

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

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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

Monday, April 5, 1982

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

Prayer by the Reverend Dr. Peter Misner of the Winthrop United Methodist Church.

The members stood for the playing of the National Anthem by the Winthrop Wind Ensemble, Winthrop High School.

The journal of the previous session was read and approved.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort Hollis Greenlaw to the rostrum to sit with the Speaker. He is a student at Lawrence High School in Fairfield and he is going to be the Speaker of the House for the YMCA Model Legislature which will be held in May.

Thereupon, Mr. Greenlaw was escorted to the rostrum amid applause of the House.

Papers from the House Reports of Committees

Ought to Pass in New Draft

Report of the Committee on Energy and Natural Resources on Bill "An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection" (S. P. 925) (L. D. 2066) reporting "Ought to Pass" in New Draft (S. P. 968) (L. D. 2130)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading later in the day.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 836) (L. D. 1974) reporting "Ought to Pass" in New Draft (S. P. 969) (L. D. 2136)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Public Utilities on Bill "An Act to Prohibit Public Utilities from Including Uncompleted Construction Work Costs in Their Rates" (S. P. 733) (L. D. 1844) reporting "Ought to Pass" as amended by Committee Amendment "A" (S-445)

Report was signed by the following members:

Senator:

TRAFTON of Androscoggin

—of the Senate.

Representatives:

RIDLEY of Shapleigh

DAVIES of Orono

BENOIT of South Portland

McGOWAN of Pittsfield

CONNOLLY of Portland

KANY of Waterville

VOSE of Eastport

—of the House.

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

Report was signed by the following members:

Senators:

DEVOE of Penobscot

TROTZKY of Penobscot

—of the Senate.

Representatives:

WEYMOUTH of West Gardiner

BORDEAUX of Mt. Desert

PARADIS of Old Town

—of the House.

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

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 "Ought to Pass" as amended Report and would speak briefly to my motion.

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that the Majority "Ought to Pass" Report be accepted in non-concurrence.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker and Members of the House: For the last 70-some years in the State of Maine and elsewhere in the country, the utility regulators have been working to develop consistent, comprehensive ways of dealing with proposals to finance utilities so they can provide adequate service to the ratepayers.

The normal proceeding when dealing with generating facilities, which this would apply to, is that when a project has been built and meets the qualification of used and useful, it has been employed and is providing useful service to the ratepayers, then and only then are the ratepayers charged for the cost of that project.

In recent years, an aberration has been proposed by utilities in the ratemaking process. That aberration is referred to with the four letter acronym CWIP, which stands for Construction Work in Progress. What this would propose to do is take from ratepayers the equivalent of an interest free loan, which is then made by the ratepayers without their permission to the utility, to pay for the cost of constructing large projects on which they will be allowed to earn a rate of return during the time that it is being constructed, as well as during the time in which it is used and useful. That policy has not been accepted by the Public Utilities Commission in the State of Maine and they have, by decisions, refused to include construction work in progress charges for any of the utilities. However, they are getting closer and closer to making a decision, at least in one area, that they might allow construction work in progress to be collected during the time that a project is being built.

It is my feeling and the feeling of the majority of the committee, the feeling of the Office of Energy Resources, the Public Advocates Office, the Governor's Office and ratepayers throughout the state, particularly in the area where this rate case is being considered, namely, Aroostook County, that we ought not to change our regulatory policies to allow for construction work in progress charges to be collected from ratepayers before they get any benefit from the project that is being financed and constructed.

Therefore, you have before you the committee amendment that was placed on this bill by the "ought to pass" signers, S-445. I would urge you all to take a look at it because it is substantially different from the original bill which would have prohibited CWIP charges entirely. It is one simple paragraph and I will read it to you.

"No utility may be allowed to earn a rate of return on investments in construction work in progress unless the commission finds that failure to allow such return will cause the utility severe financial difficulty which cannot otherwise be alleviated without materially increasing the cost of electricity to consumers."

What this means is, we are going to take existing Public Utilities Commission policy and existing federal Energy Regulatory Commission policy and we are going to enact it as statute with an out that if the commission finds that there is going to be severe financial difficulty for the utility that cannot be compensated for without substantially increasing the cost of

electricity to utility ratepayers, then and only then will they be allowed to impose construction work in progress charges on the ratepayers. But unless they can prove that the financial condition of the utility is severe enough that they need it, they would not be allowed to do so.

This does not change the status quo; it simply enacts in statute what is being done by regulation. But because of the great changes that take place within the commission, the possibility with a new commissioner being appointed in the next six months or so that there might be change in the policy by the commission, it was felt by the majority of the committee that we ought to place in statute this language to make very clear to ratepayers and to the utilities that, in fact, construction work in progress will not be prohibited but will be allowed only in those very severe cases where no other alternative will allow the utilities to stay in a strong, financially healthy condition.

I urge you to accept the Majority "Ought to Pass" Report.

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

Mr. WEYMOUTH: Mr. Speaker and Members of the House: I would urge that you accept the "ought not to pass."

At the present time, the Public Utilities Commission does have the right to determine whether we are going to allow construction work in progress to be part of the rate base. The people who voted on the committee that it "ought not to pass" felt that the Public Utilities Commission now has the authority to handle this.

I will agree, as Mr. Davies said, that they are considering in one case at the present time to allow construction work in progress to be part of the rate base in Aroostook County. The reason that they are doing this is because the Public Utilities Commission realizes that if they don't, this particular utility is going to be in financial trouble.

I would suggest that at the present time the Public Utilities Commission does have the authority, it has the resources, it has the means of determining whether construction work in progress should be part of the rate base. I would urge that you vote no, and I would ask for a roll call.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: You will note that my name is on the "ought to pass" report as amended. However, there is a little story behind that and I feel a little embarrassed to stand here and talk about it but I feel that I must.

I was against this bill in committee from the word go. I concur wholeheartedly with Mr. Weymouth. However, in the spirit of compromise, I did say that I would go along with the amended version of the bill, which was presented to us in committee, which was acceptable to the PUC.

At that time, there was another report that was going to be forthcoming from the committee which was going to put the bill on the floor, and I agreed, knowingly I agreed, that I would go along with this new amendment which is far more stringent than the one I agreed with. However, I feel that I won't be backing off my position since the amendment is different from the one we decided on in committee.

Another thing is, we should be consistent. We voted to allow the Public Utilities Commissioners to overlook the reorganization bill, we showed our confidence in them at that time.

Also, we passed a bill giving prior approval; we showed our confidence in them at that time. There is no reason to put this bill forth and to dictate what they must do. Therefore, I would urge that you go along with the "ought not to pass" report.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the measure before us, and for the reason stated by Mr. Weymouth, I do believe that the PUC currently holds sufficient authority to accomplish the measures which this bill proposes to address.

I believe the provision of the bill as amended would seriously affect our utilities from expanding their capabilities into meeting the requirements of improving or increasing the future energy needs of our state. Future cost and quality of service depends on the ability of the utilities to finance new facilities and equipment now today. To attract the capital required, utilities must be able to earn sufficient amounts to provide a fair return to investors after actual costs have been defrayed.

Repayment of these often huge investments must commence simultaneously with start-up operations and with the construction phase, which can be years in advance of the delivery of a service. To delay, defer or exempt certain users from cost of construction work in progress from the rate base charges would only bring higher financing costs down on the consumer, the ratepayer, at a later date.

I believe we must allow our utilities to include charges for construction work in progress rather than the delay of the recovery of these financing costs as the bill proposes. To do otherwise precludes the utility from bringing any appreciable return to the investors.

We are losing investors today at a very rapid rate. In my own utility, the Bangor Hydro, by reading their prospectus you can see that this is actually happening.

I have people in my area who have been long-time shareholders in the Bangor Hydro and who are leaving as prudently as they can find an opportunity to withdraw and reinvest their savings in other directions with more lucrative returns.

In order that we not hobble our utilities further, I urge that you support the "ought not to pass" report.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I was one of those people who supported the bill as it was originally presented to the committee. The bill then would have outlawed CWIP charges being passed on to consumers in every instance. That was my position and I think it was the position the sponsors of the legislation had and I think many members of this legislature had, particularly those who come from Aroostook County, with relation to this particular issue.

However, in trying to get something out of committee, something that was acceptable to a majority of people in the legislature, something that didn't hamstring the Public Utilities Commission, we came up with this amendment which, up until a week or so ago, seemed to be acceptable to everybody who wanted to try to do something positive with the legislation rather than just to kill the issue.

The amendment that Representative Davies read to you says that you can't pass on CWIP charges to consumers unless — and then the amendment goes on to say that if the utility company is going to be severely adversely affected financially by not being allowed to pass on the CWIP charges and that there is no other alternative available to them, then the Public Utilities Commission may allow CWIP charges to be passed on to consumers.

Right now, Maine utility companies have invested in out-of-state projects such as Seabrook. No one at this point in time even knows if Seabrook is going to go on line and whether Maine consumers, let alone consumers anywhere, are going to be able to take advantage of power produced through Seabrook. Yet, some Maine consumers are being asked to pay

for some of the investments that have been made by utility companies in Maine.

One of the groups that would be most adversely affected if this legislation is not passed today would be the elderly citizens of the state. They would be the ones that would be asked to pay for those charges now and may never receive any benefits from it, because even if the projects do go on line, it may be some time in the future and they may not even be alive to enjoy the benefits from it.

These kinds of charges have traditionally been borne by the bond holders and the stockholders of utility companies. If the bond holders and the stockholders don't feel that they want to bear these charges, then I think that is a signal that maybe that type of an investment is not a good investment. If the banks and the stockholders and the other people that have financial investments in the utility companies are not willing to assume that risk, I don't think it is fair, by any manner of consideration, to be able to pass those charges, that risk, back onto the ratepayers of the state.

I would hope that you would support this amended version of the bill. It is a very satisfactory compromise.

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

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: One final comment before we go to a vote.

With the construction of large projects, ratepayers are ultimately going to pay for the cost of those projects, but there are two different ways that they could pay it, one of which benefits both the ratepayers and the company; one of which harms both the ratepayer and the company.

If, in fact, the financial health of the utility is such that they need construction work in progress charges, a much healthier way, one which would be less damaging in the bond markets, would be to allow a slightly higher rate of return to the utility so that they can gain adequate monies to handle their business while this project is being built.

When the utility asks for and receives construction work in progress charges, it is like raising a red flag for the bond houses in New York. What it means is, the financial health of this utility is so bad that normal rate-making procedures simply do not work and we have to go to this aberrant form of ratemaking, namely, construction work in progress, to give them enough money so they can finish the projects that they are building. The result of that is that the bond ratings for that company will go down, the cost of money will go up, and as usual, the ratepayers are the people who end up paying the cost of that. They will pay for the higher interest charges in the rates that they ultimately will pay.

If you can avoid the necessity of going to CWIP charges, then you will not have the risk of higher interest charges and the benefit will accrue not only to the ratepayers but also the stockholders and the company.

So to avoid the problem, we urge that you accept the Majority "Ought to Pass" Report. The commission will have flexibility under the existing situation, as well as under the proposed situation with this amendment, so you are not going to lose any of that flexibility.

Don't put us in the position where construction work in progress charges are going to be raised like a red flag over our utilities' bonds, which are going to hurt all the ratepayers in the

State of Maine.

I urge you to accept the Majority "Ought to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Orono, Mr. Davies, that the Majority "Ought to Pass" Report be accepted in non-concurrence. All those in favor will vote yes; those opposed will vote no.

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

Mr. STROUT: Mr. Speaker, I would ask permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here he would be voting yea and I would be voting nay.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hobbins, Jackson, P.T.; Jacques, Joyce, Kane, Kany, Ketover, Lewis, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Perry, Pines, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Smith, C.B.; Smith, C.W.; Soulas, Soule, Swazey, Theriault, Thompson, Twichell, Wentworth, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Hickey, Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jordan, Kiesman, Kilcoyne, Lancaster, LaPlante, Lund, Masterman, Masterton, Moholland, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Reeves, J.; Salsbury, Sherburne, Small, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Vose, Walker, Webster, Weymouth, Willey.

ABSENT—Hanson, Higgins, H.C.; Higgins, L.M.; Huber, Kelleher, Laverriere, Livesay, Pearson, Rolde, Tuttle.

PAIRED—Strout-Jalbert.

Yes, 82; No, 57; Absent, 10; Paired, 2.

The SPEAKER: Eighty-two having voted in the affirmative and fifty-seven in the negative, with ten being absent and two paired, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-445) was read by the Clerk and adopted.

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

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Revise the Education Laws" (Emergency) (S. P. 561) (L. D. 1554) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 897) (L. D. 2042)

Report was signed by the following members:

Senators:

TROTZKY of Penobscot

CLARK of Cumberland

— of the Senate.

Representatives:

CONNOLLY of Portland

GOWEN of Standish

LOCKE of Sebek

THERIAULT of Fort Kent

MATTHEWS of Caribou

THOMPSON of South Portland

MURPHY of Kennebec

— 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:

Senator:

PIERCE of Kennebec

— of the Senate.

Representatives:

BROWN of Gorham

BROWN of Livermore Falls

ROLDE of York

— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-453)

In the House: Reports were read.

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

Mr. CONNOLLY: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and would like to speak briefly.

The SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the Majority "Ought to Pass" Report be accepted in concurrence.

The gentleman may proceed.

Mr. CONNOLLY: Mr. Speaker and Members of the House: This bill, in case you haven't been apprised of the situation, is the recodification of the Education Laws which was before us about two weeks ago. Since that time the bill was recommitted to the Committee on Education and we went through a very extensive work session on the issues that had been raised by members of the legislature and people in the education community about possible errors or omissions.

Since that time the committee, because the bill was in a new draft form and the committee was unable to put an amendment on the bill in committee, sent the bill back out in the form that was before us originally and has suggested, and that suggestion has been accepted, to amend the bill by (1) striking the emergency preamble from the legislation; (2) put an effective date of the legislation for July 1, 1983, so that everything that is contained in this recodification will not go into effect until a year from this July.

The primary reason that we did that was so that if there are any other errors or omissions that are called to the legislature's attention, there will be sufficient time in the next session of the legislature to address those issues and to make sure that everything is in as perfect shape as possible before the legislation goes into effect.

The third thing we have done, we have identified all of the issues and all of the concerns, most of which are of a technical or very minor nature but also include the issues that were raised by the American Legion and the veterans concerning the flag and some issues that were of concern to the Christian school that dealt with the issues of school approval. In every single instance where a problem was pointed out to us, we have gone back to the original Title 20, the education laws, as it exists now.

This draft, with the amendment that has been accepted, represents no substantive changes in the education laws at all and the indication that we have from most everyone concerned is that this is indeed acceptable to them, particularly given the fact that during the next session of the legislature there will be ample opportunity to address any other errors, if such are identified, and that the law itself will not go into effect until July 1, 1983.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to support the remarks just made by the House Chairman of the Education Committee, Representative Connolly. That may come as a bit of a surprise, because if you look at your printed

calendar, I'm on the "ought not to pass" report; I would like to explain why.

When the bill was recommitted to our committee, there were some of us on that committee that still had reservations about whether or not the bill should pass with the questions that had been raised. We met in committee, we talked about those areas that people had pointed out to us where there seemed to be a bit of a gray area as to whether or not there were substantial changes, and basically we agreed, as Representative Connolly has pointed out, to make the changes in the bill which would put back into law those areas where folks had the most concern.

At that time, we were under a pressure deadline to get the bill out of committee, and rather than sign my name to the "ought to pass" report, I chose to sign the "ought not to pass" report just to provide a degree of protection, I guess, to make sure the kinds of changes we wanted made in the bill were made.

After the bill came out of our committee and the changes were made as appeared in the amendment before you, I am assured that those changes have been made, and for that reason I supported the passage of this recodification effort.

I think that the opponents to the bill have been vocal and in many instances they have been right, and that is why the committee responded to the changes that it did.

An awful lot of work, an awful lot of time and an awful lot of money has gone into the recodification effort. I think what you see before you represents the best effort that is possible on the part of the committee and on the part of the legislature. The provisions that have been written into the bill, written into the amendment, as Representative Connolly has pointed out, in particular the effective date of July 1983, is probably the best measure of protection that the bill has. If there are other changes that need to be made, then the legislature can adopt those changes next time.

So, having said that, I would hope that this body would vote to accept the "Ought to Pass" Report.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House; I rise this morning to voice my mind in opposition to this bill.

This is a 400-page document that was thrust upon the people of the state of Maine with the anticipated acceptance under emergency preamble, under emergency status. I have had many calls from the people in my area, my district and my county and throughout the state, the people are expressing their fears of the consequences of passing such a bill as this without the proper public hearings so that people throughout the state would have the opportunity to express their views and their comments.

As you know, the emergency preamble has been removed, or will be removed. The effective date has been changed to July 1, 1983, under the assumption, as stated here several days ago, that this bill would be passed with errors in it and that we would correct the errors as they popped up. I think that is an awful excuse for thrusting a bill such as this on the people of the state of Maine.

I think this bill should either be recommitted to the committee or killed here today so that it could be corrected after the proper public hearings have been held and people throughout the state of Maine have presented their views and have those views incorporated in a new bill.

Representative Brown stood up and made the comment that a great deal of time and money has been spent bringing this bill out. I think that is a pretty lame excuse for passing a bad bill. I see no reason why we should thrust a bill with so many errors in it that have popped up to date, and no doubt there are other errors in it that will pop up as time goes on — why should we load the education system in the state of

Maine with a book full of boo-boos, errors? Let's get this thing corrected and then bring it back so we would have a suitable bill to pass.

I urge you to vote against the acceptance of the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the chairman of this committee, Mr. Connolly, for the consideration given to the sections of this law which had concerned the veterans' organization with regard to the flag and veterans' organizations. As a veteran and a member of the American Legion, I would like to thank him personally for his consideration.

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

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: I would just like to briefly respond to Representative Gillis's statements.

The Education Committee of 13 members were committed right from the beginning to make absolutely no substantive changes in this bill. We were open and held extra public hearings to listen to any questions that the public had regarding the recodification issue. Our last hearing on that, in fact, was just last week. Anyone who came before our committee, who suggested a technical error, were satisfied with our disposition of that error. We incorporated the correction in the bill before you. Anyone who came before our committee suggesting that there was a substantive change made, we corrected that as well, as Representative Erwin just explained.

Those who have studied the bill, all of us on the committee, any educational groups or representatives of groups within the state are agreed that there are either no technical changes still in the bill and that there are no substantive changes that have been made. We were committed to that right from the very beginning, that we would make absolutely no substantive changes.

The cost so far in recodifying the education laws has been in the amount of \$27,000, not including staff time, that is only printing. To vote against the bill now would mean additional cost to the taxpayers.

I urge you to vote in favor of the motion.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the gentleman's remarks, she made a remark that all people who appeared before the hearings were satisfied, more or less. I say they were not satisfied. I attended the hearing in the Education Room here, I think it was last Thursday, and I heard several people give information that the committee attempted to answer but by no means did satisfy the individual. There were many changes that they did not agree with, that witnesses did not agree with, and the committee was not able to allay their fears.

Again, the item has come up on the cost — what is the cost compared to putting a bad bill on the statutes? What is the cost of processing a bill compared to saddling the people of the state of Maine with a book of boo-boos, errors. There is no comparison. You can spend a million dollars on this, but if it is a bad bill it shouldn't be on the books regardless of the cost.

As far as we know, there could be other substantive changes in this bill. There is nothing to say no but there is something that says yes, there may be, and that is the comments from the members of the Education Committee to the fact of go ahead and pass this bill and we will make any changes that come up later. That is not the proper way to put a bill on the statutes of the state of Maine. If there are boo-boos in this, I say let's recommit this bill back to the committee or kill the bill here.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I would just like to respond to Representative Gillis. I don't believe and I don't believe any member of the Education Committee believes that this bill is a bad bill or that this bill is full of boo-boos. In every instance where a specific item has been brought to our attention or the attention of the staff, we have dealt with that.

It is true that there are some people who would like to make substantive changes in the law for their own reasons or reasons of the group they are active with, but it has been the position of the committee that we did not want to make any kinds of substantive changes.

I don't believe that this piece of legislation, as it has been amended, is full of boo-boos. I would be surprised if any member of the legislature between now and next January, or anyone else for that matter, is going to be able to point out to us anything substantive that is wrong with this legislation.

It is true that there may be a comma misplaced or there may be a word or two misspelled, that may happen, but I feel perfectly confident in bringing this legislation before the legislature at this point saying that we have corrected every specific item that has been brought to our attention and that this legislation represents the best piece of work that the Education Committee and the legislature could do with it. I think it is a good bill and I think it should be passed at this point.

Mr. Gillis of Calais 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. 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 before the House is on the motion of the gentleman from Portland, Mr. Connolly, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The pending question before the House is the motion of the gentleman from Portland, Mr. Connolly, that the House accept the Majority "Ought to Pass" Report in concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, D.; Cahill, Callahan, Carrier, Chonko, Clark, Conary, Connolly, Cox, Crowley, Cunningham, Curtis, Davies, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, L.M.; Hobbins, Ingraham, Jackson, P.T.; Jacques, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Lisnik, Locke, Lund, MacBride, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Perkins, Perry, Peterson, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Salisbury, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Swazey, Tarbell, Telow, Theriault, Thompson, Twitcheell, Vose, Walker, Wentworth, Willey.

NAY—Brown, K.L.; Carroll, Carter, Con-

ners, Damren, Dexter, Dudley, Foster, Gavett, Gillis, Holloway, Hunter, Hutchings, Jackson, P.C.; Jordan, Lewis, MacEachern, Michaud, O'Rourke, Pearson, Post, Reeves, J.; Sherburne, Strout, Studley, Treadwell, Webster, Weymouth.

ABSENT—Hanson, Higgins, H.C.; Huber, Kelleher, Laverriere, Livesay, Rolde, Tuttle, The Speaker.

PAIRED—Brown, A.-Jalbert.

Yes, 112; No, 28; Absent, 9; Paired, 2.

The SPEAKER: One hundred and twelve having voted in the affirmative and twenty-eight in the negative with nine being absent and two paired, the motion does prevail.

Thereupon, the New Draft was read once.

Senate Amendment "A" (S-453) was read by the Clerk and adopted in concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter

Bill "An Act to Make Interstate Bank Ownership Possible" (S. P. 804) (L. D. 1891) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on March 30, 1982.

Came from the Senate with that body having Insisted on its previous action whereby the Majority "Ought to Pass" in New Draft (S. P. 950) (L. D. 2100) Report of the Committee on Business Legislation was read and accepted and the New Draft passed to be engrossed in non-concurrence.

In the House:

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I move that we recede and concur.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the House recede and concur.

The gentleman may continue.

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I would again urge you to vote in favor of this bill which is part, I believe, of a long line of history of good banking legislation, part of history, of administration, or Business Legislation committee work, of studies and of legislative action that has given us a strong banking community, a clean banking community and a strong bank regulating group.

I would like to elaborate on one issue this morning. We have said that this was studied for a good deal of time in the early seventies and it was decided that we would have interstate banking in the state of Maine, passed a law in 1975 as part of the recodification of the banking law, a banking law, as we have said, that has become a model in many parts of our country.

In that law, reciprocal agreements were required. In those days, our banks were thinking of working with other banks and acquiring banks in other states probably in areas nearby. One of the things that was not put in those laws at that time, and we believe have evolved and are necessary now, are the very stringent regulations that we have in this bill, the regulations which would require the large amounts of Maine assets be kept in Maine, that dividends not be allowed to flow out of Maine in a wholesale fashion, very strong regulations that we have already talked about. I think those are very necessary now, very timely now, and I would encourage you to be part of putting those regulations on our books as part of our banking law.

I almost believe without question that we will have interstate banking, no matter what we do here this morning, coming from one of several different directions. It is possible that the federal government will force it upon us by law. It is possible that they will force it upon us by

merging in order to save some of our banks. It is possible that other states will pass this law very quickly, it is possible that they will pass it in a reciprocal manner. Any one of these can bring out-of-state banks into our state allowing them to acquire Maine banks, and under the present law, if they do it, we do not have these restrictions. These are solid, good restrictions and we need to put them there as part of our banking law. So, I urge you to vote with me this morning to recede and concur.

The SPEAKER: The Chair recognizes the gentlewoman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope today you will not vote to recede and concur. I think we spent a lot of time the other day debating this bill and I think the final question that should be answered in your minds is if this bill is going to benefit all the people of Maine. As I mentioned the other day, I sat through the hearing on this bill and work sessions and nobody could convince me that this bill will benefit all the people in the state of Maine. I would urge you, unless you are positively sure this will benefit everybody, to vote against the motion to recede and concur so that we can move to adhere and accept that motion.

I would request a roll call at this time.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend to rehash the arguments we heard the other day on this bill. I would just like to point out a few facts not yet considered and stress a few points which may be of some interest.

Let's go back to the introduction of this bill before the committee. I now consider it a packed hearing, as all the big hitters and few that I know of are ready to have interstate banking, were there to plead their case. None of the medium size or smaller institutions were there. It wasn't until I went home that I found out the reasons why those banks weren't there. I do not intend to repeat them here, they are probably known to all of you.

You know, I should have caught on during the hearing for someone suggested that banks being taken over by out of state banks should have 65 percent of their assets in Maine at the time of acquisition. This did not please the large banks at all and the suggested amendment was not even offered. This, in itself, was an indication that at present Maine commercial banks do not have 65 percent of their assets in Maine and seems to prove the point that Maine is a money export state.

You know, the talk about the fact that this bill was really studied, I asked the medium sized bankers if this was true and they said the only question that was ever asked them was whether they thought interstate banking was inevitable. They didn't even know about the bill until two weeks before it was introduced.

If this bill had been studied and was such a good bill, why do we have it in a redraft? Take a look at the redraft and compare it with the original. If that bill had been really studied for over a year by everybody that was supposed to, we certainly wouldn't be having this redraft.

In the redraft, if you have time, take a look at section 17, I don't even understand it and, furthermore, the people who gave it to us suggested that it might be unconstitutional but they thought it ought to be in the bill. I don't think anything like that should be in a bill if there is any question of constitutionality.

We heard remarks about money market funds, Sears and Merrill Lynch; to me, that is nothing but a red herring. Such funds will continue regardless of interstate banking. With out-of-state control, I wonder who would get the \$100,000 loan if a potato farmer wanted it and had to compete with an IBM money package in New York.

Finally, I am sure that the loan policy of interstate banks will be determined in New York.

What happens if that policy prohibits small loans, for example, say to all carpenters, and let's also assume that carpenter loans are marginal, do we want our local banks to be deluged with marginal loan requests because of an out-of-state banking policy? I don't think we do.

Then I saw something in the paper about the Director of the Small Business Association, he talked before Husson College and I would just like to read one little part which I think proves our point on community banking. On the subject of bankruptcies: "By September of 1980 there were 1,043 bankruptcies in Maine; by September 1981, while nationally bankruptcies in small business had increased 20 percent, in Maine they have dropped to 972. He says, "It appears there are fewer filings in Maine than nationally. One reason might be that bankers here don't move zealously to foreclose on businesses that are a community asset."

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question through the Chair.

This bill is being promoted as having desirable restrictions included and my question would be, if the federal government were to pass legislation allowing this to happen and it did not include those desirable restrictions, would we have to forfeit what we have planned in this state?

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: I asked that question to the banking superintendent and his answer was no, that the regulations deal at state level and even if the federal government were to pass it, they would have to operate under state law.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Members of the House: To further answer the question, I called the Congressional House Banking Committee and the only bill that is seriously being considered by the House Banking group at this time is a federal bailout of \$7 million for savings and loans. There is another bill that has been passed by the House, it has been in the Senate for awhile and it is not being seriously considered by the Senate at this time, so in terms of federal legislation, it doesn't appear that there is much that is coming immediately, except for the money bill that is to bail out banks.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Last week we did the proper thing with this bill and I hope you stick with it this morning. If there were any doubts in my mind about what the outcome of this bill should be, they were taken care of in the last three or four days. I got called by more people and more bank presidents than I thought there were banks in the state of Maine.

Another thing that bothers me is the caliber of the high guns that have been howling at the door back here. Just ask yourself one question, how many people in your district, how many people do you represent that can hire the big guns we have here? You tell me they are down here for our own people's interest. I thought about that last night and the more calls I got, the more convinced I was that I voted the right way and I am going to stick with the way I voted the last time and I hope you do too.

Let's vote to defeat the recede and concur motion and vote to adhere.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: It has been my experience that if I cut a tree down, I can't put it back together again — just think that one over a little while.

Also, if I thought this bill would help any one of my constituents the slightest bit, I would be for it. I have hard work to borrow money now for a skidder and I certainly won't be helped by this bill. For some reason, all I can think of sitting here is the old fable about little Red Riding Hood when she went to visit her grandmother — my, what big teeth you have Grandma — think that one over.

I hope you defeat this bill.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I thought we treated this bill last week wisely and I hope we do this morning. Don't be afraid of new regulations from Washington because they are working in the opposite direction, the new administration is trying to do with less regulation to the states, not more.

I would like to say that there has never been a bill in my tenure here that has satisfied such a few people as this bill will. This probably benefits the fewest number of people in the state of Maine of any bill that has been before this body during my tenure in this body, and I am sure you will be doing the right thing for your everyday person that walks the street if you send this the same way we did last time, down the drain. I don't believe that it can help any small person that I can think of.

Just remember this, I told you the other day that it is one of these bills where you can't turn back. A lot of bills that we pass here, the next legislature can turn around and pass in a different direction. This is not the case with this one. This is, as the man said, if you cut the tree, it is cut; if you shoot a man, he is dead. This is the kind of bill this is, there is no turning back.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I have been in here long enough to recognize that Maine is a cautious state and that we hate to do things with undue haste, but in this case, I think we are certainly justified in doing this.

Our banking law as enacted almost 10 years ago was a leading law for the United States. It has always pointed in the direction of allowing to merger with out-of-state banks; the other states have not accepted it and this would open it up to that.

I would point out to you that this is only a small portion of the bill. There are other parts of the bill which are terribly important to the savings bank industry, will save the savings bank a tremendous amount of money and I don't think anyone in this room can deny the fact that the savings banks are in very serious financial trouble.

I am always glad to hear the lobby brought in. That seems to be kind of an argument of last resort. I think it shows to a degree the concern that people have with this and I think if you will look at the breakdown of it, you will find that it isn't so much the commercial banks that are really concerned, it is the savings banks that are concerned.

Finally, I would like to point out that I see this as the bottom line as the concern of this state for business and business coming into the state and that we have got to be flexible and we have to lead instead of being dragged along behind and that this kind of legislation will put Maine in the lead and encourage business coming into the state and I hope you will support it.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get up this morning but I feel that I have to answer some of the points that were brought up this morning.

One comment was made that if you feel this

bill will benefit all of the people of Maine, then you vote for it.

I would like to pose another question — how many bills have we passed in this House that benefitted all of the people in the state of Maine? I think if you look back in this session, I don't think we have passed one bill that benefitted all of the people in this state.

Another item I would like to discuss is the fact that this is a bad bill because it has been redrafted. My goodness, how many bills have we passed that we have redrafted? I would say probably 25 percent of the bills that are presented are redrafted and that doesn't necessarily mean that they are bad. It is just that they have been refined. Think about that.

Another item — I heard this and I think it is real funny. There was an editorial in the Bangor paper pertaining to the fact that if this bill is allowed to go through, where and how will the monies be lent? There was an article in there that brought up the fact or asked the question, do you think that a large New York bank would lend money to an Aroostook potato grower when it could lend to IBM? This question was raised by a lobbyist, and when it was raised to me, I didn't realize that this had appeared as an editorial in the Bangor paper, and my response to that lobbyist was that they would loan the money to the potato grower because IBM was in a position where it can negotiate the interest rate that it is going to pay on the loan. Do you think that General Motors pays the same interest rate as we pay? Heck no, they negotiate, they are big people. Again, this was mentioned this morning, this has nothing to do with it.

I think the people will be able to borrow money just like they have in the past, and I think one thing we seem to be forgetting is that if this bill goes through, it does not mean that all of the banks will be consolidated or merged. You are still going to have your little rural banks and what this will do, it will create competition. I haven't heard anything, any testimony at the public hearing, where this bill would hurt anyone, I really haven't heard that.

I think the biggest fear is that we don't know what this thing will do. People want to have definite answers and I say to you, I haven't heard of any bill that was passed by this body where all the questions were answered. There is nothing here that will hurt the people in this state. I think it will help, it is going to bring an infusion of money and it is tightly regulated and I think we will all benefit by this in the long run.

I think we should look to the future, not today.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill is built on the premise that bigness is betterness. I would like to relate a little incident that happened to me a few years ago.

As a trustee of Monmouth Academy, I was asked to go out and see if I could secure some funds to enlarge our school because of the increased enrollment and a few improvements that we wanted for our children. Because the sum of money was a sizeable sum of money, I went to two of the largest commercial banks in the state of Maine. You know what they told me? The said, Lee, you know if you lose one of those communities who are sending pupils to you, your repayment ability certainly could be injured, and what's more, what are we going to do with school buildings on which we foreclose? What value do they have? So I went on my way. I went down the river here about 6 miles to a small bank and I explained my plight to the treasurer of this bank. He said, you know Lee, that is a lot of money and you know that is nothing that we can handle alone, but, he said I have a few friendly competitors with whom I'll see if I can't set up a participating loan so you can help your children. Within a week, he had

done just that.

Our philosophies streak out here like a display of high altitude fireworks on the 4th of July but, ladies and gentlemen, when we see the need of our folks back home, we come together just like that boom at the end of the celebration, and this is the time for us to do just that. We aren't the Red Sox playing the Yankees today, we are the players sitting down seeing what we can give the united way.

I hope we can pack this bill in a good old Maine pine box and ship it back to Boston where they can cremate or set it in Boston Bay and let it drift out to sea. Let's down this bill and give our folks back home what they deserve.

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

Mrs. KANY: Mr. Speaker, Members of the House: I, too, would like to speak against the motion to recede and concur. I hadn't planned to get up but when it was stated that there would be a lot more competition if this bill passes, I just thought I would kind of remind people that if you go into any fairly decent size town in this state, you see a whole variety of banks. We have holding companies now and more and more of our banks are merging together, they are consolidating and they are offering more services and they are able to do that. I believe we have plenty of competition. Our branch banking that we passed in this legislature has allowed just that, and I urge you to vote against the motion to recede and concur so that we can adhere and kill this bill.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I want to bring up a point which I don't think has been brought up before and which is of great concern to me regarding this bill. Initially, I was going to vote for this bill but I am not now and I will tell you why.

It is because recently I have found through inquiries that the banks in this state that own mortgages — they could own your home mortgage — they sell it to people out of state, to other banks out of state, big banks, anywhere from here to Indiana or any other place and one of the problems that has come up and which should be a concern to many of you who have mortgages is the fact that there has been some trouble recently and in the last year or two about the big banks buying the mortgages over here. You can make your monthly payment over here, but some of them got involved in refusing to accept the insurance from insurance people from this state and according to the insurance laws of this state. I am sure that some insurance people are more versed about it than I am, but apparently this has happened.

Going back a little bit, after causing a lot of headaches and worries to the mortgagee himself, the Division of Insurance here has been consistent under the present law that they cannot do this. You want to really consider that they have pulled back and they have accepted the insurance from the local insurance agent or companies but you should realize that this is one of the problems that has popped up and the bigger they get, I can only visualize, maybe that they will actually be out-of-state people, mortgage people, who will dictate as to who you will buy your insurance from. I think this could be a very dangerous situation because our insurance rates and our insurance coverages here in Maine are quite different from any other state in the union.

For that reason, I am very concerned about the people in this state who have mortgages on their houses and who have to carry mortgages — just where would they end and how much control would they have as to what coverage they want. For that reason, I will vote against the 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. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, 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 Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Members of the House: One of the things that I wanted to look at is what was the potential for this bill. In talking with the House Chairman on this bill, I found out there is about \$7 billion in Maine assets in the banks that we are talking about.

Under the provision of this bill, the potential for capital moving out of state, the bill says that 65 percent is to stay out of state; 35 percent, under those conditions, could be taken out of state, that is \$2½ billion of potential. This probably wouldn't happen in 10 years or 5 years but it could happen over a period of time.

Let me kind of give you some ideas of what the capital could be used for. It could be used for shoe investments in Italy; clothespins in China; high technologies in Chile; automobile manufacturing in Japan; potato houses in Idaho and Oregon, that is where the capital of Maine may go. If you want that to happen, is that going to benefit the people of the state of Maine?

I talked to a lot of people on this bill over the weekend. The most conservative response I got was that the power would be definitely concentrated out of state, that the criteria for credit would be made on national or international or regional concerns, not Maine concerns, and that on the one hand it could be even much stronger than just power being concentrated out of state. If the capital is going to go out of state and most of that 35 percent potential is going to go out of state, where do you think the pressure is going to be after the investments have been made in this state?

The banking lobby is by far the strongest lobby in this country, stronger than the petroleum institute and what we are talking about is not just the state banking lobby, we are talking about the national banking lobby. I hope this doesn't happen, I hope that the state isn't taken over by the banks because I don't think we will have any control, and the resources that we have to defend against this bill, I think are very minimal compared to the large banking institutions in the country. I think when you are talking about them following the law and not following the law, we will be in court for ten years if we ever expect to recover anything that we lose.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: First of all, Maine banks are already investing outside of the state and in many ways they wish to.

To answer the other question that Mr. Brodeur brought up some time ago, that even though the federal government probably will not be passing a law, although they may, regarding interstate banking, that other states are looking into it very closely and New York state has three bills all with reciprocity. If those bills were passed in this session of their Assembly and their Senate, there will be two states in this union that have such bills, New York and Maine, and that would mean that those banks who have most affinity with us, such as Boston, Providence, would not be able to come and acquire banks here but New York would and they would do it under our present law, which does not have the restrictions that we absolutely need. Other states are also looking into it.

Regarding Mr. Perkins when he talked about Section 17 that deals with another phenomenon that is happening. The Parker Pen Company recently went into Tilton, New Hampshire and purchased a bank. We are making sure if anything like that happens, Section 17 says they will be covered under Maine's banking laws

and will not be able to branch out of the state of Maine.

The mortgages will continue — too bad our banks cannot hold all the mortgages of the people of the state of Maine, they cannot, and the only thing that is saving some of them is that they have been able to package them and sell them. I regret that but that is the way banking is going to be done, that is the way financing is going to be done, as I said in the beginning, in larger segments, in stronger alliances.

I resent some of the feelings that are being said that people back home can't hire lobbyists — they hired me to come up here for \$7,000 every two years and I am not up here because I am a stockholder, or broker, or banker or even having any money, but members of my committee have looked into this and we are people who are trying to present a law that we believe, and we are not dumb, fits in very well with the history of banking that we are very aware of.

I hope you will vote with me to recede and concur.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Brannigan, that the House recede and concur.

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

Mr. BAKER: Mr. Speaker, I would like to pair my vote with the gentleman from York, Mr. Rolde. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. MCSWEENEY: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yes and I would be voting no.

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

Mr. KILCOYNE: Mr. Speaker, I would like to pair my vote with the gentleman from Bangor, Mr. Kelleher. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Callahan, Clark, Conary, Cox, Davies, Day, Diamond, J.N.; Dillenback, Erwin, Gowen, Gwadosky, Hall, Hickey, Hobbins, Jackson, P.T.; Joyce, Kane, Ketover, LaPlante, Lund, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, M.; O'Rourke, Paradis, P.; Peterson, Pouliot, Racine, Richard, Ridley, Soule, Telow, Thompson.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Bell, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Carrier, Carroll, Carter, Chonko, Connors, Connolly, Crowley, Cunningham, Curtis, Damren, Davis, Dexter, Diamond, G.W.; Drinkwater, Dudley, Fitzgerald, Foster, Fowle, Gavett, Gillis, Hanson, Hayden, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jordan, Kany, Kiesman, Lancaster, Lewis, Lisnik, Locke, MacBride, MacEachern, Macomber, Martin, A.; McGowan, McHenry, McPherson, Michael, Michaud, Moholland, Murphy, Nelson, A.; Norton, Paradis, E.; Paul, Pearson, Perkins, Perry, Pines, Post, Randall, Reeves, J.; Reeves, P.; Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Theriault, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Higgins, H.C.; Huber, Laverriere, Livesay, Soulas, Tuttle, Twitchell, The Speaker.

PAIRED—Baker-Rolde; Jalbert-McSweeney; Kelleher-Kilcoyne.

Yes, 47; No, 90; Absent, 8; Paired, 6.

The SPEAKER: Forty-seven having voted in the affirmative and ninety in the negative, with eight being absent and six paired, the motion does not prevail.

The Chair recognizes the gentlewoman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, I move that we adhere.

The SPEAKER: The gentlewoman from Orono, Miss Gavett, moves that the House adhere.

The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

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

The SPEAKER: The Chair recognizes the gentleman from Orono, Miss Gavett.

Miss GAVETT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not vote to insist and ask for a Committee of Conference. I think we have debated this enough and I think the feeling in this House is to kill this bill outright, so I would hope that you vote against the motion to insist so that we can vote on the motion to adhere and kill this bill. I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker and Members of the House: I hope this body will go for a Committee of Conference. A part of the bill, possibly a third or so, deals with interstate banking. The balance of the bill deals with some very needed legislation for savings and loans and mutual savings and loans and the small savings banks in the state. I would hate to see this legislation go down the tube.

I hope you will go for a Committee of Conference so we can save the other parts of the bill, taking out possibly the interstate banking which no one seems to like here.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I also agree with the gentleman from Yarmouth, Mr. Jackson. There are some important provisions in this bill. It is an all encompassing bill and it certainly has been the position of this House to remove the areas of interstate banking, that is something that may well have to be done, but there are still some other provisions of this bill which we do need.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: There may be some provisions in here that are needed to help our savings banks, but that doesn't mean we have to keep this bill alive. We can always get another bill and we can get it in a hurry, so I would say, let's not worry about this one. The 111th will be along and our friends will be here then and they will take care of it.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, I would like to pose a question to the Chair.

Is there a procedure that I am unaware of at this time that we can put another bill out? The gentleman from Monmouth, Mr. Davis, has indicated that we can present further legislation to take care of the problems of savings and loans and unless I am unaware of it, I would pose that question to the Chair.

The SPEAKER: The Chair would advise the gentleman from Fairfield, Mr. Gwadosky, that there are two procedures for matters in addition to this present vehicle. One is to bring it to the Legislative Council, and the second one is to get an order for a two-thirds vote. Or, as the gentleman from Monmouth, Mr. Davis, has put it, wait until the 111th.

The Chair recognizes the gentlewoman from

Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I would just like to add one more to the list that the Speaker just gave you, and that is, the Governor could always put in a bill while we are in session.

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 Fairfield, Mr. Gwadosky, that the House Insist and ask for a Committee of Conference. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Beaulieu, Benoit, Berube, Boisvert, Brannigan, Cahill, Callahan, Carroll, Clark, Conary, Cox, Davies, Diamond, J.N.; Erwin, Gowen, Gwadosky, Hall, Hayden, Hickey, Hobbins, Jackson, P.T.; Joyce, Kane, LaPlante, Lisnik, Locke, Lund, Manning, Martin, H.C.; Masterton, Matthews, McCollister, McGowan, Mitchell, E.H.; Nadeau, Nelson, M.; O'Rourke, Paradis, P.; Pearson, Peterson, Post, Pouliot, Racine, Richard, Ridley, Roberts, Soule, Telow, Thompson.

NAY—Aloupis, Armstrong, Austin, Baker, Bell, Bordeaux, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Carrier, Carter, Chonko, Connors, Connolly, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jordan, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Lewis, MacBride, MacEachern, Macomber, Martin, A.; Masterman, McHenry, McPherson, McSweeney, Michael, Michaud, Moholland, Murphy, Nelson, A.; Norton, Paradis, E.; Paul, Perkins, Perry, Pines, Randall, Reeves, J.; Reeves, P.; Salsbury, Sherburne, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Theriault, Treadwell, Vose, Walker, Webster, Wentworth, Weymouth, Willey.

PAIRED—Baker-Rolde; Jalbert-McSweeney; Kelleher-Kilcoyne.

Yes, 49; No, 88; Absent, 8.

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

Thereupon, on motion of Miss Gavett of Orono, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Require Certain Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Measures" (H. P. 866) (L. D. 1027) on which the House Insisted on its previous action whereby Report "A" "Ought to Pass" in New Draft under New Title Bill "An Act to Require Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resources" (H. P. 2274) (L. D. 2121) Report of the Committee on Public Utilities was read and accepted and the New Draft passed to be engrossed in the House on April 1, 1982.

Came from the Senate with that Body having Adhered to its previous action whereby Report "B" "Ought to Pass" in New Draft under New

Title, Bill "An Act to Amend the Electric Rate Reform Act to Require the Public Utilities Commission to Consider Utility Financing of Energy Conservation" (H. P. 2275) (L. D. 2122) Report of the Committee on Public Utilities was read and accepted and the New Draft passed to be engrossed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Orono, Mr. Davies, moves that the House recede and concur.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: We have just voted on a measure to, I guess, protect the integrity of the banking system in the State of Maine. Now we have got a measure before us with two different reports, one was Report A and one was Report B, and Mr. Davies has urged us to go along with the other body and accept Report B, which I understand is enabling legislation. Essentially, this measure has not been debated this session, but it has been debated in previous sessions of the legislature and, for the life of me, I can't really understand why we want to begin to get the utilities into the home improvement, energy conservation loan business. It seems to me they are having a tough enough time today just doing what they are designed to do, and that is providing electricity and power to our people and consumers here in the State of Maine at a reasonable cost, let alone now to branch them off in other diversifications with energy conservation, home improvement loans. It seems to me that is pushing them over into the banking industry. I don't think we really need it.

I understand that Report B is a softer and milder version than Report A, which this body initially adopted when it did come in on the floor of the House earlier, but I just question the wisdom as to whether or not we want to push the Utilities or have a study or consider the prospect of the Public Utilities Commission beginning to order or authorize the utility companies to start in home energy conservation. While I am all for that, I don't know if this is the vehicle that we want to encourage the utilities to start moving into.

I think they ought to focus their attention, their capacities, their energy, and what little intellect they may have, on the production of energy at reasonable prices and responsible prices for our customers in the state.

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

Mr. DAVIES: Mr. Speaker and Members of the House: I would like to thank Representative Tarbell for his elucidation on the subject. Unfortunately, he doesn't know what he is talking about and I would urge you not to pay too much attention to that.

Unfortunately, Mr. Tarbell wasn't paying too much attention when we debated this bill last time around. The report that I have moved that we recede and concur with the other body on is a rather moderate proposal that came from the Bangor Hydro-electric Company. The proposal is supported in one form or another by all but one member of the committee.

We feel that it is very appropriate that we get into the area of energy conservation through our utilities because the cost of electricity saved, a kilowatt of electricity that you do not use and therefore is available for other users, is one tenth of the cost of building a new power plant, whether it is nuclear, coal, oil, hydro or any other type. So, given the fact that we will see an increase in the demand for electricity in future years, it is much easier and much cheaper to meet that demand by conserving electricity, which costs one tenth of the price of

making new electricity.

I would urge you to reject the suggestion of Mr. Tarbell and accept the motion to recede and concur.

Furthermore, I would point out that this does not require utilities to get into the banking business or the loan business. In fact, the loan will be made through our existing banking structure. They will simply be working in cooperation with the State of Maine and with the utilities so that the program is done effectively, that we are basing loan decisions on audits that are made through the utilities, as prescribed by federal law, so that an investment that is being made is being made in that proposal which produces the greatest return for the amount of money being invested.

I would urge you to accept the recede and concur motion.

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

Mr. TARBELL: Mr. Speaker, I would like a division, and while I am all for energy conservation, for the life of me I still can't see us urging, as a public policy matter, utility companies to start diversifying in the home energy improvement loan business. It just doesn't make sense to me.

The SPEAKER: The pending question is on the motion of the gentleman from Orono, Mr. Davies, 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.

48 having voted in the affirmative and 36 having voted in the negative, the motion did prevail.

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matters Later Today Assigned

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) (L. D. 2024) which was passed to be engrossed as amended by Committee Amendment "A" (H-728) as amended by House Amendment "A" (H-736) thereto in the House on April 1, 1982.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-728) in non-concurrence.

In the House:

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the house: I am awaiting the distribution of an amendment to this bill, so I would appreciate it if somebody would table it until later in the day.

Whereupon, on motion of Mr. LaPlante of Sabattus, tabled pending further consideration and later today assigned.

Later Today Assigned

Bill "An Act to Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum" (H. P. 2074) (L. D. 2017) on which the Minority "Ought to Pass" Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed in the House on April 1, 1982.

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

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

Non-Concurrent Matter

Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" (Emergency) (H. P. 2239) (L. D. 2098) which was passed to be engrossed as amended by

House Amendment "A" (H-695) as amended by House Amendment "A" (H-702) thereto and House Amendment "B" (H-696) in the House on March 31, 1982.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-695) as amended by Senate Amendment "D" (S-461) thereto, and House Amendment "B" (H-696) and Senate Amendments "B" (S-457) and "C" (S-458) in non-concurrence.

In the House: On motion of Mrs. Berube of Lewiston, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

Non-Concurrent Matter Recalled from Governor's Desk Pursuant to Joint Order S. P. 971

Bill "An Act to Protect the Atlantic Salmon Fishery in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island" (S. P. 906) (L. D. 2048)

In Senate, Passed to be Enacted on March 26, 1982. (C. "A" S-436)

In House, Passed to be enacted on March 26, 1982. (C. "A" S-436)

Recalled from the Governor's Desk pursuant to Joint Order S. P. 971.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-436) as amended by Senate Amendment "B" (S-460) thereto in non-concurrence.

In the House:

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

Mr. PEARSON: Mr. Speaker, I would like to have someone explain what this is all about.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to anyone who may care to answer.

On motion of Mr. Kelleher of Bangor, tabled pending further consideration and later today assigned.

Messages and Document

The following Communication:

Committee on Health and Institutional Services

April 1, 1982

The Honorable John L. Martin
Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Health and Institutional Services is pleased to report that it has completed all business placed before it by the second regular session of the 110th Maine Legislature.

Total Number of Bills Received 15

Unanimous Reports 11

Ought to Pass 3

Ought to Pass as Amended 2

Ought to Pass in New Draft 1

Leave to Withdraw 5

Divided Reports 4

Respectfully submitted,

Representative Merle Nelson

House Chairman

The Communication was read and ordered placed on file.

The following Communication:

Committee on Judiciary

April 1, 1982

The Honorable John Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

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

Total number of bills received 32

Unanimous reports

Ought to Pass 5

Ought to Pass, amended 10

Ought to Pass in new draft 1

Ought to Pass in new draft & new title 1

Ought not to pass 3

Leave to withdraw 8

Divided 4

Total number of "held over" bills received 2

Ought to pass in new draft 1

Divided 1

Respectfully submitted,

S/BARRY J. HOBBS

The Communication was read and ordered placed on file.

The following Communication:

Committee on State Government

April 2, 1982

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Joint Standing Committee on State Government is pleased to report it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

Number of bills received: 27

Unanimous reports: 24

Ought to Pass 5

Ought to Pass as Amended 12

Leave to Withdraw 6

Ought Not to Pass 1

Divided reports: 3

Sincerely,

S/DAVID R. AULT

Senate Chairman

S/JUDY C. KANY

House Chairman

The Communication was read and ordered placed on file.

Orders

On motion of Representative LaPlante of Sabattus, the following Joint Order: (H. P. 2321)

ORDERED, the Senate concurring, that Bill, "AN ACT to Revise the Salaries of Certain County Officers" (H. P. 2280) (L. D. 2126) be recalled from the Governor's desk to the House.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative McHenry of Madawaska, under suspension of the rules, the following Joint Resolution: (H. P. 2323) (Co-sponsors: Senators Usher of Cumberland, Kerry of York and Representative Paradis of Augusta)

JOINT RESOLUTION COMMEMORATING THE ONE HUNDRETH ANNIVERSARY OF THE ESTABLISHMENT OF THE ORDER OF THE

KNIGHTS OF COLUMBUS

WHEREAS, on March 29, 1882, the Knights of Columbus was chartered, in the state of Connecticut, and founded by Father Michael J. McGivney, curate at St. Mary's Parish of New Haven, Connecticut; and

WHEREAS, the Order embodies Knightly ideals of spirituality and service to church, country and fellowman; and

WHEREAS, Father McGivney's original group has blossomed into an international society of more than 1,359,000 members in some 7,156 councils who dedicate themselves to the ideals of Columbianism: Charity, unity, fraternity and patriotism; and

WHEREAS, today, the Knights of Columbus are found throughout the United States, Canada, Mexico, the Philippines, Puerto Rico, Guatamala, Panama, Cuba, Guam, the Virgin Islands and the Dominican Republic; and

WHEREAS, the Knights of Columbus spon-

sor, support and aid more than a thousand Scout troops, Catholic Youth Organizations, farm clubs, youth athletic clubs; and

WHEREAS, the Knights of Columbus average yearly 650,000 visits to the sick, donate 150,000 pints of blood, contribute 8,000,000 million man-hours of community service and 700,000 hours of labor for the sick or disabled, all in the spirit of unselfish service to the church, country, community and council; and

WHEREAS, from March 29, 1982, and throughout the year the Knights of Columbus with Supreme Knight Virgil C. Dechant of Maine's State Deputy Richard D. Blanchard will celebrate the 100th anniversary; now, therefore, be it

RESOLVED: That we, the Members of the 110th Legislature on behalf of the people of Maine and our congratulations to the Knights of Columbus on achieving 100 years of faithful service, to thank them for all their works that will continue to benefit mankind and wish them well in their Centennial Celebration; and be it further

RESOLVED: That suitable copies of this Joint Resolution be prepared and transmitted forthwith to Supreme Knight Virgil C. Dechant and Maine's State Deputy Richard D. Blanchard.

The Resolution was read and adopted and sent up for concurrence.

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

**Passed to Be Enacted
Emergency Measures**

An Act to Clarify the Effect of an Attorney's Opinion on the Procedures for Initiating Amendments to Municipal Charters (H. P. 2069) (L. D. 2010) (C. "A" H-731)

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

An Act to Provide for Fuel Use Identification Decals (H. P. 2279) (L. D. 2125)

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. 129 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**Passed to Be Enacted
Emergency Measure**

An Act Governing the Closing of Public Elementary and Secondary School Buildings (H. P. 2302) (L. D. 2135)

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. 128 voted in favor of same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Clarify the Discharge Requirements for the Processing of Certain Marine Resources (H. P. 1787) (L. D. 1777) (C. "A" H-729)

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. 132 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.

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

Passed to Be Enacted

An Act to Amend Laws Relating to the Maine Development Foundation and Economic Development (H. P. 1960) (L. D. 1933) (C. "A" H-709)

An Act to Allow for Industrial Development Improvements Utilizing Tax Increment Financing (H. P. 2053) (L. D. 1999) (S. "A" S-454 and C. "A" H-727)

An Act to Promote the Maine Groundfish Industry (H. P. 2270) (L. D. 2117) (S. "A" S-456)

An Act to Ensure Funding for the Eventual Decommissioning of any Nuclear Power Plant (H. P. 2278) (L. D. 2124)

An Act Permitting the Establishment of Student Loan Corporations (H. P. 2296) (L. D. 2128)

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

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

Passed to Be Enacted

An Act to Correct Errors in the Education Laws (H. P. 2301) (L. D. 2134)

An Act to Clarify the Right of Local Housing Authorities to Issue Mortgage Revenue Bonds (H. P. 2303) (L. D. 2137)

Finally Passed

RESOLVE, Requiring the State Planning Office to Conduct a Follow-up Study on Municipal Practices Relating to Manufactured Housing and Report Its Findings to the Local and County Government Committee (H. P. 2297) (L. D. 2129)

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

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

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

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

ORDERED, that Representative Louis Jalbert of Lewiston be excused for the duration of his illness.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1982 (H. P. 2149) (L. D. 2052) (H. "A" H-666)

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. 117 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 to the Senate.

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

Special Sentiment Calendar

The Following Items:

Recognizing:

The top 2 scholastic students at Oak Hill High School in Wales, for 1982, Peter Pilot, of Wales, chosen Valedictorian and Earl Lamoreau, of

Litchfield, chosen Salutatorian; (H. P. 2324) by Representative LaPlante of Sabattus. (Cosponsors: Representatives Brown of Livermore Falls and Weymouth of West Gardiner)

There being no objections, the above item was considered passed and sent up for concurrence. By unanimous consent, ordered sent forthwith.

The Oak Hill High School Girls' Varsity Field Hockey Team, winners of the first Mid-Maine Conference Championship in this event: Tina Buteau; Cindy Clary; Nancy Eaton; Pam Edgecomb; Liz Fair; Vicky Fongemie; Jody Hendrich; Rachel Hatch; Susan LaPlante; Linda Morin; Louise Small; Anita Vachon; Pamela Waterman; Kim Willette; Lisa Woodrum; Managers, Lisa LaBrecque and Jennifer LaPerriere; and coach, Helen E. Steele; and assistant coach, Patricia Doyle; (H. P. 2325) by Representative LaPlante of Sabattus. (Cosponsors: Representative Weymouth of West Gardiner and Brown of Livermore Falls)

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

Thereupon, the Order was read.

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

Mr. LaPLANTE: Mr. Speaker and Members of the House: I didn't want to just let this go by because I feel very proud that our girls at Oak Hill, and I know many people remember the Oak Hill bills of four years ago when we split the high school, but this is the first time that the girls at Oak Hill have had an opportunity to win Mid-Maine's Conference Championship, and they finally have had their first banner put up in the gymnasium and they are quite proud of this. I just couldn't let it go by without saying a word on it. Plus, I am exceptionally proud because my youngest daughter was part of the team and she is graduating this year. All of these young ladies, we have watched them for the last four years, we have attended just about every game, and they will all be a good part of the future community in Maine and I congratulate them.

Thereupon, the Order received passage and was sent up for concurrence. By unanimous consent, ordered sent forthwith.

Harland Storey, who was selected the Eastern College Athletic Conference's 1982 Rookie of the Year in New England Division III; (H. P. 2326) by Representative Fitzgerald of Waterville. (Cosponsors: Representative Kany of Waterville and Jacques of Waterville)

Mrs. Belle Williams, of Presque Isle, an outstanding citizen who will celebrate the 110th anniversary of her birth on April 4, 1982; (H. P. 2327) by Representative MacBride of Presque Isle. (Cosponsors: Representative Lisnik of Presque and Senator McBreaire of Aroostook)

Bob Parker, of Auburn, captain of the Edward Little High School Hockey Team for being named to the 1981-82 Maine Interscholastic Hockey League All-Conference Team; (H. P. 2328) by Representative Boyce of Auburn.

Frederick and Alice Packard, of Harpswell, who celebrated their 50th wedding anniversary on March 27, 1982; (S. P. 976)

In Memory of:

Walter T. Robertson, a very special citizen of the Blue Hill community; (S. P. 977)

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

By unanimous consent, ordered sent forthwith to the Senate.

Later Today Assigned

On motion of Representative Day of Westbrook, under suspension of the rules the following Joint Resolution: (H. P. 2322) (Cosponsors: Representative Dudley of Enfield and Senator Teague of Somerset)

JOINT RESOLUTION

**MEMORIALIZING CONGRESS
TO CALL A CONSTITUTIONAL
CONVENTION TO LIMIT
THE ANNUAL FEDERAL BUDGET**

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the Second Regular Session of the One Hundred and Tenth Legislature, now assembled, most respectfully present and petition your Congress of the United States, as follows:

WHEREAS, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, causing a public debt which now exceeds one trillion dollars, costing billions for debt service, which is the third largest expenditure by the Federal Government; and

WHEREAS, the annual federal budget continually demonstrates an inability on the part of both the legislative and executive branches of the Federal Government to keep spending within the limits of available revenues as witnessed by only 7 years out of the last 51 years in which the budget was balanced; and

WHEREAS, unified budgets do not reflect actual spending levels because of the exclusion of special outlays which are not included in the budget and which are not subject to the legal public debt limit; and

WHEREAS, knowledgeable planning, fiscal prudence and common sense require that the budget reflect all federal spending and that the budget be in balance; and

WHEREAS, realizing that the policy of fiscal imbalance at the federal level, with its resulting inflation, is the greatest threat facing our Nation, we firmly believe that constitutional restraint is necessary to insure the fiscal discipline needed to restore financial responsibility; and

WHEREAS, the Constitution of the United States, Article V, provides that Congress may, upon the vote of two-thirds of both Houses, propose amendments to the Constitution or that Congress shall, upon application of the Legislatures of two-thirds of the states, call a convention for proposing constitutional amendments; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge and recommend that the United States Congress propose an amendment to the Constitution of the United States, requiring that, in the absence of a national emergency, declared by the vote of three-fifths of each House, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; that this amendment take effect 2 years after its ratification by the states; and that surplus in years of strong economy be applied to the national debt; and be it further

RESOLVED: That certified copies of this resolution be immediately transmitted by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to each member of the Maine congressional delegation and to the Legislatures of each of the several states attesting the adoption of this resolution by the Second Regular Session of the One Hundred and Tenth Legislature of the State of Maine.

The Resolution was read.

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

Mr. **DAY:** Mr. Speaker and Members of the House: The item before you, I am not going to dwell on what it says, I just want to point out a couple of points. If you get to the third "whereas," it refers to special outlays and that type of thing, and that is what we call back-door spending.

We have only balanced the budget 7 years out of the last 51. If you include back-door spending, that is total income and total out-go of the federal government, we have only balanced

books, so to speak, two years in the last half century; that is a long time.

In the Resolution, the first 'Resolved' portion there says that we are asking that Congress propose an amendment to the Constitution. This requires that 34 states do so and 31 have already. That resolution, if Congress so approved it, would say that the budget be balanced and that it not take effect for two years after ratification by the states.

Furthermore, it says that in years of strong economy, that surpluses be applied to the national debt.

The second 'resolved' there is an alternative whereby the Congress can call a Constitutional Convention for the specific and only purpose of considering this amendment. This resolution does not call for a general constitutional convention, which a lot of people are afraid of.

I have presented this for a number of reasons other than just the fact that you ought to balance your books once in awhile. I have been on the board of directors of a small savings and loan and I am in my fourth year as chairman of the board of that small bank. When people ask me what I can do with their money if they put it in my bank, the only true response I have is, put your money in my bank and at current rates of inflation, I will cut its purchasing value in half in the next six to seven years.

I think in terms of some of the public hearings we have had in the Taxation Committee where the older folks have come in asking for relief on their rent or those types of things, I look and I think, isn't it awful because many of these people probably had a dollar or two in the bank and when they got older, they found that the money didn't go very far and they have to come begging for help, whereas they probably could have helped themselves and probably tried to.

I think in terms of the paperboy who comes in my house every morning. He is trying to earn some money to put away to go to college. He is only 13 and he will probably go to college when he is 19. The money that he puts in the bank today, if we continue the way we are going, will only buy half as much tuition as he thinks he is going to buy with his earnings this year.

The same thing is true for the younger folks that are trying to put away money to get a downpayment on a house. They save for a great number of years and say they have done it for seven or eight years, and lo and behold, what has happened to them with inflation? They can only have as much in terms of total value that the banks will accept as a down payment.

With that, I will conclude and ask for a roll call.

On motion of Mrs. Mitchell of Vassalboro, tabled pending adoption and later today assigned.

Special Sentiment Calendar

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

Mary E. Colson, of Gardiner, who observed the 98th anniversary of her birth on March 16, 1982, with family and friends; (S. P. 974)

Perry Wortman, of Greenville, a retired school administrator and teacher active in scouting, community volunteerism and service clubs, who is a recipient in the 5th annual Jefferson Award; (S. P. 975)

There being no objections, these times were considered passed in concurrence.

**Consent Calendar
First Day**

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

(H. P. 2261) (L. D. 2107) Bill "An Act to Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State"—Com-

mittee on State Government reporting "Ought to Pass"

(H. P. 2233) (L. D. 2091) Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk"—Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-746)

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

**Passed to Be Enacted
Emergency Measure**

An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Pari-mutuel Pools (S. P. 864) (L. D. 2006) (C. "A" S-424)

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. 128 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Facilitate the Removal of Clouds on Titles to Proposed Unaccepted Streets in Subdivisions (S. P. 854) (L. D. 1991) (C. "A" S-443)

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. 129 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.

Emergency Measure

An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District (H. P. 1911) (L. D. 1883) (C. "A" H-707)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights (H. P. 1974) (L. D. 1949) (C. "A" H-719)

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. 126 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.

Emergency Measure

An Act to Provide the Authority to the Commissioner of Marine Resources to Register a Trademark (H. P. 2163) (L. D. 2063) (C. "A" H-712)

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. 132 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.

Emergency Measure

An Act to Provide an Alternative Withdrawal Procedure from the Tree Growth Tax Law for the 1982 Tax Year (H. P. 2241) (L. D. 2101)

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

The SPEAKER: The Chair recognizes the gentleman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Last Wednesday, we passed L. D. 2068, An Act to Revise the Definition of Forest Land for Purposes of the Tree Growth Law. This L. D. has now been signed into law. I intended to speak on that bill but a vote was being taken and I was unable to speak at that time.

Since this is another tree growth bill, I wanted to take this opportunity to have this statement put into the record. I would like to take a moment to clarify one point in regard to L. D. 2068. The reference in Subparagraph C to charter restrictions which prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting is intended to apply to all the utilities.

Many water utilities own large tracts of forest land which act as a watershed to their source of water. However, some water utilities, such as the Rumford Water District and the Bethel Water District, have recently experienced problems with their eligibility under the tree growth tax law because of restrictions in the use which they may make of the forest land which they own.

Generally, the charters of water utilities only allow them to use their property for the purpose of supplying water to the inhabitants of the communities which they serve. L. D. 2068 makes it clear that water utilities which own forest land may continue to keep their land under tree growth and receive the tax benefits of that program.

Thank you, Mr. Speaker, for allowing me to say this.

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

A vote of the House was taken.

118 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. (Later Reconsidered)

Emergency Measure

An Act Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant (H. P. 2263) (L. D. 2108)

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. 115 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.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1982 (H. P. 2299) (L. D. 2132)

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. 121 voted in favor of same and none against, and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Accept Relinquishment of Exclusive Federal Jurisdiction Over Marshall Point Light Station in the Town of St. George (S. P. 855) (L. D. 1992)

An Act to Require Notification of the Victims and the Law Enforcement Officers When a

Plea Bargaining Agreement is to be Submitted to the Court (S. P. 970) (L. D. 2131)

An Act to Define the Raising of Seeds as Agricultural Production under the Sales and Use Tax Law (H. P. 1794) (L. D. 1784) (C. "A" H-708)

An Act Concerning the Rate of Return on Investment Factor Under the Railroad Excise Tax (H. P. 1795) (L. D. 1785) (C. "A" H-720)

An Act to Restrict Rate Increase Proposals by Public Utilities (H. P. 1865) (L. D. 1859) (C. "A" H-716)

An Act to Clarify Solar Energy Tax Exemptions (H. P. 2066) (L. D. 2007) (C. "A" H-725)

An Act Requiring Public Utilities Commission Approval for the Purchase of Portions of Electrical Generating Facilities by Electrical Companies or Fuel Conversion in Electrical Generating Facilities (H. P. 2272) (L. D. 2119)

An Act to Provide for Improved Energy Policy Development and Electricity Demand Forecasts (H. P. 2273) (L. D. 2120) (S. "A" S-450)

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, all preceding Enactors were ordered sent forthwith to the Senate.

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-732)—Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-733)—Committee on Taxation on Bill, "An Act Providing for Administrative Charges in the Maine Tax Laws" (H. P. 1746) (L. D. 1735)

Tabled—April 1 (Until Later Today) by Representative Mitchell of Vassalboro.

Pending—Acceptance of either Report.

On motion of Mrs. Mitchell of Vassalboro, retabbed pending acceptance of either Report and later today assigned.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982 (Emergency) (H. P. 2300) (L. D. 2133)

—In House, Passed to be Engrossed on April 1.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-459) in non-concurrence.

Tabled—April 1 (Until Later Today) by Representative Paul of Sanford.

Pending—Further Consideration.

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

Mr. PAUL: Mr. Speaker, I don't believe the amendment has been distributed; therefore, I would ask that somebody table this until later in the session.

Whereupon, on motion of Mr. McSweeney of Old Orchard Beach, tabled pending further consideration and later today assigned.

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

SENATE DIVIDED REPORT—Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (S-447)—Minority (5) "Ought Not to Pass"—Committee on Judiciary on Bill, "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019)

—In Senate, Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-447) as amended by Senate Amendment "A" (S-451) thereto.

Tabled—April 1 by Representative Hobbins of Saco.

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

Thereupon, the Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-447) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-451) was read by the Clerk and adopted in concurrence.

Mr. Connolly of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-743) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: This legislation, which I don't know how many of you have taken the time to read, which is pretty long and pretty thorough, I think does present some problems. However, if it does pass, there is one issue that I would like to see addressed in it.

The legislation, as it has come out of committee, allows municipalities to pass local ordinances, if they so choose, to regulate how condominium conversion will take place. The amendment that I am offering would extend that enabling authority to allow municipalities, if they so choose, to enact ordinances to control the number of rental housing units that could be converted to condominiums. This only deals with the subject of condominium conversion and has nothing whatsoever to do with new construction of condominiums.

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

Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "A" thereto was adopted in non-concurrence.

The Bill was assigned for second reading later in the day.

The Chair laid before the House the following matter:

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) (L. D. 2024) which was tabled and later today assigned pending further consideration. In House, passed to be engrossed as amended by Committee Amendment "A" (H-728) as amended by House Amendment "A" (H-736) thereto. In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-728) in non-concurrence.

On motion of Mrs. Masterton of Cape Elizabeth, the House voted to recede.

On motion of Mrs. Masterton of Cape Elizabeth, House Amendment "A" to Committee Amendment "A" was indefinitely postponed in concurrence.

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

House Amendment "B" to Committee Amendment "A" (H-751) was read by the Clerk.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Last Thursday in the other body, the House Amendment that we had put on to the Committee Amendment of this Cumberland County Court Bond Issue Bill was indefinitely postponed. This amendment seeks to restore the cutback in the life of the bond from 30 to 20 years and strikes the appropriation in the original bill of \$3,000, which would have paid for the printing of the ballots in the referendum. That money will now be provided by the County of Cumberland.

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

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

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mrs. Post of Owl's Head, the House reconsidered its action of earlier in the day whereby An Act to Provide an Alternative Withdrawal Procedure from the Tree Growth Tax Law for the 1982 Tax Year, House Paper 2241, L.D. 2101, was passed to be enacted.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: When this L.D. was enacted earlier this morning, a statement was read on the record in regards to L.D. 2068 which we had passed previously. After having discussions with the individual who made that statement on the record, I want to clarify one of the last sentences that was made. The sentence was, L.D. 2068 makes it clear that water utilities which own forest lands may continue to keep their land under tree growth and receive the tax benefits of that program.

More correctly, that statement should say that L.D. 2068 made it clear that water utilities that had charter restrictions which prevent commercial harvesting of trees or require a primary use of the land other than commercial harvesting will be able to keep their land under tree growth and receive the tax benefits of that program. If they do not have charter restrictions in those areas, they would be treated as other landowners are treated across the state.

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

A vote of the House was taken.

121 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.

On motion of Mr. Paul of Sanford,
Recessed until two o'clock in the afternoon.

After Recess 2:00 p.m.

The House was called to order by the Speaker.

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

Passed to Be Engrossed

Bill "An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection" (S. P. 968) (L. D. 2130)

Was reported by the Committee on Bills in the Second Reading and read the second time.
Mr. McHenry of Madawaska offered House Amendment "A" (H-750) and moved its adoption.

House Amendment "A" (H-750) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 969) (L. D. 2136)

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

Mr. Hobbins of Saco offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-738) was read by the Clerk and adopted.

Mr. McSweeney of Old Orchard Beach offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-739) was read by the Clerk.

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

Ms. LUND: Mr. Speaker, Men and Women of the House: I hope that you will not accept House Amendment "B". This was part of the bill when it came up to the Judiciary Committee. We looked at it and it seemed to me that the question of permitting a person elected on a school board to serve as a volunteer fireman in the town of Old Orchard Beach was a matter of policy and not a matter of an error or omission, so it was the unanimous decision of the Judiciary Committee not to include this in the errors and inconsistencies bill.

Mrs. Beaulieu of Portland requested a vote on the adoption of House Amendment "B".

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

A vote of the House was taken.

Mr. McSweeney of Old Orchard Beach requested a roll call vote.

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

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

The SPEAKER: The pending question is on the adoption of House Amendment "B" (H-739). All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Boisvert, Boyce, Brannigan, Brenerman, Brown, A.; Brown, D.; Carroll, Chonko, Clark, Conary, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Hall, Hickey, Hobbins, Jackson, P.C.; Jacques, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Manning, Martin, H.C.; McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Randall, Reeves, P.; Ridley, Roberts, Salsbury, Smith, C.B.; Soulas, Strout, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Bordeaux, Brodeur, Brown, K.L.; Cahill, Callahan, Carter, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gowen, Gwadasky, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jordan, Kiesman, Lancaster, Lewis, Lund, MacBride, MacEachern, Martin, A.; Masterman, Masterton, Matthews, McPherson, Nadeau, Nelson, A.; Nelson, M.; Peterson, Pines, Racine, Reeves, J.; Richard, Sherburne, Small, Smith, C.W.; Soule, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Willey.

ABSENT—Carrier, Cunningham, Dudley, Fowlie, Gillis, Hayden, Higgins, H.C.; Huber, Jalbert, Laverriere, Livesay, Mahany, Moholland, O'Rourke, Pouliot, Rolde, Tuttle, Weymouth.

Yes, 67; No, 66; Absent, 18.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty-six in the negative, with eighteen being absent, House Amendment "A" is adopted.

Mr. Perkins of Brooksville offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-740) was read by the Clerk.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: What you are doing with this amendment is taking away from the department about \$2,800 this year in collecting funds. If this is passed, next year I am going to come in with a bill to strip the whole thing because what you are doing is making it so your taxpayers are going to have to pick up the tab for what the Christmas tree association is supposed to be doing, and to me it is wrong.

I was very much in favor of this when we had the bill in its original form, but in this, to allow part of the industry to have the protection for far less money than the rest of the Christmas tree growers is wrong.

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

Mr. HOBBS: Mr. Speaker, I move the indefinite postponement of House Amendment "C".

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves the indefinite postponement of House Amendment "C".

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: This particular issue came before the legislature during the last session. It appeared that there was a conflict in what to do with this whole issue of taxation. It is my understanding that both reports that were addressing this issue were defeated by this body.

The Department of Conservation and many other individuals realize that this issue has brought along some problems, especially among the association members.

The Judiciary Committee was presented with this amendment and after careful consideration, it was thought to be substantive, it was thought that because the legislature, during the last session, addressed this issue, in fact defeated both reports which had conflicting fee schedules, that this particular session of the legislature should not vote upon, or the Committee on Judiciary should not present to you in the errors bill this particular amendment. It was felt it was substantive and it could be addressed during the next legislative session.

I urge you to vote to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I ran into this last January when my town clerk brought it to my attention. She said, what new law have you people passed that our little people who take one load of bows to make wreaths all at once have to pay \$12 instead of \$1.50? I looked into it and found out that when the laws were recodified in 1979, this section was entirely left out.

Even Forestry didn't understand it in 1980 because they continued to charge the \$1.50 regardless of the law. It was only this last fall that they found it.

This is a pure error, and I hope you will go along with the amendment.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker and Members of the House: I just want to rise today to say that Representative Perkins from Blue Hill is certainly right on target, and I would certainly urge the support of House Amendment "C". This is an error. I was told by my town clerk this very last November when I went in to get a license to haul some tips about a couple of miles across town that it was a \$12 fee, that by accident it was up there and wouldn't I come down to the legislature and try to do something about it. So I certainly support House Amendment "C" today and urge your support of it.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: We have a good many

elderly people that make probably \$75 to \$100 or \$125 on Christmas trees to give them a little money for Christmas. To get those bows to their homes it costs them \$12 out of whatever little they make just to transport that brush.

I have one piece of land about a mile from my house and whatever brush I get from there, I have to pay \$12 for.

A lot of people in my district bank their houses with brush, and they have to have a \$12 transportation permit to get that brush over the road and to their homes, and I hope that you will go along with this amendment.

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

Ms. LUND: Mr. Speaker and Members of the House: My impression of the errors and inconsistencies bill is not to right the wrongs that the legislature in previous sessions has done. If, indeed, it was to do that, it would take us many years to get through our job.

This amendment that you have before you, Amendment "C", is not a mere matter of a comma or a part that was left out, it is a matter that was debated last session, and it was decided not to put it into law last session.

I do not believe it is proper to put it in under errors and inconsistencies.

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that House Amendment "C" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

53 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, House Amendment "C" was adopted.

Mr. Dexter of Kingfield offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-741) was read by the Clerk and adopted.

Mr. Carroll of Limerick offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-744) was read by the Clerk.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: I am not going to delay matters. I would just like to know if the gentleman from Limerick, Mr. Carroll, might just quickly explain what this amendment does.

The SPEAKER: The gentleman from Windham, Mr. Diamond, has posed a question through the Chair to the gentleman from Limerick, Mr. Carroll, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In Section 102, there is a change here from 'chapter' to 'section.' That just cleans up the language in the law to satisfy the bonding houses.

Also, in Section 104, we have 'reconstruction' underlined. Also, down at the end, it says 'reconstruction or operation' It just cleans up language in the law to satisfy the bonding houses.

Thereupon, House Amendment "E" was adopted.

The Bill was passed to be engrossed as amended by House Amendments "A", "B", "C", "D" and "E" and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Consent Calendar

Second Day

(H. P. 2261) (L. D. 2107) Bill "An Act to Require the Maine Guarantee Authority in Certain Instances to Repay the State for Money Borrowed on its Behalf by the State" (Emergency)

(H. P. 2233) (L. D. 2091) Bill "An Act to

Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" (C. "A" H-746) (Later Reconsidered)

There being no objections, the above items were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Second Reader

Later Today Assigned

Bill "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019) (H. "A" H-743 and S. "A" S-451 to C. "A" S-447)

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

On motion of Ms. Benoit of South Portland, tabled pending passage to be engrossed as amended and later today assigned.

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby Bill "An Act to Adjust Levels of Compensation for Constitutional Officers, Members of the Legislature and the Senate Secretary and House Clerk" House Paper 2233, L. D. 2091, was given Consent Calendar Second Day notification.

On motion of the same gentlewoman, tabled pending acceptance of the Committee Report and tomorrow assigned

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

Recalled from the Governor's Desk

Pursuant to Joint Order—H. P. 2321

An Act to Revise the Salaries of Certain County Officers (Emergency) (H. P. 2280) (L. D. 2126) — In House, passed to be enacted on March 31; in Senate, passed to be enacted on March 31.

On motion of Mr. LaPlante of Sabattus, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be enacted.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-745) was read by the Clerk.

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

Mr. LAPLANTE: Mr. Speaker, I would just like to explain what this amendment does. We had a typographical error in the bill. The retroactive date had been typed retroactive to January 1, 1981, and we doubted that anybody wanted to pay their statutory officers back for two years, so we brought it back up and changed the date to make it retroactive to January 1, 1982, this year.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Special Sentiment Calendar

The following items:

Recognizing:

Ocena Additon, of Leeds, who celebrated the 90th anniversary of her birth on March 17, 1982; (S. P. 978)

Sergeant Paul J. Lessard, of Winthrop, who has retired after 23 years of service as a Maine State Police Officer; (S. P. 979)

Baxter State Park acting director, Buzz Caverly, rangers: Bob Howes; Loren Goode; Tom Chase; Chris Drew; and Barry McArthur, and

park staff: Shirley Brewster; Janice Caverly; Mary Cummings; Joan King; and Barbara Snowman for their dedication to the principles on which the park was created, and their helpfulness which makes the experiences of park visitors truly memorable; (H. P. 2329) by Representative Tarbell of Bangor.

There being no objections, the above items were passed in concurrence or sent up for concurrence.

Consent Calendar

First Day

(S. P. 931) (L. D. 2076) Bill "An Act to Amend the Maine Implementing Act with Respect to the Houlton Band of Maliseet Indians"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-463)

There being no objections, under suspension of the rules, the above item was given Consent Calendar Second Day notification and passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

Bill "An Act to Protect the Atlantic Salmon Fisheries in the Lower Penobscot River from Veazie to the Southernmost Point of Verona Island" (S. P. 906) (L. D. 2048) (Bill recalled from the Governor's Desk pursuant to Joint Order (S. P. 971)—In Senate, passed to be engrossed as amended by Committee Amendment "A" (S-436) as amended by Senate Amendment "B" (S-460)

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

The Chair laid before the House the following matter:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982 (Emergency) (H. P. 2300) (L. D. 2133) which was tabled and later today assigned pending further consideration. In Senate-passed to be engrossed as amended by Senate Amendment "A" (S-459); in House, passed to be engrossed.

On motion of Mr. Paul of Sanford, the House voted to recede.

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

House Amendment "A" (H-752) was read by the Clerk.

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

Mr. PAUL: Mr. Speaker and Members of the House: This amendment is necessary because this language as voted on by the delegation was left out of the budget bill when it was somewhere in between the County Government Committee and Legislative Assistance. So, rather than going to the expense of having a four or five page budget redraft bill, we just opted to have the one-page amendment.

I move for the adoption of the amendment.

Thereupon, House Amendment "A" was adopted.

Senate Amendment "A" (S-459) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

JOINT RESOLUTION Memorializing Congress to Call a Constitutional Convention to Limit the Annual Federal Budget (H. P. 2322) which was tabled and later today assigned pending adoption.

Mrs. Mitchell of Vassalboro offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-753) was read by the Clerk.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: This amendment simply addresses our concern for a balanced federal budget, which I think every member of this body shares. However, it does remove the call for a Constitutional Convention and even for a Constitutional Amendment.

I would like to share with you a very persuasive letter that I have just received. It says very eloquently my feelings about a Constitutional Convention and a Constitutional Amendment. I will read only portions of the letter in deference to your patience.

"However, adoption of a constitutional amendment mandating a balanced budget would lock us into a rigid mechanism, precluding the flexibility for future policy which is necessary in a changing economic environment. It would close off any option of trying new economic techniques or exploring alternative approaches.

"One of the most compelling arguments against a balanced budget amendment is that our Constitution has endured because it embodies fundamental law and has not been made the instrument of specific social or economic policies. The Constitution establishes the basic structure of our government and guarantees fundamental rights to the people. It has not been and should not be used to endorse a particular economic theory or program."

Ladies and gentlemen, this is from our Senator William Cohen. Senator Mitchell has the same philosophy, and I think we would do well to adopt my amendment to let them know how strong we feel about the balanced budget but not with such a radical course of action.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I recognize that some people don't agree with this. I also recognize, and everybody knows, that many of these memorials to Congress to please balance the budget have gone on for years and years. I can only repeat what I said this morning, that we have had balanced budgets for 7 out of 51 years in this country, and if we include back-door spending, we have only balanced our books two years in the last half century. There have been many good intentions to do this, but it has never worked without putting some teeth into it, and unfortunately I feel that the gentlelady from Vassalboro is trying to send a toothless pussy cat to Washington.

I think we have to do something a little stronger than that in view of our past 50 years of history economically in this country.

I related this morning how I felt about my paper boy putting away a dollar today and hoping to spend it on tuition for the University of Maine five years from now and will find that it will only buy 75 cents worth of tuition. I have talked about the folks who are trying to get together some money for a downpayment on a house. I look at people my age, who maybe have a few dollars in the bank to help them with their pension, if they have one, or their Social Security, and they see their own money eroding so severely that if you put your money in the bank at current rates, you lose half of it in seven to eight years.

I feel very strongly that we should not send what I just called a toothless pussy cat to Washington. I would like you to know that there are four other states that are very close to passing this. I would hope that the State of Maine might be one of those that said we should balance our books.

I ask for indefinite postponement of the amendment and I ask for a roll call.

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

Mr. PEARSON: Mr. Speaker, Ladies and

Gentlemen of the House: When the Constitution of the United States was finally adopted, it provided for two mechanisms in order to change it. One was an amendment process by the Congress and ratification by the states; another one was a constitutional convention. We have never used the constitutional convention. We have never used the constitutional convention since the original Constitution was drafted, and there are all sorts of different conflicting views on how that could take place. But most constitutional experts that I have read say that if you call a constitutional convention, unlike this resolution where it says for the specific and exclusive purpose of proposing an amendment to the Constitution requiring that, in the absence of a national emergency, that we had to balance the budget.

Most constitutional people say that you cannot guarantee that if you have a constitutional convention that they would confine themselves to any one, specific, exclusive item on an agenda, that they might find themselves footloose and fancy free and pursue whatever it is that they have on their minds.

I have always been opposed to any kind of a resolution that called for a constitutional convention, whether it dealt with right-to-life or balancing a budget or anything else.

I can understand that there is a lot of concern with the balancing of the federal budget, because the problems in Washington right now are greater than they have ever been before. Employment, there are hundreds of thousands of people out of work, which is bringing the revenue down. There was, I guess, two weeks ago 448 bankruptcies in the nation in one week, which was higher than anytime since 1938, and it appears that we are headed for almost \$100 billion in deficit during the administration that is in Washington.

I can understand why Representative Day would be concerned. I am concerned too, but I don't think a constitutional convention is the answer to that.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I want to make just a couple of brief points on this. One is to agree with Mr. Pearson when he says that in effect the practical effect of the constitutional convention would be to open Pandora's box and the whole constitution would be subject to question.

As probably most of you know, when people are polled on, for example, the Bill of Rights, it is hard to get a majority to support all the elements of the Bill of Rights. But I think if we opened up all these constitutional guarantees right now, we would be in a very different society.

George F. Will, the columnist, who is a big supporter of the Reagan Administration, says if there is anything that the Carter Administration and the Reagan Administration have taught us, it is that the elements in whatever economic formula a president adopts won't stay the same for very long. They didn't for Jimmy Carter, they haven't for Ronald Reagan and the President and the federal government need more flexibility than this kind of system would allow them.

Russell Day, my friend and co-committee member, says that we need something with teeth in it. I am afraid the teeth that he offers us would eat us alive.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the efforts of Mrs. Mitchell in the opposing corner today. If I thought, Mrs. Mitchell, that your House Amendment would do the trick, and would prevail on Congress to balance the budget and exercise what needs to be done with \$100 billion a year, I guess, that we are paying on our national debt, \$100 billion a year, 20 per-

cent of the national income is going to interest payments on that national debt. If I thought that your polite request that Congress begin balancing the budget in Mrs. Mitchell's amendment would do the trick, I would support it in a minute.

But we have a constitutional provision in our State Constitution that requires us to balance our budget, and I really don't see why a constitutional provision in the U. S. Constitution to balance the budget would be out of order, particularly if three-fifths of the members of the House and Senate of Congress could vote to override balancing the budget; in other words, 60 percent of the members sitting in Congress, in both bodies, could vote to deficit spend, so there is a safety valve mechanism that would be included in it.

This measure before you asks Congress politely to please send the 50 states of this country an amendment so that we might hold a public hearing back here in our legislature in Maine, we might debate it and we might vote on it. It would take 38 states, three fourths of the states, to pass such a constitutional amendment.

The reason for the request for a convention is that if our polite request to Congress is not needed that Congress send the 50 states an amendment, then a convention would be triggered by the language in this resolution and other resolutions throughout the country if three other states in this country or more go along with such a resolution to convene a convention. As soon as the requisite number of states, 34 states, passing such a resolution was met, I think you can bet your bottom dollar that Congress would send out an amendment to the states very quickly, because our elected federal officials are not about to let an issue of this nature, which is really their business and what they should be dealing with, they are not about to let that go to a national political forum arena of a constitutional convention when they know that they should be handling it. But that is the teeth, the convention is the teeth.

Even if there were a convention, and I think that is extremely remote, even if there were a convention, any measure for a balanced budget amendment, or any other measure, would still require ratification, three fourths of the states, 38 states. So any way you look at it, an amendment must come back to us here in Maine and our other 49 brother and sister states throughout this country, and it must take 38 of the 50 states to adopt any amendment. So you have your safety protective mechanism there.

What this measure is before us, unamended, if we do not adopt the House Amendment, and I urge you not to, is really analogous to our ordering Congress, if we can muster 34 states in the land to join us, our ordering and requesting Congress to send us an amendment bill, so to speak, so we have a document before us, a draft before us, that we can send to public hearing, hold a public hearing on in our committee structure, bring it on the floor of the House and Senate here in the Maine Legislature and debate and discuss.

If you remove the teeth from it, I am afraid we will never see such an amendment.

About one third of the members of the House down in Congress are cosponsors of a balanced budget amendment resolution. Somewhere between 40 to 60 members of the U. S. Senate are also cosponsors of a balanced budget amendment resolution, but before Congress can send us such an amendment, it takes a two-thirds vote of each of their bodies, and that is why the strong teeth are placed in this particular resolution that Mr. Day has introduced today, to prevail upon Congress to send us an amendment, and the convention clause is the clause that provides the teeth to see to it that we will have an amendment to discuss and to debate and look at, and it would still take 38 states and it would still probably take three to five to six years before that process ran its full due

course.

On the merits of the issue, it seems to me that Congress has had and continues to have a very difficult time as an institution, a legislative power of the purse, legislative institution, they have a difficult time saying no to special interest groups.

We cannot continue to spend ourselves in terms of deficit spending into oblivion and there is a need for some institutional restraint. Such an amendment to provide that institutional restraint, with a safety valve of three-fifths override, I think would accomplish that. So I hope you do vote yes on the pending motion to indefinitely postpone the House Amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: When you talk about balanced budgets, you have to take a lot of different things into consideration.

The gentleman from Bangor who just preceded me indicated that Maine had a balanced budget, and we do, we do it because we have a constitutional provision, but we have a way of going beyond the money that we take in every year and we call that bonded indebtedness. The federal government does it and so do we.

We have for example, right now in bonds issued and unissued, authorized bonds, \$254,835,000 worth of bonds that are either issued or unissued but can be issued at any time in this state. Now, that goes beyond the balanced budget that we have to have every year. That is authorized and that is the way we go about running our business.

I am concerned in Washington myself, right now, with the way fiscal affairs are being conducted. I don't blame any of the other members of my party or the other party for being concerned. It appears in Washington right now that what you have is a drunken sailor on a sea in a rowboat with only one oar. One hundred above and beyond the revenues that are going to be taken in are going to be expended in the next three or four years, or close to it, but I still don't think a constitutional convention is the way to solve that problem, because if you did that, you would have to have a convention where anybody could bring up any subject, there is no guarantee it would be limited to one subject. It could be a very dangerous precedent. Democracy in this country, as we know it, might change dramatically.

While Mr. Day is well intentioned, I don't think that his Resolution is a proper one.

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

Mr. ARMSTRONG: Mr. Speaker, a point of parliamentary inquiry? Does an amendment to a proposed Joint Resolution have to be germane to the Joint Resolution?

The SPEAKER: The Chair would answer in the affirmative.

Mr. ARMSTRONG: Mr. Speaker, could I ask for a ruling on the germaneness of House Amendment "A" as presented?

The SPEAKER: The Chair would advise the gentleman that in reference to the question, the amendment removes from a portion of the Resolution a portion of that Resolution; therefore, the amendment would be germane because you are deleting from the bill itself, if that is what the gentleman is posing?

Mr. ARMSTRONG: May I pose a question to the Chair?

My reason for asking it was the Joint Resolution, I think, definitely calls for a Constitutional Convention and the amendment does not call for such a convention, that was why I questioned the germaneness.

The SPEAKER: The Chair would advise the gentleman that it does weaken the intent of the original request of the gentleman from Westbrook, Mr. Day, but it would be germane.

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 pending question is on the motion of the gentleman from Westbrook, Mr. Day, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davies, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kany, Kiesman, Lancaster, Lewis, Lund, MacBride, Masterman, Masterton, Matthews, McPherson, Michael, Murphy, Nelson, A.; Paradis, E.; Perkins, Peterson, Pines, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gwadnosky, Hall, Hayden, Hickey, Hobbins, Jacques, Joyce, Kane, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Post, Racine, Randall, Reeves, P.; Richard, Roberts, Smith, C.B.; Soulas, Soule, Strout, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

ABSENT—Carrier, Cunningham, Dudley, Higgins, H.C.; Jalbert, Laverriere, Livesay, Mahany, O'Rourke, Pouliot, Rolde, Tuttle.

Yes, 67; No, 72; Absent, 12.

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

Thereupon, House Amendment "•" was adopted.

The Joint Resolution was adopted as amended by House Amendment "A" and sent up for concurrence.

By unanimous consent, all preceding matters requiring Senate concurrence were ordered sent forthwith.

On motion of Mr. Gillis of Calais,
Recessed until the sound of the gong.

After Recess

The House was called to order by the Speaker.

The following Senate Paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Clarify the 1981 Amendments Relating to the Operating Under the Influence and Habitual Offender Laws" (Emergency) (H. P. 2309) (L. D. 2138) which was passed to be engrossed as amended by House Amendment "A" (H-742) in the House on April 1, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendments "A" (S-464) and "B" (S-465) and House Amendment "A" (H-742) in non-concurrence.

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

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

Non-Concurrent Matter

Bill "An Act to Make Corrections of Errors and Inconsistencies in the Laws of Maine" (S. P. 969) (L. D. 2136) which was Passed to be Engrossed as amended by House Amendments "A" (H-738) "B" (H-739) "C" (H-740) "D" (H-741) and "E" (H-744) in the House on April 5, 1982.

Came from the Senate passed to be Engrossed as amended by House Amendments "D" (H-741) and "E" (H-744) in non-concurrence.

On motion of Mr. Hobbins of Saco, the House voted to recede.

On further motion of the same gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I would like to pose a parliamentary inquiry?

I would like to inquire of the Chair whether or not House Amendment "C" is properly before this body in view of Joint Rule 37?

The SPEAKER: The Chair would advise the gentleman from Saco, Mr. Hobbins, that the Chair would rule that in light of the fact that the amendment as proposed by House Amendment "A" to H. P. 3, L. D. 3, of the 110th Legislature, that in fact House Amendment "C" is in violation of Joint Rule 37.

Thereupon, the Bill was passed to be engrossed as amended by House Amendments "A", "B", "D" and "E" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act to Allow the Mapleton Sewer District to Charge the Full Cost Incurred in Filing a Lien" (H. P. 2331) (Presented by Representative Lisnik of Presque Isle)

(Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Public Utilities was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

(Off Record Remarks)

On motion of Mrs. Ingraham of Houlton,
Adjourned until nine o'clock tomorrow morning.