

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Tenth  
Legislature***

OF THE

STATE OF MAINE

***Volume II***

**FIRST REGULAR SESSION**

**MAY 4, 1981 to JUNE 19, 1981**

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**HOUSE**

Friday, May 15, 1981

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

Prayer by the Reverend Douglas Morgan Strong, of the All Soul's Unitarian Church, Augusta.

The Journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:  
The Senate of Maine  
Augusta

May 14, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Legislature  
Augusta, Maine  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Majority Ought Not to Pass Report on Bill, "An Act to Prohibit the Importation of Spent Nuclear Fuel", (S. P. 413) (L. D. 1217).

Respectfully,  
S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees  
Ought Not to Pass**

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Ensure a Free and Appropriate Education for all Handicapped Children" (S. P. 361) (L. D. 1083)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

**Leave to Withdraw**

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on RESOLVE, Appropriating Funds for the lump Sum Settlement in the Case of the Estate of Edward M. Robinson v. State of Maine (Emergency) (S. P. 556) (L. D. 1528)

Came from the Senate with the Report read and accepted.

In the House, the Report was read and accepted in concurrence.

**Orders**

On motion of Representative McSweeney of Old Orchard Beach, it was:

ORDERED, that Representative Nathaniel J. Crowley, Sr., of Stockton Springs be excused May 14 and 15 for personal reasons.

**Special Sentiment Calendar**

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

Recognizing:

Charles DeWitt of Messalonskee High School, who has been named Elks Teenager of the Year by the Waterville Lodge #905 Benevolent Protective Order of Elks; (S. P. 606)

Raymond and Richard Hall of Mount Vernon, who have been named Kennebec County's "Dairyman of the Year"; (S. P. 607)

Ann Bombardier of Waterville, who has been named "Volunteer of the Year" by the United Way of Mid-Maine; (S. P. 608)

Bob Brennan of Bangor, who has retired from coaching after 20 years as football coach at John Bapst High School; (H. P. 1478) by Representative Diamond of Bangor. (Cosponsors: Representatives Kelleher of Bangor, Crowley of Stockton Springs and Senator Devoe of Penobscot)

Frank and Lillian Pomerleau, who will celebrate their 50th wedding anniversary on May 25, 1981; (H. P. 1484) by Representative Paradis of Augusta. (Cosponsors: Representatives

Hickey of Augusta, Lund of Augusta and Senator Bustin of Kennebec)

There being no objections, these items were considered passed in concurrence or sent up for concurrence.

**House Reports of Committees  
Ought Not to Pass**

Representative Boisvert from the Committee on Public Utilities on Bill "An Act to Create the Maine Energy Commission" (I.B. 1) (L. D. 522) reporting "Ought Not to Pass"

Representative Lewis from the Committee on Labor on Bill "An Act to Exempt Small Businessmen from the Workers' Compensation Law" (H. P. 1109) (L. D. 1314) reporting "Ought Not to Pass"

Representative Brown from the Committee on Education on Bill "An Act Establishing Procedures for the Approval of Rates for Children Requiring Special Education Services at Residential Treatment Centers and Allocating Financial Responsibility for the Costs of Those Placements" (H. P. 1103) (L. D. 1308) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

**Leave to Withdraw  
Tabled Unassigned**

Representative Baker from the Committee on Labor on Bill "An Act Concerning the Treatment of Asbestosis under the Workers' Compensation Act" (H. P. 567) (L. D. 643) reporting "Leave to Withdraw"

Representative Baker from the Committee on Labor on Bill "An Act to Remove Artificial Barriers to Benefit Recovery by Workers with Occupational Diseases" (H. P. 600) (L. D. 677) reporting "Leave to Withdraw"

Representative Baker from the Committee on Labor on Bill "An Act Relating to Occupational Loss of Hearing" (H. P. 463) (L. D. 513) reporting "Leave to Withdraw"

Representative Baker from the Committee on Labor on Bill "An Act to Strengthen and Clarify the Occupational Disease Law" (H. P. 640) (L. D. 730) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Improve the Evaluation of Hearing Loss under the Workers' Compensation Statute" (H. P. 684) (L. D. 798) reporting "Leave to Withdraw"

Representative Damren from the Committee on Labor on Bill "An Act Relating to the Filing of First Reports and the Workers' Compensation Law" (H. P. 1215) (L. D. 1441) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act Relating to Attorney's Fees Under the Workers' Compensation Law" (H. P. 565) (L. D. 641) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act Concerning Worker's Compensation Cost Containment" (H. P. 502) (L. D. 553) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act Relating to General Health Insurance Benefits for Injured Maine Workers and their Families" (H. P. 1189) (L. D. 1413) reporting "Leave to Withdraw"

Reports were read:

On motion of Mrs. Mitchell of Vassalboro, under suspension of the rules, tabled unsigned pending acceptance of the Committee Reports.

Representative Jacques from the Committee on Energy and Natural Resources on Bill "An Act to Encourage the Development of Renewable Energy Resources" (H. P. 732) (L. D. 915) reporting "Leave to Withdraw"

Representative Bordeaux from the Committee on Public Utilities on Bill "An Act to Estab-

lish a Municipal Power District Enabling Act." (H. P. 929) (L. D. 1100) reporting "Leave to Withdraw"

Representative Bordeaux from the Committee on Public Utilities on Bill "An Act to Increase the Assessments upon Certain Public Utilities and to Include Railroad Companies among the Utilities Assessed" (H. P. 576) (L. D. 656) reporting "Leave to Withdraw"

Representative Boisvert from the Committee on Public Utilities on Bill "An Act to Create the Maine Energy Authority" (H. P. 761) (L. D. 905) reporting "Leave to Withdraw"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Index the Maine Individual Income Tax Structure" (H. P. 1197) (L. D. 1421) reporting "Leave to Withdraw"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide for the Scheduled Reduction of Certain Property Tax Exemptions" (H. P. 1042) (L. D. 1261) reporting "Leave to Withdraw"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Adjust the Tax Accounting Method Used for Corporations which are Part of a Unitary Group of Affiliated Corporations" (H. P. 1352) (L. D. 1543) reporting "Leave to Withdraw"

Representative Masterman from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories (H. P. 1138) (L. D. 1355) reporting "Leave to Withdraw"

Representative Soule from the Committee on Judiciary on Bill "An Act to Clarify the Right of Access to a Rental Dwelling Unit" (H. P. 319) (L. D. 348) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**Ought to Pass in New Draft**

Representative Webster from the Committee on State Government on Bill "An Act to Give Leaseholders Option to Purchase Lands Acquired by the State in Exchange with Paper Companies" (H. P. 953) (L. D. 1129) reporting "Ought to Pass" in New Draft (H. P. 1477) (L. D. 1609)

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

**Ought to Pass in New Draft/New Title**

Representative Gwadosky from the Committee on Business Legislation on Bill "An Act to Prohibit Refiners and Distributors from Selling Motor Fuel at Retail" (H. P. 1065) (L. D. 1253) reporting "Ought to Pass" in New Draft in New Title Bill "An Act to Amend the Unfair Sales Act" (Emergency) (H. P. 1479) (L. D. 1610)

Report was read and accepted, the New Draft read once and assigned for second reading the next legislative day.

**Ought to Pass in Second New Draft/New Title**

Representative Hobbins from the Committee on Judiciary on Bill "An Act Relating to Forcible Entry and Detainer Hearings" (H. P. 377) (L. D. 415) reporting "Ought to Pass" in Second New Draft in New Title Bill "An Act to Amend, Revise and Codify the Landlord-Tenant Laws" (H. P. 1476) (L. D. 1608)

Report was read and accepted, the New Draft read once and assigned for second reading the next legislative day.

**Ought to Pass**

Pursuant to Joint Order: (H.P. 264)

Representative Swazey from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1981 (Emergency) (H. P. 1475) (L. D. 1605) reporting "Ought to Pass" — Pursuant to Joint Order: (H. P. 264)

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

By unanimous consent, ordered sent forthwith.

#### Ought to Pass

##### Pursuant to Joint Order: (H.P. 264)

Representative Roberts from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1981 (Emergency) (H. P. 1474) (L. D. 1606) reporting "Ought to Pass" — Pursuant to Joint Order: (H. P. 264)

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

By unanimous consent, ordered sent forthwith.

#### Consent Calendar

##### First Day

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

(H. P. 881) (L. D. 1050) Bill "An Act to Abolish the Position of Elected County Treasurer in Aroostook County and Replace it with an Appointed Treasurer" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-392)

(H. P. 594) (L. D. 671) Bill "An Act Relating to Student Expulsion" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-395)

(H. P. 1177) (L. D. 1401) Bill "An Act Relating to Compulsory School Attendance and the Enforcement of Truancy" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-396)

(H. P. 922) (L. D. 1093) Bill "An Act to Require a Bond in Certain Suits Seeking to Enjoin School Construction Projects" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-399)

(H. P. 1039) (L. D. 1258) Bill "An Act to Revise the Debtor-Creditor Laws to Facilitate the Legal Collection of Debts" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-401)

(H. P. 320) (L. D. 349) Bill "An Act to Repeal the Law Preventing Mentally Ill People from Getting Married" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-402)

(H. P. 1108) (L. D. 1313) Bill "An Act Concerning Access by Adopted Children to Biological Family Medical Files" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-400)

(H. P. 580) (L. D. 660) Bill "An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax" — Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-398)

(H. P. 1183) (L. D. 1407) Bill "An Act Recommending Changes in the Maine Juvenile Code and Related Provisions" — Committee on Judiciary reporting "Ought to Pass"

No objections being noted, under suspension of the rules, the above items were given Consent Calendar Second Day notification, passed

to be engrossed and sent up for concurrence.

#### Passed to Be Engrossed Amended Bill

Bill "An Act Concerning the Consent Requirements and Termination of Parental Rights for Adoption Proceedings" (Emergency) (S. P. 604) (L. D. 1601) (S. "A" S-230)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence.

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property" (H. P. 1459) (L. D. 1598)

Tabled—May 14 (Till Later Today) by Representative Kelleher of Bangor.

Pending—Passage to be Engrossed.

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

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

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I will at least commend the gentleman from Bangor for not moving the question, which I fully expected. Since there has been quite a bit of inaccurate information given out in the last couple of days in the hallways, I wanted at least a chance to set the record straight.

I understand that all of you have received on your desks, although it is not clear to me who printed it, a pamphlet put together which is a determination of service fees for the City of Portland. This is the same brochure that Mr. Doyle has been passing out in the hallway. As I understand it, it is about three or four months old; it is certainly nothing that has been done by the Taxation Committee. It is something that was put together by the city manager in Portland four or five months ago. It does not particularly relate to the bill that we are dealing with, as Mr. Doyle and everyone else knows, that some of the provisions that were in the original bill for the determination of service charges have been taken out. As Mr. Doyle also knows, since this particular list is developed totally on the issue of state valuation, that is not a mechanism that can be used.

I just wanted everybody to know that the information is not accurate. It was not prepared by the Department of Taxation, the Attorney General's Office, the Committee on Taxation or anyone else, and it is not, in fact, an accurate reflection of what would take place in the city of Portland if the bill that we are going to be dealing with today is finally enacted.

In addition to that, and I am not sure how widely circulated it was. I can only say that also coming from Mr. Doyle, and I think the date on the letter was one of May 12, which was, I believe, the day after we voted on the bill, either Mr. Doyle is terribly slow or he is intentionally trying to mislead people, but in this letter which he sent to the Taxation Committee raising several constitutional issues, several other issues, he was dealing not with the bill that we have before us but with the other bill. So, if any of you have been accosted in the hallways as far as the constitutional issue, the issues in that particular letter, let me just say that that, again, is inaccurate, because even though the letter was dated after the committee had acted on the bill that we had before us, it was, in fact, not a reflection of new bill which you see in front of you today.

What we are dealing with and the primary issue is, is whether or not we want to allow people in referendum to make a choice that certain classes of tax-exempt property, that they will not have to continue to support those organizations through their property taxes. And the only things that we are dealing with are fire protection, police protection and sanitation services.

I can only wonder, what would happen if, in fact, we had a bill in this legislature which mandated that there would be a deduction from everybody's income that they receive, their salary, a deduction from their salary, mandatory by an act of the legislature, which would have to be taken out to support all charitable institutions, all benevolent institutions, all literary and scientific institutions and all the chambers of commerce? Can you imagine what the reaction would be in this body for a bill like that? Terrible, we would say, confiscatory, and we would all vote it down and tell our people back home how much we saved them from the state mandating that they all had to make donations to those particular classes of charities. Yet, we can stand here and say that we don't even want people locally back home to decide whether or not they are going to make those contributions to charity and benevolent organizations and chambers of commerce through their property tax, the most regressive tax that we have, that we are not even going to allow them a chance to vote. We are not going to allow an 80-year-old lady, who may be living in a \$20,000 house that she may not be able to pay the property taxes on, whether or not part of her property taxes are going to go to support the Elks Club.

It is easy, because we can go back to our hospitals and go back to the YMCA and we can tell them we saved them, and the little 80-year-old lady is never going to know what we did, she is never going to know that we are going to make her continue to pay for fire protection and police protection for the Elks Club, because it is not that clear, but we can feel good about it.

So the issue is, if you want people to have a choice on what their property taxes are going to pay for, and if they are going to have to support these organizations through their property taxes, or are people on the local level going to be able to decide that, in fact, they need to have their money go somewhere else?

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I probably would not be adverse to this bill, if, indeed, property taxes of the "little old lady" and I am getting very close to that bracket, were to be reduced or contained. I suspect not, because this will merely give an additional pool of money in which to dip to either create new programs or whatever.

She mentions that they would be displeased if they knew they had to support the Elks Club. Well, the committee has very conveniently removed veterans' organizations, and I suspect that many of them, and I would never vote against a veteran's bill, are self-sustaining and in fact do derive some money from their bars or their dances or their beano games.

There is one point I would like to make, and I might like to ask a question to you, Mr. Speaker. Do you think this might require a fiscal note for the simple reason that when nursing homes and boarding homes are going to be taxed an additional forty or fifty thousand dollars a year, those who are on a cost-plus basis, I suspect that the state would have to increase its own contribution via Medicaid?

The SPEAKER: The Chair would advise the gentlewoman from Lewiston, Mrs. Berube, that as of this time, the Chair has not been provided with any fiscal note requirement.

Mrs. BERUBE: Would this mean, Mr. Speaker, that there should, indeed, be a fiscal note?

The SPEAKER: It could mean that, or it could mean that none is required. That information probably would come at a later time if one were required.

Mrs. BERUBE: Fine, we can hold the decision in abeyance at that respect.

I still refer to Section 6 on Page 2 which disturbed me the other day which says, "The municipalities shall use the revenues accrued from service charges to fund" and this is the crucial phrase—"as much as possible, the cost of those services." There is no guarantee that they would dedicate or earmark this for the services of fire, police and snow plowing.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This measure here perplexes me in the position that the good lady from Owl's Head has taken, because she was a great champion on another measure which, in my opinion, relates itself to a certain degree to this bill here, and I speak of the bill to add 2 percent on the sales tax for hotels, motels and restaurants. She was vehemently opposed to that bill.

This measure here does not touch the points that have been brought up. There are two arguments with me that are ringing in my ears. The first argument is this—how about St. Joseph's College, how about St. Peter's and St. Paul's, how about St. Dominic's High School, how about parochial schools here and there, how about the other private schools in Portland, the Jewish Parochial school and other parochial schools of Christian nature that are not necessarily within the Catholic faith? That is the first argument that bugs me about this.

The second one is this. The mayor of Lewiston and the members of the council in Lewiston are personal friends of mine, some more than others, some are real social friends of mine. The mayor himself is a neighbor of mine who I see every day jogging, not me but him, and I talk to him. I get letters, I got another letter from him today. I sometimes wonder whether I was truly elected to answer to them. This is the thing that bugs me. They didn't call on me a couple of years ago when they voted a million and a half dollars, and some of the dollars I paid, to build a garage, as the gentlelady from Lewiston called it last week, a white elephant. The average daily take on the garage has now been established, as of yesterday, at 26 percent per person. You can expect that we are going to get hit with a little more taxation.

Somewhere along the line when we in Augusta, the state, lost \$27 million of state revenue sharing money, we could have turned around and said to the cities, we are sorry, but we have given you 4 percent of the sales tax, 4 percent of the income tax revenue, 4 percent of the corporate tax, and now that we have lost \$27 million, we have got to get that money back. We didn't do that, we didn't entertain that thought, I certainly would not, because I know that they can be in trouble. But we have got to do some cutting. It is not too pleasant to cut programs. I would like to invite some of you people to come down to Room 228 sometime when we are cutting some programs that really should be funded. The answer—we just don't have the money. And just because Lewiston is hard put or Auburn is hard put or other communities are hard put, and I mention these two cities because they are close to me, one of them is my home city and the other is a twin city and the results of their meetings are prominent in our paper, and I don't go to their meetings because they don't invite me to tell me that they are going to do as far as the budget is concerned.

I have stated my feelings to the gentlelady from Owl's Head, Mrs. Post, because, number one, I like her, and, number two, I think she really has a real knowledge of taxation. As a matter of fact, there was word that she might go on the Appropriations Committee. I know she would have done a tremendous job, but I think it would have been a great loss for her to

leave the chairmanship of the Taxation Committee.

The motion to indefinitely postponed has been made, and a roll call is being asked for now, Mr. Speaker, when the vote is taken.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Representative Post, Representative Kelleher, have made reference to a handout that was placed on our desks the other day. I hope you took the time to look at it. As Representative Post said, it is an ancient document, but I think if you will look at the bottom line figure on the last page and you see that in just one municipality we are talking about tax exempt properties of almost \$87 million, how many of your communities at home don't even have a total assessed value of \$87 million? As you begin to look down through the sheet for what would be levied as a service charge for actual services provided, I can't even have my driveway plowed twice during the winter for that amount, and these agencies receive services, and the bill is based on actual services provided.

But I think today we need to take a broader, philosophical look at this issue and the relationship of the state and the municipalities. Is it a partnership or is it a parent-small child relationship? Is the current practice of driving the poor and the elderly out of their homes with oppressive taxes for rapidly rising services for non-taxpaying properties justice? What is ahead for these people? Remember, they are the people whose doors we knocked on last fall, remember, we reassured them with the catch words "local control, property tax relief." I think an even more valuable document that could have been placed before us today would be in the Maine cities and towns, a listing street by street, what Mrs. Smith, Mrs. Jones, Mr. Brown pays, and every house along that street, above and beyond their own tax bill. I think that would be a more accurate sheet to lay before us, because they are the people. We would look at the sheet and talk about the cost, they are paying the cost today.

What have we done for them? Out of Washington and out of Augusta this year, it has been a one-way pike and we have been sending back to these municipalities new responsibilities, new costs, all falling on the shoulders of the taxpayer not only paying his or her fair share for police, fire and other services but the additional load of services for tax exempt property. Does local control just mean dumping our responsibilities on them or does it mean trust and a respectful partnership?

This bill provides for a user fee, a fee for services provided. When we go home in June, let's tell them that we have taken one step, one positive step, to provide our local communities with local control and property tax relief.

There are some questions you have to ask yourselves today before you vote. Do you trust the municipal officers who will review the exemptions and costs, do you trust the people who could vote on these charges, do you believe that those who use the services should pay for them? I have to answer "yes" to all three questions.

I will vote today for a relationship of trust, a partnership between the state and the municipalities with a "no" vote on indefinite postponement. If you believe that relationship should be a parent-small child relationship, then you have an opportunity today to put yourself on the record.

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

Mr. BRENNERMAN: Mr. Speaker, Members of the House: It looks as if the Maine Hospital Association has done a fine job out in the hall in the last few days spending some of our tax dollars, spending some of our insurance dollars, spending a whole session trying to kill this bill. I only wish they had spent as much time trying

to pass a Cancer Registry Bill or trying to get rid of smoking, but that is not in their best interest, and apparently this is.

There seems to be some questions here about private schools. There are two amendments floating around and the only way we can put those on, if people want those, is to kill Mr. Kelleher's motion to indefinitely postpone.

Mrs. Berube questioned the amount of money that towns can raise through this. The amounts that they can raise have to be directly related to the costs provided for snow plowing, fire and police protection, and before the referendum is held at the local level, the communities have to tell the people of the community what the formula would be so that they will know in some way possibly what the service fee would be on tax exempt organizations if they voted to charge that service fee.

My good friend Mrs. Berube also mentioned veterans, and I believe, although I am not on the Taxation Committee anymore, but I believe the committee took that out because it was felt that the original property tax exemption for veterans was granted because of their service to their country and not because of anything that had to do with the state.

Over the past 25 to 50 years, the legislature has been very benevolent and we have passed many tax exemptions, but there has been no consideration of the cost of those exemptions on the towns that have to bear them. There is no consideration of the cost of those exemptions on the people who have to pay the tax at the local level.

It seems to me that this bill is the ultimate in local control. If a town wants to charge a service fee, it has to go to referendum and the people have to decide, and they can vote on any one of four classifications or they can vote for all of them. But the people will decide, not us in the legislature who think we know what is best for the people in any particular community as far as the property tax burden.

The issue is, do we as legislators make this decision and continue to make this decision or do we allow the people at the local level, who probably know best what is going on with the property tax situation, which organizations are truly benevolent and which are not, which organizations should have to pay a service fee for the minimal services that are provided to them that they have been receiving free for many, many years.

It has been argued several times in the last days that service charges may cause marginally financed operations to suffer. It seems to me that we ought to also consider the homeowner, the property taxpayer, the renter, who is also on a marginal basis. We also ought to consider the tax exempt organizations which rent property and therefore have to pay property taxes through their rent, while the people who own property don't have to pay a penny.

Finally, I think that the public debate ought to be in the communities and that the tax exempt organizations ought to make their cases in the communities and not pay people to be up here to make the arguments up here where we are not sure what the situations are in any particular community.

I would ask that you oppose the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland just walked up to the edge of the smoke that has been blowing about this issue and then backed away from it. Well, let's just get right into that cloud of smoke.

What we are talking about here is a city bill, let's make no mistake about it, because the ones that are the most vehement about this are from the larger cities and what they are talking about getting to there is the hospital and medical centers, that is where the big bucks are. The big bucks aren't in the civic organizations

like the Elks or the Eagles, that is not where the big bucks are, it is getting to those medical centers.

Let me ask you, why were the medical centers located as they are? Whenever there is a proposal made to build an activity like a medical center, you bet your life that the city fathers are out there lobbying to get it into their cities. Why? Because it provides a lot of jobs. It not only provides a lot of jobs, it brings a lot of people into that center from outside of the city and that is what they are looking at right now. This is a way to shift the benefits that are derived by these cities from these medical centers out to the outlying areas in the smaller towns.

When you have a major medical problem in your home or your family, your family member is transported to a medical center. You go down to visit them, you stay down there and you use their motels, then you eat in the restaurants, and while you are waiting for word about your loved one, you go out and shop because you have to get your mind off the problems that you are facing there. So, it brings a lot of benefits into a municipality that has a medical center in it, make no mistake about it.

If you want to hear some screams of anguish from some of these city fathers, you just listen to one of these medical centers suggesting that they are going to build, let's say, their radiation treatment unit in an outside community, outside the city, and you will see some houses razed and some land acquired and some breaks given to the medical center so they can build their additional facility right adjacent to their prime plant. You bet you will, because they want those jobs to stay there. They want that payroll to stay there and they want to bring those people in.

Portland is an example. They wanted to have a drawing card, so they built a civic center, and all these small towns in Cumberland County are paying for a civic center whose prime purpose is to bring people into the city of Portland, and the medical center does the same thing.

If the people of Portland or any of these major municipalities don't think they derive a benefit from these centers other than the payroll that it brings in and the people that it brings in to utilize the services in the city, just think about this: in Maine Medical Center, in the last fiscal year, they gave a half a million dollars in charity services at the hospital, charity services and forgive bills. Now, who utilizes that hospital for charity services? It is the people of the municipal. You don't drive 50 miles to get charity services at the medical center, you go to your local doctor or your local hospital. A half a million dollars was contributed by the Maine Medical Center to the people of the city of Portland in unpaid services.

I would suggest to you, you think about whether there is a benefit ratio by having a medical center and let's get away from this idea that we are talking about Elk's Clubs, because if you look at the very letter that has been discussed today and see where the big bucks are, you will see what we are really talking about.

**THE SPEAKER:** The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

**Mrs. BERUBE:** Mr. Speaker, Ladies and Gentlemen of the House: A very quick point. A great deal has been made of the referendum question and I certainly always support a referendum clause. However, I recall, I guess it was two years ago, there was a bill passed here that would have passed on a special tax in a development district and it had a referendum clause, and before that could be implemented, this year a bill was put in, passed, and I debated it, I recall, that removed the referendum clause, so now I know one municipality that is going ahead with a tax of that particular development district without a referendum.

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

**Mr. KELLEHER:** Mr. Speaker, Ladies and Gentlemen of the House: I am not at all surprised by the remarks made by my friend from Portland, Mr. Brenerman, when he complained about people outside the halls of this House are attempting to ambush this bill and to give the inferences they can twist arms. Let me tell you something, I have never ever used that in a debate in my life in this House and I will tell you why. You are all over 21, you all understand the legislative process, every one of us understands the English language and we will make our minds up on the debate that is presented here in this House, not by anybody outside.

Mr. Brenerman is so concerned about this House, not by anybody outside.

Mr. Brenerman is so concerned about the Maine Medical Association, when two weeks ago he thought he had a winner and I understand Maine Municipal is lobbying for it, so be it, good luck to them, that is their position, but I don't think that this House or any of you individuals in this House are persuaded by the lobby. I think you have the courage of your convictions to understand what the issue is, whether it is this issue or other issues, and you make up your own mind.

I will just put that aside, Mr. Brenerman, because I don't buy those arguments at all.

The document that Mrs. Post complained about that was passed out by Representative Hickey and I didn't come from the State Taxation Office. She knew it, you know it and I know it. It came from the Taxation office of the City of Portland. Now they tell me it is old and they have revised it and I applaud them for revising it, but Mr. Hickey and I didn't put these names on this sheet that are listed here, the taxation department in the city of Portland did.

Portland has some financial problems and my city has got some financial problems. Portland complains that there is a great deal of untaxable property there. There is \$271, million worth of untaxable property in my city and I am not going to vote for this issue this morning. The United States government owns \$11 million of it. The state of Maine owns \$57 million of it. Penobscot county owns \$4 million of it and the city of Bangor owns \$197 million of it.

Now Mr. Murphy was complaining about the old man that lives on Maple Street up in Bangor, he complains about the taxes that were taken from them, but the United Way that serves our communities, my area, or the Greater United Way of Portland, a lot of the associated agencies that are connected with it, I believe, are on this list. I didn't put this list together, I am not clever enough to do that. I was smart enough to ask for it and I got it out of the city of Portland and, believe me, it is no different. Bangor hadn't prepared one, but I am sure that it would be just like this or Augusta or Lewiston of any of the other major cities in this state.

This is a real foot in the door, and I suggest that the public's interest is going to be served here this morning by us not passing this bill.

This is an old chestnut that has been in here before. It didn't come from Aroostook County, it didn't come from Penobscot, it didn't sail out of York. We all know where it came from, we all know the city that has truly invested in this, that is concerned about it; I hope you will support my motion.

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

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

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

**Mr. GILLIS:** Mr. Speaker, Ladies and Gentlemen of the House: A comment made by Mr. Kiesman that this is a city bill, this is not a city

bill. I don't give a hoot about the city of Portland, Bangor, Lewiston or any other city. I do care about the taxpayers, and that is what this bill is, it is some relief for the taxpayers.

The comment was made that the city fathers would raise havoc if they could not get the medical centers into the cities, who wouldn't? I would love to have the Maine Medical Center down in Calais. It would be the best thing in the world for us down there. It keeps the job rate down but it doesn't pay taxes and I think it is about time they did.

They talk about the free medical service they are handing out. That free medical service is being handed out because of an agreement with the federal government on federal money being invested in the construction. So, don't let them pull the wool over your eyes.

I urge you to vote against the indefinite postponement of this bill.

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

**Mr. BRANNIGAN:** Mr. Speaker, Men and Women of the House: We recently had a candidate running in the city of Portland for city council, we have several candidates running at times, and one of them had a unique idea. His idea was that you put almost everything in the hands of private enterprise, private business, and one of them was that the fire department be put in the hands of private business and everyone could subscribe to it and pay a fee, not a tax, a fee, and if you bought that service from the fire department, then the fire department would respond to your problems. If you didn't, —fees. That is a ridiculous idea, we would never think of doing such a thing, but it just drives home and kind of crystalizes the point about fees for services.

The federal government recently, when sewers have been redone, as they have been done in my city and I imagine they have in many of your towns, they are no longer put on the tax base, they are put in as fees that everybody pays, private and non-profit, everyone pays a fee for the service they get.

I have worked for non-profits all my life. I am the executive director of a non-profit organization right now, and my non-profit, small as it is prepared, and it has always been understood that we were subsidized by the city for fire, for police, for many other things, just garbage pickup, I am small enough so they pick up my garbage, \$500 a year it saves me in garbage pickup alone for our small group. We are ready to pay our price, we are ready to pay. We pay our sewerage fee now. If they had a fire department, we sure as heck would pay for that and we are ready to pay for the other things. We need them very much, police protection, fire protection, things like that. We use them. Who uses them. People in Portland? In the whole of our area, only 38 percent of the people are Portland people. Right now, two from Aroostook County are in my facility. Aroostook is big enough so I am not breaking any confidentiality. York County, and we have people in our facility and from Lewiston, we have people in our facility, small towns. We are a service center, many of you belong and are involved in service centers and service centers have to bear tremendous amounts of costs for non-profit being in there.

It is multi, people who come from all over the state. I can speak just for Shalom House, a small psychiatric, adult facility, people with psychiatric problems come there. They come there for many reasons, it used to be we were the only ones, now there is one in Aroostook County, one in Biddeford, one here in Augusta, one in Bangor — they come to the city for many reasons. The service is there, one reason is they can be there and be themselves and sometimes they don't always look and act just like the rest of us and they can have anonymity which they couldn't have in small towns. They need the services, don't have cars, they have to walk or take a bus, and they stay there. If they



happen to have a breakdown, they happen to have a setback, they get taken care of by our city, we provide that, and we don't mind providing that, but by gosh, the taxpayers should not have to bear, the city of Portland taxpayer, should not have to bear all of the costs for all of these. They handed out that list, it is old, it is an illegal formula that was just worked up by our city manager, and I resent, by the way, the statement made by my good friend Mr. Kelleher, who is often right, but not always, that cities have overspent. He made that statement the other day. My city, the city of Portland, has a Triple A bond rating. We went for three years the last part of the 1970's with no property tax increase, we cut and we cut and we cut and we are still cutting and just having small tax increases but still we have a big property tax.

We have responsible, but we have to bear a tremendous amount of weight because of many reasons, and one of them is all of the non-profits in the city of Portland. I am not ashamed to be from Portland, I come from Topsham, Maine. Topsham won't have a service fee, they don't need to. The grange hall where I grew up, every Saturday night it did many things. That grange hall provides a service to that town and they are not going to put a service fee on it, I don't think.

Look at all those in the City of Portland and all of your service centers have many services, hospitals are only one of them. But let's talk about hospitals, seeing Mr. Kiesman from Fryeburg has brought that up. Free services—malarkey! We have a profit making hospital coming into our area, talking about coming into our area, and they talk about free service. Maybe a profit-making group can give some free service if they give their owners less profit — non-profits, no way. Free service—people in Portland are doubly damned because we not only have to pay for the fire protection and the police protection of the three hospitals in Portland, but those free services, you know where they go, they go onto our Blue Cross and they go onto Medicare and Medicaid — no, they can't pass them on there, they have to pass more of them onto Blue Cross. So after we pay our Blue Cross and you pay your Blue Cross that is where the free service is paid for.

I know non-profit financing and I don't agree with all the things that are being said — there has been a lot of smoke about that but not in regards to this. A non-profit has to raise enough money to pay—I have to buy food, buy fuel, buy electricity, I have to pay my sewerage fee and I have to also, if I want to continue to operate, pay for police and other things.

I just want to say that I believe very strongly, as you can see, and all the people that come into Portland or service centers, they come in and the centers gain a lot. Most of what comes in, jobs, income tax — state; selling things, sales tax — state. We do not get the great benefits that Mr. Kiesman has mentioned. And when hospitals write off, it isn't all Portland that gets written off as "free service." I worked with a gentleman in his area who got, thank God, \$6,000 worth written off.

I urge you to be fair about this, see it as it really is, a service fee, a help to the property tax in those towns who decide to use it. I urge you to vote against the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to add just a little bit to what Representative Kelleher said and give you a specific example of how one little bit of private enterprise may be destroyed by this bill.

The Bangor Christian School, which I had the pleasure of visiting on law day, is a beautiful place. In attending it, I was thinking there are 500 students from the City of Bangor, approximately, going to that school. The taxpayers of

Bangor would have to pay about \$500,000, a half a million dollars to put these youngsters in the public schools, but they are going to a private school so it doesn't cost Bangor a dime, the same way the state pays about \$1,000 on each student that goes to the public schools. Bangor Christian will not get \$1,000 for each of these 500 students, therefore, they are saving close to another half a million dollars. So in defense of the schools and hospitals, I think we should vote along with Mr. Kelleher.

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

Mr. KANE: Mr. Speaker and Members of the House: There are a lot of people today, including my friend from Stockton Springs, Mr. Crowley, who have expressed primary concern about this bill with regard to elementary and secondary schools, whether they are Baptist or Catholic or just private schools, but I know there are at least three and probably four amendments circulating around here somewhere with regard to this bill about those schools, and the position we are in, if we don't vote against the motion to indefinitely postpone, none of those amendments will ever see the light of day, we will never have the opportunity to see whether or not we maybe would have been able to draw enough support to pass this bill without those elementary and secondary schools in it.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Gardiner, Mr. Kilcoyne.

Mr. KILCOYNE: Mr. Speaker, I would like to pair my vote with Mr. Carrier from Westbrook. If he were here, he would be voting yes; I would be voting no.

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

Mr. MCGOWAN: Mr. Speaker, I would like permission to pair my vote with the gentlewoman from Portland, Mrs. Beaulieu. If she were here, she would be voting yes; I would be voting nay.

#### ROLL CALL

YEA—Armstrong, Bell, Berube, Boisvert, Brown, D.; Brown, K.L.; Callahan, Carroll, Carter, Clark, Conary, Connors, Crowley, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gavett, Gwadosky, Hayden, Hickey, Hobbins, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kany, Kelleher, Kiesman, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterman, Matthews, McCollister, McHenry, McKean, McPherson, McSweeney, Michaud, Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Perkins, Peterson, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stover, Swazey, Telow, Treadwell, Tuttle, Weymouth, The Speaker.

NAY—Aloupis, Austin, Baker, Benoit, Borda, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Cahill, Chonko, Connolly, Cox, Curtis, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Fowlie, Gillis, Gowen, Hall, Hanson, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Kane, Ketover, Lancaster, Macomber, Manning, Masterton, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Pearson, Perry, Post, Reeves, P.; Rolde, Soule, Stevenson, Theriault, Thompson, Twitcheil, Vose, Walker, Webster, Wentworth.

ABSENT—Cunningham, Hunter, Martin, H.C.; Prescott, Salisbury, Strout, Studley, Tarbell.

PAIRED—Beaulieu-McGowan; Carrier-Kilcoyne.

Yes, 82; No, 56; Absent, 8; Paired, 4; Vacant, 1.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-six in the negative, with eight being absent and four paired, the motion does 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 and I hope you vote against the motion.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House reconsider its action whereby this Bill was indefinitely postponed. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act to Require Periodic Reapportioning of Districts for Election of Representatives to Congress" (H. P. 1120) (L. D. 1337) (C. "A" H-370)

Tabled—May 14 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and specially assigned for Monday, May 18.

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

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

The Chair laid before the House the third item of Unfinished Business:

Bill, "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation" (H. P. 577) (L. D. 657)

Tabled—May 14 (Till Later Today) by Representative Higgins of Scarborough.

Pending—Passage to be Engrossed.

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

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

Bill, "An Act to Reimburse Owners of Livestock, Poultry or Beehives which are Destroyed or Damaged by Dogs or Wild Animals" (S. P. 582) (L. D. 1558)

—In House, Passed to be Engrossed as Amended by Senate Amendment "A" (S-157) as Amended by House Amendment "A" (H-323) thereto on May 7, 1981.

—In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-157) as Amended by Senate Amendment "A" (S-205) and House Amendment "A" (H-323) thereto in non-concurrence.

Tabled—May 13 by Representative Mahany of Easton.

Pending—Further Consideration.

On motion of Mr. Mahany of Easton, the House voted to recede and concur.

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

SENATE DIVIDED REPORT—Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Hunting of Bear with Bait" (S. P. 64) (L. D. 91)

—In Senate, Passed to be Engrossed on May 11, 1981.

Tabled—May 13 by Representative MacEachern of Lincoln.

Pending—Motion of the same gentleman to accept the Majority "Ought Not to Pass" Report.

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

Mrs. MARTIN: Mr. Speaker and Members of the House: I am against this bill, as you all know, and here I go again battling the bears.

I am opposed to L. D. 91, An Act to Prohibit Hunting of Bear with Bait. Give the bear half a chance; this bill doesn't give them a chance, the odds are against them. By placing bait on the forest floor and hiding behind a tree or rock and then shooting a bear when it is investigating the bait is like laying in ambush for fellow men. It is like fishing in a barrel. Where is the sport in baiting the bear; where is the challenge? Instead of man and bear trying to outwit each other, bait hunters tilt the scale completely in their favor. The bear has very little chance of surviving. Many of the bear hunters and trappers frown on this type of hunting, and so do I, and I would like a roll call on this measure.

The SPEAKER Pro Tem: 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 for a roll call, a roll call was ordered.

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

Mrs. MARTIN: Mr. Speaker, I guess I misplaced myself. This says "ought not to pass" and a minority of one "ought to pass." This is to prohibit the baiting of bears, so I wish you would go with the "ought to pass" to prohibit the baiting of bear.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of the House: I don't particularly care how you vote on this bill one way or the other, because personally I am very tired of the bear and the bear baiting and the bear hunting and the bear anything else. But there are a few points that I think have to be made and then you can vote any way you want; I could care less.

The game wardens tell us that this law would be completely unenforceable, so whether you pass it or you don't, they will not be able to enforce this law. You would have to prove that the person put the bait there with the intention of shooting the bear over it. You would have to see them put it there, you would have to see them come back to it, you would have to see them hunting over it. They told us it was completely unenforceable.

The other concern I have about this bill is, if you prohibit baiting of bear completely, you are going to run into a very serious problem, as far as I am concerned, with the bear. One of the biggest problems that we have to address is the nuisance bear. If you have a bear that comes and damages some person's beehives, apples, trees or sheep, if you don't allow them to bait the bear, what you are going to have is what we have had happen in the state before. This farmer or individual will call somebody in there and when they get done, they will shoot every bear within 50 miles of that area. It has happened before, and you still don't know if they got the bear that wrecked the beehive. At least if they could put the bait out, they would do it a short way from the beehive and when that bear comes up to the beehive, they know he is the one that was there before. But if you prohibit the legal person from doing that, what they are going to do is, they are going to go out and hunt bear and they are going to shoot every darn bear in the whole area. I don't want that, and I am sure you don't want that. That is why I signed against this particular bill.

How you vote on it, I don't care, but those are

a couple of things I thought you should know.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As much as I love Mr. Jacques, he hasn't told you the whole truth. He hasn't told you that the hunters come from all over the country to do this. He hasn't told you that they sit up in a tree with a can of beer and the bottle of CC, I have told you this before, and they wait for those bears. You call that hunting? I don't. This bill will not have any effect on the trapping. They can already trap the bear in their backyard if they want to, they have already got that.

This bill is for hunting with bait only, it is plainly outlined in the bill. We are not debating the trapping or the shooting of the bears. But baiting is a mess when they leave it all around the place. I know no farmer wants a mess on their property. It isn't the farmer that is baiting the bears, it is the outsiders that are coming in here with the big money, and that is the whole problem.

We have given them two bills already; let's give the bear one, please.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker and Members of the House: I, too, am sick and tired of all the bear bills we have, but I am not sick and tired of the bear we have. I would like to have a chance to take my grandchildren by the hand, like I do many times, and when they come through the halls here and see those two bears, they ask me, what are those, grandpa? I am going to say, that is what we had, my dear children, 50 years ago, we don't have them anymore because the legislature, in their wisdom, which I doubt sometimes, made all different types of regulations like this to get a bill out of committee, so to make all the excuses this way or that why we should have a bill like this.

I hope we use common sense this time and send this where it should go so I can still take my grandchildren and they won't have to ask what those things are there because they will be able to see them.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEachern: Mr. Speaker, after the last speech, my eyes are right full of tears.

I just had a conversation this morning with a Mr. Finley Clark who runs a bear lodge in the Patten area. They have been hunting bear for two weeks up there. They have taken five bear out of his lodge in two weeks. They have passed up several sows that had cubs with them, they didn't want to shoot the sows. They have seen more bear this year than they have seen in any of the past five years, so I don't think there is a shortage of bear.

Secondly, some week or so ago, this body passed a bill that would prohibit the hunting of bear in the fall as well as the spring of this year. If we pass this piece of legislation that is before us now, you are going to negate the vote that you cast on the fall season earlier in this session. This law would become effective sometime in October, which would cancel the bear hunting over bait for the fall that we have already passed. That doesn't really make much sense to me.

I hope that you will go along with the 12 to 1 "ought not to pass" committee report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, I am also tired of the bear bills and I am not going to speak very long on it. I had my arm practically twisted off with the spring bear hunting. I fell over and voted for it because I thought perhaps a man's business was more important than the bear. I felt bad about it, I still feel bad about it,

but perhaps I saved somebody's business.

I am not in favor of baiting. I am going to vote against this bill and I hope you do too.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, this is the last bear bill this session. I hope. I have to rise to ask for the indefinite postponement of this bill. As many of you know, I represent an area that has a lot invested in hunting. Last summer, the mill in Patten burned down and that was the only major employer in that town. Now all that they have in the area to keep the economy going is hunting camps.

One of the major methods of hunting bear is through baiting, which has been done for many centuries. The way I look at baiting, all there is is a thousand bear to be shot. I would rather have a bear shot and killed cleanly, humanely, with baiting rather than have somebody shoot at a bear and have it wounded, run off in the woods and die.

Therefore, I would ask you, before you vote think of the people that I have to represent in the small town of Patten. This is all that they have for the economy up in that area. I would ask you to vote for the indefinite postponement of this bill and all its accompanying papers and put this bill back into hibernation, where it came from.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. DIAMOND: Mr. Speaker, I request permission to pair my vote with the gentleman from Eagle Lake, Mr. Martin. If he were voting, he would be voting yea and I would be voting nay.

#### ROLL CALL

YEA—Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Cahill, Callahan, Carroll, Chonko, Clark, Canary, Connors, Curtis, Damren, Day, Dexter, Diamond, J.N.; Drinkwater, Erwin, Gavett, Hobbins, Ingraham, Jacques, Jordan, Kelleher, Kilcoyne, Laverriere, Lewis, Lisnik, Lund, MacBride, MacEachern, Mahany, Masterman, McCollister, Michaud, Moholland, Nadeau, Nelson, A.; Norton, Paradis, P.; Paul, Peterson, Pouliot, Randall, Reeves, J.; Ridley, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Telow, Theriault, Treadwell, Twitchell, Vose, Walker, Webster.

NAY—Aloupis, Baker, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Carter, Connolly, Cox, Crowley, Davies, Davis, Dillenback, Dudley, Fitzgerald, Foster, Fowlie, Gowen, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hutchings, Jackson, Jalbert, Joyce, Kany, Ketover, Kiesman, Lancaster, LaPlante, Livesay, Locke, Macomber, Manning, Martin, A.; Masterton, Matthews, McGowan, McHenry, McKean, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, M.; Paradis, E.; Pearson, Perkins, Perry, Post, Prescott, Racine, Reeves, P.; Richard, Roberts, Small, Stover, Swazey, Thompson, Tuttle, Wentworth, Weymouth.

ABSENT—Beaulieu, Carrier, Cunningham, Gillis, Hunter, Kane, Martin, H.C.; Michael, O'Rourke, Rolde, Salisbury, Strout, Studley, Tarbell.

PAIRED—Diamond, G.W.; Martin, J.

Yes, 61; No, 72; Absent, 15; Paired, 2; Vacant, 1.

The SPEAKER Pro Tem: Sixty-one having voted in the affirmative and seventy-two in the negative, with fifteen being absent and two paired, the motion does not prevail.

Thereupon, the Minority "Ought to Pass"



Report was accepted in concurrence, the Bill read once and assigned for second reading the next legislative day.

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

An Act to Amend an Existing Law Pertaining to Conversion of Seasonal Residences in Shoreland Areas (H. P. 946) (L. D. 1122) (C. "A" H-320)

Tabled—May 14 by Representative Higgins of Scarborough.

Pending—Passage to be Enacted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I had this tabled the other day and the good gentlady from Cape Elizabeth has returned and I have spoken to her about the bill. My main concern, I guess, besides not completely understanding the legislation, was the fact that somehow we were changing the way in which we define a year-round dwelling, and it appears we are grandfathering in the definition so that now we are defining it as a dwelling which has not been utilized as a principal or year-round dwelling during the five year period from 1977 to 1981. I guess my question is, would a problem arise if someone owned a house and was not living in it, for whatever reason, for that five year period, then came back and wanted to use it, it would seem to me that that might be a hardship on hardship on someone who had constructed a year-round home and intended to live there and for some unknown or unwarranted reason they were away from this place for that five-year period. I wonder what kind of a process they would have to go through if they wanted to utilize their own home?

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

The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: The present law, the conversion of a seasonal home to a year-round residence is tied to a very unworkable procedure. It is tied to whether it has a year-round water system in it, a year-round heating system in it and whether it is insulated. That is a very intangible thing because it is a matter of opinion of what is. It has been unworkable, it has been in effect for five years. What this does, it says that if you have a building within 250 feet of water, within the shoreline zoning area, you have not lived in it in that five-year period, since this seasonal conversion law went into effect, before you could start living in it on a year-round basis, you would be required to demonstrate that it either has an existing septic system that conforms to the plumbing code or there is a capability on the property to install a conforming septic system disposal.

The reason for this conversion is twofold. One is that people have properties that were built many years ago, they had very standard disposal system laws in effect at that time. Many of them only had the proverbial 55 gallon barrel with the holes punched in it and it very adequately supported the sewage disposal for that property where it was only used on a weekend basis or maybe a couple of weeks in the summer when the ground was very dry. These people, as they get elderly, decide they want to sell their in-town houses and move out to the cottage on a year-round basis. Somehow or another, a sewerage disposal system being underground it is out of mind and you just like to presume that it will work forever. Well, that is really not the case. These people spend a lot of money, their savings, you might say, to prepare this seasonal home to support a year-round occupancy. They get all their money into the house, they move out there, start putting

the sewerage into the system on a day-in, day-out, seven days a week basis, and in about a month the system messes up then they have a real problem. They have got to replace the system, and it is very possible that the size of the lot is such that they cannot put it in because of bedrock, water table and so forth. They run into horrendous expenses.

The other side of the coin is those individuals who would go out and buy one of these seasonal cottages, make a conversion of it, make it suitable for year-round habitation, sell it to someone on the supposition that they can use it on a year-round basis, and there, again, they have got a lot of money invested in it and a month later they have got to put a very expensive sewage system in to support year-round use. Let me tell you, on some of these shoreline lots, you have to start putting in a sand chlorinator, a pump back system, and you are talking big bucks, and many of these people that do this conversion for themselves or buy an already winterized cottage, they get all their money invested in the building and then they don't have anything left to put in a new system.

All this requires is that they demonstrate that they either have an existing system that is adequate, and any plumber can do that without a great deal of problem, or they have a soil analysis to demonstrate that if and when the system fouls up, you can put one in. That is all it requires.

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

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

Bill, "An Act to Provide Reciprocal Fees and Charges for Trucks from other States" (Emergency) (H. P. 1439) (L. D. 1581)

Tabled—May 14 by Representative Dexter of Kingfield.

Pending—Motion of Representative Carroll of Limerick to Reconsider Receding from Passage to be Engrossed and Concurring with Passage to be Engrossed as Amended by Senate Amendment "A" (S-203).

Thereupon, Mr. Carroll of Limerick withdrew his motion to reconsider.

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

RESOLVE, to Authorize Expenditure of Certain Federal Funds for New or Expanded Programs (Emergency) (H. P. 1361) (L. D. 1546)

Tabled—May 14 by Representative Kelleher of Bangor.

Pending—Adoption of House Amendment "A" (H-271)

On motion of Mr. Kelleher of Bangor, tabled pending adoption of House Amendment "A" and specially assigned for Monday, May 18.

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

SENATE DIVIDED REPORT—Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (S-209) — Minority (6) "Ought Not to Pass" — Committee on Appropriations and Financial Affairs on Bill "An Act to Create the Budget Stabilization Fund" (S. P. 196) (L. D. 564)

—In Senate, Failed of Passage to be Engrossed on May 14.

Tabled—May 14 by Representative Carter of Winslow.

Pending—Motion of Representative Kelleher of Bangor to Accept the Minority "Ought Not to Pass" Report.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would ask for a roll call on the motion. Second of all, I would ask some member of the Appropriations Committee to tell us what the bill does and why

we should vote one way or the other.

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is a rather strange piece of legislation. It calls for the establishment of a fund into which all the General Fund revenues which are in excess of estimates would be put into. That means to say that, for example, at the beginning of every year, the Department of Finance is required to estimate what the revenue is going to be. At the very best, that is only a guess, and fortunately, over the last several years it has been fairly accurate and we have run a surplus, but it could go either way. And what this says is that if you get more revenues than you originally estimated you were going to get, those revenues would go into a fund which would do only one of two things — one, pay for the bonds that you have outstanding, or, two, pay for capital construction over \$500,000.

Let me give you a "for instance" this year. We are now running a surplus of about \$10 million. We have not had a collective bargaining settlement. We will probably need a good part of that money to settle our bargaining with the state employees. If this law were in effect, that money would have to be used to retire bonds or to build buildings.

The second portion of this particular bill also requires that in the fiscal note and in the appropriation for any L. D., that you put in the total amount of funding that is necessary for the bill for the biennium, for two years, even if the bill is only in effect for 18 months, and what would be in excess of that, because you would have put it in for two years, will go into this fund that I talked about just a minute ago.

I choose to call this the perpetual care bill, or the automatic pilot bill, because it sort of says that forever and after, no matter what happens, it is going to go into a certain fund. I think it denies the fact that the Maine Legislature is alive and well and that it can make decisions, and also that times and circumstances change. Who would have known, for example, all of the contingencies that we are going to face this year in highway funding or anything else. If this bill were in effect, I think it would tie at least one hand behind our backs and probably two.

There are going to be people who are going to come in this legislature long after you and I are gone who are going to want to make their own decisions, and as long as this state is viable and as long as the legislature is viable, can think and make decisions and respond to the crisis that faces the state, we should, in a democratic society, allow our elected officials to do that. This ties their hands, and I think it is improper because of that.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, could I have the Clerk read the committee report?

Thereupon, the Report was read by the Clerk.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: This is a really important issue before us. What we are saying is, that surplus money shall go to stabilize our budget. Should we not be paying off, perhaps, some of the bond issues and that way increase our rating within state government? Also, as far as major construction, why should we go out and float the bond issues, pay that large percentage of interest, have it cost us so much more when we could use that surplus money and direct it in those areas?

We have been fortunate through the years that there has been a surplus. You realize what is happening to us on a local level, county level and state level as far as those monies being available, and I think we should retain that money and pay off some of those debts which we have incurred.

The SPEAKER Pro Tem: 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 for a roll call, a roll call was ordered.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote against the motion today to accept the "ought not to pass" report and instead, hopefully later on, vote for the "ought to pass" report, and I will tell you why.

I served four years on the Appropriations Committee, and I understand the concerns that the gentleman from Old Town, Mr. Pearson, has on the legislature not being able to deal when we come in here with specific items, but the bill has two specific sections. It wasn't until I got the committee amendment that I saw what the Appropriations Committee had done with the bill, and that was after I asked the initial question.

The first part of it says that if additional revenues come in, more than expected, the state can't expend them, they go into a reserve account. I can understand a little bit the hesitancy of perhaps members of this House wanting to go along with that particular section. I happen to like it, but if there is someone here that doesn't, it isn't going to break my heart if it was taken out.

But what the gentleman is saying on that one section, and that one section alone is, if we should have \$10 million excess revenue in this biennium, we can take that money and spend it for on-going programs. We can fund a wage settlement, and that may be very well, that may be what we want to do with the money, and that is a decision that we can make, but doesn't spending excess revenue over what you expected to come in cause the budget for on-going programs, that is, doesn't that magnify the problem in the next biennium? I say, yes it does. But that is a conscious decision that we here want to make. If that \$10 million is left and we want to spend it for ongoing programs, that is a conscious decision, perhaps that is a part of the bill that ought to be amended out.

But the second section that the gentleman referred to, which is in the Committee Amendment, has a little bit stronger tones to it, I think, than the first section and it is that part of the bill that I really favor the most. That says, if you are going to pass a new program, if you are going to fund something that is an ongoing expense to the state of Maine, you "shall" appropriate the full two year funding and whatever is not necessary will be put into a separate account somewhere, if it is not needed in the first couple of months or the first eighteen months of the biennium. I will tell you what happens, for those of you who have not been involved in budget, we did this and I am as much a perpetrator as anybody that served on the Appropriations Committee and we even used to do it back when I was on the Town Council Finance Committee, but what happens is this; you have a two-year budget, you need a new program but you haven't got the money to fund it for two years, so what do you do? You fund it for the last six months of the two years and perhaps a \$2 million program costs \$500,000, so next time when the legislature comes back, you have a \$2 million problem that only cost you

\$500,000 to start.

I will give you the perfect example of that and that was the Solid Waste Subsidy Act that the 108th Legislature passed and was funded in the last six months or is going to be funded in the last six months of this year. It was a \$2 million program. The legislature didn't have the money, it funded it for a six-month period, they will make one payment in this year of the biennium. The Governor came in, didn't have the \$2 million and he had to cut it out. There are numerous examples of that particular situation happening today in the budget. It happens every year, and I think if we are going to be responsible in funding those programs here at the state level, we ought to take that money and set it aside and make sure we know right up front how much it is going to cost us for two years of the biennium.

Another example of that is the Governor's plan to take the \$15 million out of the second year of the biennium in his highway funding program. I am not trying to shade my comments or feelings about that particular issue at all, that is a decision that we will have to deal with later, but the legislature should be made aware that that \$15 million is going to cost us \$30 million in the next biennium because we have a two-year problem.

I hope you will go against the motion today to accept the "ought not to pass" report so we can deal with the "ought to pass" report. If there are serious concerns about perhaps the first issue that the gentleman from Old Town raised, let's amend them out, but I think it is imperative that when we fund something that is an ongoing program, that we have the money to do it in an ongoing way without hiding behind just funding a position or a program for six months or maybe just the last year and somehow incur a debt that we don't really want to face up to and we are willing to pass it on to some other legislature down the road.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Recognizing the ability of the gentleman from Scarborough, Mr. Higgins, when he served on the Appropriations Committee, he made a statement of being a little flexible, he has changed my mind this morning.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that this comes down to a question of whether or not we can make decisions on the amount of money the state has, whether or not we are entitled to make decisions on the amount of money the state has, or whether you want to put a formula in place that will tie your hands so that the money is going to go to retire bonds or build buildings, capital improvements or whatever, over \$500,000.

What Representative Higgins said about full funding for two years is absolutely accurate. I have no fault with what he said whatsoever. I only have fault with the conclusions that he draws. For example, we had a bill, and the only one that comes to mind right off, although there are numerous ones, several years ago on sexually abused children. We decided that we were going to fund a program because the problem was pretty bad. We did not fund it for two years, because by the time we got around to funding it and finding somebody that could run the program, several months had gone by. This would require, this bill, that we fund that program for two years, and the money that was left over, because we weren't able to staff that program, would go into a fund to retire bonds. There is nobody more fiscally frugal, I don't think, in this House than I am and I think we ought to have fewer bonds go out and I think we ought to have the legislature and the people of

the state look at them very carefully. We don't always float all the bonds that we authorize, either.

Actually, you have to stop and remember another thing. When you float bonds, you are doing it at this year's money and you are paying it off at 10 years prices later on, which is sometimes cheaper. This is not a terribly important argument, but I think one that is that this legislature is doing itself a disservice not only to itself but the ones that follow it if they put this government of ours in a formula position where we just come in and the formulas take over and I say they can't react to crises that arise down the road.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is anybody here, and certainly not myself, that is trying to tie the hands of the legislature. I think it is simply a matter of — do we deal with the issue of funding programs on an ongoing basis in a responsible manner and in a way in which we are not just consistently passing on what we want to spend for a program to the next legislature.

Now, certainly the gentleman from Lewiston can give a heck of a lot better and more examples than I can because of his long service on that committee, but in just the four years that I served there, the tendency was, because we didn't have money, we would just fund the program in the last six months or perhaps maybe just the last year of the biennium and it causes a problem in the next two years of the biennium. You are going to run into that same situation in this biennium that we are dealing with now because the Governor's budget that he presented to us had a \$3 million surplus, as I recall, in the first year, and a \$16 million surplus in the second year. So, obviously, money is going to be tight in the first year, it is going to be a little looser in the second year, so everybody is going to be shooting to put a little extra money in the second year of the biennium for whatever their program is.

I have programs, as well as anybody else, but why not take the money that is going to be funded for that program, that is needed for that program in the first year, set it aside, pay off some bonds with it, whatever we need to do with the money, but at least deal with it straight on, right up front and know how much it is going to cost us and not just pass it on to the 11th Legislature. Then they come back here and they are in the same situation we are in now, depending on additional revenue to fund programs that we don't know for sure until the end of the year whether we are going to have a surplus. I think it is hocus-pocus and I think we really ought to address the issue head on and vote for the bill and against the pending motion.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: I will touch on two points briefly. One is, what is an ongoing program? I think we all know full well that you can't bind future legislatures, so the only ongoing program is the program adopted by that legislature.

I would also like to pose a question through the Chair. As I understand it, Mr. Higgins and other members of this body are in support of measures which would reduce revenues, but this bill, of course, does not deal directly with that, but it seems to me that we have to deal with that equation also.

There are several bills in this session which will have great impact on the General Fund. One is the inheritance tax and one is indexing, sponsored by the gentleman in the corner. Those bills cost the General Fund a great deal of money. However, the proposals that seem to be gaining in popularity are proposals that

phase them in. Is that fair to future legislatures, to phase them in rather than to up front, in this session, put in the entire amount? I would like to know how that works under your scheme of appropriations.

The SPEAKER Pro Tem: The gentlewoman from Vassalboro, Mrs. Mitchell, has posed a question through the Chair to anyone who may care to respond.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I, too, served a short time on Appropriations, two years, and I am a little concerned. I just noticed in the bill, if you look at L.D. 564 in the first section, the last sentence refers to no accepted revenue estimate may be increased after adjournment of each first regular session. What that says to me is that the finance officer is not allowed to increase estimates.

We just had on our desks last week or the first of this week an increased estimate by the finance commissioner, so if we are having those increases come in, based on that and based on history we are allowed to spend that much more because we know these revenues are coming in, this bill would prevent that from happening. I think all the people, both D's and R's on the Appropriations Committee, would see that as a concern when you are trying to put together the budget, Part I and especially Part II. I would think that that small item alone would be serious enough to reject this bill.

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

Mr. JALBERT: Mr. Speaker, Members of the House: All former members and all present members of the Appropriations Committee know how hard and how long I fight within the committee to have unanimous reports and this is a clear-cut example of it.

On one side, the gentleman from Scarborough, Mr. Higgins, makes the comment — the House Chairman of the Appropriations Committee agrees with him totally, the gentleman from Old Town, Mr. Pearson. Then, on another side, the gentleman from Scarborough, Mr. Higgins, makes a remark to the effect that a lot of items that we have no money for are funded for the last six months of the biennium and the gentleman from Old Town, Mr. Pearson, doesn't necessarily take that position.

How many of you here can remember time and time again, and some of you who weren't here can go down to the library and look up the record and you can see the facts — don't give me the money, just give me the bill. That is the first danger point that this thing might bring.

Yesterday I had an opportunity to look over some legislation and these things took my attention. I went along in committee with my House chairman, but if you are not going to change your mind ever, then you shouldn't be here. That is why this bill, for my money at least, was never completely and thoroughly discussed and some of the issues that have been brought here today were not discussed in committee and should have been discussed.

My major reason is this. Several items that we don't have any money for aren't going to be in Part II and that is where we are going to find ourselves in trouble.

I don't look, and I never have looked, at the Appropriations Committee as a committee that should play politics, at least I cannot be accused of it. Naturally, I am inclined to go with the majority and most of the time I am inclined to go, if it is my party, with them. Oftentimes, I can change my mind. I have mixed emotions about this bill, first very strongly for it, and mixed emotions of whether I was right or I was wrong. My mind now indicates to me that I think that I was wrong, and that is why I am going along. As a matter of fact, I would like to see that measure come back, be recommended, and I know that it wouldn't take us long

to come to some agreement or come to some kind of understanding, amendment or something, that could be done to make this bill a good bill.

There is a great deal of merit on one side for this measure, and then there are some damaging arguments against the bill, and that is why I have changed my mind and I am going along purely for one reason, because for the first time I have heard Mr. Higgins from Scarborough speak as a former member of the committee, not as floor leader of the Republican Party, because as floor leader of the Republican Party, he knew how I felt about that deal. When I heard about his candidacy, I called him, because I felt that we were losing a valuable member, that is to cast no aspersions against other members, like our chairman, like any members, I felt the same way about the gentleman from Windham, Mr. Diamond, and I hope that you will follow the light of Mr. Higgins. I am going to.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard debate on both sides of the issue and there are good points coming from both sides. I think what we are all looking for is fiscal responsibility, but I suggest to you that this is not the way of achieving it. You don't tie your hands behind your back and jump in the water, and if you pass this bill, that is exactly what you will be doing.

Those of you who have served on municipal government know what surplus is for and the purpose that it serves. Some communities tie it up in a contingency account, and I suggest to you that this could be a possibility with the state surplus, but we are not doing this. We are saying that these funds are going to be utilized for only one purpose. I suggest to you that this is entirely wrong, and I would hope that you would vote with the House chairman and accept the "Ought Not to Pass" Report.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I had hoped not but maybe it has turned into a partisan issue. I had not intended it to be that way, I just felt very strongly about this bill as a member of the committee, as a former member of the committee, excuse me.

I think the good lady from Vassalboro, Mrs. Mitchell, has tried to cast some shadows over it. If we could tell what was an ongoing program, I don't think we would have any problem, any of us here, knowing what an ongoing program is. If you fund it with money and you hire 10 people to perform the service, I think the intent is that that will continue on and those people will stay on board and perform a service for the people of the state of Maine. That should be obvious.

As far as trying to correlate with tax cutting measures and all that sort of thing, I am not sure that you adequately can, but if you do, I think the idea behind the inheritance tax bill that was mentioned is a good one, and I think most of us here favor some relief for the people of the state of Maine in their inheritance tax problems. The idea of a phase-in is very simply and purely because we don't have adequate money to fund it all at once and I think the intent there is that on a phase-in basis that people will continue to stay in the state of Maine rather than to move out. There really, actually, will be no less in revenue, at least hopefully not, to the state because of that program.

I guess that is all I have to say on this issue and I hope you will go against the motion to accept the "ought not to pass" report.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and

Gentlemen of the House: I hope you will vote against the "ought not to pass" motion. Perhaps we could work on this and address those two areas which have been up to us this morning and work on an amendment to that to get it into the posture which would be acceptable to both parties.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that the Minority "ought not to pass" report be accepted in non-concurrence. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Benoit, Berube, Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Richard, Ridley, Roberts, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster.

NAY—Aloupis, Armstrong, Austin, Bell, Boisvert, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jalbert, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Perkins, Peterson, Randall, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT—Beaulieu, Carrier, Cunningham, Dexter, Laverriere, Martin, H.C.; Moholland, Reeves, P.; Rolde, Salisbury, Strout, Studley, Mr. Speaker.

Yes, 74; No, 62; Absent, 14; Vacant, 1.

The SPEAKER Pro Tem: Seventy-four having voted in the affirmative and sixty-two in the negative, with fourteen being absent, the Minority "Ought Not to Pass" Report is accepted in non-concurrence.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, having voted on the prevailing side, I move that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted and hope you all vote against me.

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

Mr. HIGGINS: Mr. Speaker, I move that this lie on the table one legislative day.

Mr. Diamond of Windham requested a division.

The SPEAKER Pro Tem: The pending question before the House is the motion of the gentleman from Scarborough, Mr. Higgins, that this item lie on the table one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Higgins of Scarborough requested a roll call.

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

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

The SPEAKER Pro Tem: The pending question before the House is on the motion of the gentleman from Scarborough, Mr. Higgins, that this be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Canary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Perkins, Peterson, Randall, Reeves, J.; Ridley, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY—Baker, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Roberts, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster.

ABSENT—Beaulieu, Benoit, Carrier, Cunningham, Dexter, Gillis, Laverriere, Martin, H.C.; Moholland, Paul, Rolde, Salsbury, Strout, Studley, Mr. Speaker.

Yes, 62; No, 72; Absent, 16; Vacant, 1.

The SPEAKER Pro Tem: Sixty-two having voted in the affirmative and seventy-two in the negative, with sixteen being absent, the motion does not prevail.

The pending question now before the House is to reconsider whereby the "Ought Not to Pass" Report was accepted.

Mr. Tarbell of Bangor requested a roll call.

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

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote yes on the reconsideration motion and this is why — in the next couple of weeks in the legislative session, we are going to have L. D.'s that come before us that require appropriations, and we all know that we have very few dollars to fund these separate L. D.'s. Those are your L. D.'s and my L. D.'s, both parties. They will go on the Senate Appropriations Table, if they are fortunate enough to make it through this body, be passed to be engrossed, enacted, and go down to the Senate and go on the Appropriations Table in the other body, where they will sit, all of them, until the very last day of the session when the members of the Appropriations Committee and ultimately the ten members of leadership will sit down and look at those bills, will take a look at how much money we have left over and we will figure out which of those bills have the highest priority to receive some funding. And what will happen and what always happens is, we will have fewer dollars than we have needs for in L. D.'s.

And typically what happens, we will say, well, this program would cost \$100,000 for the

year, or \$200,000 for the biennium, and we don't have \$200,000 to put into it, but let's fund it for a few months, let's put enough dollars into it for a few months and let's not have the program go into effect until several months down the road, or maybe even 18 months down the road, and then we will fund it for the last six months or three months of the biennium. We will just put \$25,000 or \$50,000 into it because we don't have the full \$200,000 that it deserves for a full biennium. That is what we will do, and we will cheat by doing that, because in the next biennium when that program comes back to the very next legislature, and we may be here or we may not, to the 111th Legislature, that program will be a \$200,000 plus program, and what we have done, we have passed that cost off to the next legislature by chiseling a little bit and only funding it for a few months.

That is what we are going to be asked to do with all these L. D.'s coming through here, as we have done so many years before, and that is one of the reasons we are in budgetary constraints and problems. And that will hurt me if we pass this bill, it will hurt you, but it will be a more honest appropriations process and we will be right up front with what we are doing. I think that is the way we ought to be funding these programs and we ought to be looking at our limited state resources. It is the more honest and candid way of approaching it.

I would urge you to reconsider and let's try to turn this thing around because I think it is a better way of handling this.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: If that scenario that the gentleman from Bangor has just described to you takes place, and it always does, that is, bills being held on the table to find out how much money we have, the money that we are going to have to have in order to fund those bills that are on the table are going to be, to a large measure, part of money that is above estimates that we didn't know was going to come in. And if Representative Tarbell had his way, there wouldn't be a one of them that could be funded, because all that money would go into an account to retire bonds or build buildings. I just think that is the wrong way to go.

Not only that, on the second point that he made about lying to ourselves or lying to the people of Maine about the funding for bills on just X-number of monies because that is the way we get them through, I resent that because I am being depicted as a fool, and I am not a fool and this legislature is not a fool. We know what we are doing, I should hope we know what we are doing; if we don't, we shouldn't be here.

If we have a program that lasts for a year or 18 months, that is what we ought to fund it at, not for two years. Most all of our programs last two years and continue. Some new programs, when they start up, don't start up immediately because you simply don't have the staff, you don't have the mechanisms in place, so you don't fund them for a whole year. And when we do that, at least I knowingly do that.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly am not trying to make anyone here out as a fool in my debate of this particular issue. I have served on the committee and I am not trying to cast any aspersions on the integrity of that committee or any member of the House, that isn't the case at all.

I think what we simply are saying here, and the gentleman from Old Town agreed with me earlier, I have some problems with the money that is coming in over estimates going into a fund, and he does as well, and I think I have indicated to the House earlier that I would be willing to amend that part of the bill out if we

can get it to second reading, and in order to do that, you have to reconsider this motion. You also have to have the bill in a posture, you have to accept the "ought to pass" report. I think it can be worked out, and I sincerely feel that it is a necessary tool that the legislature ought to use.

If that part of the bill is amended out so that money that comes in over estimates goes to a special fund that can't be used for anything else, if you eliminate that part of it, what you can do is, when you have to fund bills for the last six months of the two years, all you do is, you take some money that is coming in now of excess revenue and you put that aside and you pay off a bond with it, you put it in a savings account, you put it in teachers' retirement, you do something else with it that is necessary to the operation of government but is not an on-going program.

There is nothing inherently wrong with funding programs for the last six months of the year. The gentleman from Old Town indicated that. Sometimes it is done because there isn't an awful lot of money, sometimes it is done because the program can't get on board that quickly. There are a number of reasons why that happens. The point is, do we continually go down the primrose path and fund these bills for just six months and not face up to the reality of it all, that the next biennium it is going to cost us four times as much as that.

All I am saying is, let's give the legislature and ourselves that, I guess, guide, if you will, so that it won't happen, so that we won't just pass these costs on to future legislatures, that we will take that extra money, we will set it aside, we will know if a program is going to cost us \$2 million or \$200,000, or whatever it is, and we will have the money to do it. Right now, by end-loading the budgetary process, you are doubling up and tripling up and quadrupling the increase in the cost of state spending. It happens all the time. You pass a budget, it is 10 or 15 percent more than it was last time, and part of that reason is not only just the inflationary costs of operating government, but because every year we consciously make a decision to fund programs in the second part of the year, second part of the biennium, when perhaps we don't have the adequate money to fund them for two years.

I hope you will vote in favor of the motion to reconsider.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: To me, the biggest waste of taxpayers' money would be to retire bonds that we have at 4, 5, 6 or 7 percent interest, while the state could invest that money at 15 and 20 percent interest rather than retiring bonds.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted. All those in favor of reconsideration will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Canary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY—Baker, Benoit, Berube, Boisvert,

Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadodsky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitshell, Vose, Webster.

ABSENT—Beaulieu, Carrier, Cunningham, Dexter, Laverriere, Martin, H.C.; Michael, Moholland, Paul, Rolde, Salsbury, Strout, Studley, The Speaker.

Yes, 61; No, 75; Absent, 14; Vacant, 1.

The SPEAKER Pro Tem: Sixty-one having voted in the affirmative and seventy-five in the negative, with fourteen being absent, the motion does not prevail.

Sent up for concurrence.

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

SENATE DIVIDED REPORT—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (S-208) — Minority (3) "Ought Not to Pass" — Committee on Appropriations and Financial Affairs on Bill, "An Act to Make Funding of the 'Local Government Fund' Part of the Appropriations Process" (S. P. 90) (L. D. 206)

—In Senate, Bill and accompanying papers Indefinitely Postponed on May 14.

Tabled—May 14 by Representative Kelleher of Bangor.

Pending—Acceptance of either Report.

Mr. Pearson of Old Town moved that the Majority "Ought to Pass" Report be accepted in non-concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and later today assigned.

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

HOUSE DIVIDED REPORT—Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-384) — Committee on Education on Bill, "An Act to Require the Ill Effects of Alcohol, Tobacco and other Substances" (H. P. 54) (L. D. 75)

Tabled—May 14 by Representative Diamond of Windham.

Pending—Motion of Representative Connolly of Portland to accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Connolly of Portland, retabled pending his motion to accept the Majority Report and specially assigned for Tuesday, May 19.

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

Bill, "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (H. P. 1040) (L. D. 1259)

—In House, Passed to be Engrossed on May 8, 1981.

—In Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—May 14 by Representative Carter of Winslow.

Pending—Further Consideration.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, I move we insist and ask for a Committee of Conference.

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

Mr. GILLIS: Mr. Speaker, I move that we recede and concur.

The SPEAKER Pro Tem: The gentleman from Calais, Mr. Gillis, moves that the House recede and concur.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We had an excellent debate on this bill several days ago and I am not going to take the time to debate it all over again. I am simply going to ask you to vote again in support of this measure and vote against the motion to recede and concur so that we might be able to insist and ask for a Committee of Conference.

When the vote is taken, Mr. Speaker, I ask for the yeas and nays.

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

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

Mr. CONNOLLY: Mr. Speaker, I request permission to pair my vote with the gentleman from York, Mr. Rolde. If he were here and voting, he would be voting nay and I would be voting yea.

#### ROLL CALL

YEA—Armstrong, Bordeaux, Boyce, Brannigan, Brown, A.; Cahill, Carroll, Chonko, Curtis, Darnen, Davis, Day, Dillenback, Drinkwater, Foster, Gillis, Gowen, Hayden, Higgins, L.M.; Holloway, Ingraham, Jordan, Kane, Livesay, Lund, Masterman, Masterton, McCollister, McHenry, Michaud, Paradis, E.; Paradis, P.; Pearson, Perkins, Peterson, Reeves, J.; Reeves, P.; Ridley, Small, Stevenson, Stover, Treadwell, Vose, Walker, Webster, Weymouth.

NAY—Aloupis, Austin, Baker, Bell, Benoit, Berube, Boisvert, Brenerman, Brodeur, Brown, D.; Brown, K.L.; Callahan, Carter, Clark, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gavett, Hall, Hanson, Higgins, H.C.; Hobbins, Huber, Hunter, Jackson, Jacques, Jalbert, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Matthews, McGowan, McKean, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, A.; Nelson, M.; Norton, Perry, Post, Pouliot, Racine, Richard, Roberts, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Soule, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Twitshell, Wentworth.

ABSENT—Beaulieu, Carrier, Conary, Conners, Cunningham, Dexter, Dudley, Gwadodsky, Hickey, Hutchings, Laverriere, Locke, Martin, H.C.; Michael, Moholland, Nadeau, O'Rourke, Paul, Prescott, Randall, Salsbury, Strout, Studley, The Speaker.

PAIRED—Connolly-Rolde.

Yes, 46; No, 78; Absent, 24; Paired, 2; Vacant, 1.

The SPEAKER Pro Tem: Forty-six having voted in the affirmative and seventy-eight in the negative, with twenty-four being absent and two paired, the motion does not prevail.

Thereupon, on motion of Mr. Carter of Winslow, the House voted to insist and ask for a Committee of Conference.

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

Bill, "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws" (H. P. 135) (L. D. 162)

Tabled—May 14 by Representative Mitchell of Vassalboro.

Pending—Adoption of Committee Amendment "A" (H-363)

On motion of Ms. Benoit of South Portland, retabled pending adoption of Committee Amendment "A" and specially assigned for Monday, May 18.

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

HOUSE DIVIDED REPORT—Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (H-379) — Minority (5) "Ought Not to Pass" — Committee on Appropriations and Financial Affairs on Bill "An Act Relating to State-municipal Revenue Sharing" (H. P. 444) (L. D. 523)

Tabled—May 14 by Representative Kelleher of Bangor.

Pending—Motion of Representative Pearson of Old Town to Accept the Majority "Ought to Pass" Report.

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

Mr. PEARSON: Mr. Speaker and Members of the House: I would just like to point out that this deals with the last payment on the inventory tax, and what it says in essence is that that last, lowest rung on the ladder of the inventory tax that is supposed to be phased out will not be phased out but will be turned over to municipal revenue-sharing for the benefit of communities of Maine.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Pearson is correct, except that we are now going to be writing into the statutes a guarantee that \$2.8 million will be going back to the cities and towns.

When this bill originally came into the House, L. D. 523, An Act Relating to State-municipal Revenue Sharing, I can remember the honorable gentleman from Lewiston asking the question to one of the sponsors or maybe even Mr. Brenerman — how much was this going to cost us in its original form, and he was unable to give us an answer. If I remember correctly, the gentleman from Lewiston referred to this thereafter as the zillion dollar bill.

The idea of it is all right, but for us to etch into the statutes that we are going to guarantee to return back to the cities and towns \$2.8 million is in error, I believe, for this House to accept. Mr. Jalbert and myself and one or two of the Senators thought that we would be much better off, rather than handcuffing the state's hands in determining how money was going to be returned to the cities and towns. The state may be in a financial position at the next session of the legislature, or two sessions thereafter, that we could return more. We could also be in a position where we might not be able to return any, but if this is etched into the law, as the good House chairman would like to have us do, then we would be duty-bound, and so wouldn't all the incoming legislatures, to commit \$2.8 million, and I would hope that you would not accept the gentleman's motion.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Brenerman.

Mr. BRENERMAN: Mr. Speaker and Members of the House: It seems that on every bill that deals with property taxes, Mr. Kelleher, and I are on the opposite side.

What this bill does, let me go back to the repeal of the inventory tax several years ago. At that time, the legislature, in a way, promised the municipalities that they would be re-



imbursed for the loss of revenues that they used to get from the inventory tax. What happened was, soon after that, the legislature decided to phase out that reimbursement so that next year the cities and towns that used to have inventory tax would only receive the last payment of \$2.8 million and in the next biennium they will receive nothing.

What this amendment does is, it takes the last reimbursement payment and continues it, as many other programs are continued in state government, into the next biennium and puts that amount of money into the revenue-sharing formula so that all municipalities can benefit.

Mr. Kelleher mentioned that we are etching something into the statutes. Well, several years ago we etched into the statutes the reimbursements over the years, or the inventory tax, and the statutes say that next year the towns will receive a portion, I believe it is 20 percent, of the original reimbursement that they were supposed to receive, and that turns out to be \$2.8 million.

If we decide that we don't want to return this amount of money, then, in the next biennium that money will not be there, and I can guarantee you that the Appropriations Committee will probably not put it back in.

I would guess that if we were to say that this reimbursement would continue, we would be helping the communities and we would also be notifying them that this amount of money would be available to them and we would be notifying the administration that they can count on continuing to fund a program that is presently funded now.

I would ask you to support this bill.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a poor time for us to lock ourselves into anymore commitments than we already have. We have got the highway deficiency looming over us. We lost twenty some million dollars in federal revenue sharing, and my contention is that the towns never—and I don't think at this time we should be locked into this kind of a financial commitment because of our financial condition.

I hope you vote "ought not to pass" on this bill.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Number one, I would like to get out of here, like all of you, and, number two, it is Friday and I don't like to get hooked into debate on Friday, particularly where it concerns the committee.

Another proof of a split report in a committee that should never play politics. The last bill wound up a majority-minority affair in this House, and because of a clobbering I got later on, when it came time to reconsider, I went the other way.

But on this one here, I specifically asked the sponsor of the measure—how much is this going to cost? Nothing. Just read the amendment. This will not require additional state dollars, it simply transfers the amount of the last inventory tax reimbursement to the towns, \$2,860,000 to the state-local revenue sharing account. Distribution will begin in 1983-84.

This bill has a price tag on it of \$2,860,000 the next biennium we come in here. I am not going to stand and tell you what kind of shape we are in. I could spend a long time doing it. For starters, the cuts that have been made in Washington, whether we like it or not, I am not going to turn around here and clobber somebody who tells the truth. We were told the truth all spring, all summer, all fall, right up until election day by the new President, whether he is a Democrat or whether he is a Republican. I kept talking to the leaders of my party, I even talked to the President about it personally in Washing-

ton—the guy told the truth. He said what he was going to do and believe me, he is doing it, and he was reinforced by 85 members on the last vote they took in Washington. I called up the Speaker of the House and asked him what the story was. He said, well, Louie, you have always told me—you can't fight city hall. And right now, it is hard for me to fight this position here. They're tumbling over one another to go with these programs. But they were told, and there was no lying about it, somebody must have believed the guy, he carried 49 out of 50 states.

Going back to this bill here, it is the old story again—no money, or don't give me the money, just give me the bill. Now it comes up here—1983-84, \$2,860,000, and to me, that is a lot of bananas.

Mr. Speaker, I move that the Bill, Reports and all accompanying papers be indefinitely postponed and when the vote is taken, I want to be on roll call, and I would like to have you be too.

The SPEAKER Pro Tem: The gentleman from Lewiston, Mr. Jalbert moves that this Bill and all its accompanying papers be indefinitely postponed and has requested a roll call.

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 Pro Tem: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker and Member of the House: I was one of the signers of this bill and do hope it passes. This money we are talking about, where did it come from anyway? It came from the citizens back home, and I think that we should give them back a little to do with it what they see fit.

I would hope that would not go along with this motion and pass this bill.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Armstrong, Berube, Boisvert, Bordaueux, Brown, D.; Connors, Day, Dexter, Dillenback, Dudley, Higgins, L.M.; Huber, Ingraham, Jalbert, Kelleher, Lewis, Lund, MacBride, Mahany, Masterman, McCollister, Michaud, Nelson, A.; O'Rourke, Perkins, Peterson, Richard, Smith, C.B.; Smith, C.W.;

NAY — Aloupis, Austin, Baker, Bell, Benoit, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Curtis, Damren, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Hunter, Hutchings, Jackson, Jacques, Jordan, Joyce, Kane, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, MacEachern, Macomber, Manning, Martin, A.; Masterton, Matthews, McGowan, McHenry, McKean, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, J.; Reeves, P.; Ridley, Roberts, Sherburne, Small, Soulas, Soule, Stevenson, Stover, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Beaulieu, Carrier, Cunningham, Gwadodsky, Kany, Laverriere, Martin, H.C.; Moholland, Prescott, Randall, Rolde, Salsbury, Strout, Studley, The Speaker.

Yes, 29; No, 105; Absent, 16; Vacant, 1.

The SPEAKER Pro Tem: Twenty-nine having voted in the affirmative and one hundred five in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Pearson of Old Town, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-379) was read by the Clerk and adopted. Under suspension of the rules, the Bill was 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 Chair laid before the House the twelfth tabled and today assigned matter:

Bill, "An Act to Remove the Town of Medford from the Maine Forestry District" (H. P. 252) (L. D. 292)

Tabled—May 14 by Representative Post of Owl's Head.

Pending—Adoption of Committee Amendment "A" (H-380)

Mrs. Post of Owl's Head offered House Amendment "A" to Committee Amendment "A" (H-403) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk.

Mrs. POST: Mr. Speaker, Men and Women of the House: What this amendment intends to do is to get us out of the difficult drafting situation and to clarify the fact that each of the towns that are mentioned will have a chance to vote individually on whether or not they want to get out of the Maine Forestry District, and that their vote will affect only their own community as to whether or not they will, in fact, be out of the Maine Forestry District.

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

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

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

Bill, "An Act Clarifying Municipal Authority to Invest Funds" (H. P. 884) (L. D. 1053) (C. "A" H-393)

Tabled—May 14 by Representative LaPlante of Sabattus.

Pending—Motion of Representative Armstrong of Wilton to Reconsider Passage to be Engrossed.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, we are having the language reviewed for clarification, and I would like to have someone table this for two legislative days.

Whereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and specially assigned for Monday, May 18.

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

Bill, "An Act to Clarify the Authority of Councils of Government" (H. P. 710) (L. D. 835)

Tabled—May 14 by Representative Post of Owl's Head.

Pending—Passage to be Engrossed.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I had asked to have this bill tabled while we sought to try to clarify what impact, if any, it might have on property taxation. After several discussions, it seems that the intent of the legislation is not that this particular bill grant new or standard property tax ex-



emptions and the language of "power privilege or authority" is not to be interpreted to mean that that includes property tax exemptions.

Property tax exemptions that might be available of two councils of governments would be those that they are presently eligible for, if at all, as non-profit corporations, or, if they happen to have property which is, in fact, owned by a municipality, but this particular bill in itself does not provide property tax exemptions.

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

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

Bill, "An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975" (S. P. 373) (L. D. 1115)

Tabled—May 14 by Representative Higgins of Scarborough.

Pending—Passage to be Engrossed.

Mr. Mahany of Easton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-397) was read by the Clerk.

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

Mr. TARBELL: Mr. Speaker, this is an important area of the law, and I am just wondering if all the members of the committee have reviewed this, this has the general consensus of the committee before we adopt it?

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

Mr. MAHANY: Mr. Speaker and Members of the House: As far as I know, the committee members are aware of what is happening.

Really, what this does, it just sets up a new category of certification under the Maine Pesticides Control Act of 1975 for government supervisors of pesticide use.

It also clarifies current law by especially stating that government employees will apply pesticides or commercial applicators.

Thereupon, House Amendment "A" was adopted.

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

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

An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances (H. P. 742) (L. D. 880) (C. "A" H-300)

Tabled—May 14 by Representative Soule of Westbrook.

Pending—Passage to be Enacted.

Mr. Hobbins of Saco moved that this Bill and all accompanying papers be indefinitely postponed.

On motion of the same gentleman, tabled pending his motion to indefinitely postpone and specially assigned for Monday, May 18.

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

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-394) on Bill "An Act to Increase Job Security for Employees Elected to the Legislature, Excluding Employees Covered under Provisions Dealing with Teachers" (H. P. 401) (L. D. 444)

Report was signed by the following members:

Senators:

DUTREMBLE of York

— of the Senate.

Representatives:

BAKER of Portland

McHENRY of Madawaska

HAYDEN of Durham

BEAULIEU of Portland

TUTTLE of Sanford

MARTIN of Brunswick

LAVERRIERE of Biddeford

— of the House.

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

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

FOSTER of Ellsworth

LEWIS of Auburn

— of the House.

Reports were read.

On motion of Mr. Tuttle of Sanford, tabled pending acceptance of either Report and specially assigned for Monday, May 18.

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

#### Divided Report

##### Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "an Act to Provide for the Election of Jury Trials in Certain Criminal Cases" (H. P. 1328) (L. D. 1527)

Report was signed by the following members:

Senators:

DEVOE of Penobscot

CONLEY of Cumberland

KERRY of York

— of the Senate.

Representatives:

DRINKWATER of Belfast

LIVESAY of Brunswick

SOULE of Westport

LUND of Augusta

HOBBINS of Saco

JOYCE of Portland

O'ROURKE of Camden

— of the House.

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

Report was signed by the following members:

Representatives:

REEVES of Newport

BENOIT of South Portland

CARRIER of Westbrook

— of the House.

Reports were read.

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

Mr. HOBBINS: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I wish someone would table this for one legislative day because Mr. Carrier asked me to watch over this bill and I am doing my job.

Thereupon, on motion of Mr. Connolly of Portland, tabled pending the motion of Mr. Hobbins of Saco to accept the Majority Report and specially assigned for Monday, May 18.

The Chair laid before the House the following matter:

Bill "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation" (H. P. 577) (L. D. 657) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Webster of Farmington offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-404) was read by the Clerk.

The SPEAKER Pro Tem: The Chair recog-

nizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: This is the PUC official's raise bill which we debated heavily the last couple of weeks, the last couple of days. I would ask that you read the bill. You will notice that what we are doing is giving the members of the Public Utilities Commission a \$2,000 raise. I would hope that you wouldn't have to debate this issue any longer. If you favor giving them a raise, I would ask you to support House Amendment "C" and if you don't I would ask that you defeat it. If this is defeated, I will move that we kill the whole bill.

Thereupon, House Amendment "C" was adopted.

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

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT — Majority (10) "Ought to Pass" As amended by Committee Amendment "A" (S-208) — Minority (3) "Ought Not to Pass" — Committee on Appropriations and Financial Affairs on Bill "An Act to Make Funding of the "Local Government Fund" Part of the Appropriations Process" (S. P. 90) (L. D. 206) — In Senate, Bill and Accompanying Papers indefinitely postponed — which was tabled and later today assigned pending acceptance of the Majority "Ought to Pass" Report in non-concurrence.

On motion of Mr. Pearson of Old Town, re-tabled pending acceptance of the Majority Report and specially assigned for Monday, May 18.

Mr. Carroll of Limerick was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker and Members of the House: I would like to read a letter on the record. This letter is from the Administrative Office of the Courts, John P. Duffy, State Court Administrator.

"Dear Representative Carroll: Continuing consideration of our policy on checks prompts us to change it, subject to reversal should actual experience under the new policy involve significant loss to the State of Maine.

"Specifically, clerks of the court will be authorized by memorandum tomorrow to accept from individuals and business resident in Maine non-certified checks drawn on Maine banks in payment of fees and fines.

"We are looking forward to a favorable experience with this new policy. Sincerely yours, John P. Duffy"

I would like to point out to you people that we had discussions, I was refused and I went through the system. You can get a lot with honey that you don't get with vinegar. I talked with the leadership in the other body and they appointed a man who consulted with the Supreme Court, the head of the court system, and as a result of this discussion we had this letter, and I hope you ask all your constituents to be sure their checks are good.

(Off Record Remarks)

On motion of Mr. Vose of Eastport,

Adjourned until Monday, May 18, at ten o'clock in the morning.