

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

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FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

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FIFTH SPECIAL SESSION

May 13, 1982

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SECOND CONFIRMATION SESSION

July 16, 1982

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HOUSE

Thursday, May 13, 1982

This being the day designated in the Proclamation of the Governor for the meeting of the One Hundred and Tenth Legislature in extra session, the members of the House of Representatives assembled in their hall at 10:00 o'clock in the morning and were called to order by the Clerk.

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

The members stood for the playing of the National Anthem by the Oak Grove-Coburn Instrumental Ensemble of Vassalboro.

A roll call was taken. 146 members answered to their names and accordingly a quorum was found to be present.

Those who were absent were: Representatives Fowlie of Rockland, Gavett of Orono, Laverriere of Biddeford, Nelson of Portland and Tuttle of Sanford.

On motion of Mrs. Mitchell of Vassalboro, Representative Gwadosky of Vassalboro was designated Speaker pro tem.

Thereupon, Representative Gwadosky assumed the Chair as Speaker pro tem.

Messages and Documents

The following Proclamation:

WHEREAS, there exists in the State of Maine an extraordinary occasion arising out of an agreement between the State of Maine and the Maine State Employees' Association relating to the compensation and fringe benefits for over 10,000 employees; and

WHEREAS, the membership of the Maine State Employees' Association has overwhelmingly ratified the terms of this contract; and

WHEREAS, the laws of the State of Maine require legislative approval of the certain financial provisions of any contract between the State and an employee organization; and

WHEREAS, the State wishes to make the salary adjustments and benefits agreed upon available to State employees as soon as possible;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of Maine by virtue of the constitutional power vested in me as Governor, convene the Legislature of this State, hereby requesting the Senators and Representatives to assemble in their respective chambers at the Capitol in Augusta on Thursday, the 13th day of May, 1982 at 10:00 in the morning in order to receive communications, enact a collective bargaining bill, and conduct such other legislative business as may be appropriate.

Given at the Office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this sixth day of May in the year of our Lord nineteen hundred and eighty-two.

S/JOSEPH E. BRENNAN, Governor
S/JAMES HENDERSON

S/RODNEY S. QUINN
Secretary of State

A true copy.

Attest: Deputy Secretary of State

The Proclamation was read and ordered placed on file.

The following Communication:

STATE OF MAINE
Administrative Office of the Courts
P. O. Box 4820 Downtown Station
Portland, Maine 04112
207-775-1500
April 30, 1982

Dear Mr. Speaker:

It is my honor and personal pleasure to transmit to you and to each Member of the House of Representatives of the 110th Legislature a copy of the Sixth Annual Report of the Administrative Office of the Courts, pursuant to the provisions of 4 MRSA § 17.10.

Sincerely,

S/DANA R. BAGGETT

The Honorable John L. Martin

Speaker of the House

State House

Augusta, Maine 04333

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

On motion of Mr. Diamond of Windham, it was

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

Representative Mitchell of Vassalboro was appointed to convey the message to the Senate and subsequently reported that she had delivered the message with which she was charged.

At this point, a message came from the Senate, borne by Senator Pierce of Kennebec of that body, announcing a quorum present and that the Senate was read to transact any business that might properly come before the House.

Mrs. Mitchell of Vassalboro was charged with and conveyed a message to the Governor that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

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

Bill "An Act to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District" (S. P. 1010) (L. D. 2150)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, the Bill was referred to the Committee on State Government in concurrence.

Petitions, Bills and Resolves**Requiring Reference**

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

Appropriations and Financial Affairs

Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees" (Emergency) (H. P. 2421) (L. D. 2153) (Presented by Representatives Pearson of Old Town) (Cosponsor: Representative Smith of Mars Hill) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission" (Emergency) (H. P. 2419) (L. D. 2151) (Presented by Representative Brannigan of Portland) (Cosponsors: Senator Clark of Cumberland, Representatives Telow of Lewiston and Perkins of Brooksville) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-Influencing Position Within the Department of Human Services" (Emergency) (H. P. 2420) (L. D. 2152) (Presented by Representative Kany of Waterville) (Cosponsor: Senator Gill of Cumberland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative Hall of Sangerville, the following Joint Order: (H. P. 2417)

ORDERED, the Senate concurring, that "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." House Paper 1922, Legislative Document 1904, be recalled from the legislative files to the House.

The Order was read.

The SPEAKER Pro-Tem: The Chair will order a vote. The pending question is on passage. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

140 having voted in the affirmative and none in the negative, the Order received passage.

Sent up for concurrence.

Special Sentiment Calendar

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

Henry Cameron, principal of the Garland Street Junior High School, for his lifelong dedication to students and their educational development; (H. P. 2049) by Representative Tarbell of Bangor.

Emma L. True, of Gardiner, who will celebrate the 100th anniversary of her birth on June 12, 1982; (H. P. 2410) by Representative Kilcoyne of Gardiner. (Cosponsor: Senator Ault of Kennebec)

Avril Rough, of Augusta, State of Maine Champion Speller of the Year for 1982; (H. P. 2411) by Representative Hickey of Augusta. (Cosponsors: Representatives Lund of Augusta, Paradis of Augusta and Senator Bustin of Kennebec)

The Monmouth Academy Speech Team, coached by Scott Foyt, which won the 1982 Mid-Maine Conference Championship and the All-State Championship; (H. P. 2412) by Representative Davis of Monmouth. (Cosponsor: Senator Ault of Kennebec)

Shawn Legassie, of Millinocket Troop 57, who has achieved the high honor and distinction of Eagle Scout; (H. P. 2413) by Representative Clark of Millinocket.

Wayne Thurston, of Norway, who has been chosen Maine's Outstanding Farmer of 1982; (H. P. 2414) by Representative Bell of Paris. (Cosponsors: Representatives Twitchell of Norway, Jackson of Harrison and Senator Sutton of Oxford)

Wilbur S. Viles for 48 years of banking services to the people of the Oxford Hills area; (H. P. 2415) by Representative Bell of Paris. (Cosponsor: Senator Sutton of Oxford)

Palmer Libby, an outstanding master of the arts and a devoted teacher and friend of his students; (H. P. 2416) by Representative Tarbell of Bangor.

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

Roy A. Briere, of Rumford High School, one of the Nation's intellectually distinguished and accomplished high school seniors, who has compiled a record of outstanding scholastic achievement and academic excellence; (H. P. 2418) by Representative Erwin of Rumford.

(Cosponsors: Senator O'Leary of Oxford and Representative Perry of Mexico)

On the request of Mrs. Erwin of Rumford, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: The young man we are

honoring today, Roy Briere, a senior at Rumford High School, is well deserving of this recognition. He was among approximately 1,000 finalists chosen nationally from more than three million graduating high school seniors in the Presidential Scholar's Program and scored in the top one percent of all high school seniors in the college board tests in verbal and mathematical ability, as well as scholastic achievement.

Roy, along with ten other Maine scholars, was recognized by the State Board of Education and the Maine Department of Educational and Cultural Services yesterday at the Augusta Civic Center for outstanding scholastic achievement and academic excellence and qualifying as one of nation's most intellectually disinquished and accomplished high school seniors.

Roy has been on the Math Team, and in the last three years has been high scorer for the school. In the last two years, he has been the high scorer for the state in the medium school division. He is a member of the Calculus Team. Last year, the Rumford High School team scored second in the nation. Roy was top scorer in the nation, tied with two other students. Two hundred and ninety schools compete in the calculus field. The only school to score higher than Rumford was Stivenson High School in New York. Out of 419,000 students in New York, the top 1,500 students go to that high school.

Much of the Rumford High School success in math and calculus competition can be attributed to Roy's ability and leadership. He is an all-around student and is well liked by his classmates.

In addition to this, he has also been involved in drama productions. He is in the top ten of the graduating class of 1982.

As Representative for the Town of Rumford, I would like you all to know that we are extremely proud of Roy Briere.

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

The top ten students of Buckfield High School, class of 1982, William Pratt, Valedictorian, Theresa Pulsifer, Salutarian, Lisa Beaucage, Ted Dunn, Heidi Richardson, Mary Wasson, Kendall White, Jennifer Tucker, Kim Coulthard and Tammi Carson; (H. P. 2423) by Representative Bell of Paris. (Cosponsor: Senator Sutton of Oxford)

Jerry Deschambault, of Sanford and Kevin Sheehan, Captain John Hunt and Dr. Thomas Chayka, of the York Fire Department, for their heroic rescue of a life from a burning building on March 22, 1982; (H. P. 2424) by Representative Rolde of York.

Owne Allen, Linwood Peary and Clarence (Pete) Boulter, all of the Washburn Fire Department in recognition of their service to the community; (H. P. 2425) by Representative Peterson of Caribou. (Cosponsor: Senator McBairty of Aroostook)

Amber Theriault of Washburn, daughter of Armand and Debbie Theriault, crowned Miss Washburn for 1982; (H. P. 2426) by Representative Peterson of Caribou. (Cosponsor: Senator McBairty of Aroostook)

The Rev. Herbert Reid for his years of dedication and community service to the town of Fairfield; (H. P. 2427) by Representative Gwadsky of Fairfield.

Ellen Phair, daughter of Mr. and Mrs. Carroll Phair of Limestone, who has been chosen Valedictorian of the 1982 graduating class of Limestone High School; (H. P. 2429) by Representative Pines of Limestone.

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

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

(Off Record Remarks)

On motion of Mr. Fitzgerald of Waterville, Recessed until one o'clock in the afternoon.

After Recess 1:00 p.m.

The House was called to order by Speaker Martin.

House Reports of Committees Ought to Pass

Pursuant to Joint Order (S. P. 999)

Representative Post from the Committee on Taxation pursuant to Joint Order (S. P. 999) reporting a Bill "An Act to Create an Excise Tax on Mining Companies and Regulate Mining Activities" (H. P. 2428) (L. D. 2155) asking leave to report that the same "Ought to Pass"

The Report was read and Accepted and the Bill read once. Under suspension of the rules, the Bill was read the second time.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a comment on this bill. I just looked on my calendar here, and counting the Republican Convention, I have been here in Augusta 15 out of the last 19 days. We have worked very hard and there are technical problems, including one that involved the tree growth situation. We have finalized it in good part on the basis on a commitment, as you may have read in the bill, to study the possibility of maybe some constitutional amendments to correct the tree growth affair.

We have done all we can statutorily to lessen the problem. For instance, we have defined in Section 2864 that the just value of minerals to be what the company will earn from mining and milling the various minerals, taking into account all costs and expenses, including development costs and the company's capital investment costs, such as their investment in mining equipment and facilities and improvements.

This is an accepted method of doing that, and I would just like to have you understand that, that is not necessary in the bill, but to have that on the record as to the feeling of the committee.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Recessed until the sound of the gong.

After Recess 3:10 p.m.

The House was called to order by the Speaker.

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

RESOLVE, Adjusting the Authorized Expenditures of Cumberland County for the Year 1982 (Emergency) (H. P. 2422) (L. D. 2154) (Presented by Representative Masterton of Cape Elizabeth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Local and County Government was suggested.

Under suspension of the rules, the Resolve was read twice, passed to be engrossed without reference to any committee 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. 4 was taken up out of order by unanimous consent:

Bill "An Act to Amend the Banking Code to Correct an Omission Regarding the Deposit

Authority of Thrift Institutions" (Emergency) (H. P. 2430) (L. D. 2156) (Presented by Representative Brannigan of Portland) (Governor's Bill)

Committee on Business Legislation was suggested.

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

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. 5 was taken up out of order by unanimous consent:

Consent Calendar

First Day

(H. P. 2421) (L. D. 2153) Bill "An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-783)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

On motion of Representative Hickey of Augusta, the following Joint Resolution: (H. P. 2435) (Cosponsors: Representative Erwin of Rumford and Senators Teague of Somerset and Collins of Knox)

JOINT RESOLUTION CONCERNING DISPLAY OF THE MAINE MEDAL FOR HONORABLE SERVICE IN THE MEMORIAL AMPHITHEATER OF ARLINGTON NATIONAL CEMETERY

WHEREAS, thousands of men and women of the State of Maine have served their State and National faithfully and unselfishly in time of strife; and

WHEREAS, these men and women of the armed services have shown great patriotism, loyalty and devotion to duty to Maine and the United States of America; and

WHEREAS, many of these citizens of our State sacrificed their lives so that we as a people and a nation might live in freedom, justice and peace; and

WHEREAS, it is fitting that those who fought for their State and Nation be recognized for their honorable service; now, therefore, be it

RESOLVED: That the Legislature of the State of Maine authorizes that the highest state award, the Maine Medal for Honorable Service, be displayed with the awards of the other states of the Union in the Memorial Amphitheater at Arlington National Cemetery, in dedication to and in honor of these citizens of the State of Maine who have given so much to their State and their country; and be it further

RESOLVED: That a suitable copy of this resolution be prepared for display in the Memorial Amphitheater.

Under suspension of the rules, the Resolution was read.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: Most states have authorized a Medal of Honor recognizing the sacrifices which men and women who are buried in Arlington National Cemetery have made on behalf of their country and their states. These medals of honor are hung in the

Memorial Amphitheater at Arlington together with resolutions adopted by the legislatures of the various states.

Maine is one of the few states not to have a medal of honor. Staff from the Department of Defense and Veterans' Services, the Museum Historic Preservation Commissioner and the Governor's Office have cooperated in designing and constructing a shadowbox in which the Maine Medal of Honor will be placed and appropriate tribute will be inscribed. Governor Brennan has approved this project and will present the medal and resolution to officials of the Arlington National Cemetery.

The American Legion and Maine Federation of Women Club have also taken an active interest in developing this project.

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

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to cosponsor this Resolution.

In January of this year, I met Brian P. Hall of Biddeford, Maine's Boy's State Governor for 1981, at our American Legion Mid-Winter Conference in Waterville. As Boy's State Governor, Brian went to Boy's Nation in Washington, D.C., as a delegate. While there, he visited the Arlington National Cemetery. He noted that the State of Maine did not have a Medal of Honor to recognize those who have served our country.

When he returned to Maine, he urged the American Legion to see that a medal from Maine be placed in Arlington. He met with the Governor regarding this matter. This resolution is the result of that request.

As a veteran and a member of the American Legion, I am proud to be a cosponsor of this. I know that the young man will be pleased that it has been introduced in this Legislature.

Thereupon, the Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. KELLEHER: Mr. Speaker, I move that the rules be suspended for the purpose of offering to this House a Joint Resolution.

Mr. Tarbell of Bangor objected.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: A point of inquiry. Is this debatable at this time.

The SPEAKER: The Chair would answer in the negative.

Mr. KELLEHER: Mr. Speaker, I request the yeas and nays on suspension of the rules.

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

Mr. PEARSON: Mr. Speaker, is it in order for Representative Kelleher to indicate what it is that he wishes to have the rules suspended for?

The SPEAKER: The Chair would advise the gentleman from Old Town, Mr. Pearson, that it is printed on Supplement No. 6.

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

Mr. KELLEHER: Mr. Speaker, I rise on a point of order. As I understand the rules to be in this House, I cannot discuss this order whether it is in regard to Social Security or the weather, is that correct?

The SPEAKER: The Chair would answer in the affirmative, without suspension of the rules.

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

Mr. JALBERT: Mr. Speaker, a point of inquiry. Obviously, and I am asking now, this has gone before the Legislative Council that Representative Mitchell is chairman of.

The SPEAKER: The Chair would answer in the affirmative.

Mr. JALBERT: Obviously, from what I can gather, the Council turned this down. What appeal, if any, does this body have over the refusal of the Legislative Council's decisions?

The SPEAKER: The Chair would advise the gentleman that the Council acted pursuant to Joint Rule 35. The recourse that this body has is suspension of the rules, which is the motion which the gentleman from Bangor, Mr. Kelleher, has presently made and the request has been made for a roll call.

Therefore, all those in favor of the vote being taken by the yeas and nays, you will be voting 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. Kelleher, that the rules be suspended for the purpose of introducing a Joint Resolution. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Beaulieu, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hall, Hanson, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lewis, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterton, Matthews, McCollister, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Salisbury, Smith, C.B.; Soulas, Soule, Strout, Swazey, Telow, Theriault, Thompson, Twitchell, Vose, Willey, The Speaker.

NAY—Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Connors, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Holloway, Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Livesay, Lund, MacBride, Masterman, McPherson, Nelson, A.; Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Sherburne, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Treadwell, Walker, Webster, Wentworth, Weymouth.

ABSENT—Baker, Benoit, Cunningham, Dudley, Fowlie, Gavett, Hayden, Huber, LaPlante, Laverriere, Michaud, Nelson, M.; Tuttle.

Yes, 88; No, 50; Absent, 13.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty in the negative, with thirteen being absent, and eighty-eight being less than two-thirds, the rules are not suspended.

Mr. Kelleher of Bangor requested unanimous consent to address the House, and subsequently withdrew his request.

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

Consent Calendar

First Day

(H. P. 2419) (L. D. 2151) Bill "An Act to Adjust Fees for Licenses Issued by the Real Estate Commission" (Emergency)—Committee on Business Legislation reporting "Ought to Pass"

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

By unanimous consent, ordered sent forthwith to the Senate.

(S. P. 1010) (L. D. 2150) Bill "An Act to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-479)

On the objection of Mrs. Kany of Waterville, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-479) was read by the Clerk.

Mrs. Kany of Waterville moved that Committee Amendment "A" be indefinitely postponed in non-concurrence.

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. KANY: Mr. Speaker and Members of the House: The Speaker asked if the bill would really be in jeopardy as far as the meaning of it in its entirety if we did not attach the amendment to it. The bill has been pre-engrossed, and if we do attach the amendment, it would just cause a delay and in fact could mean an overnight. So I am certainly willing just to speak into the record the intent of the amendment. Really, it was just a clarifying amendment to make it absolutely clear that what we would allow to be conveyed for one dollar would simply be the leasehold interest and not any title in the land.

Thereupon, Committee Amendment "A" was indefinitely postponed in non-concurrence.

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

On motion of Mrs. Kany of Waterville, the House reconsidered its action whereby Committee Amendment "A" (S-479) was indefinitely postponed in concurrence.

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. KANY: Mr. Speaker and Members of the House: It appears that the entire legislature was much more efficient than we thought and it has been pre-engrossed in this form, with the amendment on it. That is the reason for this further motion.

I now withdraw my motion to indefinitely postpone Committee Amendment "A".

Thereupon, Committee Amendment "A" was adopted in concurrence.

The Bill was passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

(Off Record Remarks)

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

Mr. KELLEHER: Mr. Speaker, I move the rules be suspended for the purpose of offering to this House a Joint Resolution.

Whereupon, Mr. Tarbell of Bangor objected.

Mr. Pearson of Old Town 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 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. Kelleher, that the rules be suspended for the purpose of ordering a Joint Resolution. This requires a two thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Curtis, Davies, Diamond, J.N.; Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hall,

Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lewis, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Matthews, McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Stover, Strout, Swazey, Theriault, Thompson, Twitchell, Vose, The Speaker.

NAY—Armstrong, Austin, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Connors, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Higgins, L.M.; Hunter, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Lund, MacBride, Masterman, Masterton, McPherson, Nelson, A.; Paradis, E.; Perkins, Peterson, Pines, Reeves, J.; Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Baker, Cunningham, Diamond, G.W.; Dudley, Fowle, Gavett, Huber, LaPlante, Laverriere, Nelson, M.; Tuttle.

Yes, 90; No, 50; Absent, 11.

The SPEAKER: Ninety having voted in the affirmative and fifty in the negative, with eleven being absent, the rules are not suspended.

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

Non-Concurrent Matter

Joint Order (H. P. 2417) relative to recalling 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 Read and Passed in the House on May 13, 1982.

Came from the Senate Read and Passed as amended by Senate Amendment "A" (S-480) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

House at Ease

Called to order by the Speaker.

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

Passed to be Enacted Emergency Measure

An Act to Adjust Fees for Licenses Issued by the Real Estate Commission (H. P. 2419) (L. D. 2151)

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I must apologize that I rise today, for this is the bill that one month ago I told you I had a serious constitutional problem with. For this bill to be discussed one more time in this House would really be cruel and unusual punishment upon you kind people.

Yes, this is the same bill that I spoke to you on a month ago to remind you that this was an attempt to get you to sell your soul to the company store—remember, "16 tons and what have you got? Another day older and deeper in debt."

This bill, and I don't want to recount its history because I feel others will speak on it, this bill has had an unusual plight in this House and in the other body. It seems to disappear and re-

appear. It's a bill that when I tried to find out what in my life reminds me of such a bill when it disappears again and again, I thought this bill is really something that represents the Flintstones. I could see if Freddie Flintstone was a member of this House and he ever saw a bill like this, I know what he would say—Yabba, dabba do, and this is really a yabba, dabba do bill.

I was called by the man who heads the Department of Business Regulation over there, he said "I would like to come down to Portland to talk to you about the Real Estate bill." I said, "You want to come to Portland to talk to me about the real estate bill, that would use one day of your time and would upset my conscience. You give me the hour and I'll be in your office and we can tie it up in a few hours. I don't want you to get a day off to come to Portland to talk about this yabba, dabba do bill."

Well, I met with him for three hours, then I met with the other side, met with them four hours, and I have been meeting back and forth and, you know, they have only got \$5,800 in their account over there today, but if they had sent bills out like they have done for the last 40 years, if they sent those bills out April 1 of this year, they would have about \$110,000 to \$120,000 today, but they don't send the bills because they feel they have got some soft brothers and sisters up here that are going to vote for this yabba, dabba do bill. Freddie Flintstone couldn't even support it.

Yes, I tried to talk to everybody on this. I talked yesterday afternoon to my close and dear friend, to your close and dear friend, the Chairman of the Business Legislation Committee, Representative Brannigan. Yes, they labeled this the Representative Brannigan Bill. You know, they had the audacity three weeks ago, when they rewrote the bill, to call me and ask me if I would be the prime sponsor. I said, "Wait a minute, I have got to sit down to answer this one—unbelievable." So now they call it the Brannigan Bill, a good friend of mine, Representative Brannigan, and there's a lot of his work in the bill, but I tell you, my friends, sincerely, this hasn't got the Brannigan heart in it, this bill. They are giving you a bill without a heart.

This is the bill that they talked to us about and they came in here—they, they didn't change the figures every day, they were changing them two times. They said, "We don't have any money, we can't get along." A few months ago, they laid off four people there and the place is running better than it ever ran, and this is what we complained about. Remember, this is the bill that I told you 11 or 12 years ago had a budget of \$68,000. What are they proposing this year? \$222,000. They don't want to do business in the little red schoolhouse, they want a palatial palace down there.

Nobody on my side of the fence has recommended doing away with the Real Estate Commission. Yet, there were remarks made on this floor that we wanted to kill the commission. The commission ran for 30 years and had a balance each year of over \$200,000, but in the last three they must have opened the drain someplace when they are telling us they have got \$5,800 today.

I wouldn't be able to look my people in the eye, I wouldn't be able to look people from Aroostook in the eye when I see them tomorrow at my convention if I ever supported a bill like this, this yabba, dabba do bill. It is really a Flintstone type bill; that is how they would run the organization.

I have got literature here that I have shown around when somebody wanted the facts. They called me downstairs and they had a check stub, the director, they said you are wrong on the figures, you are wrong, you got up and you told that House wrong figures. Oh, wait a minute, sit down, I said, and I came upstairs and I returned to that second floor, I returned down there within two minutes and I pulled out

the sheets. I said, look at the sheets. Where did they come from? I said, I don't know, read the top and see where they came from. When they looked up and saw they came from the Real Estate Commission, they didn't want to talk about that anymore.

I maintain, and some of the most popular brokers in this state, people who dedicated their lives to that profession assure me, and the figures that I got show that we can run that organization without this bill.

Now, there's a study going on. This body has authorized a study to look into this Real Estate Commission and square it away. We want tight laws there. Somebody questions me on enforcement—I thought that was my middle name. I think we owe the people of Maine good enforcement, they deserve nothing less.

It upset me when I saw on television six weeks ago that poor fellow down there in Cumberland County who bought a home out in Yarmouth or North Yarmouth and he found out three months later that they included a swimming pool and he didn't know anything about it until he went down cellar. Things like that bother me and I am just going to ask you to vote your heart on this bill, it's a real bad bill. I have got a lot of information here but, no, not on a later afternoon, I honestly think it would be cruel and unusual treatment.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I didn't know that Mr. Joyce watched Fred Flintstone every morning, but he seems to have that occupation. I only slam that back because this is not a Brannigan Bill. I am the sponsor of this bill, I am Chairman of the Business Legislation Committee. The Business Legislation Committee has its heart in one place, and that is to have good regulation in all of those areas that we oversee, and one of those is real estate. We have been asked to look at that this time. We looked at it and decided a study was necessary. We asked that a study be given to us by the Legislative Council. The Legislative Council agreed. Today the Legislative Council agreed that we could hold hearings in other parts of the state besides Augusta, and those are about to be set up. A study is actually underway. An assistant has been assigned to us and has been working with me and with members of the subcommittees that I have appointed as part of our committee to study the Real Estate Commission, all of its activities, all of the rules and regulations and its funding and figures.

I am glad that Mr. Joyce and I agree on the funding figures today. The figures that he gives you are the same figures that I have, that there is about \$5,000 there now after laying off four of their seven people earlier this year. When they do send out their licenses, and it has only been responsible that they have not sent them out because there has been intention by the Governor to pursue an increase at this time and therefore a double billing would have cost more and so they have not sent them out, but when they do, they will get in approximately \$100,000. That will just about pay what they have borrowed, \$70,000, and the bills they have outstanding now, the unemployment for the four people that they have laid off and probably the unemployment that they will pay if they have to lay off the other three. The other three will be laid off if we do not pass this increase this afternoon. That is a decision that has been made, has to be made when you only have \$5,000 left and all of the other money that is coming in is already spent and committed. That is a sorry sight.

It is our desire, has been our desire, it is the desire of the administration that as long as those statutes are on the books, as long as we have constituents who need to be protected, as long as the responsibility is there, then somebody must be there to carry out that responsibility. So, a modest increase has been offered

in order to keep on some staff, maybe three, maybe less, but some staff to that commission to work while we study it.

One of the reasons we need staff there is so the study can go on with someone to talk with, someone to get information from, someone to investigate. It is needed because our constituents need it. The person that Representative Joyce just mentioned was from Freeport. I have talked with that person and the commission was helpful to that person. It was helpful because it had a staff and was able to do some investigation. That person will be coming to testify along with many other people who will be coming to testify at our hearings in Portland and probably in Lewiston and Bangor.

It is the decision of the administration, it is the decision of our committee, meeting again today, that we must keep some staff, and in order to do that, we must have this slight increase which will allow them to start off the year with \$44,000.

I encourage you to join with my committee in voting for this emergency measure so we can go on.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I was the person who made the motion before to indefinitely postpone this bill when we first heard it, and before the Governor put this in his call here, the bill was dead because the Committee of Conference, to my understanding, never met. As I said in the Democratic caucus, I resent more the procedure that was used in trying to pass this bill than anything else. And the procedure was such that I feel that many of the bills that were passed in the last two-day session, along with this session, it is very bad for the Governor and his administration to actually present to us bills in a context that is hard to get rid of in a special, but bills that have actually died on the Appropriations Table or have died here in the House. I don't think any individual should have the power to do that, for one person to direct what 151 people as a whole have decided to kill. This is the concern that I have, one of the concerns.

This particular bill, as you know, we have had no hearings on it, we have had no committee of conference, we have had no reports, and rightly so, because we agreed when it was presented to us that we would overlook hearings and let it go to second reading and all this, we all agreed to that and I think it is a bad procedure. If it isn't a bad procedure, why should we spend all this time and money and effort and have hearings on the same type of bills or any other type of bills that are presented to us in any legislative session?

I feel that this bill will not do anything for the Real Estate Commission. I was hoping that if there were going to be any bills presented, that they would give us a solution as to how they will proceed in the next year or two to keep themselves out of the red, but you haven't got this on your desks. This is only promises, probably hopes, and we all have the same hope and concern to keep the Real Estate Commission but we also have different hopes, different concerns and different demands, and I mean demands, to stop the inefficiency that has been allowed to go on within the Real Estate Commission. And that has been going on, ladies and gentlemen, for three or four years for many reasons, and I would like to tell you the reasons.

I don't believe that anybody in this House could really, after one year taking a loss, that they could proceed to another period of two or three years before they would actually do something, and this is what has happened over here. How come those in charge actually did not come before, at the end of the first year or in the middle of the year to say, we are short \$25,000 or \$20,000 and we need to be bailed out and this is what we suggest should be done so

this doesn't happen again. They did not do this. I don't care whose fault it is. What I am interested in today is that a Bill presented to us in this fashion should not be before us.

The fact is, to repeat, the Real Estate Commission owes \$70,000. They suggest today by this bill that we take in \$131,000, I think it is. The \$131,000, they can pay the \$70,000 back but they will be left with roughly, to my understanding, \$40,000 to \$50,000. They could have done this, they have the right today to do that and they don't have to pay that \$70,000. This is the approach that I am talking about.

The Governor, in his judgment, whether it is in error or whatever it is, the Governor or whoever is responsible allowed \$60,000 to be given to them. This should never have happened, and there is nothing that I know of that says you have to repay the \$60,000. This would only be taken off the slush fund, the surplus fund, or whatever you want to call it, and would only eliminate using that \$60,000 for another project such as roads or anything else. That is all it is.

Let's remember, and I am willing to accept anything different if it is so, that the Real Estate Commission today does not have to pay the \$60,000, and if it is so, they don't need this increase. This is what we are talking about. We are talking about—this bill is a bill with principles in it, and the principle they are using with this bill, their ultimate goal would be to see the commission fee done away with. Take this into consideration—if you don't pass this bill today, and nobody has said any different, a lot of people think different, but if you pass this bill today, the Real Estate Commission is not abolished even if you don't fund the positions.

The legal part of it is, if you don't have anybody on the Real Estate Commission, the law is still there and all you have to do is when you have the money put people in there. As the fees are today, you would be able to do that. But forget the \$60,000, forget the error in judgment somebody else has made at the cost of the individuals who in turn—maybe the rates will go up as far as selling houses.

Don't be fooled by editorials in my area that you need this bill in order to protect the buyer or the seller. This is not true. The Real Estate Commission, as far as their duties to protect the buyer or seller is very small. They are a licensing agency and they have to supervise the licensees themselves and they have to supervise their work. If you get taken when buying a house, you report it to the Real Estate Commission and what can they do about it? This is what I ask you—what can they do about it? They can't do hardly anything but reprimand the licensed broker or salesman, that is all they can do. They can't get your money back if you gave a deposit. This is not the way things work.

I have great reservations about that. They don't give you any reason why we should keep the Real Estate Commission, because it is good and we need it and we need rules and I agree with that, but they did not say that in the editorial, and they didn't say that on the TV commercial which they have been running lately, not the TV commercial but the TV reports. They took great pains in saying that they are in the hole because of inefficiency and that is what we should try to correct, inefficiency within that department. Let's start with that department and then we can go into some other departments if it is there.

I suggest to you that you vote against this bill. I am not going to make the motion to indefinitely postpone this bill. Actually, you need a two-thirds vote because it's an emergency measure. We didn't pass it the last seven or eight times, and whichever way you vote, I respect your vote because I think you are using good judgment and whatever the outcome is, I think we are all here for one purpose—to see that the real estate commission and the ones involved in it work and do good work and that they survive. I only submit and suggest to you

that you take into consideration voting against this bill because this bill does not at all give any solution to the problems that they have had and also the problems that will be coming up soon.

I submit to you that some of the problems can be corrected by new appointments on the Real Estate Commission, and I sincerely believe that you can forget whatever you owe the Real Estate Commission and you don't owe them anything, and you can charge it to the administration.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Business Legislation certainly has worked on this. We worked on it a number of sessions, we worked on this. We worked on it over and over and we looked at the first facts and figures that are coming in from the study we are working on. It is hard to get concrete facts from this year's figures because you don't know when you set the fees how many people will give up their licenses, will go inactive or will give up their inactive license and drop completely, so you really don't know how much money you are dealing with, but we can come up with some pretty good figures and some pretty good ideas on it.

If we don't do anything, the Real Estate Commission, and I am talking about the people working and not the four commissioners who will continue as they are, but the people who are working, that department is authorized for nine people. At this point, there are three people. If we don't do anything, those three people will be dropped as of the first of July. I want you to think a little bit about what this will mean to the consumers in the State of Maine.

If you have got a complaint, you have got two courses open to you once the people leave that department. You can go to the Attorney General's Office, and I think anyone on Appropriations can tell you that the Attorney General's Office doesn't have very much money and they are pretty hard pressed to do the job they are now doing, or you can go out and hire yourself a lawyer and that's maybe a great idea and I am sure the lawyers can use the business and it will help the private lawyers in the State of Maine, but it will also take a lot longer to solve a lot of the smaller problems and it will be drawn out further.

Furthermore, if you leave things just as they are now, all the money will be used up, the three people who want to get into the profession, there won't be any exams or anything until some more money comes into the account, and some will dribble in during the summer but you are not going to see any sizeable amount until next year, '83, between April and June when the major license money comes in, so you probably won't have any exams until at least later on in the fall.

There are a number of other areas like this that just basically will close down. Yes, the laws will still be on the books but they won't be enforced, or, if they are enforced, it is going to cost you your own money to hire a lawyer to do these things.

I would like to see us do this. If we pass this bill, it is going to put \$40,000 into the commission and will keep those three people there. I don't know how long it will keep those three people there because they are not going to operate that long on \$40,000, but it will keep them there maybe until enough of the license fees come in for next year to continue it along.

I feel that, yes, there has been some problems with it and we are going to study it and we are hopefully going to cut the cost of the department down and we are going to make the department more efficient and answer some of these questions. I think it would be a great mistake at this point to cut off the funding for that department completely and get rid of the three remaining people and to close it down. So I hope you will support this bill.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I think we have all heard as much about this bill as we want to this year.

I do want to respond to the remarks made by the gentleman from Westbrook, Mr. Carrier. Mr. Carrier has indicated that he doesn't believe that the commission would be responsible for paying back the \$60,000 or \$70,000 that they borrowed. Obviously, this is a subject in itself, but we found out for the first time this year that they had been borrowing money from the Governor's contingency fund, something that has been going on for some five years. We despise the idea and told them never to do it again. But the fact is, they borrowed the money and it has to be paid back in some way, shape or form.

The gentleman from Westbrook, Mr. Carrier, is suggesting that perhaps this can be paid back out of surplus or the contingency account that the Governor has, and I guess my only problem with that is that any money that is in the contingency account is money that has been taken in from general tax revenues and although I agree that when you ask all the people who are paying taxes to take over this \$70,000 payment that the realtors couldn't do, that is not very much when you consider all the people paying it. It is just the principle of the thing. Why should the people of the State of Maine have to pay a \$70,000 bill because the Real Estate Commission couldn't do their job because they were inefficient? It seems to me that if anybody should be paying this bill, it should be the people in the profession.

The Real Estate Commission is in an absolute shambles. We recognize it, there is no question about it. The only thing I think we are asking in this particular bill is that we have short-term funding that will allow us to study this bill and make the needed recommendations. There are a lot of areas that have to be changed in the Real Estate Commission, a lot of things we want to do. There are a lot of bills that this legislature has enacted, such as continuing education, which is costing an awful lot of money for the commission to provide these services. If it's the wisdom of the study committee to abolish the continuing education, to abolish some of these other areas, I think that is where we can save some money. Obviously, they have had too many employees, but surely with three employees, they are not more efficient than they were with seven, as Mr. Joyce indicated. They don't need a great number of people there, but I think it behooves us as a legislature to allow us a chance to study this area and find out how many people we do need, make the recommendations that have to be made, and I would urge your support.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I guess we heard probably just about the same rhetoric that we have heard seven, eight or nine times before. I just wanted to clear up a few points.

This bill, whether passed or defeated, will not disband the Maine Real Estate Commission. This bill, whether passed or defeated, will not do away with the present staff. The deficit problem is really a cash flow problem, it's a problem created by management. Don't let the disciples of doom tell you that we are doing them wrong by killing this bill.

This bill deserves, like that alley cat, nine lives. This bill has had its eight lives, this is the ninth one, and I urge that we take this fat cat and let it meet its demise. Please vote against passage of this bill.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: As one of the disciples of doom, I would like to just indicate for

the members of this body the current account the Real Estate Commission is roughly at, \$5,000. If no fee increase is passed, they will take in around \$100,000 between now and June 31, when the license fees come in. Out of that money, they have to repay a loan of \$70,000, and their expenses from now until June 31, they will be taking in about \$105,000 and they will be responsible for paying \$110,000. On July 1, they will be somewhere between minus \$5,000 and zero dollars.

I guess I would pose a question to the gentleman from Portland, Mr. Joyce, how the three members on the Real Estate Commission are going to operate for the rest of the year with a beginning balance of minus \$5,000?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would be more than glad to answer the question to the good gentleman from Portland, Mr. Joyce. As I understand the debate here this afternoon, a great deal of that money is owed to the contingency account, and I am sure that if the Governor of this state wants to carry them, he can. If this legislature allows him to carry that department, he will.

There is a study that Mr. Brannigan has talked about in this bill in regards to the Real Estate Commission, and I submit that this legislature, this House and the other body has given it considerable study, and our failure to act on this particular document this afternoon will give it more study. And more importantly than that, it is going to give them accountability, Mr. Gwadosky, so I don't think this House should be worried about the deficit in that department at the moment, because the director of the department, who happens to be the Governor of this State, they work at the pleasure of the Governor in terms of their operation and it owes itself money. We don't have to worry about that deficit right at the moment because they will be able to continue not at the rapid, reckless pace that they have been used to but at a more cautious, controlled one that would be given by our guidance here today in failure to pass this bill, and I urge the House to support my colleague here on the other side of the aisle in just that. Let's kill the bill this afternoon.

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

Mr. SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: With apologies to Sir Walter Scott, "Oh, what a tangled web we weave when first we practice to deceive." There were a good many, I guess you might call them half truths, that went pertaining to this particular piece of legislation. As a matter of fact, when confronted with facts they admitted they might have stretched the truth a little bit, and I think today that this piece of legislation the Executive Branch has sort of dealt us from a stacked deck and is sort of holding a gun to our heads saying that we are going to close this down. I say it is time to call their bluff. We have got a full house here today, it is time to call a bluff, and I hope that Representative Davies hasn't closed that pine coffin and we can ship this out of state along with the banking bill.

Mr. Speaker, if the yeas and nays haven't been asked for, I ask for a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in

favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Cahill, Callahan, Carroll, Chonko, Conary, Cox, Crowley, Curtis, Damren, Davies, Davis, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Gillis, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jalbert, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Lisnik, Livesay, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McColister, McGowan, McPherson, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perkins, Perry, Peterson, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Sherburne, Small, Soule, Stevenson, Tarbell, Telow, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Beaulieu, Berube, Brown, A.; Brown, K.L.; Carrier, Carter, Clark, Conners, Connolly, Dudley, Foster, Gowen, Hanson, Hobbins, Huber, Jacques, Jordan, Joyce, Kane, Kelleher, Martin, A.; McHenry, McSweeney, Michaud, Nelson, A.; Paul, Reeves, J.; Salsbury, Smith, C.B.; Smith, C.W.; Stover, Strout, Studley, Swazey, Theriault.

ABSENT—Baker, Cunningham, Fowlie, Gavett, Hunter, LaPlante, Laverriere, Lewis, MacBride, Nelson, M.; Pines, Randall, Rolde, Soulas, Tuttle.

Yes, 101; No, 35; Absent, 15.

The SPEAKER: One hundred one having voted in the affirmative and thirty-five in the negative, with fifteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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

Mr. KELLEHER: Mr. Speaker, I move that the rules be suspended for the purpose of offering a Joint Resolution.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the rules be suspended for the purpose of offering a Joint Resolution. Is there objection?

The Chair hears objection.

Whereupon, Mr. Pearson of Old Town 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 suspension of the rules for the purpose of offering a Joint Resolution. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Beaulieu, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Gillis, Gowen, Gwadosky, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lisnik, 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, O'Rourke, Paradis, P.; Paul,

Pearson, Perry, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Sherburne, Smith, C.B.; Soule, Stover, Strout, Swazey, Theriault, Thompson, Treadwell, Twitchell, Vose, The Speaker.

NAY—Armstrong, Austin, Bell, Brown, D.; Brown, K.L.; Cahill, Connors, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Foster, Holloway, Hutchings, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lancaster, Livesay, Lund, Masterman, Masterton, McPherson, Nelson, A.; Paradis, E.; Perkins, Peterson, Reeves, J.; Salsbury, Small, Smith, C.W.; Stevenson, Studley, Tarbell, Telow, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Baker, Cunningham, Fowlie, Gavett, Hall, Hunter, LaPlante, Laverriere, Lewis, MacBride, Nelson, M.; Pines, Randall, Rolde, Soulas, Tuttle.

Yes, 91; No, 44; Absent, 16.

The **SPEAKER**: Ninety-one having voted in the affirmative and forty-four in the negative, with sixteen being absent, and ninety-one being more than two-thirds, the rules are suspended.

On motion of Representative Kelleher of Bangor, the following Joint Order: (H. P. 2437) (Cosponsors: Representatives Martin of Eagle Lake and Murphy of Kennebunk and Senator Gill of Cumberland)

Joint Resolution Memorializing the President and Congress of the United States to Refrain From Reductions in Social Security Budget

WE, your Memorialists, the Senate and the House of Representatives of the State of Maine in the One Hundred and Tenth Legislative Session now assembled, most respectfully present and petition the Honorable Ronald W. Reagan, President and the Members of Congress of the United States, as follows:

WHEREAS, a reduction of \$40 billion in the Social Security program has been proposed in an effort to reduce the deficit in the federal budget; and

WHEREAS, the Social Security program is vital to the well-being of the elderly of this country, many of whom depend on benefits received from this program for their basic needs; and

WHEREAS, any reduction in the Social Security program would seriously jeopardize the ability of the elderly to maintain their existence in light of rising costs and decreased services; and

WHEREAS, reductions in other areas of the federal budget would be preferable to cutting the benefits of persons dependent on social security for their survival and many of whom have no other way to support themselves; now, therefore, be it

RESOLVED; That We, your Memorialists, respectfully urge and request that the Honorable Ronald W. Reagan, President of the United States and the Honorable Members of the Congress of the United States, refrain from making any reductions in the current level of services provided by the Social Security Program; and be it further

RESOLVED: That a copy of this Memorial, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to President Ronald W. Reagan; to the Honorable George Bush, President of the United States Senate; to the Honorable Thomas P. O'Neill, Speaker of the United States House of Representatives; and to the Members of the Maine Congressional Delegation.

The Resolution was read.

Mr. Kelleher of Bangor requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having

expressed a desire for a roll call, a roll call was ordered.

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

Mr. **TARBELL**: Mr. Speaker, Ladies and Gentlemen of the House: I have nothing against the Social Security System. In fact, both my parents survive, and our elderly citizens, who are on the Social Security system.

It is my understanding that the administration has proposed a 7.5 percent cost-of-living raise in benefits for next year's budget, not \$40 million reduction in benefits as this measure before you suggests. It's misleading, it's inaccurate; for that reason I did not and could not support its introduction in the Legislative Council, which turned it down, and will not and cannot support it on the floor of this House. It's a cruel hoax on the people of Maine, on Congress, on the President, it's a distortion.

The fact of the matter is, the administration has proposed a 7.5 percent increase, cost-of-living raise, for Social Security recipients in next year's Social Security budget. The administration has also proposed, pursuant to an ongoing study, internal administrative cost savings of around \$40 billion in the program. Now, I am not a Social Security expert and I doubt there are too many of them on the floor of this House or in the other body, but I do know that the Social Security System is one vast bureaucracy with one huge budget in this country and I do know that there are computer foul ups every day that could be corrected and should be corrected. I do know there are people who are no longer living that are still receiving benefits, and I know that there are people who are living that are receiving benefits who are not even elderly and entitled and eligible for them, and I know there are people who are receiving not two checks a month or three checks or four checks but multiple checks.

I am convinced that there is the capacity to make internal savings to bring about the fiscal integrity of the program so that we do protect the recipients. If this measure were accurate and it reflected the facts as being debated down in Congress, I would support it, but it isn't, and for that reason I will not.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: Thank you, you kind members who voted to allow us an opportunity to address an issue that is not only pressing in this country but more importantly to us here in Maine to the very elderly people in our state who have to survive, not only survive but some of them barely exist on Social Security benefits.

I would submit to this House that this Joint Resolution that is before us is not misleading, that there are thousands and thousands of elderly people in this state who rely upon the Social Security System and rely upon the increased benefits that are granted to them through the Congress of the United States every year. Their increases in the Social Security System in terms of better benefits is no different than what this House did just a few weeks ago in increasing the Retirement System for the men and women who have been on the Maine State Retirement System and earn the benefits which they so richly deserve and also earn the respect of this House and the other body by giving increased cost-of-living benefits to those people who are on our Retirement System.

I am frightful of what is happening in Washington, and I am 40 years old in regard to the Social Security System and some day I may be on it or you may be on it, but there are a great many of us who know that there are large numbers of Maine people dependent upon Social Security, and the attitude of some in Washington in regards to the old argument that it's too big, it's too burdensome, it's a bureaucracy, it is like saying that if you give increases to AFDC,

to the people of the state, that there are some who might misuse the system so the system is all bad. Well, the Social Security System, my dear friends, is not all bad. In fact, it probably keeps a great many people surviving, living on very meager earnings in this state, and as far as I am concerned as a member of this wonderful body, I am telling Washington to keep their hands off the Social Security System to the point that I don't want the old and the needy in this state fighting for it.

You know, a lot of people are scared to death, elderly people, about what is going to happen to Social Security and their future. You know, when we are 40 years old or younger in this House and we are a long ways from drawing Social Security, things don't frighten us quite as easily as it does the elderly in this state.

Some people told me today that they didn't think Congress would pay any attention to it. I don't believe that. I believe our President will read the attitude of the Maine House and hopefully the other body, that our Congressmen and Congresswomen that are down there will listen to us. They are all concerned about what is happening to Social Security and there is no reason why this House shouldn't give the benefit of its thoughts to those people.

We hear from our constituents every day. You know something, those four men and women in Washington are going to hear from their constituents, they are going to hear from 151 in this House this afternoon. This is an opportunity for you and I to write a joint letter, just like sending it to Santa Claus, only our shopping list is just referring to one single issue, Social Security, that we don't want them tinkering with it to the point of jeopardizing it and frightening the people of this state.

Some of those rascals down in Washington want to defer an increase in July in Social Security. That doesn't make any difference to most of us sitting here, most of us, because we either are not getting Social Security or we don't need it at the moment, but it sure scares the dickens out of a lot of people in this state.

I don't view this in one single way as a political issue. May God be my judge standing here—I don't think you can play with the fears of the elderly of this state on a political issue. That isn't my purpose at all.

I am delighted that most of you have joined me in allowing this in, and I hope all of you will join with me for its passage.

Mr. Tarbell, it's not a poorly written document and it is not full of holes, as you might want us to believe, and it is not inaccurate, it is accurate and I would urge this House to support it here this evening.

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

Mr. **BROWN**: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelleher, I don't believe in Santa Claus anymore, but I guess you do.

I generally have breakfast at one of the local restaurants in Livermore Falls every morning during the week and I have an opportunity to talk to many of my constituents. They know what we are doing down here better than I think sometimes we give them credit for. They said to me this morning, Darryl, what's going on down there in Augusta today? I said, well, we are coming down to vote on the state employees' contract. It's long overdue, it's about nine months overdue and today we are going to take care of that. They looked at me a little suspiciously, so I had to continue. I said, well, maybe that's not all we're going to do because this is an election year and one never knows what some member of the body is going to attempt to use as a political springboard. This is how I envision this particular resolution before the House today, as a political springboard.

This isn't Congress. We don't have the Ultimate responsibility of determining what is going to happen to the Social Security System.....

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

Mr. KELLEHER: Mr. Speaker, I rise on a point of order. I question his right or the right of any member of this House to question the integrity of another member in presenting an order.

The SPEAKER: In response to the request of the gentleman from Bangor, Mr. Kelleher, the Chair would indicate to the gentleman from Bangor, Mr. Kelleher and to the gentleman from Livermore Falls, Mr. Brown, that the Chair is sure the gentleman from Livermore Falls, Mr. Brown, was not attempting to impugn the integrity of any one member of this body. The Chair would suggest that the language be made clear in order to reflect that. The gentleman may continue.

Mr. BROWN: Absolutely, Mr. Speaker, and I did not at any point intend to impugn the integrity of any member of this body. My point, rather, is that we did come down here for the primary purpose of dealing with the state employees' contract. It is now twenty minutes of six and I don't believe that we have done that yet.

I don't think there is a member of this body that is not concerned about the continuance of a sound Social Security System in this nation, but I think all of us recognize that this is a system that is in, indeed, in an awful lot of difficulties.

My point in rising was simply to point out that we did come down here for a particular purpose, I believe, and we have before us at least six bills, some of which most of us haven't even seen until today, and now a Joint Resolution which we didn't see until today. I think it is wrong for us at this late hour to consider these kinds of issues in a Special Legislative Session which was designed to consider just a very few basic items.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I would like to thank the members of the House for the opportunity to speak in favor of this resolution. This resolution, which carries bipartisan sponsorship, I hope reflects the long seeded support for Social Security, that commitment to our citizens we have in this chamber, those citizens who after a lifetime of work are entitled to benefits which provide the basic economic security they have earned.

As the debate continues over the fiscal '83 budget in Washington, there should be a clear unified message from the 110th Maine Legislature that the needs of Maine's elderly are one of our highest federal budget priorities. What we are talking about is honesty, to pledge trust and commit government to the people.

The Social Security System has had its share of threats in the last six years due primarily to the cumulative effect of rampant inflation. This Republican President has kept his promise to bring that inflation under control. With that accomplishment, economic stability for the fund is a very real possibility.

In this resolution we ask the President and Congress to stand with the Maine Legislature in support of our senior citizens and the Social Security System.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I have heard some pretty lofty words mentioned recently in the debate on this measure. I would just like to call to your attention that the gentleman from Bangor, Mr. Kelleher, and myself discussed a proposed amendment which I was willing to offer if he would have supported it which would have accurately reflected what the attempt is in this measure, but this measure misses the mark. I would have been glad to support a measure which applauded a 7.5 percent benefit increase that the administration and Congress has supported thus far in the Social Security

benefits for next year, and also applauded their attempt to make up to \$40 billion worth of internal administrative cost savings in the program because the fiscal security of that program is on the brink of disaster and it is and has been for the last several years on the brink of bankruptcy. And if you don't think that doesn't scare the elderly people of our state and the country, nothing does worse than that.

Let's face it. The only way that you are going to resolve that problem is to finally bring about some sound fiscal management and policies with that budget and that program. We have a President and administration that is attempting to on the one hand give those fair cost-of-living raises to people who are recipients of Social Security in next year's budget, but at the same time bring about some fiscal integrity and responsibility to that program so that we can stop this election year demagoguery and election year rhetoric that goes on year after year over that program and stop frightening the elderly people of our country and our state. This measure before us just continues that, because if you will read it, it says that it fears that there are \$40 billion in the program, meaning benefits, and it opposes any reduction in the program, meaning cost savings, so what it means in essence is, we are going to continue to perpetuate the fear and urge Congress and the President to continue to perpetuate the fiscal security problem of the program and I don't think that's right either.

This is election year and most members in my party on the floor of the House that I have talked to said, we know what the facts are and we're just afraid that if this measure comes up for a vote and it goes out in the media it will sound like we are against Social Security, we're in favor of \$40 billion worth of cuts in people's benefits next year and that the people won't understand the merits and the facts of this issue. I hope that the media will report it accurately, I trust that they will, because this measure doesn't do what we would like to do, which is the 7.5 percent cost-of-living raise and which is some administrative cuts to maintain the fiscal integrity. If we can't do that, then I don't think we should be passing this measure today.

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

Mr. JALBERT: Mr. Speaker, respectfully I would like to correct the young man from Bangor, Mr. Tarbell. He says this measure doesn't do what we want to do. This measure does what I want to do and it does what the majority of this House wants to do. It doesn't do what you want to do, Mr. Tarbell, and what you wanted to write in an amendment was a pro-Reagan amendment, and you wanted to tell Congress how to pass a law, just how to pass it. This memorial doesn't do that. It just suggests to the Congress of the United States just how we feel about the elderly and about Social Security. That's exactly what you wanted to do in trying, and I use this, Representative Tarbell, in a very kindly way, I don't want to have you be offended, but if you are going to pick my friend Representative Kelleher's pocket, wait until it gets dark, don't do it in the daylight.

This is a good order and I am going to support it, and the thing you want to do, Mr. Tarbell, if you feel that way about it, is not to support it because that is what you said on the floor of the House. This idea that you wanted, a 7.5 percent, was strictly a con game as far as I am concerned, and I have been around a few semesters and I have pulled a few con games on my own and I recognize one when I see one. For trying to pull that kind of a deal, I give you a triple-A; for trying to kill the order, I give you a minus zero.

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

Mr. ARMSTRONG: Mr. Speaker, I would like to pose a question to one of the sponsors of this bill, Representative Murphy from Kenne-

bunk. Basically, it looks to me like we are talking about a 40 percent reduction which is being proposed by President Reagan and the federal government.

If this is in fact a \$40 billion reduction in benefits and I vote for it, I am going to catch the devil from my mother, who is a widow, and my wife's grandmother who is a widow, and who rely heavily on Social Security. If in fact this \$40 billion is a savings in administrative costs, cost reduction of the distribution of the services and I vote in favor of it, I am probably going to hear from all my good friends who are still paying into the system. Representative Murphy, can you clarify what this \$40 billion we are talking about represents?

The SPEAKER: The gentleman from Wilton, Mr. Armstrong, has posed a question through the Chair to the gentleman from Kennebunk, Mr. Murphy, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. MURPHY: Mr. Speaker, I didn't mean to appear not to be paying attention to the good gentleman, but I was just reading an article in the Bangor Daily News in terms of the delegation from Maine coming out against the \$40 billion recommended cuts, and the \$40 billion are unspecified as to where those cuts would come from, but the \$40 billion is the target figure which came from a special study commission and also from the President and Senate leaders last week.

The SPEAKER: A roll call has been ordered. The pending question is on adoption of the Joint Resolution, House Paper 2437. All those in favor of this Resolution being adopted will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Curtis, Davies, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Hutchings, Ingraham, Jackson, P.C.; Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lisnik, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McColister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Salsbury, Sherburne, Smith, C.B.; Soule, Stevenson, Stover, Strout, Swazey, Telow, Theriault, Thompson, Treadwell, Twitshell, Vose, Webster, The Speaker.

NAY—Brown, D.; Brown, K.L.; Conners, Damren, Davis, Day, Jackson, P.T.; Jordan, Lancaster, Nelson, A.; Peterson, Smith, C.W.; Studley, Tarbell, Walker, Wentworth, Weymouth, Willey.

ABSENT—Baker, Cunningham, Fowlie, Gavett, Hunter, LaPlante, Laverriere, Lewis, Livesay, MacBride, Nelson, M.; Pines, Randall, Rolde, Soulas, Tuttle.

Yes, 116; No, 18; Absent, 17.

The SPEAKER: One hundred sixteen having voted in the affirmative and eighteen in the negative, with seventeen being absent, the Resolution is adopted.

Sent up for concurrence.

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

Special Sentiment Calendar

The following items:

Recognizing:

Leroy Darling, Chief of Police of Westbrook, who is retiring after 23 years of dedicated

public service; (S. P. 1012)

Rev. Antonio Gosselin, Pastor of St. Hyacinth's Church, of Westbrook, upon serving 40 years in priesthood; (S. P. 1014)

Warren Davenport, of Wayne, recipient of the Kennebec County "Dairyman of the Year;" (S. P. 1011)

Dennis J. Patterson, of Eliot Troop 340 and son of Mrs. Melody Patterson, who has attained the high rank and distinction of Eagle Scout; (S. P. 1015)

Michael Thibeau, Jr., of Eliot Troop 340 and son of Mr. and Mrs. Michael Thibeau, who has attained the high rank and distinction of Eagle Scout; (S. P. 1016)

William Spinney, of Eliot Troop 340 and son of Mr. and Mrs. Tyler Spinney, who has attained the high rank and distinction of Eagle Scout; (S. P. 1017)

Chris Millar, of Eliot Troop 340 and son of Lt. Colonel and Mrs. J. D. Millar, who has attained the high rank and distinction of Eagle Scout; (S. P. 1018)

Carl and Marie Bridges, of Penobscot, who are celebrating the 50th anniversary of their wedding; (S. P. 1019)

George MacLeod, the father of career education in Maine, who is retiring after 26 years in the South Portland schools, including work with computer programming, CETA and work as teacher, guidance counselor, assistant to the superintendent and assistant superintendent; (S. P. 1020)

David N. Sherburne, Troop 158 in Lewiston, upon achieving the high rank and distinction of Eagle Scout; (S. P. 1022)

Normand Marquis, of Boy Scout Troop 158 in Lewiston, who has received the Pope Pius XII Religious Award, the highest religious award in scouting, and who has attained the high rank and distinction of Eagle Scout; (S. P. 1023)

Alfred and Leona Harris, of Bailey Island in Harpswell, who celebrated their 50th wedding anniversary on May 3, 1982; (S. P. 1024)

Winifred W. Curtis, M.D., of Harpswell, who was named Harpswell's 1982 Citizen of the Year by the Merriconeag Grange of North Harpswell; (S. P. 1025)

Gilbert Palmer, of Freeport, North Yarmouth Academy senior class president and Valedictorian, who has been named a National Merit Scholarship Finalist for 1982; (S. P. 1026)

Lisa Hodsdon, of Pownal, senior at North Yarmouth, academy, who has been named a National Merit Scholarship Finalist for 1982; (S. P. 1027)

Donald J. McKissock, of Topsham, who received the Joshua Chamberlain Award for promoting understanding between the military and civilian communities by the Military-Community Council; (S. P. 1028)

In Memory of:

Catherine A. Conley of Portland, mother of State Senator Gerald P. Conley; (S. P. 1021)

The Honorable Odilon J. Bernier, a distinguished member of the 104th and 105th Maine Legislatures; (S. P. 1013)

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

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

Special Sentiment Calendar

The following items:

Recognizing:

Mr. and Mrs. Dewey Winchenbach, of Waldoboro, who recently celebrated their 65th wedding anniversary; (H. P. 2433) by Representative Curtis of Waldoboro.

Nettie Winchenbach, of Waldoboro, who will celebrate the 90th anniversary of her birth on June 13, 1982; (H. P. 2432) by Representative Curtis of Waldoboro.

Lynn Wunderlich, daughter of Mr. and Mrs. Robert Wunderlich of Limestone, who has been chosen Salutatorian of the 1982 graduating

class of Limestone High School; (H. P. 2431) by Representative Pines of Limestone.

Michael Levasseur, valedictorian, and Michelle Bouchard, salutatorian, of the 1982 graduating class of Van Buren District High School, S.A.D. #24; (H. P. 2434) by Representative Martin of Van Buren. (Cosponsor: Senator Viollette of Aroostook)

Ginger Lord, of Winslow, who won the 97-pound title at the Women's World Powerlifting Championships in Birmingham, England; (H. P. 2436) by Representative Carter of Winslow.

Sherry DeRosby, of Mechanic Falls, for heroism in saving a child from drowning; (H. P. 2438) by Representative Boyce of Auburn.

William Howes, who has been named to the Class C Basketball All-Maine Third Team; (H. P. 2439) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative Smith of Island Falls)

Michele Nelson, who has been named Miss Greater Lincoln for 1982; (H. P. 2440) by Representative Michaud of East Millinocket. (Cosponsors: Senator Pray of Penobscot and Representative MacEachern of Lincoln)

Betty Ordway, of East Millinocket, who is retiring after 19 years as secretary to the selectmen; (H. P. 2441) by Representative Michaud of East Millinocket. (Cosponsor: Senator Pray of Penobscot)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Passed to be Enacted

An Act to Authorize the State Director of Public Improvements to Lease a Certain Parcel of Land to the Augusta Sanitary District" (S. P. 1010) (L. D. 2150) (S. "A" S-479)

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

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

Finally Passed

Emergency Measure

RESOLVE, Adjusting the Authorized Expenditures of Cumberland County for the Year 1982 (H. P. 2422) (L. D. 2154)

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

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

Passed to Be Enacted

Emergency Measure

An Act to Amend the Banking Code to Correct an Omission Regarding the Deposit Authority of Thrift Institutions (H. P. 2430) (L. D. 2156)

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

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

Consent Calendar

First Day

(H. P. 2420) (L. D. 2152) Bill "An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-Influencing Position Within the Department of Human Services" (Emergency)—Committee on State Government reporting "Ought to Pass"

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

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

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

Passed to Be Enacted

An Act to Create an Excise Tax on Mining Companies and Regulate Mining Activities (H. P. 2428) (L. D. 2155)

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

The SPEAKER: The Chair would ask the gentleman from Windham, Mr. Diamond, to approach the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Representative Diamond assumed the Chair as Speaker Pro Tem and Speaker Martin occupied his seat on the floor.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wish to take this opportunity, and hope to be brief, to spend a few moments with you as members of the House to speak about a piece of legislation which has become rather close to my heart because it happens to deal with an issue which is in my legislative district. I speak as the Representative from Eagle Lake and in part Representative of those areas, in particular Portage and Ashland, which will have the greatest impact as a result of the location of this particular mine, that being Bald Mountain.

As some of you may know, two years ago there was the discovery which led to the major ore find and at that point there was tremendous involvement in attempting to determine what ought to be the mining policy for the State of Maine. There was a great deal of pressure from all sides as to what this state ought to do and when we ought to do it. We went through some tremendous operations in the legislature attempting to find the best policy and perhaps a quick fix for the problem. At the end of last session, the issue was sent out to study to the Taxation Committee, at which point we really did not do very much with it.

Earlier this year, a new bill was submitted by the Governor's Office, the Executive Department, to the Taxation Committee, and at that point we started anew.

Sometime in February, I started working on what became called by some people, heaven forbid, the Martin-Post bill, and that is one of the reasons I do want to discuss the issue briefly with you.

There were some people who attempted to assume that I was opposed to mining in Maine, and that has never been my position, it never was from the beginning and it is not now, but it was then and is now my position that if we were to have mining legislation in Maine, it ought to be not only to satisfy one company, it ought to be to satisfy the entire State of Maine and whatever other industries related to it that we might have.

At the end of the Second Regular Session, at that point there arose some new drafts, two other drafts, as I remember, started pouring in at that point and the committee decided that what they would do is put it out to study.

I want to congratulate at this time the Taxation Committee for the tremendous hours that

they spent on this piece of legislation and for allowing the gentlewoman from Owl's Head, Mrs. Post, and in particular the members of the committee who the gentlewoman from Owl's Head, Mrs. Post, kept until two and three o'clock in the morning working on this legislation at various places in the City of Augusta, including the State Planning Office. In addition, I think we ought to take this opportunity to thank the staff of the State Planning Office and also, I suppose, the lobbyists who were involved who had to take the pains of the Taxation Committee from time to time, and I suppose even my own.

There were five issues that were rather important to me and I think to the people that I represent, some more important than others. They were, of course, the issue of the method of taxation; secondly, the question as to when the tax would occur and the reimbursement problem to municipalities, the question of tree growth penalty and the question called CWIP. All of those issues were addressed by the committee. I would like to deal with two of them because they are obviously more important to me as a member of that legislative district and in particular to Aroostook County, one being the reimbursement formula.

The formula that you find in this redraft is the result of the work that was done by an individual who did tremendous work for the committee, in particular for myself, that being John Hull. The municipal component in this particular document, in my opinion, helps tremendously the problem that municipalities will have in adjusting to the mine being located in their backyards or, for that matter, to the mine being located in your backyard if one of those should develop.

The other issue is one that became important to me because of what I consider to be the high price of electricity in northern Maine. As some of you may know, we happen to be served by a rather small utility, the smallest in Maine, Maine Public Service, which serves most of Aroostook County. It happens to have purchased at one point 4 percent of Seabrook. As a result of that, there is going to be a tremendous add-on cost, if it is allowed by PUC, because of construction work in progress, and we don't know the final result at this time but we know that it is going to be high and it could have a tremendous impact, as much as five to twenty dollars a month, depending on who you talk to, on one's electrical bill in Aroostook County if you use 500 kilowatts. That became an important issue to me and I indicated at that time that the issue would not be resolved in reference to mining until that issue was resolved.

Peter Bradford did a great deal of work on the issue and finally, on Tuesday, it was documented beyond a shadow of a doubt that Maine Public Service made the decision to buy into Seabrook prior to Superior ever locating or deciding that there was even ore at Bald Mountain. I think that that realization, in my mind, brought me to the final realization that I could not impose upon an industry, in this particular case mining, a CWIP charge which would be placed on them as an industry over which they had absolutely no control when the utility decided to make that decision to buy into Seabrook. Unfortunately, I had hoped that perhaps we might be able to work out something where the mining company might pick up some of the cost of CWIP, but in my final realization it simply would not be fair to them.

As a result of that, I can simply say to those who continue and must continue to be interested in the high rates in Aroostook County, in particular those legislators who represent that area, that we will have to deal with the issue before the Public Utilities Commission and in particular deal with Maine Public Service, because if we don't we will drive out industry in Aroostook County.

Finally, I would like to read into the record something which I thought was important

enough, and I told the company early on that it seemed to me that the State of Maine as a legislature could not deal with this mining bill until such time as they guaranteed us that they would not be coming to this legislature or the legislature which will be coming in January, actually in December, with a piece of legislation now that they had a mining bill in place, that they would not come forth with a piece of legislation to change the water classification.

Environmental concerns happen to be one of those which I have had some interest in over the years. I am the only remaining member of the delegation from Aroostook who was here when declassification of the Prestile Stream occurred. I am one of four legislators left in this body who was here when that vote was taken—the gentleman from Winslow, Mr. Carter, the gentleman from Lewiston, Mr. Jalbert, and the gentleman from Enfield, Mr. Dudley. I can assure you that I did not want to bring this legislature or myself or the people of Aroostook through another one of those operations which took place at the time, so I asked for assurances from the company and I will read it to you because I think it is important enough to the people of Aroostook that it ought to be made part of the record. It is addressed to me, the Speaker's Office.

"Dear Representative Martin: In answer to your recent inquiry as to whether Superior has any further plans to seek legislative permission to discharge into Class A waters, or otherwise seek changes in the water pollution statutes of the State of Maine, I can state that we have virtually no plans to seek any such changes.

"As you know, we have recently decided that if there is to be a discharge, we will spend extra money to pipe that discharge to the closest Class B river, that being the Aroostook River, nearly 20 miles away. This decision was made because of the small size of the Class A water bodies in the vicinity of the mine.

"I can appreciate your concern for the environment of the area and want to assure you again that we will do whatever is necessary to comply with present laws and to preserve the environmental values which we know are important to you and to others in the State of Maine. Very truly yours, Jackson M. Linton, President of the Superior Mining Company and General Manager of Minerals Division."

I put this letter into the record because some of us and some of you may not be back in the next legislature. We don't know what is going to happen in the future, but it is important that the record be clear that it is not the intent of this legislature, those of us who are here, to change the water classification. I did that in part because when the initial plans were presented, the first desire of the company was to present a water discharge into the Fish River. I reminded them at that time, when I found out that was the case, that that happened to be the area where the Town of Eagle Lake got its drinking water.

The next time I saw the plan, I found that they had diverted it to the other side of the mountain and the water was going to be going into the Machias, which happens to be the source of water for the Town of Ashland. At that time, I reminded them that that was the water source for the Town of Ashland and that would be unacceptable to me and to the people of that town, and as a result of that, the change was made to the Aroostook River. I can assure the gentleman from Caribou, Mr. Peterson, and the gentleman from Caribou, Mr. Matthews, that we will all have to be ready to make sure that the law is not changed, in particular since it is the drinking water for the community of Caribou.

In my opinion, I think the Taxation Committee has done a tremendous job in attempting to put mining legislation together. I think it is of interest to all of us to have a piece of legislation on the books which will allow mining in the state, because without it, in effect, we

would have none. So I certainly hope that the members of this legislature will adopt this piece of legislation today, even though the hour is late.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I was waiting for a question that I thought was coming so I might only have to get up once, but I will try it this time anyway.

For the record, Mr. Speaker, I would like to clarify two statements that have been made previously on this legislation as it has gone through the process. One has to do with Section 2864, having to do with just value in the L. D. What this provision does is provide the State Tax Assessor with a method to determine just value. This is an accepted method which, if used properly, gives constitutional just value. As in any other calculation, the underlying figures must be reasonable if the result is to be reasonable.

The State Tax Assessor is not mandated to use company information, but this section simply provides a method through which he determines just value using reasonable figures not limited to those provided by the company for the required computations.

For the second clarification, the Speaker discussed a bill in which our names, either fortunately or unfortunately, were linked together, and for the record, as I remember it in the draft, it was the Post-Martin Bill.

Also, there were several people who worked very hard, and I have to say this because everybody involved has worked very hard and put a lot into it, he, inadvertently, I am sure, didn't mention Julie Jones, our staff person from Legislative Assistants, she really put in some long hours with us and did an excellent job, and as anyone probably knows who has seen her recently, she is expecting a child in a couple of weeks, so those long hours were probably particularly long for her. I think after doing all that work, that child, and we talked about it a number of times and the committee members have all said that we know the child is going to be 'Superior' and we expect it is going to be 'Bald' but we really do hope that she doesn't name it 'CWIP'.

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

Mr. McHENRY: Mr. Speaker, I would like to pose a question to the gentleman from Eagle Lake, Representative Martin. I am just wondering, he said the utilities had asked to buy 1.4 of Seabrook and you stated that it was asked prior to Baldwin Mountain? If so, was it approved by the Utilities Commission before Baldwin or is it now in the process of being approved?

The SPEAKER Pro-Tem: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to the gentleman from Eagle Lake, Mr. Martin, who may respond if he so desires, and the Chair recognizes that gentleman.

Mr. MARTIN: Mr. Speaker and Members of the House: I would like to respond by saying that at the time the request was made, or that the purchase was made by Maine Public Service, there was no requirement and no state law which required that any purchase made by a utility outside the state have the approval of the Public Utilities Commission. We have since, I believe last year, changed the law which now requires that any purchase from outside the state be with the approval of the Public Utilities Commission.

I would also point out that in light of that, Superior was not involved in that decision at all, it was made prior to that. At the present time there is a request by Maine Public Service to fund 35 percent of the CWIP charges in the electrical bills of the people of Aroostook.

Again, it has nothing to do with Superior.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Taxation Committee and we have worked very, very hard. I would like to make it perfectly clear that although we have referred to the County, Arrostook, several times, this bill is not tailor-made for Superior Mining, it is made for the State of Maine where there is a potential of many minerals and many explorations are now going on. We just hope that we have come up with the best possible bill for the good of the State of Maine, its people and the potential industry that may come in involved in minerals.

I would also like to say that several people have mentioned that this bill has been dropped on us suddenly. There is nothing sudden about this bill, particularly if you were on the Taxation Committee. A mining bill was presented last year, another one was presented early on this year and then five different versions were presented toward the end of this session, and since then we have worked intensely on the bill. As I refer to it, it is not a new bill, it is a refined bill.

I hope you will support the measure.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to any member of the Taxation Committee or Representative Martin concerning a couple of items within the bill.

On Page 3, commencing with line 6, it says: "The Board shall consult with the Commissioner of Conservation, the Commissioner of Environmental Protection, the Commissioner of Inland Fisheries and Wildlife and the Director of the State Planning Office and such other state agencies as may be necessary in making decisions on the expenditure of funds or transfer of responsibilities."

Then over in the Statement of Fact on Page 25, commencing with line 36, it says: "The funds may be used to purchase and develop parks and recreational facilities, wildlife habitats, marine habitats in natural areas and to restore the quality of marine waters, lakes, rivers and streams."

My question is this, do you feel that the language in this bill reads so that these duties would be delegated to the bureaus that are already set up to do these things? In other words, we'll say they find something that would be desirable, some piece of land that would be desirable for one of these activities. Do you think the bill reads such that this Board would merely turn the money over, for instance, to the Bureau of Parks and Recreation and they would pursue the development, and evaluation first, as to whether or not the area was suitable for a park?

I know in the past the State Parks Commissioners had difficulties in that they had been offered many, many different parcels of land and really they haven't been suitable to us for parks, and somebody has got to make a decision who has the expertise as to whether or not it is good for the State of Maine. I just wonder, because it says that they can purchase and develop. It would look to me as if they were going to get into the development business rather than turning it over to a bureau that we already have in place.

The SPEAKER Pro-Tem: The gentleman from Monmouth, Mr. Davies, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: As you look at that section as far as purchasing real estate, and also in terms of transferring responsibilities and other areas

where the board is able to expend funds, they are all controlled by the general plan and that plan has to be approved by the legislature.

The committee felt that while we wanted to establish a fund and a board, that we wanted to continue on with legislative oversight. A plan of past activities has to be submitted biennially to the legislature and the Governor, and an annual general plan of expenditures and activities for the coming year has to be submitted to the legislature for approval.

I think we have left that so that the legislature, as this trust fund is established, has the capability of exercising the kind of legislative oversight that it wants, and if that plan is not as specific as what they would like, they can make it more so. If in that plan they want to write that park land, for instance, may only be purchased under certain circumstances or after approval of certain agencies, that also could be part of the plan.

We have not tried to tie the hands of how the legislature and the board work out their relationship in the future but have made it very clear that it will be this legislature and future legislatures which will have the ultimate authority.

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

Mr. BRODEUR: Mr. Speaker, I would like to pose a question through the Chair. Does this bill in any way commit future legislatures to the tax rates as they are written in the bill.

The SPEAKER Pro-Tem: The gentleman from Auburn, Mr. Brodeur, has posed a question through the Chair to anyone who may wish to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: As we are aware, I think, we cannot bind future legislatures to any action. What the State of Maine is saying now is that this is our tax policy. I think that those of us who have been involved in the issue hope that it is a sound enough tax policy that it can last, that it is helpful to the state, certainly, and it is helpful to mining companies as they make decisions about exploration and mining. There is no legal reason why any legislature in the future would not be able to change the tax rates in this bill if they wish. In fact, if they wish, I suppose they could do away with the whole thing. Again, I would hope that they wouldn't do that.

It is going to be an issue that we put on the books, and I think that everyone who is here will be looking out to see how it works.

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

Mr. BROWN: Mr. Speaker, I would like to direct a question through the Chair to any member of the Taxation Committee or to Representative Martin. It refers to Section 17 of the bill, on Page 24 under "Study" and I seem to get the impression from Section 17 that there may be some constitutional problems with this bill that are going to be corrected later. If that is the case, that bothers me a little bit, and I am just wondering if somebody on the committee could perhaps clear that up for me.

The SPEAKER Pro-Tem: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: It is not that there are constitutional problems with the bill that have to be cleared up later. What is actually the situation is, as we looked at the issue of mining, we recognized that there were problems in development, some problems such as what happens when land is withdrawn from tree growth and what type of penalty is applied. We have attempted to clarify or take care of it by statute.

In the process of looking at the tree growth statute and looking at the municipal reimbursement statute, it became clear to us that those two issues, those two constitutional provisions, not necessarily in relation to this bill, but that those two constitutional provisions needed further study. For instance, under the municipal reimbursement section, along with later opinions from the Attorney General's Office, the finding has been that the legislature cannot reimbursement for more than 50 percent, even if it wishes. We wish to reimburse more than 50 percent in this instance, and we sort of went around it by saying the other 50 percent would be grants out of the municipal impact fund.

We want to further look at the issue of penalty to make sure we have in fact done all we can do to solve that issue by statute, because I think we all know that when we deal with anything in the Constitution, that takes a great deal of thought and changing the Constitution is only an avenue of last resort. So it is not that we think there is anything unconstitutional in the bill, but we want to see if there are other problems or impediments to mining that could only be solved through constitutional amendment and if there are appropriate ways to do it.

Furthermore, we want to look at those two areas in particular, tree growth and municipal reimbursement, to see if there are any actions that can be taken by this legislature to clarify some situations which may not have anything to do specifically with mining.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As we all know, the copper mine belongs to everybody in the state. Any minerals under the earth belong to the state, and I think it is a very, very, very cheap sell when we sell it for .9 percent to 3.5 percent of the total net assets of what it is worth to anybody. I wish I could go out and buy anything in this state that belongs to everybody for .9 percent, or up to 3.5 percent of its value. If I were to go out and cut trees on land which belongs to the state and pay them .9 to 3.5 percent of what I would get in profit, I would like to be able to do that but I doubt if I could.

These minerals belong to each and every one of us, and I think that this company, as any other copper company, will pollute the streams of the state and we will have to hire more people to police them. I just can't buy it. I think it is going too far.

The SPEAKER Pro-Tem: The Chair recognizes the gentleman from Eagle Lake, Mr. Martin.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: For the record, I think it should be clear that the state owns the minerals under land that happens to be owned by the people of Maine, and secondly, happens to own the land that happens to be located under great ponds, not under your house lot that you happen to own, that is owned by the individual or the corporation that owns that land.

I would also indicate to you for the record that before someone labels this as a tax increase, in effect, under present law, it is a tax decrease.

The SPEAKER Pro-Tem: The Chair recognizes the gentlewoman from Bethel, Miss. Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been developed through many long hours on the Taxation Committee and a lot of work and study has gone into it. It does set up a unique method of taxation for mining.

We found that through our deliberations and discussions with people from all over the country, that you should deal with minerals from the ground in mining activities on the basis designed particularly for that industry. For that reason, you should not look to this tax for set-

ting any precedent for any other industry in this state or indicating any desire on the part of the Taxation Committee to alter any method of taxation for other industries.

There was no discussion in the committee and no feeling that the concept of this bill might be useful in changing our present method of taxation, whether it is income, property or sales tax, for any exemption to those taxes.

This bill stands on its own, it is a highly important piece of legislation, and I am supporting it because I feel it sends a positive signal to those who are willing to invest millions of dollars in this state that we want them to continue to come here and do their research and look for their minerals and hopefully develop the mining industry in this state.

At this point, Speaker Martin Returned to the rostrum and Representative Diamond returned to his seat on the floor.

The SPEAKER: Pursuant to Article V, Part First, Section 8, this requires a two-thirds vote of all those present and voting. All those in favor of this Bill being passed to be enacted, you will vote yes; those opposed will vote no.

117 having voted in the affirmative and 9 having voted in the negative, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent, ordered sent forthwith.

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

**Passed to be Enacted
Emergency Measure**

An Act to Fund and Implement Certain Collective Bargaining Agreements and Benefits for Other State and Judicial Employees (H. P. 2421) (L. D. 2153) (C. "A" H-783)

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. 125 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

(Off Record Remarks)

Thereupon, the House recessed until the sound of the gong.

**After Recess
7:05 p.m.**

The House was called to order by the Speaker.

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

An Act to Designate the Director of the Bureau of Medical Services as a Major Policy-Influencing Position Within the Department of Human Services (H. P. 2420) (L. D. 2152)

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 of the House being necessary, a total was taken. 104 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement A-3 was taken up out of order by unanimous consent:

Special Sentiment Calendar

The following item:

Recognizing:

Gerald C. Tipper, of Waterville, winner of the Boys' Clubs of America Bronze Keystone

Award for exceptional service; (S. P. 1029)

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

(Off Record Remarks)

At this point, a message came from the Senate, borne by Senator Collins of Knox, informing the House that the Senate had transacted all business before it and was ready to adjourn without day.

(Off Record Remarks)

The following paper appearing on Supplement A-4 was taken up out of order by unanimous consent:

Non-Concurrent Matter

Joint Resolution Memorializing the President and Congress of the United States to Refrain from Reductions in Social Security Budget (H. P. 2437)

Came from the Senate with the rules not having been suspended.

In the House: The House voted to adhere.

The Chair appointed the following members on the part of the House to wait upon His Excellency, Governor Joseph E. Brennan, and inform him that the House had transacted all business before it and was ready to adjourn without day:

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

Subsequently, the Committee reported that they had delivered the message with which they were charged, and the Governor was pleased to say that he would forthwith address the House.

Whereupon, Governor Brennan entered the hall and addressed the members as follows:

Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank you for the prompt disposition of the matters before you. I know that the pay raise will mean a great deal to the morale of State workers, and I would truly like to thank all of you for what I consider to have been an excellent session overall. I believe there have been a lot of achievements in housing, public safety, human services, economic development, energy and in many, many other areas. I think that you can leave here with a great deal of pride in the achievements.

I would like to wish you all well. I know the next time we may meet, some of us may not be so well, some of us may be lame ducks or dead ducks, whatever have you. I have to say, though, it has been truly a delight to work with you over the last year and a half, and I hope to see a lot of you back here again and we will see what happens to ourselves.

Thereupon, the Governor withdrew amid applause of the House, the members rising.

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

Mr. MAHANY: Mr. Speaker and Members of the House: I move the House stand adjourned without day.

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

The motion prevailed and at 8:05 P.M. Eastern Daylight Saving Time, Thursday, May 13, 1982, the Speaker declared the House adjourned without day.