

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

**HOUSE**

Thursday, February 24, 1983

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

Prayer by the Reverend Edward R. Fenderson of the Southport Methodist Church, East Boothbay.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Ought to Pass in New Draft**

Report of the Committee on Business Legislation on Bill "An Act Relating to the Practice of Veterinary Medicine" (S. P. 41) (L. D. 99) reporting "Ought to Pass" in New Draft (S. P. 273) (L. D. 815)

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

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

**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:

**Business Legislation**

Bill "An Act Relating to Posting of and Permits for Signs under the Billboard Law" (H. P. 684) (Presented by Representative Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

**Energy and Natural Resources**

Bill "An Act Concerning Access Roads to Great Ponds and Lakes" (H. P. 685) (Presented by Representative McGowan of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

**Fisheries and Wildlife**

Bill "An Act Concerning the Beginning Date for the Open Season on Deer" (H. P. 686) (Presented by Representative Clark of Millinocket) (Cosponsor: Representative Smith of Island Falls)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act Concerning the Return of Bail After a Defendant Makes an Appearance in Court" (H. P. 687) (Presented by Representative Connors of Franklin)

Bill "An Act Regarding the Motor Vehicle Offenses of Eluding a Police Officer and Passing a Roadblock" (H. P. 688) (Presented by Representative Curtis of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Provide for Reapportionment of County Commissioner Districts" (H. P. 689) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives McHenry of Madawaska, Brown of Gorham, and Bost of Orono) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

**Marine Resources**

Bill "An Act to Revise the Statutes Relating to Fish Weirs" (H. P. 690) (Presented by Representative Vose of Eastport)

(Ordered Printed)

Sent up for concurrence.

**Transportation**

Bill "An Act to Make the Special Motor Vehicle Registration Plate Fee a One-Time Fee" (H. P. 691) (Presented by Representative Curtis of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

**Study Report**

**Committee on Business Legislation**

Representative Brannigan from the Committee on Business Legislation to which was referred by the Legislative Council the study relative to the operation of the Maine Real Estate Commission have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve the Operation of the Maine Real Estate Commission" (H. P. 681) (L. D. 837) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

**Orders**

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

ORDERED, that Representative John Diamond of Bangor be excused February 24 due to illness.

**House Reports of Committees  
Unanimous Ought Not to Pass**

Representative Walker from the Committee on Local and County Government on Bill "An Act Relating to Appointment of a Chief Deputy in Cumberland County" (H. P. 179) (L. D. 208) reporting "Ought Not to Pass"

Representative Perkins from the Committee on Business Legislation on Bill "An Act Concerning Television Receiving Equipment" (H. P. 378) (L. D. 461) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

**Unanimous Leave to Withdraw**

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Require Expiration Dates Be Placed on Prescription Drug Labels" (H. P. 160) (L. D. 184) reporting "Leave to Withdraw"

Representative Murray from the Committee on Business Legislation on Bill "An Act to Amend the Prescription Price Poster Laws" (H. P. 297) (L. D. 356) reporting "Leave to Withdraw"

Representative Michael from the Committee on Agriculture on Bill "An Act Concerning the Transmission of Rabies by Unvaccinated Dogs" (H. P. 236) (L. D. 283) reporting "Leave to Withdraw"

Representative Michael from the Committee on Agriculture on Bill "An Act to Prevent the Improper Tethering of Animals" (H. P. 237) (L. D. 284) reporting "Leave to Withdraw"

Representative Michael from the Committee on Agriculture on Bill "An Act Concerning Domestic Animals Running at Large" (H. P. 238) (L. D. 285) reporting "Leave to Withdraw"

Representative Michael from the Committee on Agriculture on Bill "An Act Concerning Cruelty to Animals" (H. P. 239) (L. D. 286) reporting "Leave to Withdraw"

Representative Michael from the Committee on Agriculture on Bill "An Act to Prohibit the Creation of a Nuisance by Habitually Barking Dogs" (H. P. 240) (L. D. 287) reporting "Leave to Withdraw"

Representative Michael from the Committee on Agriculture on Bill "An Act Regarding Official Refusal on Neglect of Duty" (H. P. 241) (L. D. 288) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

**Ought to Pass in New Draft**

Representative Murray from the Committee on Business Legislation on Bill "An Act Relating to Ownership of Stock in Maine Financial Institutions" (H. P. 259) (L. D. 319) reporting "Ought to Pass" in New Draft (H. P. 682) (L. D. 838)

Representative Conary from the Committee on Business Legislation on Bill "An Act to Amend the Banking Code Regarding Loans to Directors of Financial Institutions" (H. P. 296) (L. D. 355) reporting "Ought to Pass" in New Draft (H. P. 683) (L. D. 839)

Representative Bost from the Committee on Local and County Government on Bill "An Act to Require Printed or Typewritten Names to Accompany Signatures on Documents Filed in the Registry of Deeds" (H. P. 128) (L. D. 136) reporting "Ought to Pass" in New Draft (H. P. 692) (L. D. 863)

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

**Consent Calendar  
First Day**

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

(H. P. 371) (L. D. 454) Bill "An Act to Clarify the Application of Ordinary Death Benefits to Participating Local Districts"—Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 372) (L. D. 455) Bill "An Act to Clarify the Law Relating to Employees of Local Districts Who may Withdraw from the Maine State Retirement System"—Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 25, under the listing of Second Day.

(H. P. 177) (L. D. 206) Bill "An Act to Provide Furloughs from County Jails for 3 Days or More if Reason is Consistent with the Rehabilitation of an Inmate or Prisoner"—Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-24)

On the request of Mr. MacEachern of Lincoln, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-24) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 274) (L. D. 334) Bill "An Act to Ratify Dedication of Fort Sumner Park in the City of Portland"—Committee on Local and County Government reporting "Ought to Pass"

(H. P. 276) (L. D. 336) Bill "An Act to Prohibit Possession of Lobsters by Scallop Boats"—Committee on Marine Resources reporting "Ought to Pass"

(H. P. 155) (L. D. 180) Bill "An Act to Amend the Banking Code Regarding Minimum Amount Entitled to Interest"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-25)

(H. P. 110) (L. D. 117) Bill "An Act Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-26)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 25, under the listing of Second Day.

**Consent Calendar  
Second Day**

In accordance with House Rule 49, the following items appeared on the Consent Cal-

endar for the Second Day:

(S. P. 136) (L. D. 428) Bill "An Act to Clarify Provisions of the Maine Banking Act"

(S. P. 43) (L. D. 101) Bill "An Act to Clarify the 'Hearing Ear' Dog Law" (C. "A" S-8)

(H. P. 261) (L. D. 321) Bill "An Act to Amend Maine's Laws Relating to Credit Unions" (C. "A" H-20)

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

#### Passed to Be Engrossed

Bill "An Act to Provide for a Reduced Fee for Lobster Fishing Licenses for Persons 70 years of Age and Older" (H. P. 662) (L. D. 825)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

#### Second Reader

##### Later Today Assigned

Bill "An Act to Amend the Corporation Laws and Laws Pertaining to Limited Partnerships" (H. P. 680) (L. D. 834)

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

On motion of Mrs. Ketover of Portland, tabled pending passage to be engrossed and later today assigned.

Bill "An Act Relating to Liquor Licenses for Incorporated Civic Organizations" (Emergency) (H. P. 174) (L. D. 204)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

#### (Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

#### After Recess

10:35 a.m.

The House was called to order by the Speaker.

#### Orders of the Day

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

Bill, An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1983 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (S. P. 265) (L. D. 774)

Tabled—February 23, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

Mr. Higgins of Scarborough offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-22) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: To say that the issue of tax conformity is one of some political consequence, as it has been over the last two years, would be an understatement.

In December of 1981, Governor Brennan called the 110th Legislature back into session and asked for members of the Legislature, Republicans and Democrats alike, to conform our tax laws with the newly enacted tax legislation that had been passed in the United States Congress. We came in in December, as I recall, and after some contracted debate enacted a bill that conformed our tax laws to the federal tax laws at a cost of about \$900,000 for that fiscal year.

In addition to that, I might add, we passed another amendment that granted some additional money to the Elderly Rent and Refund Act at that time.

In 1982, however, a year ago, the Governor chose not to submit legislation from his office to conform our tax laws to the federal tax laws because we are one of those states that has to do that every year. Tradition has it, constitutionally I believe, that we have to pass legislation every year for our tax laws to conform with the federal laws, whatever they might be, up or down.

So, over the period of some rocky roads, we finally enacted a bill, after we adjourned the legislature sine die, came back in session, enacted a bill that conformed our tax laws with the federal tax laws for everyone except corporations, large or small, any corporation did not have total tax conformity unless on December 1, 1982, the budget office made a recommendation or a statement that the money in fact was there, some three and a half million dollars.

Everyone was included in this conformity, if you will, individuals, partnerships, subchapter S corporations, everyone except those corporations who chose to be that way for whatever reason, and I say that because there are many small corporations in the State of Maine, Mom and Pop stores, if you will, and I'll use the word 'discriminated' against, in the sense that if the money were not available on December 1, they had a couple of options. Number one, they did not have to use the accelerated cost recovery program as enacted by the Congress, but if they did, they had to add back 18 percent of their total depreciation to their taxable income, which meant they would pay higher taxes instead of lower taxes.

Then the law said, in order to recapture that 18 percent, you may deduct 6 percent over the next three years from your taxes to get the money back. That was, at that time, a fair way if the money was not available, because we were complying but we were still discriminating against those people, in my opinion.

The amendment that I am offering today is one that eliminates that discrimination. It says to those businesses out there, you are not second class citizens, we feel that you need the same sort of conformity that everybody else has in the state for the 1982 year. We are only talking about the 1982 year, for those people who filed income taxes, corporations who filed income taxes through the end of December 1982.

What happens if we don't adopt this amendment? Well, number one, every corporation in the State of Maine who is using ACRS is going to have to keep two sets of books, one for the state and one for the federal — paper work. They are going to have to file amended returns for 1982, and I think some of them have started to do that now, although the Bureau, as I understand it, has given them some additional time to file because of the late date of determining whether or not the money would be available. So, most corporations, as I understand it, have filed based on the assumption that the money would be available. It has not been, or it was determined on December 1 not to be there; therefore, these people are going to have to file amended returns between now and some future date in order to have to pay more taxes.

Another thing that is going to happen. One person who has been involved, he is an accountant, I guess you might say, has told me that probably what will happen in many cases is, people won't bother to refile, to file amended returns, because, number one, they would just as soon take the chance that the state will never catch them; and number two, the difference is so small that they don't feel it is necessary. It is going to cost them \$500 to file an amended return and it is not worth the chance to do that sort of thing.

The fourth thing that is going to happen, probably several others, but the fourth thing that I can think of that is going to happen is, the state is going to have to hire some additional personnel to go out and canvas and take random samples out there of the corporate community and set up their own little IRS over there and make a determination of who has filed and who hasn't and have they filed properly or have they not. So the Bureau of Taxation is going to have to become a little bit more interested rather than just going along with the feds now. And if the federal government audits someone's return, generally we get into the act, we are notified, and we go in and try to take the money out of them just like the federal government does. We are not going to be able to do that anymore because we have a different set of bookkeeping than the federal government does.

Those are a few things that are going to happen if we don't enact this.

Another area of concern, I think, is that the Governor and certainly every member of this Legislature has talked a lot about economic development in the State of Maine. I just have this feeling that when you try to talk to businesses, large or small, about coming to the State of Maine and saying, we want your business, we want you to come into the State of Maine, we want you to employ people, we welcome you with open arms but we still consider you second class citizens, we don't think you are good enough to comply with the new tax code, we are going to discriminate against you, we want to have you here but, at the same time, if we are a little short on money, you are the people that are going to suffer. I don't think that is the kind of attitude that we want to portray out there to the business community, at least that has not been the philosophy that I have been hearing espoused around here for the last few weeks. We are supposed to be trying to encourage businesses to come to the State of Maine and, to me, discriminating against them in the way that we have is detrimental to that cause.

I think another thing we should be concerned about is jobs with those people who are here in the state now. Those businesses that can take advantage of this tax advantage are going, hopefully, and I am sure they will, to expand their plan, expand their operation, use that money to employ more people. I think that is what the whole issue is about.

As far as the timing of the amendment goes, I think a couple of things need to be said. Number one, I did not submit any legislation to put a bill in to address this, because up until two weeks ago we didn't have the money to do it. I was willing to accept that, and I think most every other member of the legislature was willing to as well. But a couple of weeks ago things changed, in my opinion, we now have a \$12 million budget surplus over and above estimates given to us as of the first of February. I submit to you that had we had that \$12 million surplus on December 1, and given what has happened since then on tax indexing, the budget office would have, in fact, made the statement that the money was available. That was the intent, clearly the intent of this legislature, when we enacted that law back in the Spring of 1982. I think we made a commitment to the business community out there that we wanted to provide them with the same incentives that we did every other individual and Subchapter S corporation in the State of Maine.

The money is now there. We are going to spend that money anyway, and I want to point out a couple things to you as far as the financial impact of this proposed amendment goes.

The fiscal note is somewhat deceiving and I want to try to explain to you the way in which it is going to happen now and the way in which it would happen if you adopted this amendment.

If you do not adopt the amendment, those corporations are going to receive the \$3.4 million anyway. They are going to get \$3.4 million over the next three years—3.4 divided by 3, 1.13 or whatever it comes out to. That money is going to be refunded, if you will, to them, they are going to be able to take advantage of that over the next three years. The amendment simply says that instead of financing it over the next three years, you can take it now; that is the difference. If you adopt this amendment, you are eliminating \$2.3 million from an obligation in the next biennial budget that the Governor proposed the other night and we had some preliminary figures on, you can reduce the amount of spending that is necessary in the next two years by \$2.3 million. We are simply paying off a debt that we said we would give them if the money were available. Instead of making all the business community in the State of Maine finance this over three years, finance their own tax break, if you will, we are going to say—look, we are going to pay you now. We owe you the money and instead of financing it over three years, let's do it now, let's clear it up, let's wash the books clean. That is all it says. It doesn't cost \$3.4 million in each of the next three years or any other years; it costs \$3.4 million this year and this year alone. If you don't do it, it is going to be \$3.4 million over the next three years.

I hope that I have explained the history of the bill, where we are now with the issue, and I would hope that you would adopt the amendment.

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

Mr. CARTER: Mr. Speaker, first of all, I move that the amendment be indefinitely postponed and when the vote is taken, I ask for the yeas and nays.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves the indefinite postponement of House Amendment "C" and requests the yeas and nays.

The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that has been proposed to us this morning, in my book, is somewhat inconsistent with the sponsor's philosophy. I have known him for a few years to be more on the fiscally responsible side, and the amendment that he proposes kind of surprises me at this stage of the game.

I would like to remind the good gentleman that he is aware of how the Appropriations Committee functions, having served on that committee for several terms, and he knows, I am sure, how tight the budget was that we adopted in the last biennium. Just to illustrate how tight it was, let me point out that the total General Fund budget for fiscal year 1982 was \$640 million. At the end of that fiscal year, we ended the year with a surplus of \$3.6 million, and incidentally, that \$3.6 million is less than a half a percent of the total budget, that in itself is pretty tight budgeting. We are now in the second year of the biennium and the total General Fund budget is \$699 million. The projected revenues are supposed to equal the expenditures at the end of this fiscal year. If what I read in the newspaper is true, we are going to end the year at a zero balance, we will be one of those 15 fortunate states to end the year with a zero balance.

I am sure that I don't have to remind the good gentleman that these are not normal times. In any case, we have before us a supplemental budget, which we have every year that we meet, to adjust the budget, because nobody can budget an amount of over a half a billion dollars and be completely accurate. Most private businesses have a contingency fund as high as 10 percent. We don't have one, we don't have that luxury, and we cannot borrow to operate. When funds drop below estimated revenues, curtailment takes place.

I don't have to remind the good gentleman and the members of this House that we have to operate under a balanced budget system and this is the process that we utilize.

Now, in L. D. 774, the supplemental budget, we are proposing the total expenditures of \$8.8 million. Out of that, we are going to deappropriate from other departments a total of \$5.9 million. This leaves a total of \$2.8 million that we have to take out of that \$3.6 million surplus that we had at the end of the first fiscal year of this biennium. That leaves only a difference of \$800,000. I don't know where the good gentleman proposes that we find the \$3.4 million that it is going to cost to implement the accelerated cost recovery program that he proposes at this time.

Furthermore, when this was being debated in prior sessions, a consensus of agreement was arrived at between both parties that if the funds to fund this program were available on the first of December, this would take place. I have before me the certification from the state budget officer that the funds were not there on the first of December, and they are not there now, and hopefully we might be able to end the year in the black. In any case, I would hope that this amendment will receive the vote that it deserves, and that is indefinite postponement.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: The issue here today is not conformity versus conformity, it is a matter of when it is going to be implemented. I am glad my namesake down in the left-hand corner recognizes that and towards his conclusion he did state that.

As the chairman of the Appropriations Committee has said, we don't have the money here today, we didn't have it on December 1, we don't have it today. The pricetag on this bill is \$3.4 million. At best, we have \$800,000. And with the corporate income tax lagging behind estimates \$13.8 million, I am not sure how well we can look at the money that is available, the increases that we had in January. Being fiscally responsible, I am not sure that we can at this point spend this money, but there were some points that were brought up that I would like to address.

With this proposed amendment, there isn't the money nor do I see a funding source or a solution. I am not sure what we are being asked to do here today. Are we being asked to amend the supplemental budget and make cuts right now on the floor of the House?

The Appropriations Committee, with unanimous support, has put together this supplemental budget. I am not sure if this had been proposed back then whether it would have been included or not, but I think it would have been the appropriate time and place.

As for referring to our corporate businesses here in the state as second class citizens, I am not sure that is accurate at all. I don't see anyone in the business community knocking down the door out there asking us to propose this, and there are very good reasons. Options were provided—we could stay with our present depreciation schedules or businesses could choose accelerated cost recovery. These were intended to provide the option whereby businesses could benefit under one proposal and not benefit under another. Some are benefitting under the double declining balance, some are benefitting under the 150 percent depreciation, and some are benefitting under the straight line depreciation. These options we knew of back last spring, and that is why they were provided for.

As far as the enforcement provisions here, the red flag should come up every time our Taxation Department reviews an income tax statement, because if the 18 percent is not

added back on these corporate income taxes, it should be clear that every business that I know of would have some type of depreciation, and if they are going under the accelerated cost recovery, this 18 percent would be added back on their forms. There would be no need to canvas, there would be no need to add people to our taxation staff.

Last spring, one of the arguments that my namesake had to make against decoupling was that we would be placing the businesses of Maine at a competitive disadvantage. A number of states have followed Maine's lead here and have not accepted totally the accelerated cost recovery or the safe harbor leasing, so I am not sure that that is a valid argument here today about economic development and encouraging businesses to come here to Maine. There are a number of other states that are in far worse shape as far as placing their businesses at a competitive disadvantage.

In conclusion, I would just like to pose one question and leave you with one thought—is spending an additional \$3.4 million on corporations the position of the Republican Party? Is this where you want the money to go? Or should we be proposing changes in the income tax, property tax and trying to provide some relief in these areas?

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker and Members of the House: I speak in opposition to the motion to indefinitely postpone and urge the members to vote against it and to honor the commitment made by the 110th Legislature to provide full tax conformity, not only for Subchapter S corporations but for all businesses throughout the state.

In the past three months, I have heard many references to the fact that this is the first time in 70 years that the Democrats have controlled both houses of the legislature, plus the Blaine House. I find it interesting to note that in a previous Democrat controlled legislature 70 years ago, an issue very similar to this one arose. While that issue dealt with property taxes rather than tax conformity the philosophical underpinnings were identical to what we are dealing with now as what they were dealing with then. It is not only the specifics of one amendment but rather the entire concept of equality under the law and uniformity of taxation.

In debate on March 11, 1913, on the floor of the Senate, the Chairman of the Committee on Taxation, Senator Wing of Franklin, made the following remarks:

"I submit, isn't it fair that money be raised in an equitable and just manner so that it shall bear as nearly as may be upon the property of the State? The Constitution of our State evidently had this matter in mind when this provision was enacted. All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally according to the just value thereof."

The Supreme Court, entreating on this matter of equality of taxation in the 62nd Maine, makes this statement: "To the precise extent that one man's estate is exempt from taxation, to that same extent is there an imposition of the amount exempted on the rest of the inhabitants. It can never be admitted that the Constitution of this State permits or allows the taxation of a portion of its citizens for the private benefit of a chosen few, and that the taxes raised for such a purpose shall be assessed without reference to uniformity of taxable property or equality of ratio. It is essential to all just taxation that it be levied with equality and uniformity."

This amendment does just that. It assures that taxation is levied with equality and uniformity.

We will be answering more than the question of tax conformity with our vote on this issue.

That vote will also make a number of statements. Our vote will tell the people of this state whether the 111th Legislature is willing to honor the commitments made by the 110th. It will tell the people whether we follow the principle of equality or the practice of special privilege. It will tell the people whether this legislature is committed to the interest of the state as a whole or is bound by other considerations.

In closing, I would like to leave you with the words of a Senator Stearns from Oxford from that same 1913 debate. "It is, of course, a nice thing to be exempted from taxation, of course it is a nice thing for those exempted. I believe what we are here for today is to legislate for everyone and not for particular classes."

Once again, I would urge you to vote in opposition of the motion to indefinitely postpone.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: After listening to the debate, I know I feel, and I am sure many Maine citizens feel very reassured knowing that the majority party will be taking such a conservative stand or approach to all new and expanded spending programs during the session.

In the 110th Legislature, members of both parties supported the tax conformity bill reflected in the amendment. A year later, it is difficult not to be skeptical when one month the threshold money for this bill isn't there, then 30 days later, but too late, the revenues are running ahead.

We have seen on the national level what can happen to our basic job-intensive industries when capital and equipment are not reinvested. When industrial plants become outdated, inefficiency increases and the bottom line for working people is the loss of jobs. The plants close and then it is too late.

The decline in manufacturing jobs is not new to Maine. Some sections of this state are in a depression, they have been in a depression for more than a decade, suffering from benign neglect.

In the 110th, I think members of both parties correctly identified this bill as "a jobs bill." It wouldn't have passed if it wasn't a jobs bill. The national economy is standing ready to rebound, is beginning the long road back to recovery, will Maine participate in that recovery? Reinvestment in a plant, the purchase of capital equipment will create jobs, that is why a democratic U.S. House of Representatives passed the Economic Recovery Act. Those of you with your own businesses know that you can't make money without spending money. The modernization of Maine plants will promote efficiency, saving current Maine jobs from drifting to the sunbelt like so many have so far.

The future of this state, the opportunity for our young people to remain here in Maine working, hinges on our keeping current Maine jobs in Maine and attracting more than just a few token manufacturing plants. We need to set our sights on tens of thousands of new jobs, not just a handful.

The record shows that we are willing to commit almost \$15 million, state and municipal, for a thousand shipyard jobs. Last week, without debate, we raised the debt ceiling of the MGA for an ethanol plant. Look at the current revenue sheet; check corporation income taxes. Is there money there to reinvest in jobs?

Reject this amendment today and we will be sending the message to present and prospective Maine employers and employees that jobs in the private sector are not a priority of this state government.

Ironically, the only job expanding feature of voting no on this amendment today, denying this tax benefit, actually a surcharge tax increase for Maine business, are the thousands

of hours and dollars spent by CPA's and accounts keeping the separate depreciation and credit schedules.

Washington today is struggling to pass a jobs bill. We have got our own jobs bill here before us today, private sector jobs.

If you vote to indefinitely postpone this amendment, Maine is destined to maintain her present level of employment by the use of sweetheart deals and government created jobs. Send the message — we want jobs in Maine.

The SPEAKER: The gentleman from Winslow, Mr. Carter, has requested a roll call on the indefinite postponement of House Amendment "C". 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before you vote on this amendment, I want to make a couple of responses if I might to my good friend, Mr. Carter, and to the other gentleman from the greater Portland area, Mr. Higgins.

Mr. Carter is right, really, this is not normal times.

There have been a lot of comments, I guess, about the revenue estimates in the figures that have come in in the last few weeks and I think for there to be such an amount of money come in January over and above estimates is a good sign for the State of Maine. I don't say that with tongue in cheek, I mean it very sincerely. I think if you look at what is happening to the United States, Maine can be proud of the additional revenue that we received in January, supposedly in the deepest, darkest throes of a national recession.

The question that Representative Higgins mentioned relative to this is a \$3.4 million question and do you want to be associated with the implication of big business and all that sort of thing, I don't think it really is \$3.4 million question, I think it is really about a \$1,100,000 question, because in the next two years or over the next 28 months, we are going to pay back \$2.3 million of this \$3.4 million anyway, so it is not as big of a question as many here would like to have you believe.

As far as the dollar amount goes, the \$8.8 million that Representative Carter mentioned that is presently in the supplemental budget, and the \$6 million that they found by reshuffling the accounts, leaves a \$2.8 million deficit, if you will, in this piece of legislation that we are voting on here today.

Where are they going to come up with the \$2.8? Well, they are going to come up with it by taking it out of the \$3.6 "surplus" that was available at the end of the first fiscal year, but I think if you look carefully, that \$3.6 million may not be there in the sense that we have some other commitments that haven't been subtracted from that already. There is a million dollars that is supposed to go to the Maine Guarantee Authority, there is some money that traditionally has gone to the Governor's contingency account, so that is questionable, I guess a matter of semantics, if you will, as to whether or not that \$3.6 is surplus, if it is available, not available — how do you define it?

I am saying we have a pot of money, and right now that pot of money is \$15.6 million. We are going to take \$2.8 million of that to fund this supplemental budget that we are dealing with right here now, and I am just saying to you, doesn't it make some sense to add, to consider adding, \$3.4 million and eliminate that obligation down the road? It saves a lot of bu-

reaucratic red tape not only for the business community but for the Bureau of Taxation. They don't want to have to deal with this thing anymore than the business community does. I think you can make some points on that count. It is not as big a question, and the amount of money that is "left over" to fund it is not as small as those who are in opposition to this amendment would have you believe.

In the last session of the legislature, on several occasions we raised revenue estimates in order to make the funds available. I am not advocating that today, but I am simply saying that it appears to me that one would have good cause to spend, and this is not a new and exciting idea because the legislature — I have served with Representative Carter four years and others on that committee, we have spent the surplus before and he knows it, so that is not anything new and unique. We have done it before and we can do it again.

Every time we start talking about spending money or appropriating money for something that the majority party is opposed to, and I am sorry the gentleman from Lewiston is not here because that is his traditional role, to stand up and say the money is not there, the money just isn't there — well, I don't know, I am not going to question — you know, that is a subjective call, I think, at best, as to whether the money is there. I am just simply stating the fact that there is \$15.6 million in that kitty right now and we are really talking about \$1,100,000 in additional cost over the next 28 months, and we are eliminating an obligation and some bureaucratic red tape to deal with that issue.

I think the fact that corporate income taxes are lagging behind estimates, as the gentleman from Portland mentioned, is a pretty good reason why we ought to think about that right now, because it indicates clearly that the business community in the state of Maine is not in as good shape as a lot of people would have us believe.

So with that, I will close and, again, I hope you will vote against the motion to indefinitely postpone.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Scarborough is absolutely correct. If Mr. Jalbert were here, he would say the money is not available; it truly is not available. I am surprised that my good friend would suggest that we take revenues that are estimated to fund the existing budget, and he knows very well that those revenues fluctuate from one month of another. He is suggesting that we take those revenues to fund the accelerated cost recovery, and he suggests that we adjust the estimates.

Let me suggest to him that we can't do it with his amendment, to begin with, and it is not in the bill, and what we are dealing with at this time is a supplemental appropriations bill, and if we are going to fund his amendment, we would either have to delete \$1.2 million for corrections, leave our prisoners out on the streets, or take \$2 million away from general assistance and let the towns pick up the tab on the property tax and not live up to the letter of the law that we wrote, or we can take \$1 million away from the courts. I would like to know where the good gentleman from Scarborough would have us take the monies to fund this proposed amendment, and I would pose that through the Chair to the good gentleman from Scarborough.

The SPEAKER: The gentleman from Winslow, Mr. Carter, has posed a question through the Chair to the gentleman from Scarborough, Mr. Higgins, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would be delighted to answer the question. As the gentleman knows,



and I have served four years on the Appropriations Committee, that traditionally we have a supplemental budget that comes into the House in January and we deal with it traditionally, again, in February sometime. It is a realignment of funds, it is expending money, shuffling funds from accounts that for whatever reason we didn't know about a year and a half ago when we passed the budget. There are some lapse balances, so we can take some money from there, and there are some places like the court system and others where we need additional money. We do it every year, but I don't ever recall being so concerned about spending more than we have.

The budget that we are voting on right now is \$2.8 million in the red, there's more spending in this budget than there is reshuffling, we are \$2.8 million short. I think you can find \$2.3 million by just simply eliminating it from the budget that is going to be presented for the next two years.

So, as I have said before, it is a \$1,100,000 question, and I guess I honestly feel that if the Appropriations Committee was sincere in its efforts and the administration was sincere in its efforts, that they could find this \$1,100,000 already in the budget. If they can't, I would be willing to take a few wagers today on whether there will be \$1.1 million left in unappropriated surplus at the end of this fiscal year. I am willing to say that there is because we are already \$15 million ahead and there are five months left to go in the budget.

We never seem to have the money for programs depending on who is supporting them. We didn't have the money in December for tax conformity, we didn't have the money in January for indexing, but in February, when we need a little cash for a supplemental program, all of a sudden we have \$12 million or \$14 million more than we had prior to that. I just can't help but believe that with some sincere efforts that that money is available. I am willing to stake on it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I don't think that the good gentleman from Scarborough answered Mr. Carter's question at all and I would just like to put that back to him again, that I would like to know where the money is going to come from. In your four years, Mr. Higgins, when you served on the Appropriations Committee, did we ever spend money that we didn't have?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Scarborough, Mr. Higgins, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the answer to that question is yes. I think on many occasions, as I recall, the Appropriations Committee has passed out supplemental budgets and other pieces of legislation, if the surplus was more than adequate, we felt confident the money was going to be there at the end of the year, then yes, we did and I think he is aware of that.

I will be willing to bet also that before we get out of here in May or whenever, we will have another budget or another piece of legislation that calls for some additional spending before the end of this year. That is one that I am pretty darn sure of. Before we get out of here in May, we are going to have a two-thirds vote on some additional spending somewhere along the line that is going to take some of that money that is now available in surplus and spend it. If I am wrong, I will be surprised.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Higgins, you are wrong. You very quickly answered my question by saying yes, we spent money we didn't have.

That is not true, because you know darn well that money was certified but it isn't here unless you can certify it. I don't want you to mislead the House by answering my question yes, we spent money we didn't have, when he knows darn well the money was certified in regards to what estimates were in any supplemental budget.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the House indefinitely postpone House Amendment "C" (H-22). Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Cronko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J. Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Smith, C.W.; Soule, Swazey, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Conary, Conners, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Matthews, K.L.; Maybury, McPherson, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Small, Sproul, Stevenson, Stover, Strout, Studley, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirnklton.

ABSENT—Armstrong, Callahan, Diamond, Jalbert, Macomber, Mahany, Reeves, P.; Seavey, Sherburne, Soucy, Stevens.

Yes, 88; No, 52; Absent, 11.

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

Miss Lewis of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-16) was read by the Clerk.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Whenever a department receives taxpayers' dollars, I really feel that it is our duty as a legislature to find out whether those expenditures are justified. Certainly, when we examine our county budget, it seems to me that all of us in our county try to look at each expenditure, decide if it is necessary, and oftentimes when it is necessary, we look for someplace else in the budget to cut back so we can try to keep the tax increases down for the people that we represent.

In the case of this particular amendment, this is the way that we can make \$26,000 available for something much more important. For example, we could use this money to, in some small way, improve Maine's business climate; in some small way provide more social services for Maine's truly needy; in some small way help the people of the state of Maine.

The purpose of this particular amendment is to remove the funding for the legal counsel for the Speaker of the House and for the President of the Senate, and I really feel that in this particular area, we must keep our own house in order. We must show the people of Maine that we here in the legislature are running a

tight ship and that we here in the legislature do care about unnecessary expenditures of people's tax dollars.

If this particular amendment does pass, I certainly hope that it will be used for this particular purpose, although I am well aware of the fact that this amount of money is budgeted in the "all other" account of the legislature, which goes to pay the light bills, which goes to pay for trips out of state and which goes to pay for many other services that fall into this miscellaneous account.

I do hope that this amendment will pass, that we can cut out \$26,000 of unnecessary services to perhaps be able to use this money for something much more important to help the people of Maine later, and that we will cut out this unnecessary need for two new staff people around here in the legislature that we have lived without for many years.

I would ask for a roll call.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of House Amendment "A" and I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: Last week a bill came to the House from Energy and Natural Resources with a 12 to 1 report, and the lone dissenting vote on that report was the vote of my good friend and Republican, Representative Darryl Brown. When I saw that Representative Brown was so concerned about this bill that he saw fit to debate it on the floor, I thought to myself, well, Darryl is a good Republican and I appreciate his efforts around here and I am not so concerned about what he has to say as the fact that he is that concerned, so when the vote was taken, for ten seconds I was voting on Representative Brown's side. And then I reflected and said to myself, gee, it would be a terrible mistake to fall into that sort of a trap, to vote for an individual and not for the bill itself, and so I switched my vote, but as bad a trap as that would have been for me to fall into, it would be an even more disastrous trap for the Democrats to fall into, because it is how the Democrats vote on the merits of the various pieces of legislation and rule changes that come before this House that will determine whether or not Maine functions as it has in the past, by good government.

My local paper, in fact, ran an editorial on this very proposition that we are discussing today, and I believe the editorial was headlined "A Good Example of Bad Government."

Let me tell you why I think legal counsel for the Speaker of the House and President of the Senate represents bad government. In the first place, it is my opinion that it is not needed. We have been ably served in the past by the Attorney General's Office. We have received competent opinions from the Attorney General's Office, we have had our requests treated confidentially, and I believe that our requests have been treated in an unbiased fashion. So, I think we stand an opportunity today to realize a rather minor savings but, nevertheless, a savings of \$26,000 because there is no need.

Secondly, I think that these two positions are subject to potential abuse and I would attempt to explain this by way of illustration.

As many of you recall, during the last session we had a bill before us that dealt with submersed land, and the governor at the time was opposed to this legislation and would dearly have loved to have had an opinion from the Attorney General's Office indicating that it was unconstitutional. I feel quite certain that if he had been able to receive that sort of ruling, that bill would have been dead in the waters simply because a member of this House who was opposed to it would have gotten up and

said, we are not up here for the purpose of passing unconstitutional legislation, and that would have been the end of it.

Well, with these two positions available, I would submit that the possibility exists that should a similar piece of legislation come forward, but this time instead of having the Governor's Office be in opposition, we would have either the Speaker or President of the Senate in opposition, he would go to his legal counsel and indicate to him that he wanted an opinion, and I would bet that he wouldn't even have to indicate what sort of an opinion he was looking for, that that individual would be aware, the opinion desired would be forthcoming, that opinion would be made available to the members of the House, and I would be willing to bet that whatever that opinion was, it would be abided by the members of the House whether or not that opinion was formulated in an unbiased fashion.

I would request the members of this House to search their conscience on this issue, determine whether or not they feel that these two positions represent good government or bad government and vote accordingly.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to suggest to the sponsor of this amendment, the gentlelady from Auburn, Representative Lewis, who is trying to convince me that this is unnecessary, that it really is necessary. Furthermore, I would like to suggest to her that it is a little late to propose an amendment of this nature because we have already approved these two positions by joint rules. And if my memory serves me correctly, there was very little debate when this rule was adopted by both bodies.

I would say that this is necessary because we are, after all, engaged in the process of enacting laws that affect every citizen of this state and it behooves us to be able to obtain quick legal advice, and that is exactly what these people will provide us with — all one has to do is to ask. You know as well as I do that when you request an opinion from the Attorney General's Office, sometimes it takes as long as a week. They cannot just drop everything that they are doing and answer our questions.

I believe that this expenditure is a very small item, indeed, and I would hope that you would vote to indefinitely postpone.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "A" (H-16) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Masterston, Matthews, K.L.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Smith, C.W.; Soule, Strout, Swazey, Tammaro,

Therault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; Masterman, Maybury, McPherson, Murphy, Paradis, E.J.; Parent, Pines, Randall, Roderick, Salsbury, Scarpino, Small, Sproul, Stevenson, Stover, Studley, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Diamond, Dudley, Jalbert, Macomber, Mahany, Reeves, P. Seavey, Sherburne, Soucy, Stevens.

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

The SPEAKER: Ninety having voted in the affirmative and fifty in the negative, with eleven being absent, the motion does prevail.

Mr. Brown of Livermore Falls offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-17) was read by the Clerk.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to preface my brief remarks by stating that I think the Assistant Clerk of the House, Debbie Wood, has and is serving this House in a very excellent and fine manner. She serves us well. I think we have occasion and reason to be very proud of the service that she is doing for us, and I suspect that the Assistant Secretary of the Senate is performing those functions in a similar fashion.

I think that the amendment before us is one that eliminates perhaps a mini-jobs bill, if you will, that has been included in the supplemental budget.

Echoing some of the comments made by the gentlelady from Auburn, Miss Lewis, again I would simply state that our folks back home are looking at us to cut government, we hear that at every turn. How can we cut government when we continue to increase staff members and increase the numbers of people serving our own body here in Augusta?

Again, I think that we have to get our own house in order before we can expect the departments of state and the agencies of state to be fiscally responsive, and I think that we have to get our own house in order before we can ask the general public to tighten its belt.

Ladies and gentlemen, I ask you to consider this amendment very carefully, hopefully approve it, and when the vote is taken, I request the yeas and nays.

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

Mr. CARTER: Mr. Speaker, I move that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that House Amendment "B" be indefinitely postponed.

The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Livermore Falls, Representative Brown, I believe is engaged in semantics when he tells us that this is a mini-jobs bill. Let me point out to the good gentleman that what this does is to clarify a gray area that has existed for several sessions at the other end of the hall. When the session adjourns, the assistant secretary's position ends, and you know as well as I do that the Speaker and the President of the Senate both have the authority to take on clerical help.

In the past, at the other end of the hall, after the session adjourned, the Senate President would hire the assistant secretary just as a plain secretary, and her job would continue. Some people questioned this process and thought it might be better if they corrected the law so there would be no gray area, and that is simply what this proposal does as drawn in the

bill.

I would hope that you would vote along with me to indefinitely postpone this amendment.

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

Mr. BROWN: Mr. Speaker, I would like to pose a question, if I may, to the gentleman from Winslow, Mr. Carter. I understand what you are saying, Mr. Carter, and I guess it does make a degree of sense to me, that the Speaker and the President of the other body apparently have a fund from which they can draw to hire this extra help. The question I would ask, since the supplemental budget has been increased by \$28,000 to include these two positions as full-time positions, have those funds which are apparently available to the Speaker and President of the other body been decreased by that same amount?

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

Mr. CARTER: Mr. Speaker, to answer the good gentleman from Livermore Falls, if he will look at the budget document, on Page 14, Line 10, he will find Legislative Account. I would like to point out to the good gentleman that as it appears in the document it is not a line item budget or line item for services as indicated, and the Senate President or Speaker of the House can move those around as they see fit.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that House Amendment "B" (H-17) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEAS—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Manning, Martin, H.C.; Masterston, Matthews, K.L.; Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Smith, C.W.; Soule, Strout, Swazey, Therault, Thompson, Tuttle, Vose, The Speaker.

NAYS—Anderson, Bonney, Bott, Brown, D.N.; Cahill, Callahan, Carrier, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; Masterman, Maybury, McPherson, Michaud, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Small, Sproul, Stevenson, Stover, Studley, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Brown, K.L.; Diamond, Dudley, Jalbert, Macomber, Mahany, Reeves, P.; Seavey, Sherburne, Soucy, Stevens, Tammaro.

Yes, 85; No, 53; Absent, 13.

The SPEAKER: Eighty-five having voted in the affirmative and fifty-three in the negative, with thirteen being absent, the motion does prevail.

Thereupon, the Bill was passed to be engrossed in concurrence.



By unanimous consent, ordered sent forthwith to Engrossing.

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

Bill "An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law" (H. P. 268) (L. D. 328)

Tabled—February 23, 1983 by Representative Lehoux of Biddeford.

Pending—Passage to be Engrossed.

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

Mr. LEHOUX: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 328 is an attempt by the chiropractic field to end discrimination against chiropractic services under the workmen's compensation law.

Before going any further, it is my opinion that we must understand what it is that they are going to perform under workmen's compensation, and in order to do that, we must understand where this group comes from.

Chiropractic, which literally means "done by hand," originates from the theories of Daniel David Palmer, a tradesman who operated a magnetic healing studio in Davenport, Iowa, late in the Nineteenth Century. One of the passions of his life had been to discover the ultimate cause of disease, and in 1895 he presumed to have found it. "The answer occurred to him," wrote Palmer, "after treating a janitor he claimed was deaf." Palmer alleged that he restored the man's hearing by adjusting one of his vertebra, the bony segments of the spine. Apparently unaware that the nerves of hearing are entirely in the skull, Palmer theorized that he had relieved pressure on a spinal nerve that affected hearing, in other words, by spinal adjustment or manipulation.

The belief that minor interference with spinal nerves can cause or aggravate disease is the cornerstone of chiropractic theory. It is also the focus of scientific objections. A few anatomical facts may help to explain why.

There are 26 pairs of nerves that exit from the mobile segments of the spine. They are only part of the nervous system conceivably accessible to manipulation; 12 pairs of cranial nerves which exit through openings at the base of the skull and bypass the spine are out of reach of manipulation, so too are five pairs exiting from the sacrum, a solid bone formed by the fusion of five vertebrae in the lower spine.

The spinal cord, by the way, is surrounded by spinal fluid, as well as by protective layers of tissue and the brain itself, with all its interconnecting nerve pathways, are also out of reach. Thus, the chiropractor's action is exerted only on a limited part of the nervous system. It excludes, for example, the nerves of sight, hearing, taste and smell and the entire parasympathetic nervous system. The latter, along with the sympathetic nervous system, forms the balancing act of the autonomic or involuntary nervous system which serves the vital organs. Scientists, of course, accept the importance of the nervous system in body functions, but they reject the assertion that manipulation directed at a limited part of this intricate system can prevent or cure disease.

If you will look at the American Chiropractors Association Handbook that was printed in 1982, you will read under Chapter One, the Discipline, in Paragraph B Scientific Theories and Principles of Chiropractics. It reads: Chiropractic is built upon three related scientific theories and principles. The first one is disease "may" be caused by the disturbance of the nervous system. Secondly, disturbances of the nervous system "may" be caused by derangements of the muscular skeletal structures. Thirdly, disturbances of the nervous system, again, "may" cause or aggravate disease in various parts or functions of the body.

Ladies and gentlemen, would you take your favorite gas eating clunker to a mechanic that says he "might" or "may" be able to fix it? No

way would you do it.

There is no scientific evidence that minor off-sets of the vertebra impinged on spinal nerves, even when the spine is twisted into extreme positions, even with a partial block, its effects would be nil. Now, this was tested in 1973 on fresh cadaver spines, and not a single scientific study in the existence of the chiropractic or the entire history of medicine shows that manipulation can affect any of the basic life processes but a vast amount of evidence suggests that it cannot.

With this bill, my good friend Representative Racine the other day asked the sponsor of the bill what it would do that they are not doing now. The answer was: hydro-therapy, electrical therapy, ultrasound treatment and the provision of back support devices or mechanisms. This is not new, your physical therapists have been doing this for years and doing it very well. I doubt that they can? better, but what they are doing is encroaching on the physical therapy field. That I can't see.

I would like to pose a question through the Chair to the sponsor of the bill to explain to me what electrical therapy is?

The SPEAKER: The gentleman from Biddeford, Mr. Lehoux, has posed a question through the Chair to the sponsor of the legislation, who may respond if they so desire.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I can't respond, Mr. Speaker, because I am not a practitioner of therapy. I don't know what it is.

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

Mr. LEHOUX: Mr. Speaker, Ladies and Gentlemen of the House: Well, let me tell you what it could be and what I think it is. I think it is diathermic treatments but it could also be the way this is worded, the authority or the permission to go up into the neuropsychiatric ward and conduct electrical shock therapy. This gives them a wide open range that could conceivably be used as the electrical chair. There is a limit to this kind of stuff. It should be definitely outlined what they should be doing under this, although I still object to doing any of this stuff because this is the realm of physical therapy.

I move that L. D. 328 and all its accompanying papers be indefinitely postponed and further move that the vote be taken by roll call.

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

Mr. MOHOLLAND: Mr. Speaker. Members of the House: I wasn't going to get up and talk about this but it seems that the good doctor there has kind of compelled me to.

I would like to relate a little incident where my boy got thrown 200 feet from a motorcycle into a cow pasture and I had a lot of doctors in Bangor, New Hampshire and a lot of other places that couldn't find out what was wrong with my boy. I also was called to his house one day with his wife and children crying and him with a 30-30 rifle, which he put in between my eyes and threatened to blow my brains out, so I don't want to hear anything about chiropractors. If it hadn't been for a chiropractor, my boy's wife and children would be dead and I also would be dead. But through the efforts of a good chiropractor in Bangor, who I will not mention, he found a nerve in the back of my boy's neck that saved his life. That was eight years ago and my boy still goes to that same chiropractor once a month right now.

So with that, I hope that I see 150 votes on that voting machine when we vote against the bill.

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

A vote of the House was taken, 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 Falmouth, Mr. Bonney.

Mr. BONNEY: Mr. Speaker, Members of the House: There are differences between medical doctors and chiropractors. A chiropractor is only required to have two years of an accredited college and four years of chiropractic college, which is a total of six years of education. A medical doctor requires four years in an accredited college, four years of medical school, three years of residency, and five years residency if he wants to be a surgeon, so there is a difference of between six years and either eleven and thirteen years of education. There are differences.

We have talked in our committee about licensing. I only want to say that we can license an exterminator, so don't get excited over the licensing.

The reading of X-rays, I think, is quite important. I have talked with a medical doctor in my community who has practiced for 30 years and looked at thousands and thousands of X-rays, but when he has a serious case, he asks for an expert to help him. If I understand correctly, a chiropractor can read X-rays when he finishes college.

When the problem comes in your household of a person with a disease and that person is thinking of a chiropractor, I think they should think things over. The chiropractor is trained to manipulate the spine; he is not trained on disease. When you go to the hospital, usually the hospital is named a medical center, medical center; there are differences between these two qualifications.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Let me try to bring you back to the purpose of the bill before us. The purpose of this bill is to eliminate the practice of listing what will be listed in statute as reimbursable service by this profession under the workers' compact. This practice is not utilized in regards to the AMA or the osteopathic profession; therefore, a majority of the Labor Committee contends that it is discriminating to do so in regards to this duly state licensed chiropractic profession as well—that is the issue.

You have to remember that the Workers' Comp Commission and the current insurance carriers can refuse to pay for any service in both of the other professions now. For example, if an M.D. uses acupuncture, payment for that treatment could be denied; yet, it is within the scope of appropriate and recognized treatment and not, I repeat, not defined in any law as being reimbursable or a non-reimbursable procedure for the practitioners licensed by the AMA and/or licensed by the Osteopathic Association. So we simply contend that those licensed as chiropractors should be treated in the exact same manner, that's it.

I ask all of you not to indefinitely postpone this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as a solemn duty I feel to support the sponsor of this bill. The Chair just recognized her as the gentledady from Portland. We can claim Minerva as ours as we glance up to see her on the dome each morning, but Portland alone cannot claim Representative Beaulieu.

That gentledady from Portland, by the way of Eagle Lake, presented a detailed outline of this bill, which is a good bill. My House chairman went into the medical aspects of his client who had that serious problem in the palm of his hand that only the chiropractor could help.

Yes, that gentledady from Portland, by the way of Eagle Lake, spoke in detail about this

hill. This doesn't give the house away. She is very sincere on this bill. I have talked to her in detail about it. It is a good bill and I felt that there were many here who did not know where we did get our gentlelady from Portland, so when you vote today, I hope that you will notice her light and follow it, that gentlelady from Portland by the way of Eagle Lake.

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

Miss LEWIS: Mr. Speaker, would the Clerk please read the Committee Report.

Thereupon, the Committee Report was read by the Clerk.

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

Mr. CALLAHAN: Mr. Speaker, Ladies and Gentlemen of the House: I am speaking on this bill because it says workers' compensation, we pay dearly and I am in hopes that this will help.

The company I used to represent had a habit of hiring the vets. We had several vets that were partially disabled and one of them got injured again and was on workmen's comp, a very good man, he is still with us but he went to a chiropractor and after he came back to work, he turned his papers over to the Veterans Administration. The Veterans Administration does not accept the evaluation from a chiropractor. I talked yesterday with one of the administrators from the Veterans Administration and asked them why. They did not tell me why but they said that they used chiropractors in some remote cases where there was no available physiotherapy clients available and then only when ordered by an M.D. or a D.O. and also approved by a V.A. physician. This gentleman from the administration of VA, Gregory Gravel, also told me that there are other federal employees who could not be evaluated for disability by a chiropractor. So I am a little at odds as to just how I am going to vote on this bill. I would vote immediately for it if I thought it was going to save on the workmen's compensation, but I see where there may have to be double evaluations, as it was with one of my employees.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: Today, I am still as concerned as I was when we debated this bill two days ago, and my concern remains with the cost. I think this is something that we seem to be overlooking, because once you get involved with a chiropractor, the treatment process is of a longer duration than when you are treated by a physician.

As an example, a chiropractor believes, and this is what they are taught in school, that preventive treatment will prevent an individual from acquiring a disease, or if you have a particular problem, continuous treatment will help the individual, so your treatment process will last a long time. What the bill does, it will permit reimbursement under that particular clause.

I was in conversation with Chairman Devoe of the Workmen's Compensation Commission and he informed me that we have, and he didn't give me the number, some employees that have never lost a day's work and have been seeing a chiropractor for a period in excess of two years. Some people will get up and say that is the reason they are working, but the question is, is that treatment necessary? I can't answer that question and neither can anybody else.

When you talk about costs, let me give you some figures that I happen to be quite aware of because it happened to me. On the 17th of March of last year, I developed a back problem. I pulled a ligament and I went to see a chiropractor. He gave me three treatments before I realized that the treatments that I was getting were not helping me at all. Those three treatments cost me a total of \$123. That included a \$25 examination fee; \$50 for two X-rays; \$13

for a treatment and \$3 for physical therapy—this was on a daily basis; the total bill came up to \$123. Since my condition was deteriorating instead of improving, I decided to go see a physician, an orthopedic specialist. You know what that cost me—\$25. And you know what the treatment was—bedrest. After a period of seven days, I was able to walk and get up. I failed to mention that after my initial treatment, my condition went from bad to worse, and that does happen occasionally, so what we are talking here is cost. That is where I am coming from, and I think the motion to indefinitely postpone is a good motion.

If we have a problem on discrimination, as it has been alleged, I think that there is a remedy for that, and that is through the court system, not through this body. I don't think we should sit here and act as judge and jury and make the determination—yes, there is some discrimination, I don't think we should do that. If there is some discrimination, it should be taken through the court system, not this body.

I think what we should be worried about is cost and the cost of the workmen's comp will be increased if this bill is adopted. There is no ifs and but's, it is a reality.

This is based on the training of the chiropractic industry. They firmly believe in this and this is where there is a disagreement between the medical profession. If you have a hernia, you don't go back to surgery again, no way, to make sure the area has been properly stitched, you don't do that. But in the other profession, they believe that preventive treatment is the answer to the health care problem.

I hope you will support the pending, question which is to indefinitely postpone this bill.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I realize it is getting to be noon-time but I would like to rise just to raise a couple of points concerning this piece of legislation.

I urge you to vote against the pending motion. I heard and read and know of the situation involving the good gentleman from Biddeford. Unfortunately, he had a bad experience because of his treatment by a health care provider, which is a chiropractor, but if you want to talk about horror stories, we could go on and on and tell you about stories in every profession, whether it is a dentist, a realtor, whether it is a doctor, an M.D. or a D.O., you could go on and on and on and talk about those unfortunate situations involving one particular case with a person. But when you talk in terms of added expense to the system, I think it is very difficult to say whether this bill will cost money, and I will tell you why.

Chiropractic is a philosophy involving conservative treatment. There are no drugs or medication involved, there is no type of surgery involved. Anyone who has had surgery either on an extremity or your back realizes that that particular surgery is very expensive. I will give you a good example. Based upon what an M.D. or an orthopedic, whatever his opinion is, if in fact she or he decides that it is his opinion a spinal fusion is in order, and again one person's opinion potentially, a spinal fusion involving the lower back, a disk problem, runs between \$2800 and \$3250, and that is just for the surgery. That is not the hospital stay, which runs anywhere from seven days to thirteen days. Once that individual is out, he or she must go to the doctor, their M.D. or their D.O., at least once a week for a period of about two months and that individual on an average is away from work, depending on whether or not that person is doing heavy strenuous work, or that person is doing desk work, is out for a minimum of two months, so you can see if an individual is collecting workers' compensation benefits for a period of time at \$200, \$300—\$396 a week is the most I think you can collect in Maine—but if a bricklayer, for example, or a

heavy construction worker misses a lot of work because of surgery, that is a very expensive cost that is borne by the person paying the premium. So it is very difficult to say whether or not this bill is going to increase the cost of workers' compensation, because I submit to you that the cost of an M.D. or the cost of a D.O., cost of anyone involved as a health care provider, those costs are very extreme.

As you know, the cost of an overnight stay in the hospital for observation is about \$180 minimum. If you know anything about a chiropractor, you know most everything is done on an out-patient basis and avoids the cost involved.

I could give you another example of a situation presently under the law, of Section 52 of the Workers' Compensation Act — physical therapy which is performed, if I may use that term, a lay person's term, physical therapy performed by a chiropractor is not covered under the workers' compensation. However, if that individual goes to an M.D. or a D.O., and that individual is referred to a hospital on an out-patient basis for physical therapy and doing the same function potentially, that function is paid for by workers' compensation under present law. That out-patient, on an average, going to a hospital to have that therapy for whatever treatment, whirlpool treatment or hotpack treatment or whatever, is more than the average chiropractic visit, which runs about \$16 to \$20 a visit.

So, I hope you will look at the overall spectrum of this whole issue and I think if you look at it closely you will find that the workers' compensation statute should allow the chiropractors to be considered as bonafide health care providers.

I urge you to defeat the pending motion.

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

Mr. LEHOUX: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Mr. Moholland from Princeton, I would like to set the record straight. I am not a doctor but I do have at least 30 years of paramedical experience. I have 11½ years' civilian experience; 8½ of it as a corrective therapist in physical medicine and rehabilitation in a V.A. hospital system, and prior to getting a direct commission in 1957 to the Army Medical Service Corp, I was chief of corrective therapy at Philadelphia V.A. I may not be an expert, but I have a little more than a nodding acquaintance with the medical field.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Biddeford, Mr. Lehoux, that L. D. 328 indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Bonney, Brown, K.L.; Callahan, Carrier, Conary, Day, Dillenback, Holloway, Kisman, Lehoux, MacBride, Manning, Masterman, Melendy, Parent, Reeves, J.W.; Smith, C.W.; Studley, Wentworth.

NAY—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Dexter, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jackson, Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Livesay, Locke, MacEachern, Martin, A.C.; Martin, H.C.; Masterston, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Small, Smith, C.B.; Soule, Sproul, Stevenson, Stover,

Strout, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Armstrong, Cahill, Carter, Diamond, Dudley, Jalbert, Kelleher, Macomber, Mahany, Reeves, P.; Seavey, Sherburne, Soucy, Stevens, Tammaro, The Speaker.

Yes, 19; No, 116; Absent, 16.

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

Mr. Racine of Biddeford offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-21) was read by the Clerk.

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

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I put in the amendment was to clarify those services for which chiropractors' services may be reimbursable, and inasmuch as the information was supplied by the sponsor of the bill, I feel that everyone should be in favor of the amendment inasmuch as it was submitted with the intention of clarifying those services for which a chiropractor may be reimbursed.

The other reason is the fact that in Title 32, Section 554, which pertains to displaying of chiropractic certificates, and I will quote you from the basic law which reads: "Such certificates shall entitle the person to whom it is granted to practice chiropractic in any county of this state, in all of its branches, as taught and practiced by the recognized schools and colleges of chiropractic." Now, if you interpret this literally, they may practice chiropractic in anything that they have been taught in school.

What do they teach in school? I will give you a short listing. They learn anatomy, physiology, symptomatology, diagnosis, chiropractic principles, chemistry, histology and so forth. If you recall, when I asked the question as to what will this bill entitle chiropractors to be reimbursed for, the answer was, hydrotherapy, electrical therapy, ultrasound treatment and the provisions of back support devices or mechanisms. This spells out exactly what they will be reimbursed for. So I feel that there should not be any opposition to this good amendment, because it actually clarifies and leaves no doubt in anyone's mind what chiropractors may be reimbursed for. Unless there are other items which have not been discussed, there might be some objection, but based on what I have been told, or what I have heard in the debate, this motion should be received favorably.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: While I appreciate the efforts on the part of Representative Racine, again I repeat, the purpose of this bill is to eliminate the practice of listing what will be reimbursable, seeing as it is not done in the other two recognized medical professions in our state. Therefore, Mr. Speaker, I ask for the indefinite postponement of this amendment and I ask for the yeas and nays.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Beaulieu, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Baker,

Beaulieu, Bell, Bott, Brodeur, Brown, D.N.; Calahan, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Dexter, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Ingraham, Jackson, Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Paul, Perkins, Perry, Pines, Pouliot, Randall, Richard, Roberts, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Small, Smith, C.B.; Soule, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Weymouth, Willey, Zirkilton.

NAY—Bonney, Brannigan, Brown, A.K.; Brown, K.L.; Conary, Connors, Day, Dillenback, Holloway, Kiesman, Lehoux, Manning, Masterman, McGowan, Melendy, Parent, Racine, Reeves, J.W.; Ridley, Smith, C.W.; Studley, Wentworth.

ABSENT—Andrews, Armstrong, Benoit, Bost, Cahill, Carter, Chonko, Curtis, Diamond, Dudley, Jalbert, Kelleher, Macomber, Mahany, Reeves, P.; Seavey, Sherburne, Soucy, Stevens, Tammaro, The Speaker.

Yes, 108; No, 22; Absent, 21.

The SPEAKER: One hundred and eight having voted in the affirmative and twenty-two in the negative, with 21 being absent, the motion does prevail.

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

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

#### Passed to Be Enacted Emergency Measure

An Act Relating to the Fuel Adjustment Clause of the Natural Gas Utilities (H. P. 46) (L. D. 51) (C. "A" H-12)

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

#### Passed to Be Enacted

An Act to Insure Prompt Answers to Petitions Filed by Employers and Employees (H. P. 328) (L. D. 387)

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 papers appearing on Supplement No. 3 were taken out of order by unanimous consent.

#### Passed to Be Enacted

An Act to Clarify the Determination of Axles on Motor Farm Trucks (H. P. 620) (L. D. 746)

An Act to Permit the Use of Illuminated Signs on Motor Trucks, Semitrailers and Truck Tractors (H. P. 621) (L. D. 747)

An Act to Apply Uniform Penalties for Local School Administrative Units that Employ Uncertified Personnel (H. P. 644) (L. D. 772)

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

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

#### Unanimous Leave to Withdraw

Representative Higgins from the Committee on Taxation on Bill "An Act Concerning the Rate of Return on Investment Factor under the Railroad Excise Tax" (H. P. 74) (L. D. 79) reporting "Leave to Withdraw"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Corporations Laws and Laws Pertaining to Limited Partnerships" (H. P. 680) (L. D. 834) which was tabled and later today assigned pending passage to be engrossed.

Mrs. Ketover of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-22) was read by the Clerk and adopted.

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

At this point, the Speaker announced the following change in Committee appointments:

Representative Thompson of South Portland was removed from the Committee on Public Utilities and Representative Ridley of Shapleigh was assigned to that committee.

#### (Off Record Remarks)

On motion of Representative Joseph of Waterville,

Adjourned until nine o'clock tomorrow morning.