassalboro, it was

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Mr. Tierney of Lisbon was appointed to convey the message and subsequently reported that he had delivered the message with which he was charged.

Messages and Documents

The following Proclamation:

State of Maine
Proclamation

By the Governor

WHEREAS, there exists in Maine an extraordinary occasion whereby Maine citizens are faced with severe reductions in bridge and highway maintenance and operations services due to decreased revenue to the dedicated Highway Fund and increased expenditures caused by inflation; and

WHEREAS, an Act of the Legislature is necessary to provide additional revenues to the Highway Fund; and

WHEREAS, there exists in Maine the further extraordinary occasion whereby the Governor, as employer, and certain employees of the State have agreed to the terms of State employees' labor agreements; and

WHEREAS, Acts of the Legislature are necessary to ratify and implement these agreements and to provide similar benefits to employees of the State not included in bargaining units; and

WHEREAS, there may be other matters of emergency and importance sufficient to create an extraordinary circumstance and which will require Legislative action; and

WHEREAS, there exists a need for the Legislature to act in a timely fashion on each of these matters:

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Thursday, the Twenty second day of May, 1980 at ten o'clock in the morning, in order to receive communications and act upon the matters before them.

S/RODNEY S. QUINN

Secretary of State

S/JOSEPH E. BRENNAN

The Proclamation was read and ordered placed on file.

The following Communication: (H. P. 2077)

April 25, 1980

Joseph Sewall, President of the Senate

John L. Martin, Speaker of the House

Members of the 109th Legislature

Ladies and Gentlemen:

As required by 12 MRSA #6024, sub-paragraph 5, the Advisory Council to the Department of Marine Resources reports to you on the Department's research plan. For your convenience a copy is enclosed.

Even were it not required, the Advisory Council would be inclined to do so as a check between research proposed by the Department in discussion with the Legislature Marine Resources Committee in the spring of 1979 and the Annual Research Report circulated on February 26, 1980. The former appears in list outline form as an appendix to the annual report.

The germane minute of the Advisory Council's stated meeting of March 12, 1980, at which all members were present, is: "Mr. Graffam then moved that the Council accept and approve the plans and report, being subject to adaption for any future changes which may be necessary. The motion was seconded by Mr. Johnson and passed unanimously.

Now added are comments made in the discussion prior to the vote. It was the sense of the Advisory Council that the 11-page report gave an adequate overview of the whole program, which under the criteria recited on Page 1 covers the significant species—lobsters, herring, scallops, shrimp, marine worms, shellfish, groundfish, and anadromous fish—and the related considerations of the public health, oil-spill pollution, pathology, environmental monitoring, and contract projects on behalf of DEP and EPA. The catalogue reflects the legislative intent as expressed in the appendices.

Under the statute, the Advisory Council is empowered to employ marine scientists not employees of the Department as advisers about the research plan. In the opinion of the Council, such a move is not presently indicated; because events can happen fast in the fisheries, and very possibly within the next year, the Council wishes to reserve the option of hiring independent advisory services against an emergency, since the funds thus available for a biennium are approximately five thou-

sand dollars, it seems the better part of discretion to have those funds in reserve for the urgent need.

Respectfully submitted
for the Advisory Council
S/EDWARD A. MYERS
Chairman

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

**Petitions, Bills and Resolves
Requiring Reference**

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

Appropriations and Financial Affairs

Bill "An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association" (Emergency) (H. P. 2061) (L. D. 2042) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mr. Morton of Farmington) (Governor's Bill)

Bill "An Act to Provide Compensation and Benefits Agreed to by the State of Maine State Troopers Association" (Emergency) (H. P. 2062) (L. D. 2043) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mr. Morton of Farmington) (Governor's Bill)

Bill "An Act to Fund and Implement Benefits for Managerial and Confidential Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act" (Emergency) (H. P. 2063) (L. D. 2044) (Presented by Mr. Pearson of Old Town) (Cosponsor: Mr. Morton of Farmington) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Transportation

Bill "An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund" (Emergency) (H. P. 2060) (L. D. 2041) (Presented by Mr. Carroll of Limerick) (Cosponsors: Mr. McPherson of Eliot, Mr. Strout of Corinth, and Mr. Brown of Mexico) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

A message came from the Senate, borne by Senator Katz of that body, proposing a Convention of both branches of the Legislature to be held at 10:40 a.m. in the Hall of the House for the purpose of extending to His Excellency, Joseph E. Brennan, Governor of Maine an invitation to attend the Convention and to make such communication as he may be pleased to make.

Mr. Tierney of Lisbon was charged with and conveyed a message to the Senate announcing that the House concurred in the above proposition for a Joint Convention.

At this point, the Senate entered the hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Katz, of Kennebec, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Joseph E. Brennan, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman appointed:
Senators: PERKINS of Hancock

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McBREARY of Aroostook
NAJARIAN of Cumberland
Representatives:
PEARSON of Old Town
JALBERT of Lewiston
CARTER of Winslow
KELLEHER of Bangor
CHONKO of Topsham
DIAMOND of Windham
MORTON of Farmington
HIGGINS of Waterville
BOUDREAU of Waterville
SMITH of Mars Hill

Senator Perkins, for the Committee, subsequently reported that the Committee had delivered the message with which it was charged, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the 109th Maine Legislature:

I have called this Special Session to address several items of state business that cannot and should not be delayed until the next scheduled session in January.

These include:

—your approval of the latest results of our efforts to bargain in good faith with our state employees;

—a number of pending nominations that require Senate approval;

—and an appropriation to cover overtime and other expenses relating to restoring state control over our prison at Thomaston, a difficult but very necessary action that may have averted a grave tragedy.

Foremost, however, is the approval of a final compromise of the highway budget.

Certainly, there is no need to recount the long history of our efforts to resolve the funding problems of the Department of Transportation.

Earlier this year, this Legislature had the opportunity to vote on numerous bills addressing highway funding.

At times, the debate and the failure to achieve a compromise became acrimonious. Various participants, including myself, blamed each other.

Today, we must put all that behind us.

The public really isn't the least bit interested in who is to blame.

The public cares only that our roads be maintained.

The public doesn't really care if the fault lies with a Democratic Governor, a Republican Senate or anyone else. But they do care if the potholes are filled, and the bridges are maintained and road improvements are carried out. And if the public does not have safe roads to drive on, I believe, and justifiably so, they will blame all of us.

Let us conduct this session in a spirit of compromise.

We must approach our obligations with a willingness to consider the other person's position, for the ability to give and take is at the very heart of our government process. When people with strongly differing views are able to reach agreement no one may be completely happy, and no one may get everything he or she wants, but the process works by reaching that type of spirit of agreement.

The compromise measure before you today is similar to the bills you have seen before. It calls for funding of most programs now administered by the Department of Transportation.

It addresses the projected revenue shortfall through modest adjustments in various license and registration fees.

In considering the bill, you should be aware that my Administration is now in the process of choosing a consultant for a management study of the Department of Transportation. This study will be completed in mid-September.

It will complement the careful study of the Department's finances which was undertaken last year by a special task force chaired by one of your former colleagues, Harvey DeVane.

The new study will take a look at manpower levels, contractual practices and other policies of the Department of Transportation. It will ask questions that need to be addressed, questions that were asked of me by many legislators over the months.

Does that Department have too many engineers?

Would it be more efficient for that Department practiced, truly cost-efficient?

With this study in hand, and with the fresh viewpoint that I believe George Campbell, whom I would expect to be confirmed in the Senate later this morning, with the fresh viewpoint that he will bring to the Department, I believe that we will be ready to run that Department in line with the realities of the 1980's, when there were more monies available by nature of the process.

A one-day Special Legislative Session is not the time for a comprehensive debate on the philosophy of highway funding. We will have that opportunity in about seven months, after this study is completed. At that time, I intend to offer legislation to ask for the undedication of highway funds.

Today, let us attend to the business at hand:

—Maintaining the safety of our roads and our bridges;

—avoiding the crisis that would result from no appropriation whatsoever;

—and, most of all, meeting our responsibilities and keeping faith with the people of Maine.

Again, I would urge you, in the spirit of compromise to join together to pass this legislation which will address our concerns for the next several months, and by that time we will have had that careful study and be in an excellent position to make long-range judgments that will have to be made come January of next year.

At the conclusion of his address, the Governor withdrew amid applause, the audience rising.

(Off Record Remarks)

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chambers amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

On motion of Mr. Kelleher of Bangor, Recessed until the sound of the gong.

After Recess
1:20 p.m.

The House was called to order by the Speaker.

At this point, the rules were suspended for the purpose of allowing members to remove their jackets.

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

The following Joint Order: (S. P. 832)

ORDERED, the House concurring, that three hundred twenty-five copies of the Legislative Record for this Special Session be printed, one copy for each of the members of the Senate, House of Representatives, the Secretary of Senate and Clerk of the House, and the remainder to be deposited with the State Law Librarian for exchange and library use; and be it further

ORDERED, that suitable index be prepared

for such Legislative Record under the direction of the Director of Legislative Research.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

Bill "An Act Making Supplemental Appropriations from the General Fund to the Maine State Prison for the Fiscal Year Ending June 30, 1980" (Emergency) (S. P. 831) (L. D. 2045)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

By unanimous consent, ordered sent forthwith.

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

Ought to Pass as Amended

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association" (Emergency) (H. P. 2061) (L. D. 2042) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-985)

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund and Implement Agreements Between the State and the Maine State Troopers Association" (Emergency) (H. P. 2062) (L. D. 2043) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-986)

Reports were read and accepted and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted. Under suspension of the rules, the Bills were read the second time, passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Ought to Pass as Amended

Mr. Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund and Implement Benefits for Managerial and Confidential Employees of the Executive Branch Excluded from Coverage under the State Employees Labor Relations Act" (Emergency) (H. P. 2063) (L. D. 2044) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-987)

Report was read and accepted and the Bill read once. Committee Amendment "A" (H-987) was read by the Clerk and adopted. Under suspension of the rules the Bill was read the second time, passed to be engrossed and amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Divided Report

Majority report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-984) on Bill "An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund" (Emergency) (H. P. 2060) (L. D. 2041)

Report was signed by the following members:

Mr. EMERSON of Penobscot

— of the Senate.

Messrs. McKEAN of Limestone
BROWN of Mexico
JACQUES of Lewiston
CARROLL of Limerick

STROUT of Corinth
ELIAS of Madison
MC PHERSON of Eliot

— of the House.

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

Report was signed by the following members:

Mr. O'LEARY of Oxford

— of the Senate.

Messrs. LOUGEE of Island Falls

HUNTER of Benton

Mrs. HUTCHINGS of Lincolnville

— of the House.

Reports were Read.

On motion of Mr. Carroll of Limerick, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-894) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time.

Mr. Garsoe of Cumberland 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 requested a desire for a roll call, a roll call was ordered.

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

ROLL CALL

YEA — Bachrach, Baker, Barry, Benoit, Birt, Blodgett, Brenerman, Brown, K.C.; Carroll, Carter, D.; Carter, F.; Churchill, Cloutier, Connolly, Cox, Davies, Dow, Drinkwater, Dutremble, D.; Elias, Fowlie, Gillis, Gowen, Gwadosky, Hanson, Hickey, Robbins, Howe, Jacques, E.; Joyce, Kane, Kelleher, Laffin, LaPlante, Lizotte, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Prescott, Reeves, P.; Rolde, Sherburne, Simon, Small, Soulas, Stover, Strout, Theriault, Tuttle, Violette, Vose, Wood, Mr. Speaker.

NAY — Aloupis, Austin, Beaulieu, Berube, Bordeaux, Boudreau, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Bunker, Call, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Fenlason, Fillmore, Garsoe, Gavett, Gray, Hall, Higgins, Hunter, Hutchings, Immonen, Jacques, P.; Jalbert, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lougee, Nelson, A.; Payne, Peterson, Rollins, Sewall, Silsby, Smith, Sprawl, Studley, Tarbell, Torrey, Tozier, Twitchell, Vincent, Wentworth, Whittemore.

ABSENT — Berry, Brannigan, Carrier, Chonko, Diamond, Dudley, Dutremble, L.; Huber, Hughes, Jackson, Kany, Locke, Marshall, Nelson, M.; Post, Reeves, J.; Roppe, Stetson, Tierney, Wyman.

Yes, 76; No, 55; Absent, 20.

The SPEAKER: Seventy-six having voted in the affirmative and fifty-five in the negative, with twenty being absent, the motion does prevail.

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

(Off Record Remarks)

House at Ease

Called to order by the Speaker.

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

Ought to Pass as Amended

Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-544) on Bill "An Act Making Supplemental Appropriations from the General Fund to the Maine State Prison for the Fiscal Year Ending June 30, 1980" (Emergency) (S. P. 831) (L. D. 2045)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-220).

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-544) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time, passed to be engrossed in concurrence.

By unanimous consent, ordered sent forth with to Engrossing.

House at Ease

Called to order by the Speaker.

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

Passed to Be Enacted Emergency Measure

An Act Making Supplemental Appropriations from the General Fund to the Maine State Prison for the Fiscal Year Ending June 30, 1980 (S. P. 831) (L. D. 2045)

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

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: It is my intention to vote no on this particular piece of legislation, but I have not lobbied and asked other members of the legislature to vote against it. I have no illusions, and I think the bill is going to pass. Probably I will be the only one here today that will vote against it.

I am voting against it not because I believe that the appropriation shouldn't be made and that the guards and other members of the Department of Corrections shouldn't be paid for the hours and the overtime that they have put in at the State Prison, but rather I am voting no as a statement of protest about the lockdown and the conditions that have existed inside the prison and that the men inside the prison are being subjected to while the lockdown is in effect. I don't want anybody to delude themselves or to be deceived that the lockdown is over or is in the final stages of being over. The lockdown will continue despite assurances that we had six weeks ago that it would only last for two or three weeks and despite the fact that all the cell searches and searches in other parts of the prison have now been completed, and despite the fact that some men are now being let out into the general population.

There is still a significant amount of men being confined in their cells 24 hours a day, except for short periods of exercise, particularly in what is called the east wing of the Maine State Prison, and a significant number of those men can expect that they will remain in a lockdown situation perhaps at least until the end of July if not throughout the whole summer, based on information that we have and pretty much due to the fact that there is nothing for the men to do once the lockdown is over. The men who are now being allowed out of their cells are being let out because there are certain jobs to which they have been assigned. But men will not be let out of their cells if there are not sufficient jobs, and at this point in time, there are not enough jobs for the 360 or so men that are at the Maine State Prison.

Most of the information that has come to you and to the public about the lockdown at the State Prison has come through the Department of Corrections officials and administrators at the Maine State Prison, and most of that information has been spoon fed to the public. There

was a hunger strike that existed at the prison in the second week of the lockdown. Despite the remarks of the administration's public relations man, Ralph Lowe, to the contrary, there was a hunger strike before reports of that reached the press. And the principal reason for the hunger strike at the prison was because there was certain factual information and certain points of view held by the men who were being confined as a result of the lockdown that had not come to the attention of the media, and the one demand that they were trying to get across was that they felt they should have access to the media so that their points of view and information that had not gotten to the press could be presented. That was the point of the hunger strike that lasted in some instances for up to 10 to 12 days for some men.

The reasons that were given for the lockdown were that there was a threat of another Attica or a New Mexico, that there were inmates inside the prison who virtually controlled the entire prison operations. And while there is some element of truth in those statements, the conditions that caused the lockdown are much more dramatic and much more far-reaching than that.

Last year, in March, four inmates, representing the entire inmate population at the Maine State Prison, filed before Judge Gignoux a class action suit that has since been called "The Totality Suit." That class action suit is still before the courts and there may be some resolution of it in the very near future.

The issues that the inmates brought before the judge at that time, and I have a list of them that I would like to read to you, and this is not the complete list, was the fact that the prison was grossly overcrowded, was the fact that there was lack of any meaningful classification system and lack of any jobs for men once they had been classified, that there were large numbers of young boys, 18, 19 and 20 year old boys, who had been sentenced for non-violent crimes, mostly alcohol and drug related, who should never have been sentenced to the Maine State Prison, that there were numbers of young people who had been sentenced by the court to Windham but because of the overcrowded situation at Windham had been transferred to the Maine State Prison because that was not where the court had sentenced them in the first place. There was an almost complete lack of medical care and mental health care and treatment, that the east wing of the prison was unfit—and this is the large section of the prison—for human habitation, and that the east wing, if it could not be fixed up, and in the opinion of many people it cannot be fixed up, it should be closed down. One of the major factors is that the men who dealt with the inmates inside the prison, principally the guard force, had no professional experience or professional training prior to the time or while they were on the job at the Maine State Prison.

In the eyes of the inmates, those were the issues that had existed at the prison not for the last five or six months but at least since the time that I have been in the legislature, at least since 1973 when I became involved in all these kinds of issues. Those were the points that the inmates inside the prison felt were not getting out to the public, and they felt that those conditions did not justify a lockdown but perhaps justified some serious action on the part of the state, and that is what precipitated the class action suit.

When the class action suit was filed, the state, a year ago, denied that any one of those conditions existed at the Maine State Prison. A week before the lockdown occurred, attorneys for the state, before Judge Gignoux, told him that everything was okay at the Maine State Prison and again reiterated that these conditions did not exist at the Maine State Prison. That was the reason for the hunger strike; that is the kind of information that the men who are inside the prison now wanted to get across to

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the public.

The fact that the Commissioner of Mental Health and Corrections, the acting warden of the prison and other officials went on television and dramatized the situation by saying that there were 900 tools that were confiscated, many which could have been used as weapons, infuriated the inmates inside the prison, because they felt that they were being portrayed as the villains in this situation when, in fact, it was the State of Maine, the Department of Mental Health and Corrections and the officials at the prison who, for a long period of time, have allowed the situation to exist at Thomaston, and that is the point that they wanted to get across. For that reason, and a whole host of other things that I would like to get into at this point, I am going to be voting against the bill.

I think that Representative Kelleher, when he makes his remarks, and I know that the Commissioner yesterday, when he spoke before the committee, made it very clear that if the legislature appropriates this half a million dollars, this is not the end of it, and that is my one greatest fear, that because we pass this bill today, in the future we can then say that we are taking care of all the problems at the Maine State Prison. This bill only deals with paying the men at the prison during the time of the lockdown, and all these other issues, many of which the Commissioner agrees with me on, will be before this legislature in the next session. Some require a lot of money, others do not; others are a matter of changing laws that deal with good time and furloughs and work programs and such. I would hope that no one in the public or no one in the legislature would be under the illusion that because this bill will pass here today, that is the end of the problem at the Maine State Prison. The lockdown is only the first step. The most important things are those which follow, and I would hope that all of you, particularly those of you that return next year, would keep that in mind when all these other issues, the things that need to be dealt with, will be before us.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It was the consensus of the Appropriations Committee yesterday afternoon, when Commissioner Concannon came before us with this request for L. D. 2045, that this was just a first step in a series of steps that will be presented at the next session of the legislature. For those of us who will be coming back and for the new members of the 110th, this half a million dollars that is being spent at Thomaston is only a temporary stopgap measure.

A lot of us were concerned yesterday about some issues that Mr. Connolly raised in terms of proper training for personnel in the Maine State Prison, which Mr. Concannon is going to address himself to, and I am sure that we are going to be seeing some requests for monies along those lines, jobs, to provide training for the inmates at the Maine State Prison, the problem of overcrowding, as Representative Connolly has commented about here today. These are obligations that the incoming legislature is going to be confronted with.

Part of the laws concerning the Criminal Code, the Commissioner, I understand, feels that there has to be some room for him and his department to maneuver in dealing with the inmates at the Maine State Prison, not to give them a free ticket out of there but to give them an opportunity to see that if they participate in the programs at the Maine State Prison, in fact there may be a shortening of the sentence, or work incentive or whatever it may be.

I don't believe that this half a million dollars is the answer to it all. Certainly, Commissioner Concannon concurred that yesterday before our committee.

We had a number of other concerns, because he has just taken over the department, because of the problems that he inherited, part of the

problems were part of the administration that was there and perhaps may still be there for all I know, we are concerned about that. We also want to be sure that the people who are working for the State of Maine in the Maine prison system are properly trained to deal with them. They have problems down there with psychiatric conditions with the inmates in there and improper alternatives to try to handle those problems.

The incoming legislature is definitely going to have an obligation to meet.

I can understand Mr. Connolly's concerns, but I honestly can't understand his protest vote, and I told him that privately this morning. I think it would be constructive for all of us to support this legislation at this time.

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

Mr. BAKER: Mr. Speaker, I just want to get some clarification before I vote. Just for a point of information, to anyone who cares to answer, I would like to pose a question through the Chair. If for some reason this was not to pass, what would be the effect on the prison?

The SPEAKER: The gentleman from Portland, Mr. Baker, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that if this legislation is not enacted, the Department of Mental Health will not be able to pay its bills in the month of June.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

135 voted in favor of same and 3 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. 6 were taken up out of order by unanimous consent:

**Passed to be Engrossed
Emergency measure**

An Act to Fund and Implement Agreements Between the State and the Maine State Employees Association (H. P. 2061) (L. D. 1042) (C. "A" H-985)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

An Act to Fund and Implement Agreements Between the State and the Maine State Troopers Association (H. P. 2062) (L. D. 2043) (C. "A" H-986)

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. 135 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 paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Fund and Implement Benefits for

Managerial and Confidential Employees of the Executive Branch Excluded from Coverage under the Maine State Employees Labor Relations Act (H. P. 2063) (L. D. 2044) (C. "A" H-987)

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. 134 voted in favor of the same and one 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.

**House at Ease
Called to order by the Speaker.**

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

**Emergency Measure
Failed of Enactment**

An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund (H. P. 2060) (L. D. 2041) (C. "A" H-984)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Whereupon, Mr. Tierney of Lisbon Falls 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 in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brenerman, Brown, A.; Brown, K.C.; Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Dellert, Diamond, Dow, Drinkwater, Dutremble, D.; Elias, Fenlason, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Robbins, Howe, Hughes, Jacques, E.; Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Sherburne, Simon, Small, Soulas, Stover, Strout, Theriault, Tuttle, Twitchell, Violette, Vose, Wood, Wyman, Mr. Speaker.

NAY — Aloupis, Austin, Berry, Berube, Boudreau, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Conary, Cunningham, Curtis, Damren, Davis, Dexter, Doukas, Dudley, Fillmore, Garsoe, Gavett, Gray, Higgins, Hunter, Hutchings, Immonen, Jacques, P.; Jalbert, Leighton, Leonard, Lewis, Lougee, Marshall, Nelson, A.; Payne, Peterson, Rollins, Sewall, Silsby, Smith, Sprowl, Studley, Tarbell, Tierney, Torrey, Tozier, Vincent, Wentworth, Whittemore.

ABSENT — Dutremble, L.; Huber, Jackson, Reeves, J.; Rooth, Stetson.

Yes, 95; No, 50; Absent, 6.

The SPEAKER: Ninety-five having voted in the affirmative and fifty in the negative, with

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six being absent, the motion does not prevail.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action whereby the Bill failed of passage to be enacted.

On motion of the same gentleman, tabled pending passage to be enacted and later today assigned.

House at Ease

Called to order by the Speaker.

The Chair laid before the House the following matter:

An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund (H. P. 2060) (L. D. 2041) (C. "A" H-984) which was tabled and later today assigned passage to be enacted.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Whereupon, Mr. Tierney of Lisbon Falls 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 will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on passage to be enacted. 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.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Delert, Diamond, Dow, Drinkwater, Dutremble, D.; Elias, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Lizotte, Locke, Lowe, Lund, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, MacMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Sherburne, Simon, Small, Soulard, Stover, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Berry, Berube, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Conary, Cunningham, Curtis, Damren, Davis, Dexter, Doukas, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gray, Higgins, Hunter, Hutchings, Immonen, Jacques, E.; Jacques, P.; Jalbert, Leighton, Lewis, Lougee, MacBride, Marshall, Nelson, A.; Payne, Peterson, Rollins, Sewall, Silsby, Smith, Sprowl, Strout, Studley, Tarbell, Torrey, Tozier, Wentworth, Whitemore.

ABSENT — Austin, Dutremble, L.; Huber, Jackson, Leonard, Reeves, J.; Roope, Stetson.

Yes, 93; No, 50; Absent, 8.

The SPEAKER: Ninety-three having voted in the affirmative and fifty in the negative, with eight being absent, this Bill fails of final enactment.

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

House at Ease

Called to order by the Speaker.

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

In accordance with House Rule 56, the following item (Expression of Legislative Sentiment)

In Memory of:

Honorable Roland Carboneau of Lewiston, former State Senator of the 107th Legislature (S. P. 833)

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

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

Non-Concurrent Matter

Bill "An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenues to the Highway Fund" (Emergency) (H. P. 2060) (L. D. 2041) which Failed of Passage to be Enacted in the House on May 22, 1980.

Came from the Senate passed to be Enacted in non-concurrence.

In the House:

Mr. Kelleher moved that the House recede and concur and 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 requested a roll call, a roll call was ordered.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I heard a rumor going around here that no matter what you do, you are not going to do anything. Well, this is just a wild rumor. If you don't pass a budget today, don't think you are coming back tomorrow or the day after. We are not going to keep coming back here all summer. You are dreaming if you tell people, oh, we will be back. This is it, plain spoken as can be. I have conferred with other people here today.

You have just confirmed here today a new commissioner, and he has assured me that he will do everything within his power to get the utmost out of your money in this state. We are going to do everything we can so that everybody will not ride on pothole roads. And to say if you vote no it doesn't make any difference, it does make a difference. There is going to be a reduction in the work force, there has to be. There is no way we can live without this budget. We have to have a budget. Don't listen to the story that you don't need a budget—you have got to have a budget to run this department. I am very disturbed to think that people seem to think we don't need a budget.

How do you think the new commissioner is going to take a look at his department, to travel around, and he has invited the House chairman and the Senate chairman to go with him and to meet with different divisions, and to travel around urging them on for a little extra effort. This is what we are asking. We ask for good faith and in return we are going to give you good faith. Is that too much? Is it? I don't think so.

I have refrained from addressing this House, but I cannot sit here and just see all this effort go down the drain. You are going to have a reduction in the work force. The maintenance work will have to be reduced, and don't let anybody kid you, we need this budget. If we didn't need it, why in the name of heaven do you think I came down yesterday? Come on, put your good heart forward. Join with me today, vote yes, yes, y-e-s. Is that too much? Is it? We are asking for good faith.

I have heard people running around here telling you to vote no, vote no, vote no. It is easy to say no, but it takes a man that is willing to

stand up, a person, either party, ladies or men, it takes good faith, confidence in the future. You have to go forward; we have to have this budget. We just cannot operate without a budget, and don't let anybody kid you when they tell you it isn't going to make any difference. There is a difference, and I ask you to vote yes with me today. I ask you all to accept my apologies if I raised my voice. I don't want to holler at you and you don't want to holler at me. I ask you, vote yes!

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: It's no secret, when I came down here, I came down here with the intention of voting no on this bill. Yesterday in the committee meeting, I had the same intention, and the first time around, and the members will tell you, that is exactly what I did. Then I got to thinking about what I had done, and I did change my vote, and right now I am glad that I did.

Testimony yesterday revealed that without the highway budget there would be a loss of approximately 1,500 jobs in the private sector alone, a loss of 250 jobs within DOT. The economic repercussions don't stop there. That is just the start of it. How much longer do you think the trucking industry is going to come into this state and travel even in my county, in Aroostook County, on roads that makes the truck almost irreparable after two or three trips? It is not going to take long.

There are roads right now, my friends, that when you travel them this year and you notice the potholes and you notice the separations in the roads and you say to yourself, if it is not hot topped this year, next year we are going to reconstruct it if we have the money, and the chances are we won't have reconstruction money.

The tourist industry is going to suffer; no hot top program is going to be the reason for it. There is going to be a major cutback in town money. You and I both know, and it is no secret, that if we don't have a budget the department is not going to make the cuts at the top for themselves, the cuts are going to come down where you can see it, and that is down in your towns. Then you go to your constituents and say, yes, I caused that, gee I am proud.

But I think the thing that really convinced me the most, from January 1 of this year until now, we have had eight deaths on our highways—eight deaths due to hazardous conditions on the highway. I am not talking about traffic conditions, I am talking about hazardous roadways.

We have had, using the figures, and they figure 25 percent of the total numbers of accidents you have injuries, the eight deaths are listed on the sheets, they are figuring around 120 injuries have also resulted due to hazardous road conditions, and how many of those are needless? How many of these people would be alive today if we had had a proper hot top program or had a proper roadway?

You go to the loved ones of those eight people and you tell them, I don't want a good road, go tell them that and see what they say to you.

There are parts of the bill that I don't like, there are parts that you don't like, there are parts of the Indian land claim that you didn't like and there are parts of a lot of bills that go through the House that you don't like, but you don't vote your personal convictions, you vote what your constituents want. That is why they sent you down here. You go back there and you tell them you don't want a good road in your town and see what they tell you. Then you will find out why I changed my mind, and I hope that you will join with us today and give us the highway budget that we have got to have to operate.

Don't send the commissioner in here and say "Here you are, Commissioner; do the job but we are not going to give you the tools to do it with." Don't do that to the man. Give him half

a chance.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. This being an emergency measure, it requires a two-thirds vote of all the members of the House. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Cox, Davies, Diamond, Dow, Drinkwater, Dutremble, D.; Elias, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Joyce, Kane, Kany, Kiesman, Lancaster, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Rollins, Sherburne, Simon, Soulas, Stover, Stout, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berry, Berube, Borradeau, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Dudley, Fenlon, Fillmore, Garsoe, Gavett, Higgins, Hunter, Hutchings, Immonen, Jacques, P.; Jalbert, Kelleher, Leighton, Lewis, Lougee, Nelson, A.; Payne, Peterson, Sewall, Silsby, Small, Smith, Sprowl, Studley, Tarbell, Torrey, Tozier, Whittemore.

ABSENT — Boudreau, Carrier, Connolly, Dutremble, L.; Gray, Huber, Jackson, Laffin, Leonard, Maxwell, Reeves, J.; Rooth, Stetson.

Yes, 92; No, 46; Absent, 13.

The SPEAKER: Ninety-two having voted in the affirmative and forty-six in the negative, with thirteen being absent, and ninety-two being less than two-thirds, the motion does not prevail.

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby this Bill failed to recede and concur.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly not an authority on transportation matters, and I am really rather nervous about standing in front of this body and speaking on it, but I just want to tell you one thing, and that is that the new Commissioner of Transportation was the former city manager of the City of Old Town and before that in the Town of Dexter. He is a take-charge kind of guy, who gives you a dollar and fifty cents for every dollar you put into the department. Right now, he is stepping into a job that is the largest in his life, and I think you will find that he will do a superb job, but he can't start off with one crippled foot in that particular job with any degree of certainty that he will be able to bring the Department of Transportation to cause them to serve the people of the State of Maine the way they wish to be served.

I wish I could tell you what a fine job that he had done in Old Town, and I am sure that Mr. Sherburne could tell you that he did the same thing in Dexter. Give him a chance, I hope that you will pass this budget. I told everybody that I believe that it is necessary to have this additional money. There are problems in the bill for certain people and I hope they will overcome those problems, those minor problems they have, by seeing the whole picture of the transportation problem in the state.

I don't know the roads in southern Maine

very well, I really don't know the roads in northern Aroostook County very well, but I know the roads in Bradford, Charleston and the Old Town area and all of that, and it is in terrible shape right now. I hope with the money that this bill might provide, we might be able to get ourselves in a situation where we would be able to repair those roads so that another year down the road we won't have to put in massive amounts of money because we neglected to do it when we could catch it early in the game.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I certainly do hope that this House does reconsider its action, because clearly its action is fundamentally unwise.

We have joined today in Special Session, listened to the Chief Executive of this State, and spent \$30,000 of the taxpayers' money, \$30,000. And except for the half dozen members of my party who will vote against this proposal, there has been a substantial group of people who, despite the urgencies and the requests of very prominent leaders of the Republican party, are nonetheless holding hostage not only the thousands of dollars of taxpayers' money which we must spend to be here every day but also holding hostage the future of thousands of individuals who are counting on our action here tonight to provide future jobs.

A few moments ago I spoke before this House and said that we had transacted all business that had come before us and, indeed, the good gentleman from Cumberland had prevailed and that he had killed the last responsible vehicle before us, but due to the leadership, the majority leadership in the other body, asked me and prevailed upon me and the Governor has asked me to keep trying, to keep trying to bring some modicum of sense and reason to the floor in the House, even at this late hour. I will accede to their request and, therefore, respectfully ask that someone in this House table this bill until later in today's session.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I haven't said anything on this bill but I think probably the time has come when I should. I have been around here quite a while, have seen a lot of legislation, some of it has been good, some of it I voted for because I figured it was the responsible position to take, and I think that is the type of situation that I find myself in today. There are many things about this bill that have been said, in the corridor mostly, things that people disagree with. I am not sure that there is a person on the floor of this House that is 100 percent in favor of this bill, but I think all of us who are voting for it feel that it is a responsible action to take. The Highway Department needs a budget, they should have a budget, and this is the best solution that can be worked out until some study is made when we come back next winter, those who do come back, and then we can address the problem in probably a better light with more information.

I would hope today that this bill would pass. I think the economic effects, along with the overall deterioration of the roads, could be really disastrous and severe if we do not attempt to do something at this time.

Maine finds itself in a very unique position; we are at the end of the line, we do not have a good transportation system our entire transportation system is almost completely oriented towards a decent highway system, and I think the more it deteriorates the harder it is to bring it back.

I hope that you will reconsider your position on this today and pass this bill so that we can at least continue a half decent road program until we can take a further look at it.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gen-

tlemen of the House: I had not planned to speak on this subject for the simple reason that I think we have heard enough words on this subject. I think we are all equally well informed on this subject. I don't think we need to be tutored by the gentleman from Lisbon Falls on this subject, and I got a little bit irked at the tone of his direction. This is about the sixth time the gentleman has chosen to lecture this body as to what we should be doing. He started it out on the first day that we came into and has not had the greatest degree of success in achieving his goals.

But there is one interesting thing that I do want to comment on that nobody today has gotten up and defended this bill and explained why you should vote for it. We heard Mr. Carroll plead for good faith. We heard Mr. McKean cite the death rate on our highways, and now we have heard the gentleman from Lisbon Falls, Mr. Tierney, imply that somehow we aren't just quite right as legislators if we don't vote the way he wants us to, impugning the fact, raising the specter that Bill Garsoe has brought the State of Maine to its knees. I don't think any of these things are germane to the question we are being asked to approach here today, which is perhaps one of the rottenest pieces of legislation that has ever been my pleasure to see floundering as it is today.

This is being proposed, it was proposed by the Chief Executive of this State this morning, as a solution. It is not a solution, it is an irritant, it is salt in a wound. We have been asked to pass it because we have a new Commissioner of Transportation. I have told him, and I will be glad to remind him of it a year from June, that if this bill does pass, he is going to be at the bottom of the deepest well in June of 1981 that any Commissioner of Transportation ever has been, and the reason is very simple—this does not produce any income.

When I hear the cries that the roads are going to go to pot, don't you realize that they are taking \$14 million out of the highway program, \$8 million out of state aid? They are going to reduce the skinny mix program, they are not going to up the skinny mix program with this bill, they are going to further reduce it. We have never kept up with what that program should be so, all in all, this bill didn't get one word of support from the speakers who ask you to vote for it. Just keep that in mind, not one word of support—chastise you the way you cast your vote—I would just remind you that your vote, you are going to go home with them, you are going to live with them, and I just hope you will stick to what you think is right, whichever way that is.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, I move that this item be tabled until later in today's session pending the motion to reconsider.

Mr. Tarbell of Bangor requested a division.

The SPEAKER: The Chair will order a vote. Those in favor of tabling will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 58 in the negative, the motion did prevail.

(Off Record Remarks)

The gentleman from Limerick, Mr. Carroll, was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you Item 60 on the fact sheet. It says the summer maintenance account is only being reduced \$1.5 million instead of \$2 million. We are putting \$500,000 back into the summer maintenance account. I would like to make you aware of that.

The gentleman from Cumberland, Mr. Garsoe, was granted unanimous consent to ad-

dress the House:

Mr. GARSOE: Briefly, I heard the impression going out that by voting for this bill you were in some way reinforcing the expenditures for the Department of Transportation in the matter of physical plant, and that is just not correct. You are reducing further the amount of summer skinny mix program to about a third of what it would be ideally and about half of what we anticipated last year when we passed the original budget. I firm on that because the gentleman from Limerick, Mr. Carroll, confirmed that impression I had in the hall about a half hour ago.

The gentleman from Limerick, Mr. Carroll, was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you again, the gentleman from Cumberland, that there isn't a state of the 50 states who don't have problems in reducing their plans of the past, their plans of the future, they have to make changes in them. We are making the changes, we are acting on good faith; what more can you ask? What do you want, a lot of blood?

House at Ease

The House was called to order by the Speaker.

At this point, House Rule 21 was suspended for the purpose of conducting business after 9:00 p.m.

The Chair laid before the House the following matter:

Bill "An Act to Revise Allocations from the Highway Fund for the Fiscal Years from July 1, 1979 to June 30, 1981, and to Provide Increased Revenue to the Highway Fund" (Emergency) (H. P. 2060) (L. D. 2041) which was tabled earlier in the day and later today assigned pending reconsideration.

On motion of Mr. Kelleher of Bangor, the House reconsidered its action whereby it failed to recede and concur.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago this evening, before there was a motion to table, the gentleman from Cumberland, Mr. Garsoe, made a statement that he hadn't heard anyone today speak on why we should support this bill. I have kept quiet all day, but now I would like to tell you, as one member of this body, why I feel we should support the bill.

In the hearing yesterday, I made some comments to some people that I would have much preferred having the bill with no sunset. This was similar to what we had two months ago. It came down to a situation where some members of the other body would not agree to a highway funding proposal unless there was a sunset provision. I still, tonight, disagree with that. I would have been much happier if the sunset provision hadn't been in; however, we are not faced with that proposal now, and I feel that the time has come for me, and hopefully for some members of my party who may have disagreed with me in previous votes today would look at a couple of programs that affect what I believe are serious programs to small municipalities.

I happen to be in a position where I do know what some of the effects are on the state aid program, and I would just like to put it in plain language and use my own town for example in what I see would happen to the state aid account if this bill should fail.

What I am saying to you is that our municipality is not that large a municipality and we only raise the sum of \$8,000 for state aid. Without this bill, we received a letter from the DOT

some three or four weeks ago that said we would be matched one unit of the six units we raise. Now, when I looked at that and I could see that if our town raised \$8,000 and all we are going to receive is one-sixth of that match, I guess what our position would be is to put our state aid money away for a year and wait, and hopefully the next session of the legislature might try to do something to pick up the back monies. Knowing the economic situation as it is, I think all of us would have to agree that this would never happen.

The bill that we have before us, in my opinion, I feel that all the members ought to forget about the \$7½ million that is deferred. As a municipal official or anyone who might be involved in town government, this is not the prime interest that we have in the state aid account. What we are looking for is the 1980-1981 fiscal year from July 1st to June 30th of next year, and in that proposal, I have been assured, maybe a lot of you don't feel the same way that I do, but I have been assured by Dan Webster, who I have a lot of respect for, that we will receive no less than 90 percent of our six units that we raised. Strange as it may seem, this means somewhere in the neighborhood of \$24,000 to our town, and I guess when I leave here tonight, I would be much happier to see a proposal that is going to match us 90 percent than maybe only one unit of our six.

Go a little bit further and look at the bonus account that you receive for reconstruction programs. When we originally started this year in January, we had a bill before us that would give us 20 percent of our bonus. We worked on it in committee, we came out with 30 percent. We did a little bit more work as time went on and now, in this bill, you have 35 percent. We came pretty close to that 40 that we have always had for years.

Probably the most important part of the whole bill to the municipalities—I guess you would have to say towns and cities combined—is the state aid construction account. There are municipalities that are out here waiting, I think, for the decision that we are going to make here tonight. I think it is important that we do pass a bill, even if a lot of us don't agree.

The summer maintenance account, I would have to say to Mr. Garsoe, that I would rather have 500 miles paved this summer than none at all. If we don't pass a highway bill, it is my understanding that we won't have any summer paving program. If we do pass this bill, we will have some effort made.

I think you have to look also in the summer maintenance account that there is a lot of money in there to do other things besides just paving. I have heard today that there will be some people that will be laid off both state employees and the private sector.

Yesterday in committee, some people said that they would have to hold their nose to vote for this bill. I am not going to hold my nose tonight, I am going to leave here, hopefully, to go back and tell people that we finally were able to pass a highway bill. I hope that a lot of people, especially some of my party, even though you may not agree with the bill, will see your way clear where maybe you can support it on final enactment.

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

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to belabor you with a very long speech but I will tell you what I did as a Representative to my constituents.

When I heard that the Governor was planning to come out with a bill in regards to raising the licensing fees, I hand delivered 2,000 questionnaires with a letter attached and I want to read you the letter.

"May 10, 1980—Dear Neighbor: The Governor is calling us back for a Special Session to consider the highway budget. As your Representative, I will be asked to vote on a proposal

prepared by the Governor's staff. To the best of my knowledge, they are preparing to fund the budget by increasing the fee for drivers' licenses, training permits and other little permits in addition to possibly, hopefully, some services and employment. This should, in their opinion, keep the store open until 1981.

Some of the recent surveys have shown that the people would like to fund the highway by increasing the gasoline tax by 2 or 3 cents a gallon. Others have shown a desire for a sales tax on the purchase of gasoline, of this date, the legislature has not been able to work out a compromise to satisfy the majority of the legislature. Hopefully, on May the 22nd, we will be able to work out a plan to implement a funding bill to satisfy the majority.

This is my reason for writing to you. I would like to hear from you as to how you feel about this highway funding. I am enclosing a questionnaire. I hope you will call or write to me how you feel about funding the highway budget. Please call or write before May 20th."

I have received all of these and anybody is welcome to come over and count them as I have done.

Question (1) was: I would like to fund the budget by accepting the proposal prepared by the Governor's staff—175 said yes. (2) I favor the increase of the gasoline tax by 2 cents—22. (3) I favor the increase of the gasoline tax by 3 cents—10. (4) I favor the increase by charging a sales tax on gasoline—9. (5) I would like to keep things just as they are with no increase whatsoever—20.

This tells me how my people feel where I live. I don't know how your people feel where you live.

In addition, I came to the hearing—many of my people that I know very personally on the city council. They said to me, "Bob, I would like to have you appear there and ask one question—will this bill, if it is funded or if it is not funded, affect the Bangor-Brewer Bridge?" I was told at the hearing that it probably wouldn't. However, you know as well as I do that if there is no staff to work, they could hold up the bridge, they don't have to build it. If you don't have anybody to administer it, if there is no personnel, you mean to tell me that it is going to happen just by itself? So, I am just trying to tell you, this is how I feel about this. You are welcome to come over and count these, I have been receiving them for about the last 10 days. I am voting for this package; I hope that the rest of you will.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I really would like to urge you tonight to give some thought to passing this budget. I am one of those that, through the committee hearings and working with the number of proposals that we had, voted against some of the proposals as many times as anybody else. We are down to the last hour, the last proposal.

The proposal before us will at least give the Department of Transportation the opportunity to do a limited paving program this summer, somewhere in the neighborhood of 400 to 500 miles. Inflation has been eating into it practically by the day and has been reducing it.

It will assure you people from the rural areas especially of the town road improvement program. It assures most of the cities and towns that have raised units for state aid this spring at their town meetings, city council meetings, it assures that the state will match those units other than only one unit. It will enable the department to hire somewhere in the neighborhood of 200 to 225 summer people to keep the summer programs going. Also, of course, it will affect the private sector of the construction industry which relies on this summer work.

There is one other area that was brought out, I think, in our discussions with the Department

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of Transportation that hadn't been raised in the last two days anyway. By statute, the department and the administration can turn state-aid roads back over to the towns. My town is one of those towns that is in this position and just cannot afford to maintain these roads, and I think a lot of you people are in the same position. If they have to make cuts, they are going to have to get rid of maintenance of some roads, and one way to get rid of it or to do away with this maintenance is to turn the roads back over to the towns.

It isn't the ideal solution, I realize. I have some hangups on it, but the damage that will be done if we go home without a bill is far worse than what will be done by adopting this bill. Really give it some thought.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, this Department of Transportation is not my field but I have been interested in it for many years and have done work which, over the years, has benefitted from the highway system.

It must be pretty obvious to people who have watched my record here in the House over the last few years and during this session that this isn't my favorite idea of financing the Department of Transportation, after watching me introduce legislation on a gas tax, vote for a gas tax on the task force, try to get more money for the department. But I have consistently voted for the support of the DOT programs and I am going to vote for this bill, as I have all day, because it is the only vehicle available to me in this legislative session to do something.

As much as anything else, perhaps, I believe in the legislative system and I believe in the committee system, and this bill is a majority report of one of our very most important committees here in the legislature, and I think you should all give that some weight. The committee system, in order to work, has got to have the support of the legislature.

As you have been told, this bill does keep the store open, it does provide current year state aid at nearly the full amount, it does provide for some summer maintenance and construction, it does give time to reach the next session when more information will be available. So I guess I am asking you tonight to also take some strong thoughts about this. Let's not be a do nothing legislature with respect to the DOT. I urge you to vote yes to recede and concur with the other body.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Lisbon Falls, Mr. Tierney, to the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Mr. Tierney assumed the Chair as Speaker Pro Tem and Speaker Martin occupied his seat on the floor of the House.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to thank all the members who stayed when the initial request was made earlier this evening. I think that by the number of individuals who are here now, you clearly demonstrate the obvious, that the problem that faces us is one that will not and cannot go away.

In the 16 years that I have been in the legislature, I don't think that any issue has been one that has been any more troubling than this one. I don't think there has been any issue that people have had more individual ideas as to how they can solve the problem as we face it.

The problem that we face, I think, is a rather simple one, it is one of attempting to mirror the people that we represent. People want services, people want the things that government ought to provide them, so they think, and very often people do not feel that the taxes that we

use to fund those individual programs are necessarily the things that they would like to see and the way they would like to see them. I think this one is a good example where individuals would like to see the program funded by the gas tax, some would like to see it funded by other fee increases, others would like to see cuts and really no one knows for sure what ought to be done.

Even with the assistance of the Transportation Committee, I think this legislature has had trouble grasping with the problem and I think unfortunately, because of the situation that we face, it is one that is not going to go away this coming session. It is caused, I think, by decreasing revenues and is caused by the fact that at the same time many people, and I don't say all, but many people are demanding that we do certain things.

It is not a secret, for those of you who know me, that this bill is not necessarily mine. It is obvious that it is not sponsored by the gentleman from Cumberland, Mr. Garsoe, and I am not sure that you can actually find the person who is responsible singularly for its authorship. The history of this piece of legislation is one that has been bounced from one end of the hall, from caucus to caucus, since we were here in early January.

I can fully agree with many of the problems that many of you have outlined to me privately in the course of attempting to determine whether or not there should be enough votes to enact this piece of legislation. Many of you feel very strongly that this is an improper funding mechanism, that the time has come for permanent funding, the time has come to take care of the problem once and for all. We all know what that means, I suspect, and maybe that is why it is so difficult for individual legislators to face up to the responsibility that we have to bear.

For those of you who have known me for the years that I have been here, I would not be speaking in favor of this piece of legislation if I thought it was going to hurt the people that I represent, or, more directly, the people of Aroostook County, because if there is anything which I hope I have any accomplishments with doing, it is to assist those people, to make sure that the programs that the state provides are equally provided to the people of all this state and, if necessary, a little bit more equally to the people of Aroostook.

I think that as we view where we are now, I have a very simple thing to look at and it is this—it is this package or we go home and tell the people that we have nothing at all.

I have the largest legislative district in this state, as some of you know, and some come pretty close to that, like the gentleman from Bingham and the gentleman from Danforth, where the only mode of communication and transportation that we have available to us are highways, that is all, and if we do not make any attempt to help this year, we are postponing what will have to come this coming year or the year after that. I know that if we go home, and I speak in particular to those of us who come from Aroostook and Washington and Somerset, and the more rural I think the worse it gets, I think the one program that has been the most beneficial to us has been the tarring program. It has been the one thing which has helped improve transportation. It is the one thing, I think, which is going to help improve the way in which we live.

I ask all of you who come from rural areas to assist me and to assist others to provide a program that will not do the complete job because we do not have the revenues, but at least not make all the cuts that would be made if this particular bill is not passed.

What is going to happen, and what I fear, is that when we go home and if we go home with nothing, the people rightly will condemn us because we have failed to live up to a responsibility that we had.

I know that some of you can argue that we could have gone all the way and we could have passed a gas tax or we could have done this or we could have done that; that is not the option we have available tonight. It is this or else we have to go home with nothing.

It seems to me a political action that I learned many years ago, that half a loaf is better than none at all. For those of us who come from those rural areas, this half a loaf is not much but it is certainly better than going home without a program.

Many of you have told me that you would like to vote in this final vote tonight but you have already committed yourselves on one, two and three votes. They say, how can we, in good conscience, change our vote now in the final analysis and vote for enactment of this piece of legislation. I would like to give you only one reason, it is really one of my own because I did not like this piece of legislation. I told the Governor, when he came to me as a result of meeting with Republican Senate Leadership, I did not like the sunsetting approach and I would not support it. Then, as the gentleman from Cumberland, Mr. Garsoe, knows, I backed off from that position because I felt that in order to get any package through the other body, it was important that we, myself, and members of this body make some concessions, and that I did. So, I ask all of you who may, for whatever reason, have voted against previous enactment motions, that you would, on this final vote, make it possible for us to leave here this evening with a piece of legislation which I guarantee you will not fulfill the entire problems that we face but will at least keep 1,200 private citizens, not government employees, working this summer through the private sector. That is just one of the elements which I think we have to keep in mind.

So, I certainly hope that you will give the necessary 101 votes for final enactment.

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair would like to thank the gentleman from Lisbon Falls, Mr. Tierney, for acting as Speaker pro tem.

Whereupon, Mr. Tierney returned to his seat on the floor of the House and Speaker Martin resumed the Chair.

Mr. Garsoe of Cumberland requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of Mr. Kelleher of Bangor that the House recede and concur and pass the Bill to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of receding and concurring will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Branigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Cloutier, Connolly, Cox, Davies, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Robbins, Howe, Hughes, Jacques, E.; Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Lizotte, Locke, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McMahon, Mc-

Pherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Post, Prescott, Reeves, P.; Rolde, Sherburne, Simon, Soulard, Stover, Strout, Theriault, Tierney, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman. The Speaker.

NAY — Aloupis, Berry, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Call, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Fillmore, Garsoe, Gavett, Gray, Higgins, Hunter, Hutchings, Immonen, Jacques, F.; Leighton, Lewis, Lougee, Nelson, A.; Payne, Peterson, Rollins, Sewall, Silsby, Small, Smith, Sprowl, Studley, Tarbell, Torrey, Tozier, Wentworth, Whittemore.

ABSENT — Boudreau, Dudley, Huber, Jackson, Leonard, Reeves, J.; Roppe, Stetson.

Yes, 101; No, 42; Absent 8.

The SPEAKER: One Hundred one having voted in the affirmative and forty-two in the negative, with eight being absent, the motion does prevail.

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

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House:

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: If I could have your attention for just a moment. I would like to make a brief statement about the process which we have just undergone, and this will probably be my last speech, certainly from this seat, and maybe on the floor of the House of Representatives. It is a message which I guess I would like you, at least if you haven't listened to me before, to try at least once.

It would be a big mistake, I think, if any of us went away from this process feeling that in any way we have been victorious, because what has essentially happened in the last week and months on this issue is the development of a process which is going to be going on for at least the next ten years, and that is the process of how we as a state and as a legislature deal with the continuing scarcity of resources against the expectations of the people.

I, for one, would like to thank the gentleman from Cumberland, Mr. Garsoe, for his perseverance in continuing to raise that very important question as to exactly how much resources are we to demand from the people as opposed to their expectations. I did want to make that statement, at least, prior to adjournment.

On motion of Mr. Tierney of Lisbon Falls, that gentleman was charged with and conveyed a message to the Senate informing that body that the House had acted on all matters before it and was ready to adjourn without day.

At this point, a message came from the Senate, borne by Senator Katz of that body, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House had transacted all business before it and was ready to adjourn without day.

Mrs. POST of Owl's Head
 Messrs. BRENERMAN of Portland
 NORRIS of Brewer
 KIESMAN of Fryeburg
 SOULAS of Bangor
 CONNOLLY of Portland
 BRODEUR of Auburn
 PETERSON of Caribou
 CALL of Lewiston
 McHENRY of Madawaska
 WOOD of Sanford

Subsequently, Mrs. Post, for the Committee,

reported that they had delivered the message with which they were charged.

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

Mr. MAHANY: Mr. Speaker and Members of the House: I move the House stand adjourned without day.

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House adjourn sine die. Is this the pleasure of the House:

The motion prevailed and at 10:09 p.m., Eastern Daylight Saving Time, Thursday, May 22, 1980, the Speaker declared the House adjourned without day.