

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

INDEX

FIFTH SPECIAL SESSION

May 13, 1982

INDEX

SECOND CONFIRMATION SESSION

July 16, 1982

INDEX

HOUSE

Tuesday, April 13, 1982

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

Prayer by Senator Michael E. Carpenter of Aroostook.

The journal of the previous session was read and approved.

Order Out of Order

Mrs. Post of Owl's Head presented the following Joint Order and moved its passage: (H. P. 2361)

ORDERED, the Senate concurring, that "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, be recalled from the Governor's desk to the House of Representatives.

The Order was received out of order by unanimous consent, read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Ketover of Portland, Recessed until the sound of the gong.

After Recess

12:10 p.m.

The House was called to order by the Speaker.

House at Ease

Called to order by the Speaker.

At this point, a message was received from the Senate, borne by Senator Collins of Knox of that body, proposing a Joint Convention of both branches to be held forthwith in the Hall of the House for purpose of extending to His Excellency, Governor Joseph E. Brennan, an invitation to attend the Convention and make such communication as he may be pleased to make.

Thereupon, the House voted to concur in the proposal for a Joint Convention and the Chair appointed Mrs. Mitchell of Vassalboro to convey a message to the Senate to that effect.

Mrs. Mitchell subsequently reported that she had delivered the message with which she was charged.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

In Convention

The President of the Senate, Joseph Sewall, in the Chair.

On motion of Senator Collins of Knox, it was ORDERED, that a Committee be appointed to wait upon The Honorable Joseph E. Brennan, Governor, and to inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives, and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman appointed:

Senators:
HUBER of Cumberland
McBREARITY of Aroostook
PRAY of Penobscot

Representatives:
POST of Owl's Head
TWITCHELL of Norway
KANE of South Portland
KILCOYNE of Gardiner
HAYDEN of Durham
HIGGINS of Portland
BROWN of Bethel
MASTERMAN of Milo
DAY of Westbrook
INGRAHAM of Houlton

Senator Huber, for the Committee, subsequently reported that the Committee had at-

tended to the duty assigned to it, and the Governor was pleased to say that he would forthwith attend the Convention.

Whereupon, Governor Joseph E. Brennan entered the Convention Hall amid prolonged applause, the audience rising.

The Governor then addressed the Convention as follows:

Mr. President, Mr. Speaker, Honorable Members of the House and Senate: I appreciate the opportunity to come before you at this unusual joint session.

Until last week, this regular session was remarkable for its lack of controversy and lack of partisan exchange. Indeed, of the four regular sessions that I have been privileged to serve as Governor, this has been the most harmonious. Both bodies went about their business and passed some important legislation on behalf of our state and our people.

This year, you have helped AFDC mothers to get off welfare rolls and onto payrolls.

You have demonstrated your concern for the elderly by voting tax relief for our senior citizens, and you have demonstrated your compassion for the retarded through legislation to permit group homes in residential areas.

You have protected consumers with a number of bills reforming our public utility laws.

You have helped ease the problem of overcrowding in our correction system by increasing the capacity of Charleston.

This session has seen these achievements and the promise of many more—until last night.

Last night, there was a great deal of hard work. There were honest efforts on the part of both sides. There were sincere attempts at compromise, but a final agreement was apparently never quite reached.

Even at the late hours your leadership worked, I was not terribly concerned by the lack of an agreement. For like many of you, I have been around the legislative halls for many years. And in my experience, no matter how far apart the sides, no matter how bitter the disagreement, compromise almost always has seemed possible.

Time and again, those of us who have been around this capitol have seen the legislature rise above partisanship. Almost always you have achieved compromise, which is indeed the very essence of this process.

Last night, each side tried to accommodate the concerns of the other and failed. Last night, compromise seemed to be agreed to, and then failed. And as today has gone on, it now seems possible that you could go home without finishing your job.

The very real prospect exists that your tradition of compromise will break down. The idea that you will leave a job unfinished is unlike you, for it would not serve the people of Maine in the manner they deserve.

So this afternoon, I appeal to you to keep trying, for if you leave without finishing your work, you would be saying no to hundreds of young couples who need your help to purchase their first home. You would be saying no to hundreds of construction workers who desperately need jobs. You would be saying no to hundreds of the poorest children in this state who need your help for the essentials of life—food, clothing and shelter; and no to the men and women who have served this state and who need a modest increase in their pensions; and no to protecting our children from abuse and neglect; and no to group homes for the retarded; and no to the University of Maine; and no to dozens of other compelling needs.

These urgent needs should not go unmet.

I understand the concerns of many of you who want to make our tax laws conform to the federal laws. Indeed, last year, I called a special session for that very purpose. But the State of Maine cannot give tax breaks that it cannot

afford. The federal government has done that, and now they are paying the price. It is part of the reason that the Congress has before it today the largest budget deficit in its history.

State Government cannot follow the federal government into budget chaos.

Like all of you, I would like to be generous, but in this world in which we live, we must be just before we are generous.

Today, I ask you not to go home without finishing your work. If you come back later in a special session, you will still have before you the job you were elected to do. So I urge you to do that job now, today. And I ask you to return to your caucuses and keep working toward a compromise, a compromise that lets you leave this place with a sense of satisfaction, a job done, indeed, a job well done.

I am prepared to stay here with you working toward that compromise because I believe you must not go home with so much left undone. The people of Maine deserve better than that.

At the conclusion of the Governor's address, the Governor withdrew amid applause, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the Chairman declared the same dissolved and the Senate retired to its Chamber amid applause of the House, the members rising.

In the House

The House was called to order by the Speaker.

The following Communication:

MAINE ADVISORY COUNCIL ON
VOCATIONAL EDUCATION

Box 17

1 Memorial Circle

Augusta, Maine 04330

12 April 1982

To the Members of the 110th Legislature:

The Maine Advisory Council on Vocational Education (MACVE) is pleased to forward to the members of the 110th Legislature a copy of its Twelfth Annual Report.

MACVE is a policy advisory body to the State Board of Education. It is mandated by Public Law 94-482, The Educational Amendments of 1976. Each year, the Annual Report is the vehicle which carries MACVE's recommendations to the State Board of Education.

MACVE members are dedicated to helping Maine improve vocational education in order to develop Maine's best natural resource—its people.

Sincerely,

S/CHRISTINE SZIGETI-JOHNSON

Executive Director

The Communication was read and with accompanying Report read and ordered placed on file.

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

Bill Recalled from Governor

(Pursuant to Joint Order—House Paper 2361)

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)

—In House, Passed to be Enacted on April 5.

—In Senate, Passed to be Enacted on April 5.

On motion of Mrs. Post of Owl's Head, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be enacted.

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

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

House Amendment "A" (H-767) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: What this House Amendment does is essentially to put an emergency preamble on the original bill. The town of St. George has accepted jurisdiction over Marshall Point Light Station from the federal government for the purposes of establishing a recreational area, but they need this state acceptance of jurisdiction in order to be able to, along with the state and county law enforcement officials, enforce the regulations to make that park work and to also enforce the general laws of the state.

Since there has already been some vandalism in the area, the community felt as though it needed this authority upon enactment of the bill.

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

Consent Calendar

First Day

(H. P. 1925) (L. D. 1905) Bill "An Act Making Adjustments to the Allocations from the Highway Fund for the Fiscal Year Ending, June 30, 1982 and June 30, 1983" (Emergency)—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-768)

There being no objections, under suspension of the rules the above item was given Consent Calendar, Second Day, notification, the House Paper was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

The following Communication:

Committee on Transportation

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Transportation 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 in Committee

Unanimous Reports:	17
Ought to Pass as Amended	9
Ought to Pass in New Draft	2
Leave to Withdraw	4
Divided Reports:	2

Respectfully submitted,
S/GEORGE A. CARROLL
House Chairman

The Communication was read and ordered placed on file.

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

Divided Report

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (H. P. 1890) (L. D. 1870) reporting "Ought to Pass" in New Draft (H. P. 2368) (L. D. 2142)

Report was signed by the following mem-

bers:

Senator:

NAJARIAN of Cumberland

—of the Senate.

Representatives:

PEARSON of Old Town

CHONKO of Topsham

BRENERMAN of Portland

JALBERT of Lewiston

KELLEHER of Bangor

CARTER of Winslow

—of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 2369) (L. D. 2143) on same Bill.

Report was signed by the following members:

Sensors:

HUBER of Cumberland

PERKINS of Hancock

—of the Senate.

Representatives:

ALOUPIS of Bangor

DAVIS of Monmouth

LANCASTER of Kittery

SMITH of Mars Hill

—of the House.

Reports were read.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I move the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that the House accept the Majority "Ought to Pass" in New Draft Report.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Even though we have been dealing with this particular item, that is the supplemental budget, for a long, long time over the last several days, it reminds me of a story that I once heard from the Representative from Enfield, Mr. Dudley. After listening to him for quite some time one day, I asked him, James, what would you like to have placed on your tombstone? He said, well, I was working in Dover-Foxcroft one time and I saw a stone that had what I wanted on it and what it had on it was: "I knew that I would end up here but I didn't think it would be quite so soon." And here we are finally with the budget but I'm still wondering how I ended up here.

The Majority "Ought to Pass" Report of the Appropriations Committee, and this is an odd situation for me because we have never had, that I remember, a majority and a minority report, the Majority "Ought to Pass" Report is a document that is buff colored. It contains a supplemental budget and a supplemental budget is just that. Last year, we passed a budget that was supposed to appropriate the money that was necessary for this state to operate for two years. We find, however, every second regular session of our biennium, that there are things that crop up in the course of the state's business which we didn't anticipate and which we have to cover. This supplement budget is designed to do exactly that.

After meeting for long periods of time with many different departments and hearing many different people testify, we are submitting, the majority of this committee, this particular Majority Report.

I might tell you from the outset, to ease your minds and narrow the scope, that there is not very much difference between the Majority Report and the Minority Report. You heard the good Clerk say that there was one page difference, and there is, but before I get to that, I would like to tell you some of the contents of this particular budget and some of the contingencies the state is faced with.

We are faced with problems in our prisons. So serious are those problems in our prisons that we set aside some time a little earlier in the session to appropriate some money to re-

lieve the overcrowding. We have had problems for the last several years in prison systems in the state that are caused by the lockdowns and by the overcrowding, by the tensions and by the difficulties of the job, that has caused us to have to have a lot of overtime amongst our employees. We have appropriated some money in this particular budget to take care of that problem. So much overtime has been expended by the prisons that, actually, within a couple of weeks, three weeks at the most, the prison systems of the state will run out of money. That certainly is an emergency.

We also have in this particular budget a section dealing with the schools of the state, the mill rate and all the other intricacies that have to go into that, that by law have to be set by May the 15th. We are running up against that deadline, a little further off but nevertheless very much important.

We are, of course, faced with federal cuts and some of those cuts we felt that we had to pick up and we have addressed those in this particular bill also.

The total cost of the bill is, of course, considerably smaller than the regular budget. I don't know if you realize it or not, but the regular budget in the state is a little over \$1 billion from General Fund money. This is a bill that costs about \$14,285,000, but it is not an important bill because of the things that it is intended to address.

The difference between the Majority Report and the Minority Report is \$3.4 million. Now, I want to account for that to you so you will have a clear picture if you don't have one already.

One million dollars of that particular item is for AFDC benefits for mothers with dependent children. You should be aware of the fact that mothers with dependent children in this state are existing, and I say existing, not living, at 75 percent of the 1973 poverty standards, and if this were adopted—well, I should tell you now that a mother with one child in the state receives \$55.75 a week to live on, and I am almost embarrassed to say it, she would have increase of only, I think it is \$11 a month for her and her child. That is for a mother and one child. A family of four, she would gain \$9 a month for each one of them. We felt a compelling need to try to bring up their standards and we did a pretty poor job of it, to tell you the truth.

The second difference deals with highways. You will recall that at the beginning of this session, we had a request of \$7.9 million of General Fund money to go to the highways. That has now been reduced to \$2.4 million, which I am told is the lowest that the Transportation Committee can go in order to fund the highways of this state. Those are the two basic differences.

I urge you to support the Majority Report because I think it has practicality and compassion combined in one document.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Old Town has given you a good description of the two reports. We note, if we checked today with the Finance Office, that the highway revenues from fuel tax is running ahead about 2.7 and the projected is 5.5 for the period. We feel that the General Fund should be dealt with, the money should be used for things that have for many years been funded by this General Fund, and each year it seems as though they come back and come back and want to raid this fund for something else.

We had a bill for AFDC presented by the good gentleman from Portland, Mr. Connolly, that was to be given consideration; however, there were some who felt it was safer in the budget bill and that is how it happens to be there.

I request a roll call vote on this vote, please.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote

no.

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

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, I would like to address a question through the Chair to the House Chairman of Appropriations.

The University of Maine, on Page 42 of the Majority "Ought to Pass" Report, this \$800,000 from the General Fund, I would like to ask Representative Pearson if this money is to go directly to teacher increases, professor increases? There was some controversy when the contract was settled, they were supposed to set aside something like \$2.5 million but later was pared down to \$800,000. I think there is some concern on the part of the university professors that all of this be used for salaries. I would like to know what the intent of the Appropriations Committee was.

The SPEAKER: The gentleman from Presque Isle, Mr. Lisnik, has posed a question through the Chair to the gentleman from Old Town, Mr. Pearson, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am appreciative of that question and I think I will speak for both the Majority and Minority Reports and if I don't, I am sure that the gentleman on the other side on the Minority will correct me. This is merely a clarification question and the answer to the question is, the state cannot specifically say where any particular dollar is going to go in the University. However, it was the testimony before our committee that this money would be used to increase salaries and merit raises at the University system. They made the point that at least at the University of Maine in Orono and some of the other universities, parts of the university, that they were lagging or low in the charts as to the pay that the professors were receiving and that was their intent, to use that money to bring that amount up. I believe that it is the intent of the legislature that this be used for salary and merit increases for the teaching personnel at the various branches of the University of Maine.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I think it should be pointed out that the teachers or professors did get a 9 percent increase for each of the two years of the biennium under their negotiated contracts. As our good Chairman pointed out, they did ask for \$2.64 million, which would have resulted in a little over a 20 percent increase across the board in one year. The \$500,000, so they told us in the testimony, would give them a 2 percent increase or from 9 up to 11. For some reason, it was decided to give \$800,000.

I had one of the aides of our committee call Mr. McCarthy and ask him what this money was to be used for and his answer was—for merit raises.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Monmouth, Mr. Davis, missed the point. The intent of the question was to find out what the intent of the legislature was. It is simply a clarification for the record, that is all it is, it is not a debate, since the same amount of money exists in both budgets. He simply wanted to know if this were to be used for the faculty for raises and merit increases, and my answer was yes. If that is an incorrect answer, please correct me. If it is not, I will let that stand on the record.

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

Mr. DAVIS: Mr. Speaker and Members of the House: As I stated previously, I asked one of our assistants to call Chancellor McCarthy and he said this money was to be used strictly for merit raises.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Pearson has attempted to do, and certainly I applaud him for his attempt, he is trying to put in the record, specifically, so the trustees of the state and chancellor will know exactly why both reports have the money in it, which is \$800,000, and specifically why and how it is going to be spent. Now, it doesn't matter whether you support Report A or Report B, the important thing is in regards to this particular money, the trustees of the University of Maine are going to get a message loud and clear from this House and from the other body, that we want this specific money spent in those categories that were described by Mr. Pearson here a few moments ago.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Old Town, Mr. Pearson, that the Majority "Ought to Pass" Report be accepted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

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

ABSENT—Armstrong, Cunningham, Dudley, Gavett, Hunter, Jackson, P.C.; Laverriere, Masterton, Nelson, M.; O'Rourke, Roberts, Rolde, Tuttle.

Yes, 74; No, 64; Absent, 13.

The SPEAKER: Seventy-four having voted in the affirmative and sixty-four in the negative with thirteen being absent, the Majority "Ought to Pass" Report is accepted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following papers were taken up out of order by unanimous consent:

Special Sentiment Calendar

The Following items:

Recognizing:

Dr. Norman Nickerson, of Greenville, who is celebrating the 90th anniversary of his birth; (H. P. 2365) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

Virgil Valente, of Milo, who was presented the Alchemists Plaque for his endeavors in the field of science for Maine secondary students; (H. P. 2364) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

The Bangor High School girls' swim team, coached by Robby MacDonald which won the 1982 State Class A Championship; (H. P. 2366) by Representative Kelleher of Bangor. (Cosponsors: Representatives Soulas of Bangor, Diamond of Bangor and Tarbell of Bangor)

The United Baptist Church, of Lewiston, on its 150th anniversary, April 25, 1982; (H. P. 2367) by Representative Telow of Lewiston. (Cosponsor: Representative Lewis of Auburn)

Joseph Barto, of Portland, who is celebrating the 102nd anniversary of his birth; (H. P. 2370) by Representative Ketover of Portland.

The Herbert family, descendants of Patriarch Simon Hebert (1764-1843), which will hold a family reunion in Madawaska on July 2-4 1982; (H. P. 2371) by Representative McHenry of Madawaska. (Cosponsors: Representatives Martin of Van Buren, Theriault of Fort Kent and Senator Violette of Aroostook)

That the St. John Valley will celebrate its 5th Annual Acadian Festival Week, June 28 to July 5, 1982, in Madawaska; (H. P. 2372) by Representative McHenry of Madawaska. (Cosponsors: Representatives Martin of Van Buren, Theriault of Fort Kent and Senator Violette of Aroostook)

Captive Nations Week, July 18-24, 1982, commemorating the nations under Communist control including Afghanistan, Bulgaria, Cambodia and Laos, Cuba, Czechoslovakia, Estonia, East Germany, Hungary, Latvia, Lithuania, Poland, Romania, Ukraine and Yugoslavia, with special recognition of the Maine residents who are natives of the captive nations; (H. P. 2373) by Representative Reeves of Pittston. (Cosponsors: Representatives Gwadosky of Fairfield, Soule of Westport and Cahill of Woolwich)

Lane Feldman, of Auburn, who has been chosen the recipient of the Bobby Orr Youth Hockey Sportsmanship Award and the City of Auburn Recreation Department Sportsmanship Award; (H. P. 2375) by Representative Boyce of Auburn.

Northeast Combat, Maine's leading consumer education and assistance organization, upon the celebration of its 10th anniversary, Friday, April 23, 1982; (H. P. 2376) by Representative Diamond of Bangor. (Cosponsors: Representatives Kelleher of Bangor, Davies of Orono and Senator Trotzky of Penobscot)

Laurie Thibodeau, of Bangor, who has been named to the 1982 Maine All-State Girls' Basketball Team; (H. P. 2377) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Aloupis of Bangor and Senator Trotzky of Penobscot)

Cheryl Rich, of Bangor, who has been named to the 1982 Maine All-State Girl's Basketball Team; (H. P. 2378) (Cosponsors: Representatives Soulas of Bangor, Kelleher of Bangor and Senator Trotzky of Penobscot)

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

By unanimous consent, ordered sent forthwith to the Senate.

House at Ease

Called to order by the Speaker.

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

The Following Joint Order: (S. P. 999)

WHEREAS, the Legislature has considered 2 legislative documents relating to an excise tax on mining; and

WHEREAS, the legislation contained in Legislative Document 1621 and Legislative Document 2043 of the 110th Legislature is in need of further consideration; and

WHEREAS, the Joint Standing Committee on Taxation is prepared to study this matter further and report back a compromise bill at the next special session of the 110th Legislature convening after May 8, 1982; now, therefore, be it

ORDERED, the House concurring, subject to the Legislative Council's review and determinations hereinafter provided, that the Joint Standing Committee on Taxation shall study the subject matter of Legislative Document 1621 and Legislative Document 2043 pertaining to the excise tax on mining to determine whether or not the best interests of the State would be served by enactment of a compromise version of this or similar legislation; and be it further

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

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

Came from the Senate read and passed.

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

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

Passed to Be Enacted Emergency Measure

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) (H. "A" H-676)

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. 116 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 paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

Emergency Measure Later Today Assigned

An Act Making Adjustments to the Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1982 and June 30, 1983 (H. P. 1925) (L. D. 1905) (C. "A" H-768)

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.

Whereupon, Mrs. Post of Owl's Head requested a roll call vote.

On motion of the same gentlewoman, tabled pending passage to be enacted and later today assigned.

The following papers were taken up out of order by unanimous consent:

Special Sentiment Calendar

The following items:
Recognizing:

W. Malcolm Wilson, of Waterville, winner of the Elias A. Joseph Award in recognition of his volunteer efforts in the forming of a SCORE/ACE chapter in the greater Waterville area; (S. P. 993)

Mary Gardner Simcock, of Waterville, recipient of the Waterville Area Chamber of Commerce's 1982 Distinguished Community Service Award, for her demonstrated leadership, achievement and dedication to community betterment; (S. P. 994)

Jean Paul Belanger, of Gorham, on obtaining

the high rank and distinction of Eagle Scout; (S. P. 996)

Robert Estes, of Gorham, on obtaining the high rank and distinction of Eagle Scout; (S. P. 997)

Marcella O'Halloran, of Waterville, who has received the Waterville Elks Lodge #905 Citizen of the Year Award; (S. P. 998)

St. Joseph's Parish, of Lewiston, on the celebration of its 125th anniversary; (H. P. 2379) by Representative Berube of Lewiston. (Cosponsors: Representatives Lewis of Auburn and Telow of Lewiston)

No objections being noted, the above items were passed in concurrence or sent up for concurrence.

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

By unanimous consent, the rules were suspended for the purpose of allowing members to remove their jackets.

At this point, by unanimous consent, House Rule 22 was suspended for the purpose of conducting business after 9:00 p.m.

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

Non-Concurrent Matter

Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (H. P. 1890) (L. D. 1870) on which the Majority "Ought to Pass" in New Draft (H. P. 2368) (L. D. 2142) Report of the Committee on Appropriations and Financial Affairs was read and accepted and the New Draft Passed to be Engrossed in the House on April 13, 1982.

Came from the Senate with the Majority "Ought to Pass" in New Draft (H. P. 2369) (L. D. 2143) Report of the Committee on Appropriations and Financial Affairs read and accepted and the New Draft Passed to be Engrossed as amended by Senate Amendment "A" (S-475) in non-concurrence.

In the House:

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

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

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

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

The gentleman may proceed.

The SPEAKER: The gentleman from Monmouth, Mr. Davis, moves that the House recede and concur.

Mr. DAVIS: Mr. Speaker Ladies and Gentlemen of the House: I would like to explain briefly this amendment. It is an attempt to keep the store open with certain vital needs. If you will look at the amendment, you will see that such things as the Corrections Department, the Defense and Veterans Services Department, the Executive Department, Mental Health and Retardation, and several of the other vital needs, needs that need to be met right away, are in this amendment. It is an attempt to keep these things going, and I hope that you will vote to recede and concur and I ask for a roll call.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to my colleague on the Appropriations Committee. I would appreciate it if he would share with us why one particular item in this amendment in any particular category is more important than any others that we worked on for over four

months down there? I would like to have him give us the wisdom that he possess and tell us why these minor suggestions from the other body are more important than the four months' work that we put in, that other legislators put in, that the executive department put in on these items. I would like to have him or my other colleagues on that committee share that wisdom with us this evening.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis, who may respond if he so desires.

Mr. DAVIS: Mr. Speaker, I will respond to that question in this light—that each of us has our own ideas as to what is the most important, and this seems to be the ideas of ours.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment that my colleague is asking us to support here tonight is really a tinsel approach to state government. It isn't even worthy of the consideration of a bandaid approach. It is inaccurate for him to stand here tonight and tell us that this is an honest way for us to relieve the problems that are out here in state government.

As Mr. Davis knows, and you as members of this House know, from time to time we are called back in because of things that must be done in government because of emergencies. We worked down in that committee as a group of men and women trying to relieve the problems of state government as a whole if possible, and we are in a pretty poor predicament here tonight in trying to accept his limited arguments on what we should be doing for a barebones approach to state government.

I have the appropriations bill in front of me, and I am sure that most of you have it in front of you. In Agriculture—nothing; the Attorney General's Department—nothing; the Department of Audit—nothing; Corrections—what a short way of doing business with their suggestions here tonight.

We are to put \$156,000 in to help the county jails across the state, and we are to put in \$40,000 to pay for hospital bills at the Youth Center, but the Maine Correctional Center—nothing; the Pre-release Center—nothing; Charlestown, to provide for 28 additional inmates to relieve us of an overburdened prison in Thomaston—nothing. The Maine State Prison, they put in \$339,000 in the other body for overtime programs, but nothing in terms of personnel to upgrade the staff down there. There's a half dozen accounts—absolutely nothing.

The Department of Veterans' Services—\$45,000 for workers' comp claims—a couple of other minor, little items. I think they have even got a lawnmower in here. Can you imagine that with everything else that is going on in State Government?

Educational and Cultural Services, for the most part, and there are six or seven pages here—nothing; the Vocational Training Institute in Northern Maine—nothing; Washington County—nothing; special education for exceptional children—nothing; among a lot of other issues dealing with education.

The Department of Environmental Protection—zero; Land Quality Control—zero; Water Quality Control and the various departments in there—nothing.

The Executive Branch—now this is a good one—the State Development Office in Washington, this is a major, priority with all the human services issues in here, why, you know, they are just giving the public lip service.

The Contingency Account to take care of some increases and to cover unusual expenses, it's an item but it is not that important. The State Development Office, can you imagine it, the State Development Office, where the towns and businesses in this state use it—nothing; State Planning—nothing; the Office of Energy Resources, we are all energy conscious—noth-

ing, no department; Finance and Administration, not too much; Buildings, Grounds and Operations, \$340,000. Now, isn't that an important item when you consider all the other little things that are going around that deal with the elderly and the handicapped and the retarded—we are going to do something for buildings and grounds.

The Department of Human Services, for the most part, nothing; Intermediate Care Providers, for the IFCMR's—nothing; the Medical Care Administration, to provide funds for audit exceptions under the federal Medicare and Medicaid programs—nothing; Catastrophic Illness, to fund deficits over there—nothing; Food Stamps, dealing with Knox and another county, \$67,000; they put that in, that is a big deal. I guess they did put in catastrophic illness. Some doctor has got to be paid, I am sure of that, but for the most part the public isn't getting paid.

Aid to Families with Dependent Children, the real poor, those who can't really speak for themselves and we are here trying to do a little something for them, they are always the ones that get kicked around. Boy, if they were a football, there would be nothing left of them the way we kick those people around, and we are not doing anything tonight. We have got to buy a lawnmower somewhere, or we are going to have to go get a truck for somebody, but in terms of doing something for the poor—absolutely nothing. It is really amazing.

I am sure my colleagues don't even feel comfortable in this absolute fraud here tonight, ladies and gentlemen, this attempt they would have us buy, and you know, we are not all asleep. It is late tonight, it is nine-thirty, but most of us are still wide awake, and thank God we are thinking for ourselves.

The Judicial Department—they got nothing, Representative Carrier. Marine Resources, for the most part—nothing; Maine Maritime. Mental Health and Mental Retardation, there is something we are all concerned with, absolutely concerned with; food for the institutions, they need \$175,000 to get them through this year—nothing. Can you imagine it? Can you imagine not even putting that in, food? Fuel, to take care of the fuel costs for this year, they didn't put that in either. Can you imagine that? And they want us to buy that, whatever they call it, that was sent down to us from the other body.

Augusta Mental Health—nothing; Bangor Mental Health, where I come from and Miss Aloupis and my good friend the Minority Floor Leader—do you know they are up for accreditation this year? Do you know that little item right there might sink them, might sink that institution up there? Where are my colleagues from Bangor on this one—nothing.

Community Mental Health and Mental Retardation, \$500,000; Pineland—nothing.

Well, you know, this amendment is nothing and it is an absolute fraud upon the people of this state to think that this House would encourage support of it tonight.

I urge every one of you, Republicans and Democrats alike, to kill it.

Has there been a motion made, Mr. Speaker?

The SPEAKER: The Chair would advise the gentleman from Bangor that the pending motion is to recede and concur.

Mr. KELLEHER: Well, I doubt if we will do it, but I don't think I will make any motion. I am sure some of my other colleagues on the committee would be more than glad to address this idiotic suggestion that we have before us at the moment.

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

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: Imagine—nothing, it is like HBO, but the truth of the matter is that this amendment contains those items which are necessary for the following few weeks so that there will be no layoffs.

The other items in the budget are needed until July 1. We all know we are coming back in three weeks to deal with the amount of money for the contract. From what I am led to believe, the Governor's office was also involved in helping with this amendment as to those items which were necessary to keep the store open for the next three to four weeks, or until July 1.

So, Mr. Kelleher, I, too, am concerned about all those items in there. However, if we can backtrack a little bit, we can remember that the committee was in agreement on the entire budget, except for those two items which have been debated substantially. And some of the negative votes on that, as we all know, are because of the tax cut issue. However, to say that there are those of us who don't care about the budget is totally incorrect.

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

Mr. KELLEHER: Mr. Speaker, I might suggest to my colleague from Bangor that she can demonstrate her sincerity tonight by rejecting the motion that is before us.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I feel somewhat badly tonight that the good gentleman from Monmouth—I wouldn't say he was picked to speak for the members of the friendly opposition party on this amendment, and I am certainly not going to go through this whole program as Representative Kelleher did, I went through it with him before.

As he stated, and it was nine-thirty when he said it, it is now twenty minutes of twelve—I mean it is twenty minutes of ten. I am terribly sorry, I have been up since four-thirty and I made the catastrophic error by saying it is twenty minutes of twelve when I should have said it is twenty minutes of ten. What a terrible thing to say! That goes to prove one thing—when are we going to get the heck out of here?

We have been here for 50 days plus wasting our own time and taxpayers' dollars day in and day out. We have been in here for seven or eight minutes, some of us have been here all day and all evening day in and day out and the unmentionable body has been here for six or seven minutes, I counted 12 days that the average time they were in session was seven and a half minutes. I am not blaming anybody but ourselves.

I know how much work some of us have done here. I know a lot of you are going home with a clear conscience, and you can. The whole problem is, now, no matter what you do tonight, you are not doing the right thing.

I am not in the position to make the motion that should be made here—adjourn sine die, that is the motion. I don't know when we are coming back, none of you know. We will be back here when the Governor calls us back here, and he may call us back here two days from now for one thing, he could very well call us back here three days later for another thing, he may call us back for five days for another thing.

I know what the purpose of this amendment was, it was to plug gaps until July 1, 1982. But I am just going to comment on a couple of things. The first thing is this—State Department office, \$37,944. If we would come back here, if this amendment would pass, we would then fund the second year, that \$79,624. That is to fund the job for a man who placed there by the late Governor Longley, and he told me so in my home when I objected to this at a salary of \$25,000, and the job was to be there for eight months. That is what he told me not once four times—in my home. Now that \$25,000, it has come up to a point of \$130,000. What, in heaven's name, has that got to do with plugging holes so badly needed until July, let alone \$100,000 for personal services for the legislative account, which is the largest spending agency in

state government today. While we are heaving boulders at the other departments, time and again in the Appropriations Committee I said, why don't we look in our own home? We are the largest spending agency in the State of Maine, and someday we are going to look into our own home, I guarantee you that right now.

I am not particularly interested in who drafted this amendment. I am not standing here at the 11th hour to make enemies or to finger at anybody. I know this, that we have worked, whether it be the green report or this yellow report, we have worked morning, noon and night. I would hate to ask the people I have called to talk on the budget and the Finance Office how many times, how early and how late I have called them to ask them questions on certain days that it was absolutely impossible for me to be here, as it might be even now on a seven-day-a-week basis.

I think we ought to go about our business on this thing. You have heard me yak long enough, I am sorry I have, but you get to a point where you feel quite strongly about things. This amendment reeks and I hope that we join for once, together, on a bipartisan measure to knock this down once and for all, and if the motion has not been made for a roll call, Mr. Speaker, I would ask for a roll call. I am waiting for the one important motion that I want to vote for and we are going to do it pretty soon, whether it is in there or in here and that is the motion to adjourn sine die, made in there or made in here by Mr. Mahany.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: A little while ago, the gentlelady from Bangor, Miss Aloupis, indicated that the budget bill that she was proposing, or the amendment thereto, was an attempt to keep part of the store open, and I say, if we are going to do a good job, we ought to keep the whole store open.

The motion before us right now is to recede and concur and then go to my motion of adhering, we will have then enacted our budget as we placed it before us a little while ago, and that calls for a complete package of the things that this state needs to do in order to address its problems.

I fail to see how Miss Aloupis or anybody else in the Penobscot delegation or anywhere in this House can say that they want to vote against the proposals in that budget when almost entirely every one of them was agreed to by both sides except for highways, and I feel so sorry in this House to see people on the Transportation Committee, in the opposite party of myself, who told me and have told their colleagues they need \$2.4 million are now voting against their own principles.

I also am dismayed and really disgusted to think that people wouldn't vote for a million dollars for AFDC when they know it is needed, there isn't any question about it. Every responsible person in this state and in this House knows that that is needed. If you were to adopt these provisions, you would be giving simply, I think it is about \$5 a child per month increase in AFDC benefits and that is terrible. In spite of the fact that it is terrible, they are saying, let's not give them anything, and that is not right.

I would pose a question through the Chair to the gentlelady from Bangor, why is it that you can't vote for AFDC? Why is it that you can't vote for highways when you know that is the responsible thing to do?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a series of questions through the Chair to the gentlewoman from Bangor, Miss Aloupis, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Chairman, I think perhaps several hours ago, perhaps seven-

ral minutes ago, we did say that the reports were almost identical that came from the Appropriations Committee, other than the fact that the money in the Majority Report also included \$1 million for AFDC and \$2.4 for the highway. We agreed that we were in agreement, we have worked long and hard on the committee, put many, many hours in. It seemed that we were unable to agree on the Majority or the Minority Report; therefore, it would seem perhaps the route to go would be to adopt this amendment which will keep the store open.

In response to your question on the AFDC question, the AFDC and the \$2.4 million for the Transportation Department and the housing bill were in agreement in a package with the tax cut bill. We all know that, we keep going around and around and around, so let's be up front, and open, and we know that the various votes that are going on are for various reasons. We agree with the Appropriations budget other than those two items. You know that this will keep the store open for the following three weeks or a month; the rest of that can be agreed upon when we come back to vote on the employees' contract.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I think if you want to make things really clear, then we ought to say exactly what we are talking about. I think what we are talking about on this particular issue is not giving maybe what we need for food and fuel for Pine-land, not giving reimbursement for boarding homes, and it is questionable on whether some of these small boarding homes will even be able to survive, not giving money to catastrophic illness, not giving the money that is so badly needed for the Maine State Prison, and I know that because it is in my area, not giving anything else within this draft except a few things which are "supposed to keep the store open"—putting all those issues at risk, including Bangor Mental Health Institute, everything else that is on the Appropriations Table at risk, not because we don't agree totally on conformity on the tax issue but because the insistence is that if we are not going to give \$4 million worth of tax breaks to the larger corporations in this state this year, and we are going to commit ourselves to do it right now, then all these other programs are at a lower priority and they can all take their chances of dying.

We have come to agreement as far as the tax conformity issue goes on everything except delaying some of those tax breaks for the major tax corporations and doing away with the safe harbor provisions for a year. We have come to agreement on all of that, so the issue is, do you care about food for mentally retarded children or do you care about tax breaks for big corporations?

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

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

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

Mr. DAVIS: Mr. Speaker, I would like to pose a question through the Chair to our good Chairman.

Mr. Chairman, did or did not Mr. Scribner prepare this amendment which is before us for \$1.4 million and then, in turn, you decided not to offer it?

The SPEAKER: The gentleman from Monmouth, Mr. Davis, has posed a question through the Chair to the gentleman from Old Town, Mr. Pearson, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: That particular amendment was prepared at the Speaker's request several weeks ago.

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

ROLL CALL

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

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

ABSENT—Armstrong, Benoit, Cunningham, Dudley, Fowle, Gavett, Higgins, H.C.; Hunter, Jackson, P.C.; Laverriere, Masterton, Nelson, M.; O'Rourke, Roberts, Rolde, Soulas, Tuttle, Webster.

Yes, 58; No, 75; Absent, 18.

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

Thereupon, the House voted to adhere.

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:

Non-Concurrent Matter

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) (Emergency) which was Passed to be Enacted in the House on April 5, 1982.

Came from the Senate Failing of Passage to be Enacted in non-concurrence.

In the House: on motion of Mr. Pearson of Old Town, the House voted to recede and concur.

Non-Concurrent Matter

An Act Creating the House Opportunities for Maine (HOME) Program and Governing Program Funds Appropriated by this Act to the Maine State Housing Authority (H. P. 2071) (L. D. 2012) (Emergency) which Failed of Passage to be Enacted in the House in the House on March 30, 1982. (Having previously been Passed to be Engrossed as amended by House Amendment "D" (H-683))

Came from the Senate with the Bill and Accompanying Papers referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

On motion of Mrs. Mitchell of Vassalboro, the House voted to recede.

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

Mrs. MITCHELL: Mr. Speaker, I move passage to be enacted.

The SPEAKER: This being an emergency measure, a two thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Walker of Skowhegan requested a roll call.

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

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

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

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I am not up here to repeat my arguments of a couple of weeks ago. I am just up here to address a select group today. I am not going to talk to 35 people that voted against this on first division because, truly, if those people voted against it then, I know they did it from conviction and there is nothing that has made this bill look any better in the last three weeks, nor am I going to try to dissuade the 87 that voted for this on the roll call, because if I have learned anything in this life, it is that you can't convince anybody unless you can get their attention and apparently their minds are made up. I would like to address my remarks to the few people who didn't vote for it on the division and for whatever reason voted against this on the roll call vote. Now, maybe they did it for partisan reasons, I don't know, but I would like to try to convince them that they should stick with the no vote.

If you can buy the social theory embodied in this that it is good social policy to take the tax monies, including taking sales tax monies from the very poor and applying those sales tax monies to subsidize mortgage payments for if not wealthy certainly comparatively wealthy people, if you can buy that as a social theory, I say go with the majority. If you can buy the economic doctrine that to lower interest rates you increase borrowing, by all means go with the majority, but if you can't buy those two things, please stick with us.

There are two matters that I would like to address today. One, we were warned by Representative Jalbert that if you voted against this, you are going to incur the wrath of the voters, and I would like to point out a thing or two on this. Yes, you will incur the wrath of two or three bank presidents, presumably the 1100 people who otherwise were going to get a much lower rate of interest on their mortgage and their relatives and friends, maybe, so let's say there are 5,000 people there, and certainly maybe the 1200 real estate people who have visions of sugar plums dancing in their eyes thinking they are going to get some more sales, and maybe even a building materials company or two—yep—maybe they come to as many as 10,000 people. But I say to you that you may lose their votes but it is better to keep the votes of the hundreds of thousands of people whose taxes you are going to save.

Let's say worse comes to worse and Representative Jalbert is right. Suppose you are defeated. You know, the day is going to come someday when not a member who is here now is going to be here, and I say an awful lot of worse things could happen to a person than going to his political grave wrapped in the flag of his own convictions. It is a good deal better to do that than it is to exist cringing in some corner, intimidated by what some imaginary voter out there might think.

Another matter I would like to address is this, this is an inflationary matter. The other

day we sat here and Representative Pearson was referring to that administration in Washington and I imagine it was sort of a caricature of our President as a drunken sailor tossed in a row boat on a sea of confusion, and that is a picturesque figure of speech, but I say there is probably a lot of confusion in Washington, that is for sure, but I don't think it is our President. I think he is confusing to a lot of people because he is one man that has been elected that has consistently attempted to do what he said he was going to do when he was elected. He has attempted to put the genie of inflation back in that bottle, and this is an inflationary measure. tionary measure.

Now, let's contrast the signal we are getting today as far as inflation, and with some success, to the rapid vacillations of Jimmy Carter, or, if you can remember the WIN button, that was Jerry Ford's program to defeat inflation, Whip Inflation Now, and then we had President Nixon's price controls and wage controls and they didn't work either, and before that, we had job wanting with Lyndon and his guns and butter, which gave inflation such a push ahead, now, at last, we are getting the signal and I say, let's stick with him and I ask you, you 15 or 20 that we really need to bury this thing, to stick with us because, as I said, there are worse things that can happen. The real big, those for freedom, haven't usually been struck by the majority, you know, they have been struck by a small minority of people who hung in there and fought for what they believed, and I say, please stand with us, we need our help and if worse comes to worse and you are defeated, so what? Please stick with us.

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

Mr. PARADIS: Mr. Speaker, Men and Women of the House: The hour is late and I won't belabor the point, but I would like to answer to good gentlemen from Skowhegan, a few of his points. I sat on the committee this past winter and spring and heard the arguments in favor of this bill. Not once did we hear someone oppose this bill in the concept that it was debated here tonight. Not once did we say that voting for this bill was voting for socialized answers to the problem that we face here in this State.

Yesterday, I had to drive to Lewiston. On the way down I counted over 20 shanties, tar paper shacks, on Route 202 between here and Lewiston, housing that is absolutely a disgrace to this state for our men and women to be living in, and yet we would hear tonight that we don't really need this type of bill, that it would be depriving the people, the men and women of this state, of their freedom. I can't think of anything that is more depriving of a person's freedom than to live in a tar paper shack in the sub-zero weather that we have here in Maine.

The same arguments that are being listed here tonight to encourage you to vote against this bill are reminiscent of the arguments that were said in 1945 against voting for veterans for the GI Bill. It would be too restrictive to our GI's. The same arguments that were listed in 1947 when President Truman put together veterans housing, that it was unnecessary, it is the same argument that was listed in 1964 when they said that civil rights were not needed, it was states' rights that was needed.

I say that I have many Democratic and Republican constituents who have contacted me and want this bill because they want housing and they want decent, clean, safe housing for Maine winters and Maine summers.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I just thought I should respond to the gentleman from Skowhegan this evening because I did respond last time. I think he really made the point tonight of what we are locked into at this late hour with his discussion on this particular bill. He has called the people

that we are trying to help in this bill, in the \$27,000 range, "comparatively wealthy." Apparently, since he doesn't support that, he probably doesn't have comparatively wealthy people in his area that make in the \$20,000 range a year.

Also, since he voted on the previous amendment on the allocation bill, which doesn't help the poor, he most likely doesn't have any poor people in his area. Therefore, we only have one type of people that we can support according to his philosophy, and that is the wealthy, and that is what we are locked into tonight on all the issues that we are talking about tonight, those who support the wealthy and those who support the people at large.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I think it is great to see the people sitting in their seats here and be so darn smug in the belief that they are the only people worthy on earth to have a home. I think it is a shame we can't give a home to anybody else. Does Mr. Walker realize people that earn \$27,000 today could buy a home about 15 or 20 years ago on \$10,000, which they can't do any more on account of the inflation. So if these people have a chance to buy a home at \$27,000, and, believe me, Mr. Walker, these people work hard for their money, they raise a family, they are respectable people and they want to work, they don't want to go on welfare, they want a home and they want their pride. Some of them, believe me, could do very well on welfare if they wanted to but their pride and dignity keeps them from that area.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I cannot go this evening without addressing the comments made by the good gentleman from Skowhegan, Mr. Walker. I am going to cast my vote tonight and I am going to cast my vote for those young married couples that are my age and younger who have been deprived of the American dream, and that is to own a home. The reason they have been deprived is because we have Reaganomics and we have that philosophy in Washington that the rich get richer and the poor get poorer. I am casting my vote tonight and I am going to make sure those individuals, those young married couples, will be digging a grave for this bill, because that is the only hope they have.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I cannot stand here or sit here tonight and listen to everyone criticizing my good friend from Skowhegan and I would like to share with you something that I read in the Lewiston Evening Journal over the weekend. It was a front page article that said there was Farmer's Home loan money available for houses and the people in Androscoggin County weren't even applying for that money, that there was more money available for loans than people seemed to want. So it seems to me that if that is true and that is what the newspaper said, we don't need this bill.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I think if the gentlelady from Auburn researches the guidelines of Farmer's Home and how it restricts them in the type of home that people in the \$20,000 range would like to have, it is obnoxious and this bill is needed.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I have to agree with Miss Lewis in her opinion of Representative Walker. When he spoke last week, he was one of the first in this House to speak to the issue and not dance around the issue but to face it directly.

He has done that again this evening and I have a great deal of respect for Representative Walker because of that.

He is correct, there are bankers and realtors in favor of the bill, but there are also construction people, hands-on people, who are struggling to stay alive in an almost dead industry.

Tonight, I am going to vote yes because I am concerned about those young people who can't afford that \$15,000 to \$20,000 down payment, who can't afford the principal and interest rates that they are being hit with, and they face that problem because both Democratic and Republican Presidents of the past have refused to act. Because of that, are these young people will be denied an opportunity for safe, affordable housing? There is a crisis out there. I don't think it is a mirage.

I am proud to be a Republican cosponsor of this bill and tonight I am going on record for a Maine response to Maine needs. We are the last best hope of our young people for the chance to own a home. I will not return back to the 19th Century, I am not going to bury my head in the sand. Tonight I am going to cast at least one Republican vote in favor of enactment.

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to this House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Bell, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Hobbins, Huber, Jackson, P.T.; Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Matthews, McCollier, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, J.; Moholland, Murphy, Nadeau, Norton, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Small, Smith, C.B.; Soule, Stover, Strout, Swazey, Telow, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Austin, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Conary, Connors, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jordan, Kiesman, Lancaster, Lewis, Lund, MacBride, Masterman, McPherson, Mitchell, E.H.; Nelson, A.; Paul, Perkins, Peterson, Pines, Reeves, J.; Ridley, Salisbury, Sherburne, Smith, C.W.; Stevenson, Studley, Tarbell, Treadwell, Walker, Wentworth, Weymouth, Willey.

ABSENT—Armstrong, Benoit, Cunningham, Fowlie, Gavett, Higgins, H.C.; Hunter, Jackson, P.C.; Laverriere, Masterton, Nelson, M.; O'Rourke, Roberts, Rolde, Soulas, Tuttle, Webster.

Yes, 87; No, 47; Absent, 17.

The SPEAKER: Eighty-seven having voted in the affirmative and forty-seven in the negative with seventeen being absent, the motion does not prevail.

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

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

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that the House reconsider its action whereby this Bill failed of enactment.

The gentlewoman may proceed.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: It is late and I will be brief. The seven wonders of the world would pale in the face of the wonders that I have seen

this House is going to take that same action on this housing bill which means a thousand jobs and decent housing for middle-income people all across this state and, believe me, people making \$25,000 a year can't afford housing now, that you feel so strongly about those tax breaks for corporations, either in deferring them or enacting tax loopholes, that you are willing to kill this bill, because that is what you are talking about. It may be back, it may not, but that is the choice that you are making tonight if you don't give it 101 votes.

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

Mr. CONARY: Mr. Speaker, a parliamentary inquiry?

The SPEAKER: The gentleman may pose his question.

Mr. CONARY: Mr. Speaker, I am a little confused—the posture that this bill came into this House tonight was from the other body to be referred to a committee, I assume, to keep it alive. Considering what has happened and where we are now, would a motion to recede and concur be in order at this time?

The SPEAKER: The Chair would answer in the negative.

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

Mrs. KANY: Mr. Speaker and Members of the House: Obviously, as a chairman of the committee which heard this bill and which passed this bill out unanimously, I am sorry to hear this debate get down to the level of party versus party, and it certainly has gone down to a level far below that which this bill deserves. We/they—they/we—who cares? I certainly don't.

I would like to point out to Representative Walker that the appropriation on this bill actually would be quickly returned through the taxes generated from the increased value due to the home improvements, to the building of new dwellings also, to the energy conservation improvements, to the new apartments perhaps made in the elderly couples' larger old homes.

Secondly, I would just like to remind people what they plan to vote for or against. Once again, we are talking about a housing industry which is deeply, deeply troubled and the effects of that are felt throughout our economy.

We have idle sawmills in the state of Maine, bankrupt electrical contractors, bankrupt realtors, desperate builders and idle construction workers, and then there are the young families that Representative Hobbins spoke of, and Representative Murphy, the older people wanting a smaller home or needing improvements on their older homes. These are serious problems and they strike at one of our most basic needs in the state of Maine, perhaps almost more basic than food itself, and that is housing—very serious. The bill before us really attempts to help the housing situation in some small way by appropriating four and a quarter million dollars in order to generate \$60 million in tax exempt revenue bonds so that much more capital and at a lower cost would be available for our Maine citizens for housing.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here listening to the debate and I don't serve on the State Government Committee. I have heard the gentleman from Scarborough, Mr. Higgins, and he has painted a very discouraging picture. Besides the 10 members of leadership, the rest of us have been here, I have been here since eight-thirty this morning and I think we have been jerked around a little bit and that upsets me just a little bit.

Another thing that bothers me is the political games that are being played back and forth, but I realize that is part of the process. What really bothers me the most is that the people my age cannot buy a house. Probably we didn't contribute too much to this country, but I am

talking about a generation of people that were asked to go to Vietnam, some did, some didn't it took courage on both sides. I am talking about a generation that grew up in the most screwed up, mixed up times in the 200 year history of this country. I am talking about a generation that are not all welfare cases, that are not all freeloaders. I am talking about a generation that goes to work in the morning, I am talking about people that I know who put in 10, 12 hours a day in every single day, and I am talking about people who see themselves going into the hole more and more every day and having to live in some landlord's scumbag apartment for \$250 to \$300 a month rent and never coming out on top.

I am going to vote for this bill and I have no qualms about it and I am not being intimidated by anybody, by the gentleman from Scarborough, Mr. Higgins, or the gentleman from Eagle Lake, Mr. Martin, because better men have tried to intimidate me and it didn't work then and it is not going to work now. I am not going to be cringing and worrying about my votes back home. I have never had to do that, I can still look every man and woman in the eye when I walk down the street in Waterville and that is because I have always voted my convictions. My convictions are that the Governor has had the courage to come up with an idea that is a good idea, I am just sorry that it isn't more, but unfortunately the state of Maine, for various reasons, is not in the position to do anymore. I have no problem voting for this.

I would just ask you, go back home and talk to the people in my generation and see what they have to say about housing. They have put their message across to me very clear.

It just bothers me a little bit that we spend all day here and we have talked about everything else but what this bill is going to do. I am going to vote for the bill and I don't care what anyone else does.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Everyone in this chamber carries a party label, an R or a D by their name, but our chief responsibility is to represent the interest of our constituents. Tonight, I am attempting to do that.

My floor leader was correct, that rhetoric would follow his speech. I guess in the last few days I have learned more than I thought I would ever want to know about partisan politics in this chamber. My experience, like many of you, has been on the small town level as a selectman. There we fight our heated battles, the positions or postures appear to be cast in cement, but when the smoke clears, common sense prevails, compromises are enacted and the votes are honest votes. We have reached that point tonight; it is time to be honest. Let's don't hide behind the smoke-screen; let's face the issue directly. It is time to reconsider this bill or kill it. Time has run out.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I, Mrs. Mitchell, am one of those people who said, yes, I would probably go along with the Governor's housing project. I have decided tonight not to and the reason right here is on Supplement 10 and it is the first measure on Supplement 10. It is an act allowing the Appropriations Table to make an appropriation for the community development programs. We failed to enact that. During the time that we were in recess late this evening, I meandered down the hall and listened to the debate down there, the other body, and what I thought was a spirit of compromise, there was an attempt to hold this bill, to pass this bill, so that we would be able, the state of Maine would be able to qualify for nearly \$5 million in federal money to be used for community development block grants, and it failed of enactment, it needed two-thirds vote and it

failed.

This bill probably would affect some of those people that Mr. Paradis, wherever he may have gone, referred to, those tar paper shack people, which anyway, if you think about it, if they own those tarpaper shacks, wouldn't fall under the Governor's housing project anyway. That is exactly why I am not supporting the housing bill tonight.

It is getting very, very late and if that was indeed as important, and I agree that it is important, but why, for the Mother of God, are we doing this at eleven o'clock, on the 11th hour, that seems to have prevailed for the last eleven days?

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

Mr. DIAMOND: Mr. Speaker, Members of the House: This has certainly been a frustrating day and I guess that is an understatement, frustrating for the 145 or so who aren't in leadership, the people who have been sitting around all day trying to find out what exactly is happening. It has been very disappointing to see what has happened and as a result of what I am sensing is a bitterness among the members of this particular chamber toward each other and toward particular measures, I think that it is really a shame that everything we have been working for during the session and everything we have been trying to accomplish is going to apparently end up with us all going home very bitter and very disappointed. The worst part of it, though, is not necessarily the bitterness or disappointment but the embarrassment of everything that is going on, not the partisan bickering, that is bad enough, just the fact that we all know, or most of us agree here that this particular measure is a very good measure. There is so much involved in it. It does deal with everything from the person who has nothing to the middle-income person who bears the burden for everything that we do here. It is a tremendously far-reaching program. Yet, it has come down to the point where we are willing to say, no, I guess it is not going to go anywhere, we might as well not even try because the votes aren't there, there isn't enough support and there is so much other stuff going on that it is useless to try to push it through. Personally, I don't think that is the way to approach it, I would be embarrassed to go back to my district and say that was the reason why it didn't pass.

I think if we are going to conclude this session with a lot of things outstanding, there is one thing we can all agree on or most of us can agree on, the fact that this particular bill is a very good bill, it deals with so much. I think if we can leave on a positive note, if we are indeed going to leave, if we can do anything positive tonight, positive today, since most of what we are doing isn't positive and most of what we are saying is not positive, I would like to see us do something such as enacting this bill and at least being able to go home and say we did something that addresses one of the most important concerns of the people of this state.

I really don't know how to express my feeling now, I feel like somebody has punched me in the stomach because this bill, so much has gone into it, so much debate, so many people in this body have put so much time, people on both sides of the aisle. I don't see this as a Governor's bill, I see this as a legislative bill, a package that was a bipartisan effort to address one of the most pressing needs of the people of Maine. If we can do something tonight, accomplish something before we leave, let's do something such as passing this bill.

I hope that we can put the rhetoric that has been brought forth tonight behind us and put the petty bitterness aside and the bickering aside and act like grownups and try to do something that would really mean something to the people of the state. I really ask for your support on this. The motion before us, I believe, is reconsideration. Let's get through that and then go on to bigger and better things.

in this legislative day, and I am sure many of you could echo that sentiment.

We are dealing with one of the most important pieces of legislation in this session. We are talking about housing for people that need housing. We are talking about jobs for people that need jobs, and it wasn't so very long ago that my colleague in the opposite corner said, "I support this bill, I won't vote for it now because I don't know how much money we need for the State employees' contract." Ladies and gentlemen, the contracts are signed, we know how much money is needed and I am at a quandry to know where the votes are, those people who said they supported the bill but had to know how much money was left. I would appreciate some explanation from some brave soul on the opposite side.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I am a brave soul here tonight but I think the good gentlelady in the far corner knows perfectly well what the situation is. She knows perfectly well, as all of us do in this chamber right now, what the situation is.

There have been a number of issues that we have talked about in the last hour, hour and a half, and the good gentlelady and I, at one point in time, I thought had come to an agreement that we would try to come into this body right now, deal with the remaining issues, try to keep them as non-partisan as we can, and try to at least come out of here with a half decent feeling.

We have agreed to disagree and I don't think there is anyone here that questions that. I feel as bad about that as the good gentlelady from Vassalboro does, and as bad as all of you do sitting out there in front of me, but that doesn't change where we are right now.

I have spent a great deal of time, I have spent a lot of energy and a lot of sincere, dedicated, hard work to try to reach an agreement on the remaining issues that we have in front of us.

The question was posed by the good gentlelady and I would remind her that the contracts are not signed. They have made an agreement, it has not been ratified. That is issue number one. Issue number two, they have not been funded yet by this legislature, in addition to not having been agreed to, but that issue must be set aside for the time being because the good gentlelady is fully aware that last Tuesday or Wednesday night, and I, for the love of me, can't remember which at this point in time, we talked at that point about combining some issues that were remaining in this session into a package that we might well be able to agree on. I am not going to surprise anybody right now and tell them that we have agreed because we haven't and that is the issue at hand.

The money for funding is not any clearer now than it was two or three weeks ago when we first deal with this issue. In fact, my opinion is, it has become more clouded, and frankly, confused. I feel bad about that, I feel bad about leaving here tonight, but I would say that in my opinion we are acting out a charade. I have said that before on the floor of this House. There are going to be no votes changed here.

I don't like being, at least attempted to be intimidated on a number of issues, and this is one of them.

The budget issue that we discussed some time ago, if I can perhaps direct my attention to that for a second, it was clear at one point in time that Senate amendment that we killed here, that was just the most atrocious thing we ever saw and did absolutely nothing for anybody, was in fact going to be offered, it is my understanding, by the gentleman from Old Town, Mr. Pearson. But because it was offered at the other end of the hall and because we never reached an agreement on a number of issues that are still facing us, this body, or the majority party in this body, took a negative approach

to that particular amendment. I don't blame them, I would have done the same thing if they had offered the amendment, all right? That is what I call politics, and we all do it.

Let me go one step further. Had we been all as concerned as the gentleman from Bangor, Mr. Kelleher, was about all those things that we weren't funding, we certainly could have passed the Minority Report, which had everything in it but the two issues of highway funding and AFDC, in addition to what AFDC was in the Minority Report. We could have passed that and it would have taken care of all the objections that the gentleman from Bangor, Mr. Kelleher, mentioned and others as well, but we chose not to do that, there was no agreement on doing that. The Majority party in this House didn't want to do it; the Majority party in the other branch would have a fight and go home with nothing rather than agree on something that 95 percent of it is clear, over those two issues. Again, that is politics and I don't have any particular problem with that, but that is the issue.

That wasn't a waste of time or the worst amendment that we had ever seen, I have seen some other dandies around here. It just depends on who is offering it and at what time of the night, so let's set the record straight on that particular issue.

To get back to this issue, I am not sure exactly why we are going through all this right now. Even if this body went along and voted, 135 of us, in favor of it, it is going to go down to the other body and it isn't going to be enacted down there tonight.

The outcome is clear, and why do we force ourselves into saying and doing things that a lot of us don't like to say or do just in an attempt to either embarrass the other person or to somehow set up on the record just a disastrous vote by one party or the other, I think that is unfortunate.

As I said earlier, I am not particularly pleased with the outcome of this particular session. All I can say is, I feel like I have done my part to bring it to a conclusion in an equitable manner for all, Republicans and Democrats, so I am not going out of here tonight with any guilt feelings. I feel bad but I don't feel guilty because I know that I did the best that I could not only in representing my party but also in trying to be fair in my negotiations with the majority party in this House, understanding the positions that they are in, but we have not been able to reach that agreement, and I think until we reach that agreement, it should be a foregone conclusion to members of this body, that funding measures are not going anywhere whether they are funded in here or enacted in here and sent to the other body—they are not going to be funded.

The gentleman from Lewiston is not in his seat but it just seems obvious to me that at tenthirty at night, we are backing ourselves into a proverbial corner for no particular reason at all. If someone can explain to me why we have to go through this episode, I guess I would like to know. I mean, if there is another reason besides politics—I understand that there is good reason for passing this bill, there is good reason for passing AFDC, housing, tax conformity, there are those sorts of good reasons to pass every single bill we have left, but we haven't got the votes to do it either in this body or the other body combined. We haven't had a meeting of the minds that is necessary for a compromise, and it just seems to me that we are wasting a lot of time, I have wasted a lot of words and it hasn't changed one single vote here, I understand that, but I think the position has got to be made. The rhetoric that is going to follow me is going to be just that, and that is not in any deference to what anybody is going to say. I consider mine as rhetoric as much as anybody else.

I hope that I have made my position clear. I hope that I have transferred my feeling and my

dissatisfaction with the way the whole thing has turned out. I am trying to keep my cool and I would hope that the rest of the members of this body would as well and that we might get on with the business at hand and vote.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Just a couple of comments for my good friend and colleague, Mr. Higgins. Indeed, he has worked hard, he has worked very hard the last few days, as have the rest of the members of leadership and all of you. I don't think any of us can take a corner on that, but I think one thing we ought to remember and he pointed it out quite well, if he terms this as a charade, and maybe it is and maybe it isn't, but I think we, for sure, and he in particular and myself in particular, have to rise above that charade because there are a lot of folks out there, a lot of middle-income people, a lot of lesser than middle-income people who need this bill.

He said, what are we doing, forcing ourselves into a corner? Why are we doing that? We are forcing ourselves for a very good reason, for those very same people.

How can we sit here tonight and say that we are not going to vote for something because it won't happen in the other body. First off, we are told time and time again, that it is going to influence us. Secondly, how can we say we are not going to vote for this because we don't have the votes? That doesn't make sense. I think we do have the votes, we have 135 or 140 people in this house right now, and it only takes 101, so I would ask you to think above and beyond what we have just heard from the gentleman from Scarborough, Mr. Higgins. I would ask you to think about those people who you represent and I represent and they deserve a little bit more than that.

This is a very important bill which a lot of people care about. A lot of us have worked on it and a lot of you have worked on it and I would ask you to consider that, and, no, it is not charades, it is a bill to help a lot of people.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I really think I can empathize with the gentleman from Scarborough, Representative Higgins, having sat in on some of the leadership meetings over the past couple of days. I think he has negotiated in good faith and we share the same feelings, how we feel about where we are now.

I don't think that this is a charade that we are going through, because as we face adjournment here tonight, with this bill amongst others dying, I think it is important for us to know and for the people of Maine to know exactly what our choices were and why we are leaving with this bill dying and other bills dying.

What we are talking about and the differences now as far as some of those other issues that have been mentioned here previously all evening is not necessarily conformity on all the tax issues. What we are down to at this point is whether the larger corporations' accelerated cost recovery system is all going to be given in this fiscal year or whether some of that is going to be deferred to another fiscal year. What we are down to is whether we are going to have safe harbor leasing in the State of Maine, one of the biggest tax loopholes that has ever been enacted.

I know it is hard to sit here, in fact, I sat right over there in that second row when the three lovelies, as we were called then, all voted on an issue that we felt very strongly about, blocking a bill and knowing that we were going to go out of here with nothing, and that was a very, very tough decision to make and I will probably remember it as long as I live. I remember sitting there afterwards when Representative Mahany moved that we adjourn sine die. I felt very strongly about that issue, but I can't believe

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am not bitter, I don't think I have ever been bitter about anything that has taken place in this body. I am certainly not embarrassed, and for those of you who may have suggested that this has been reduced to petty partisan politics, I would suggest to you that you are wrong. I never intended to vote for this bill because don't think it is in the best interest of the state. So I don't think we should bring it down to the level that it is petty partisan politics because I don't think it is.

Mrs. Mitchell alluded earlier to the fact that there are seven wonders in the world. There is an eighth wonder, Mrs. Mitchell, and that eighth wonder is the misconception that government can be all things to all people. We have certainly removed that misconception in people's minds through our actions today.

It is at moments like this, I am sure that the Speaker would be interested in this, that I really miss the former Representative from Harrison, former Representative Leighton's lessons in economy. I am not nearly the economist that he is but there is one thing that I think has been left out of this discussion, and that is the real reason as to why homeownership is not possible to the majority of Americans at this time. Obviously, the problem is high interest rates, the problem that we are attempting to reach in this piece of legislation. Why are the interest rates as high as they are? I will be the first to admit that one of the reasons is the huge drain on the banking institutions by our government, the huge debt. I will admit that and I think people in both parties will admit that.

But what are we doing if we pass this piece of legislation? We are just creating a further drain on the state's banking institutions. If we are offering tax free bonds, obviously those tax free bonds are going to be purchased, for the most part, through savings, which is going to be just one more propellant keeping the interest rates at the high rate that they are.

I am not speaking against this bill because of partisan reasons, I am speaking against this bill because of philosophical reasons. I suspect that when the vote is taken, the votes will be there to reconsider, but I hope that when we finally vote on the issue, that we put it to rest.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: You all have taken time tonight so I feel that I can take a little time. This House is governed by our own rules and by Reed's Rules and one of the things that Mr. Reed said when he was Speaker in the United States Government House, he said the only statesmen are dead politicians and I think we are getting to that point.

I am going to vote for this bill but I am not going to vote for it tonight. You can talk all you want to but this bill is coming back, don't kid yourselves, the Governor will bring this bill back. We have got to come back again. We are all in favor of this bill. All the Republicans, most all of the Republicans, are going to vote for the bill because it is a good bill. This is strictly a political ploy.

We have taken a caucus, as you Democrats do, we have taken a position, we are not going to vote for it tonight. You can talk about its wonders and how great it is, I think it is great, we could reduce it, maybe the federal government will reduce the arbitrage in the thing. We have been told that we can even do this job with \$2 million instead of \$4.5 million.

The point is, there are many things that can be done. There can be compromise on this bill as well as there can be compromise on anything else and, believe you me, there is going to be a compromise, somebody is going to give. I think perhaps we need a few more businessmen when we sit down and do the deciding of what

we are going to do. In any regard, don't worry about it, this bill will pass and it will pass at a later date.

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

Mrs. KANY: Mr. Speaker, Members of the House: I just felt that I had to rise and tell one of my favorite members in the State Government, please reconsider, please go along with the unanimous committee report.

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

Mr. STEVENSON: Mr. Speaker, Members of the House: I am glad you are going to give me a chance to add my words of wisdom too.

I think the problem here is a matter of priorities with these young people. I, too, am very much concerned about people having to live in tarpaper shacks. I didn't work in education for 32 years without being very much concerned as to where those children came from, but you go by one of those tarpaper shacks, oftentimes you will see an expensive TV antenna on top, you will see a modern automobile in the yard, sometimes two. I think that is where the priorities are. You follow one of them through the supermarket with their shopping cart, they will have a quart of milk for the children and several cartons of beverage for themselves. I think that is where the priorities are. I think that is why many of our 20 to 30 year olds can't afford to buy a house.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House reconsider its action whereby the Bill failed of enactment. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 49 in the negative, the motion did prevail.

The SPEAKER: The pending question is on enactment.

Mr. Kelleher of Bangor requested a roll call.

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

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

The SPEAKER: The pending question before the House is on passage to be enacted as an emergency measure. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Bell, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Curtis, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Matthews, McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Small, Smith, C.B.; Soule, Stover, Strout, Swazey, Telow, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Aloupis, Austin, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Conary, Conners, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Hanson, Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jordan, Kiesman, Lancaster, Lewis, Lund, MacBride, Masterman, Nelson, A.; Paul, Perkins, Peterson, Pines, Reeves, J.; Ridley, Sherburne, Smith, C.W.; Stevenson, Studley, Tarbell, Treadwell, Walker, Wentworth, Wey-

mouth, Willey.

ABSENT—Armstrong, Benoit, Cunningham, Fowle, Gavett, Higgins, H.C.; Hunter, Jackson, P.C.; Laverriere, Masterton, McPherson, Nelson, M.; O'Rourke, Roberts, Rolde, Salisbury, Soulas, Tuttle, Webster.

Yes, 87; No, 45; Absent, 19.

The SPEAKER: Eighty-seven having voted in the affirmative and forty-five in the negative, with nineteen being absent, the motion does not prevail.

The House reconsidered its action whereby it voted to recede.

Thereupon, the House voted to adhere.

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

Mr. HIGGINS: Mr. Speaker, on Supplement No. 10, L.D. 2108, having voted on the prevailing side, I move we reconsider our action whereby we voted to recede and concur.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, having voted on the prevailing side, moves that we reconsider our action whereby we voted to recede and concur on An Act Making Appropriations, Authorizations and Allocations Enabling the State Planning Office to Administer the Small Cities Program Community Development Block Grant, House Paper 2263, L.D. 2108.

Whereupon, Mrs. Mitchell of Vassalboro requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that the House reconsider its action whereby it voted to recede and concur on L.D. 2108. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Cahill, Callahan, Conary, Conners, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jordan, Kany, Kiesman, Lancaster, Lewis, Lisnik, Livesay, Lund, MacBride, Masterman, Matthews, McPherson, Murphy, Nelson, A.; Paradis, E.; Pearson, Perkins, Peterson, Pines, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Theriault, Treadwell, Twitchell, Walker, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Hobbins, Jacques, Jalbert, Joyce, Kane, Kelleher, Ketover, Kilcoyne, LaPlante, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.; Paul, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Smith, C.B.; Soule, Swazey, Thompson, Vose, The Speaker.

ABSENT—Armstrong, Benoit, Berube, Brown, K.L.; Cunningham, Fowle, Gavett, Higgins, H.C.; Hunter, Jackson, P.C.; Laverriere, Masterton, Nelson, M.; O'Rourke, Roberts, Rolde, Soulas, Tuttle, Webster.

Yes, 66; No, 66; Absent, 19.

The SEAKER: Sixty-six having voted in the affirmative and sixty-six in the negative, with nineteen being absent, the motion does not prevail.

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

Non-Concurrent Matters

RESOLVE, Reimbursing Great Pond on Account of Taxes Lost Due to Lands Being Classified Under the Maine Tree Growth Tax Law (H. P. 1736) (L. D. 1721) which was Finally Passed in the House on February 25, 1982.

Came from the Senate with the Bill and Accompanying Papers referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

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

Mr. PEARSON: Mr. Speaker, I move that we adhere.

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

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

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, moves that we recede and concur.

The gentleman may proceed.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: What this long document before you is, it essentially is an attempt to carry over and maintain some of these bills until the body comes back into session on another day, also to facilitate the maintenance of these measures so that we can deal with them on another day.

So I would urge you to support the recede and concur motion.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the 51st day of the session. We had time enough to deal with these matters. If we come back some other day, they can be removed from the legislative files and, furthermore, the Governor can put them in his call.

I would suggest that the members reject the motion to recede and concur and then vote to adhere on each and every item.

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

Mrs. POST: Mr. Speaker, I would like to pose a parliamentary question. When we adjourn sine die, what happens to bills which are in committee at that time?

The SPEAKER: The Chair would advise the gentleman that they are all dead.

The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, 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.

55 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to adhere.

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to the Veterans' Property Tax Exemption (H. P. 1737) (L. D. 1722) (Emergency) which was Finally Passed in the House on February 25, 1982.

Came from the Senate with the Bill and Accompanying Papers referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House:

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

Mr. PEARSON: Mr. Speaker, I move that we adhere.

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

Mr. JALBERT: Mr. Speaker, I would like to pose a parliamentary question. I have seen this action before over the many years and we know what the fate of all these bills is going to

be, and in my opinion, having seen it and the point has not been questioned, I would like to ask why we couldn't act on all of these bills at one time by having the Clerk read them all off and then act on them. We know what we are going to do, and by reading the bills and having the gentleman from Old Town make his motion to adhere is just a waste of time, Mr. Speaker. It has been done before, believe me.

I move, Mr. Speaker, that we take all of these bills and ask the Clerk to read all these bills and then the good gentleman from Old Town, Mr. Pearson, will make his motion that we adhere on them and I think we can all agree on this thing. We know what is going to happen, and I hope we can agree on it. If we can't agree on it, I would like to have a vote as to whether we can agree or not, Mr. Speaker.

Thereupon, on motion of Mr. Jalbert of Lewiston, under suspension of the rules, the following non-concurrent matters were read by the Clerk.

An Act to Clarify Fish Inspection Responsibilities (H. P. 1742) (L. D. 1731) which was Passed to be enacted in the House on March 18, 1982.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Life Bond Authorizations (S. P. 753) (L. D. 1756) which was Finally Passed in the House on February 25, 1982. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (S-385).)

RESOLVE, Authorizing the City of South Portland to Bring a Civil Action Against the State (H. P. 1782) (L. D. 1772) (Emergency) which was Finally Passed in the House on March 2, 1982. (Having previously been Passed to be Engrossed as Amended by Committee Amendment "A" (H-600).)

An Act to Amend the Maine Medical Compact (S. P. 766) (L. D. 1824) which was Passed to be Enacted in the House on March 24, 1982. (Having previously been passed to be Engrossed as Amended by Committee Amendment "A" (S-416).)

An Act to Require Reporting of Abuse of Elderly or Incapacitated Adults (S. P. 779) (L. D. 1847) which was Passed to be Enacted in the House on March 29, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-414) as amended by Senate Amendment "A" (S-433) thereto.)

An Act Concerning Salaries of District Court Judges (H. P. 1869) (L. D. 1863) which was Passed to be Enacted in the House on March 12, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-633).)

An Act Relating to the Selection and Services of Traverse and Grand Jurors (S. P. 793) (L. D. 1869) which was Passed to be Enacted in the House on April 1, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-444) as amended by Senate Amendment "A" (S-448) thereto.)

An Act to Provide Retired Teachers, State Employees and Beneficiaries with a Cost-of-living Increase (H. P. 1891) (L. D. 1877) which was Passed to be Enacted in the House on March 29, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-679).)

An Act to Revise the Procedure for Municipalities Withdrawing from the Maine Forestry District (H. P. 1911) (L. D. 1883) (Emergency) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-707).)

An Act to Provide Assistance in the Marketing of Maine Agricultural Products (H. P. 1900) (L. D. 1885) which was Passed to be Enacted in the House on February 25, 1982.

An Act to Provide a Data Input and Retrieval System for the Workers' Compensation Commission (H. P. 1901) (L. D. 1886) which was

Passed to be Enacted in the House on March 18, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-640).)

An Act to Amend the Exemption from Sales and Use Tax for the Sale of Certain Instrumentalities of Interstate or Foreign Commerce (H. P. 1905) (L. D. 1890) (Emergency) which was Passed to be Enacted in the House on April 6, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-723) and House Amendment "A" (H-734).)

RESOLVE, Authorizing the Maine Forest Service to Convey by Bid Sale of the State's Interest in Certain Real Estate in the Maine Forestry District and to Use the Proceeds for Energy-saving Improvements to Other Existing Fire Control Buildings (H. P. 1922) (L. D. 1904) which was Finally Passed in the House on March 3, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-609).)

An Act Revising Executive Salary Ranges (S. P. 813) (L. D. 1909) which was Passed to be Enacted in the House on March 11, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-397) as amended by Senate Amendment "A" (S-399) thereto.)

An Act to Provide Financial Assistance to Students of Osteopathic Medicine (S. P. 831) (L. D. 1939) which was Passed to be Enacted in the House on March 24, 1982. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-422).)

An Act to Eliminate the 2¢ Excise Tax Imposed on Jet Fuel Used by International Flights (H. P. 1974) (L. D. 1949) (Emergency) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-719).)

An Act Relating to State Entitlement of Certain School Administrative Districts (H. P. 1984) (L. D. 1956) (Emergency) which was Passed to be Enacted in the House on March 29, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-685).)

An Act to Provide State Funding for Literacy Volunteers (S. P. 847) (L. D. 1982) which was Passed to be Enacted in the House on March 29. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-434).)

An Act to Equalize Health Insurance Benefits for Retired State Employees (S. P. 850) (L. D. 1983) which was Passed to be Enacted in the House on March 24, 1982.

An Act to Provide for a Comprehensive Career and Occupational Information System (H. P. 2015) (L. D. 1985) which was Passed to be Enacted in the House on April 7, 1982. (Having previously been Passed to be Engrossed as amended by Senate Amendment "A" (S-411).)

An Act to Authorize the Treasurer of State to Issue Tax Exempt Commercial Papers (H. P. 2021) (L. D. 1986) which was Passed to be Enacted in the House on March 24.

An Act Relating to Harness Racing at Agricultural Fairs, the State Stipend and Parimutuel Pools (S. P. 864) (L. D. 2006) (Emergency) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-424).)

An Act to Clarify Solar Energy Tax Exemptions (H. P. 2066) (L. D. 2007) which was Passed to be Enacted in the House on April 5, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-726).)

An Act to Provide for the Storage and Disposal of Illegal and Obsolete Pesticides and Handling Empty Pesticides Containers (S. P. 905) (L. D. 2047) (Emergency) which was Passed to

be Enacted in the House on March 24, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (S-417)

An Act to Authorize the Repair, Maintenance and Improvement of the Building and Grounds of the Statehouse (H. P. 2144) (L. D. 2050) which was Passed to be Enacted in the House on March 24, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-655)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Authorize the Credit of the State to be Loaned to Secure Funds for Loans to Parents of Maine Students Attending Institutions of Higher Education (S. P. 920) (L. D. 2061) which was Finally Passed in the House on March 25, 1982.

An Act Appropriating Funds for the Agent Orange Information Committee (S. P. 945) (L. D. 2084) (Emergency) which was Passed to be Enacted in the House on March 25, 1982.

An Act to Adjust Levels of Compensation for Members of the Legislature and the Senate Secretary and House Clerk (H. P. 2233) (L. D. 2091) which was Passed to be Enacted in the House on April 7, 1982. (Having previously been Passed to be Engrossed as amended by Committee Amendment "A" (H-746) as amended by Senate Amendment "B" (S-469) thereto and House Amendment "A" (H-748)

An Act to Identify Freshwater Wetlands (H. P. 2236) (L. D. 2094) which was Passed to be Enacted in the House on March 29, 1982.

An Act to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information (H. P. 2238) (L. D. 2096) (Emergency) which was Passed to be Enacted in the House on April 6, 1982.

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law (H. P. 2239) (L. D. 2098) (Emergency) which was Passed to be Enacted in the House on April 6, 1982. (Having previously been 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)

All came from the Senate with the Bills and Accompanying Papers referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

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

Mr. PEARSON: Mr. Speaker, I move that we adhere on all the items that have been read.

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

Mr. TARBELL: Mr. Speaker, I move that we recede and concur with the Senate and would speak briefly.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, moves that the House recede and concur.

The gentleman may proceed.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I have made the recede and concur motion so that we might refer these matters off of the Appropriations Table to one committee, the Appropriations Committee, so that we might, in the next 50 minutes remaining this evening, have some chance of holding these measures over to our next session.

I would just like to remind you briefly that what we have attempted to do tonight, some of us in the other body, is to pass a bare-bones \$1.4 million carry-over budget to fund certain areas of state government that need that money this week, next week and the week after, not for next year's budget but right now. That was defeated by this body.

We attempted to also make ourselves, the State of Maine, put ourselves in a position under the community block grants, \$5 million

worth of federal funds which needed to be done by April 30, and we were not able to do that, also refer the housing bill, along with these measures of the table, to the Appropriations Committee so that a joint order might be entertained by this body and the other body so that we can carry them over. We thought that at the very least these several actions would maintain the major items that we are all interested in before us in a live fashion so that we could deal with them.

I would urge you to recede and concur, and I would ask for a roll call.

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

Mr. JALBERT: Mr. Speaker, did I understand you to say on a query made by someone earlier that any bills that were in committee or laying around when we adjourn, or if we adjourn sine die, are dead?

The SPEAKER: The Chair would answer in the affirmative at the present time.

Mr. JALBERT: Mr. Speaker, I move the previous question.

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

A vote of the House was taken, and more than one third of the members present having voted for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now. This is debatable for five minutes by any one member.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: Obviously, the majority of us here tonight do not want to shut off debate, so I just suggested we go to the vote.

The SPEAKER: The pending question is, shall the main question be put now? All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 96 having voted in the negative, the main question was not ordered.

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

Mr. PEARSON: Mr. Speaker, a parliamentary inquiry. Can these bills be carried over, held over to a special session?

The SPEAKER: In order for the Chair to respond, it needs additional information.

Mr. PEARSON: Mr. Speaker, since we do not know whether or not or when we are going to have a special session, how can you carry a bill over, or bills over, to an unannounced time?

The SPEAKER: The Chair would advise the gentleman from Old Town, Mr. Pearson, that the other body has, in fact, passed a joint order, but the order is not coming to this body, the rules not having been suspended. Therefore, the order will not be before this body, and unless such an order is passed, there is no provision to carry over any bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I just feel it is incumbent to pass on to members of this body the actions that happened in the other body.

The gentleman from Old Town, Mr. Pearson, has posed a question relative to whether or not these bills could be held over. The answer is, yes, if the Democrat party in the other body chose to suspend the rules so that we might send the joint order down here forthwith.

I am disturbed with that. I am also disturbed with the fact that the good gentlewoman from Woolwich, Mrs. Cahill, a little while ago, indicated that the other body, the minority party in the other body, failed to give the majority

party in that body the right to suspend the rules so that they might offer an amendment, and then they failed to enact a bill which we agreed to right here just a few minutes ago on a tie vote. It is my understanding that that bill cost the state some \$5 million in federal funds. That is probably as irresponsible an act as we did here just a few minutes ago on the housing bill, and I will admit that, but it doesn't make it anymore right or anymore respectable. But it is being played by both sides of the aisle and it ought to be well documented that that is the way it is being done. I don't like it.

The gentleman from Lewiston is correct. We should adjourn sine die. There is no sense in fooling around, posturing ourselves into whatever position we want to be in and accomplishing nothing.

I think it is unfortunate, I don't like it, I said that before, and I don't think anybody in this body particularly enjoys it. And if they do, I am sure they are in one heck of a small minority.

We are not serving the interests of the people of the state by doing either of those actions, but it is being done by both sides. I am not going to stand here and have the majority party in the other body or the minority party in this body attempt to be intimidated or feel guilty or responsible for this legislature's inaction. We are all responsible, every single one of us, Republicans and Democrats alike. I will accept my responsibility and you should as well.

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

Mrs. KANY: Mr. Speaker and Members of the House: I just thought I better correct something on the record as I understand it. And first of all, I would like to say that I did vote with the Minority Leader, Representative Higgins, on his motion regarding the community development block grant, but it is my understanding that the people of the State of Maine would not really lose any monies if the State of Maine did not administer the community development block grants. It would just be that they would be administered by HUD out of the Manchester, New Hampshire office. We would still be entitled to the same grants; they would just not be administered by the state.

The only reason I felt I needed to rise and say this is that I heard that same error on the record in the other body.

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

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

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

ROLL CALL

YEA—Aloupis, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hutchings, Ingraham, Jackson, P.T.; Jordan, Kiesman, Lancaster, Lewis, Livesay, Lund, MacBride, Masterman, Matthews, McPherson, Nelson, A.; Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth, Willey.

NAY—Baker, Beaulieu, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Gowen, Gwadsky, Hall, Hayden, Hickey, Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher,

Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Smith, C.B.; Soule, Swazey, Theriault, Thompson, Twitchell, Vose, Mr. Speaker.

ABSENT—Armstrong, Benoit, Berube, Carrier, Cunningham, Dexter, Fowlie, Gavett, Higgins, H.C.; Hunter, Jackson, P.C.; Laverriere, Masterton, Nelson, M.; O'Rourke, Roberts, Rolde, Soulas, Studley, Tuttle, Webster. Yes, 56; No, 74; Absent, 21.

The SPEAKER: Fifty-six having voted in the affirmative and seventy-four in the negative, with twenty-one being absent, the motion does not prevail.

Thereupon, on motion of Mr. Pearson of Old Town, the House voted to adhere.

The SPEAKER: Is there objection to all these matters being sent forthwith?

The Chair hears objection.

Enactor Reconsidered

An Act Implementing Certain Recommendations of the Citizens' Commission to Evaluate the Department of Environmental Protection (S. P. 968) (L. D. 2130) (H. "B" H-750; S. "A" S-473 to H. "C" H-763)

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

On motion of Mrs. Huber of Falmouth, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentlewoman, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" was adopted and on motion of the same gentlewoman, the Amendment was indefinitely postponed.

The same gentlewoman offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-769) was read by the Clerk and adopted.

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

(Off Record Remarks)

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

Mr. MAHANY: Mr. Speaker and Members of the House: I move that the House adjourn sine die pursuant to the provisions of Title 3, Chapter 1, Section 2.

The SPEAKER: The gentleman from Easton, Mr. Mahany, moves that the House adjourn sine die pursuant to Title 3. Is this the pleasure of the House?

The motion prevailed and at 11:27 P.M., Eastern Standard Time, Tuesday, April 13, 1982, the Speaker declared the House adjourned without day.