

# 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, June 10, 1981

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

Prayer by Father Valmont Gilbert of St. Augustine's Catholic Church, Augusta.

The journal of yesterday was read and approved.

**Committee of Conference Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill "An Act Concerning the Size of Exempt Lots Under the Subdivision Laws" (S. P. 141) (L. D. 312) have had the same under consideration, and ask leave to report:

That the House recede from passage to be engrossed as amended by House Amendment "A" (H-85); indefinitely postpone House Amendment "A" (H-85); read and adopt Committee of Conference Amendment "B" (H-559) attached herewith and pass the bill to be engrossed as amended by Committee of Conference Amendment "B" (H-559) in non-concurrence.

That the Senate recede and concur.

(Signed)

Representatives:

HALL of Sangerville  
MARTIN of Eagle Lake

— of the House.

Senators:

McBREAIRTY of Aroostook  
O'LEARY of Oxford

— of the Senate.

Report was read.

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

Mr. HALL: Mr. Speaker, I am pleased to inform the members that we met and we finally came to an agreement with a majority of the members of the Committee of Conference.

I move that the Committee of Conference Report be accepted.

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

Mrs. HUBER: Mr. Speaker, a parliamentary inquiry. Rule 16, I believe, a report within 10 days of the formation of the committee. Is the matter properly before us?

The SPEAKER: The Chair would advise the gentleman that the matter is properly before us.

The gentleman may proceed.

Mrs. HUBER: Mr. Speaker, I was on the Conference Committee and did not sign the report and I would like to briefly tell you why and ask you to indefinitely postpone this report.

The SPEAKER: The Chair would advise the gentleman that the motion to indefinitely postpone is not in order. The motion is to accept the Committee of Conference Report.

Mrs. HUBER: I would hope that you would not accept the Conference Committee Report. Although I will say at the outset that this final version of this L.D. which has gone through a number of amendments is probably the least harmful. I don't think that is saying very much for it.

The bill came to us back in January. Energy and Natural Resources, was spoken in favor of by a number of developers and clearly does not deal with what purports to be the issue here, that is developing woodlots smaller than 40 acres.

Currently, a person who would like to subdivide for the purposes of a woodlot may do so with very little trouble and, in fact, the only proposal that the Land Use Regulation has had is very easily approved to do exactly that.

In addition, our current subdivision law has a number of advantages and a number of loopholes which may be taken advantage of. People certainly understand the subdivision law, since it has been in effect for a number of years. It doesn't prevent the creation of 20-acre lots; it

simply requires a very minimal review.

Furthermore, I think of real importance to this body is the fact that it is an important tool for small towns to regulate growth. In fact, if they don't have this, clearly town services can be required that are extremely expensive. I think if nothing else, towns deserve the opportunity to review any subdivision of two or more lots, even if they are woodlots, because of the potential in the future for the development of those lots.

Municipal review also helps prevent water pollution, erosion problems, and I think we are all pretty aware of the fact that these kinds of things happen to a greater degree in the smaller holdings, woodland holdings, than in some of the larger paper holdings.

There are many exemptions in current law—gift to relative is one, transferred to an abutter is another, an order of the court of condemnation and land on the opposite side of the road are all exemptions to current subdivision review or LURC review.

In closing I would simply say that it hasn't been shown, wasn't at the hearing, hasn't been since, that we have any problem at all with people who would like to create smaller woodlots than 40 acres, and for that reason, unless or until a problem arises and we can give it some scrutiny and we don't rush something through at the last minute, as this Committee of Conference Report would do, I would hope that we would hold in reserve the ability to change the law at this time, until such time as it is shown to us that there is a need for change.

I urge you to vote against the acceptance of the report.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: It is hard for me to go against the gentleman from Falmouth, Mrs. Huber. She and I had very good working relations all this year and for many years, but I think this answers many of the questions for people back in my district and in many of your districts.

What we are attempting to do is to find a median ground for people who want a woodlot for energy that would come under the site location law of under 40 acres. This is something that we finally came up with. It gives the control back to the community and it gives the control to the Land Use Regulation Commission for a variance. That is what we finally said. We worked over two different amendments before we got to this one.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Sangerville, Mr. Hall, that the Committee of Conference Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

94 having voted in the affirmative and 15 having voted in the negative, the motion did prevail.

The House voted to recede from its action whereby the Bill was passed to be engrossed; receded from the adoption of House Amendment "A" and the amendment was indefinitely postponed.

Committee of Conference Amendment "B" (H-560) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

**Committee of Conference Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law" (S. P. 51) (L. D. 60) have had the same under consid-

eration and ask leave to report:

That the House recede from engrossment as amended by House Amendment "A" (H-84); indefinitely postpone House Amendment "A" (H-84); read and adopt Committee of Conference Amendment "B" (H-560) attached herewith and passed the bill to be engrossed as amended by Committee of Conference Amendment "B" (H-560) in non-concurrence.

That the Senate recede and concur with the House.

(Signed)

Representatives:

HALL of Sangerville  
MARTIN of Eagle Lake

— of the House.

Senators:

McBREAIRTY of Aroostook  
O'LEARY of Oxford

— of the Senate.

Report was read.

On motion of Mr. Hall of Sangerville, the Committee of Conference Report was accepted.

Thereupon, the House receded from its action whereby the Bill was passed to be engrossed; the House receded from its action whereby House Amendment "A" (H-84) was adopted and the Amendment was indefinitely postponed.

Committee of Conference Amendment "B" (H-560) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

**Papers from the Senate  
Non-Concurrent Matter**

Bill "An Act to Revise Workers' Compensation Disability Payments" (S. P. 358) (L. D. 1033) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 3, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "B" (S-337) in non-concurrence.

In the House:

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

Mrs. BEAULIEU: Mr. Speaker, I move that we adhere.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, I ask that we recede and concur and would like to speak to my motion.

The SPEAKER: The gentleman from Ellsworth, Mrs. Foster, moves that the House recede and concur.

The gentleman may proceed.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 1033, jokingly in the Labor Committee, was called the Christmas tree bill. As a matter of fact, we thought that this was going to be the answer to the business community of Maine. It had the cap in it, it had several other things. Well, we have untrimmed the Christmas tree and it doesn't look as though Santa is going to come to the business community of Maine, but there is one thing left. In this bill, the only thing left is the Social Security offset. You have a chance right now to vote on something that will be of small help, but help to the business community of Maine.

The other night, at quarter past nine, I spoke on this bill and I will be speaking to this the same way. The only thing left on our Christmas tree is the Social Security offset. As amended, the bill provides for an offset for Social Security retirement benefits. In other words, an individual workers' compensation benefit would be reduced by any Social Security benefits when the individual becomes 62. This will give the worker the same income they are getting at

age 61, the same income they are getting at 55 and at 62.

I am going to ask for a roll call and I am going to ask that we put the red lights on this Christmas tree for the business community of Maine.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the 5 percent cap provision has been removed from this bill, because now we are talking about a single issue. The single issue is the Social Security offset. The issue has been clarified far better than we could ever have done it for ourselves in this House.

The gentlelady from the other body and her allies in this House seek not only to unfairly cap benefits for the injured workers, they seek to unfairly deny legal representation to injured workers, they seek to limit the rights of spouses to sue under current law, they seek to encumber lump sum settlements to injured workers, but they seek to do all these things and to deny Social Security retirement benefits that they have paid for and that they are justly entitled to.

There is something this House needs desperately to understand. Workers' compensation is not a gift, it is not charity, it is a legal settlement for a personal injury suffered on the job. It is just as legal and just as binding as a court decree. Injured workers are entitled to benefits.

Social Security is a retirement plan, it is not a gift, it is not charity, it is not something for nothing. Rather, workers have paid for their retirement and they are entitled to it. Simply because a worker has had the misfortune of being injured on his job is no reason to deny him retirement benefits that he has paid for and that he is entitled to. Neither is it fair to artificially restrict a legal settlement for injuries sustained at work simply because the person has reached retirement age. The two issues are totally unrelated to one another. It would be like offsetting a worker's sick pay because he has hospitalization insurance.

This is a clear case of sacrificing the worker under the guise of cost cutting. If the people who support this bill are really serious about saving money for workers' compensation, then we wouldn't have dismissed so easily the competitive state fund where the real savings can be made. No, they would rather support legislation which not only penalizes disabled workers, but the elderly because they are very easy targets.

I urge you to reject this bill. Don't put the red lights on the Christmas tree, I think green is a much better color for the living; then we will vote to adhere.

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

Mr. HAYDEN: Mr. Speaker and Members of the House: I just wanted to point out a couple more things that this last Christmas tree ornament does. One of the things that the amended version says is that your Social Security, your retirement, can be reduced up to 50 percent of your work-related benefits. That means the workers' compensation that you are getting. The situation that that creates is, if you have somebody who is receiving a fair amount of workers' compensation because he is seriously hurt but he has a small Social Security check because, even though he has been working since he was 16 and now he is 62, he had a modest job, then, under this bill, he would lose all his Social Security. In effect, what he would be doing is, the insurance company would be getting an interest free loan on the Social Security that he has contributed to ever since he began working. That is what this bill does and I think it speaks for itself.

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 the motion of the gentlewoman from Ellsworth, Mrs. Foster, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

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

NAY — Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Diamond, G. W.; Diamond, J. N.; Dillenback, Erwin, Fitzgerald, Fowle, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Strout, Swazey, Telow, Theriault, Thompson, Treadwell, Tuttle, Vose, Webster, The Speaker.

ABSENT — Baker, Carter, Davies, Kelleher, Racine, Small.

Yes, 61; No, 83; Absent, 6; Vacant, 1.

The SPEAKER: Sixty-one having voted in the affirmative and eighty-three in the negative, with six being absent, the motion does not prevail.

Thereupon, on motion of Mrs. Beaulieu of Portland, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act Establishing the Bonding and Excess Insurance Requirements for Self-Insuring Workers' Compensation Employers" (H. P. 834) (L. D. 1001) which was Passed to be Enrolled as amended by Committee Amendment "A" (H-388) in the House on May 14, 1981.

Came from the Senate Passed to be Enrolled as amended by Senate Amendment "A" (S-339) in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

#### Orders

On motion of Representative Connolly of Portland the following Joint Order: (H. P. 1676) (Cosponsors: Representative Thompson of South Portland and Senators Pierce of Kennebec and Trotzky of Penobscot)

WHEREAS, the quality of education is of the utmost concern to all citizens of the State; and

WHEREAS, the quality of classroom instruction and all the issues that surround it are of critical importance in the lives of children; and

WHEREAS, there is evidence of interest in the role of local school committees and their responsibilities; and

WHEREAS, there exists the possibility of en-

hancing the community-school relationship; and

WHEREAS, there is a need to look at the ever-widening responsibilities of the schools for matters not previously assigned to schools; and

WHEREAS, the State has a responsibility to provide leadership in education; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Education shall study the present delivery system for public education, including, but not limited to, the following areas:

A. The quality of elementary and secondary classroom instruction and ways to improve it;

B. Understanding by school committees and boards of directors of their authority and role, and ways to improve their exercise of their authority;

C. Methods to involve parents and the community more directly in public education; and

D. The ever-widening responsibility of schools for matters not previously assigned to them; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 110th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Kany of Waterville, the following Joint Resolution: (H. P. 1675) (Cosponsor: Senator Ault of Kennebec)

Joint Resolution Accepting  
the Capitol Planning Commission  
Report and Indicating  
a Willingness to Utilize  
the Capitol Complex Plan  
and Public Improvement Proposals  
as a Guide for All Future  
Legislation Pertaining to the  
Capitol Complex

WHEREAS, the Capitol Planning Commission has been given the responsibility of establishing and maintaining a master plan for the orderly development of future state buildings and grounds in the Capitol Complex of the City of Augusta, and

WHEREAS, the Capitol Planning Commission has submitted to the Legislature a report, proposed public improvements, and recommendation that the master plan be revised; and

WHEREAS, the Legislature has reviewed this plan; now, therefore, be it

RESOLVED: That We, the Members of the 110th Legislature in regular session assembled, acknowledge receipt of the Capitol Planning Commission report dated April, 1981 and the fulfillment by the commission of its legislative mandate contained in the Public Laws of 1967, chapter 458; and be it further

RESOLVED: That the Legislature give its general support to the basic concepts of the existing Capitol Planning Commission plan, and indicates its willingness to utilize the plan together with any supplements to it as a guide for all future legislation concerning public improv-

ements or other matters in the Capitol Complex; and be it further

RESOLVED: That suitable copies of this resolution be sent forthwith to the Capitol Planning Commission.

Under suspension of the rules, the Resolution was read and adopted and sent up for concurrence.

### Special Sentiment Calendar

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

Recognizing:

The Brewer High School Girls' Softball Team, 1981 Eastern Maine Class A Champions; (H. P. 1669) by Representative Treadwell of Veazie. (Cosponsors: Representative Cox of Brewer and Senator Devoe of Penobscot)

The Reverend Joseph Carrier of Saco, priest at the church of the Notre Dame, who is retiring after 45 years in the priesthood; (H. P. 1670) by Representative Jalbert of Lewiston. (Cosponsors: Representatives Kelleher of Bangor, Martin of Eagle Lake and Carter of Winslow) (Later Reconsidered)

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

Coach Jim Ford and the Oak Hill Raiders who have won 3 consecutive league championships in Class C tennis; (H. P. 1671) by Representative LaPlante of Sabattus. (Cosponsors: Representatives Brown of Livermore Falls and Weymouth of West Gardiner)

On the request of Mr. LaPlante of Sabattus, was removed from the Special Sentiment Calendar.

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

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: Those who remember when Oak Hill was formed and how many times we came back for some money and had a fire and had a little go-around here when we formed a CSD, I just want to say that we are quite proud of the school after winning the last three division tennis championships, the five consecutive league titles in Class E baseball, since the school has been open we have all the trophies for that. Also, we have won two state championships and I think recognition for that school, the staff and the members of the community and the great support that we have had in that school and also the help that we had at the legislature to form that CSD back about three years ago. I want to thank everybody and we are quite proud of our school.

Thereupon, the Order was passed and sent up for concurrence.

Coach Bill Fairchild and the Oak Hill Raiders upon winning 5 consecutive league titles and 2 state titles in Class C baseball; (H. P. 1672) by Representative LaPlante of Livermore Falls and Weymouth of West Gardiner)

On the request of Mr. LaPlante of Sabattus, was removed from the Special Sentiment Calendar.

Thereupon, the Order was passed and sent up for concurrence.

The Raiders of Oak Hill High School and coach Bill Fairchild, winners of the State of Maine Class C Baseball Championship for 1981; (H. P. 1673) by Representative Brown of Livermore Falls. (Cosponsors: Representatives LaPlante of Sabattus and Weymouth of West Gardiner)

On the request of Mr. LaPlante of Sabattus, was removed from the Special Sentiment Calendar.

Thereupon, the Order was passed and sent up for concurrence.

On motion of Mr. Jalbert of Lewiston, the House reconsidered its action whereby House

Paper 1670, Joint Order recognizing Reverend Joseph Carrier of Saco was passed.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The only reason for reconsidering is, it just got by me.

Father Joseph Carrier, who is mentioned in the order, is the brother of the gentleman from Westbrook, Representative Carrier. It was my pleasure, when I first started as a teenager and in grade school, five years old, as a matter of fact, to sit with Father Carrier in a two-seater, a splendid fellow, and I just thought I would tell you that he is just like his brother, he never got angry.

I move passage of the order.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: What more can you say when you talk about one of your brothers. But at the offset, on his behalf I want to thank the sponsors of this Special Sentiment. This is my oldest brother, there were seven of us. Through his clergy assignment, he has been all over the state but most of his time was spent up north. At one time I thought we were going to lose him because I thought he was going to retire up there and we wanted him back down here.

He has been devoted to all of you who have known him, of whatever faith you are. He was up in Caribou, North Caribou, I think for a period of over 20 years or so and he was up to St. John and Kingman for a long while. He is retiring, 71 years old, and he is a young 71, and I am very happy for him. I wish to thank all of you for all the times you have shown him consideration and also to Mr. Jalbert and the other sponsors of this order, thank you very much.

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

Lieutenant Timothy Sherwood, from South Paris, 1981 West Point Graduate; (H. P. 1674) by Representative Bell of Paris (Cosponsor: Senator Sutton of Oxford)

The Westbrook High School Boys' Baseball team, coached by Bob Smyth, which won the 1981 Telegram League Championship; (S. P. 682)

The Westbrook High School Girls' Softball team, coached by Reggie Grant, which won the 1981 Class A Championship; (S. P. 683)

The Searsport High School "Vikings" who won the 1981 Eastern Maine Class C Boys' Baseball Championship; (S. P. 684)

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

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

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

### Non-concurrent Matter

Bill "An Act Promoting Alcoholism Prevention, Education, Treatment and Research" (H. P. 1540) (L. D. 1655) which was Passed to be Engrossed as amended by House Amendment "A" (H-558) in the House on June 9, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "D" (S-362) in non-concurrence.

In the House:

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

Mrs. POST: Mr. Speaker, I move we adhere and would speak briefly.

The SPEAKER: The gentleman from Owl's Head, Mrs. Post, moves that the House Adhere.

The gentleman may proceed.

Mrs. POST: Mr. Speaker, Men and Women of the House: What we have before us now is the

bill in pretty much its original state. We did make some corrections yesterday, we gave the courtesy of making some corrections yesterday to have the bill be able to be administered a bit more easily, but our original intent remains, that is a premium on the use of alcohol related to the 100 percent alcohol content going into a dedicated fund, and this legislature coming back next year making decisions on how the money in that fund will be expended.

We have dealt with this issue back and forth with much parliamentary maneuvering. Down my way they would say it is now either time to fish or cut bait.

This is the 100th day of the legislative session. We have gone as far as we can go and it is time for the bill to either pass or to fail.

Therefore, I would hope that you would go along with the motion to adhere. I understand that it is possible that someone may want to make a motion to table this bill, but I can only tell you as the sponsor of the bill, there are no other compromises, any other parliamentary maneuvering is simply an attempt to kill the bill. Now is the time to make a decision, and I would hope you would vote to adhere as the only motion before us today.

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

Mrs. BERUBE: Mr. Speaker, is this the undedicating of the new tax that was dedicated originally to liquor, education, alcoholism and this sort of thing?

The SPEAKER: The gentleman from Lewiston, Mrs. Berube, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: What we are asking you to vote on is the original L.D. as it came out of committee. That is, I believe, 1655, that is what we are dealing now. We did make one amendment to it in this body which made it easier to administer as far as the premium goes, but the original intent stays intact and it is an intent that this legislature has given overwhelming support in its previous votes. That is what the motion to adhere is.

The SPEAKER: The Chair would advise the gentleman from Lewiston, Mrs. Berube, that Senate Amendment "D", if she is referring to that, the motion to adhere would kill Senate Amendment "D".

The Chair recognizes the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I wish that people had not used the term "dedicated fund." It was not the intention of the Taxation Committee to dedicate funds solely for that purpose.

We asked that the money be held until a report was made and delivered to this body next January, and at that time, if it looked like it was a good report, they were going to come up with an efficient program and consolidate many of these agencies that are working on this problem. We, then, would vote and decide whether the whole amount of money would go to it, part of it or none of it. We wanted them to know that we wanted to see their program before we decided how much money we were going to allocate, and it really is an earmarked fund, not a dedicated fund as people normally think of it.

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

Mr. ARMSTRONG: Mr. Speaker, Men and Women of the House: I move that we recede and concur and would ask for a roll call on that motion.

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, moves that the House recede and concur.

The Chair recognizes the gentleman from York, Mr. Rolde.

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

tlemen of the House: I hope that you will very definitely defeat the motion to recede and concur so then you may accept the motion to adhere.

This House has gone along on this bill on three occasions, three occasions we have gotten over a hundred votes in this House to go along with the principle, and if we vote to adhere, we will be sticking to our principle.

The amendment that was put on in the other body was devised by the liquor lobby, actually by only a part of the liquor lobby, but a group with a rather sinister sounding acronym of discuss, the group that deals with hard liquor and fortified wines, that group has been consistently trying to kill the bill. That is the purpose of the amendment and I hope that you will stick with the position that you have had. It is a position supported by those people who are fighting against the disease of alcoholism. This is a position that you have maintained and I hope that you will defeat this motion to recede and concur, which is simply another way of trying to kill the bill, and that you will go along with the motion to adhere.

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

Mrs. HUBER: Mr. Speaker and Members of the House: I hope you will vote to recede and concur, because I hope we can pass a bill in this session.

I would just say that a dedicated fund by any other name is still a dedicated fund. That has been the problem I have had with this bill. While I fully support the aims of the sponsors and fully realize the need for further spending in this very serious area of abuse, frankly, I don't think we will have a bill if we adhere. We may have a principle, but that is not good enough. We need this money, we need this treatment, and I hope we can recede and concur and get this program going.

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: You are all aware of the work that has gone into this bill, the type of consensus that we have achieved to this point.

I hope you would vote against the recede and concur motion and then vote for an adhere motion.

I am generally not an advocate of the dedicated fund, but in this case, I am for several reasons. The programs that we are dealing with, we talk politically about long-term, well-planned programs. Many of you who are aware of the problem we are facing in Maine today realize in the programs that their funding sources are tenuous at best. What results, instead of putting time and energy into well-planned, long-term programs, people have to go out and fight for funding sources.

The particular program that I have been involved with in my community within the State Department of Education has been in existence for 10 years. During those 10 years, they have worked in Washington, they have worked through Maine and New England for funding. Needless to say, we all know how much effort goes into politicking to find adequate funding for essential and necessary programs.

My other concern is the financial crisis that we face right now. We all know the competition that is taking place in the General Fund for highways and other essential programs. My fear is that if we increase the alcohol premium, this would go to funding of our highways. If we believe in users paying their way, the original principle of this bill, then I think we need to stick to our original position.

You are also well aware that we have compromised. We have talked about administering these funds and making sure that they go to the appropriate programs and sources. So I ask you for your support on an adhere motion, first reject the recede and concur and then vote to adhere.

The SPEAKER: The Chair recognizes the

gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: As Representative Rolde said, we have expressed our support for this again and again.

The gentlelady from Falmouth, Mrs. Huber, said, and I believe sincerely, that she thought that this was our last chance of passing this bill during this session was to move for the motion to adhere.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, very briefly. I really don't think we have to debate this issue. I think this House has voted, I believe it is three times, and we have demonstrated by our vote that we are sensitive to the problems caused by alcohol, and I would ask you to join with me and defeat the motion to recede and concur.

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 the motion of the gentleman from Wilton, Mr. Armstrong, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Armstrong, Austin, Beau-lieu, Carter, Conary, Connors, Cunningham, Curtis, Dillenback, Foster, Gavett, Hall, Higgins, L. M.; Hobbins, Holloway, Huber, Ingraham, Jackson, Jalbert, Lewis, MacBride, Michael, Paul, Perkins, Peterson, Salsbury, Smith, C. W.; Studley, Tarbell.

NAY — Baker, Bell, Benoit, Berube, Bois-vert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Damron, Davies, Davis, Day, Dexter, Diamond, G. W.; Diamond, J. N.; Drinkwater, Dudley, Erwin, Fitzgerald, Fowle, Gillis, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, H. C.; Hunter, Hutchings, Jacques, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; Masterman, Masterton, Matthews, McColister, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Smith, C. B.; Soulas, Soule, Stevenson, Stover, Strout, Swazey, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Mr. Speaker.

Yes, 30; No, 117; Absent, 3; Vacant, 1.

The SPEAKER: Thirty having voted in the affirmative and one hundred seventeen in the negative, with three being absent, the motion does not prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Passed to Be Enacted Emergency Measure

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

"A" H-536; S. "A" S-277)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Emergency Measure Later Today Assigned

An Act to Create the Public Advocate to Represent the Interests of Utility Customers (H. P. 1578) (L. D. 1673) (S. "A" S-335; S. "B" S-341)

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

On motion of Mr. Davies of Orono, tabled pending passage to be enacted and later today assigned.

#### Emergency Measure

An Act to Fund and Implement Certain Collective Bargaining Agreements and to Fund and Implement Benefits for State Employees Excluded from Collective Bargaining and to Provide Funding to the University of Maine for Collective Bargaining Purposes and to Provide Additional Funding for the Maine Maritime Academy (H. P. 1598) (L. D. 1683) (C. "A" (H-553)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

#### Passed to Be Enacted

An Act to Add a Class Size Adjustment to the School Finance Act (H. P. 1176) (L. D. 1400) (Com. of Conf. Amendment "A" (H-542)

An Act to Provide More Public Accountability for Sewer and Sanitary Districts (H. P. 1562) (L. D. 1670) (H. "A" H-543; S. "A" S-311)

An Act to Authorize and Encourage Risk Capital Funds (H. P. 1581) (L. D. 1675) (H. "A" H-541)

An Act to Maintain and Improve Marine Patrol Services (H. P. 1589) (L. D. 1680)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

#### Non-Concurrent Matters

An Act to Provide one Additional Judgeship for the District Court. (S. P. 158) (L. D. 366) which was Passed to be Enacted in the House on May 20, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-223)

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (S-223) as amended by Senate Amendment "A" (S-342) thereto in non-currence.

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

An Act to Increase the Mileage Reimbursement Payment for Jurors (H. P. 348) (L. D. 396) which was Passed to be Enacted in the House on March 3, 1981.

Came from the Senate Passed to be Engrossed as Amended by Senate Amendment "A" (S-343) in non-concurrence.

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

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

#### Non-Concurrent Matters

An Act to Create a Lake Restoration and Protection Financial Aid Program (H. P. 551) (L. D. 627) which was Passed to be Enacted in the House on March 19, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-344) in non-concurrence.

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

An Act Relating to and Increasing the Appropriation of Funds for Assistant District Attorneys (H. P. 560) (L. D. 634) which was Passed to be Enacted in the House on May 14, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-335))

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-335) as amended by Senate Amendment "A" (S-345) thereto in non-concurrence.

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

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

#### Non-Concurrent Matters

An Act in Support of Regional Library Systems (S. P. 308) (L. D. 864) which was Passed to be Enacted in the House on May 4, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-141))

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-346) in non-concurrence.

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

An Act to Create an Environmental Health Program (H. P. 804) (L. D. 914) which was Passed to be Enacted in the House on April 9, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-134) as amended by Senate Amendment "A" (S-347) thereto in non-concurrence.

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

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

#### Non-Concurrent Matters

An Act to Establish a Statewide Cancer Incidence Registry (H. P. 807) (L. D. 967) which was Passed to be Enacted in the House on May 20, 1981. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-378))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-378) as amended by Senate Amendment "A" (S-348) thereto in non-concurrence.

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

#### Later Today Assigned

An Act Covering Cost-of-Living Increases for Teachers (H. P. 918) (L. D. 1089) which was Passed to be Enacted in the House on May 4, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-349) in non-concurrence.

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

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

#### Non-Concurrent Matters

An Act to Create a Department of Corrections (S. P. 376) (L. D. 1134) which was Passed to be Enacted in the House on May 5, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-115))

Came from the Senate Passed to be engrossed as amended by Committee Amendment "A" (S-115) as amended by Senate Amendment "A" (S-350) thereto in non-concurrence.

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

An Act to Improve the Community Industrial Building Program (S. P. 401) (L. D. 1193) which was Passed to be Enacted in the House on May 18, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-196))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-196) as amended by Senate Amendment "A" (S-351) thereto in non-concurrence.

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

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

#### Non-Concurrent Matter

An Act Relating to Burial Expenses for Veterans (H. P. 1104) (L. D. 1309) which was Passed to be Enacted in the House on May 6, 1981. (Having previously been Passed to be Engrossed as amended by House Amendment "A" (H-268))

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-268) as amended by Senate Amendment "A" (S-352) thereto in non-concurrence.

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

An Act to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management (S. P. 475) (L. D. 1358) which was Passed to be Enacted in the House on May 18, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-206))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-206) as amended by Senate Amendment "A" (S-353) thereto in non-concurrence.

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

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

#### Non-Concurrent Matters

An Act Making Appropriations from the General Fund for Operations of The Seed Potato Board (S. P. 517) (L. D. 1439) which was Passed to be Enacted in the House on May 27, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-233))

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-233) as amended by Senate Amendment "A" (S-354) thereto in non-concurrence.

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

An Act Relating to Law Libraries (S. P. 562) (L. D. 1532) which was Passed to be Enacted in the House on May 26, 1981. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-271))

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-271) as amended by Senate Amendment "B" (S-355) thereto in non-concurrence.

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

The Chair laid before the House the following matter:

Bill "An Act Covering Cost-of-Living Increases for Teachers" (H. P. 918) (L. D. 1089) which was tabled earlier in the day and later today assigned pending further consideration.

Thereupon, the House voted to recede and concur.

By unanimous consent, all matter acted upon were ordered sent forthwith.

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

The Chair laid before the House the following matter:

An Act to Create the Public Advocate to Represent the Interests of Utility Customers (H. P. 1578) (L. D. 1673) (S "A" S-335) (S. "B" S-341) which was tabled earlier in the day and later today assigned pending passage to be enacted. (Emergency)

The pending question is on passage to be enacted. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 104 voted in favor of same and 40 against, and accordingly the Bill was passed to be enacted and signed by the Speaker.

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

Mr. CONNOLLY: Mr. Speaker, having voted on the prevailing side, I now move reconsideration.

Up until this point in time, I have been voting, every time this bill has been before us, in support of the public advocate and today my vote was against the advocate because yesterday afternoon, or yesterday evening I guess it was, I attempted to offer an amendment that solved or attempted to solve the one serious problem that still remained with this piece of legislation; namely, the possibility that this bill, if it were to pass this session of the legislature, could be taken to the state law court, could be challenged and the possibility existed that the court could say, that yes, in fact, this bill is a competing measure and could then be placed on the ballot in competition with the initiated referendum that is scheduled to go to the voters in the Fall.

Representative Davies, on behalf of the committee and others who were advocating in support of the legislation, got up and tried to diffuse those arguments by reading and making references to an Attorney General's opinion that said that the possibility for that challenge, if it in fact did occur, succeeding was nil.

The amendment that I offered failed. In this morning's paper, there is a story that deals with the debate on the public advocate. The last two paragraphs of that story deal with remarks that the Attorney General makes about the very issue that was raised insofar as this bill being a competing measure. The article says, and I will read to you these last two sentences of the story in this morning's Portland Press Herald: Tierney said status of the public advocate's bill was less clear. He said that he didn't believe that the bill on its own is a competing measure but that it might be so considered by the courts because of the repeal provision — I



will read it again: "that it might be so considered by the courts because of the repeal provision." There is no doubt in my mind that someone, maybe not the utilities or maybe not the utilities upfront, is going to take this bill to the state law court and challenge it and try to have it placed on the ballot. In my opinion, the only reason that this legislation is before us at this time is in an attempt to diffuse and in an attempt to defeat the referendum.

There have been two categories, broad categories of people, that have been supporting this bill up to this point. There have been people like myself, most of the members of the Public Utilities Committee, Representative Davies and others, who sincerely believe, in my opinion, that the idea of a public advocate is a good idea. Then there is another category of people, people who, if you just asked them straight out, do you think that the idea of an advocate is a good one, would say no, they don't, but they are voting for it, or they are pushing for it like the utility companies and like the Governor's Office because their motive is to destroy and to defeat the referendum.

Again, I said there were two categories of people, people who support and believe in the idea of a public advocate and I think that that description holds true for most of the members of the Public Utilities Committee. But then there is this other category of people whose only motive in having this legislation passed is to defeat the referendum and they are going to try to do it in one of two ways. The first approach will be to take it to the law court. If the law court does, in fact, rule that it is a competing measure, then it goes on the ballot, and in November, as we all know now, there will be three questions, there will be the initiated referendum question, there will be this question, and then there will be the third one, none of the above. Whichever one of those three questions gets the most votes, that question will then go on another ballot to be placed before the voters the next year. That is the strategy of the utility companies and other people who do not believe in the idea of a public advocate but are supporting it because they fear with every bone in their body that the initiated referendum that is going to the voters in the Fall is going to pass, and I think their fear is well founded.

There were over 50,000 Maine registered voters who signed a petition between last November and January of this year to place the question of an elected public utilities commission before the voters this Fall. Those 50,000 signatures did not necessarily mean that those people supported the idea of an elected Public Utilities Commission but they thought it was proper that the issue be put before the voters clean, straightforward, with nothing else in the way for a vote.

Most of the people in this legislature have told me privately when we have discussed the issue that they don't like the idea of an elected Public Utilities Commission; I disagree with them. But most people seem to agree that that issue should stand out there on its own, that there shouldn't be anything else that gets in its way, but that, in my opinion, is the motive and the reason for some people in supporting and promoting this legislation.

If this bill passes in its present form, and it was, in my opinion, in a form that could pass that would resolve a lot of these questions, but if this bill passes now in its present form, I think that most of the public is going to say, it is politics as usual and politics in the sense that politicians are one step above used car salesmen, that the reason the politicians in Augusta passed the public advocate bill was in an attempt to diffuse and to defeat the referendum.

I believe that the initiated referendum process is a sacred process and one that we shouldn't tamper with. The fact that 50,000 people signed a petition should mean to us that question should go out and be allowed to stand

on its own, regardless of how you feel about an elected Public Utilities Commission.

It would seem to me that you would support the motion for reconsideration.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: In deference to my good friend Representative Connolly, every member of that committee made it practically a personal vendetta to ensure that this was not a competing measure. This bill stayed in that committee for many, many weeks, and if there was any idea that it was going to be a competing measure, then at that particular time we would have certainly known about it.

I think I know where this is all coming from, it is coming from an individual running up and down the halls bringing this up to the front now because it might be a good way to kill a good bill. I am telling you, there is somebody out there in the public that wants a public advocate. There were some people that came to the committee hearings that want it, not just public utilities and not just legislators, I am talking about common, ordinary citizens.

We have got a good bill, we have had a good bill, it was good in committee, it came out of the committee good, it is good now, it will remain good, and the if's, and's and but's about a competing measure, as far as I am concerned, that is exactly what it is, if's, and's and but's. It may rain today and, you know, maybe if we can get on with the business of the highway budget and a few other things instead of reconsidering something we already killed yesterday, maybe we will get out of here today.

I hope you vote against reconsideration; let's get on with some business that we have got to get on with.

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

Mr. CONNOLLY: Mr. Speaker, I appreciate the remarks of the Representative from Limestone, Mr. McKean.

I would like to pose just one question to him. Why is it that lobbyists for the utility industry are actively urging people to support this bill? Why are they asking people to support a public advocate?

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

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

Mr. DAVIES: Mr. Speaker, Ladies and Gentlemen of the House: In response to that, I think each of us may have an individual answer. My reason is that the utilities' reasons for wanting this bill is substantially different from mine, but the fact of the matter is, we both want this bill. The utilities, obviously, are afraid of the referendum. They would like to have a competing measure but I told them and the members of the committee have told them that we are adamantly opposed to a competing measure and we are convinced that in its form, with the opinion from the Attorney General and with a ruling from the law court on similar matters, that in its present form, it is not a competing measure. If it is challenged by the utilities or by any individual, the Attorney General will be going into court in support of the action that the legislature takes and he is absolutely one hundred percent convinced that it will not be a competing measure.

I would like to read to you an opinion from the Attorney General, which cites action of the law court. Back in 1947 was the only other time we have had a competing measure and that was a result of an action brought by a gentleman by the name of Dorsky, relating to the Right-to-Work issue that was before the voters at that time. The Attorney General's opinion, that was issued in May of 1979 in regards to the Uniform Property Tax has this section on Page 3 — "The only modification to the Dorsky deci-

sion has been on the subject of emergency legislation. Relying on the legislature's constitutional powers to enact such legislation under Article IV, Part III, Subsection XVI, the law court," not the Attorney General, "the law court in *McCaffery versus Gartley*, May, 1977, held that an emergency amendment to the Uniform Property Tax law would not be a competing measure with the initiated bill to repeal that law."

In the opinion that came from the Attorney General over the weekend, he says that as long as the emergency preamble is on this bill, the only thing that the law court could look at in case of a challenge by CMP or anybody else is the consistency of the emergency preamble. If that emergency preamble meets the standard that is established for emergency legislation, the court does not have the ability or the right to go any further.

If you will look at that bill, L.D. 1673, you can go over the emergency preamble, it states the conditions, it says:

Whereas, the decisions that are rendered by the PUC have a major impact on the using and consuming public; and whereas the Commission has pending before it several major proceedings; and whereas the using and consuming public requires full-time, consistent representation before the Commission; whereas the funding of groups that have performed advocacy functions, such as the Attorney General's Office in the past have had their budget cut back, there is a need for this." That meets the test of the Supreme Court, the court could go no further than to look at the emergency preamble in this case, the court would find, in the opinion of the Attorney General, in my opinion, I think in the opinion of other people who have read this ruling from the Attorney General, there is no way, given the form that the bill is in with the emergency preamble on it and language that was added in the other body, which is Senate Amendment S-341, which says this bill is not a competing measure. It is specifically in the language of the bill, the test of the emergency preamble is met. There is absolutely no way whatsoever that a challenge that would be made whether this is a competing measure or not can succeed in the law court.

We will have the Attorney General as our lawyer in court leading the fight to preserve the action the legislature takes in this matter, so the only question that seems to exist is whether or not this might be a competing measure.

In all other instances, it seems that Representative Connolly and I are in agreement that the public advocate is not a bad idea, that it is a good idea. His concern is that even if it is a good idea, it might be a competing measure. The Attorney General has said, the law court has ruled in similar cases, it would not be a competing measure.

I would urge you to reject the motion to reconsider. We have done what is right by the people, let's stand by it.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't care to get involved in the debate on a competing measure because I am not an attorney, never intended to be one, or practiced law on the side or anything at all, certainly not constitutional law, but I guess I do consider myself a little bit above a used car salesman here today and I know that many of you may be surprised that I did get up and change my vote. I understand it was not a roll call but, nevertheless, I had felt very strongly about one thing that that was, if we got close enough to enact the bill, that I would go along with it. I don't think anybody here really is very excited, there was a lot of concern about forming a new bureaucracy and having a whole bunch of people running around over there doing the same thing that someone else ought to be doing already.



I guess I look at the situation and the reality of it is that if we didn't have the votes to enact it as an emergency measure, it was my understanding that it was going to be enacted without the emergency clause on it and that the bill would become effective in September. I did not feel that I wanted to be what you might call an obstructionist for three months. It was going to be passed, we might as well pass it now and we might as well get on with the actions of having a public advocate in there.

I think the bill does have some merit from debates that I have heard and the people that I have talked to. There are people now that are serving in the Public Utilities Commission, the Attorney General's Office, that are acting as advocates, and this would simply put them in one office and I guess I don't have any problem with that.

To some of the comments that this is politics as usual and people will see through it, well, maybe they will and maybe they won't. I would like to think it is the legislature reacting to a situation that is similar to those that they had when we had a petition drive for the Uniform Property Tax. The legislature dealt with many issues when we were here in the 107th and the 108th Legislatures with the Uniform Property Tax. None of them were adequate to the people that were involved in that petition drive and subsequently we had a vote and the Uniform Property Tax was repealed. We did deal with issues related to the Uniform Property Tax, we did deal with issues that were brought to the legislature's attention through the initiative process. We did a similar thing this year with the indexing bill. This is another bill that we have dealt with, it is no doubt a reaction to the citizens' concerns out there to elect the Public Utilities Commission members.

While we have seen fit not to go along with that bill, we have, I would like to think, in our good conscience, reacted with a bill that does something that we hope will be of benefit to the people of the state and we can go home and say, we didn't like what you came in with but we did see some merits in another alternative. I would like to think that it is just, on the positive side, that we have reacted in a positive sense to the issues and the concerns that the general populace out there feel are of interest to them.

That is kind of the way I felt about the bill. I know maybe it is not satisfactory to those of you who voted on the other side, but I just, in good conscience, couldn't see holding up this thing from going into effect in September rather than in June, and I would hope we would vote against the motion to reconsider and then we could deal with some of the more important issues we have left in the last 12 hours of the day.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here very quietly for this last week not speaking because I wanted to see this session end and I hate to delay it any further, but I have a pure and simple reason for standing up today. I think a public advocate is the worst bill that could ever be put out to the public of the state of Maine: it is a hoax.

This is a ridiculous bill, you people have various reasons why you are voting for it. The preamble to the Public Utilities Commission is to serve the people, to help the people on their rates, and they have done an excellent job. Whether it is an elected PUC or not has nothing to do with this bill.

The important point is, when you have a public advocate, you have another section. If we don't have the right people in the PUC, we should put the right people in the PUC. If you elect people to the PUC, you probably will have higher rates, there are always going to be higher rates, there is nothing you can do about it.

This advocate will hold the thing up. Right

now, we have delays continually in the PUC. Sometimes these rate cases go six months. If you have an advocate in there, they may go a year. The money that the PUC has lost during that period of time will have another rate increase right on top of the previous rate increase and it is going to be another cost to the consumer.

The stockholders of the public utilities and the people who have invested in these public utilities, whether it be the telephone company or the Central Maine Power or anybody else, is guaranteed a return on their investment. I think the Central Maine Power is guaranteed 10 to 10 1/2 percent. So what are they going to do? They are going to end up in court, and you know how long it takes you to go through a court proceeding, so you are going to have one increase upon another increase upon another increase. You aren't going to help the public in the state of Maine, you are just going to cause problems.

This is ridiculous, and if the Central Maine Power people are for it, there must be a reason for it. The reasons have been well stated today, I don't have to state these reasons, you know what they are. I think it is a mistake and some of the people in my own party have asked us to vote for this and I hope that you do reconsider your vote and I hope that we do something that will help the people of the state and not put this thing upon them.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does is, it creates another watchdog to do something that is already being done. When I thought about this concept I looked in the old Legislative Record, and in that old record I found a quotation which I cannot resist bringing to you today. This is a quotation from Dr. Suess via the legislative record: "Oh, the jobs people work at. Out west near hotch-hotch, there's a hotch-hotch bee watcher. His job is to watch, to keep both his eyes on the lazy town bee, a bee that is watched will work harder, you see. Well, he watched and he watched but in spite of his watch, that bee didn't work any harder, not much. So then somebody said, our bee watching man just isn't bee watching as hard as he can. He ought to be watched by another hotch-hotcher. The thing that we need is a bee watcher watcher. Well, the bee watcher watcher, watched the bee watcher watcher and he didn't watch well, so another hotch-hotcher had to come in as a watch watcher. And today all the hotch-hotchers who live in Hotch-Hotch are watching the watch watcher watching watch, watch watching the watcher who is watching that bee; you are not a hotch-watcher you are lucky, you see."

Please vote for reconsideration so we can end this ridiculousness.

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

Mr. CONNOLLY: Mr. Speaker, I would like to request a roll call. I must admit that I feel somewhat uncomfortable finding myself on the same side as Representative Lewis and Representative Dillenback, but welcome.

I, too, hope that you will reconsider, but in response to Representative Davies arguments about the Attorney General's opinion, I must remind you again that in this morning's paper, the Attorney General did say in regard to the public advocate bill, "it might be considered a competing measure by the courts because of the repeal provision that is still in the bill."

I hope that you would vote for reconsideration.

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

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

ordered.

The SPEAKER: The Chair recognizes the gentleman from Bucksport, Mr. Swazey.

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: In reference to Representative Connolly's quoting the paper today, I have the Bangor Daily News and the front page here quotes: "Washington County's six member legislative delegation, which gained final approval Tuesday of a \$582,940 county budget for 1981, refused to grant a 7 percent salary increase to elected county officials but voted themselves 100 percent salary increases starting next year." This is on the front page of the Bangor Daily News today, so I wouldn't put too much faith in a newspaper article.

The SPEAKER: The Chair recognizes the gentleman from West Gardiner, Mr. Weymouth.

Mr. WEYMOUTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to bring to your attention that this was a unanimous decision by the Public Utilities Committee. We worked harder on this bill than probably the rest of them. I also would like to bring to your attention that this bill, along with deregulating the water districts, deregulating the sanitary districts, deregulating the transportation industry, we feel that it gives the Public Utilities a chance to really get at these big rate cases.

I urge you not to vote for reconsideration.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to support the reconsideration motion simply because every single major rate case that is going to be coming now or to the end of time is going to end up in the law court. The public advocate position and its office is just a guise to fool the public, or a PR position for the executive branch. That is simply all it is, and I would like to ask the members of the PUC committee just how many cases in the past year and a half have been in the law court to determine what a just and fair settlement was for the utilities, and are there any in the law court right now?

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

Mrs. KANY: Mr. Speaker, Members of the House: Please don't vote to reconsider. This was a unanimous committee report and people who spent a lot of time on this particular issue have come to the conclusion that this is a very adequate way to have the ratepayers represented at rate proceedings. Right now, our laws allow for an office of advocacy within the Department of Mental Health and Corrections so our prisoners have an advocate. Why can't we provide an advocate for the citizens of Maine on their very important electric utility bills?

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Waterville is perfectly well aware that the citizens of the State of Maine, the ratepayers, already have what I consider to be adequate representation in front of the PUC, they have adequate advocacy. We have heard how members of the PUC staff are assigned to represent the public, that during this assignment, they may not communicate with the commissioners in any way. We have heard that a couple of attorneys general are working in behalf of the ratepayers in these cases. I ask you, why do we need another advocate? Why do we have to set up another bureaucracy at this time?

This bill is just something that is being thrown to the people of Maine, it is a ruse. I am not afraid to let them vote on whether or not the PUC ought to be elected. I am not afraid of it. Remember that the people of Maine, a few years ago, refused to repeal the income tax.

When they learn the facts, when they hear the pros and cons, they are going to decide, I believe, that appointed commissioners are more advantageous to the ratepayers, so I urge you to vote for reconsideration and to dispatch this bill, to deep six it, it is a bad bill.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have voted for the public advocate all along, but I assure you that Representative Connolly is one of the most honest, sincere persons and a person that really works, a real public advocate, and I honestly believe that he knows what he is talking about. Representative Kelleher from Bangor, who served on the Public Utilities Committee for six years, I believe, and has served as chairman, he knows what he is talking about. I had a bad feeling in my stomach when the utility companies were pushing for this. Therefore, I hope we do reconsider and I hope you vote yes on reconsideration and defeat this bill.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Connolly, that the House reconsider its action whereby this Bill was passed to be enacted.

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

Mr. WALKER: Mr. Speaker, I wish to pair my vote with the gentleman from Biddeford, Mr. Racine. If he was here, he would be voting no and I would be voting yes.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Connolly, that the House reconsider its action whereby this Bill was passed to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopis, Armstrong, Baker, Beaulieu, Bell, Berube, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Connors, Connolly, Crowley, Curtis, Damren, Davis, Day, Dillenback, Dudley, Fitzgerald, Gavett, Gowen, Hanson, Hickey, Higgins, H. C.; Holloway, Jackson, Jordan, Kelleher, Kilcoyne, Lewis, Livesay, Locke, Masterton, McHenry, Michael, Mitchell, J.; Murphy, Nelson, A.; Paul, Peterson, Reeves, P.; Salsbury, Soule, Strout, Studley, Telow, Thompson, Tuttle, Webster.

NAY — Austin, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Carroll, Carter, Chonko, Clark, Conary, Cox, Cunningham, Davies, Dexter, Diamond, G. W.; Diamond, J. N.; Drinkwater, Erwin, Foster, Fowle, Gillis, Gwadosky, Hall, Hayden, Higgins, L. M.; Hobbins, Huber, Hunter, Hutchings, Ingraham, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lisnik, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; Masterman, Matthews, McCollister, McGowan, McKean, McPherson, McSweeney, Michaud, Mitchell, E. H.; Moholland, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Post, Pouliot, Prescott, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C. B.; Smith, C. W.; Soulas, Stevenson, Stover, Swazey, Tarbell, Treadwell, Twitchell, Vose, Wentworth, Weymouth.

ABSENT — Theriault, Mr. Speaker.

PAIRED — Racine-Walker.

Yes, 53; No, 93; Absent, 2; Paired, 2; Vacant, 1.

The SPEAKER: Fifty-three having voted in the affirmative and ninety-three in the negative, with two being absent and two paired, the motion to reconsider does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 12 were taken up out of order by

unanimous consent:

#### Non-Concurrent Matters

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (H. P. 1387) (L. D. 1564) which was Finally Passed in the House on May 13, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-356) in non-concurrence.

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

An Act to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes (H. P. 1486) (L. D. 1613) which was Passed to be Enacted in the House on May 26, 1981. (Having previously been passed to be engrossed as amended by Senate Amendment "A" (S-265) and House Amendments "B" (H-423) and "C" (H-430)

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-430) as amended by Senate Amendment "A" (S-357) thereto and House Amendment "B" (H-423) and Senate Amendment "A" (S-265) in non-concurrence.

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

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

#### Non-Concurrent Matters

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) which was passed to be Enacted in the House on May 22, 1981.

Came from the Senate passed to be Engrossed as amended by Senate Amendment "A" (S-358) in non-concurrence.

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

An Act Concerning the Protection of Incapacitated and Dependent Adults (S. P. 630) (L. D. 1639) which was passed to be Enacted in the House on May 28, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-359) in non-concurrence.

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

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

#### Non-Concurrent Matters

An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children (S. P. 642) (L. D. 1662) which was passed to be Enacted in the House on June 3, 1981. (Having previously been passed to be engrossed as amended by Senate Amendment "A" (S-301).

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-301) as amended by Senate Amendment "B" (S-360) thereto in non-concurrence.

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

#### Later Today Assigned

An Act Authorizing a Bond Issue in the Amount of \$29,300,000 for the Purposes of Fostering Agricultural and Economic Development in the State of Maine (Bond Issue) (S. P. 488) (L. D. 1428) which was Passed to be Enacted in the House on June 3, 1981. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-297) as amended by House Amendment "A" (H-508) thereto.

Came from the Senate passed to be engrossed as amended by Committee Amend-

ment "A" (S-297) as amended by Senate Amendment "A" (S-365) thereto in non-concurrence.

In the House: On motion of Mr. Pearson of Old Town, tabled pending further consideration and later today assigned.

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

June 10, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th 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 Concerning Workers' Compensation Cost Containment," (H. P. 502) (L. D. 553).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

June 10, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th Maine Legislature

State House

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action on Bill, "An Act Relating to Attorney's Fees Under the Workers' Compensation Law," (H. P. 565) (L. D. 641)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

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

#### Non-Concurrent Matters

Bill "An Act to Revise the Method for Paying Permanent Impairment Benefits under the Workers' Compensation Act" (H. P. 878) (L. D. 1047) on which the Majority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on June 9, 1981.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Labor read and accepted and the Bill Passed to be Engrossed in non-concurrence.

In the House:

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

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

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

Miss LEWIS: Mr. Speaker, I move that the House recede and concur.

Mrs. Beaulieu of Portland requested a roll call.

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

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

The SPEAKER: The pending question is on

the motion of the gentlewoman from Auburn, Miss Lewis, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

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

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; Matthew, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Strout, Swazey, Thompson, Treadwell, Tuttle, Vose, The Speaker.

ABSENT — Carter, Racine, Theriault.

Yes, 63; No, 84; Absent, 3; Vacant, 1.

The SPEAKER: Sixty-three having voted in the affirmative and eighty-four in the negative, with three being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Later Today Assigned

Bill, "An Act Authorizing Reasonable Fees for Nonresident Users of Public Libraries" (H. P. 548) (L. D. 624) (C. "A" H-415) which was Passed to be Enacted in the House on May 22, 1981.

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

In the House:

Mr. Connolly of Portland moved that the House adhere.

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

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

The following Communication:

#### The Senate of Maine Augusta

June 10, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Maine Legislature  
State House  
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 Concerning Workers' Compensation Cost Containment" (H. P. 502) (L. D. 553).

Senators:

SEWALL of Lincoln  
SUTTON of Oxford  
BROWN of Washington

Respectfully,

MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

Reference was made to (H. P. 502) (L. D. 553) Bill, "An Act Concerning Workers' Compensation Cost Containment"

In reference to the action of the House on June 9, whereby it insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as conferees:

MITCHELL of Vassalboro  
DIAMOND of Windham  
HIGGINS of Scarborough

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

#### Non-Concurrent Matter Later Today Assigned

Bill, "An Act to Amend the Workers' Compensation Law" (H. P. 685) (L. D. 799) which was passed to be engrossed as amended by House Amendment "A" (H-516) in the House on June 2, 1981.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-516) as amended by Senate Amendment "A" (S-328) thereto in non-concurrence.

In the House:

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: The Senate Amendment (S-328) which was added to this bill in the other body was a former bill, I think it was L. D. 645, and it was finally rejected by "leave to withdraw" and I guess it is in violation of the Joint Rules because it was a prior measure that was finally rejected. So I suggest we take what we can get with this bill and our House Amendment, and I therefore move that we adhere.

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

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

On motion of Mr. Conary of Oakland, tabled pending his motion to recede and concur and later today assigned.

#### Non-Concurrent Matter

Bill "An Act to Provide that Merit Increases for State Employees will Only be Awarded for Job Performance that is Meritorious" (H. P. 714) (L. D. 839) on which the Majority "Ought Not to Pass" Report of the Committee on State Government was read and accepted in the House on April 14, 1981.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on State Government read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

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

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

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

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

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

Mr. DIAMOND: Mr. Speaker and Members of the House: This matter was dealt with by the House on April 14 and went down to a sound defeat. The title of the Bill, "An Act to Provide that Merit Increases for State Employees will Only be Awarded for Job Performance that is Meritorious" sure sounds like motherhood and apple pie, but in fact it is none of the above. It is a bill that very clearly deals with the collective bargaining process and was opposed by both management and the MSEA at the public

hearing. The matter that it attempts to deal with is really the longevity step increases that are currently in effect and it attempts to make them based on meritorious performance. Well, that is not the intent of the step increase now. The provision now says that it must be based on satisfactory performance.

The Commissioner of Personnel at the hearing said that a merit system could be brought in and he even said he would support a merit system, but that would not deal with the problem that the good lady from Cape Elizabeth would like to address.

If we put in a system dealing with merit increases, we would probably have to do so on top of that, and the most appropriate way to deal with this matter would be at the bargaining table. So I would ask you to oppose the motion to recede and concur.

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

Mrs. MASTERTON: Mr. Speaker and Members of the House: I guess I will repeat what I said in April, and that is, ladies and gentlemen, if we have a merit system, let's make the system based on merit.

If this legislature is interested in containing the cost of ever-increasing salaries unrelated to meritorious performance, then we ought to vote to recede and concur with the other body on this measure, and I would like to ask for a division.

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

Mrs. KANY: Mr. Speaker and Members of the House: We did have a little debate on this in April. This bill has been tabled unassigned in the other body since that time, and at that time you resoundingly defeated this bill, which the majority of the State Government Committee, a bipartisan majority, I might add, wanted to defeat it because it simply is not a problem solver, even though the intent is meritorious. The problem is, with our step increases, we only have 55.2 percent of our state employees eligible for a next step, and this particular bill would only apply to a little over a majority of our state employees and would, indeed, not solve the morale problem that exists. We would not be providing merit pay increases for people, and we would be leaving out almost 45 percent of our employees.

I urge you to vote against the recede and concur motion and then adhere.

The SPEAKER: The pending question is on the motion of the gentlewoman from Cape Elizabeth, Mrs. Masterton, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tarbell of Bangor 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 Cape Elizabeth, Mrs. Masterton, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Drinkwater, Dudley, Gavett, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterton, Matthews, McCollister, McPherson, Murphy, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Paul, Per-

kings, Peterson, Randall, Salsbury, Sherburne, Small, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

NAY — Armstrong, Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Carrier, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Erwin, Fitzgerald, Foster, Fowlie, Gillis, Gwadosky, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.; Martin, H. C.; Masterman, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.; Pearson, Perry, Pouliot, Prescott, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Stevenson, Strout, Swazey, Tuttle, Twitchell, Vose, Webster, The Speaker.

ABSENT — Austin, Carroll, Hall, Mahany, Post, Racine, Smith, C. W.; Theriault, Thompson.

Yes, 57; No, 84; Absent, 3; Vacant, 1.

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

Thereupon, on motion of Mr. Diamond of Bangor, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

The following Communication:

THE SENATE OF MAINE  
AUGUSTA

June 10, 1981

The Honorable Edwin H. Pert  
Clerk of the House  
110th Maine Legislature  
State House

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act Concerning Homestead Tax Relief," (H. P. 1307) (L. D. 1512).

Respectfully,  
MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

SENATE DIVIDED REPORT — Report "A" (6) "Ought to Pass" in New Draft (S. P. 621) (L. D. 1626) - Report "B" (4) "Ought to Pass" in New Draft (S. P. 622) (L. D. 1627) - Report "C" (1) "Ought Not to Pass" Committee on Labor on Bill, "An Act to Establish a Direct Payment System under the Workers' Compensation Law" (S. P. 218) (L. D. 605) - In Senate, Report "B" Accepted and Bill Passed to be Engrossed.

Tabled — May 26 by Representative Mitchell of Vassalboro.

Pending — Acceptance of Any Report.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: In disposing of this matter, we are also disposing of two other bills, L. D. 1626 and L. D. 1627, which were new drafts which attempted to deal with this issue of direct pay. By mutual agreement, we have decided this bill is no longer appropriate at this time, and I move indefinite postponement.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, the Bill and all accompanying papers were indefinitely postponed.

by unanimous consent, ordered sent forthwith to the Senate.

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

**Emergency Measure**

An Act to Establish Temporary Minimum Prices to be Paid to Milk Dealers and Retailers and to Facilitate Compliance of the Milk Commission with Recent Cases before the Maine Courts (H. P. 1660) (L. D. 1688)

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

On motion of Mr. Mahany of Easton, under suspension of the rules, the House reconsidered its action whereby the bill was passed to be engrossed.

The same gentleman offered House Amendment "B" under suspension of the rules and moved its adoption.

House Amendment "B" (H-566) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I appreciate your patience in hearing Mr. Pert read the entire amendment. I was also waiting for my copy because I didn't have one either, but it is extremely important that we understand what the amendment does.

You are all very familiar with the issue before you; I will not go into those details of the importance of why we are dealing with an emergency situation in our dairy industry. However, the original bill that was let in by Council yesterday, upon further examination, was not satisfactory to many of us because it was a two-tiered system. It gave the commission six months in which to establish an order which was in compliance with the court order, the prices, the lowest efficient price possible. It gave an additional six months, or a total of a year, in order to have all the books in perfect accounting order.

Many of us here who supported the commission, or many who did not support the commission but who felt this was valuable legislation, felt that the important thing to do was to pass emergency legislation. We hope that will give the commission ample time to comply with all the components of the court order.

The amendment also made clear that this does not apply to areas of the state which are not currently under the jurisdiction of the milk commission. It corrects an error in referral to a court case also, so there are three parts to the amendment. It makes the commission be in total compliance in six months. It corrects a reference to a court case, and it makes clear that this does not apply to areas of the state which are not under the jurisdiction of the milk commission.

I urge the adoption of this amendment.

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

Mr. KELLEHER: Mr. Speaker, I have no intention of debating this bill at this time, but I do take issue with my good floor leader when she describes this to be such a dire emergency. We are simply circumventing the court, and I am sure that when it comes up for enactment, each of us are going to have an opportunity to describe how we feel about this horrendous piece of legislation at this time.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I certainly expect to hear many arguments about what Mr. Kelleher brought up, but I think no matter how you feel about it, this is a very good amendment, and I urge you to put it on.

Thereupon, House Amendment "B" was adopted.

The Bill was passed to be engrossed as amended by House Amendment "B" in non-

concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Remove the Customer Charge from Electric Utility Rate Structures" (S. P. 654) (L. D. 1679)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, the Bill was referred to the Committee on Public Utilities in concurrence.

By unanimous consent, ordered sent forthwith.

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

**Non-Concurrent Matters**

Bill, "An Act Concerning the Size of Exempt Lots under the Subdivision Laws" (S. P. 141) (L. D. 312) on which the Committee of Conference Report was read and accepted and the Bill passed to be engrossed as amended by Committee of Conference Amendment "B" (H-559) in the House on June 10, 1981.

Came from the Senate with the Committee of Conference Report read and rejected in non-concurrence.

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

Bill, "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law" (S. P. 51) (L. D. 60) on which the Committee of Conference Report was read and accepted and the bill passed to be engrossed as amended by Committee of Conference Amendment "B" (H-560) in the House on June 10, 1981.

Came from the Senate with the Committee of Conference Report read and rejected in non-concurrence.

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

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

**Passed to Be Enacted  
Bond Issue**

An Act to Authorize Bond Issues up to the Amount of \$5,100,000 for Energy Conservation Improvements for State-owned Buildings, Completion of State of Maine Park Facilities and Equipment Replacement for the Maine Public Broadcasting Network in the State of Maine (H. P. 1550) (L. D. 1663) (H. "A" H-528)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of all those present and voting being necessary, a total was taken. 97 voted in favor of same and 18 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act to Authorize a Self-Liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility (H. P. 1216) (L. D. 1445) (H. "A" H-540)

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. (Later Reconsidered)

**(Off Record Remarks)**

On motion of Mr. Lisnik of Presque Isle, Recessed until two-thirty in the afternoon.

**After Recess  
2:30 p.m.**

The House was called to order by the Speak-

er.

The following papers appearing on Supplement No. 25 were taken up out of order by unanimous consent:

#### Passed to Be Enacted

An Act to Establish a Statewide Cancer-Incidence Registry (H. P. 807) (L. D. 967) (S. "A" S-348 to C. "A" H-378)

An Act to Create an Environmental Health Program (H. P. 804) (L. D. 914)

An Act to Increase the Mileage Reimbursement Payment for Jurors (H. P. 348) (L. D. 396) (S. "A" S-343)

An Act to Provide one Additional Judgeship for the District Court (S. P. 158) (L. D. 366) (S. "A" S-342 to C. "A" S-223)

An Act in Support of Regional Library Systems (S. P. 308) (L. D. 864) (S. "A" S-346)

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

By unanimous consent, ordered sent forthwith.

An Act to Create a Department of Corrections (S. P. 376) (L. D. 1134) (S. "A" S-35 to C. "A" S-115)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. Pursuant to the Constitution, Part First of Article V, Section VIII, as amended, a two-thirds vote of the members and voting being necessary, a total was taken, 96 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Improve the Community Industrial Building Program (S. P. 401) (L. D. 1193) (S. "A" S-351 to C. "A" S-196)

An Act Relating to Law Libraries (S. P. 562) (L. D. 1532) (S. "B" S-355 to S. "A" S-271)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 26 were taken up out of order by unanimous consent:

#### Passed to Be Enacted

An Act to Create a Lake Restoration and Protection Financial Aid Program (H. P. 551) (L. D. 627) (S. "A" S-344)

An Act Covering Cost-of-Living Increases for Teachers (H. P. 918) (L. D. 1089) (S. "A" S-349)

An Act Relating to Burial Expenses for Veterans (H. P. 1104) (L. D. 1309) (S. "A" S-352 to H. "A" H-268)

An Act to Authorize the Department of Environmental Protection to Provide Technical Assistance to Municipalities and other Quasi-municipal Entities Regarding Solid Waste Management (S. P. 475) (L. D. 1358) (S. "A" S-353 to C. "A" S-206)

An Act Making Appropriations from the General Fund for Operations of the Seed Potato Board (S. P. 517) (L. D. 1439) (S. "A" S-354 to C. "A" S-233)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 28 were taken up out of order by unanimous consent:

#### Finally Passed

#### Emergency Measure

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (H. P. 1387) (L. D. 1564) (S. "A" S-356)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken, 118 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Passed to Be Enacted

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) (S. "A" S-358)

An Act Concerning the Protection of Incapacitated and Dependent Adults (S. P. 630) (L. D. 1639) (S. "A" S-359)

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

By unanimous consent, ordered sent forthwith.

An Act to Continue the Maine Turnpike Authority (S. P. 650) (L. D. 1676) (H. "B" H-548; H. "C" H-551)

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

Mr. LaPlante of Sabattus 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 passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, A.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Cox, Crowley, Cunningham, Damren, Davies, Davis, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Higgins, H. C.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Masterton, Matthews, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E. H.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Peterson, Post, Prescott, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Rolde, Salisbury, Sherburne, Small, Smith, C. B.; Soulas, Soule, Stover, Studley, Swazey, Tarbell, Thompson, Treadwell, Tuttle, Twitcheall, Vose, Walker, Webster, Wentworth, Weymouth.

NAY — Berube, Brodeur, Brown, D.; Brown, K. L.; Connors, Connolly, Curtis, Day, Drinkwater, Higgins, L. M.; Hunter, LaPlante, Lewis, Lund, Martin, H. C.; Masterman, McCollister, Mitchell, J.; Paul, Pouliot, Roberts, Smith, C. W.; Stevenson, Strout, Telow. The Speaker.

ABSENT — Carroll, Dudley, Hickey, Man-

ning, Racine, Theriault.

Yes, 118; No, 26; Absent, 6; Vacant, 1.

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

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following papers appearing on Supplement No. 30 were taken up out of order by unanimous consent:

#### Passed to Be Enacted

An Act to Establish and Coordinate Training, Education and Employment Programs for Recipients of Aid to Families with Dependent Children (S. P. 642) (L. D. 1662) (S. "B" S-360 to S. "A" S-301)

An Act to Establish a Hazardous Waste Response Fund and to Facilitate the Development of Needed Waste Facilities (S. P. 661) (L. D. 1685) (S. "A" S-332)

An Act Relating to and Increasing the Appropriation of Funds for Assistant District Attorneys (H. P. 560) (L. D. 634) (S. "A" S-345 to C. "A" H-335)

An Act to Promote the Maine Potato Industry by Improving the Quality of Packing and Marketing Maine Potatoes (H. P. 1486) (L. D. 1613) (S. "A" S-357 to H. "C" H-430; S. "A" S-265; H. "B" H-423)

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

By unanimous consent, ordered sent forthwith.

By unanimous consent, the Chair laid before the House the sixth item of Unfinished Business:

An Act to Restructure the Public Utilities Commission (Emergency) (S. P. 637) (L. D. 1652) (H. "A" H-533)

Tabled — June 9 (Till Later Today) by Representative Davies of Orono.

Pending — Passage to be Enacted.

On motion of Mr. Davies of Orono, was committed to the Committee on Public Utilities in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 27 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

An Act to Create an Appellate Division of the Workers' Compensation Commission (H. P. 1252) (L. D. 1476) which was passed to be Enacted in the House on June 9, 1981. (Having previously been passed to be engrossed as amended by House Amendment "A" (H-514)

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-514) as amended by Senate Amendments "A" (S-326) and "B" (S-366) thereto in non-concurrence.

In the House:

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

Mrs. HUBER: Mr. Speaker and Members of the House: I apologize, but having seen the Senate Amendment with a price tag for thirty or forty thousand dollars a year, I really would appreciate some member of the committee speaking to this measure, because, as I recall, it does create an appeals process which clearly will be compelling for both sides used. My question is, isn't this bound to grow and cost us more money, and is it worth it?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from



Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the packages that came out of the bipartisan leadership committee concerning workers' comp. This involves the funding of a data study so that we can pick up some reliable statistical information regarding workers' comp in Maine. It creates the appellate division, which will be very helpful to relieve much of the burden on the law court, and it also involves the problem and the process to speed up and expedite the exchange of medical information amongst doctors and attorneys and insurers. We feel this is critically important, very vital to the activities of the workers' comp commission to help speed up the processes so that when claims are filed, these kinds of things can be handled easily, surely and quickly, and that is bound to result in savings for the employers and to assist the employees in filing their claims.

It also adds to the commission — right now we have two part-time commissioners and we will be expanding the commission. That, too, is bound to help in the expediting of the claims in our state.

The money, in my opinion, is very minimal, very critical, and we feel that this is one package that is well deserving of passage. We explained it very carefully, I believe, in both caucuses as well as on the floor of the House. I don't think it is going to cost much more in the future, it will save money.

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

#### House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 31 was taken up out of order by unanimous consent:

#### Passed to be Enacted

An Act Promoting Alcoholism Prevention, Education, Treatment and Research (H. P. 1540) (L. D. 1655) (H. "A" H-558)

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

Mr. Kelleher of Bangor requested a roll call vote on passage to be enacted.

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

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

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

#### ROLL CALL

YEA — Austin, Baker, Beaulieu, Bell, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Cahill, Callahan, Carroll, Chonko, Clark, Conary, Cox, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowle, Gillis, Gowen, Gwadosky, Hanson, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbs, Holloway, Hunter, Hutchings, Ingraham, Jacques, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.;

Paul, Pearson, Perkins, Perry, Post, Pouliot, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Wentworth, Weymouth, The Speaker.

NAY — Aloupis, Armstrong, Berube, Brown, K.L.; Carter, Connors, Gavett, Hall, Hickey, Jackson, Jalbert, Kelleher, Lewis, Masterton, McPherson, Peterson, Prescott, Studley, Webster.

ABSENT — Carrier, Connolly, Dudley, Huber, Lancaster, Racine, Reeves, P.; Theriault.

Yes, 123; No, 19; Absent, 8; Vacant, 1.

The SPEAKER: One hundred twenty-three having voted in the affirmative and nineteen in the negative, with eight being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

#### House at Ease

Called to order by the Speaker.

The following paper appearing on Supplement No. 38 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Establish Temporary Minimum Prices to be Paid to Milk Dealers and Retailers and to Facilitate Compliance of the Milk Commission with Recent Cases before the Maine Courts." (Emergency) (H. P. 1660) (L. D. 1688) which was Passed to be Engrossed as amended by House Amendment "B" (H-566) in the House on June 10, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-368) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

The following papers appearing on Supplement No. 29 were taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill, "An Act to Add a Class Size Adjustment to the School Finance Act" (H. P. 1176) (L. D. 1400) (Com. of Conf. Amendment "A" (H-542) which was Passed to be Enacted in the House on June 10, 1981.

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

In the House: The House voted to adhere.

#### Special Sentiment Calendar

Recognizing:

Ronald G. Thurston, of West Gray, member of Boy Scout Troop 86, upon attaining the high rank and distinction of Eagle Scout; (S. P. 686)

There being no objections, the above item was considered passed in concurrence.

The following paper appearing on Supplement No. 34 was taken up out of order by unanimous consent:

The following Joint Resolution: (S. P. 685)

#### JOINT RESOLUTION EXPRESSING SUPPORT FOR THE ADOPTION OF AN INFANT FORMULA MARKETING CODE

WHEREAS, a code of marketing practices for infant formula companies was recently proposed to the member nations of the World Health Assembly; and

WHEREAS, almost all of the member nations of the Assembly, except the United States, have upheld the code; and

WHEREAS, this code would be a purely advisory code rather than a treaty or other interna-

tional obligation, and would not place any internal limitations on the United States; and

WHEREAS, this code is intended to support the governments of poorer nations in their efforts to protect their people against misleading advertising and other practices which may tend to induce women to abandon breast-feeding in favor of the use of infant formula even in circumstances where the use of formula may be inadvisable, unsanitary or inappropriate; and

WHEREAS, the approval of such a code by the United States is necessary in order to promote world concern for the nutritional well-being and health of infants throughout the world; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 110th Maine Legislature, in First Regular Session now assembled, take this opportunity to express our support for the adoption of an infant formula marketing code.

Came from the Senate read and adopted.

In the House, the Resolution was read.

Thereupon, the rules were suspended.

Mr. Jackson of Yarmouth requested a vote on adoption.

The SPEAKER: The pending question is on adoption in concurrence. All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 52 having voted in the negative, the Resolution was adopted in concurrence.

The following paper appearing on Supplement No. 35 was taken up out of order by unanimous consent:

On motion of Representative Higgins of Portland and the following Joint Order (H. P. 1677) (Cosponsor: Representatives Brown of Bethel, Murphy of Kennebunk and Senator Conley of Cumberland)

WHEREAS, many municipalities in Maine are experiencing serious financial difficulties due to inflation and decreasing revenue sources; and

WHEREAS, state and federal program cuts and decreased revenue sharing promise to further diminish municipal revenue sources; and

WHEREAS, current municipal revenue sources, primarily the property tax, appear to be inadequate to meet future municipal funding needs; and

WHEREAS, serious consideration must be given to providing adequate municipal revenues to ensure the continuation of necessary services; now, therefore, be it

ORDERED, the Senate concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Taxation shall study the future of municipal revenue sources and determine whether legislation should be introduced which would identify potential alternative sources and alleviate the condition of municipal funding; and be it further

ORDERED, that the committee report its findings and recommendations, together with all necessary implementing legislation in accordance with the Joint Rules, to the Legislative Council for submission in final form at the Second Regular Session of the 110th Legislature; and be it further

ORDERED, that the Legislative Council, before implementing this study and determining an appropriate level of funding, shall first ensure that this directive can be accomplished within the limits of available resources, that it is combined with other initiatives similar in scope to avoid duplication and that its purpose is within the best interests of the State; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

Under suspension of the rules, the Order was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the first orders to be presented to the floor that was not let in by the Legislative Council. I just want to explain to the House the reasons why, and I guess the basic reason is that the legislature, or at least members of leadership that dealt with this issue felt that the Maine Municipal Association and a great number of other organizations who were concerned with local property taxes were probably in a much better position to deal with this issue. The issues that the taxation committee dealt with this session are clear, the alternatives were clear, and I think we felt, as members of leadership, that this piece of legislation, or the order, was really unnecessary for the taxation committee to be dealing with, and Mr. Speaker, I would ask for a division on passage of the order.

The SPEAKER: A vote has been requested. All those in favor of this Order receiving passage will vote yes; those opposed will vote no. A vote of the House was taken.

66 having voted in the affirmative and 62 having voted in the negative, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

The following paper appearing on Supplement No. 36 was taken up out of order by unanimous consent:

#### Leave to Withdraw

Representative Ingraham from the Committee on Taxation on Bill "An Act Relating to Motor Fuel Taxes" (Emergency) (H. P. 811) (L. D. 937) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

The following paper appearing on Supplement No. 37 was taken up out of order by unanimous consent:

The following Communication:

#### Committee on Taxation

June 10, 1981

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

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

Bills received in Committee 174

Unanimous Reports 164

Ought to Pass 7

Ought to Pass as Amended 30

Ought to Pass in New Draft 2

Ought Not to Pass 43

Leave to Withdraw 81

Referred to Another Committee 1

Divided Reports 9

Bills held in Committee 1

Respectfully,  
BONNIE POST  
House Chairman

The Communication was read and ordered placed on file.

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

#### Non-Concurrent Matter

Bill "An Act to Fund the Highway Allocation Act for Fiscal Years 1981-82 and 1982-83." (Emergency) (H. P. 1653) (L. D. 1690) on which the Majority "Ought to Pass" Pursuant to Joint Order (H. P. 1619) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed in the House on

June 9, 1981.

Came from the Senate with the Majority "Ought to Pass" pursuant to Joint Order (H. P. 1619) Report read and accepted and Bill "An Act to Create a Fuel Efficiency Adjustment Program and Other Highway Revenue Adjustments" (H. P. 1652) (L. D. 1689) (Emergency) passed to be engrossed as amended by Senate Amendment "A" (S-363) in non-concurrence.

In the House:

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

Mrs. POST: Mr. Speaker, I move that we adhere.

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

Mr. HIGGINS: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves that the House recede and concur.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I hope that you will vote against the motion to recede and concur so we then can vote for the motion to adhere, which will reinforce the vote that this body took last night and that the State of Maine does not need a gas tax, it is not necessary to have a gas tax to fund the highway system, and that we can make cuts in the allocation act and make fee increases and money from the General Fund to help support the state police, we can make do with what we have and we do not have to force upon the people of Maine a gas tax increase.

You may have seen the Senate Amendment that has come back. It has made some changes, but the primary issue remains the same. It is a gas tax increase, it will be two cents for the next biennium, and then it will be put into place where the automatic increases will come as cars become fuel efficient.

Many people think we are only dealing with a gas tax of 2 cents and it will be no more than that. That is not the way the Senate Amendment works. The 2 percent this biennium and then, again, we will put into motion the automatic gas tax increases that the people of the State of Maine will have to pay without this body ever taking a vote.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This measure before us is improved over the measure that we voted on last night in that it would place the fuel adjustment economy tax into place as of July 1 of this summer, at the beginning of our fiscal year, so that we start to pick up the out-of-staters coming into our state over the course of this summer and have them help contribute 20 percent of the gas tax revenues to our highways for their use of our highways, it is their user fee, so that we don't place the entire burden onto the backs of the people of the State of Maine.

By placing that measure in place as of July 1, this summer, it enables us, in the Senate Amendment, to cut or delete from our version of the bill approximately \$3.2 million in drivers' license fee increases that only Maine citizens would pay, another \$1.9 million would be deleted from increases in truck registration fees that were also placed in the bill. That would be a fee decrease from the bill, or a deletion of fee increases, in the neighborhood of \$5.1 million. Those are fee increases that only Maine citizens would pay, and we are able to do that by having this measure take effect as of July 1.

I would like to address this gas tax issue and explain to you basically how I think it works.

Back in 1975 and 1978, the gasoline tax that we had at 9 cents per gallon was raising for revenues for our highways around \$55 million a year. Today, it is only raising \$45 million a year. So our 9 cent gas tax is raising \$10 million

less, which is a 2 cent gas tax decrease on the average statewide that has occurred in the state. Even though people are still using the roads to the extent they were then, we have declining, deflating revenues in our highway department. That is what is precipitating the problem of raising enough revenues to fund our highways.

What this measure would do is, it would bring us back to 1975 or 1978 of \$55 million and it would keep us there at a constant revenue level of around \$55 million a year.

To give you a hypothetical example, the average Maine citizen, I guess, drives say 10,000 miles a year. The average vehicle is around 17 miles per gallon. They use, in essence, 600 gallons of gasoline. Several years ago, they were paying \$66 in gas tax to drive those 10,000 miles to use that 600 gallons worth of gasoline; today they are only paying \$54 gas tax to drive the 10,000 miles, so Maine citizens are paying less in gas tax revenues today than they were before.

What this measure in effect would do is, it would bring us back to the 1975 or 1978 revenue levels of \$55 million raised by the gas tax and it would keep it there. The revenues would not increase, they would remain the same, so if you drove 10,000 miles a year, then you would pay the same amount to drive each mile each year.

The other thing that I would like to raise that we didn't raise last night, in the version that Mrs. Post is asking you to support on her motion that she wants to get to adhere, is a \$1 million cut in the block grant program that goes to rural areas. In Aroostook County alone, out of that \$1 million cut, 20 percent comes out of Aroostook County in its rural area. It is at least two to three times more than any other county in the state and it will be the rural areas that bear that reduction.

I guess the key point that I want to make is that this stabilizes and raises constant dollars of gas tax revenues fixed around \$55 million a year, to give us \$110 million for a biennium of revenues that we can count on coming in.

Now, as inflation increases, we are still going to have problems with our highway department because we are still going to have to raise additional revenues. The gasoline tax won't raise additional revenues, it will just keep the revenues at a constant, stable figure. If you go out and you purchase a more fuel efficient car, you will wind up paying less in terms of your personal gas tax revenues into the state of Maine, but the average will be around .06 cents per gallon for every vehicle driving in the state of Maine per mile that we drive. It is a user fee, a user tax. For every mile that you drive, you will pay a fixed rate in revenues to cover the maintenance in road repair. It will not continue to increase in terms of revenues that it brings into the state. I think that is the misunderstanding that many people have been operating under.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: It is quite fortunate that consistency is not a necessity among legislators, because in the speech that I just heard, I heard us being urged to vote for a tax which we no longer have to vote for because it simply goes up as the economy and fuel efficiency goes up in cars. The same legislator asked us to vote for, as has been pointed out, two or three weeks ago, to get away from that in our income tax because that is also a tax that goes up and it stabilizes our spending on the state level, but we should be asked to vote that each year and that is a terribly inconsistent argument, but I suppose that is unimportant. The important thing is that 93 members of this body said yesterday, no thank you to a gas tax, a gas tax is a gas tax and the vote is there again, I cannot understand why we are wasting time on the last day of the session.

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



Mrs. POST: Mr. Speaker, Men and Women of the House: I would thank the gentleman from Bangor for explaining the bill to us. The problem is, that it is not exactly the way it works.

It is not a fee per mile according to how much any individual drives. I drive the same car now that I did in 1975. It probably gets a little bit worse gas mileage, as those things tend to happen to cars when they are that old. I am not getting any better gas mileage, but under this bill, even though the fuel efficiency of my car has not gone up, I will pay 2 cents per gallon. It is not 2 cents per mile, it is not .6 per mile, for every gallon of gasoline that I put in my car, I will pay 2 cents a gallon more.

The fuel efficiency of trucks is not going to go up at the same rate as passenger cars go up in the future, and even though the fuel efficiency of trucks may continue to stay stable at about 4.2 miles per gallon, they won't pay a certain amount per mile. For every gallon of gasoline they put in their tanks, they will pay an increase in taxes of 2 cents, and in the future, in the next biennium, that tax will automatically go up.

It is not a per mile figure that an individual pays, and I am not really concerned as far as the fuel efficiency of cars, genuinely speaking, on the average, I think what we need to deal with is what comes out of people's pocket-books, and it is going to be 2 cents a gallon more, that is it. I don't care what you call it, that is how the system works.

A discussion was made that what will happen is that revenues will remain stable. The revenues that will come in in the next two years at 2 cents a gallon will depend upon how much gasoline is used, nothing else. You can figure the number of gallons of gasoline that will come in, you consider 2 cents a gallon tax, that will determine the revenues. Those revenues in the next two years may go up, they may go down. The system will not necessarily keep revenues stable.

The other point that I think we have to make is look very carefully at what is in front of us that we are dealing with today. We are not dealing in this vote that we make in either recede or concur or whether we adhere to any amendment of the allocation act. We are not voting here today whether we make any reduction, or at least in our committee amendment and I believe in the Senate Amendment also, that we make any reductions in administration, in summer maintenance, winter maintenance, in traffic control or even in the town block grant program, that is not before us today. We are not voting today on whether we will have \$11 million or \$12 million in the program for towns. That vote will come with amendments that will be presented by both sides to the highway allocation act.

There is presently before us, I believe, it has been distributed on your desks one amendment, which does, in fact, return the amount of money in the block grant program to the level that Maine Municipal accepted. It also makes some other cuts. That is one choice that we will have once we get past this issue.

Another choice that we will have when we get past this issue, is we decide that we don't want to take that million dollars out of the block grant program and we want to continue to go with the 2750, another choice that we could have, I believe there will be another amendment that will be distributed later on this afternoon to take all of the cuts out of other parts of the Transportation Department. We are not voting here today on reductions on the Highway Allocation Act. We are voting on whether we are going to have a gas tax increase or whether we are going to try to absorb some of our needs through having the General Fund accept more of state police and some registration fee increases, we are not voting on any Highway Allocation changes.

I would therefore ask you, on the basis of whether you want to have a gas tax increase or

not, to say no, vote against the motion to recede and concur and then we can vote on the motion to adhere.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the Representative from Owl's Head, Mrs. Post, you are absolutely correct. What we are debating here today is not the allocation, but I would remind you that I would rather vote for a 2 cent increase in the gas tax than a 10 percent a year increase in the property tax. And that is what your bill is talking about.

I would also like to tell the gentlelady in the right-hand corner that there are two proposals that are before us, that is why we are debating this issue today. There are two proposals, the proposal that I happen to believe in and the proposal that the gentlelady happens to believe in. I happen to believe that our proposal is better than your proposal.

I want to say to you that the other plan has nothing for future years for the block grant. I would also like to remind the gentlelady in the right-hand corner that the Commissioner of Transportation put the block grant before us. The Committee on Transportation did not recommend the block grant back in January, it was, as we know, presented to us to save \$3.7 million a year at the state level and when you save \$3.7 million a year at the state level, I think it shows very clearly that it is going to be thrown back on the municipalities of the state.

The good lady in the right-hand corner this morning asked me if I could support the block grant, how could I vote against their proposal? My answer is, I can support the block grant if you fund it sufficiently. I also might say to you that to pass the L. D. that we had yesterday in the other version, I would rather go home with nothing. The reason that I would rather go home with nothing is because if we kill this highway budget this year, the municipalities in my district, and a good majority in the State of Maine, will be better off and I will tell you why.

In the past, we have had state aid programs, we have had road improvement programs, we have had winter maintenance reimbursement. If we should leave here with no highway budget, we will continue to get our winter maintenance reimbursement unless somebody puts a bill in to change the law. We will be funded one unit of state aid unless somebody puts in a bill to change the law, and our TRI will be gone. And I remind you that last year we funded just \$600,000 for the TRI program, which didn't do much anyway.

I want to say to you that the costs are scary when you vote for a proposal that includes the block grant. It is not known at this time what the additional costs will be to the municipalities.

I can assure you from one little town that gets back 14 1/2 miles, 8 miles of those 14 1/2 are paved and for any of you people that are familiar with the cost to pave the roads, even if you work with the agreement that the state wanted to work out with us, it would cost \$11,000 a mile, that is if we can work an agreement out with the state. If we do it on our own, it is going to cost \$17,000 a mile, and let me tell you that the program that we work under at the state level says that we are on an eight year cycle. This means that the small communities would have to do, in my opinion, one mile each year. Out of the funds you are going to get, you are going to have to set aside \$11,000 to take care of just that part of the paving program.

There are a lot of small towns in this state that do not have a public works department — how about the cost for new equipment?

I want to just remind you that in the proposal that the gentlelady from Owl's Head, Representative Post, is talking about, the issues are not all gas tax and General Fund; my main issue is block grant, and the block grant is not all gravy to the municipalities. as some might

think. Just stop for a minute and look at the savings to the state. I can assure you that any savings to the state is going to reflect back to the municipalities.

The SPEAKER: The Chair would ask the sergeant-at-arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum to act as Speaker pro tem.

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I understand that we aren't going to change too many votes here this evening but, on the other hand, I feel incumbent to speak.

I think it is a little ironic and perhaps inconsistent that the good gentlelady from Owl's Head, Mrs. Post, talking about taxes when earlier today we went and passed an act in this House by a great margin, a premium. I don't think there is anybody in this House that thinks that premium wasn't a tax just called by some other name. We have been around and around on this before, we have passed fee increases, we have passed premiums, we have passed adjustments, we have passed a considerable amount of bills in here that raise additional money from beano all the way to agricultural licenses, and I don't think any of us here think that for some reason those aren't taxes and they don't come out of the pockets of the people of the State of Maine. I guess it would be inconsistent to say that this doesn't take taxes out of the people of the State of Maine as well, but I guess I feel that it is not taking anymore dollars, it is trying to stabilize a very serious problem that we have here in the State of Maine with our road systems.

I think it depends, as we have seen in the past, on what we call a tax, whether or not it gets passed in this body and whether or not it has the blessings of the gentleman on the second floor. I would lead you to believe that perhaps if the gentleman on the second floor wished to come around and say that this was an adjustment or some other name, there would be 101 votes up there in a hurry. The gentleman on the second floor doesn't wish to call it an adjustment, he wishes to call it a tax, and therefore that gives him the ability to veto it.

I am not scared by a veto here tonight. I just feel very confident that if we are going to be serious about addressing our problem on roads, we have got to at least stabilize the revenues. That is all we are saying, that we want to raise the same amount of dollars to fund our highway system as we have in the past. We are not talking about indexing and we aren't going to raise a lot of money every year over and above what we raised last year, and that is the difference compared to the indexing bill that we were dealing with before.

The present income tax structure raises more and more money every year. This bill doesn't do that. This bill says, we are going to address our problems by raising the same number of dollars every single year. Now that may take money out of everybody's pocket, but I can't believe for the life of me, that if you went and walked down Main Street, if you asked people, would you give \$20 to make sure your road system was adequate over the next two years, that they wouldn't be glad to, because everywhere I have been people say, what are you going to do about the roads? I think we are not acting in good faith if we don't at least stabilize the revenues, the revenues that are coming into that department over there.

The bottom line here, as I said yesterday, is, who is going to pay for the roads? Is it going to be the people that utilize the roads or is it going to be everybody that pays income taxes, sales

taxes and any other kind of taxes in the state? It just seems to me, after we have passed so many fee increases on the people of the state, that tax, and I will say it again, tax, only Maine residents, we ought to try to spread this out a little bit so that some of our out-of-state people who are friendly and come here in the summer and we love to have them, and the business communities who we all like to tap when the going gets tough from out of state, pays some of that additional revenue. That is the bottom line, do we take \$10 million out of the hip pocket of the people of the State of Maine or do we take \$7 million or \$8 million or \$3 million out of the people who don't live here who help deteriorate our roads?

The other issue is, can the General Fund afford \$10 million? We went around on this last night, I still haven't heard anybody say we have got all kinds of money kicking around. There has been all kinds of adjustments, we got an adjustment from the finance department saying, well, we can raise revenue estimates by \$3 million and we can raise some additional money that is going to lapse this year of \$8 million — bang, all of a sudden we have \$11 million. That is nice, I wish I could do that, and I am sure you do as well. The fact is those are tentative estimates. The way the economic climate is, we don't know whether or not those revenues are going to be there.

We have heard the good gentleman from Lewiston, Mr. Jalbert, preach days on end about how the money is not there on the Appropriation Table, the money is not there to put into the budget. A lot of us have had bills that have not been funded because the money is not there, and I was going to read you a bunch of bills that the Appropriations didn't fund but I figure a lot of you know them. A lot of them are good bills. We couldn't fund them because there is no money. Now, all of a sudden, we have \$10 million.

I say that \$10 million is going to be utilized later on down the road when we get some cuts from the federal government. If they don't come, great we have \$10 million, but if they do come and we spend that \$10 million, we are going to regret it five times over. We went around on this when Longley was Governor, we had a big tax rebate we gave back, a political year, we all voted, most of us, to send that money back, and how many times did I hear in the next session, gee, I wish we hadn't spent that money. Everybody said it and we were probably right.

I hate to see us spend this money and then come back here in October, November, January or whenever it is and say, gosh, I wish we hadn't spent that money because we sure could use it and we are going to have to make some real, real tough decisions then what programs are going to be cut, what social service programs are going to be cut because we have used \$10 million of General Fund money to help the highway system.

There was a lot of talk here by a lot of people in the opposition party about how, no way, we weren't going to give five cents to the highway fund from the General Fund. All of a sudden, there is a change.

I have spoken long enough, I know that I haven't changed one vote and that bothers me, but I still feel very confident that somehow that point has got to be made and that maybe somewhere along the line we will be able to resolve this problem once and for all. It is not going to be here tonight but I would hope that cooler heads would prevail and at some point in time we might be able to resolve this system.

I think until we address the long-term situation of deteriorating money in that highway fund, we are not going to go anywhere. If we pass this now, we are going to be back here in two years with the same identical problem. The gas tax raises less money every single year without question. Unless Detroit, all of a sudden, starts making a five miles per gallon

car, we are going to have the same problem two years from now, four years from now and it is going to get worse before it gets better.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: How I love to sit here in my seat and listen to the spreaders of gloom and doom, the spreader of gloom and doom. The moment that I looked at this document that came over from the other body and I see a name up in the corner of it and that name is my counterpart in the other body, the chairman, isn't it strange that he is so much for the escalating tax? Have you people looked at the car that man is driving back and forth to work? He is driving a diesel, a brand spanking new one. Have you looked at the vehicle that George Carroll has to drive back and forth to work? I am not a fat cat, I am a workingman of the State of Maine and you get up and you say your heart cries and it tears and you feel so sorry for those poor people back home.

Do you have any people in your town that drives 40 miles to work that has a brand new diesel? Oh no, my people that are traveling to work are traveling in the gas guzzler, and you say he can afford to buy more gas, let those six kids just eat a little less for breakfast. When he comes home at night, Ma says, you are going to have beans tonight because the guy that owns the diesel is eating beefsteak tonight because he had the money to buy a diesel.

I want you to know that I love every one of you, I think you are good people, but I love that man in the street so much more because he is the forgotten man in our society. He is the man that you are all saying, go ahead, put it on, he can afford it. It doesn't matter if his children have dry bread for breakfast, that isn't going to hurt me, I drive a new diesel car, I get good mileage, it isn't going to affect me a bit. You know, it is a wonderful thing that I have quite a lot of hair on my head because I have to look at myself and comb my hair every morning, and I am wondering how many people are doing this every morning before they come in and preach the gospel of this gas tax that they have been preaching.

If you are in the ice cream business and the sales were going down and cold weather is coming on, you don't raise the price of ice cream knowing you are going to sell more of it. If sales are going down, you don't raise the price and sell more of it. I don't care how many ways you cut that head of cheese, I don't care what you do to it, that poor man's family isn't going to have any cheese on the table to eat when they sit down to the table because they haven't got a diesel, they have got the gas guzzler.

I have two farm trucks that sit in my yard and we haul bedding for my cattle, those are gas guzzlers too. How much more a week do you want to take away from me? There you go boys, flip out those pockets, they are empty, pick me clean, pick my neighbors clean. Don't give me any money out of that General Fund, that is a sacred cow, that is so sacred that that money has got to be saved because they say there is a man in Washington who is not going to give us any money in the future. Well folks, let us be reasonable, let's bow our heads and let's pray for that man out there who hasn't got anything. Let's pray to God tonight that you don't increase the gas tax because that man in heaven is looking at us right now.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Limerick, Mr. Carroll, says that he has a lot of hair on his head, I don't have much on mine and it is getting thinner by the day, but my good friend, George Carroll, put his finger right on the problem. He talked about diesel cars, he talked about big cars — if you look out that far

window, down at the lower parking area, you will see a big, black diesel Oldsmobile. It is the Governor's car. Therein lies the problem. The Governor has told us for going on over a year now that he is going to provide us with some answers to a long-term solution to the highway department. He hasn't done that. He hasn't even come close.

In the past four or five months when this body and the other end of the hall has worked diligently trying to come up with a compromise package without the benefit of having the tools the executive branch has, he has been silent, the second floor has been silent. There lies the executive branch.

Yes, Mr. Carroll, I am thinking about the poor people of the State of Maine and I am not supporting my party's position for an increase in the gasoline tax, nor, Mr. Carroll, am I supporting the opposition's proposal to rob \$10 million from the General Fund. I am not convinced that that \$10 million dollars is there this year; I am not convinced that it is going to be there next year or the year after.

I asked the question yesterday whether or not we were going to be looking to the General Fund in the future years to finance a large portion of the transportation budget, and I think all of you heard the answer.

I firmly believe that this legislature is going to adjourn tomorrow, hopefully, or the next day, and we are probably going to adjourn without having passed a transportation budget. But I am going to go home and face my constituents proudly because we haven't had the support from the executive branch and the Governor's office that we ought to have had. The Governor is using this as a big re-election gimmick, that is all that it is, let's look at it at face value. If we do go home, then the Governor is going to have to address this problem along with the legislature, and at that point I will be delighted to be able to sit down with both branches and the executive branch, which should be involved and should have been involved right along, and come up with a reasonable compromise. It is time for the Governor to get off his hot seat, or perhaps it is time that his seat was made a little hotter by the legislature and by the good people of the State of Maine, to act as a chief executive should act and provide leadership.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I would remind the good gentleman from Livermore Falls, Mr. Brown, that the Governor has presented his package, the package has been here all year, and if the gentleman from Livermore Falls, Mr. Brown, would care to read that and take the time to go through it, he would see that it is quite thorough. If anyone has been lacking in planning an alternative to the Governor's package, I would say maybe it was the previous gentleman.

The package was presented and it has been before us a long time. It was a complete package, it was a balanced package, it was a package that required no new taxes, and I would suggest to the gentleman from Livermore Falls, Mr. Brown, that he look at it and make some specific suggestions and why, in fact, he has not presented some alternatives.

I would also suggest to the gentleman from Livermore Falls, Mr. Brown, that he discard his pessimistic attitude in terms of leaving this body and this legislature passing nothing. I am a little more optimistic than that and I think many of you are, and I would hope that he would maybe be more considerate in terms of what has taken place and if there is something wrong with that package presented by the Governor, let's work out a different one. As far as a gimmick for re-election, which he is accusing the Governor of playing with, it sounds to me like what the gentleman just did may be more of a gimmick for other re-elections than the

Governor's.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: According to my friend and neighbor from Scarborough, Mr. Higgins, no one in the House believes that the alcoholism revenue bill we passed earlier was a premium. I just want to go on record as saying that I, for one, believe that it is a premium on the consumption of an addictive substance. I hope that we can bury that forever.

With regard to the concern of the gentleman from Corinth, Mr. Strout, I would also like to go on record as saying that I agree with him as far as the money to go to the municipalities and I plan on being on the same side as him tomorrow restoring the million dollars for the block grants.

I think the heart of the matter is with regard to this bill, we have raised enough money to pay our bills, we ought to do that, adhere to our former position, close up shop and go home.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: We have heard from everyone on the Transportation Committee, we have heard from different sides of our leadership, we have heard from members of the Taxation Committee, now you are going to hear from somebody else who represents 6,500 people just like the rest of you do.

The good gentleman from Livermore Falls, Mr. Brown, has said that he will not support the gas tax and he will not support the Democratic package. He says he is going to go home and face his constituents proud. Well, I will tell you something, I am going to vote for one or the other and when I get back, I am going to tell my constituents, whether you agree with me or you don't agree with me, we tried to do something.

I do not see a proposal here from the gentleman from Livermore Falls, Mr. Brown.

I told one of our freshman Democrats yesterday — he said, I am going to vote against either one. I said, good, come up with an alternative. Well I can't. I said, well think about your position then, about voting against both of them, what do you want in return? Nothing? Don't talk about the Governor.

We have tried to put a lot of emphasis on the fuel economy and the fuel efficiency of vehicles. In 1977, I sold one of the more popular imported cars from Japan, which was supposed to have gotten 30 miles to the gallon, and at that time that car sold for \$4,200; today, that same car costs \$6,000. This is a car that all of a sudden everybody is going to go out and buy. I am afraid that some of the people in this state can't afford that.

The bottom line of this whole thing is, the only real thing that I care about is the guy who is paying the bills, the guy who travels to work every single day, back and forth, who is paying the bills. All we hear about is the welfare people, the people that don't work, the people that collect off the system and then we have the people that do work, that do pay into the system, that do give their share, what are you going to do to them? Shaft them too. I have yet to understand the reasoning here. Whether it is 2 cents a gallon or 5 cents a gallon, all I know is that every gallon of gas that I put in my car to go back and forth to work is going to cost me more money.

I think if we leave here accomplishing nothing, then what we are going to do is enhance the image of the politicians as they really are because I will tell you something, in the last two weeks, I have heard more about how useless and worthless we are because all we do is come down and argue Democrat and Republican philosophies, and we don't even care about the people who put us down here. I am not going to

give up. Those of you who know me know that I don't give up very easily, and I am not giving up on this. I think it is our job, I think it is our duty and I think it is our responsibility to work until we come out with something. I am not happy going home and telling my constituents that I did nothing and look at them proud.

I am going to stick with the democratic proposal.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: One would think this was a partisan issue. There are a few things that have been said here this afternoon that I don't quite agree with. The General Fund was mentioned; I would like to mention a few figures.

In 1980, sales and use tax on new motor vehicles, \$11,576,000; sales and use tax on used motor vehicles, \$10,760,000; sales tax on other automotive related items that go on the road, \$12,964,000; then the small one, the sales and use tax on short term lessors of motor vehicles was only \$415,000. That added up to \$34,717,000, and I think what I have to say is, that is money that has been misplaced, it just happens to be in the wrong fund, so this is the money we are talking about, the \$34 million that is in the wrong fund, let's not use the word General Fund; these are highway items.

Another thing that bothers me, we were talking about the Governor's Office, we alluded to the fact that he has done nothing and I am going to allude to the fact that I think the other party has done something and I think what they have done, they have failed to communicate with the head of their party at the national level in Washington. Not only does he not want to raise taxes, he wants to cut them, so somewhere I think there is a lack of communication on party issues.

We talked about wanting to get the money from the out-of-state people. Let's take an average automobile, and I think my good friend Representative Tarbell mentioned 17 miles to the gallon was a good figure to use. For this guy who is coming from out of state and he is going to travel, let's say, 1,000 miles, because if he goes all the way to Fort Kent and runs around a while and then comes back, that is about what he would travel, it is going to cost him \$1.20 in this additional gas tax money we talk about. But to the poor guy that has got to live here, getting the same mileage with an automobile and traveling the average mileage in Maine of 15,000 miles, this is going to cost him around \$20. So we are not doing the guy in the state of Maine a favor, we are not hurting the guy from out of state, it is only going to cost him a buck or two, but the guy that has got to live here all his life and live here the whole year, that is the one that is going to get hit, wherein lies my problem.

I would hope that we would stick to the vote that we had yesterday and I would hope that you would kill this measure to put a gas tax on the people of the State of Maine right now when they certainly don't need it.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Fairfield, Mr. Gwadosky, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Gwadosky to his seat on the floor and Speaker Martin resumed the Chair.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here listening to Mr. Brown and our people from across the hall. Mr. Brown has been downing the man on the second floor but he isn't downing the man in Washington for trying to save us a tax. Furthermore, Mr. Strout, my

good friend on the other side of the aisle, we were talking this morning and Mr. Strout said he was willing to go along with everything in that democratic package if they come up with a \$2750 block grant. He said he would even go along with the 10 percent discount and take the gas tax off. We discussed that out in the hall this morning. I don't know why people change their mind every 20 minutes, we should go along with one thing or the other.

Nobody has mentioned what it is going to cost the trucks to haul all the stuff that keeps you people alive. Right now, it is costing us 31 cents a mile for trucks to travel on your highways. Every penny of fuel tax that you put on these trucks is going to cost you another 2 1/2 cents a mile, so I think we should all buckle under and go along with this democratic package.

Mr. Jalbert of Lewiston moved 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, and more than one third of the members present and voting for the motion for the previous question, the previous question was entertained.

The SPEAKER: 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. Is it the pleasure of the House that the main question be put now?

A vote of the House was taken.

58 having voted in the affirmative and 66 in the negative, the main question was not ordered.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to respond to the gentleman from Princeton, Mr. Moholland. What our discussion was this morning is partly correct and partly incorrect. What I said to the gentleman, and I don't intend to get up here and change my position today or in the future, what I said to him was, that any time the opposite party wants to present me a combination of some gas tax, some General Fund, some truck registration increase, I would buy it. I would buy it tonight if you would present it to me. Nobody has come from the opposite party, Mr. Moholland, and showed me a proposal of gas tax and a combination.

I would like to say while I am on my feet that there was mentioned while I was outside of the halls, it is not clear to the gentledady from Owl's Head, I guess, Mrs. Post, that there are issues besides gas tax and General Fund.

In this proposal that we are hopefully going to vote on here in a short time, we have deleted any increase in truck registration. Operator license fees in this L. D. as amended has been deleted; operator license fees will stay at \$10. The bill that we voted on yesterday would increase it to \$16.

We have made a couple of recommended cuts on the bill that we spoke on yesterday that passed this body that would reduce traffic services \$400,000; this L. D. reduces traffic services \$400,000. Yesterday, we talked about reducing administration \$200,000; this L. D. reduces administration \$200,000. I might add that there is an increase here because of the gas tax being moved up to July 1st and we would have an additional \$1,800,000 that would allow us to go back to the allocation and amend it so that we would only have to take \$800,000 out of the General Fund instead of \$2,700,000.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: All through this debate regarding our concerns about transpor-

tation, I have kept quiet for very obvious reasons. Ever since I landed in Augusta my second term, my work has been on the Appropriations Committee. I have not interested myself in the highway program.

I have listened to some very fine debates, I have listened to some good speeches, excellent remarks made.

Earlier in the session, I moved the previous question when I thought it was as senseless as this is here. There isn't a vote changed since you started today. I would like to ask people to raise their hands, right now, who have changed their vote since this debate started.

I will tell you something that I have hollered here for two or three days, and I am not talking about myself because I am made of cast iron, I will stay here 24 hours, seven days a week, if I am not here, I am at home working.

There has been a lot of conversation made about the fund. I respected my house chairman for his position, when we were all given names, and rightfully so by our leadership, to approach people and we did. Propriety will not allow me to give you some of the answers I got from the people that I addressed, I will tell you that now, it was really comical. I did report to my leader, and I love her, just exactly what was told to me. Here is the situation, I made a statement here more than once, and Mr. Higgins remembers them because Mr. Higgins served two terms on the Appropriations Committee, he was a good member and he has one good point, he has a retentive memory. I pride myself in having a fairly good memory. I can go back 34 years.

We did not have any money. No matter how you cook it, no matter what you want to say, the figures for last month have come in, they have given us an extra \$5 million. We have another month to go, that is going to give us more money. Any good hotel manager always saves a room somehow; any good financial man always saves a few bob and quid for an emergency, and it is no different now than it was before. I can well remember being here when it was done and you had better believe me. It was down when there were only 13 of us here; it was done with only 34 of us here; it was done when there was only 41 of us here.

I will tell you this now, all the speeches that I have listened to, everything that I have heard, and there was a proposal made by the Governor, I have seen this bill go from one committee to another committee and, frankly, regardless of the fact that we are in the majority here, I could care less about that kind of a procedure. I can tell you one thing right now, if anybody tried to take away something that belonged to my committee or the committee that I belong to, I am going to yip and lip loud, and that is what we have done, we have done this all through this session what we did today.

If you add up to date the time that we have wasted, we have wasted a good, solid six hours. I could ask you to raise your hands also. All of you are not only physically tired but a little bit mentally tired. You are not only not changing any votes here, you are not accomplishing anything. I have not made any suggestions. I didn't get up and move the previous question to make a noise or say that I am going to do this, I am going to do that, I did, however, say that you made an agreement for eight o'clock and the clock is going around and I thought you might want to keep it and I want to help keep it. I intend to keep it if I have to walk 30 miles home, and I can't drive.

You are not going to pass today, in answer to Mr. MacEachern, a tax program, or tomorrow, as far as highways is concerned. What I would like to do and have all of you do is go home and find out the tempo of the people. Somewhere along the line, there is an answer. This is an intelligent, hard-working body. What I said before on two or three occasions when I made those remarks, I meant them or I would not have said them. I don't want to be proven

wrong.

Let's clean up tomorrow. Let's go home, let's spend a little time home, let's find out what our people think; let's come back, not on a Monday because we would be here all week, on a Wednesday like the 25th of June or something like that, or the 26th, and then say, let us get together. In the meantime, people can get together and come up with ideas.

I might have an idea or two. We have, as you well know, Mr. Higgins, one more month to go as far as revenues are concerned. Things change and times change. In some ways, I have got to admit that I have not been happy at times with the figures that I have gotten. I had so many sets at one time I threw them all away and started all over again, and the last time I came up with figures, I came up pretty well right. You are not getting anywhere, you are not going to get anywhere either. You can stay here tonight until midnight, tomorrow until midnight, Friday until midnight, Saturday until midnight, Sunday until midnight, and you won't pass a highway program. You are not going to pass a highway program because all of our minds are clogged up with everything else and there have been so many of these programs come across the board, nobody knows where they are.

I would not dare ask people to raise their hands that could get up and repeat too many statements have been made since this debate started tonight, and I never got out of my chair deliberately. I listened intently. We are not children, we are grownups, intelligent grownups. Let us vote on this thing up or down.

Since last Saturday I have been getting a little weak from that trip. I would like to recoup my losses, and I will tell you one thing right now, if either board shows over 80 here, any of you who want to, the book is wide open right here, so let's knock it off, we are not getting anywhere and, you know, you are proving one thing to me as I am proving it to myself right now, that the only one that enjoys his speech is the one that is making it.

Mr. Higgins of Scarborough requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get up at all tonight because I feel the same as Mr. Jalbert, but what he said when he said you had better find out what your people are thinking back home, it prompted me to look in my pocket to see if I had the letter that a lady sent to me yesterday. She travels to work. She is very astute, she is a very smart person, she is a selectperson. I want to read this letter and this is what a lot of my people are saying and I happen to have this one in writing.

"Dear Representative Masterman: I wish to express my support for the gasoline tax increase in order to fund the Department of Transportation. That department has been suffering from lack of money since the Longley administration and their situation has become increasingly serious. Their real difficulty can no longer be ignored. While I do not like a tax increase any better than the next person, I fully realize the need for the increased revenue for the department which maintains the roads I have to travel daily to go to work. Those workers are deserving of a decent raise and equipment which is adequate for the purpose, not the worn out, broken down, dangerous material with which they now contend. A tax increase seems to me to be the fairest and the most expedient method to raise the money which is needed. I am opposed to the proposition that DOT money be raised from the General Fund." She goes on and talks about the University but I won't go into that.

This is indicative of what the people have been talking to me, and I can compromise myself to go with the Minority Report with the 2 cent gas tax and I would think if the people

here are really talking to their people as I am, they could too.

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

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I apologize in advance to the gentleman from Lewiston from not taking his advice. I realize that I am not an expert in this area but there are a couple of points that I would like to make here tonight before I vote in favor of the Senate version of this bill. One of them is that I did not vote for it last night because I didn't feel that it was properly drafted and I think some changes that have been made are important for those of you who feel that we hadn't made any progress.

The first thing that I think is critical is moving up any tax to make sure that this summer's traffic is covered. That enables us to, as was pointed out, cut the increased fee for trucks and also from reinstating the operator's license fees to the other people in the state of Maine. I think that is a significant change in the original bill.

Something which is not in the bill, which Mrs. Post has pointed out but I don't think we can avoid looking at it, is the difference in the Allocation Act, which was another one of my personal criteria, because my people are also saying "cut every last bit of fat you possibly can." It reminds me a little bit of the public advocate bill, even if the problem doesn't exist, people think it does and I would commend the Transportation Committee for looking at the traffic services and administration and being able to cut another \$600,000. I think if those cuts are not justified, our people will see that very clearly and they will, in fact, let us know that they are sorry that they asked for further cuts. But I think that is important, to show that we are doing everything we can to cut costs, even when they may hurt the operation of the department.

Another thing that I think we haven't got yet that I think we ought to have is a point raised by Mrs. Post and I think this could easily be attached to the bill as it goes through its proper process, if it goes anywhere, and that is the legislative approval of any increase. I agree with her completely that the legislature ought to have final approval and to me there is no reason why after the evaluation has been made, I guess by the auditor or somebody, I can't remember who, that the legislature has the right to change that, to cut it in half, but at least we would have the figures to deal with it. I would think on a yearly or bi-yearly basis, it would be absolutely critical for us to have that responsibility, then we would be putting our votes on the line and people back home would know whether we approved or disapproved of the proposed, I presume, increase; nobody thinks that the price is going to go down, that is for sure.

So for those reasons, I am going to vote to support the bill today. I think we have made some strides and are going in the right direction. I think, based on what is going on in the rest of the country, we hardly can say that Maine is alone in doing this. I don't have the list with me but I have seen various newspaper reports and others that show, I think it is over 30 states, between 30 and 40 states, who have raised their gas taxes in the last year or two. Our neighboring state of New Hampshire is going to 14 cents this summer in order to get the tourist trade and I think that is going to be a bonanza for them. It is one that is foolish for us not to take advantage of certainly.

I would like to speak about Mr. McKean's points. While I have a lot of respect for my seatmate and I have enjoyed being next to him this year, the \$34 million in the General Fund which deals with sales tax of various types on automotive equipment, if it is the will of this legislature, we could remove that. I haven't seen a bill to do that, frankly, and keep in mind that that is mostly Maine people's sales tax,



there are very few out-of-staters, I suspect, who buy a car in Maine. They wouldn't even buy tires in Maine unless they have some problem, so it is basically our sales tax paid by our people in our General Fund, and I don't think they have any problem with spending it to help the people of Maine. So I really don't think that \$34 million, unless we specifically want to move it over, which I haven't seen a proposal to do that yet, should be a problem for us at this particular time.

Finally, I would just like to point out that the fact sheet that I have seen on the current Senate version does call or does permit us the luxury, believe it or not, of having \$1,800,000 that would not be required if we pass this gas tax, this 2 cents.

In fact, under the current bill, a figure of just under \$1.6 million had been appropriated from the General Fund, increase the General Fund support for the state police from 28 percent to 50 percent in 1982-83. I would hope that everybody realizes that if that money were not to be spent for the support of the state police for that increase, that certainly is money that could be put into collective bargaining costs, it could be put into numerous bills that many of you have seen summarily dismissed on the current Appropriations Table; Elderly Tax and Rent Refund, we have all talked about reducing property taxes this session, we haven't gotten very far, clearly this is an area that could use help; cost of living adjustments for the retirees, they are getting 2 percent on top of the actual annual 4 percent, big deal with inflation of 12. The list is endless, and I just hope that everybody would try to keep something going here that has potential and I think this bill does. Nobody wants to raise taxes, least of all the Governor, but when you have to, it is better to do it in style and not calling it a premium.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is not the happiest day of my life. I suppose this whole week will not be. It isn't Christmas to me to have to assume a \$10 million burden from the General Fund to do that, but as for myself, I recognized a long time ago. I guess probably back in January or February, that there was going to have to be some money come from the General Fund for the Transportation Department. We were hoping, or at least I was hoping at that time, by telling the Transportation Committee that we didn't have very much money, and I look back over my revenue sheets now and we didn't have very much money at that time, we didn't think we were going to be able to help them out. I have looked at my revenue sheets here in the last half hour and two months ago we were ahead by four or five million and then it went to \$10 million and now \$15 million, and I think some of the things are more possible than they used to be.

But there is an error in this bill that we have before us that I would like to point out. It doesn't change much of what is going on in the bill, it doesn't change the figures or anything, but there was a fact sheet that was passed out a while ago that said that if this were passed, we would be assuming, that is the General Fund, 45 percent of the cost of the funding for the state police in the first year and 55 percent in the second year. Through calculations that were done in the Legislative Finance Office, not on my request but given to me this afternoon, it is an inaccurate statement. It doesn't change the figures any in the bill but it does change the percentage, and the percentage would then become, in the first year, 58.6 percent from the General Fund and 66 percent in the second year.

The SPEAKER: The Chair recognizes the gentleman from Mechanic Falls, Mr. Callahan.

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like very much to speak on this subject but the company

that I represent has several million dollars worth of contracts with this money; therefore, I don't even want to vote. I would like to be excused.

The SPEAKER: The Chair will grant the request of the gentleman from Mechanic Falls, Mr. Callahan.

The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I certainly do not want to delay this, but everybody has had their say and I have to agree with the gentleman from Lewiston, there hasn't been one vote changed here. I have looked at both of these suggestions, both of these bills, there isn't that much difference in my opinion. What we have to do, and you are all agreeable people and you are all tired and I know that it is not going to change the vote tonight, you had the majority, the Democrats have the majority here, you are going to win your vote, but, you know, all through my business career I have had to negotiate, and I have negotiated leases from all over this country, and it seems to me that reasonable people should be able to sit down, particularly leadership, and I said this in the joint caucus we had at the beginning of the session, as a freshman up here I said, you have got to sit down and leadership has got to work this out. I think it behooves the Democratic party to make the first step. You have the majority here, why not sit down and be reasonable people and make that first step? I think it can be done.

Each one has taken the philosophy that they are right, they are absolutely right, there is no change, you are set firm in your ideals, but what we need is a highway bill, we need the funding, and I don't think there is that much difference. I think we are reasonable people and we should get together and we should come up with something, maybe not this evening but it has to happen. Let's have the vote on this and go home tonight.

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

Mr. MACOMBER: Mr. Speaker, Members of the House: I will be brief, but the gentleman from Milo read us a letter from one of his constituents who favored the gas tax. When we first came here, I sent out a questionnaire. I am sure that many of the rest of you did, I received 105 answers to it. One of the questions was concerning the Department of Transportation and I gave them three choices. I said, increase the state's gasoline tax, increase fees for driver's license, registration, examination — those two queries, both of them got 24 people who were in favor of the gas tax; 24 people were in favor of increasing the fees for drivers' licenses; that leaves 55 people who are not accounted for, and amazingly enough, those 55 people, the answer that they had, I haven't had anybody from either party bring it forth, it said to undedicate the highway fund.

I think, personally, I may be a freshman and I am not considered as all freshmen, not one of the intelligentsia, but by the same token, if you were running a business, and on this side of the aisle I know many businessmen, you would not continue with a business that brought in less revenue than you spent out on expenditures.

The Department of Transportation, the gasoline tax each year is bringing in more money; each year it is costing more money to run the Department of Transportation. Unless you want to continue staying here every two years and going through this fiasco year after year after year, it is time you got together and decided something. I hoped to hear the gentleman over in the lower corner, Mr. Higgins, mention undedicating, but evidently that is taboo around here. Until you get your act together and straighten out something, I don't think we are going to get anywhere tonight.

The SPEAKER: The Chair recognizes the

gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: I will try to be brief. First of all, let me say that there are lots of ideas around, we are not locked into ideas in the House here tonight, and I had a few that I thought I should mention to you. We seem to be talking about only one idea, we have got to raise money from one source or another. Of course, that is two methods, but I wonder how many people explored the idea of a little bit less construction in towns where they don't want it? I know in Ellsworth there is a project that is being done that if the people of Ellsworth had to vote on it, I am sure they would vote it down.

In my town, they are doing a project right now, and they couldn't get ten votes in the town for the project. I suspect there are places in our towns where the same kind of construction is going on.

I wonder how many on the Highway Committee looked at their equipment account? I suspect we could get a couple million dollars out of the equipment account, because the equipment is lasting longer than it used to. They used to have to swap trucks about every year or two, but the newer trucks, they are going longer with less care. You can ask our trucker on the other side of the aisle; his trucks are running much longer than the old ones used to. So there are other alternatives.

The reason I don't want to vote for a gas tax isn't because I am in the gas business, it is because I don't want to go any further ahead of New Hampshire and the states around us. I would gladly vote for a gas tax if New Hampshire would raise theirs or the states around us, but presently we are higher than they are and I don't want to go 2 cents higher.

I don't think there has been enough emphasis put on spending what you have got for money; don't try to spend more than you have got. When I run a business, which I have all my life, I have had to do that. In many areas I have had to spend what I had and get by with it. I think the Highway Department, to some degree, could do some of that too. I have seen a lot of evidence of it, and I don't believe they need that much money in the equipment account, and there are probably other places. I am not on Transportation anymore, but I know there are places where you could sift out quite a few million dollars if you look kind of careful.

The trouble is in that department, as I see it, when Longley was Governor they wanted to get rid of some men. Well, they got rid of the men that were getting \$3,000 a year plugging holes in the roads, but the fellows that were getting \$25,000 a year, they kept them, and those are the kind of people that we don't need. They keep engineering jobs ahead all the time, more than we can pay for; in other words, they are bargaining for projects that we can't pay for and that the local people, in a lot of instances, don't want.

We have had a lot of ideas here tonight, so I thought I would set forth mine, because mine don't involve any budget to the extent of what we are listening to here tonight.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker I would like to pose a question to the Chair or anyone who can answer it. I think I read in the paper the other day, if anyone knows the answer, that New Hampshire just passed an increase of 3 cents in the gas tax.

The SPEAKER: They don't have income tax or sales tax or other taxes.

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 the motion of the gentleman from Scarborough, Mr. Higgins, that the House recede and concur on L. D. 1690. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bordeaux, Brown, K. L.; Cahill, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Strout, Tarbell, Treadwell, Walker, Wentworth, Weymouth.

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

ABSENT — Carrier, Laverriere, Racine, Theriault.

EXCUSED — Callahan.  
Yes, 58; No, 87; Absent, 4; Vacant, 1: Excused, 1.

The SPEAKER: Fifty-eight having voted in the affirmative and eighty-seven in the negative, with four being absent and one excused, 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 hope that you will vote against me.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that the House reconsider its action whereby it failed to recede and concur. All those in favor will say yes; those opposed will say no.

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

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

Mrs. MITCHELL: Mr. Speaker I move that we adhere and further move that this be tabled for one legislative day.

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

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this be tabled for one legislative day pending her motion to adhere. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzge-

rald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H. C.; Matthews, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soule, Swazey, Thompson, Tuttle, Twitchell, Vose, The Speaker.

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

ABSENT — Carrier, Huber, Hunter, Kane, Laverriere, Martin, A.; Racine, Theriault.

Yes, 78; No, 64; Absent, 8; Vacant, 1.

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

The following Order appearing on Supplement No. 40 was taken up out of order by unanimous consent:

On motion of Representative Mitchell of Vassalboro, the following Joint Order (H. P. 1678) (Cosponsor: Representative Higgins of Scarborough)

ORDERED, the Senate concurring, that in accordance with emergency authority granted under Title 3, section 2 of the Maine Revised Statutes the First Regular Session of the 110th Legislature shall be extended by one legislative day to be held on June 11, 1981.

The Order was read.

The SPEAKER: Pursuant to Title 3, Section 2 of the Maine Revised Statutes, this matter requires a two-thirds vote of all members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

102 having voted in the affirmative and 23 in the negative, the Order received passage and was sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 32 was taken up out of order by unanimous consent:

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act to Remove the Customer Charge from Electric Utility Rate Structures" (S. P. 654) (L. D. 1679)

Report was signed by the following members:

Senator: TRAFTON of Androscoggin  
— of the Senate.

Representatives:

DAVIES of Orono  
RIDLEY of Shapleigh  
MCGOWAN of Pittsfield  
BOISVERT of Lewiston  
VOSE of Eastport  
BORDEAUX of Mount Desert  
MCKEAN of Limestone  
CUNNINGHAM of New Gloucester  
KANY of Waterville  
— of the House.

Minority Report of the same Committee re-

porting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Sensors: TROTZKY of Penobscot  
DEVOE of Penobscot  
— of the Senate.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "B" (S-367)

In the House: Reports were read.

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

Mr. DAVIES: Mr. Speaker, I move acceptance of the Majority Report in concurrence.

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

Mr. TARBELL: Mr. Speaker I move the indefinite postponement and ask for a roll call.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, moves that this Bill and all accompanying papers be indefinitely postponed in non-concurrence and requests a roll call.

The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I have a small electric company in my district, 60 percent of their business is from summer camps that may be used a month or two in the summer and three or four weeks in the fall. Under this bill, in its present form with this Senate Amendment attached to the bill, this company will find it very difficult to stay in business.

Also, in this amendment, the farm rate is put back on, or so the farm rate isn't allowed under this amendment. So I hope you will vote against adoption of this amendment.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I realize it is late and I will try to be very brief in explaining this bill.

Those of you who live in the Central Maine Power district are paying \$5.70 on your electric bill before you consume a single kilowatt of electricity. It was the feeling of the majority of the committee, the Governor, the many people who have been very actively involved in utility matters, that this is an unfair burden on small users, which are primarily low income and elderly individuals, and that by taking this out and requiring all of us to share the burden of the costs of electric service based on how much electricity we use is a much fairer way than burdening those small users, that elderly person that is trying to live on a fixed income, from having to bear that share of the burden unfairly.

The amendment that was put on in the Senate took away the exemption for utility companies of under 20,000 customers. During the hearings on the bill and activities in the work session since then, the small electric companies that would be affected by that amendment indicated that with a minimum charge as opposed to a customer service charge, which is the form that this bill is in right now, that they did not have any difficulty with it, they were concerned with having the customer charge removed altogether, but with a minimum charge on there, we are going to be assured of getting seasonal customers that are going to be paying their fair share. So they are not going to slip out, you are not going to see some out-of-state user getting some benefit at the expense of an in-state user.

The provision that takes out the family farm rate merely directed the commission to create a family farm rate; they have the ability to do that. Our understanding is that if this bill is enacted in its form as it came from the Senate, the Governor is going to communicate with the Public Utilities Commission and express his great concern with the situation that farms in the State of Maine face and urge them, under

their already existing powers, to consider the establishment of a family farm rate. We feel that this is an appropriate way of doing it and therefore we urge you to support this bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: My first year on the floor of this House I sat very close to the gentleman from Bangor, my good friend Mr. Kelleher, and I learned some lessons that year about the kinds of bills that we would bring into this legislative body, and have brought in for many, many years, to restructure rates or to supersede that which is done by the commission if we disagree with this or disagree with that. We have had subsidy bills and welfare bills and lifeline services on electricity and we have done all kinds of things. Farmers still get hurt under this. We are overriding the commission. If we want a welfare bill and we want a subsidy bill, let's do it up front and let's do it in that form and not by doing it indirectly through the rates.

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

Mr. WEBSTER: Mr. Speaker, I would like to pose a question to the gentleman from Franklin, Mr. Connors. Could he explain — I supported this bill in the past and intended to, but I would like to have him explain why this is going to put his electric company out of business.

The SPEAKER: The gentleman from Farmington, Mr. Webster, has posed a question through the Chair to the gentleman from Franklin, Mr. Connors, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CONNERS: Mr. Speaker and Members of the House: This is a small electric company and most of their business is done on the lakes and ponds throughout that district. It is summer people that come there for a month or two and they use it in the fall for approximately three weeks or possibly another month. If we do away with this fee that they charge the customers, it takes away enough of their income so that they are going to find it impossible to stay in business.

We speak about helping small business here and helping the farmer, and to me, this is very detrimental to the small business people and to the farmers, and I think we can do this right here, we don't have to allow the Public Utilities Commission, we could kill this entire bill and then let the Public Utilities Commission make any variations that they need to.

I think the entire bill should go down the drain, but especially this amendment.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I think Mr. Connors is a little bit in error here. These people that have these summer camps have to pay the minimum charge whether they are there or whether they are not there, that is my understanding of the bill. At the hearing, we had many many older people that were there that had to pay \$5.70 in addition to their actual use of electricity. We thought it was a good bill to help the older people and we felt that this was the way to travel and we have, in fact, as the gentleman in the corner pointed out before, we have enacted other bills such as this to help out the older people, and this is the time to do it. I hope you will support this bill.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I thought I told this House in quite uncertain terms that I didn't have the qualifications to set electric rates and I don't think they did when we heard the bill the last time and I don't think they have got educated between that time and tonight. I think the whole bill should be done away with, especially this amendment. I think we have no qualifications, any of us in this House. We know little about it

and it is a very unwise thing to pass a piece of legislation like this when you know nothing about it. I am sure you don't know anymore about it than I do.

We have got a Public Utilities Commission, and I am sure they have viewed all the aspects of this bill, this area, and will continue to do so and try to adjust the rates accordingly. They have done it down through the years, and if we are not going to do it that way, I had a bill in here to do away with the commission because I didn't think we needed them. I thought we could do the job they are doing and allow the electrical companies a percentage of earnings and have the books audited once a year by some outfit like Pierce, Waterhouse or something, and come out with a lot less money than the Utilities Commission is costing us. But seeing as we have got it, the Public Utilities Commission, and seeing as how this House wants to keep them, I think they should do the job and we shouldn't be doing it.

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

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to point out that Representative Dudley's argument is an argument in favor of the amendment, because the Public Utilities Commission then could establish family farm rates.

I would just like to remind you, we may not all be very smart on the Public Utilities Committee, that is true, perhaps none of us are smart at all, perhaps we don't understand it, but I think we can understand that if you do have a service charge of \$5.70, and perhaps all you use a month is 80 kilowatts, you might pay another \$5.70, and those two dollar amounts add up to \$11.40. But somebody who may use a lot more kilowatts, let's say 300 kilowatts, all they have to pay is that little \$5.70 service charge and then they are only charged on the amount of kilowatts that they use, and that certainly doesn't seem fair. So it is the poor individual, small user, who really suffers under this service charge. A minimum charge would help provide service to customers.

I certainly hope that you go along with the motion of the chairman of the Public Utilities Committee. We may not be smart, but at least we can add a few dollars here and there.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would like to respond to at least a couple of comments that have been made that I think are a little off the mark.

First of all, the small utility down in Mr. Connors area, Union River Electrical Cooperative, with Mr. Honey who is the executive director, indicated to us on several occasions that if we chose the form that the committee ultimately did choose by going with the minimum charge, that he felt his district and other small districts would not have any difficulty at all.

Mr. Tarbell suggested that this is a welfare program. I would suggest to him, if he doesn't like welfare programs, he ought to move out of the Bangor area because the Bangor Hydro utility currently uses a system very similar to this, as does the Maine Public Service. It is only the Central Maine Power Company that has gone to a customer service charge, and we are trying to put them back in line with the other two major utilities in the State.

We think that it is not a welfare system. It just has all of us pay according to how much electricity we use rather than forcing a person, especially a low income or elderly person, who has very little flexibility in his or her budget, to pay \$5.70 before they get a single kilowatt of electricity. If you want to help out that elderly person without creating a welfare system, by putting the burden on each and every one of us based on how much electricity we use, which I think is a fair way of doing it, each according to their usage, then this is the route to go. We ought to support the Governor's Bill and I urge you to do so.

The SPEAKER: The Chair recognizes the gentleman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I don't understand why people in this House seem to feel that they are capable of establishing something as complex as utility rates. We are not paid to do that, it is none of our business to do that. The Public Utilities Commission was established to take care of those things, and that is what the people of this state pay them to do.

The Public Utilities Commission, three years ago, established a method for regaining their fine fixed cost, a fixed cost for the cost of their poles, their lines, meters, etc. That is the general cost to bring electricity to their customer whether or not they use it or not. That is just to have it connected to their house.

We, a few years ago in this body, passed a law which said that the public utilities could regain their fixed costs. We did that right here, and now we are stepping in again and interfering in a system where we shouldn't be interfering and trying to change that.

I have a letter here from the Maine Farm Bureau that says it is going to be a 10 to 15 percent increase for them. We have already heard about the out-of-state seasonal people who will be subsidizing. I really hope tonight that in your wisdom in the final 11th hour, we have the wisdom to indefinitely postpone this bill.

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

#### ROLL CALL

YEA—Aloupis, Armstrong, Bell, Brown, D.; Brown, K.L.; Cahill, Conary, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Nelson, A.; O'Rourke, Paradis, E.; Pearson, Perkins, Peterson, Randall, Reeves, J.; Salisbury, Sherburne, Small, Soulas, Stevenson, Stover, Studley, Swazey, Tarbell, Treadwell, Walker, Webster, Wentworth, Weymouth.

NAY—Austin, Baker, Beaulieu, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Callahan, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Huber, Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, Paradis, P.; Paul, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Smith, C.W.; Soule, Strout, Telow, Thompson, Tuttle, Twitchell, Vose, The Speaker.

ABSENT—Carrier, Hunter, Jalbert, Laverriere, Martin, A.; Nelson, M.; Racine, Theriault.

Yes, 57; No, 85; Absent, 8; Vacant, 1.

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

Thereupon, on motion of Mr. Davies of



Orono, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Senate Amendment "B" (S-367) was read by the Clerk.

Mr. Kelleher of Bangor moved the indefinite postponement of Senate Amendment "B".

Whereupon, Miss Brown of Bethel requested a division.

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

Mr. DAVIES: Mr. Speaker, for those people who supported this bill, I urge them not to vote to indefinitely postpone Senate Amendment "B".

The SPEAKER: The Chair will order a vote. All those in favor of Senate Amendment "B" being indefinitely postponed in non-concurrence will vote yes; those opposed will vote no.

A vote of the House was taken.

29 having voted in the affirmative and 102 having voted in the negative, the motion did not prevail.

Thereupon, Senate Amendment "B" was adopted in concurrence.

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

By unanimous consent, ordered sent forth with to Engrossing.

The following papers appearing on Supplement No. 42 were taken up out of order by unanimous consent:

#### Non-Concurrent Matters

Bill "An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System" (H. P. 1178) (L. D. 1402) (C. "A" H-436) which was Passed to be Enacted in the House on May 26, 1981.

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

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

Bill "An Act to Restructure the Public Utilities Commission" (Emergency) (S. P. 637) (L. D. 1652) (H. "A" H-533) on which the Bill and Accompanying Papers were Recommended to the Committee on Public Utilities in the House on June 10, 1981.

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

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

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

Mr. PARADIS: Mr. Speaker is the House in possession of House Paper 1216, L.D. 1445, An Act to Authorize a Self-liquidating Bond Issue for Kennebec County for the Construction of a New Detention Facility?

The SPEAKER: The Chair would answer in the affirmative, having been held by the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, I ask that we reconsider our action whereby this Bill was passed to be enacted earlier in the day, and I further ask that it be tabled for one legislative day.

Whereupon, Mrs. Damren, of Belgrade, requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Augusta, Mr. Paradis, that this be tabled for one legislative day pending his motion to reconsider passage to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Paradis of Augusta 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 Augusta, Mr. Paradis, that this be tabled for one legislative day pending his motion to reconsider passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Kane, Kilcoyne, LaPlante, Lisnik, Locke, Mahany, Martin, H.C.; McCollister, McHenry, McKean, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Pouliot, Reeves, P.; Richard, Roberts, Rolde, Thompson, Tuttle, Vose, Mr. Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Carter, Clark, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Fitzgerald, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kelleher, Ketover, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, MacEachern, Macomber, Manning, Masterman, Masterton, Matthews, McPherson, McSweeney, Moholland, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Perry, Peterson, Post, Prescott, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Treadwell, Twitshell, Walker, Webster, Wentworth, Weymouth.

ABSENT — Brown, A.; Carrier, Chonko, Dudley, Hunter, Jalbert, Kany, Laverriere, Martin, A.; Racine, Strout, Theriault.

Yes, 52, No, 86; Absent, 12; Vacant, 1.

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

Thereupon, the House reconsidered its action whereby the Bill was passed to be enacted.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I know it is very late and I will be very brief. The reason I asked for reconsideration was that I felt I must bring before the voters of Kennebec County and to this esteemed House of ours one last time the facts regarding this bond issue for the Kennebec County jail. I think House Amendment "A" to this bill is one of the worst things I have seen in my three years in this body. I don't like the way it was done, I don't like the way it is being ramrodded through this House and the other body yesterday. I don't think this is the way this House should act, and I wanted to bring that to the attention of the general public.

When the taxpayers of a county have to buy from the taxpayers of the state, essentially the same taxpayers, land to build a jail on for offenders of crimes, I don't think that is good government, I don't think it makes sense.

I wanted to read into the record very briefly a statement made by one of our own commissioners here in Kennebec County, because I believe that that statement hits the nail right on the head. I am quoting from Commissioner Charles Moreshead: "Kennebec County just spent about one quarter of a million dollars to renovate the existing jail facility. I realize that the facility probably does not meet all federal and state jail standards, but we are certainly working in that direction and will continue to do so until a new jail is eventually built."

"I am convinced that if any one of you checked with the state correction authorities, you

would find that most state correction facilities do not meet all standards either.

"It is my opinion, based upon recent referendum votes in Augusta of a high school and a new city hall, that a referendum for a \$4.5 million jail that is prematurely presented to the voters of Kennebec County will be turned down. I suggest that each of you talk with your constituents on this subject before making a final commitment to pass this legislation and send the issue to referendum."

There are some who would say that we ought to rush into this, that we ought to make a decision in the final hours of this first regular session; I do not want to be counted as one of those. I ask that this bill and all its accompanying papers be indefinitely postponed, and when the vote is taken, I ask for the yeas and nays.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I envy Mr. Paradis. I wish I would be in that position. I hate to impose anything upon the people of the City of Augusta. Unfortunately, we are faced with a very unusual situation. Our present jail is 135 years old. It has been renovated and re-renovated. Recently, two years ago, the state condemned the jail and they gave us the opportunity of renovating it sufficiently enough until we could get a new jail constructed.

The bill that we have before us is a referendum bill. My only wish is that this body will support this bill in order to permit the people of Kennebec County to vote in a referendum and find out whether they do want to support the jail or not.

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

Mr. JACQUES: Mr. Speaker and Members of the House: I apologize to everybody for getting up twice in the same day, but I have to explain something. All this is going to do is let this go to the voters of Kennebec County, and I have no doubt about what they are going to say about this, but I think they should have the right to vote on that, because it is going to affect every single taxpayer in the county. They are going to have to decide whether we are going to pay to board our prisoners out, we are going to let the state close the jail down, we are going to make a move to build a new jail. It is going to be their decision; that is why I am not fighting this.

I am against the proposal, but I want the people of Kennebec County to have their say in this proposal because it is going to affect every single one of them, that is why. I am not in favor of it, but I am going to let them make the choice because it is coming out of their pocket-books as well as mine.

I hope you will let this bill go on its way, let the taxpayers of Kennebec County tell the people what they want.

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 the motion of the gentleman from Augusta, Mr. Paradis, 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 — Carter, Davies, Fowlie, Hayden, Kane, Kany, McCollister, McGowan, Michael, Nadeau, Paradis, P.; Peterson, Tuttle.

NAY — Aloupis, Armstrong, Austin, Baker, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Cahill, Callahan, Chonko, Clark, Conary, Conners, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Dav. Dexter, Diamond, G.W.; Di-

amond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gavett, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kelleher, Ketover, Kisman, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, The Speaker.

ABSENT — Beaulieu, Brown, A.; Carrier, Carroll, Hunter, Jalbert, Laverriere, Martin, A.; Nelson, M.; Racine, Strout, Theriault.

Yes, 13; No, 125; Absent, 12; Vacant, 1.

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

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

Bill, "An Act to Amend and Clarify the Procedure to File and Appeal Claims by Patients, Inmates or Prisoners" (Emergency) (S. P. 144) (L. D. 315) (C. "A" S-22)

Tabled—February 27 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L. D. 315, was an early piece of legislation that came in before the Judiciary Committee. It was designed to address a problem that was in the area of corrections, but it goes way beyond the area of inmates and prisoners. It deals with patients who are in our mental institutions and those who are in Pineland who are mentally retarded.

What it really does, it removes the right to appeal to the state claims board, it removes this right for individuals who are in those institutions that I mentioned other than corrections. This is a situation that I feel should be dealt with the split of the Department of Corrections takes place officially. We have a special transition committee which will deal with the legislation, and this is the type of legislation that transition committee should be dealing with. Therefore, I do not feel this issue should be addressed in this bill, since it is more broad than it was intended, and therefore I would ask that this Bill and all its accompanying papers be indefinitely postponed.

Thereupon, the Bill and accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

HOUSE DIVIDED REPORT—Majority (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-471) — Minority (5) "Ought Not to Pass" — Committee on Public Utilities on Bill "An Act to Authorize the Public Utilities Commission to Allow Undisputed Portions of a Rate Change to Take Effect During the Pendency of a Rate Proceeding" (H. P. 781) (L. D. 926)

Tabled—May 26 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Either Report.

On motion of Mr. Davies of Orono, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and amended by Committee Amendment "A" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Hayden of Durham,

Adjourned until ten o'clock tomorrow morning.