

# 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**

Wednesday, May 20, 1981

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

Prayer by the Reverend LaForest G. Robbins of the Universalist Unitarian Church of Waterville.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Joint Order (S.P. 619)

Ordered, the House concurring, that Bill, "An Act Relating to the Employment of Minors and Overtime Pay," Senate Paper 188, Legislative Document 490, be recalled from the Governor's desk to the Senate.

Came from the Senate read and passed.

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

**Non-Concurrent Matter  
Later Today Assigned**

Bill "An Act to Add a Class Size Adjustment to the School Finance Act" (H.P. 1176) (L.D. 1400) on which the Majority "Ought to Pass" as amended Report of the Committee on Education was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-413) in the House on May 19, 1981.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Education read and accepted in non-concurrence.

In the House: On motion of Mr. Rolde of York, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter  
Later Today Assigned**

RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program" (Emergency) (H.P. 892) (L.D. 996) on which the Minority "Ought to Pass" as amended Report of the Committee on Local and County Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-412) in the House on May 19, 1981.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Local and County Government read and accepted in non-concurrence.

In the House: On motion of Mr. LaPlante of Sabattus, tabled pending further consideration and later today assigned.

**Messages and Documents**

The following Communication:

Committee on Election Laws

May 18, 1981

The Honorable John L. Martin  
Speaker of the House  
State House

Augusta, Maine 04330

Dear Speaker Martin:

The Committee on Election Laws is pleased to report that it has completed all business placed before it by the First Regular Session of the 110th Legislature.

Total number of bills

received in Committee — 37

Unanimous Reports — 29

Ought to Pass — 2

Ought Not to Pass — 12

Leave to Withdraw — 8

Ought to Pass as Amended — 6

Ought to Pass in New Draft — 1

Divided Reports — 8

Recommitted — 0

Respectfully submitted,  
S/SHARON B. BENOIT  
House Chairwoman

Was read and ordered placed on file.

The following Communication:

State of Maine

Department of Marine Resources

May 14, 1981

Honorable Joseph Sewall  
President of the Maine Senate  
and

Honorable John L. Martin

Speaker of the Maine House of Representatives  
Augusta, Maine 04330

Dear President Sewall and Speaker Martin:

As requested in Legislative Resolves, Chapter 55 (1977), we the undersigned are pleased to submit the following as our annual report on the status of fish passage construction in the Augusta dam.

Since our last report, we have been advised by the Attorney General's office that we should provide justification for a fishway facility at Augusta before proceeding to petition the FERC (Federal Energy Regulatory Commission) for reconsideration of the license held by Edwards Manufacturing Company. In addition, it was suggested that we develop a proposed fishway design and cost estimates for construction to present to the FERC.

We have secured the services of the U.S. Fish and Wildlife Service to carry out a site survey and make recommendations on the fishway type and proposed location in the Augusta dam. Accompanied by biological staff of the Department of Marine Resources, Inland Fisheries and Wildlife, Atlantic Salmon Commission, and a representative of Edwards Manufacturing Company, Mr. Ben Rizzo, a fishway engineer with the U.S. Fish and Wildlife Service, carried out a site inspection of the Augusta dam and appurtenant powerhouse structures on November 3, 1980. In conjunction with Mr. Rizzo's work, the Department of Marine Resources has prepared estimates of numbers and species of fish to be passed at Augusta, based on the biological production capacity of waters above the Augusta dam. These estimates are necessary for Mr. Rizzo to determine the desired size of the fishway. We are now awaiting Mr. Rizzo's report and technical recommendations. When this information is available, we will be able to secure consulting engineer services to provide a detailed site specific design and cost estimate. With this information we can proceed to petition the FERC to amend the license of the Edwards Company and require that a fishway be installed.

Enclosed for your information are copies of correspondence between the U.S. Fish and Wildlife Service and the state fishery agencies relating to this issue. If additional information would be helpful, we would be pleased to meet with you or your staff at your convenience.

Respectfully submitted,  
S/GLENN H. MANUEL, Chairman  
Atlantic Sea Run Salmon Commission

and  
Commissioner, Department Inland  
Fisheries and Wildlife  
S/SPENCER APOLLONIO, Commissioner  
Department of Marine Resources

and  
Member, Atlantic Sea Run Salmon Commission

Was read and with accompanying Report ordered placed on file.

**Special Sentiment Calendar**

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

Recognizing:

Dr. Robert G. MacBride of Lubec, who was honored by the Washington County Child and Youth Board for his many years of community involvement; (S.P. 615)

Chad Clark, of Brunswick, who was initiated into Tau Beta Pi, at the University of Maine at Orono; (S.P. 616)

Andrew Price, of Yarmouth, who has been granted membership in the Senior Skulls Society at the University of Maine at Orono; (S.P. 617)

President Arthur S. Buswell, of Machias, for a decade of outstanding service at the University of Maine at Machias; (H. P. 1507) by Representative Randall of East Machias. (Cosponsor: Senator Brown of Washington)

Daniel R. Simpson, for his years of dedication and distinction to the field of journalism; (H.P. 1510) by Representative Diamond of Bangor. (Cosponsor: Representative Hickey of Augusta)

Raymond and Christine Palmer, formerly of Portland, on their Golden Anniversary, June 7, 1981; (H.P. 1511) by Representative Higgins of Portland.

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

**House Reports of Committees  
Leave to Withdraw  
Tabled and Assigned**

Representative Beaulieu from the Committee on Labor on Bill "An Act to Provide Employees in Private Long-term Care Facilities and Service Agencies Wages and Fringe Benefits Equivalent to Wages and Fringe Benefits Paid in State Facilities" (H.P. 983) (L.D. 1168) reporting "Leave to Withdraw"

Report was read.

On motion of Mrs. Beaulieu of Portland, tabled pending acceptance of the Committee Report and specially assigned for Friday, May 22.

**Tabled Unassigned**

Representative Beaulieu from the Committee on Labor on Bill "An Act to Encourage Training of Handicapped Workers" (H.P. 500) (L.D. 551) reporting "Leave to Withdraw"

Report was read.

On motion of Mr. Diamond of Windham, tabled unassigned pending acceptance of the Committee Report.

**Ought to Pass**

Pursuant to Joint Order H.P. 264

Representative Roberts from the Committee on Local and County Government of RESOLVE, to Revise the Salaries of Certain County Officers (H.P. 1508) (L.D. 1622) reporting "Ought to Pass" — pursuant to Joint Order (H.P. 264)

Report was read and accepted, the Resolve read once and assigned for second reading later in today's session.

**Ought to Pass**

Pursuant to Joint Order H.P. 264

Representative Armstrong from the Committee on Local and County Government on RESOLVE, to Change an Authorized Expenditure of Franklin County for the Year 1981 (Emergency) (H.P. 1509) (L.D. 1623) 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.

**Divided Report**

Later Today Assigned

Four Members of the Committee on Taxation on Bill "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes" (H.P. 907) (L.D. 1074) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-431)

Report was signed by the following member:  
Senator:

WOOD of York

— of the Senate.

**Representatives:**

POST of Owl's Head  
KILCOYNE of Gardiner  
HIGGINS of Portland  
HAYDEN of Durham

— of the House.

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

**Senators:**

EMERSON of Penobscot  
TEAGUE of Somerset

— of the Senate.

**Representatives:**

KANE of South Portland  
TWITCHELL of Norway

— of the House.

Four Members of the same Committee on same Bill report in Report "C" that the same "Ought to Pass"

Report was signed by the following members:

**Representatives:**

INGRAHAM of Houlton  
DAY of Westbrook  
MASTERMAN of Milo  
BROWN of Bethel

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of any Report and later today assigned.

**Consent Calendar  
First Day**

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

**Tabled Unassigned**

(H.P. 602) (L.D. 679) Bill "An Act to Assist Handicapped Workers in Returning to Employment" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-441)

On the objection of Mrs. Beaulieu of Portland, was removed from the Consent Calendar.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of the Committee Report.

(H.P. 1431) (L.D. 1582) Bill "An Act to Amend the Definition of State Employee under the State Employees Labor Relations Act" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-440)

(H.P. 1178) (L.D. 1402) Bill "An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-436)

(H.P. 527) (L.D. 593) Bill "An Act to Authorize the Public Utilities Commission to Adopt Filing Requirements for Utility Rate Changes" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-438)

(H.P. 1106) (L.D. 1311) Bill "An Act Concerning Teacher Certification" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-437)

(H.P. 956) (L.D. 1132) Bill "An Act to Require the Licensing of Escort Vehicles" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-432)

There being no objections, the above items were ordered to appear on the Consent Calendar later in today's session under listing of Second Day.

(H.P. 1191) (L.D. 1415) Bill "An Act to Prevent Gear Conflicts" — Committee on Marine

Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-433)

On the objection of Ms. Lund of Augusta, was removed from the Consent Calendar.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, I rise only because I live inland and I do not know what a gear conflict is and why the Commissioner needs to be involved in resolving a gear conflict, so I would ask for an explanation.

The SPEAKER: The gentlewoman from Augusta, Ms. Lund, has posed a question through the Chair to anyone who care to answer.

The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: A gear conflict is generally the lobstermen that have their traps set out, also they could be bothered by the scallop draggers, who in turn may drag the gear out of place and destroy them. Frankly, that is just about it. Sometimes they may have weirs that may be interfered with by draggers, etc., therefore, we felt that the commissioner should have the authority to resolve these without having to go to the legislature everytime.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-433) 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.

(H.P. 1128) (L.D. 1345) Bill "An Act Relating to Aquaculture" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-434)

(S.P. 385) (L.D. 1143) Bill "An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries" — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-217)

There being no objections, these items were ordered to appear on the Consent Calendar later today under listing of Second Day.

**Passed to Be Engrossed  
Amended Bill**

Bill "An Act Relating to State Participation in Local Leeway under the School Finance Act" (Emergency) (S.P. 265) (L.D. 747) (C. "A" S-251)

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I move that this Bill and all its accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is not an easy thing to do, because if this bill passes, it allows everybody in this House to be able to go home and tell their local school districts that they gave them more money in leeway.

I am not an expert on educational funding and I don't claim to be, but I will tell you this—this particular measure, an identical measure was attempted to be amended into the Part I Budget unsuccessfully just a matter of a few days ago. The arguments that were used against it are the same now as they were then, and they are that we just simply don't have that kind of money to pass around.

I am just given a sheet passed out on my desk that tells me in the town of Old Town how much money I would get if I were to vote for this bill, and I suspect that you are all going to be given a sheet that tells you what you are going to be

given if you vote for this bill, and if you want to be Santa Claus, you can. But what happens with this money if not all towns take leeway. At the beginning of this year, the beginning of every year, we hope to have some money in surplus, and that money is used to make adjustments to the State Finance Act. We did it this year, we did it last year, we have done it for years and years and years.

If this bill is passed, we would not be able to respond to the contingencies of government in the manner in which we have been able to give everybody a lot of money which I think we ought not to do because it is a false economy.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: Like has been mentioned, this is a school funding bill, and what is peculiar about it is that it goes beyond what the Government has recommended for this particular item. But, we in the Education Committee felt that the local school administrative units really need this money in order to operate.

The Legislature, a few years ago, when they mandated the school funding law, had in their mind that the state provide for at least 50 percent of the cost of education in this state. This year, the Governor recommended that we spend 53.97 percent, which is about what the legislature had recommended a few years ago. But I think that the state is paying, the true share is more in the vicinity of 46 to 47 percent, and this is primarily due to inflation and also due to the fact that most of the expenses for education paid by the state to the locals is based on two-year-old costs. Consequently, you know that due to inflation this might be 10, 15 or 20 percent lower than what it really should be. This is why, even though we say we are providing 53 percent for the education in the state, we really aren't doing it. We are providing about 47 percent.

The Governor also recommended that the subsidy index be placed at 8.85 percent this year, which we will be acting on, I am sure, in the near future.

Last year, the subsidy index was based on 9.25 percent. The reason for the shift is primarily due to the state valuation of the local property.

Now, money spent beyond the local allocation is called local leeway, and this is what we are talking about right now, local leeway. Local leeway was established in 1974 for the following purposes, which I am going to cite right here, and one of the reasons was, it was to respond to the effect of the time lag because we are two years behind, and also to offset the impact of inflation. The third reason that it was established was to assist in funding new or expanded programs and mandated programs. This is no longer a serious consideration, that particular aspect of it, but as far as the time lag and the inflation, that certainly still is a very serious impact on the local effort.

When this was established in 1974, it was established at a ratio and formula of 1.2 mills or \$125 per pupil. This is sort of a lengthy process to determine what this translates to in money, but I think you should have before you a sheet that translates it for you into what it would mean for your own district.

In 1974, when this was first instituted, the state would participate in about 40 percent of the total cost beyond the local allocation. This year, or I should say next year, because we are using the same formula that was used in 1974, the state's share would translate to something like 27 percent. Consequently, we are balancing our books here due to the local valuation.

The reason that this is happening, of course, is due to inflation, because as the local valuation goes up, which is determined by the state, by the way, everytime that goes up it means that our local leeway allocation goes down, so this means further that the locals have to raise the property tax in order to try to match the

money that they had the previous year. So you can see what is happening.

For this year alone, if we go along with the Governor's recommendation, it means that the locals will receive in the vicinity of \$2.5 million less than last year in local leeway. Again, it is due to the way the system is designed.

One of the reasons that we decided to go along with this thing was that it was rumored to us from a well placed source that every year the education fund turns back to the appropriation in the vicinity of three to four million dollars. This is money that is usually earmarked for education, but because it is not used throughout the year, it is disappropriated, I guess is the term used, I am not too sure about that, and turned back into the General Fund — it comes from there but it can be used for other purposes. So, based on that, we thought that if we really wanted this thing and if all of us really wanted this, it is possible for us to get it and possible for it to be funded.

I hope that you will vote to defeat the motion to indefinitely postpone this bill.

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

Mr. MURPHY: Mr. Speaker and Members of the House: I would like to thank my fellow Education Committee member for the very clear explanation of the School Finance Law, but I think maybe there should be a little clarification of the comments made by my friend Representative Pearson.

When you look at the sheet that explains the impact of this bill upon your individual community, it appears as if your community is being given something. That is not really the case. What we are talking about, within one or two percentage points is, without this bill, that is what your community is going to lose. As was explained to you, in the present year leeway is \$10 million. The Governor's Part I Budget is \$7,600,000. We are talking about a \$2.4 million drop, \$2.4 million that has to be picked up by the local property taxpayer. We are talking about a tax hike.

Representative Pearson talked about Santa Claus; many of us still believe in him and we would be heartbroken if Santa Claus came and left the presents and the following morning came back, loaded them back up and headed up the chimney, and that is what happened in the Part I Budget: what was promised to the local communities was taken away.

The percentage share, commitment on the part of the state, decreased, causing the local communities to pick up \$2.4 million more. L. D. 747 restores back those monies that are in the present budget.

On your sheet, where it says difference between column two and column eight, that is the loss, so you wouldn't be able to say, if you passed this, that you found new monies, you protected your home community against a reduction in state commitment. You also have another sheet that says "leeway, state tolls," and you can see, 1980-81, \$10 million, that is this year; 1981-82, that is the Part I Budget, \$2.4 million less.

The commissioner's recommendation never appeared in any legislation; that is what the Commissioner of Education felt should be the state's commitment, and that is even higher than what L. D. 747 recommends.

Then the bottom column, 747, restoring back that commitment of a 60-40 percent. Also, Representative Theriault had mentioned at the bottom, education balances unexpended — you see a surplus, \$5 million, \$2 million, \$3,500,000. That is money that is earmarked for the local community but it has been appropriated for other sources, the University of Maine, it has become a contingency account. So even this decreased amount that we have appropriated below previous year's figures, not all of it will reach your communities, it has become a contingency account, and we would urge the defeat of the motion to indefinitely postpone.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Just a few minutes ago, I guess not more than a half hour ago, I was in a meeting of a committee that is supposed to try to solve the problems on highway funding, and one of the members of that committee said to us, how much money do you have in the General Fund? My response was, it is very difficult to know how much money we are going to have in the General Fund because we have got collective bargaining coming up, we don't know what is going to happen with that; we have this coming up, we don't know what is going to happen to that; we have that coming up. I also said this morning, as soon as we get out of here, I have to go into the House and try to defeat a bill that is going to call for a couple of million dollars to go to education, which is no easy chore, because everybody wants to do that and I have taught school for 13 years and I want to do that.

But if we adopt the ideas that have been advanced by Representative Murphy and others, we will have less money at the beginning of the year in surplus to address the problems of state government. If we have less money in surplus at the beginning of the year, we had, I think it was, \$6 million at the beginning, well, I can't remember the figure at the beginning of this year. To address those contingencies, that means that we are going to have to tell everybody that we have fewer dollars to deal with other problems, and among them are our highways and a myriad of other things that are going to be before this state.

I told you just a little while ago that I am no expert on educational finance, I just can't claim to be that, but I do understand that leeway was never intended to be a sure thing because we don't know how many people are going to use it. Before leeway, the education budget was always running a deficit, and that was one way to provide a mechanism so that we wouldn't run into deficits.

I know that I am running up stream on this particular bill because you would all ache to give more money to your local schools because every school in the state is in trouble financially. But I don't think that you should do this. This was attempted just the other day on the Part I Budget. We simply can't afford to do it even though we want to. It is one of those choices we have got to make in life of what we would like to do and what we really can do.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I had intended to stay out of the debate this morning. The arguments in support of the bill as amended by the committee were really going to be carried by other members of the committee, but there is one misunderstanding that I think Representative Pearson has shared with you that I would like to correct.

The bill as amended by the committee is not the same thing as was attempted to be done to the Part I Budget in the other body. The amendment that was offered and was defeated to the Part I Budget would have allowed all the unexpended balances in education to be used for the purposes of providing more state money for leeway. This bill, as it is amended by the committee, says that only the unexpended balances in the leeway account, just that one account, we have already appropriated X-amount of dollars for leeway, if those monies are not completely spent, which happens every year, then those monies and only those monies can be used for this purpose. This bill would not require an additional appropriation.

But if I understand what Representative Pearson and others may be suggesting is that they would like to use that money that isn't going to be spent for other things, like solving the highway problem and to my way of thinking, that isn't the best way to do business.

Those monies were appropriated by the legislature for leeway and they should be used for leeway. If there is money left over in that account, they should be used to increase the state's share of leeway, which is what this bill as amended by the committee would do.

This bill, as amended, has the potential to benefit 85 percent of the school units in the state. I would hope that at this point you would vote against the motion for indefinite postponement.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I share the feelings that Representative Pearson has when he talks about looking at the very needy programs at the state level and being very frustrated in finding the money necessary to fund these programs. I share those feelings because I felt the same frustration that many of you have probably felt when we have attended our school board meetings and our council meetings in our local communities. I share the frustration of parents who are calling for their children's schools to remain open, for their programs to be continued, and I share the frustration of the elderly who are calling for some relief in their property tax so they can maintain their homes. I think the issue here, in looking at L.D. 747, is whether we need to bring some relief to our local communities where people are so frustrated by their property tax.

I urge you to vote against the motion to indefinitely postpone.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would go along with the motion of Mr. Pearson. It boils down to setting priorities and I feel at this time we really can't afford this, although I feel the same way as Mr. Pearson, that I would like to, but sometimes you have to take the lesser of two evils, and I feel at this time that we should not go along with this bill.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: If we are going to set priorities, we should look at the priorities that we do set here in the legislature, and one of the priorities and mandations is that we must have an elementary and secondary school program but we don't mandate that we must have a university. The university does get their money very easily, they never have to hassle as the local communities have to to get their monies.

So I think if we are going to set priorities and we are going to set mandations, then I think our priorities would have to be the elementary and secondary, because without good programs at the elementary and secondary, you don't need a university system, you will be educating students from out of state. Our students won't be able to make it to the university, so I think our priorities are elementary and secondary school programs.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I am a little bit confused here by my good friend Representative Murphy's explanation of L.D. 747, unless he has got a different handout sheet than I have. I think Representative Murphy indicated that all L.D. 747 did was restore the funding to the present level, where the present Part I Budget cuts the amount from \$10 million down to \$6 million. On my sheet, the funding level indicated on L.D. 747 represents a 23 percent increase over the present funding level. I would like to pose a question through the Chair to Representative Murphy or any member of the committee asking if I am reading it correctly and, if so, did they, in fact, consider there was a 23 percent increase?

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the gentleman from Kennebunk, Mr. Murphy.

Mr. MURPHY: Mr. Speaker, Men and Women of the House: If I am correct, I said in my presentation that L.D. 747 restores leeway funding back to the original 60-40 percent ratio.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I have a soft spot for education and I truly wish that it were practical for us to consider a bill like this, but in looking at my own communities, for instance, the state contribution under the current proposed law is \$29,000 and it would be raised to \$44,752. That is a 64 percent increase. The second town, it is a 58 percent increase. It is great to be able to do these things, but I just don't see, having served downstairs on that Appropriations Committee, how we can go along and do this at this time.

It is a noble undertaking and I commend the committee for attempting this, but it just isn't practical in these times.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair to any member that could answer and that is, the total allocation of state funds that is being appropriated for education, not just leeway, but the basic grant that is the biggest percentage of the amount we are funding — is the total amount of education funding the same? We have always been dealing with about, I think it is around 53 or 54 percent in state funds compared to local funds and I wonder if the total allocations, the total dollars, including this reduced portion of leeway, is the same percentage as we have been doing in the past?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: In response to the very good question from the gentleman in the corner, the total amount of dollars for education at the state level has increased. The percentage of 53.97 of state to local remains the same, but the total dollars both at the state and the local level have increased.

I would like to take it one step beyond, to reiterate what I said before. This bill, as it is amended by the committee, would require no additional funds. It would simply say those funds in the leeway account that have already been provided for in the Part I Budget, if they are not spent for leeway, cannot be used for any other purpose but will be there and will be used to fund an increased share of state money, but it will not let any other state department raid that particular account for any other purpose.

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

A vote of the House was taken.

20 having voted in the affirmative and 96 in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" in concurrence.

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

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-435) on Bill

"An Act Concerning Arbitration Involving Municipal Fire and Police Departments and University of Maine Police" (H. P. 380) (L. D. 423)

Report was signed by the following members:

Senator:

DUTREMBLE of York

— of the Senate.

Representatives:

BAKER of Portland

McHENRY of Madawaska

LAVERRIERE of Biddeford

BEAULIEU of Portland

TUTTLE of Sanford

HAYDEN of Durham

MARTIN of Brunswick

— of the House.

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

Report was signed by the following members:

Senators:

SEWALL of Lincoln

SUTTON of Oxford

— of the Senate.

Representatives:

LEWIS of Auburn

DAMREN of Belgrade

FOSTER of Ellsworth

— of the House.

Reports were Read.

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

Mrs. BEAULIEU: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that the very best arguments against this bill are those arguments of the late President of the AFL-CIO, George Meany, and I would like to read to you what George Meany had to say on this issue: "There are those who argue that collective bargaining is all very well in the non-critical public services, such as schools and sanitation departments, but that some substitute for a strike must be found in the areas of law enforcement, fire protection and hospital services. That would be fine if such a substitute could be found but so far, none has been found. There are no short cuts and no substitutes for the bargaining table and mutual freedom of contracts and compulsory arbitrations, the favorite proposal of certain editorialists, just will not work because it is an abrogation of freedom. The crucial difference between voluntary and compulsory arbitration is the difference between freedom and its denial. Fairly long experience convinces me that the best, surest and, indeed, only way to secure stability in labor-management relations in any area, including government service, is through the normal pattern of free negotiations on every aspect of wages and working conditions." These words, ladies and gentlemen of the House, are the words of George Meany, who was against compulsory arbitration.

I would also like to remind you that most of us when we are home in our district discover that our people continually say to us, why is the legislature always putting things out to referendum? Why are you passing the buck to us? The bill in front of you is to put the issue of binding arbitration out to referendum, and you will remember that we have defeated three binding arbitration bills in this House. Let's not pass the buck, let's stick to our original three votes, let's defeat the motion of the gentlelady from Portland.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Yes, we have defeated binding arbitration bills in this House this year, we have done that for the past five years that I have been here. However, I think the

issue is crucial and critical to the citizens of our state.

This particular bill addresses what I discussed with you last week, public safety employees. What the bill asks for is that there be a mechanism which does not exist now for the ultimate resolve when a contractual negotiation process comes to an absolute impasse. The majority of your impasses at the local level tend to be on the issue of pay, insurance and pension matters. We have binding arbitration now on all other matters except these three issues.

There is absolutely no sentiment among any citizen in our state that I know of, to ever give public safety employees the right to strike. There is no sentiment and much concern among our citizens when they find themselves in a situation of having to see public safety employees in the process of work slowdowns, sick outs, and threat of illegal strike. I say the time has got to come when we have got to find a way to resolve the issue after all of the processes had been met. There is no way whatsoever that unions representing our public safety people could ever circumvent our current collective bargaining process, but there has got to be a way to end it once and for all.

The issue of bringing it to the citizens to decide and offer the guidance to their elected officials is appropriate. One of the arguments used in binding arbitration is that you would have an arbitrator come in and tell your elected officials what will happen and that that arbitrator, in effect, sets the tax rate. What we are trying to say is, let the people who elect their elected officials tell them what they wish to have happen when an impasse comes about and the end result is much controversy and much concern over what happens to their protection.

I think we need to remember that public safety employees, as defined in the bill—and I would like to point out that the amendment to the bill does remove from coverage under this act the University of Maine police—we need to remember that these are the people that are involved in the potential loss of life and loss of property factors. They are probably, in my personal opinion, the most crucial employees in any community. We cannot afford to see any efforts on their part to the issue of work slowdowns, etc., that I have mentioned to you before but, then again, we cannot disenfranchise them from having a mechanism that will ultimately resolve their problems in the collective bargaining process.

As an elected official now, because of the fact that there is no ultimate resolve, they can just sit there and wait forever to end the contractual dispute. That is not fair to the citizens they purportedly represent, nor is it fair to those employees.

I urge that you give consideration to this issue. I feel very strongly that if the citizens have an opportunity and should have an opportunity, that they are the rightful ones who should be telling their elected officials or their designees how to deal with the issue when there is an absolute impasse.

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

Mr. TUTTLE: Mr. Speaker and Members of the House: I will try to be very brief. I agree with Miss Lewis' comments about George Meany, but I am sure what I am going to say he would agree with also.

There are essentially three collective bargaining laws which enable almost all public employees to form bargaining units. Essentially, laws dealing with municipal employees began to be enacted in 1969. Presently, in my opinion, they are not doing the job. The people in my community are presently picking up a \$100,000 price tag for a strike that occurred a couple of years ago.

The purpose of this bill is to set a reasonable bargaining relationship between management and labor in critical areas of police and fire protection. The bill requires binding arbitra-

tion on controversies over salary, pensions or insurance involving municipal fire departments and police.

The final best offer arbitration provides is that following factfinding, the parties may agree to binding arbitration. The bill provides that arbitrators must be Maine citizens, which I feel is very important. It also provides that Maine Labor Relations Board report annually to the legislature on the effectiveness of this bill. This bill is automatically repealed March 1, 1986, so I feel that offers us a fair safeguard.

No strike provisions provide that penalties may be imposed against any employee organization or any employee who violates the prohibitions against striking. This bill provides for less disruption in the municipal bargaining process. It provides for a peaceful arbitration of labor disputes, and I feel it is an important issue that needs to be addressed.

As a local selectman in my area, I, for one, have many questions about the arbitration procedures from what I have seen occur. Essentially, this bill offers a local option. If the town of Sanford wants binding arbitration, let the people of Sanford decide. If the people of Auburn do not, let them decide, or if the people of Ellsworth do not. Give the people in the local districts, if they so desire, from their experience and what they have seen, allow them to vote on the issue. It is a local option issue and I think it is something that needs to be addressed fairly. Therefore, I hope you will give this bill a favorable report.

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: When I heard the words "George Meany" this morning, my ears picked up and I couldn't help but rise to my feet and respond to the good gentlelady from Auburn, Miss Lewis.

George Meany never worked in the public sector, and George Meany was wrong on a lot of issues, and this is one of them.

We are sometimes forced to choose an issue that many of us feel is very unpalatable. The choices before us are the status quo, binding arbitration for the right to strike, as I have heard some members of this body say that they favor the right to strike.

I cannot convey to you the kind of horror at the idea of firefighters out on strike and the lives that might be lost in that kind of situation.

I had a conversation with one of the local firefighters in my area. He said, we have really got to have binding arbitration. We may take it on the chin, we may not come out ahead, we may lose, but it is a lot better than the current impasse that we sometimes find ourselves in. It is very bad for the morale of the men. And he said to me that if there ever was one of his men that ever walked off the job on a strike, he would drop him in his tracks. Firefighters don't want to be forced into that situation.

I would hope that we could at least go along with the lesser of an evil and vote for something that is, again, a local option, so each community can make that decision, whether they want their elected representatives to go to arbitration. It is the best we can come up with, and I hope you will support it.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The local citizens in Maine elect their local officials, and the major job of those local officials is to decide how that city or town will spend its money, and the major thing that city and town spends its money on is personnel costs. If the local citizens do not like the wage scales, or whatever that their city employees are being paid, they can certainly switch and elect different local officials.

Furthermore, if the firemen and the policemen don't feel that they are being paid enough, as citizens in any city or town, they could cer-

tainly make their own wages an issue in the election to push defeat for these frugal officials, if that is the whole problem.

Besides electing the local officials to do this job, the citizens in Maine elect us to decide on other issues, and among these issues is whether the State of Maine should have binding arbitration. I would remind you that three times we have defeated binding arbitration in the past month. I think that we should defeat it one more time and we should not pass the buck.

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

The SPEAKER: The gentlewoman from Auburn, Miss Lewis, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes that gentleman from Lewiston, Mr. Jalbert.

Mr. JALBERT: Mr. Speaker, on two occasions this morning I heard the fact "we have defeated binding arbitration twice, now let's do it a third time." I have listened to this so-called 8 to 5 committee since January 5 here, the same arguments. When people walk into Room 228, just looking at them I can almost tell what they are going to say, and invariably they do.

We have got 10 more days to go, the binding arbitration bills, one was sponsored by me, the other one was cosponsored by me. When I saw the 8 to 5 report, sometimes, if you have been here long enough, you get wise to yourself, I knew I was dead, it costs us \$25,000 a day to be here and it is pretty near time that we cut out the chicanery among ourselves in committee, you fight among yourselves anyways, you don't know what a unanimous report is—Mr. Speaker, I move the previous question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the expressed desire of one third of the members present and voting. All those in favor of the Chair entertaining the motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken.

The SPEAKER: Obviously, more than one third having requested that the previous question be entertained, the question now before the House is, shall the main question be put now? This is debatable with a time limit of five minutes by any one member. If you are in favor of the main question being put now, you will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 4 having voted in the negative, the main question was ordered.

The SPEAKER: The question now before the House is on the motion of the gentlewoman from Auburn, Miss Lewis, that this Bill and all its accompanying papers be indefinitely postponed.

Mrs. Beaulieu of Portland requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Miss Lewis, that this Bill and all its accompanying papers be indefinitely postponed.

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kany, Kiesman, Kil-

coyne, Lancaster, LaPlante, Lewis, Livesay, Lund, MacBride, Manning, Masterman, Masterton, Matthews, McCollister, McGowan, McPherson, Mitchell, E.H.; Murphy, Nelson, A.; Norton, O'Rourke, Perkins, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Thompson, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Ketover, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, J.; Moholland, Nadeau, Paradis, P.; Paul, Pearson, Perry, Pouliot, Reeves, P.; Richard, Rolde, Smith, C.B.; Soule, Telow, Theriault, Tuttle, Vose, The Speaker.

ABSENT—Carrier, Cunningham, Kelleher, Martin, H.C.; Nelson, M.; Paradis, E.; Prescott, Soulas.

Yes, 81; No, 61; Absent, 8; Vacant, 1.

The SPEAKER: Eighty-one having voted in the affirmative and sixty-one in the negative, with eight being absent, the motion does prevail.

Sent up for concurrence.

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

#### Divided Report Tabled Unassigned

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Expedite the Filing of Medical Reports under the Workers' Compensation Act" (H.P. 462) (L.D. 512)

Report was signed by the following members:  
Senator:

DUTREMBLE of York  
— of the Senate.

Representatives:

HAYDEN of Durham  
BAKER of Portland  
McHENRY of Madawaska  
LAVERRIERE of Biddeford  
BEAULIEU of Portland  
MARTIN of Brunswick  
TUTTLE of Sanford

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-442) on same Bill.

Report was signed by the following members:

Senators:

SEWALL of Lincoln  
SUTTON of Oxford

— of the Senate.

Representatives:

DAMREN of Belgrade  
LEWIS of Auburn  
FOSTER of Ellsworth

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending acceptance of either Report.

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

#### Divided Report Later Today Assigned

Report "A" of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Regarding Share Fisherman under the Employment Security Law" (H.P. 1186) (L.D. 1410)

Report was signed by the following mem-



bers:  
Senator:

DUTREMBLE of York  
— of the Senate.

Representatives:  
BEAULIEU of Portland  
MARTIN of Brunswick  
HAYDEN of Durham  
TUTTLE of Sanford  
BAKER of Portland

— of the House.

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

Report was signed by the following members:

Senators:  
SUTTON of Oxford  
SEWALL of Lincoln  
— of the Senate.

Representatives:  
LEWIS of Auburn  
McHENRY of Madawaska  
FOSTER of Ellsworth  
DAMREN of Belgrade

— of the House.

Reports were read.

On motion of Mr. Hayden of Durham, tabled pending acceptance of either Report and later today assigned.

#### Orders of the Day

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

Senate Divided Report — Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (S-221) — Minority (6) "Ought Not to Pass" — Committee on Energy and Natural Resources on Bill "An Act to Undedicate Funds Received from Public Reserved Lands" (S. P. 92) (L. D. 208)

—In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-221)

Talbed—May 18 by Representative Hall of Sangerville.

Pending—Acceptance of either Report.

On motion of Mr. Hall of Sangerville, tabled pending acceptance of either Report and later today assigned.

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

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)

Talbed—May 18 by Representative Kany of Waterville.

Pending—Passage to be Engrossed.

On motion of Mrs. Kany of Waterville, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the second 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)

Talbed—May 19 by Representative Carter of Winslow.

Pending—Motion of the same gentleman to Reconsider Action Whereby House Insisted and Asked for a Committee of Conference.

On motion of Mr. Carter of Winslow, tabled pending his motion to reconsider and tomorrow assigned.

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

Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime" (H. P. 1011) (L. D. 1207) (C. "A" H-426)

Talbed—May 19 by Representative Hobbins of Saco.

Pending—Passage to be Engrossed.

On motion of Mr. Murphy of Kennebunk,

tabled pending passage to be engrossed as amended and tomorrow assigned.

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

SENATE DIVIDED REPORT—Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (S-227) — Minority (6) "Ought to Pass" as Amended by Committee Amendment "B" (S-228) — Committee on Appropriations and Financial Affairs on Bill, "An Act to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval" (S. P. 377) (L. D. 1135)

—In Senate, Majority "Ought to Pass" Report Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-227)

Talbed—May 19 by Representative Pearson of Old Town.

Pending—Motion of the same gentleman to Accept the Minority "Ought to Pass" Report.

On motion of Mr. Pearson of Old Town, tabled pending acceptance of the Minority Report and later today assigned.

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

RESOLVE, Authorizing the Governor, Acting on Behalf of the State, to Execute Certain Quitclaim Deeds (S. P. 605) (L. D. 1604)

Talbed—May 19 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

On motion of Mr. Higgins of Scarborough, tabled pending final passage and tomorrow assigned.

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

Bill, "An Act Establishing the Women's Training and Employment Program" (H. P. 568) (L. D. 644)

Talbed—May 19 by Representative Mitchell of Vassalboro.

Pending—Adoption of Committee Amendment "A" (H-406)

On motion of Mr. Murphy of Kennebunk, Committee Amendment "A" was indefinitely postponed.

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

Mr. Murphy of Kennebunk offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-443) was read by the Clerk and adopted.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't really quite understand what House Amendment "A" proposes to do.

Going back to yesterday's discussion, the women's training program was a CETA funded pilot project. They are now asking that we incorporate it under the Department of Manpower Affairs for a price tag of \$95,000 per year. My contention and those on the minority report from the committee was that we have several programs which are dealing with and directed towards helping women in whatever walks of life and whatever age with training. You heard yesterday from Representative Berube, we have the WIN program, we have the Displaced Homemakers program, there is a program at the University of Maine. My contention is that we are spending money for bureaucratic administration and that basically that money is not going for services.

When you look at the money expended from last year of \$149,000, approximately \$28,000 went for salary, and I actually couldn't find \$15,000 out of \$149,000 that went to provide services.

This House Amendment which was proposed and accepted says that there shall be no administration, that that money shall be put under

the Commissioner of Manpower Affairs and they will contract with the existing Displaced Homemaker program to develop programs in at least two unserved areas.

If, in fact, the Displaced Homemakers program needs more money, I think we should be directly addressing that situation and not saying that this money will go to the Department of Manpower Affairs. The Commissioner will not be able to take care of this. What he will have to do is have someone administrate the \$95,000. I just don't think it is needed.

I am certainly not against helping women, I am a woman myself. Yesterday, in fact, in committee, we voted to put in \$84,000 more per year for the Battered Women Shelters. There are areas in which this money can be better spent.

Mr. Speaker, I move indefinite postponement of this Bill and all accompanying papers.

The SPEAKER: The gentlewoman from Bangor, Miss Aloupis, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The amendment provides for the Department of Manpower Affairs to work with the existing Displaced Homemaker program in the local communities. The appropriation would be spent on real services, job counseling, job training and placement, all services that these women who have been left alone by divorce, death of a mate or abandonment need. Many of these women are in a desperate situation and you know they need help.

The Commissioner of Manpower Affairs shall be responsible for the administration of the program and must report annually to the legislature. This amendment provides money for those services.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: First, I would like to thank the members of the House for giving us the courtesy to at least present this concept for your consideration.

The Displaced Homemaker program currently works under the auspices of the Manpower Affairs Department. They have no funding, however. The money that has been used to fund them, which will expire in 1982, has been federal vocational-tec money.

What we propose to do with this amendment is not to create a new bureaucracy, new staff, but rather continue this program and cover perhaps those parts of the state which are not covered at all. There is no program, there is no satellite program in Lewiston, Portland, Bangor, in any of these areas.

Those of you who are familiar with the satellite programs that work in Waterville and in Bath-Brunswick know that they do work. The displaced homemaker had a broad definition. It is not age, it is not income at this point, but rather it is a woman who has been out of the job market for some time, who has not developed her skills because she has been keeping house, and wants to go back to work, must go back to work. It is for this reason that we think this amendment offers a better approach, that you will be able to give counseling and vocational training. The University of Maine, as you know, also gives in-kind services, and it is this approach that we are favoring. If we open the new centers, we will be using vocational centers which are already there, not new buildings, not new programs, except an expansion of an already proven program.

We hope you will vote against the motion to indefinitely postpone.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, when I



heard Representative Berube's analysis of this program, I was surprised because I had thought last winter a group of people from Waldo County, who were being helped by this program, came to the legislature to see how the legislature operated, so yesterday, after Mrs. Berube's speech, I called the lady that ran this program and asked her what Waldo County did for these women. There were 13 women who came here and they met our entire delegation out in the corridors. We talked with them.

I just want to relate what happened to these 13 women that were in this program in Waldo County. They range from age 25 to 52. Today, four of them are in school at the University of Maine at Augusta, one is studying to be a beautician in Bangor, and this is the best one—five of them are full-time employees in a nonsubsidized private sector. Two of them are in job training now under this program, and one gal decided to have a baby. So, I think these people have done real well by this program and I would hate to see it shut off.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Miss Aloupis, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Rolde of York requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Miss Aloupis, 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—Aloupis, Armstrong, Austin, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Carrier, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Dudley, Foster, Gavett, Gwadosky, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, MacBride, Masterman, McColister, McGowan, McHenry, McPherson, Michaud, Nelson, A.; Norton, O'Rourke, Paul, Pearson, Perkins, Peterson, Racine, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

NAY—Baker, Beaulieu, Bell, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Callahan, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Manning, Martin, A.; Masterton, Matthews, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Paradis, P.; Perry, Post, Pouliot, Randall, Reeves, P.; Richard, Roberts, Rolde, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Cunningham, Kelleher, Mahany, Martin, H.C.; Nelson, M.; Paradis, E.; Prescott, Soulas.

Yes, 71; No, 71; Absent, 8; Vacant, 1.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-one in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

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

#### Passed to Be Enacted

An Act to Prohibit Hunting of Bear with Bait (S.P. 64) (L.D. 91)

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

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I think everybody here is sick and tired of hearing the word 'bear' in any one of its spellings, so I am simply going to ask for a roll call.

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

Mr. MACOMBER: Mr. Speaker and Members of the House: I agree with Mr. MacEachern, I am also tired of the bear situation. You have voted twice on this bill already. All I say is, I hope you will continue to maintain your position.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I have been quiet through this and some of the other committee members have spoken on this, and if you will bear with me a few minutes this morning.

We have had a number of bear bills in this committee and we worked on them and worked on them, and we took Representative Locke's bill and the emergency bill and we made it into September, October and November. Then, just the same as all the rest of you in these committees, when you have got a number of bills that are almost identical and the problems develop, you take and make up one bill. These others you pass out "ought not to pass" to get rid of them, they are clutter in the committee. So this is what we did. These other bills that have come through here on bear have been accepted bills that we have had to bring out here and they have come out with a twelve to one report — it is all but Senator Hichens in the other body. I would like for you to consider that.

Also, I don't think that we are here to do away and cut out anybody's business, regardless of what type of business that is, as long as it is done under biological reasons, under proper game management and that our resource, and it is a renewable resource, as long as that is protected.

If we are going to look at this, let's look at some other businesses. The fishermen set out trawls. Every one of those hooks is baited, and for what reason, it is to bring in the fish. Also, on your lobsters and crabs, what do we do, we kill a large number of fish like alwives and so forth, and they do this strictly with the bait to attract lobsters, crabs and so forth. We bring our lobsters in and we drop them into a pot of boiling water. If you are going to talk about humanity here, a humane system of doing anything, I think that these other businesses should be considered, and this is what we are doing here. We are putting a lot of families out of business. I hope that you will consider this.

We have got a Fish and Game Department that is run for the proper game management of all our species, and hunting with bait, it is more selective than any other way that you can hunt because there are very few animals that leave there that are wounded. They are usually taken care of right there.

In the fall of the year when you hunt them, there is a good chance of a wounded animal getting away and you never will find him. So, I hope that you will consider this and also take into consideration that it is a multi-million dollar business in this state, and as long as it is under game management, I see no reason in

the world why we should cut it out.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I admire Mr. Connors' way of looking at things. Fishing is fine because people eat fish. They don't just fish because it is a sport to kill an animal, and it is the same with the lobsters.

The bears, they destroy them, and what do they do with them? They take the skin and they make bear rugs with them and half of the food is spoiled, but that isn't what I am going to tell you this morning. I am just going to try to tell you that I want to thank all of you. I know where I stand, I know where I am going this morning, but, Mr. Speaker, if I speak out of turn, you can shut me off and put it off the record, but I am going to say what I have to say.

I want to thank all of you that have stuck with me right along. I know that you all have been pressured and I know what has been going on here the last three or four days and it hasn't been very nice. I don't like swapping for this and that, I am not that type of person. I believe in what I am doing and I believe that most of you people that are with me believe it too.

I have to have respect for the people that are against me. They believe as much in their rights as I believe in mine, but wishy-washy votes I do not believe in, and I think that those people are the ones I can't help comment on.

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

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

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

#### ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Brennerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Callahan, Carrier, Chonko, Connolly, Cox, Crowley, Curtis, Davies, Davis, Diamond, G.W.; Diamond, J.N.; Dillenback, Fitzgerald, Foster, Fowlie, Gowen, Gwadosky, Hall, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Jalbert, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Livesay, Locke, Macomber, Manning, Martin, A.; Masterton, Matthews, McHenry, McPherson, McSweeney, Mitchell, J.; Murphy, Nelson, A.; O'Rourke, Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Rolde, Small, Smith, C.W.; Soule, Stover, Swazey, Tarbell, Telow, Thompson, Tuttle, Walker, Wentworth, Weymouth.

NAY—Armstrong, Austin, Bell, Bordeaux, Boyce, Brannigan, Brown, D.; Carroll, Carter, Clark, Conary, Connors, Damren, Day, Dexter, Drinkwater, Dudley, Erwin, Gavett, Hanson, Hayden, Hickey, Hunter, Jacques, Jordan, Laverriere, Lewis, Lisnik, Lund, MacBride, MacEachern, Mahany, Masterman, McColister, McGowan, Michael, Michaud, Mitchell, E.H.; Moholland, Nadeau, Norton, Peterson, Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Stevenson, Strout, Studley, Theriault, Treadwell, Twitchell, Vose, Webster, Mr. Speaker.

ABSENT—Cunningham, Gillis, Kelleher, Martin, H.C.; McKean, Nelson, M.; Paradis, E.; Paul, Prescott, Reeves, J.; Soulas.

Yes, 83; No, 56; Absent, 11; Vacant, 1.

The SPEAKER: Eighty-three having voted in the affirmative and fifty-six in the negative, with eleven being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act to Clarify a Sentencing Disposition of Juvenile Offenders (S. P. 93) (L. D. 209) (C. "A" S-235)

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

An Act to Provide one Additional Judgeship for the District Court (S. P. 158) (L. D. 366) (C. "A" S-223)

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

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

Mr. CARRIER: Mr. Speaker, I move the indefinite postponement of this Bill and all its accompanying papers and I ask for a roll call.

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

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

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

Ms. BENOIT: Mr. Speaker and Members of the House: Just so people are aware of what they are voting on, it is An Act to Provide One Additional Judgeship for the District Court. We discussed this the other day. The District Court is overburdened. The majority of the Committee did feel that we need an additional judge for the District Court level, and it is important to remember that this is a judge-at-large. This judge would be able to travel where he or she was needed.

I ask you not to vote for indefinite postponement.

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

#### ROLL CALL

YEA—Austin, Brown, A.; Carrier, Connors, Damren, Dexter, Dudley, Erwin, Hanson, Higgins, H.C.; Hunter, Jordan, Lancaster, MacEachern, Masterman, Masterton, McHenry, McKean, McPherson, Michaud, Moholland, Nelson, A.; Pouliot, Reeves, J.; Reeves, P.; Ridley, Sherburne, Small, Smith, C.B.; Stevenson, Stover, Studley, Treadwell, Twitchell, Wentworth, Weymouth.

NAY—Aloupis, Armstrong, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Curtis, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, Martin, A.; Matthews, McCollister, McGowan, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Post, Racine, Randall, Richard, Roberts, Rolde, Salisbury, Smith, C.W.; Soule, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, The Speaker.

ABSENT—Carroll, Cunningham, Gillis, Kelleher, Martin, H.C.; Nelson, M.; Paradis, E.; Prescott, Soulas.

Yes, 36; No, 105; Absent, 9; Vacant, 1.

The SPEAKER: Thirty-six having voted in

the affirmative and one hundred five in the negative, with nine being absent, the motion does not prevail.

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

An Act to Clarify the Definition of Commercial Applicator in the Maine Pesticides Control Act of 1975 (S. P. 373) (L. D. 1115) (H. "A" H-397)

An Act to Improve Enforcement of the Plumbing Code (S. P. 454) (L. D. 1300) (C. "A" S-218)

An Act to Adopt Federal Withholding Requirements for Payments to Certain Nonresident Alien Individuals, Foreign Corporations and Partnerships (H. P. 2) (L. D. 2) (S. "A" S-237; C. "A" H-368)

An Act to Require the State to Pay its Share of School Funding on the 15th Day of Each Month (H. P. 55) (L. D. 68) (C. "A" H-387)

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

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

#### Passed to Be Enacted

An Act to Improve the Nursing Home Ombudsman Program's Capacity to Respond to Nursing and Boarding Home Complaints (H. P. 456) (L. D. 503) (C. "A" H-377)

An Act to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections (H. P. 631) (L. D. 712) (C. "A" S-231 to C. "A" H-369 and S. "B" S-239)

An Act to Coordinate Agriculture and Energy Related Activities in State Government (H. P. 648) (L. D. 753) (S. "A" S-238; H. "A" H-362)

An Act to Establish a Statewide Cancer-Incidence Registry (H. P. 807) (L. D. 967) (C. "A" H-378)

An Act to Amend Special Education Statutes for Support of Special Education Programs and Services Provided in Excess of the Normal School Year (H. P. 910) (L. D. 1076) (C. "A" H-371)

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

An Act Concerning Tuition Reimbursement to Private Schools (H.P. 1002) (L.D. 1199) (C. "A" H-374)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't had a chance to read over the bill before I objected to it; I have since then, and I am even more glad that I did, because I don't understand exactly how the bill works. I notice that we are changing a reimbursement here, and I wonder if we are going—I see that it is going to cost the state, it looks like a couple hundred municipalities as well and just how this bill works?

The SPEAKER: 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 Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: This bill deals with what is called the insured value factor. The insured value factor is a rate or charge that private schools are allowed to make on students who would otherwise be public school students that they educate in their private schools because there is no public school in that community in which those students can be educated.

This bill here would raise the amount that

those private schools would be able to charge for educating those students. There hasn't been an increase since 1967.

The total cost to local school districts initially would be \$190,000, and that would be reimbursed 53.9 percent two years later down the road by the state. So the cost to the state two years later in reimbursing under the State's Finance Act would be \$100,000. So in the end, the school units would be picking up \$90,000, which is roughly 47 percent of the cost, and the state would be picking up \$100,000, which is 53 percent of the cost, but it would be reimbursed two years later.

This was a unanimous report of the Committee on Education. It is an issue that has been before the Education Committee several years in the past. Last year, the Education Committee reported this bill out in a similar fashion; it died on the Appropriations Table.

I think that everybody that is familiar with the issue thinks it has merit, but it will be one of those things that will live or die at the end of the session, depending upon the amount of money that is available.

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

An Act Relating to the Lobster Advisory Council (H.P. 1154) (L.D. 1375) (C. "A" H-374)

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

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

#### Passed to Be Enacted

An Act to Establish an Energy Conservation Program for Commercial and Light Industrial Buildings (H. P. 1180) (L. D. 1404)

An Act to Make the Good Samaritan Act Apply to School Employees (H.P. 1250) (L.D. 1474) (C. "A" H-372)

An Act to Clarify the Inland Fisheries and Wildlife Laws of Maine (H.P. 1423) (L.D. 1577) (S. "A" S-240; H. "A" H-312; H. "B" H-340)

An Act Concerning Minimum Limits Required under the Financial Responsibility Law (H.P. 1455) (L.D. 1596) (S. "A" S-236)

An Act to Establish Strict Penalties for Hazardous Waste Dumping and to Provide Specific Definitions of Hazardous Waste (H.P. 1004) (L.D. 1238) (S. "A" S-385)

#### Finally Passed

RESOLVE, Authorizing the Transfer of Certain Lands in Webster Plantation to the Heirs of Horace White (H.P. 1412) (L.D. 1574)

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

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed for lunch and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

(Off Record Remarks)

On motion of Mr. Higgins of Scarborough. Recessed until the sound of the gong.

#### After Recess

11:30 A.M.

The House was called to order by the Speak-

er.

The Chair laid before the House the following matter:

**SENATE DIVIDED REPORT** — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (S-221) Minority (6) "Ought Not to Pass" — Committee on Energy and Natural Resources on Bill "An Act to Undedicate Funds Received from Public Reserved Lands" (S.P. 92) (L.D. 208) — In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-221) which was tabled and later today assigned pending acceptance of either Report.

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

Mr. **HALL**: Mr. Speaker, I move the indefinite postponement of this Bill and all its accompanying papers.

The **SPEAKER**: The gentleman from Sangerville, Mr. Hall, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. **KIESMAN**: Mr. Speaker, Ladies and Gentlemen of the House: I hope you vote against the motion for indefinite postponement. I would like to tell you a little bit about the Bureau of Public Lands, that is what we are talking about here.

In 1975, the Bureau of Public Lands was established as a separate entity. It came about as a result of the acquisition of a considerable amount of land in the State of Maine from the acts of 1973 on public lots. At that time, the legislature, in its wisdom, dedicated the funds in the public lands account and gave them full control over the utilization of these funds.

We have got thousands and thousands of acres of land in the state and some 495 leased camp lots, as you may remember, that is bringing in revenue to the Bureau of Public Lands. At the present time, they have full authority to spend that in any way they see fit, and there is no oversight whatsoever. It is strictly within the control of the Bureau of Public Lands and the department to spend those funds in any way they see fit. This is a little bit contrary to the way I think the state government was intended to operate and the way it does operate in most all cases.

Many of the dedicated revenue accounts in the state government go through the allocation process in the Appropriations Committee. The departments with dedicated accounts come in on the appropriations bill and they are allocated the amount of money they can spend out of these dedicated revenues.

There are some people in the State of Maine that were that concerned about this procedure, that the Bureau of Public Lands could spend the money as they saw fit for any purpose, that a bill came in to undedicate these funds.

Any of you that were here in the 109th Legislature know that the man standing here today has been one of the staunchest defenders of the public lands in the State of Maine and the bureau that is administering it.

When this came in to undedicate the funds, I was in disagreement with it and I opposed it in committee, and this amendment that you see here that came out, Committee Amendment "A", does not undedicate the funds. All it does is require that the Bureau of Public Lands will come to the Energy and Natural Resources Committee within 30 days after the beginning of each session of the legislature, show us their expenditures for the previous year, show us their budget for the coming year, and go onto the allocation process, and that will go before the Appropriations Committee and the legislature will have a look at how they have spent their funds and how they propose to spend these funds. Remember, these funds belong to the people of the State of Maine, and the legislature should exercise some overview over it in

the same manner as we do with other dedicated revenues. That is what this bill does.

The Bureau of Public Lands acknowledged to the committee that by the year 1985 they anticipated that their revenues would be to that degree, there would be so much money coming in that they expect at that time it will be appropriate to undedicate the Bureau of Public Land's funds. I applaud that position. But I think right now we should have a look at what they are doing with the money between now and the time we do undedicate it. It is one step of the process, and there is nothing wrong with having the Appropriations Committee allocate these funds. That doesn't mean that there will be any money taken out of this fund and utilized for any other purpose, it cannot be, they are still dedicated. All it requires is that they prepare a budget, bring it to the legislature, tell us what they are going to spend it for, come back the next year and tell us how well they followed their budget and how much money they need for the next year.

I urge you to vote against the indefinite postponement and pass this L. D. as amended.

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

Mr. **JACQUES**: Mr. Speaker and Members of the House: Mr. Kiesman has presented a pretty picture but I am afraid it is not the clear picture. Mr. Kiesman well knows that what he would like to have the Bureau of Public Lands do they can do. They can bring all the information that he requires to the Committee on Energy and Natural Resources. At that time, he can question any expense they have incurred, any money they have put out, and if he has problems with that, there are appropriate ways we can handle this.

He also knows full well that if you put the Bureau of Public Lands at the mercy of the Appropriations Committee at a time when money is very tight, the Bureau of Public Lands may come out on the short end of the deal.

We are still negotiating for about 145,000 acres of public lands. We have been told that if this L.D. passes, it could jeopardize those negotiations. I do not want that to happen and I don't believe the people in the State of Maine want that to happen and I don't believe all the good people in this body want that to happen. So I hope you will go along with the chairman of the Energy and Natural Resources Committee and the motion to indefinitely postpone this bill.

The **SPEAKER**: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. **ROLDE**: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Fryeburg, Mr. Kiesman, has given you a little bit of the background of the public lots issue. Because I was intimately connected with it in the past, I would like to give you a little bit more of the historic rundown that is in back of this bill.

In 1973, there were a series of articles by Bob Cummings in the Portland Press concerning the public lot issue. It was discovered, or rather rediscovered, that there were some 400,000 acres of land in Maine that were effectively controlled by private interests but that actually belonged to the public. The reason for that is, when the lands were first transferred to private ownership, in every township a certain lot was reserved for public purposes, basically for schools, for the minister, so that scattered throughout the state there were some 400,000 acres, and what happened was, the grass and timber rights on those lots had been sold to various private interests. The question had never been decided whether those grass and timber rights had been sold for one time or had been sold forever. The private interests had considered that they had been sold forever. In many instances, they had sold their rights to other people. So, a special committee of the legislature was formed to look into this entire question. The chairman of that committee was

Senator Harrison Richardson, a former Republican majority leader; another member is the titular head of the Republican Party currently, Linwood Palmer, I was a member of that committee, and we worked very hard on this issue.

Because the issue had not been decided in the courts as to whether the grass and timber right ownership was one time or forever, and still has not been decided, by the way, one of the proposals that came out of our committee would have actually wiped those rights out, those private rights out, because the law says that if you organize in any of those areas, those grass and timber rights are wiped out.

That was really a fairly unfair of trying to do it, because we would have been taking rights away from people that they had exercised for many years. So we reached a compromise, and that is when the Bureau of Public Lands was set up and it was set up with a dedicated fund, which was the wish of the committee, and what we felt they had to have to accomplish their purpose, and that purpose was to deal with the owners of the grass and timber rights and try to make appropriate swaps of land that they might want that the state now controlled for land that we felt had an extremely good public purpose. That work has gone on ever since then. Some 186,836 areas have been brought back into public control, including some very magnificent scenic areas and recreational areas in the state.

However, the work is not finished. There still are approximately 145,000 acres of timber and grass rights that continue in private ownership. Negotiation is going on at the present time for about 114,000 of those acres, and I can think of no better way to bring those negotiations to a halt than to pass this bill, and perhaps that is the basic reason behind it.

It seems to me that there is also a danger, if that is to happen, a danger to those private interests that still have grass and timber rights, because I think if you gut the purposes of the Bureau of Public Lands and you bring their work to a stop, the agitation to have the state take back those rights will then return. That is why I am going to vote to indefinitely postpone this bill, to keep on the way that we have. It has worked very well. It has returned to the state some of the most beautiful areas that exist in Maine.

The companies have been compensated by exchanges and public interest has been more than adequately served. So I hope you will allow this unique and extremely beneficial program to continue until it has finished its job, which, as even the gentleman from Fryeburg said, will probably occur in 1985.

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

Mr. **KIESMAN**: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from York, Mr. Rolde, for giving us a few thousand words on the background of public lots, and maybe it is desirable, but to get back to the bill and the committee amendment, which is the bill, all it says is that the Bureau of Public Lands will come to the Energy and Natural Resources Committee first with a report of what they did with their money in the previous year and a budget for what they plan to do in the next year, and they go to the Appropriations Committee for allocation, as is done on many other dedicated revenue funds. It in no way restricts the amount of money they are going to have to operate with. It in no way stops the process. I would be the last one in the world to stop the process or reacquiring the public's right's to the public lands. It doesn't do that.

What this does do, it requires the legislature to exercise some oversight on the use of these funds that come from the people's land. That is all it does. It in no way affects their ability to carry on their job and it will reduce some criticism that exists on the Bureau of Public Lands without interfering with their operation.

The **SPEAKER**: The pending question is on

the motion of the gentleman from Sangerville, Mr. Hall, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 41 having voted in the negative, the motion to indefinitely postpone does prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Report "A" (6) "Ought Not to Pass" — Report "B" (6) "Ought to Pass" — Committee on Labor on Bill "An Act Regarding Share Fishermen under the Employment Security Law" (H.P. 1186) (L.D. 1410) which was tabled and later today assigned pending acceptance of either Report.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, I move the indefinite postponement of this bill and all its accompanying papers and wish to speak to my motion.

The SPEAKER: The gentleman from Portland, Mrs. Beaulieu, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This bill was brought to our committee so that we might have a vehicle available in case Congress took action on this issue. It was agreed by the committee that if Congress did not act in this area, that we would grant a "leave to withdraw" on the bill and that we would have to wait to potentially make our laws contiguous with whatever Congress passed in the next session. Congress did not act, so we found ourselves at deadline in agreement, or we thought would be a unanimous agreement, to grant the bill a "leave to withdraw." That did not occur. We wound up with one member who insisted that he prefer to sign the bill "Ought Not to Pass." In the controversy and in the rush, we wound up with a divided report, some contending that there is nothing wrong with passing this law and if we need to amend it, we will do it in the next session of the legislature.

The bill, as it stands now, puts into our statutes something that does not even exist under the Internal Revenue Code. We have researched the issue again this morning to make sure that we were correct. The motion to indefinitely postpone at this time, I feel, is in order, and any questions can be referred to Representative Hayden, who has researched the issue, and I hope you will go along with my motion.

Thereupon, on motion of Mrs. Beaulieu of Portland, the Bill and all accompanying papers were indefinitely postponed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Adjust Annually Individual Income Tax Laws to Eliminate Inflation Induced Increases in Individual State Income Taxes" (H.P. 907) (L.D. 1074) which was tabled and later today assigned pending acceptance of any Report.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I move that Report A be accepted, "Ought to Pass" as amended by Committee Amendment "A" (H-431).

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: It is not a majority report, there is no majority report out of this committee, if I am reading my calendar cor-

rectly.

This is the indexing of the state income tax and I would like to explain the issue to you. I would like you to let us proceed to Report C, because that is the bill in its original configuration, not watered down, not diluted, but the original bill that we submitted to the Taxation Committee.

Report A that you have been urged to accept is an extremely diluted and watered down version of indexing, so much so that in the next year of the biennium, state government would enjoy increased revenues from the income tax in the area of \$33.5 million but taxpayers throughout the state would only get to keep out of their cost of living raises \$1 million. So, it would be the taxpayers, \$1 million; the state government, \$33.5 million; that is Report A.

Report C is a little different, that is the original bill. That would allow taxpayers in our state to keep roughly half of their taxes that they would be paying otherwise to state government. Without any indexing in the next year of the biennium, all citizens who are earning cost of living raises to try to keep up with inflation, and they are not, would be paying in increased income taxes the aggregate of around \$34.4 million — increase for us at the state level to spend. Report C would basically split the difference. It would let Maine people who are earning these cost of living raises keep half of that, about \$17.2 million in their pockets; state government, on the other hand, would get an increase from the income tax revenue of \$17.2 million for additional state spending.

The reason for this bill is that state government, under other state income tax, is receiving its fair share. When our citizens earn more income and receive cost of living raises, they are paying higher taxes, to be sure, and state government is getting its fair share, but it is getting more than its fair share, it is receiving a windfall. It is receiving this windfall without us even voting a tax increase, but that is precisely what it is. It is an automatic cost increase that we enjoy spending when we go back to our constituents back home and say, well, we voted no tax increases but we wound up spending the automatic increase in revenues.

What this bill would do is, it would be based on inflation. It would allow the indexing of our state income tax up to a maximum of 7 percent, and that is only if inflation were running at 14 percent or higher. If inflation were running at 10 percent in a given year, then we would index the state income tax by half of that, 5 percent, and by doing so, we split the difference. State government receives its share and individual citizens get to retain their fair share. The state government has its inflationary increase but not the windfall.

This bill is also designed to pertain to the middle income brackets of our state income tax. An individual single taxpayers would be eligible to index only \$15,000 income. A head of household, who has to support another dependent or a relative, would be able to index only \$22,500 of his or her income, and a married couple filing a joint return would only be able to index up to \$30,000 of their income, so the bill is designed to protect only to the middle income bracket.

Under our current law, and I would just like to give you an example of how confiscatory our state income tax is when people are working harder to keep up with inflation and receive cost of living raises — under our current law, if you, a single individual taxpayer, earning somewhere between \$12,000 to \$13,000 and you receive a 7 percent raise, cost of living, to try to keep up with inflation, state government, out of your raise, would take 15.5 percent tax rate higher. In other words, state government would not only get its 7 percent from your 7 percent raise, but it would up the ante and take another 8½ percent away from you.

State government is getting its fair share and doubling it, and that is the windfall, and that is

the automatic tax increase that goes on year after year without our even voting one way or another. To give you an example of a married couple with two dependent children—between the two, husband and wife, they are earning somewhere in between \$27,000 to \$29,000. They receive a 7 percent raise, cost of living raise, to try to keep up with inflation. They pay this is a family of four, 17.2 percent tax rate increase to state government, when they have only received a 7 percent increase in their cost of living. That is confiscatory and that is unfair.

What this bill is about is, it is about making us, as elected representatives of our citizens back home, fair and honest and candid. If we need additional revenues over and above state government's fair share that it would receive under this bill automatically, if we need additional revenues to spend for programs for state government, then we ought to be voting for it. We ought to be acting on them in a conscious and conspicuous manner in discussing the needs for that. That, ladies and gentlemen, is essentially the original bill.

Report A, which you have been urged to adopt, waters it down to indexing only the standard deduction under our state income tax. It would leave the taxpayer with a million dollars in the aggregate. All the Maine taxpayers in the aggregate would only get to keep a million dollars back home in their pockets, but we here in the legislature and in state government and the executive branch would get the other \$33.5 million to spend. I submit to you that that is unfair.

The objection to this indexing is going to be, we are strapped for dollars. We need more dollars to spend for our programs and the problems that we face. That may be so, but if we need to raise additional revenues over the 7 percent increase that our bill would allow state government to automatically receive in increased revenues, if we need more, then we ought to be debating about that and we ought to be voting on that and raising that consciously and in the open and right now we don't have to do that. We get the best of both worlds. We get to go back home to our constituents, we didn't raise your taxes, but we really did and we really spent those additional amounts.

So, Report A is so modest and so watered down that it really isn't a fair report at all. What we ought to do is reject Report A, we ought to adopt Report C. We ought to let this measure go to the Appropriations Table, along with the other L. D.'s that go to the Appropriations Table, put it on the table and let it compete with other bills and other measures when the 10 members of leadership in conjunction with the 13 members of Appropriations will have to decide how to handle these financial bills and issues at the end of the session.

I would like to remind you that this particular measure is backed up by 35,000 signatures of registered voters throughout the state of Maine. Those signatures are alive and well and it has the potential and possibility that with a couple thousand more signatures this issue could be put out to referendum.

This bill has received, and this concept has received, the endorsement of every major newspaper in the state of Maine and has widespread support whether you come from a working mill town or you come from an affluent town or a poor rural town, because everybody is being confronted with the problem of inflation. They are working harder, they are trying to earn cost of living raises and make more, and they are losing an unfair share of their cost of living raises. This is a working people's, working family's bill. It is geared specifically to the middle income bracket. Our state income tax is unfair because it is one of the most steeply graduated state income tax of any state in the nation. That is why we are confronted with this problem and this is why this measure is before us today.

The SPEAKER: The Chair recognizes the

gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, does this bill have a fiscal note on it and does it require a fiscal note?

The SPEAKER: The Chair would advise the gentleman from Old Town, Mr. Pearson, that Committee Amendment "A", which is the present amendment, has a fiscal note attached to it which talks about a loss of revenue of \$960,000 from the General Fund and \$40,000 from the local government fund. The fiscal note on the bill, which has none, but must have one, and according to the Legislative Finance Office, the fiscal note information is as follows: "There would be a loss to the General Fund of \$5,400,000 for the first year; \$17,240,000 for the second year. In addition to that, there would be a loss of dedicated revenue to the municipal revenue-sharing fund or the local government fund of \$225,000 the first and \$718,300 in 1982-83.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think it is important that we have a rather long speech on Committee Report C, which is not before us, that we take out Committee Report A, Committee Amendment "A" under filing number H-431 and take a look at this amendment because this is the issue that is before us at the present time.

The issue is really whether you are serious about indexing or not. What the five members of the Taxation Committee who signed this bill out have attempted to do is to come up with a proposal that we think has a chance of passing in this legislature, it is a realistic proposal.

What it does is, it indexes the standard deduction. What happens when we file our income tax is that each of us has a choice as to whether or not we claim the standard deduction or whether or not we itemize our deductions. For those people who itemize deductions, they are able to take into account the effect of inflation, because what happens is that your interest rates go up, you pay more in interest because of inflation, you therefore are able to deduct more because interest amounts are deductible when you itemize your deductions. The same is true if you are talking about medical expenses. As inflation pushes up medical expenses, those expenses go up, you are able to deduct those higher inflation caused expenses from your income tax.

So the people who itemize deductions, they are able to take into account inflation and so their deductions go up and the amount on which they have to pay tax does not go up the same amount as the overall salary because they are able to deduct more from their salaries and other income. So inflation does not affect those people who usually take itemized deductions the same way it does with standard deductions.

We have a set limit now in the Maine income tax on standard deductions. It is extremely low and about the most unfair tax that we have in our income tax now is the standard deduction, not taking into account the effect of inflation while those who choose to itemize deductions can take inflation expenses into account.

So, what we have done is to say that the standard deduction, at least, should be indexed. That will cost about a million dollars in the first year, and in future years that cost to the state of Maine, or that loss of revenue to the state of Maine will go up, but it is something that we have in our ability to do this year.

I would submit—and I think that word has been used a lot, I don't usually use it, I thought I would try it for a change—but I submit to you that what the sponsors of Committee Report C want is, in fact, the best of both worlds, because they want to be able to stand here and tell those 30,000 people who signed that petition, we voted for what you want and we voted for this bill and we are going to try to save you from the ravages of inflation and take the windfall profits away from the state and they want

to set it on the Appropriations Table and you tell me where are we going to come up with \$22 million this year? The bill will die at the end of the session and people will have the best of both worlds.

If you are really serious about trying to do something with indexing, you will go with Committee Report A.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend Mrs. Post has outlined the usual scenario in these kinds of debates, and that is if the whole loaf isn't what we can afford, let's try a half a loaf. I would tell all of my good friends in this body that the State of Maine and the people in the State of Maine have been accepting half a loaf for a long, long time. What I see in Report A isn't even half a loaf, it is just a couple of crumbs.

The biggest problem facing Maine and this nation today is inflation. Inflation has taken such a bite out of the salaries of all working people that the incentive no longer exists to work harder for more money.

In addition to the lessening of the value of the dollar and the impact on the workers and their dwindling paychecks in terms of real dollars, the major impact of this philosophy has resulted in the following nationwide effect. In 1960—I would ask you to reflect—that America produced nearly one half of all the automobiles in the world, one half. That figure is now one fifth. During the post-war period, U.S. productivity rose about 3 percent per year. Now it is actually declining. Why? The answer is obvious. The incentive just isn't there anymore for the average working person to try to better him or herself. You put these two things together, inflation and stagnation, and you have a new term called "stagflation." The impact of stagflation on the people, the people that you and I represent and taxes have dropped by over 14 percent since 1972, no one is hurt anymore by the effects of stagflation than the poor and the minorities.

Folks, let's stop kidding ourselves and, more importantly, let's stop kidding the people of Maine. The true beneficiary of inflation is the government. Government is the entity that is making money as a result of inflation and stagnation.

We hear talk about what effect this is going to have on the General Fund, and I would agree that it is probably going to have a serious effect but, ladies and gentlemen, what is fair is fair and what is right is right. We are cheating the Maine people, we are cheating them if we think that we are giving them a 10 percent raise in a time of 11 and 12 percent inflation and then looking at that same paycheck and seeing that they are only taking home 6 or 7 percent. Now, you don't have to be an economist, you don't have to be a mathematician to know what the effect of that is. Let's stop kidding ourselves and, more importantly, let's stop kidding the people of the State of Maine.

I urge you to reject Report A and accept Report C.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Two years ago, and it might surprise some of you, but I sponsored the bill that Representative Tarbell has sponsored this year. Two years ago, he cosponsored it with me. That bill didn't even come out of committee. It was given a unanimous "Ought Not to Pass" Report. However, I was still interested in the concept of indexing and pursued the interest, and this year I introduced L.D. 1421. Committee Amendment "A" is what is left of L.D. 1421. My idea this year was, I was trying to be practical and pragmatic, realized that we did not have five to twenty-one million dollars, so I proposed a new method of indexing. It would have been phased in, we would have begun with the standard deduction; the second

year we would have indexed the personal exemptions and the third year, the tax brackets. I think I realized when I presented this to the committee that that was a long shot but it was a better way to do it than to expect the state to be able to absorb anywhere from five to twenty-one million dollars in one year. That is just not going to happen.

Mrs. Post is absolutely right, you can vote all you want for the Committee Report C but it is not going anywhere. You know as well as I do that we don't have \$5 million, let alone \$21 million, to spend on indexing.

I think Committee Report A is a beginning. Representative Brown has referred to it as a crumb. Well, perhaps it is a crumb, but it is a crumb that we might be able to afford. It will have to go to the Appropriations Table, it will have to vie along with all the other bills that are there. If you are serious about indexing and you want to make a beginning, this is an opportunity to begin. Representative Post has explained to you why this starts with standard deduction and I absolutely agree with her. I hope you will support Report A.

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

Mrs. HUBER: Mr. Speaker, Members of the House: I want to go clearly on record as opposing not only Report A but Report C and I would like to tell you why.

Obviously, this particular issue, indexing, has a lot of political appeal. Clearly, the general public feels that it is being overtaxed, doesn't want to pay more and welcomes any effort to alleviate that kind of spiral. It is very seldom, however, that we see, and I would excuse present company but we have had this bill not only two years ago but I believe back in 1974 presented by a member of the other body, who could be perhaps charitably called an ultra liberal. Certainly ultra conservatives have been in favor of this for a long time, and when you have that kind of an agreement on an issue, I guess you must say that there must be something good about it. I think the only thing these two types have in common, however, is that they simply haven't thought the issue through.

The bottom line, as everybody knows, is that there is no free lunch. Someone has to pay for the services, someone has to pay the bills.

Basically, what indexing does, when you index revenues, is you make it very, very simple to slide the costs of those services back to another sector of the taxpaying group. I speak in particular, because we had such a good example recently before us of the local level. As you know, yesterday we talked about the state local revenue sharing issue, the 4 percent that automatically goes to our communities as a result of sales and income tax receipts to the state. I ask you, if you index income tax receipts and you see a loss of any amount of money, whether it is a million dollars or seven million or twenty million or whatever, where is that going to show up first? I think it was pointed out in the fiscal note that the good Speaker read to us, basically the community will get less money. What do they do, do they cut services? Perhaps, they have been cutting services, I might add, for the last few years. Okay, so basically you do have, then, a position for the community of paying for those services, and how do they pay for them, what is the only way they can pay for them, especially after the actions of this legislature over the past few weeks? The property tax; is that what we want to see? Do we want to see more burden on the property tax instead of income tax? I don't and I don't think the majority of you do either.

The word inflation was mentioned here a couple of times and I am awfully glad it was because that really is the problem — inflation. The federal actions that we see coming down the line toward us may have an effect on that, I am sure we all hope they will — what are they? They are spending cuts, spending cuts, that is



the priority for the current Congress. That ought to be our priority, ladies and gentlemen. There are some tax cuts potentially out there on the federal level, that is great too, and I would only say that the point has been made here that both these reports would give middle income tax relief. If you want to give middle income tax relief, great, but let's do it up front, straightforward, directly, not in a manner that is hidden in another issue.

Finally, I would point out, and I don't think it has been mentioned but I believe our new President has discussed and supported the idea of indexing, and I think that is worth talking about, certainly; that is what we are doing here today. However, there is, to my knowledge anyway, no proposal on the federal level for indexing income taxes, and when and if the federal budget is in a position to do that, fine, let's discuss it then.

It would be terrific if, in fact, government were the true beneficiary of inflation. I guess I can't buy that because I don't see anywhere that we have managed to index our expenditures, and that is really what it comes down to. If you index revenues and I don't index expenditures, you are in trouble.

Obviously, state government and the federal government, for that matter, and local government most certainly, have not been able to avoid the spiraling cost of goods and services that face the taxpayer, that face the housewife in the supermarket, the businessmen, the laborer, all of us. Clearly, the problem is inflation, and clearly the solution to that problem depends in great part on what goes on in Washington.

I would suggest that if we want to make a significant contribution to keeping tax dollars as well spent as possible here in the State of Maine, that we look to another page of our calendar where the L.D. to cap expenditures on the state level exists, it is there for us to vote for. It would certainly, if we need a formula, speak directly to the problem that we are facing with both these bills and with inflation.

Frankly, I think the hard work and dedication that not only the Appropriations Committee members but the members of this entire legislature have done in the past few years of difficult times and spiraling inflation deserves a lot more credit than it is given by those who would propose pat and easy formulas as solutions.

Finally, I would simply say that, yes, 35,000 people did sign those petitions and I think we saw a lot of them at the polls, I guess it was just last fall. Frankly, you can fool all the people some of the time, and some of the people all of the time, but you can't fool the people of Maine, and I hope you will reject both these reports.

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

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

First, I would like to say that I think it is kind of remarkable the degree of lack of confidence shown the present administration in Washington by some of its supporters in this body by assuming that this degree of inflation is going to be with us for the next five or six years. I think that we have been assured that it will be reduced and I am willing to take their word for it.

But as far as this bill in particular, this legislature, this body and the other body, has said again and again that we cannot support property tax assistance to municipalities.

The Taxation Committee of this legislature unanimously has said no to sales and use tax exemptions for various classes of business and industry because state government cannot afford it.

The income tax, although not perfect, is the most progressive tax that we have. The property tax, to my mind and to the minds of most right-thinking people, I think, is the most regressive, bearing no relation at all to the ability

to pay, falling most heavily on those people who are elderly or low income and have the misfortune to own their own homes.

Mrs. Post told us that if we were serious about indexing, we would adopt Report A. I submit to you, since it seems to be the rage, that if we are serious about taxes, if we are serious about tax reductions, we will defeat this bill and we will look at property taxes again.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I also was on Ms. Benoit's bill a couple of years ago and I am on this one with Representative Tarbell.

I just want to explain to you that indexing is not a very new idea. It is currently done in several states, Minnesota, California, Colorado, Arizona, Iowa and Wisconsin. It is done in several countries, Australia, Canada, France, Luxembourg, Denmark, The Netherlands and Brazil, so it isn't a rage, it is not a new idea, and it is working very well in those states and nations that have adopted it.

I would like to read from one of those favorable editorials, just excerpts — the Portland Press Herald on January 26, 1981 wrote: "Tax indexing has a good deal to recommend it. Briefly, it would link the income tax to the inflation rate in order to prevent cost of living increases from so rapidly pushing taxpayers into ever higher tax brackets. At the moment, many taxpayers are forced to pay higher income taxes each year, even though their actual purchasing power has declined."

It goes on to say, "State Government tends to recoil from indexing since it is now the beneficiary of inflation. With indexing, the State Treasury would lose some of the inflation generated revenue it presently collects. Legislators might be forced to vote for actual tax increases."

Finally, "Statistically, there is a strong case to be made for the assertion that although most people are actually worse off than they were ten years ago, they are taxed as if they were better off. During the past half dozen years, income tax collections have risen an average of 25 percent a year, but sales tax receipts, a more accurate barometer of disposal income, have risen at an annual rate of only 8 percent."

Another point I would like to raise is, the reason why the legislature recoils from indexing is that we do not have to be out front debating tax increases. This is what I believe our constituents would like us to do.

Furthermore, by not debating those tax increases, we are violating a constitutional provision which says that the legislature shall never, in any manner, suspend or surrender the power of taxation. These overcollections, as Governor Longley called them several years ago, and which this legislature two years ago rebated to the people, these overcollections allow us to surrender our power of taxation. We don't need to tax any further.

Finally, a point made by my good friend Representative Huber, she says the answer is to cut spending. I submit to you that if we don't have those overcollections of revenue, if we don't have them, we are going to have to cut spending, we are going to have to cut the fat from our budget, and we are going to have to set priorities and put the money where it is best used. That is why I am standing up for this bill today and that is why I am going along with Report C.

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

Mr. KANE: Mr. Speaker, I request the yeas and nays.

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

A vote of the House was taken, and more

than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker and Members of the House: I would just like to correct the error on the calendar. I was a signer of the Committee Amendment "A", making it the majority report of the committee.

The only other point I would like to add is that if we are going to have any interest in this idea of indexing, which makes some sense to me in order to do something about this problem of rapid creep that all of us see and all of our constituents see, we have got a choice between voting for a bill, Committee Report C that has a \$22 million price tag on it for the biennium and, as far as I can tell, absolutely no future, or an admittedly more modest proposal that actually does have a future in both bodies of this House and before the Governor.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we do not indefinitely postpone this bill. I will be foolish, I am going to represent the people that are willing to work for a living, and indexing is not a loss of revenue. Presently, the same amount of money that we are receiving in this state, even if you index you will receive that same amount. All it is, you are going to take the hand of the tax hounds in the State of Maine, the State of Maine taxes, right out of the pockets of the working people, take their hands out of our pockets. Let us work, let us make a good living.

The working people in this state are presently trying to make ends meet and they cannot. You say this is taxation without representation — this is exactly what it is. Automatically the state increases your taxes the minute you negotiate for an increase in your wages. The state doesn't have to negotiate for an increase in your wages. The state doesn't have to negotiate with you; automatically they go up and you cannot meet inflation, there is no way that you can meet inflation. The majority of the working people are running in the red every year; it is a regressive tax in my opinion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Kane, 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 Bangor, Mr. Soule.

Mr. SOULAS: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here and voting, he would be voting yea; if I were voting, I would be voting nay.

#### ROLL CALL

YE—Baker, Brannigan, Brodeur, Brown, A.; Carroll, Connolly, Davies, Fitzgerald, Gwadosky, Hall, Hickey, Huber, Jalbert, Joyce, Kane, Kany, Lund, MacEachern, Macomber, McCollister, McGowan, Michael, Mitchell, J.; Moholland, Nadeau, Norton, Pearson, Perry, Reeves, P.; Rolde, Soule, Swazey, Thompson, Tuttle, Twitchell, Vose.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brenerman, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Connors, Cox, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, J.N.; Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gavett, Gillis, Gowen, Hanson, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, MacBride, Mahany, Manning, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Murphy, Nelson, A.;



Nelson, M.; O'Rourke, Paul, Perkins, Peterson, Post, Randall, Reeves, J.; Richard, Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stover, Strout, Studley, Tarbell, Telow, Theriault, Treadwell, Walker, Webster, Wentworth, Weymouth, Mr. Speaker.

ABSENT—Conary, Cunningham, Diamond, G.W.; Dudley, Kelleher, Laverriere, Martin, H.C.; Paradis, E.; Paradis, P.; Pouliot, Prescott, Stevenson.

PAIRED—Racine-Soulas.

Yes, 36; No, 100; Absent, 12; Paired, 2; Vacant, 1.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred in the negative, with twelve being absent and two paired, the motion does not prevail.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote no on the pending motion to accept Report A and I request a roll call.

This is a bipartisan bill, this is nonpartisan. We have two House Republicans and two House Democrats on this bill. If you haven't done so already, I urge you to take out L.D. 1074 and take a look at it.

The issue is very, very simple. The question is, over the next two years while we sit on this floor, are we going to be a party to the fact that Maine working people in middle income brackets are out there working to try to keep up with inflation in their state, a state that is poor to begin with, are barely able to do so, earning meager cost of living raises, and then having this state government automatically, without our even voting for it, taking a 17.5 percent, on the average, increased tax rate out of them without our even debating it and voting on it. That is what is occurring.

You are being asked to support a report, Report A, that has a one million dollar price tag on it. The taxpayers get to keep one million of increased revenues, but state government, us, we, we are going to collect \$33.5 million more, and that is in one year. Is that fair?

You have been asked about the property tax. Property taxes are rising. If we continue to automatically increase the taxes, as we are doing without even voting on it, our people don't even have the extra cost of living raises they are earning back home to pay for their increased property taxes.

What this measure would do, if we were fortunate enough to vote it through and enact it, sure it would force us to come back and vote on these income tax increases, but they are occurring already. The key issue at stake here is, are we going to be honest with ourselves and are we going to be honest with the Maine people? Whether we like it or not or whether it is a comfortable position to be in or not, we were elected with good faith and confidence and trust of our people back home to represent them in a candid and fair and honest manner.

Sure, we enjoy the increased tax revenues, sure it makes our job easier because we don't have to discuss it, we don't have to vote on it, but that doesn't make it right and it doesn't make it fair. If you think giving, under Report A, one million dollars, letting the Maine people, taxpayers, keep one million dollars while we collect \$33.5 million extra, if you think that is fair and that is a real indexing proposal, go ahead and vote for Report A, but I urge you to support the better balanced measure which allows state government half its cost of living raise, but it also allows the Maine people to keep part, only part, of their cost of living raise, but I submit to you that that part is very important to them, so I urge you to vote no.

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

Mr. JALBERT: Mr. Speaker and Members of the House: The gentleman from Bangor and other speakers besides that, I am not naming

any names, I can't remember them, but I do recall hearing them, most of the conversation revolved itself around the fact of "let this go to the Appropriations Table." So that you won't be misled, let me tell you something right now, by the time we get through whacking up that Appropriations Table, if the leadership wants it they can have it—as a matter of fact, they can have it right now because we don't have a cent, they can have it right now. I am not going to work three days to have ten gems cut us up afterwards while we have done all the work, so you can have that foolishness right now; I am not going to be part of it this year.

The thing to do is to vote against Report A, and then you are going to have a good report, that is Report B, that is "ought not to pass." That is how you settle the deal right now.

Mr. Speaker, I would request a roll call vote.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Again, I would ask you to vote in support of Committee Report A. It is a proposal for us to make a beginning on indexing the Maine State income tax and taking care of the factor in the Maine State income tax which places most people who earn middle incomes, who happen to take standard deductions, as the real victims of inflation. It is a beginning, and if you are really serious about us trying to do something, this is the report to stand for.

I would like to respond to a comment that was made earlier by Representative Huber, that we ought to wait until there is enough money in the federal budget decides that they can, on the federal level, index the income tax. We in Maine make our own decisions on our own income tax. We set our own rates, our own personal exemptions and our own standard deductions. I don't think this is something we ought to wait for the federal government to do, I think we ought to take a stand here today with a bill that we have the money to pay for. It will cost more in the future, it is a beginning and it is realistic.

Now, the problems that you get into with indexing both the rates and the personal exemptions and the standard deductions, in addition to the fact that we all know it almost doesn't even pass the straight face test, we all know we don't have the money to do it this year, we know that, we know it is not going to pass.

In addition to that, though, when you get into the very complicated issue of trying to index the rates for those people who actually itemize the deductions, they can take into consideration all the effects in inflation by reducing their taxable income, and what happens to some of those people when you index the rates downwards because of inflation is that you actually reduce people's overall tax burden for those people who happen to be able to be in a situation where they could actually itemize their personal exemptions.

So, there are some real problems and some very complicated tax issues that you get into when you talk about some of the other reports, in addition to the fact that we know that it is not serious and it is not something that is going to pass.

I would ask you to take a step in helping the people of Maine to cope with inflation and deal with the income tax by acceptance of Committee Report A.

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

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

The SPEAKER: The Chair recognizes the gentleman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gen-

tlemen of the House: I knew that it was too good to believe when Mrs. Post said what she said earlier. I would only remark that if the good lady from Owl's Head is truly interested in submitting, that she would submit all the way, defeat Amendment "A" and support the Report B.

The SPEAKER: The pending question is on the motion of the gentleman from Owl's Head, Mrs. Post, that the "Ought to Pass" Report A be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. SOULAS: Mr. Speaker, I would like permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here and voting, he would be voting yea; if I were voting, I would be voting nay.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brown, A.; Carroll, Carter, Chonko, Cox, Davies, Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Joyce, Kany, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Mahany, Manning, McCollister, McGowan, McKean, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Reeves, P.; Roberts, Rolde, Smith, C.B.; Soule, Strout, Swazey, Theriault, Tuttle, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Boisvert, Bordeaux, Boyce, Brodeur, Brown, D.; Brown, K.L.; Cahill, Callahan, Clark, Connors, Connolly, Crowley, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Kane, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, MacEachern, Macomber, Martin, A.; Masterman, Masterton, Matthews, McHenry, McPherson, Michael, Murphy, Nelson, A.; O'Rourke, Perkins, Peterson, Randall, Reeves, J.; Richard, Ridley, Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Carrier, Conary, Cunningham, Diamond, G.W.; Dudley, Kelleher, Laverriere, Martin, H.C.; Paradis, E.; Pouliot, Prescott, Thompson.

PAIRED—Soulas-Racine.

Yes, 57; No, 79; Absent, 12; Paired, 2; Vacant, 1.

The SPEAKER: Fifty-seven having voted in the affirmative and seventy-nine in the negative, with twelve being absent and two paired, the motion does not prevail.

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

Mr. JALBERT: Mr. Speaker, I now move acceptance of Report B and request a roll call.

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

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the votes thus far. I would urge you to oppose the pending motion, which is the "ought not to pass" report. It would kill the entire bill, oppose that so that we might move Report C, which is what we have been debating about for the last half hour, so we can go to lunch.

I would just like to raise one further point, or rebut one further point that has been raised. This bill isn't even attempting to address citi-

zens who may be itemizing deductions. Most Maine taxpayers and working people in this state use the standard deduction, and our bill itemizes the standard deduction, the tax rates, the tax tables, as well as the personal exemption. It indexes the entire state income tax system, and that is what we are trying to get at, is the average, typical working family in this state that is earning a cost of living raise, and that is what this measure does in a fair manner.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I am amazed at the good gentleman from Bangor, Mr. Tarbell. We gave his Report C a good, solid three quarters of an hour run for its money. We gave Report A a good run for its money; they both failed. That leaves Report B; give us a shot to see what we want to do on Report B, and if he doesn't like that result, all he has got to do is get up after the vote is taken and move to reconsider, maybe reconsider whereby we passed it, then where would we be after we reconsider? Report B.

If the gentleman with the mallet would say it is just to accept Report B, we would have to, that is all we have left.

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

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

Mr. SOULAS: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here and voting, he would be voting yea; if I were voting, I would be voting nay.

#### ROLL CALL

YEA—Baker, Benoit, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Chonko, Clark, Connolly, Crowley, Davies, Fitzgerald, Gwadosky, Hall, Hobbins, Huber, Jalbert, Joyce, Kane, Kany, LaPlante, Lund, MacEachern, Macomber, Manning, McCollister, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.; Pearson, Reeves, P.; Rolde, Soule, Swazey, Thompson, Tuttle, Twitchell, Vose.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Bell, Berube, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Connors, Cox, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Foster, Fowlie, Gavett, Gillis, Gowen, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Locke, MacBride, Mahany, Martin, A.; Masterton, Masterton, Matthews, McGowan, McHenry, McKean, McPherson, Michaud, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Paul, Perkins, Perry, Peterson, Post, Randall, Reeves, J.; Richard, Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Conary, Cunningham, Dudley, Laverriere, Martin, H.C.; Paradis, E.; Pouliot, Prescott, The Speaker.

PAIRED—Soules-Racine.

Yes, 45; No, 94; Absent, 9; Paired, 2; Vacant, 1.

The SPEAKER: Forty-five having voted in the affirmative and ninety-four in the negative, with nine being absent and two paired, the motion does not prevail.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of Report C and would speak briefly.

I urge you to vote in favor of Report C, not against Report C. If we vote against Report C, we haven't passed either report, A, B, or C, then we are right back where we started from, so it is important that we at least pass a report and Report C is the last one. We have been trying to get to it for the last hour, so I urge you to vote in favor of Report C.

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

Mr. KANE: Mr. Speaker, I would like to ask whether or not there is a fiscal note attached to this and whether there needs to be a fiscal note?

The SPEAKER: The Chair would advise the gentleman that there is no fiscal note attached to it at this time. If the bill gets to second reading, the fiscal note will have to be added.

The Chair recognizes the same gentleman.

Mr. KANE: In that case, I would ask for the yeas and nays and I would like to speak briefly.

The SPEAKER: The gentleman may proceed.

Mr. KANE: Mr. Speaker and Members of the House: We have heard a lot today and I have heard a lot before in discussing this bill with the people in the halls and in committee about these profiles in courage, everyone standing up and voting for a tax increase, but it seems to me that all the profiles that we have heard about are to be adopted by those people of the 111th Legislature. It seems to me that this is an opportunity to either go home to your people and say, well, I gave it a whirl, I voted for a \$22 million tax reduction which didn't have a cold prayer of passing, or else you can go home and say that you were responsible and you tried to keep the store open and that there are other things that we will try to do that aren't so grandiose but they might have a faint chance of passing.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would ask you to vote against adoption of Committee Report C. We can go back again and take a look at the realistic proposal after everyone, people who want to be on record as saying yes, we supported the petition and, yes, we tried to do something and, yes, we are going to send it to the appropriations table, and after we defeat this motion on this particular proposal, that we know isn't going anywhere, then we can go back to accept the original proposal, which was Committee Report A, which we know has a chance of passing, which we know means meaningful tax relief for the people of the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind all of us here in the colorful language of yesterday, what we are offering the people of Maine is a whole apple, not an apple with some bites taken out of it.

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

Mr. JALBERT: Mr. Speaker, I'm sorry, but I know what the fiscal note is going to be on this thing. It runs around the \$22 million area. We haven't got 20 cents. When am I going to be able to convince somebody—can you people sometimes spend two or three minutes in the appropriations room and I will give you the facts. I will show you just how much we have got. We haven't got one. Why don't we vote unanimously to start helping the highway department, because we haven't got one.

Would you believe that we haven't got enough money today. We have got three programs left, the Appropriations Table, which has got zillions on it; collective bargaining, which we can't take care of, but it is money just the same and we will have to appropriate it; and Part II of the budget. We haven't got enough money today to fund any of those three budgets. I

would like to know where the money is coming from.

I will agree with the gentleman from Livermore Falls, Mr. Brown, that we haven't voted on Report C, but he will have to agree with me that there was some bait really was put up against Report A in order that we could vote for Report C, he can't deny that argument.

We defeated the motion to indefinitely postpone the whole bill. We defeated the motion for Report A; after we defeated the motion for Report A, it should have been debated on the basis of when we defeat that, we will come up with Report C.

My argument is this—even at a million dollars, if that would wind up on the Appropriations Table, it would go down the drain. It is a useless waste of time. As a matter of fact, if you asked any member of the Appropriations Committee about the Appropriations Table, nine out of ten his answer is going to be—what table?

What motion can I make, Mr. Speaker, to get myself back in gear.

The SPEAKER: The Chair would advise the gentleman that he should vote on this motion; if the motion is defeated, he can do whatever he would like to do with this bill.

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

Ms. BENOIT: Mr. Speaker, in response to Mrs. Masterton, I will be brief. I think she is offering an apple, but it is going to be one that no one is going to take anywhere, you won't even be able to get a bite of it and it will simply rot somewhere.

Report A offers an apple which you might take home and take a little bite out of.

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from Bangor, Mr. Tarbell. I would like to ask Representative Tarbell how he intends to fund this bill?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Bangor, Mr. Tarbell, who may answer if he so desires and the Chair recognizes that gentleman.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Again, this measure, if we are able to accept Report C, give it its first reading, its second reading, pass it to be engrossed and enact it, if we can get that far, and the other body, and put it on the Appropriations Table, it can be treated like every other L.D. and compete with every other L.D.

However, what this measure says is that over the biennium, instead of collecting \$34 million to \$39 million in extra income taxes over and above, beyond state government's fair share of its cost of living raise, out of Maine taxpayers' cost of living raise, then we are going to have to vote on increasing revenues, we are going to have to vote on it, that is what it means. And I submit to you, as sure as shooting as we are sitting here on this floor today, if we don't pass this bill and we don't enact this bill and we don't bite the bullet and vote on tax increases, which are automatically occurring, without this bill already, if we don't vote on it and we don't bite the bullet, the Maine people are going to, and they will pass it, and we will be faced with the consequences after the fact, and I think we ought to plan in advance and we ought to do what is fair and honest with respect to our state income tax.

It just isn't fair to automatically increase their income taxes without a vote just because of inflation and they are getting cost of living raises.

This bill before us, Report C, gives state government a raise, but it doesn't have state government take it all, it leaves half of it back with the people. We take half and we basically leave them with half, rather than our taking it all, that is what it is all about—it is equity.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that Report C be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. SOULAS: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here and voting, he would be voting nay; if I were voting, I would be voting yea.

#### ROLL CALL

YE A — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, H.C.; Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, MacBride, Martin, A.; Masterman, Masterton, Matthews, McColister, McHenry, McKean, McPherson, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Perkins, Peterson, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gillis, Gwadosky, Hall, Hayden, Hickey, Hobbins, Huber, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, McGowan, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paul, Pearson, Perry, Post, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose.

ABSENT — Conary, Cunningham, Dudley, Laverriere, Martin, H.C.; Paradis, E.; Paradis, P.; Pouliot, Prescott.

PAIRED — Racine-Soulas.

Yes, 69; No, 70; Absent, 9; Paired 2; Vacant 1.

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

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

Mrs. MITCHELL: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and urge you to vote against me.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to prolong this any longer. I do ask for a roll call and I do ask those of you who opposed this at its initial stage, acceptance of Report C, to at least reconsider, vote yes on the reconsideration motion and turn this around for the time being.

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

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

The SPEAKER: The pending question is on

the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House reconsider its action whereby it failed to accept Report C. All those in favor will vote yes; those opposed will vote no.

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

Mr. SOULAS: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Racine. If he were here and voting, he would be voting nay; I would be voting yea.

#### ROLL CALL

YE A — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, H.C.; Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Locke, Lund, MacBride, Martin, A.; Masterman, Masterton, Matthews, McHenry, McKean, McPherson, Murphy, Nelson, A.; O'Rourke, Perkins, Peterson, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gillis, Gwadosky, Hall, Hayden, Hickey, Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, MacEachern, Macomber, Mahany, Manning, McColister, McGowan, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

ABSENT — Conary, Cunningham, Dudley, Laverriere, Martin, H.C.; Paradis, E.; Pouliot, Prescott.

PAIRED — Racine-Soulas.

Yes, 69; No, 71; Absent, 8; Paired, 2; Vacant 1.

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

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

Mrs. POST: Mr. Speaker, I move we accept Committee Report A.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: We are right back where I told you we would be if we didn't adopt either one of the reports. I will leave it in your hands as to which report you wish to adopt so we can all go to lunch, but I don't think Report A is the responsible way to go and I won't repeat the debate.

Thereupon, Report A was accepted and the Bill read once. Committee Amendment "A" (H-431) 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.

#### (Off Record Remarks)

On motion of Mr. Livesay of Brunswick, Recessed until four-o'clock in the afternoon.

#### After Recess

4:00 p.m.

The House was called to order by the Speaker.

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

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

#### Consent Calendar

##### Second Day

(H. P. 1431) (L. D. 1582) Bill "An Act to Amend the Definition of State Employee under the State Employees Labor Relations Act" (C. "A" H-440)

(H. P. 1178) (L. D. 1402) Bill "An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System" (C. "A" H-436)

(H. P. 527) (L. D. 593) Bill "An Act to Authorize the Public Utilities Commission to Adopt Filing Requirements for Utility Rate Changes" (C. "A" H-438)

(H. P. 1106) (L. D. 1311) Bill "An Act Concerning Teacher Certification" (C. "A" H-437)

(H. P. 956) (L. D. 1132) Bill "An Act to Require the Licensing of Escort Vehicles" (C. "A" H-432)

(H. P. 1128) (L. D. 1345) Bill "An Act Relating to Aquaculture" (C. "A" H-434)

No objections having been noted at the end of the Second Day, the above items were passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(S. P. 385) (L. D. 1143) Bill, "An Act to Provide Cost-of-Living Adjustments to Retired State Employees, Teachers and Beneficiaries" (C. "A" S-217)

On the objection of Mr. Peterson of Caribou, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-217) was read by the Clerk.

Mr. Peterson of Caribou offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-429) was read by the Clerk.

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

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is essentially the same bill that I presented to the committee earlier this winter, it was L. D. 916. The difference is that I had intended that the funding would come from the retirement fund and not through this way, by having it through the General Fund.

The amendment raises the figure from 2 percent to 4 percent, which is what I had tried to get through previously. The Statement of Fact states: "This Amendment raises the one time increase in retirement cost of living increases from 2 percent to 4 percent in light of the fact that since 1977 the state and teacher retirees have fallen behind the cost of living by over 22 percent."

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I appreciate the courtesy extended to me by Mr. Peterson. He didn't see me, I was hiding behind my lilacs and I am sorry. I am here and I am ready to go to battle.

We had seven bills before our committee on cost of living increases for retirees, we understood the need, we appreciated it, we were sensitive to it, and we tried to address the problem. We looked at every single bill before our committee. We twisted it and turned it, we saw how we could fund it, who could fund it, when it could begin. We spent hours and hours and hours on it, and finally, as a unanimous report, we believed that 2 percent, this is 2 percent over the minimum 4 percent which they would get, was a cost to the State of Maine of \$1

million.

Now, we all know the story of how much money our state does or doesn't have, and mostly it is what it doesn't have, and we believed unanimously that the bill of 2 percent had a chance of passing and being funded. So that was the unanimous decision of our committee, that we would rather stick with 2 percent that they could be sure of, which is basically 6 percent for one year, than to try for 4 percent, because the state simply could not afford it.

I appreciate what Mr. Peterson is trying to do, we all wanted to do better, but realistically this was the avenue we chose to take, and I hope that you will go along with my motion to indefinitely postponed this amendment so that we will be in concurrence with the Senate and this bill can go on its way to the Appropriations Table where it will have, we hope, a good chance of survival.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Our committee spent several weeks reviewing this bill. I think unanimously we were all concerned and aware of the dilemma facing each of the retirees.

In 1977, they were voted a 4 percent cost of living. A 4 percent increase at that time was helpful and fulfilled a serious need. However, with the continued galloping escalation of our economy, the 4 percent has seen the retirees' affluence lessening with each passing year.

In each session, we are presented bills to increase the cost of living. On each occasion, the fiscal note on these bills would be in the three to four million dollar range. Invariably it received little consideration on the Appropriations Table. The bill we are supporting certainly does not fulfill the needs of the retirees.

From past experience, our committee felt our best chance of doing something to help augment their present income was passing a bill that the Appropriations Table could support. I wish we could support the amendment. Its passage will put us in the same position we faced in past legislatures.

Our committee voted unanimously to support this bill because we felt it had the best chance of survival.

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I am awfully glad it isn't Mother's Day. Obviously, it is difficult for anyone to stand up here and argue against an 8 percent increase, cost of living increase, to the retirees under the Maine State Retirement System.

Most of you are aware that under the present system retirees are eligible for an annual cost of living increase of 4 percent. I would like to read to you from Section 1128 of the current law. It says, "The Board of Trustees shall automatically make such adjustments in the retirement allowances, up to a maximum annual increase or decrease of 4 percent. The cost of such adjustment shall be determined by the Board of Trustees of the Maine State Retirement System and shall be included in their budget requests if necessary."

Everyone on our committee realized that the 4 percent that the retirees were going to get under this bill was not adequate to keep them up with inflationary costs.

In talking with the Maine State Retirement System people, however, we learned that there is a considerable cost to each additional one percent increase that retirees are granted. I read from a document dated April 7, which says: "The fiscal note from the Legislative Finance Office indicates that using the number of retirees and amount of benefits in 1980, each one percent increase above the current four percent increase would cost the state \$404,286 for retired employees and \$582,030 for retired

teachers, or a total of \$986,316 each year." So, we are, in fact, talking roughly a million dollars for each one percent increase that we grant.

The committee did a lot of soul-searching because the retirees, obviously, are our friends, mothers, sisters, brothers, our teachers that we had in school, so on and so forth, but I think the committee figured that we might be able to fly with the 6 percent increase, which is the 4 percent that they are going to get plus the 2 percent that the committee recommends. Therefore, I would urge you to vote against the amendment being presented today to increase this to a total of 8 percent at this particular time.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, I am going to be brief. I will just say "Amen" to all the committee has said before and I will ask for a division.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I want you to know that we really had our heart in the right place in the committee, and we really wanted the retirees to have an increase. We decided that the best attainable objective was 2 percent.

Just to further illustrate where our heart was, we had some seven bills that had a fiscal note attached to them, and we gave this bill our number one priority.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Stevenson.

Mr. STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank Representative Peterson for introducing this amendment. I am one of those retirees that we are talking about. I would like nothing better than an additional 4 percent, but I also felt that we couldn't afford it. I agree with the 2 percent that the committee agreed to.

The SPEAKER: The pending question is on the adoption of House Amendment "A" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mr. Peterson of Caribou requested a roll call vote.

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

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

The SPEAKER: The pending question is on the adoption of House Amendment "A" to Committee Amendment "A". All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Austin, Baker, Boyce, Brown, K.L. Cahill, Callahan, Conary, Connors, Connolly, Cox, Damren, Davies, Diamond, G.W.; Diamond, J.N.; Fitzgerald, Foster, Fowle, Gillis, Gwadosky, Higgins, H.C.; Higgins, L.M.; Hobbins, Hunter, Jackson, Jordan, Kelleher, Kiesman, Kilcoyne, Lancaster, Lisnik, Locke, MacBride, Macomber, Masterman, Matthews, McColister, McHenry, McPherson, Mitchell, J.; Murphy, Pearson, Peterson, Roberts, Salsbury, Soulas, Strout, Tarbell, Treadwell, Tuttle, Weymouth.

NAY — Armstrong, Beaulieu, Bell, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Carrier, Carroll, Carter, Chonko, Clark, Crowley, Curtis, Davis, Day, Dexter, Drinkwater, Erwin, Gavett, Gowen, Hall, Hanson, Hayden, Hickey, Holloway, Huber, Hutchings, Ingraham, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, LaPlante, Lewis, Livesay, Lund, MacEachern, Mahany, Manning, Martin, A.; Masterton, McGowan, McSweeney, Michael, Michaud, Mitch-

ell, E.H.; Moholland, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Perkins, Perry, Post, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Sherburne, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Studley, Swazey, Telow, Theriault, Thompson, Twichell, Vose, Walker, Webster, Wentworth.

ABSENT — Benoit, Cunningham, Dillenback, Dudley, Laverriere, Martin, H.C.; McKean, Pouliot, Prescott, Rolde, Small, The Speaker.

Yes, 51; No, 87; Absent, 12; Vacant, 1.

The SPEAKER: Fifty-one having voted in the affirmative and eighty-seven in the negative, with twelve being absent, the motion does not prevail.

Thereupon, Committee Amendment "A" (S-217) was adopted in concurrence.

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

#### Second Reader Tabled and Assigned

Bill, "An Act to Revise the Salaries of Certain County Officers" (H. P. 1508) (L. D. 1622)

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

On motion of Mr. LaPlante of Sabattus, tabled pending passage to be engrossed and tomorrow assigned.

#### Passed to Be Enacted

An Act Relating to Boarding Cost Payments and Transportation Accounts for Secondary School Pupils in Remote Units under the Education Laws (H. P. 818) (L. D. 972) (C. "A" H-386)

An Act Amending the Electricians Licensing Statute (S. P. 285) (L. D. 310) (C. "A" S-224)

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

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

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-245) on Bill "An Act to Remove the Customer Charge from Electric Utility Rate Structures" (Emergency) (S. P. 417) (L. D. 1240)

Report was signed by the following members:

Senator: TRAFTON of Androscoggin  
— of the Senate.

Representatives:  
KANY of Waterville  
McKEAN of Limestone  
McGOWAN of Pittsfield  
BORDEAUX of Mount Desert  
BOISVERT of Lewiston  
DAVIES of Orono  
RIDLEY of Shapleigh  
WEYMOUTH of West Gardiner  
VOSE of Eastport

— of the House.

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

Report was signed by the following members:

Senators:  
TROTZKY of Penobscot  
DEVOE of Penobscot

— of the Senate.

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-245)

In the House: Reports were read.  
Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the

Bill read once.

Committee Amendment "A" (S-245) was read by the Clerk and adopted in concurrence.

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

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

#### Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Include Energy Projects and Agricultural Enterprises in the Guarantee Authority of the Maine Guarantee Authority and to Set Aside \$2,500,000 of the Guarantee Capacity for Energy Projects" (S. P. 523) (L. D. 1453)

Report was signed by the following members:

Senators:

GILL of Cumberland

AULT of Kennebec

— of the Senate.

Representatives:

BELL of Paris

WEBSTER of Farmington

DILLENBACK of Cumberland

SMALL of Bath

MASTERTON of Cape Elizabeth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-254) on same Bill.

Report was signed by the following members:

Senator:

VIOLETTE of Aroostook

— of the Senate.

Representatives:

KANY of Waterville

PARADIS of Augusta

DIAMOND of Bangor

McGOWAN of Pittsfield

LISNIK of Presque Isle

— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

#### Non-Concurrent Matter

Bill "An Act Concerning Equivalent Courses Offered by the Various Campuses of the University of Maine" (H. P. 839) (L. D. 1005) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-407) Report of the Committee on Education was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-407) in the House on May 18, 1981.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Education read and accepted in non-concurrence.

In the House:

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

Mr. DAVIES: Mr. Speaker and Members of the House: Many of you have run into the situation, whether you have been a full or part-time student, at one of the campuses of the University of Maine where you have taken a course and then wished to go to another campus to finish up degree work and found that that course has not been transferred.

The problem is one that was addressed when the super university system was created 13 years old. It is probably the single major problem that the super university was created to solve that has not been solved yet. This bill coming out of the Education Committee provides a mechanism where we are directing the

university system to deal with this problem without telling them exactly how they are going to do it. We don't like to tie their hands, but we do feel that the time has come for us to instruct them that they have got to come to a resolution because the people of the State of Maine are suffering by the lack of a resolution to this.

I would hope that you would not accept the "Ought Not to Pass" Report but hope that you would accept the Majority "Ought to Pass" Report, and I would so move.

Thereupon, the House voted to adhere.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Permit Appointment of Deputies for the Purpose of Registering Voters Under the Election Laws" (H. P. 135) (L. D. 162) which was passed to be engrossed as amended by Committee Amendment "A" (H-363) as amended by House Amendment "B" (H-417) thereto in the House on May 18, 1981.

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

In the House:

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

Mr. BAKER: Mr. Speaker, Ladies and Gentlemen of the House: Currently, I am in the process of negotiating with a member of the other body, a possible compromise that might salvage part of this bill, and until I have had a chance to complete the negotiation, I would appreciate it if someone would table this for one legislative day.

Thereupon, on motion of Mr. Diamond of Bangor, tabled pending further consideration and tomorrow assigned.

The following Senate Papers appearing on Supplement No. 12 were taken up out of order by unanimous consent:

#### Ought to Pass As Amended

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-255) on Bill "An Act to Create a Bond Issue for Energy Conservation and Conversion for Small Business" (S. P. 489) (L. D. 1390)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-255) and Senate Amendment "A" (S-257)

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

Committee Amendment "A" (S-255) was read by the Clerk and adopted. Senate Amendment "A" (S-257) 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 by Committee Amendment "A" and Senate Amendment "A" in concurrence.

#### Ought to Pass

##### Pursuant to Joint Order S. P. 600

Report of the Committee on Health and Institutional Services reporting "Ought to Pass" Pursuant to Joint Order (S. P. 600) on Bill, "An Act to Require the Department of Human Services to Provide Home-based Care as an Alternative to Nursing Home Care" (S. P. 614) (L. D. 1620)

Came from the Senate with the Report read and accepted and the Bill Passed to be Engrossed.

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

Under suspension of the Rules, the Bill was read the second time and passed to be engrossed in concurrence.

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

#### Consent Calendar First Day

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

(S. P. 420) (L. D. 1242) Bill "An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-253)

No objections having been noted, under suspension of the rules, the above item was given Second Day notification and passed to be engrossed as amended in concurrence.

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

The following Communication:

The Senate of Maine

Augusta

May 20, 1981

The Honorable Edwin H. Pert

Clerk of the House

Maine Legislature

State House

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Establish a Consolidated Map of the State," (H. P. 1158) (L. D. 1379).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate.

The Communication was read and ordered placed on file.

Reference was made to (H. P. 1158) (L. D. 1379) Bill "An Act to Establish a Consolidated Map of the State"

In reference to the action of the House on May 19 whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as conferees:

Representative CARTER of Winslow

Representative FOWLIE of Rockland

Representative BELL of Paris

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

The following Communication:

The Senate of Maine

Augusta

May 20, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th Maine Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Provide a Special Muzzle-loading Hunting Season," (H. P. 218) (L. D. 255):

Senators:

EMERSON of Penobscot

TROTZKY of Penobscot

O'LEARY of Oxford

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Relating to the Public Utilities Commission Officials' and Employees' Compensation," (H. P. 577) (L. D. 657):

Senators:

AULT of Kennebec

GILL of Cumberland

TRAFTON of Cumberland

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.



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

**Bill Held**

Bill, "An Act Establishing the Women's Training and Employment Program" (H. P. 568) (L. D. 644) (H. "A" H-443)

—In House, Passed to be Engrossed as Amended by House Amendment "A" (H-443) on May 20.

HELD at the request of Representative Aloupis of Bangor.

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

Miss ALOUPIS: Mr. Speaker, having voted on the prevailing side, I move reconsideration of passage to be engrossed.

This is "An Act of Establishing the Women's Training and Employment Programs." The issue remains the same as it was this morning, that it was a pilot program under CETA. We are being asked to pick it up. I think the amendment that was accepted this morning does absolutely nothing. It says \$92,000 and \$98,000 shall be appropriated to the Commissioner of Manpower Affairs to contract with the existing displaced homemaker programs and it is listed as an "all other account."

I would say to you that there are several programs out there. I think if those programs, and some of them are doing an excellent job, that it would be better to take this money and put it within those programs.

I hope you will consider reconsideration.

The SPEAKER: The Chair recognizes the gentlemen from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I spoke to several people pertaining to this bill today, and I would hope that someone would table it for one day so maybe we could get things ironed out.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Bangor, Miss Aloupis, that the House reconsider its action whereby this bill was passed to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I hope you will not vote to reconsider. We have attempted to address the concerns. I hear people saying that they want direct services for women and that is what we have attempted to do in this bill. If people have other suggestions, we are certainly willing to listen to accommodate that point of view. We did not go for staff, we went for direct services, and I think I am misunderstanding some people's approach.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: To provide direct services, perhaps we can address it in a program which is existing. By putting this money into Manpower Affairs, the Commissioner is not going to be able to handle this herself. They are going to have to have administrators.

I just think that as opposed to taking on a new program, let us address ourselves to those programs which are in existence and have the money go to the client as opposed to setting up or carrying forward from CETA or the pilot program another program which is going to include an administrative staff.

I hope you will vote to reconsider.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I apologize for belaboring the issue but I still think there is some misunderstanding. Displaced Homemakers is not a new program, it is a continuing program. What we would do here is simply expand it to those parts of the state that are not served by a program that is now working very well.

Miss ALOUPIS of Bangor was granted permission to speak a third time.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: I just wondered if this is the right route that we are going through. The bill was dealing with "An Act Establishing the Women's Training and Employment Program." We are now taking this money and earmarking it for that other program without having gone through the proper channels.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Initially when the program began and it was called WETEP, they had different parts of WETEP. One part was the displaced homemaker. Perhaps you here don't know what a displaced homemaker is, and if you will bear with me for just a moment, I will try to explain what it is.

According to statute, and it passed in the 108th, it is defined as a former worker in home, has worked in the home for a substantial number of years providing unpaid household services for family members.

2. No gainful employment—Is not gainfully employed or is not in the position offering reasonable opportunities for advancement.

3. Difficulty in getting employed—has had or would have difficulty in securing employment.

4. Former dependency—has been dependent on income of another family member but is no longer supported by such income, or has been dependent on federal assistance but is no longer eligible for such assistance, or is supported as the parent of minor children by government assistance or spousal support but whose children are within one year of reaching their majority.

We are talking about women. Granted, there might be men in this situation, but most of these people are women. These women are middle-aged, middle-class women, who had a chance in their lives early on and they chose to be married, to stay home and care for their children. Then, after a substantial number of years staying home and doing what society says they are supposed to do, they find now, because of death or divorce, they must go to work. If they chose a profession or an education and then didn't practice it, after 14, 15 or 16 years those skills are outdated. So even if they had a skill and they didn't work at it for a substantial number of years, they would have to go back and refresh those skills.

We are talking about women who might have been on some federal assistance programs but now whose children are too old, over 18, or 17 and about to be 18, and they no longer are eligible for those programs. We are talking about women who do not fall into any category to be funded. They are not eligible for CETA because if they have a house and a small car, which perhaps the husband might have left them in his death or through alimony or whatever, they don't qualify.

We are talking about women. When men were boys, they knew they had to go to work and that was it. Women didn't always know they had to have that choice. Things change in people's lives, now they need that choice.

This bill addresses those women and that program which already exists. We are not asking for anymore people to administer. We have taken that out, we have put it into direct services for people who need a handup, not a handout, and we are asking for your help.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I would like to tell you about a woman I met when I was campaigning last fall. The things she told me really impressed me. She lived in a very modest home, she was about 55 years old and she stood at her door and wept as she talked to me about how she felt about life. She had recently lost her husband, she found that her Social Security was not sufficient for her to live on. She had spent 30 years raising children, she had to go out like a high school graduate and look for a job. She found that the job market did not accept the skills that she had used while she spent 30 years raising children. She was not skilled in any occupation other than that, because when she grew up, high school guidance counselors didn't counsel her to be trained in a vocation.

She looked for a job and found herself, at age 55, washing dishes in the basement of Mercy Hospital in Portland. She felt demeaned, worried, frustrated. A program like this would help a woman like that. I think she is not unique. She is one of many, perhaps thousands in this state, who, because of divorce or the death of a spouse, find themselves needing to be counseled, trained and assisted in finding a job.

I hope you will support this bill.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Nelson and Representative Thompson have given you a very fine overview of what the program is all about. It is one that I feel is vital and important and I was happy to be around when we voted initially to put out the original legislation to address this issue.

I think it is important for you to know that when this bill was filed in this session, one of the major objections from those of us who reviewed the legislation in its original form was that too much of the money was going for administration. I participated at several meetings where we discussed the bill, what we should be doing and what the original intent of the bill was designed to do. It was a unanimous decision, from those of us who participated in watching this legislation go through, that we were sick and tired of dollars going for administration and very few dollars going for direct services to the people. We have labored long and hard to bring to you this piece of legislation in some sort of order that would do the job that it was intended to do.

We believe that the money asked for is appropriate, that the program should be continued and expanded, but that the dollars should be going for direct services and not continually for people who sit in their offices with big fat salaries.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, I would like to pose a question through the Chair to anyone who many care to answer.

I would like to know if this particular program is a program that was being funded through the federal government and the tab is now being picked up by the state?

The other question that I have is, where do we have this training program now? What cities, and possibly how many people are participating in this program?

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: There is a program now in Augusta, there is a satellite program in Waterville, there is a satellite program in Bath and Brunswick and there is a program that is beginning through the Extension Service in York County. It is a program that, indeed, was funded through money for the Department of Education. It was some federal money which



allowed some latitude of help women in training, vocational training; that is where the money came from originally and they are limping along with whatever they can get.

At this point, if they did not receive this federal money, then the Department of Education might have some money, Lord knows where that will come from, in their discretionary fund to continue its funding. It was a very low level and the rate of success is over 75 percent, that the women who go into this program and there is a potential of 37,000 women in this situation, who have gone into the program, are now working and are in jobs or they are in training right now. We are talking about the Displaced Homemakers Program, as I said, they limped along and is extraordinary successful.

Miss ALOUPIS of Bangor was granted permission to speak a fourth time.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Speaker, may I pose a question to the Chair?

The SPEAKER: The gentlewoman may pose her question.

Miss ALOUPIS: The bill dealt with "An Act Establishing the Women's Training and Employment Program" and we are now being asked to divert this money to the Displaced Homemaker program — may I ask whether this amendment is germane to the bill?

The SPEAKER: The gentlewoman may ask the question but the Chair will not be in a position to respond to the question since the question of germaneness must be decided at the time of the introduction of the amendment. The present question is reconsideration.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Can you imagine the very real terror of a woman in her 50's or 60's, who wants to reenter the marketplace after two or three decades of raising a family and working at home? She gets her courage up, she applies, she is told that she has no experience or that her skills are outdated.

This bill will serve as a bridge to help her reenter the work place. The bill provides services, and I would hope that you would support it as you did this morning.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Bangor, Miss ALOUPIS, that the House reconsider its action whereby this bill was passed to be engrossed as amended.

The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, I would like to pair my vote with the gentlewoman from South Portland, Ms. Benoit. If she were here, she would be voting no; I would be voting yes.

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Bangor, Miss ALOUPIS, that the House reconsider its action whereby this bill was passed to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — ALOUPIS, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Cox, Damren, Davis, Day, Dexter, Drinkwater, Gavett, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kelleher, Kiesman, Lancaster, LaPlante, Lewis, Livesay, MacBride, Masterman, McCollister, McHenry McPherson, Michaud, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Weymouth.

NAY — Baker, Beaulieu, Boisvert, Brannigan, Brenerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Crowley, Curtis,

Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Foster, Fowle, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Masterton, Matthews, McGowan, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Randall, Reeves, P.; Richard, Rolde, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

ABSENT — Cunningham, Dillenback, Laverriere, Martin, H.C.; Post, Pouliot, Prescott, Small.

PAIRED — Benoit-Wentworth.

Yes, 66; No, 74; Absent, 8; Paired, 2; Vacant, 1.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-four in the negative, with eight being absent and two paired, the motion to reconsider does not prevail.

The Chair laid before the House the following matter:

Bill "An Act to Add a Class Size Adjustment to the School Finance Act" (H. P. 1176) (L. D. 1400) which was tabled earlier and later today assigned pending further consideration. (In House, passed to be engrossed as amended by C. "A" H-413 — In Senate, Minority "Ought Not to Pass" Report accepted in concurrence)

On motion of Mr. Connolly of Portland, the House voted to insist and ask for a committee of conference.

The Chair laid before the House the following matter:

RESOLVE, Requiring the State Planning Office to Conduct an Educational Program on Manufactured Housing, and Directing the Committee on Local and County Government to Monitor and Report on the Program. (Emergency) (H. P. 892) (L. D. 996) (In House, passed to be engrossed as amended by C. "A" H-412) — In Senate, Majority "Ought Not to Pass" Report accepted in non-concurrence.

On motion of Mr. LaPlante, the House voted to recede from its action whereby the Resolve was passed to be engrossed.

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

House Amendment "A" (H-444) was read by the Clerk and adopted.

On motion of the same gentleman, the House voted to recede from its action whereby Committee Amendment "A" was adopted and on motion of the same gentleman, the Amendment was indefinitely postponed.

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

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT — Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (S-227) — Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (S-228) — Committee on Appropriations and Financial Affairs on Bill "An Act to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval" (S. P. 377) (L. D. 1135) — In Senate, Majority "Ought to Pass" Report accepted and Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-227) which was tabled and later today assigned pending the motion of Mr. Pearson of Old Town to accept the Minority Report in non-concurrence.

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

Mr. PEARSON: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and I would speak to my

motion.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is just like a handful of spaghetti that is thrown against the wall and somehow or other people hope that one of these will stick, because we have had three or four of these over the last several years, spending limitations, and other legislatures have rejected them because, I believe at least, they have rejected them because they don't like spending limits, they don't like tax limits, because it doesn't allow the legislature or the people of Maine to respond to different contingencies as they come.

The Commonwealth of Massachusetts had tried Proposition 2-1/2; California has had Proposition; Saco has had problems with tax limitations; this is a spending limitation and I expect that we would have just as many problems with this.

This is a terribly complex bill to explain to anybody, but I will try the very best I can to explain to you why I don't think it should be enacted into law.

First, we have already in this State, since 1820, a provision in our Constitution that says that we cannot spend anymore money than we take in, and I think that is the greatest spending limit that this state has ever had and it has worked for every legislature ever since 1820, and there is no reason to believe that it can't work in the future.

This particular bill would take the spending ability of this legislature and tie our hands one more time, or it is an attempt to tie our hands one more time, because what it would do is, it would tie the amount of money that we can spend in this state to the cost of living on the national level or the Maine personal income on the state level, whichever is lower.

Once you have decided on which one of those figures you are going to use, and that in itself would be an interesting exercise because, for example, if you were going to wait for the cost of living index to come out from Washington, you would, first of all, have a cost of living index that is temporary and then they have one that is adjusted and four or five months later, they have one that is official, so you wouldn't even know what the figures on the national level were going to be. And remember, you have to take the lowest of the two. Then, after that, there are certain things that are excluded from this, one of which is debt service payments may be excluded from this spending limitation. Well, you know what that does, folks. What that does, it encourages people to go out and float bonds whenever you want to build something or do something — bonds and more bonds, because you always know that that is going to be excluded from the spending limitation and you don't have to justify that to anybody.

If you have an emergency situation, you can exceed your spending limitations under this bill for a single fiscal year. But then you can't count that as an increase the next year upon which to establish your base from which to spring in the following years. I told you that it was going to get complicated and it does.

Non-emergency requirements are in this bill, too, and what it says, and this is one of the most cumbersome parts of this bill and I guess one of the reasons I dislike it the most, is that if you have what is considered a non-emergency, and who knows who is going to decide what a non-emergency is, you would have to put that out to referendum.

We have just recently in this legislature, in an attempt to economize, made our referendum coincide with state elections in November. Well, that would mean that we would have to address non-emergency items, whatever

they may be, in November. Now, non-emergency items could be whatever we decide is non-emergency. I suppose it could be an increase in our amount of money that we appropriate towards retirement, towards state employees' pay raises, Pineland Consent Decree, all kinds of different things.

The bill is a bad bill, it is a complicated bill. There is no reason to believe that it will succeed in Maine, any kind of a limit other than a constitutional limit, any better than it has succeeded or any other kind of limit has succeeded, in any other state in this union. For that reason, I ask that it be indefinitely postponed. It has got all sorts of problems with it, some loopholes in the bill. There are parts of it that make it extremely awkward for this legislature to address the problems of the state, not only this one but the ones that are going to follow us. I don't know why they should be bound by a decision of the 110th Legislature on how much they can spend for the problems that they see as the pressing problems of Maine at their time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I just spoke up in back of the hall with the ranking member of the Appropriations Committee and a member of the Republican Party, and I asked him if he would release me on this bill. He very graciously did.

I have been asking myself several questions on the bill in the last few days anyway, but after listening to the gentleman from Old Town, Mr. Pearson, particularly the words of wisdom from our leader, Mrs. Mitchell, I am going to vote to indefinitely postpone this bill.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you won't vote along with the chairman of our committee on this bill. This is a bill trying to set up some fiscal responsibility among our group.

All it says is that we shall not appropriate more funds from our General Fund than the percentage change in the cost of living in Maine, or the Maine personal income as established by recognized indices selected by the Legislature.

What we are saying is that we do not want to go back and hit the people back home for more of that portion of income than they have been paying in to the General Fund. We are just trying to give them a hand and not tighten that loop around their neck any tighter. If you prefer to tighten that loop tighter, vote to indefinitely postpone it. If not, go with me.

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

Mr. SMITH: Mr. Speaker and Members of the House: I would hope you would go against Mr. Pearson's motion to indefinitely postpone this bill. I think this is a responsible bill in light of the way we are going here every year. It seems as though our monies are coming in more and more and no matter what we have got, we spend. This will put a little more responsibility on us as legislators, which I think the people back home want.

Mr. Speaker, I request a roll call vote.

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

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

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

Mr. HIGGINS: Mr. Speaker and Members of the House: I am kind of surprised at the twist of events here today and in the last couple of days on the issues that we have been dealing with, but this one is really even stranger than

some of the others I have seen.

I can't quite, for the life of me, understand why we would want to indefinitely postpone this bill. I do happen to agree with the members of the committee who signed it out "ought to pass," but there is a minority report on the bill, and even if we couldn't agree on the majority report, it seems to me that the minority report that the gentleman from Old Town, Mr. Pearson, moved earlier, before he tabled the bill, that we could agree to. It simply says that the legislature and the executive department are prohibited from requiring non-state levels of government to provide any new or expanded programs, etc. This is an issue that I feel very strongly about.

If the legislature is going to mandate local programs, we ought to come up with the bucks to do them. Sometimes we have not fulfilled that obligation in the past. So, even if you don't particularly care for the confusing part, which I don't think is too confusing, but if you think it is confusing and you don't like Report A, vote against the indefinite postponement motion and then let's go along with Committee Amendment "B", which really just says that if the legislature is going to tell the local municipalities that they are going to do something, we are going to have to pay for it. I think that is a reasonable and responsible approach and it certainly isn't confusing.

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

Mrs. HUBER: Mr. Speaker and Members of the House: This L.D. is the one I referred to this morning and it does clearly, directly deal with the limitation of state spending. I hope you will oppose the motion to get rid of the entire bill, and I further hope you will then vote to adopt the Minority Report.

The good gentleman who is the House Chairman of the Appropriations Committee tells us that this is very complex. It seems to me I have heard that word before on other issues, one other one in particular. The complexity of an issue somehow is supposed to keep us from dealing with it, and I would just remind those of you who have been here over the last three or four years that we have seen this bill a number of times. I think we are pretty familiar with it and I think we are aware of how it would work, and the only argument we seemed to have was whether we should make such a limitation a constitutional or statutory one.

I think there really isn't any new complexity to this particular measure. It does boil down to whether we want to limit spending and, in fact, as the good gentleman pointed out, the Constitution has limited legislatures ever since 1820, so there is nothing new about that.

I hope you vote to defeat the motion.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: In earlier debate, my hometown of Saco was mentioned. I would like to discuss with you for a second my hometown, which I am proud to live in. I have lived in it all my life. However, about three years ago, two and half years ago, we found ourselves in a situation where a petition drive was started. There was arguments on both sides on why the City of Saco should have a tax cap or spending limitation. It was explained to the people at the time that a tax cap or spending limitation would cause severe problems with future funding under the educational funding law because we were not maintaining our effort concerning education.

Those individuals who proposed the tax cap limitation of no more spending than 2 percent for the following year stated that there would be a decrease in services. Since that time, the City of Saco finds itself in a situation where we will receive \$500,000 less under the school funding law than we received last year this coming year.

The City of Saco has not had trash pickup, a

luxury that we have had for years, for the past year and a half. The City of Saco went from a per pupil ratio of about 24 students to about 32 students and a loss of 29 teachers. In the City of Saco, we found a recreation department which was one of the best in the state, in fact our recreation director is now in the Town of Cumberland, where they have an excellent recreation program we now have a recreation staff of one.

If your child happens to be a gifted child and is involved in music, we don't have any music program anymore in Saco, and if your son happens to like seventh and eighth grade sports, we don't have any sports programs in Saco.

The reasons I bring these points up is, I think that anytime we are dealing with a tax limitation or spending limitation, there is one thing you have to realize, that it is very dangerous ground. We saw it in Saco, and it is unfortunate that the next generation of residents of the City of Saco are going to have to pick the pieces up and rebuild what took place three years ago.

Since Saco enacted its Proposition 13, or its tax cap, other communities throughout the state have attempted to do what Saco did. Fortunately, the good wisdom of the people of Augusta, people of Auburn, people of Millinocket, people of South Portland and several other places in the state saw what occurred in Saco and saw the serious problem involved with taking away, I think, any possible emergency situation for funding of different programs or future considerations of programs that might need to be funded.

I urge you to support the motion to indefinitely postpone. I know this sounds like good campaign rhetoric and it sounds real good to say we put a lid on the cost of spending, but look at the City of Saco.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to put a little bit of humor in this. I have a son who lives in Boston and he is having problems. He has two boys who would like to play sports and that has been cut down. I have a son in California and they have Proposition 13. He called me up after the election and said guess what? I said, what? He said, my wife and I voted for Allen Cranston, and I said, why did you do that? He said the fellow that was running against him was the instigator or wrote Proposition 13.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the most fundamentally important bills that we have had before our body this session. This is one of the bills that the people back home are watching us and seeing what we do with it.

This bill will require us to live within our means, just as we have to run our homes and our families, just as we have to run our businesses within our means. When we can't live within our means, what do we do? As families, we have one choice, we have to make more money, we either have to work longer hours, the wife has to go to work or whatever. In our businesses, we have to generate more revenue through additional activities, but what does the state do when it has to generate more revenues? You know and I know, it has to increase taxes.

Reduced spending is one of the most fundamentally important ingredients to restoring our economy to one of more stability. This bill doesn't even deal with reductions of spending; this bill deals with living within our means. I think we ought to, the people think we ought to, and I urge you to vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Lancaster.

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important bill, especially to those who work on the municipal level. How many times have you

heard people in town meetings or council meetings say, we don't want anymore mandates coming down to us to pay. If you people will only read S-228, it says "state required cost protection of local government. The legislature and the executive department prohibited from requiring that non-state levels of government provide any new or expanded programs or services without reasonable financing from sources other than property taxes or from shifting the cost of the existing programs and services to either the county or municipal level of government, except those shifts governed by statutes effective on July 1, 1982."

Statement of Fact: The purpose of this amendment is to remove the limitation on the expenditure portion of the bill but retain the protective provisions for local government from state required costs.

I urge you to vote against this motion.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: This is a bad bill. Spending limitation is bad the way this is written. We are a representative of government, our Constitution, in 1880, called for us to have this built-in limitation. I have spoken to many of you about this and many of you agree that this is a bad bill.

The gentleman from Livermore Falls, Mr. Brown, mentioned about the people back home. Well, the people back home elected us and they elected us to have a democracy here and a democratic government, not a government by formula.

I urge you to vote for indefinite postponement.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am in hopes that you would vote against the pending motion to do away with this bill. Let's send this out to referendum and let the people back home decide whether they want it or not, not us.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: You have heard the good gentleman from Old Town, Representative Pearson, suggest to you that this Bill is very complicated. You have heard the good gentleman in the other corner, Representative Higgins, tell you that at least you ought to support Report B and, incidentally, I signed the minority Report B, and since I have signed that report, I have asked myself some questions and I have been asked questions by other people, and I am now wondering why I signed Report B.

I don't want anybody to misunderstand me, I am very much in favor of living within our means. I have served on municipal government longer than I have served in the legislature.

One of the things that comes to mind rather quickly, if we pass this bill or the amendment, the minority report, is how would we deal with the question like we had to deal with with the Tort Law? How would this be affected by this bill? Or, if we put a question out to referendum, how will the cost be apportioned if we are forcing something on the communities, if we cut out a program like we did in Part I, who is going to determine who has to pick up what costs?

Like the good gentleman from Old Town has suggested to you, this is a very complicated bill, and when you put something in the Constitution, you want to be extra careful, because it is very difficult to change.

I would urge you to support the motion to indefinitely postpone.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This is a referendum to go out to the people, it is not constitutional.

We had that debate almost four years ago, it seems like four years ago anyway. When we took that debate up in a special session four years, two years, I don't know, but it seems like a long, long time ago, it was constitutional, and we were urged, no, no, no don't put this in the Constitution, let's enact it into statute. Some of us demurred on that and we said if we put it into statute, it won't do any good because we can override it just by a majority vote and only the Constitution will restrain us here in the legislature from exceeding the bounds of a cap if we put into statute.

But we were urged not to support a Constitutional Amendment measure and we didn't. Then, the next legislative session, a bill came in identical to what the majority of the people on the floor of that previous legislature were willing to put into statute and it was killed. Now the measure is back before us again, the same day that we debate whether or not we are going to limit through indexing the additional revenues, the tax increase revenues that we are taking out of the people's pockets back home from our increased income taxes, we won't limit the revenue side, we were urged during that debate to limit the spending side.

Now the spending side comes up and we are urged to kill the entire bill, when the minority of the committee went with one version "ought to pass" and the majority went with another version "ought to pass" and they flip-flopped back and forth all over the place and now they want to kill the whole bill. Then they are complaining about the fact that one of the reports is too complicated, nobody can understand it, we can't foresee what might happen, too many loopholes in it, and yet they have been sitting in committee with the bill the whole session and it is their job to plug those loopholes and take care of those problems and come out with a decent report and decent bill on the floor of the House, and they haven't even done that, so we are being whip-sawed back and forth, not only us but the people back home.

If we aren't going to limit revenue increases and we are going to continue collecting them, overcollecting them and spending them without voting on tax increases, okay, fine, but let's at least put a cap on spending. If we are not going to limit that, then I submit to you that we haven't gotten the message here in the legislature. The people back home want to see some responsible, meaningful restriction on the growth of government so that government at least doesn't grow faster than the cost of living and faster than the pocketbooks of the people back home.

There is only two ways to control it—limit the revenue, limit the spending, limit our votes on what we do here, and apparently we aren't able to do any of that. So I would urge you to oppose the motion to indefinitely postpone this.

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

Mr. CARTER: Mr. Speaker, I stand to be corrected. I stated the "Constitution" and I should have said "statutes" instead of the Constitution.

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

The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, I request permission to pair my vote with the gentleman from Biddeford, Mr. Laverriere. If he were here and voting, he would be voting yea; if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Boyce.

Mr. BOYCE: Mr. Speaker, I would like to request permission to pair my vote with the gentlewoman from Portland, Ms. Benoit. If she

were here, she would be voting yea; I would be voting nay.

#### ROLL CALL

YEA—Baker, Beaulieu, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; McCollier, McGowan, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Mr. Speaker.

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

ABSENT—Cunningham, Dillenback, Martin, H.C.; Pouliot, Prescott, Small.

PAIRED—Benoit-Boyce; Dexter-Laverriere; Erwin-Paradis, E.

Yes, 78; No, 60; Absent, 6; Paired, 6; Vacant, 1.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty in the negative, with six being absent and six paired, the motion does prevail.

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

Mr. PEARSON: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: the gentleman from Old Town, Mr. Pearson, having voted on the prevailing side, now moves we reconsider our action whereby this bill was indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

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

#### (Off Record Remarks)

On motion of Mr. Kilcoyne of Gardiner, Adjourned until nine o'clock tomorrow morning.