

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Tenth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 6, 1982 to April 13, 1982**

**INDEX**

**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

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**FIFTH SPECIAL SESSION**

**May 13, 1982**

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**SECOND CONFIRMATION SESSION**

**July 16, 1982**

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**HOUSE**

Wednesday, February 24, 1982

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

Prayer by the Reverend Larry Fairbanks of the First Church of the Nazarene, Augusta.

The journal of yesterday was read and approved.

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

Bill "An Act to Clarify the Certificate of Approval Holder and Maine Wholesale License Agreement Act" (S. P. 768) (L. D. 1826) which was passed to be enacted in the House on February 17, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-384) in non-concurrence.

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

**Petitions, Bills and Resolves****Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

**Appropriations and Financial Affairs**

Bill, "An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees" (Emergency) (H. P. 2084) (Presented by Representative Pearson of Old Town) (Cosponsor: Representative Smith of Mars Hill) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act Enabling the State Planning Office to Administer the Community Development Block Grant Program" (Emergency) (H. P. 2085) (Presented by Representative Brenerman of Portland) (Cosponsors: Representatives Kany of Waterville, Lancaster of Kittery and Senator Ault of Kennebec) (Governor's Bill)

Committee on Appropriations and Financial Affairs was suggested.

On motion of Mrs. Kany of Waterville, tabled pending reference and later today assigned.

**Later Today Assigned**

Bill "An Act Enabling the Department of Educational and Cultural Services to Administer the Education Block Grant Program" (H. P. 2086) (Presented by Representative Carter of Winslow) (Cosponsors: Representatives Kelleher of Bangor and Davis of Monmouth) (Governor's Bill)

Committee on Appropriations and Financial Affairs was suggested.

On motion of Mr. Connolly of Portland, tabled pending reference and later today assigned.

**Local and County Government**

Bill "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities" (H. P. 2087) (Presented by Representative Masterton of Cape Elizabeth) (Cosponsors: Senator Devoe of Penobscot and Representative Nelson of Portland) (Governor's and Chief Justice's Bill)

(Ordered Printed)

Sent up for concurrence.

**Study Report****Committee on Energy and Natural Resources**

Representative Hall from the Committee on Energy and Natural Resources, to which was referred by the Legislative Council the study relative to requiring adequate safety information with wood stoves and furnaces, have had the same under consideration and ask leave to

submit its findings and to report that the accompanying Bill "An Act to Require Safety Information with Wood Stoves and Furnaces" (H. P. 2079) (L. D. 2021) be referred to this Committee for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

**Study Report****Committees on Energy and Natural Resources and Public Utilities**

Representative Hall for the Committee on Energy and Natural Resources and Public Utilities to which was referred by the Legislative Council the study to create a set-aside system for petroleum products to meet the needs of priority users during an energy crisis have had the same under consideration, and ask leave to submit their findings and to report that the accompanying Bill "An Act to Create a State Set-aside System for Petroleum Products" (H. P. 2088) (L. D. 2022) be referred to the Committee on Energy and Natural Resources for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Energy and Natural Resources ordered printed and sent up for concurrence.

**Special Sentiment Calendar**

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

Elsie M. Monroe, of Milo, who has reached the 95th anniversary of her birth on February 23, 1982; (H. P. 2076) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

The Katahdin Cougars, of Sherman Station, winners of the Eastern Maine Class C Boys Basketball Championship for the 1981-1982 academic year; (H. P. 2077) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot, Sewall of Penobscot and Representative Smith of Island Falls)

The Central Aroostook High School Girls' Basketball Team, which won the 1982 Class C Eastern Maine Championship; (H. P. 2078) by Representative Smith of Mars Hill. (Cosponsor: Senator Carpenter of Aroostook)

The Maine Snowmobile Association which dedicated its first Interconnecting Trail System in Eustis on January 31, 1982; (H. P. 2080) by Representative Dexter of Kingfield) (Cosponsors: Senator Redmond of Somerset, Representatives Webster of Farmington and Armstrong of Wilton)

G. Willis Hodson, for his long and faithful service to the Town of Camden, covering a period of more than 27 years as assessor, selectman and town manager; (H. P. 2081) by Representative O'Rourke of Camden. (Cosponsor: Senator Shute of Waldo)

Lura Farr, of Brooksville, who is retiring following 30 years of dedicated public service in the United States Postal Service; (S. P. 871)

Richard H. Keene, of Mechanic Falls, for his impressive 36 years as a Postal Service employee in which he accumulated over 437,000 miles of accident-free driving and 2800 hours of unused sick leave; (H. P. 2083) by Representative Callahan of Mechanic Falls.

In Memory of:

Ralph P. MacKenzie, of Machias, longtime merchant and friend of the community; (H. P. 2082) by Representative Randall of East Machias. (Cosponsors: Representative Moholland of Princeton and Senator Brown of Washington)

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

**Consent Calendar  
First Day**

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

(S. P. 771) (L. D. 1821) Bill "An Act Establishing a Directional Sign at Exit 8 of the Maine Turnpike Indicating St. Joseph's College"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-389)

(S. P. 739) (L. D. 1724) Bill "An Act to Adjust the Fees for Licenses Issued by the Arborist Examining Board"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-388)

(H. P. 1728) (L. D. 1713) Bill "An Act to Adjust the Fees for Licenses of the Electrician's Examining Board"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-607)

(H. P. 1776) (L. D. 1766) Bill "An Act to Require Removal of Motor Vehicles from Great Ponds, Rivers and Streams"—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-608)

There being no objections, these items were ordered to appear on the Consent Calendar of February 25 under the listing of Second Day.

**Consent Calendar****Second Day**

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

(H. P. 1732) (L. D. 1717) Bill "An Act to Amend Certain Provisions of the Elevator Laws" (C. "A" H-602)

(H. P. 1840) (L. D. 1854) Bill "An Act Concerning the Preservation of Archaeological Sites" (C. "A" H-603)

(H. P. 1726) (L. D. 1711) Bill "An Act to Protect Maine Milk Producers from Abrupt Loss of Market" (C. "A" H-601)

(H. P. 1750) (L. D. 1740) Bill "An Act to Provide for Withdrawal of Certain Lands from the Spruce Budworm Suppression Program" (C. "A" H-604)

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

**Passed to Be Engrossed****Amended Bills**

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action against the State (Emergency) (H. P. 1782) (L. D. 1772) (C. "A" H-600)

RESOLVE, Authorizing David Condon to Bring Suit Against the State (H. P. 1830) (L. D. 1812) (C. "A" H-599)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Papers were passed to be engrossed as amended and sent up for concurrence.

**Bill Held**

An Act to Transfer Certain Responsibilities for Insect Nuisance Identification from the Department of Conservation to the Department of Agriculture, Food and Rural Resources (S. P. 741) (L. D. 1726) — In House, Passed to be Enacted on February 23, 1982.

HELD at the request of Representative Mahany of Easton.

On motion of Mr. Mahany of Easton, the House reconsidered its action of yesterday whereby this Bill was passed to be enacted.

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

**(Off Record Remarks)**

By unanimous consent, all matters acted upon requiring Senate Concurrence were or-

dered sent forthwith to the Senate thirty minutes after the House recessed.

On motion of Mr. Perry of Mexico,  
Recess until 4:30 in the afternoon.

**After Recess**  
**4:30 P.M.**

The House was called to order by the Speaker.

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

**Referred to the Committee on**  
**Appropriations and Financial Affairs**

Report of the Committee on Education on Bill "An Act to Amend the Maine Medical Compact" (S. P. 766) (L. D. 1824) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs.

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

**Consent Calendar**  
**First Day**

(S. P. 812) (L. D. 1908) Bill "An Act Relating to the Terms of the Terms of the Public Utilities Commissioners"—Committee on State Government reporting "Ought to Pass"

No objections having been noted, the above item was ordered to appear on the Consent Calendar of February 25, under the listing of Second Day.

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

**Petitions, Bills and Resolves**  
**Requiring Reference**

Bill "An Act to Provide for Mandatory Jail Sentences for Repeat Offenders who Commit Certain Crimes on or to a Person 60 Years of Age or Older" (H. P. 2095) (Presented by Representative Boyce of Auburn) (Cosponsors: Senators Pierce of Kennebec, Conley of Cumberland and Representative Diamond of Windham) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Bill "An Act to Ensure Funding for the Eventual Decommissioning of and Spent Fuel Disposal at Any Nuclear Power Plant" (H. P. 2096) (Presented by Representative Kany of Waterville) (Cosponsor: Senator Trafton of Androscoggin) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Revise the Charter of the Brunswick Sewer District" (H. P. 2097) (Presented by Representative Livesay of Brunswick) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

**Orders of the Day**

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

Bill "An Act Enabling the State Planning Office to Administer the Community Development Block Grant Program" (Emergency) (H. P. 2085) (Committee on Appropriations and Financial Affairs was suggested)

Pending—Reference.

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

Mrs. KANY: Mr. Speaker, I move that this item be referred to the Committee on State

Government, ordered printed and sent over for concurrence.

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

Mr. KELLEHER: Mr. Speaker, I would pose a question through the Chair to the gentleman from Waterville, Mrs. Kany. Why do you prefer that it go to the Committee on State Government?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, who may answer if she so desires, and the Chair recognizes that gentlewoman.

Mrs. KANY: Mr. Speaker and Members of the House: I believe most members of the legislature, and most of the members of this House, are very much aware that most of the work this session is being done by the Appropriations Committee. There's no question about it, they do a good job. It's a very important committee, it's true, but some of the rest of us like to think that perhaps we have something we might be able to offer to some of the legislation that comes before the legislature too.

This particular bill, I have a feeling that if it did go to the Appropriations Committee originally, they would not change the dollar amount on what was accepted in the form of the block grant, but instead they would have to be faced with looking at the substance of the bill, and we do have many substantive committees. Our committee, for instance, the State Government Committee, the general area on which we concentrate is often housing, economic development and so on. We only have 23 bills, most of which are very minor, and we feel very competent in dealing with this matter, partially because the Appropriations Committee has so much else that perhaps it could not spend the time dealing with this new program, which certainly should be given a lot of attention.

I would hope that this House would go along with this reference. Actually, I think we are dealing with something even more major than one single reference. Earlier in the day, you noticed that the House Chairman of the Education Committee also tabled a block grant bill. Perhaps that committee might have some input towards the substantive matter of a block grant acceptance.

I think we are dealing with actual management of the legislature. Should all the important bills, most of the important bills, go to one single committee, the Appropriations Committee, or should the substantive committees work on them?

I personally, in discussion with the State Government Committee, believe that we can deal with this and that perhaps when we are through, we could then send it on to the Appropriations Committee for their important input, and then the Appropriations Committee could make their recommendations to the legislature.

So, we will be willing to work with you. We just feel that we have something, too.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: These last several months, last year anyway, has been a time of a vast amount of changes for this legislature and for every legislature in this country. We have a radical change in the way things are being administered from Washington. Most of the things that have been allocated to this legislature and the other 49 legislatures used to be done in categorical grants. They are now being lumped together in block grants in several different categories.

Not knowing exactly how that was going to be handled or how many block grants there were going to be, and fearing as we did that those federal monies, vast amounts of federal money, would come to the state and be handled by the Executive Department and their agen-

cies all alone, the Appropriations Committee, last year, knowing that this was coming down, made some real serious efforts to make sure that the Executive Department of this State in this administration, and hopefully all future administrations, would not have the final and only say on how monies were allocated.

To that end, we inserted in the Appropriations Act last time a provision in the law that said any changes from federal categorical grants — and I am reading directly from the law — to federal block grants shall not be implemented on the state level without the recommendations of the committee having jurisdiction over financial affairs, and the approval of the legislative branch of state government.

We further said, in order to protect the legislative branch of the government, no expenditure should be made from any block grant unless the allocation of those funds be recommended by the committee having jurisdiction over financial affairs and the approval of the legislature.

Consequently, we have today before us a block grant. I might tell you parenthetically that our committee this afternoon was dealing in human services on a federal block grant. Many questions were asked; many questions were answered. We now have another one in front of us.

It is true that we are a busy committee. Sometimes I wish we weren't as busy, but, nevertheless, it seems to me a prudent thing to do to have one person balancing the checkbook and not two or three different bodies within this body balancing a checkbook.

Therefore, I would hope that you would vote against the motion to refer this to the Committee on State Government. I would hope that the Committee on State Government would understand that we earnestly solicit and invite them to participate in the discussions with the departments dealing with this particular block grant. We want them to participate, we want them to be in our work sessions, we want their advice, but if you were to adopt the recommendation of the chairman of that committee, you would have violated this law and I think would have created chaos trying to figure out the financial picture in the state.

For example, if you are to receive federal money, which is what this is all about, and it frees up state money because you allocate it in a certain way, how do you know that you are freeing up that money when one committee is doing it and the other one is dealing with the other bunch of money?

It is very complicated, it is much more complicated than it first appears.

I am proud of my committee; I think you should be proud of our committee because we saw it coming and were quick to put a provision in the law to prevent only the executive department from handling these funds.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: My good friend from Old Town, Mr. Pearson, was right on the money when he said that radical changes taking place in Washington really are changing the relationship with this particular item between the state and federal government, and as a result of these changes, the changes that will be occurring are not merely changes in dollars and cents, but that certainly is the case, we're getting about 75 percent of what we had been getting before from the federal government, but as a result of that, we are also seeing major changes that will have to take place as far as state policy is concerned, how these funds are to be implemented, what our priorities are going to be in dealing with the money that deals with housing, state development, state planning and so forth.

Obviously, the Appropriations Committee has its responsibilities, and obviously the rest of our committees have responsibilities as

well. Except for the Appropriations Committee, the rest of us deal mainly with policy.

Everything that will be contained in the community development block grant money deals with things that are directly dealing with the State Government Committee. And again, as a result of these changes, severe policy changes may take place, things that we have to look at and decide what will stay, what won't stay. We are going to have to make some decisions, determine our least priorities, and in order for us to do so most effectively and most efficiently and most appropriately, then I believe that the State Government Committee has the responsibility to take a look at the Community Development Proposal, deal with it, set its priorities, send it on to the Appropriations Committee and let them take it from there. I don't think any harm would result in the State Government looking at this proposal. I think having two cooks looking at it this time instead of one makes a lot of sense. There is a lot at stake here and, again, the policy involved is certainly within the responsibility of the State Government Committee and I hope that you would support the motion of the Chair of the committee to refer the bill to the Committee on State Government.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Lancaster.

Mr. LANCASTER: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important bill and I feel that we definitely should refer it to the Committee on Appropriations.

Over the years, I have been involved in community development, urban renewal and economic development. I was a member of the advisory committee that helped draft this bill. There are problems that could arise if we do not follow the proper procedure.

Our chairman, Mr. Pearson, did explain in regard to the foresight of the Committee on Appropriations to have the proper language in Part II of the Budget last year, which would refer it to Appropriations and not the Executive Department. A technicality could arise if this was not followed properly.

I don't know if any or many of you have been involved in regards to federal audits in the past but I certainly have. Several times I have been involved with grants, and I might say three community development grants in the State of Maine that I did help prepare — it was for the town of Fairfield when I was Manager there. We did have federal audits. They start right back to the very beginning, whether your town meeting was called properly and everything.

This last summer I attended two sessions, one in Danvers, the Council of State Governments, in regards to block grants. I spent most of my time in there regarding community development.

Then I went down to the University of Massachusetts in regards to a seminar down there with the people from Washington in regards to community development block grants. I took along with me a copy of Part II of the Budget that did explain how these various block grants in this state would have to have the recommendation of the Appropriations Committee. There were people there from Washington who I did know many years ago when I was involved in urban renewal projects down in Massachusetts as city manager, the City Manager of Haverhill, Massachusetts, and they informed me that their quick opinion was that this would be, where it is spelled out, that the proper procedure would be that it should be held in the Appropriations Committee in this particular state. If we do not and we go through a federal audit, that might very well be a technicality in regards to the audit and it is part of the regulations, the federal regulations, that every one of these programs has to undergo an audit and is reviewed by the federal auditors. That could very well be a technicality if it is not referred to the proper committee.

I thank you very much and I hope that you

people will follow my light because it will be the same as our House Chairman, Representative Pearson's.

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

Miss BELL: Mr. Speaker, Members of the House: I appreciate Mr. Pearson's concerns about the checkbook issue that he presented. I also appreciate Mr. Lancaster's experience in this area. He was at one time a member of State Government Committee. I am also proud of the Appropriations Committee in what they are doing.

I think a precedent has been set where, with the Human Services block grants, at that time members of the Health and Institutional Services Committee took part in that process. All we are asking as members of the State Government Committee is that we have some input into these policy decisions. We have spent time since September studying the housing situation in the State of Maine. We have also been concerned with state development. Senator Ault and Representative Kany also have spent a great deal of time this fall putting together the community development block grant package which you received on your desks earlier this session.

We would urge you to involve us in that process. What we are asking is that we have an opportunity in this process. We support Appropriations receiving the bill, we just want a part in the process.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this Bill is referred to the Committee on State Government. Those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

Mr. Kany of Waterville 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 Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: There have been a number of points that have been brought up. First of all, the legislature has had before us a number of proposals over the years to deal with federal funds. For instance, I have been asking the Chairman of the Appropriations Committee a number of times recently when are they going to deal with the held over bill which would incorporate federal funds directly into the state budgetary process. I am the sponsor of that measure and have long been interested in this particular topic, along with Representative Carter and a number of other people. The Appropriations Committee chose last year not to deal with a more major way of looking at the budget because they were very busy with all the appropriation bills. Instead, they changed just one little tiny portion of Title V dealing with the budgetary process basically, putting one sentence or so into the statutes which stated, as Representative Pearson said, that the Appropriations Committee would be making recommendations to the legislature and the legislature would have to accept any new block grants. This is a major legislative policy decision on how we want to manage our business.

The members of the State Government Committee and other committees which have block grants that have a good deal of substance about which they ordinarily develop some expertise are interested in participating in any thinking on that, and we are basically just asking for us to hold the public hearing on this matter and then for us to send it to the Appropriations Committee.

There is no problem at all with any violation

of any federal law. I have read the federal law and the proposed regulations and the regulations, participated in Boston and served on the advisory committee that developed this legislation along with the co-chairman of the State Government Committee, Senator Ault, and Representative Brennerman and Representative Lancaster, the four of us together served on that advisory committee.

It really would make sense if we would decide how we want to spend our time. I know Representative Dexter, the other day, was complaining about how things are managed around here. I have heard that mentioned throughout the legislature and throughout the House—perhaps we could do our business a little better, we could make certain our time is used better than it has been.

I am just suggesting that we change our process and that we do let the committees that are interested in the substance work in this area instead of having the Appropriations Committee do everything, just about, while we just sit back watching and waiting, perhaps go over a lot of materials and hope that one of them will be listening when we give our opinion on it, even though we might have spent quite a few hours on it too.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this Bill be referred to the Committee on State Government. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Bell, Benoit, Boyce, Conary, Connolly, Cox, Davies, Dexter, Diamond, J.N.; Dillenback, Erwin, Fitzgerald, Gwadosky, Higgins, H.C.; Hobbins, Holloway, Jacques, Jordan, Joyce, Kany, Lund, Manning, McCollister, McGowan, Michael, Mitchell, E.H.; Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Post, Reeves, P.; Richard, Small, Smith, C.B.; Soule, Stevenson, Tarbell, Twitchell.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Boisvert, Bordeaux, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conners, Crowley, Curtis, Damren, Davis, Day, Diamond, G.W.; Drinkwater, Foster, Gavett, Gillis, Hall, Hickey, Higgins, L.M.; Huber, Ingraham, Jackson, P.T.; Jackson, P.C.; Kelleher, Kiesman, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, H.C.; Masterman, Matthews, McHenry, McPherson, Michaud, Mitchell, J.; Moholland, Murphy, Nelson, A.; O'Rourke, Pearson, Perkins, Perry, Peterson, Pines, Reeves, J.; Ridley, Roberts, Rolde, Salsbury, Sherburne, Smith, C.W.; Soulas, Stover, Studley, Swazey, Telow, Theriault, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Berube, Carrier, Cunningham, Dudley, Fowle, Gowen, Hanson, Hayden, Hunter, Hutchings, Jalbert, Kane, Ketover, LaPlante, Laverriere, Martin, A.; Masterton, McSweeney, Paradis, E.; Pouliot, Racine, Randall, Strout, Thompson, Tuttle, Vose, Mr. Speaker.

Yes, 41; No, 82; Absent, 27; Vacant, 1.

The SPEAKER: Forty-one having voted in the affirmative and eighty-two in the negative, with twenty-seven being absent and one vacant, the motion does not prevail.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Enabling the Department of Educational and Cultural Services to Administer the Education Block Grant Program" (H. P. 2086), which was tabled earlier in the day and later today assigned pending reference.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, seeing the way the vote went on the previous motion, my motion when I finish, I think, will be to send this bill to Appropriations, but before I get to that point I would just like to say a couple of things.

The Education Committee, during this session of the legislature, is doing something that I think is unique, at least in the time that I have been in the legislature. We have taken the education part of the budget bill that has been presented to the Appropriations Committee and are doing a thorough line-by-line analysis of that budget with an eye towards reporting to the Appropriations Committee on our recommendations as to how that budget should be sent out to the floor of the legislature.

The thing that is in the minds of all the people on the Education Committee at this point is, after we finish our work, whether anyone on the Appropriations Committee is going to pay attention to the recommendations and to the work that we have been doing up to this point. That is a question and something that remains to be seen, but the indication we have gotten from the members of the Appropriations Committee so far is that they are looking forward to the work and the recommendations that we are going to make.

Insofar as the block grant is concerned, the Education Committee will do the same kind of analysis and make the same kind of recommendation, but if it turns out in the end that the Appropriations Committee does not heed the recommendations of the Education Committee, there probably will be a floor fight when the appropriation bill comes on the floor of the House and then there probably will be a significant attempt to try to change the process as to which committees get matters of substance.

Mr. Speaker, I would move that this Bill be referred to the Committee on Appropriations and Financial Affairs.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago I, along with other members of the Appropriations Committee asked the members of the Committee on Education for some advice on what we should do. What has happened is we have had a lot of federal money lost in education and there are a number of positions that are being cut or replaced or one thing and another.

It is my opinion, as a member of the Appropriations Committee, knowing what I do, that the Education Committee has been working very hard, that it would be a mistake for us on the Appropriations Committee to ignore what they had to say. We are looking forward, I am, to what they have to say. I think it would probably be our guide, the final word, maybe, who knows, on what we do in education.

It depends on two different things, it seems to me—one is the quality of the work and the willingness for people on Appropriations to listen.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Connolly of Portland knows that just a few short weeks ago the Committee on Appropriations had a bill before it from the administration asking us to pick up, I believe, 29 positions in the Department of Education out of 41 that the federal government was cutting out. Mr. Pearson, and I know myself, took an interest in that bill that afternoon because we were not sure that the information that we were getting, not that it wasn't factual and fair, but whether we really had the expertise or not in determining whether the 29 positions were the ones that we should accept from the Department of Education or whether we should pick up 9 or should we pick

up all 41.

Mr. Connolly took a few moments of his time that afternoon to come down to listen to part of the testimony made on behalf of the administration. There was at least one or perhaps two other members from the Committee on Education that took the time to come down and participate in the full hearing. I know I spoke to Mr. Connolly afterwards myself and told him I had some concerns as a member of that committee on whether we were picking up the proper positions in that department and that we certainly would embrace the activities of the Committee on Education in giving us some guidance.

So I can assure this House, and particularly the good House Chairman of that committee, that if they want to put the time in and if they want to put the work in, in terms of advising us on the Appropriations Committee, we would most certainly welcome it. I know at that moment I was more than happy to speak to the gentleman, and I don't want to cast any suspicions or aspersions on us in the committee about listening to the input of legislators. If we have a bill done there dealing with taxation, you can rest assured that the good gentleman from Owl's Head will be like the 14th member on the committee, and I applaud her for doing that.

So, Mr. Connolly, as far as your committee is concerned, if you want to put the effort in, I am sure that the Appropriations Committee would be more than glad to appreciate the wisdom and the expertise that you have in your particular field, and, for that matter any other committee as well.

There are some problems dealing with block grants. We do like to keep at least an updated account of where we are financially because, like the rest of you, we hear all kinds of predictions on where the state government is financially, and sometimes we wonder where we are ourselves.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: Since Representative Kelleher mentioned my name, I thought I ought to respond because I have had at least some experience this last time around in dealing with federal cuts, and it's not a taxation issue, it's in the marine resources area, and I do think that irregardless of the vote here today, we really all ought to be thinking a great deal about the process that we are undertaking now in a crisis sort of way and how we might better set up a system for the legislature next time around.

I don't think the issues of block grants or the budget can be dealt with totally by the substantive committees, be it Health and Institutions or State Government or Marine Resources or anyone else. But I think whether we do or not enter into the new federalism, or whatever you want to call it, the states are being asked to take more and more responsibility, as we have to take a look at the way we set our budgets and our priorities within this legislature.

The kind of thing that happens, as an example, and I think Representative Kelleher was there the day we did the Marine Resources budget, we have a lot of cuts on the federal level. The Department of Marine Resources is asking for money to make up some of those cuts. What we don't get told necessarily is areas where they have chosen not to make replacements of personnel, and in some of those instances, such as in SEA grant, those areas may be more important to some of the people I represent than the Department of Marine Resources coming in and saying we need to replace the federal funds that we have lost in administration. Their priorities may be different than the priorities of Maine fishermen.

In the committee, we spent three hours today discussing whether the fee for the Atlantic salmon stamp was going to be \$1 or \$4 or \$10, and yet the whole issue of what we are going to

have for extension in marine resources is never discussed by the Marine Resources Committee, and that process is wrong.

What happened was, and I am one of those of that three-member committee that sits at that table that the press sits at when we're not there, and I brought up several issues during the Marine Resources budget hearing. I just happened to find out because I sit next to a member of the Appropriations Committee, that although the department chose not to respond to some of my questions and my point at the hearing that the Appropriations Committee held on the budget of the Marine Resources Committee, he did, in fact, respond later on in something that was sent to Appropriations members. I asked the questions; I never got the letter in response, and nobody else on the Marine Resources Committee did, and I wouldn't even necessarily have known about it if I didn't happen to sit next to Representative Brenerman.

We may not be able to make those decisions now, but we have got to take a look at how this process works and how we as a legislature set our priorities for funding.

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

Mrs. KANY: Mr. Speaker and Members of the House: I'm glad this issue did come up now because it simply must be addressed.

I would just like to second exactly what Representative Post said—we must address this budgetary process and we cannot just ignore this problem; it's not going to go away. We are not going to be able to closely evaluate everything if we do it all within the Appropriations Committee.

I ask you to look at your held over bill, which is L.D. 1473, which is one suggestion on a budgetary process change incorporating federal funds within it. I just beg of you to think about this and let us address this before this session is over.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I had no intention of rising on this issue, but since my name has been mentioned, I don't think I have a choice.

Let me say that some of us on the Appropriations Committee have not been idle in dealing and coping with the problems that we are now facing with this new federalism being cast upon us.

Many of the programs that are coming through which existed before in the form of categorical grants are now coming through in the form of a block grant. Many of those programs are the same programs that existed before, they are just coming through in a different form. There may be some changes; then again there may not be. But that doesn't solve the problem or the question that has been raised.

I think more and more as I sit on the Appropriations Committee, I see where we are going to have to change the process, and the process that appeals to me the most is the one that I implemented in my community many years ago and it's called "the total budget process." What it means is that you end up with a bottom line figure, and that is the only figure whichever program you are dealing with can spend, regardless of where the funds come from.

We were dealing with an issue yesterday where we had funds coming from three different sources, and it is very difficult for us to try and get a total picture. If you have a total budget, then you can see at a glance all the dollars that are being spent for that particular program, regardless of where they come from.

The way the State of New Hampshire has set up their program under the gross budget system is that the federal monies that come in are spent first and the general fund monies are spent last. If the federal funds come in, fine; if they don't come in, then the program is curtailed. The bottom line is the key issue, and

what this will mean is that we will have to change our system. we will be dealing with more and more programs in all probability than we are dealing with now. That, in essence, will mean that every member of the legislature will have an opportunity to have greater input into these programs, such as Representative Post has mentioned.

I can appreciate the concern that Representative Kany has. I am very much concerned about the same problem, and I want to assure her that I am working, and I know others are, to achieve what she wants to accomplish.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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(Off Record Remarks)

On motion of Mr. Brannigan of Portland,  
Adjourned until nine-thirty tomorrow morning.