

# MAINE STATE LEGISLATURE

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# **LEGISLATIVE RECORD**

OF THE

## ***One Hundred and Eleventh Legislature***

OF THE

**STATE OF MAINE**

### **Volume II**

**FIRST REGULAR SESSION**

**May 16, 1983 to June 24, 1983**

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**HOUSE**

Tuesday, May 31, 1983

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

Prayer by the Reverend Sandy Williams of the First Baptist Church of Freeport.

The members stood at attention during the playing of the National Anthem by the Valley High School Band of Bingham.

The journal of the previous session 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 to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code" (S. P. 104) (L. D. 236) reporting "Ought to Pass" in New Draft (S. P. 589) (L. D. 1707)

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

**Ought to Pass in New Draft  
Tabled and Assigned**

Report of the Committee on Local and County Government on Bill "An Act to Establish County Budget Committees" (S. P. 453) (L. D. 1347) reporting "Ought to Pass" in New Draft (S. P. 592) (L. D. 1710)

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.

On motion of Mr. Diamond of Bangor, tabled pending acceptance of the Committee Report and tomorrow assigned.

**Messages and Documents**

The Following Communication:

State of Maine  
One Hundred And Eleventh  
Legislature  
Committee on Legal Affairs

May 27, 1983

The Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine  
Dear Speaker Martin:

The Committee on Legal Affairs is pleased to report that it has completed all business placed before it by the first regular session of the 111th Legislature.

Total number of bills received—64

Unanimous reports—56

Leave to Withdraw—13

Ought Not to Pass—10

Ought to Pass—7

Ought to Pass as Amended—16

Ought to Pass New Draft—8

Referred to another

Committee—2

Divided Reports—8

Respectfully submitted,

S HAROLD R. COX

House Chairman

The Communication was read and ordered placed on file.

**Orders**

On Motion of Representative Lehoux of Biddeford the following Joint Resolution: (H. P. 1292) (Cosponsors: Representatives Paradis of Old Town and Tuttle of Sanford)

**JOINT RESOLUTION RECOGNIZING  
VIETNAM VETERANS**

WHEREAS, the Vietnam veterans of our Armed Forces have served the United States of America and the State of Maine with distinction; and

WHEREAS, the Vietnam veterans deserve the highest honors and deepest gratitude of the citizens of this Nation and this State; and

WHEREAS, the Vietnam veterans have at times not received appropriate recognition for their service; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the First Regular Session of the 111th Legislature, now assembled, recognize the Vietnam veterans for their distinguished service, dedication and contributions under adverse conditions to this Nation and State; and be it further

RESOLVED: That this Legislature respectfully requests the Governor to issue a Proclamation establishing an appropriate day in 1983 as Vietnam Veterans Recognition Day; and be it further

RESOLVED: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Joseph E. Brennan, the headquarters of each veterans post and the headquarters of all military organizations and installations in the State.

Under suspension of the Rules, the Resolution was read and adopted and sent up for concurrence.

**House Reports of Committees  
Unanimous Leave to Withdraw**

Representative Webster from the Committee on Health and Institutional Services on Bill "An Act to Transfer to the Department of Mental Health and Mental Retardation Certain Program and Function Authority and Services to the Mentally Retarded" (H. P. 1100) (L. D. 1451) reporting "Leave to Withdraw"

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

**Ought to Pass in New Draft/New Title**

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Extend the Time for Acquiring those Areas which have been Designated Potential Passamaquoddy Indian Territory, and to Designate Certain other Areas as Potential Passamaquoddy Indian Territory" (H. P. 882) (L. D. 1136) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Extend the Time for Acquiring those Areas which have been Designated Potential Passamaquoddy Indian Territory" (H. P. 1291) (L. D. 1712)

Representative Gwadosky from the Committee on State Government on Bill "An Act to Establish Job Development and Entrepreneurial Training Funds Within the State Development Office" (H. P. 1229) (L. D. 1634) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Establish a Job Development Training Fund Within the State Development Office" (H. P. 1294) (L. D. 1715)

Reports were read and accepted and the New Drafts read once. Under suspension of the rules, the New Drafts were read the second time, passed to be engrossed and sent up for concurrence.

**Consent Calendar  
First Day**

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

(S. P. 562) (L. D. 1625) Bill "An Act to Effect Changes in the Statutes of Various Occupational and Professional Licensing Boards"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-156)

(S. P. 510) (L. D. 1536) Bill "An Act to Extend the Time for County Commissioners to Apportion County Taxes" (Emergency)—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-158)

(S. P. 548) (L. D. 1599) Bill "An Act to Clarify and Make Corrections in the Inland Fisheries

and Wildlife Laws"—Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-151)

(H. P. 1186) (L. D. 1582) Bill "An Act to Establish Time Limits for the Eminent Domain Procedures for Sanitary and Sewer Districts"—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 1253) (L. D. 1666) Bill "An Act to Permit Expedited Processing of Petitions for A Certificate of Public Convenience and Necessity" (Emergency)—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 1199) (L. D. 1593) Bill "An Act to Recodify the State Military Laws"—Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 49) (L. D. 54) Bill "An Act Relating to Motor Vehicle Inspection Stickers"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-306)

(H. P. 811) (L. D. 1051) Bill "An Act to Modify Certain Rules of the Road to Conform with the Uniform Vehicle Code"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-307)

There being no objections, under suspension of the rules the above items were given Consent Calendar, Second Day, notification, the Senate Papers were passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

**Passed to Be Engrossed  
Amended Bill**

Bill "An Act to Make Voting Places more Accessible to the Elderly and Handicapped" (H. P. 728) (L. D. 937) (C. "A" H-298)

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

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

**Tabled and Assigned**

An Act Concerning the Stopping of Trucks at Roadside Weighing Points (H. P. 1094) (L. D. 1440) (C. "A" H-288)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

**Later Today Assigned**

An Act to Provide for the Development of a Centralized Coordinated Planning and Evaluation Process for State Alcohol and Drug Abuse Activities (H. P. 1276) (L. D. 1692)

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

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, there has to be a technical amendment to this bill. A typographical error was made when it was printed up and that amendment is not quite ready so I would request that somebody table this until later in today's session.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

**Passed to Be Enacted**

An Act Providing Uniformity, Conformity with the Maine Administrative Procedure Act and Compliance with Court Decisions of the Statutes of Licensing Boards within the Department of Business Regulation (S. P. 495) (L. D. 1502) (C. "A" S-131)

An Act to Provide a Comprehensive Marketing Program for Maine Agricultural Products (S. P. 545) (L. D. 1590)

An Act Relating to Bail Commissioners (H. P. 701) (L. D. 890) (H. "A" H-289 to C. "A" H-252)

An Act to Ban Metal-piercing Ammunition (H. P. 1245) (L. D. 1659)

An Act to Assure Public Awareness of Nuclear Civil Protection Plans for Maine (H. P. 1266) (L. D. 1677) (S. "A" S-152)

#### Finally Passed

RESOLVE, Providing for Collection for Data and Promulgation of Rules Concerning Occupational Safeguards for Operators of Video Display Terminals (H. P. 1265) (L. D. 1675)

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

The following Joint Resolution: (S. P. 588)

#### JOINT RESOLUTION IN HONOR

OF RONALD H. LORD,

LEGISLATIVE FINANCE OFFICER,  
STATE OF MAINE

WHEREAS, "governments, like clocks, go from the motion men give them . . ."; and

WHEREAS, Ronald H. Lord, of Hallowell, has been an intricate part of the state financial movement for the past 28 years; and

WHEREAS, during that time, he has faithfully discharged his duties and responsibilities in a cheerful, cooperative and professional manner; and

WHEREAS, the fiscal affairs of the Legislature have been in exceptionally good hands during Ron's long and dedicated tenure as the Legislative Finance Officer; now, therefore, be it

RESOLVED: That, We, the Members of the Senate and House of Representatives of the First Regular Session of the 111th Legislature of the great and sovereign State of Maine, now assembled, pause in our duties to pay this tribute to Ronald E. Lord, our trusted Legislative Finance Officer, upon his retirement from the service of this State and express to him on behalf of the Legislature and the people of the State of Maine a full measure of appreciation for his many years of devoted service; and be it further

RESOLVED: As a signal mark of our affection for Ron and his lovely wife, Carolyn, that a suitable copy of this Joint Resolution be prepared and presented with warmest wishes for continued success in the future.

Came from the Senate read and adopted.

In the House, the Resolution was read.

The SPEAKER: The Chair is pleased to recognize in the back of the hall Ronnie and his wife, Carolyn, his mother and father are also with him and his son, Jeff. Ron, take the center here (applause, the members rising).

The Chair is very pleased to have you with us and we are sorry to see you go since you started in state government about the same time as the gentleman from Lewiston, Mr. Jalburt, and the gentleman from Enfield, Mr. Dudley, and almost as long as I. We will miss you around here but we certainly wish you the best in your retirement.

Thereupon the Resolution was adopted in concurrence.

#### Orders of the Day

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

Bill "An Act to Incorporate Last Best Offer Provisions into the Municipal Public Employees and the University of Maine Labor Relations Laws" (H. P. 925) (L. D. 1204)

—In House, Majority "Ought Not to Pass" Report of the Committee on Labor read and accepted on May 24, 1983.

—In Senate, Minority "Ought to Pass" in New Draft under New Title Bill "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678) Re-

port of the Committee on Labor read and accepted and the New Draft passed to be engrossed in non-concurrence.

Tabled — May 26, 1983 by Representative Beaulieu of Portland.

Pending — Motion of same gentlewoman to Recede and Concur.

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

Miss LEWIS: Mr. Speaker, I ask for a division.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker and Members of the House: I simply want to remind you that we did defeat this bill on the floor last week by a rather sizable margin. I realize there has been a lot of political arm-twisting in the meantime, but I will ask you to recall that the issue is exactly the same as it was a week ago. I ask you to remember that the arguments are the same as they were a week ago, and the cast of characters is the same, and I hope the outcome will be the same.

I urge you to defeat this motion to recede and concur and ask for a roll call vote.

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

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: As has been said, we have debated this issue thoroughly. I ask you to please vote for the motion to recede and concur. I think we are at the point now where we need to take one single consideration, and that is that as the law stands now there is no resolution when it comes to wages, insurance and pensions because they are not binding on either party.

The bill before you puts together a process, a very tough process, one that we feel, the majority of the Labor Committee feels is desperately needed because without something to end the problems that are occurring out in the field now, we need to put a binding arbitration process into place.

I ask you to go along with what the Labor Committee has been working on for months now, and that is a mechanism to make sure that in the collective bargaining process, there will be a period in place so that public employees will no longer have to be held in abeyance.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Some of the proponents of this bill have been arguing that this will not force tax increases and is not a delegation of legislation authority from elected officials to an outside arbitrator who is not accountable to the public. They feel that municipal officials would still have the ability to control property tax levels despite the fact that an outside arbitrator would be authorized to make a binding decision regarding the wages, pension benefits, and insurance benefits for those municipal employees and teachers.

I cannot help but wonder how we as state legislators would feel if the United States Congress were to enact a law similar to L. D. 1678 which mandated that labor disputes involving state employees would be resolved by an outside arbitrator. With personnel costs comprising such a high percentage of the state budget, would we as legislators feel that we were in the same position as we are presently if we are to make major policy decisions regarding the various needs of the people of the State of Maine? Would we feel that we had the same latitude that we presently have to allocate the limited

resources available to state government? As we approach the closing weeks of this legislative session and see once again the large number of competing demands for limited funding, how would we feel if we were told that the legislature had no choice but to fund an arbitrator's binding decision granting a salary increase or an increase in pension or insurance benefits that was beyond what we felt we could afford?

I am sure that you will agree with me that few of us, as elected members of the state legislature, would condone such an action; yet, it is this very same mandate which this bill would impose on municipal governments, school systems and the University of Maine. How can we as elected officials expect other governmental units to be fiscally responsible if we place a straight jacket such as this upon them?

I would again call your attention to the Maine Constitution, Section 22, Page 8, which to me is very clear—if we let this bill become law, we are shirking our responsibility our constitutional responsibility, for this section states: "No tax or duty shall be imposed without the consent of the people." If we allow this to become law, we are abrogating our duty by passing the buck.

I would hope that you would vote not to recede and concur.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I will just take a moment of your time this afternoon to address the problem which was brought to your attention by the good gentleman from Winslow, Mr. Carter, with respect to the possible constitutional problems dealing with the delegation of authority in interest arbitration matters to a third party arbitrator.

There is no case at all which would in any way support his arguments. In fact, if we take a look at the most recent statement by the Maine Law Court in this area, the recent Cape Elizabeth decision, that decision clearly indicates that interest arbitration matters may go to binding arbitration if they are clear and specific definitions to the arbitration if they are clear and specific definitions to the arbitrator in making his or her decision.

I would urge you to read the language in L. D. 1678 and you will see that there are specific standards set forth for the arbitrator to consider in resolving interest issues and the standard which are contained in this L. D., which were worked on long and hard by the Committee on Labor, we believe certainly passes constitutional muster. I do not believe that that is a valid reason for you to oppose this L. D.

The other question always boils down to simply one of fairness. I certainly agree that binding arbitration is somewhat of a distasteful mechanism to put into play in the sphere of collective bargaining at the local level. Nevertheless, the real issue in this case is fairness. We have an inherently unrealistic economic situation at the local level because workers do not have the right to strike, and I do not support giving them the right to strike, but the only viable mechanism they can have with any leverage at all in the bargaining process is to introduce this element of binding arbitration. Many members here have gotten up and spoken of the economic catastrophe which will be visited upon the good people of the State of Maine if this bill were to become law—that's nonsense. Look at other jurisdictions that have gone to binding arbitration. You will find the record in those jurisdictions indicates that binding arbitration has introduced an element of calm and predictability into negotiations, collective bargaining, and it has promoted

harmony among the work force rather than what we have today.

One final note while I am on my feet, if these arguments do not persuade me to support this bill, the situation in Lewiston certainly has. Over the past two years, we have had a long, prolonged bickering on contracts, especially with firefighters, and the most recent contract lingered for 20 months in Lewiston and was resolved not by the parties getting together and rationally resolving their problems but rather a death of a firefighter finally prompted the city officials to come to some settlement because of the public outrage of the conditions.

For these reasons, I support wholeheartedly L. D. 1678 and would urge you to support the motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call just a couple of things to your attention. One of the big hues and cries for this legislation is to speed up the process of bargaining. I would like to call your attention to the fact that this bill, even if everything goes perfectly, the way that it should, will add about 118 days to this process. I would also call your attention to an article in today's paper regarding school systems going bankrupt in California, and it is my understanding that California has had binding arbitration for years and years, and I ask you if you think this state can afford that.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I don't know what the situation is in California but I doubt if wage settlements has caused the distress in their schools.

Two points—first of all, there is nothing in this bill that would force a tax increase, particularly if they never get to binding arbitration and if it gets to binding arbitration, who is to say that there will be a tax increase? The arbitrator could opt not to grant the request of either party.

The issue on whether or not binding arbitration is constitutional has been brought to the courts, even up to the Supreme Court in many other states, and in every instance it has been found to be constitutional because the appointed arbitrator performs as an administrative function.

The Constitution was read to you a few minutes ago and in Section 22 it says "No tax or duty shall be imposed without the consent of the people or their representative in the legislature." I think we are representatives in the legislature, we are representatives of the people, we raise taxes here and impose those on local communities all the time.

I know that the bill before you clearly states that either party, after a binding arbitration decision is made, can appeal to the courts and in that instance the judge becomes an arbitrator. The judge becomes an arbitrator in a divorce settlement situation. Are we going to throw the judges out? So arbitration is a process that is known. We already have binding arbitration in this state for a segment of public employees. I believe it involves the transit district in my own community. Because they accepted federal funds, those employees of the bus company come under the federal standards which grants binding arbitration in this state. Arbitration and binding arbitration has been used by the private sector in this state and they have had no qualms about calling for people to come in and settle their cases from out of state.

Ladies and gentlemen, we have debated this issue for many years and every time we have debated it, somebody has always said that we agree that there are problems out there in the field, some of the problems that create non-settlement of contracts for as long as one, two and three year periods and we know that we

need to do something but no one has ever brought forth another suggestion as to how to deal with this issue. We, as a committee, have spent long hours, a lot of time of debate on this issue, we put forth to you a bill that clearly sets out the mechanisms of how it would work should the communities choose to go to binding arbitration. It is in order, it is a tough one, it leaves every mechanism in place, no union or, for that matter, no community will ever be able to get to the binding arbitration stage easily. There is a lot to lose from both sides if they do get to it but, believe me, we have to have something that puts a period on the end of what we have now for collective bargaining processes. We say to you and we urge you to go along with us, please.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Bonney.

Mr. BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, am a member of the Labor Committee and if you vote for this bill, you are taking away some of the rights of your school committees and taxpayers in your community to set the pay of municipal employees in your towns. You are taking away another one of the rights of your community to an arbitrator and handing it to him.

I ask you to vote against this bill for freedom of your towns.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: There are some issues that we debate every session that come to us with preconceived notions on our parts, and this is one of those issues, I think. Binding arbitration, collective bargaining, things that sound pro-labor or anti-labor always bring out a certain reaction in us and it becomes very easy to vote based on that gut reaction.

This issue, the so-called last best offer, item by item binding arbitration, sure is one that strikes the hearts in fear of men and women. It shouldn't do so, and in spite of the rhetoric that has been bantered about today, I think I would just like to briefly explain why this bill is not nearly the dragon that a lot of people would like to imply it is.

Right now, as most of you know, most municipalities, no municipalities really, have any options available to their municipal employees as far as job action that can be taken legally when they are in the middle of a contract dispute. This proposal gives an option to those people that I believe is fair and equitable to all parties involved and it keeps us from getting to that point where we are going to go one step beyond something that could result in walkouts by our teachers, the closing of our schools, walkouts by firemen, policemen and other public employees.

The proposal that you have before you has been labeled a bad bill because of a lot of misunderstanding and misconceptions about how it works. Several people have spoken on this issue here on the floor and in the hall saying that it denies the municipal officials the power to determine tax rates of municipalities and so forth. It takes the power away, it ties the hands, it does all kinds of things. It doesn't do so. If you read the new draft to the bill, L. D. 1678, it lays out what I feel is a responsible mechanism, a tool to employers and employees in dealing with contract disputes.

Specific sections of the bill deal with every one of the concerns raised by the opponents today. The gentleman from Falmouth, Mr. Bonney's concerns, the gentleman from Hampden, Mr. Willey's concerns, and the gentleman from Winslow, Mr. Carter's concerns, each one of those concerns is addressed in this bill and if you all would take the time to read it, I think you would see that your fears are addressed properly.

Most people worry about this bill because they say that it takes the power away from the elected municipal officials, but you have got to

remember that it does not do that, it doesn't do so anymore than a town manager takes that power away. There is a delegation of responsibility, I am not denying that, but it is a delegation that is made consciously by the municipal town fathers. The way it works is that the arbitrator is selected from a list compiled of people acceptable to both sides. The municipal officials have the power to select the person who is going to serve in this so-called quasi-judicial role. They have a say, they are willingly choosing that person based on that person's experience in that field and to say that this person will come in cold and not understand what he is doing is crazy. Obviously, the municipal officials are going to look at this person's experience, his qualifications, his expertise, before they select that person.

I don't think that any of the concerns that have been addressed today have any basis whatsoever, I think this is a good piece of legislation that addresses a real problem in many municipalities. I urged you to support the motion to recede and concur.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: My good friend and counterpart in the other corner says that he feels there are many misconceptions dealing with this bill. I would just like to advise him that my municipal officials have lobbied me heavier on this piece of legislation than any other that has come before us this session. They are definitely opposed to this legislation for the many reasons which I will not enumerate again which have been presented here this morning.

It is certainly my hope and feeling that we would be much better off to defeat the motion before us.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: We speak of misconceptions. There is one area that I would really like to point out. They talk about not taking the power away from the municipal officials; the municipal officials don't have that power in the first place. If you are going to raise the pay of any of the employees of the town, you have got to have money to do it and to get this money you have got to get a vote of the townspeople; this was what I pointed out the other day. The selectmen can't just arbitrarily say because an arbitrator has come out and said they are going to get \$2 an hour more and say, all right, make out the warrant and give it to the town treasurer and say issue checks for \$2 an hour more, they just can't do that. They have not been authorized to spend that money and the only way they can be authorized to spend it is right where it should come from, the townspeople, not some arbitrator that is just sitting out there taking in all the pros and cons from both sides because it should come from the townspeople and do they feel they can afford it. All these things are taken into account when they sit down with an arbitrator.

The last say should be by the townspeople. After all, it is their money, that is where it comes from.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: Having served on a negotiating team for a number of occasions in the private sector, I would like to relate to you some of my thoughts on this bill.

I think it is clear that there needs to be some means to resolve the disputes when these disputes have taken up to two years and they are going nowhere. In the negotiating process, management has no incentive to settle within a reasonable timeframe because prolonging these negotiations in disputes always saves them money; whether you are dealing in the private sector or the public sector, this is the case.

Furthermore, in the private sector, we enjoy the right to strike, the right to withhold our services, and this provides a balance of strength in this private sector and in the negotiating process. There is no corresponding pressure here in the public sector.

I think this bill is a reasonable one, one that labor organizations must wait up to 60 days after the expiration of a contract before requesting arbitration and they must only do this after factfinding has taken place, another one of the steps in this organized bargaining process. This law also sets up extensive and specific standards by which an arbitrator must base his or her decision. These are on Pages 5 and 6 of the bill and there are 11 points detailing this process.

Lastly, unions risk as much as management does in this process. There is substantial evidence that arbitrators' decisions have resulted in lower settlements than have been received in comparable situations. There is no evidence that they have resulted in higher settlements. I think there is a need for some method of resolving these disputes short of disruption, short of disrupting the services to the public, and I think this is a fair and equitable method of doing so.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Beaulieu, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Mayo, McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Paradis, P.E.; Paul, Perry, Randall, Reeves, P.; Richard, Rolde, Rotondi, Soule, Stevens, Tammaro, Theriault, Thompson, Vose, Weymouth, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Conary, Conners, Cooper, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Melendy, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Swazey, Telow, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Brown, K.L.; Handy, MacBride, Mahany, Manning, Matthews, Z.E.; McPherson, Nelson, Norton, Racine, Seavey, Strout, Tuttle. Yes, 71; No, 67; Absent, 13.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-seven in the negative, with thirteen being absent, the motion does prevail.

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

#### After Recess 1:20 p.m.

The House was called to order by the Speaker.

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

#### Non-Concurrent Matter

An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983 (H. P. 810) (L. D. 1050) which

failed of passage to be enacted in the House on May 27, 1983.

Came from the Senate passed to be enacted in non-concurrence.

In the House: Mr. Diamond of Bangor moved that the House recede and concur.

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

A vote of the House was taken.

Whereupon, Mr. Jalbert of Lewiston requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Diamond, that the House recede and concur. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Cahill, Conary, Conners, Curtis, Davis, Day, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Masterman, Masterton, Matthews, K.L.; Maybury, Mitchell, E.H.; Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, K.L.; Callahan, Carrier, Crowley, Dexter, Dudley, Handy, Hayden, Jacques, MacBride, Mahany, Manning, Matthews, Z.E.; McPherson, Nelson, Racine, Rotondi, Seavey, Strout, Tuttle.

Yes, 78; No, 53; Absent, 20.

The SPEAKER: Seventy-eight having voted in the affirmative and fifty-three in the negative, with twenty being absent, the motion does not prevail.

On motion of Mrs. Mitchell of Vassalboro, the House reconsidered its action whereby it failed to recede and concur.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I am at a loss to understand why members of this body would oppose the emergency enactment of a piece of legislation which grants block grant monies to all towns in this state. It seems to me that it is partisan game play at its worst. The checks are ready to go. The towns have been waiting for a long time for this money. The committee agreed as a whole that they would support this concept. Yes, there was an amendment offered on the floor but the amendment failed. The

process simply must continue. It is really wrong to keep a community hostage through a power play which really makes no sense to me.

There is work to be done, the session is almost over, and it seems to me that we should enact this piece of legislation as responsible legislators and stop playing games.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I guess it wouldn't surprise anybody if I responded to the good gentledady from Vassalboro's remarks. I think a couple points need to be made. Number one, this bill appearing on our calendar last Friday after a committee hearing on Thursday in which, really, a formal vote wasn't taken, and there were at least two members of my caucus that were supportive of the amendment and had intended to report the bill out as a divided report rather than a unanimous report from the committee because they were concerned about the issue of whether or not the legislature, you and I, ought to be involved with the budgetary process of the Department of Transportation just the same as we are involved in the budgetary process of the General Fund and other spending measures here in the legislature. You can call it power play or you can call it gamesmanship or you can call it anything you want, but I happen to think it is being responsible.

The last I knew, Maine State government ran on a co-equal basis of three individual parties, the executive, the legislative and the judicial, and all we are saying here is that we want to be a part of that process and I think we all ought to be a part of that process.

We passed a \$67 million tax increase for the Department of Transportation that took effect on April 1. Money is coming in at the rate of \$80,000 a day. I would submit to you, what happens if we are off a little bit and we raise \$88,000 a day? Suppose we raise five or six million dollars more over the two-year period than we anticipated? Who has the ultimate right to decide where that money is spent? I submit to you that it is you and I, ladies and gentlemen of the House, not the Governor, not the Commissioner of the Department of Transportation, but you and I.

Just like every other spending bill that comes before this legislature, they have a right to input, for recommendations, for proposals, but we have the final right, in my opinion, to decide where this money is going to be allocated. The Governor proposes, this Legislature disposes, and I don't think we should give up that right to anyone.

The block grant issue is another issue that I think we need to address, and I submit to you that checks can go out, at least 90 percent of the checks can go out, because as I understand it, the towns weren't expecting, necessarily, that extra 10 percent that they were supposed to get to begin with. If they are held up, it is just simply to put pressure on this legislative body to go along with the proposal that I happen to think is a very bad precedent.

I was not aware that this legislature would have nothing to do or say about where surplus money was going to be spent. I think we ought to be involved in that process and I don't intend to vote for this legislation until we are.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: A couple of responses to try to clarify the situation. We are not under pressure because of some imagined deadline. This bill was reported unanimously out of the committee on May 20, this is May 31, so we certainly have had time to deal with it.

If the issue is one of wanting to have an even tighter grip on the Department of Transportation's budget, I would suggest that the gentleman from Scarborough submit legislation to deal with that and that we not use the towns as

hostages as we wait for that to be resolved.

I think it is also important to note that the reason we are debating this issue in the first place is because we are acting responsibly. The Department of Transportation is short for block grants around \$300,000. They can't spend it without our permission, without our approval, that is why they are here today, to give this legislature some control.

The gentleman suggested that they have the money for 90 percent of the towns. I don't think Vassalboro is willing to wait; is Scarborough?

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I think the real issue today is accountability. A short time ago, we passed on to the people of this state a 55 percent increase in the tax that they pay on gasoline. I think that is the single-most talked about issue that I hear about from my constituents. They are concerned, they are concerned because they are paying 55 percent more for taxes on the gasoline that they are buying at the pumps. They are awful concerned about what is happening with that money, they are concerned about accountability and they are looking to us, their Representatives and Senators, to take hold of the department and bring it under control, and I think that is just exactly what we have to do.

I have heard the catch phrase "holding hostage" since day one of this session, since the day that we first discussed tax indexing. I don't think we are holding anybody hostage, the municipalities or any people, and that is why I am opposed to this legislation without the amendment. If the gentlelady in the right-hand corner wants to act responsibly, then let's pass the amendment.

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

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: In reference to a comment made earlier, I would like to ask a question to the Committee on Transportation. This is reported as a unanimous "ought to pass." How many people voted on that in committee, please?

The SPEAKER: The gentlewoman from Houlton, Mrs. Ingraham, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, it was my understanding that every member of that committee was in favor of this legislation and had been for a long time. We were asked to hold that legislation in committee until it was determined what would be done about the dedicated revenue bill. That was the bill in regards to taking the dedicated revenues and putting all the dedicated revenue gas money into the General Fund. It was fully understood by us that we were going to have their support if we held this bill until after the other one came out. Therefore, we had no problem as far as we were concerned. We had voted on this prior to this last time we met and everybody had agreed on it. I was very much surprised to see some members of that committee saying afterwards that had not had the opportunity to vote on this legislation. I understood that everyone had a chance, who was supposed to have a chance, to vote on it. If anybody was denied that opportunity, then I will be held accountable. I didn't realize that anybody had been denied the opportunity of voting on this legislation. That was left to my clerk. We signed the bill out and it went out of the committee.

The problem I have is when people get up and talk about irresponsibility. I don't know of anything more irresponsible than to put your name on legislation and then when it comes up in this House to vote against it, and that gentleman over in the left hand corner has done it

consistently down here. He talks about legislation and when it gets up on the floor he votes against it; he is playing games and if Scarborough doesn't want their money, we will take them off the list, that is what he is telling me, because in the Town of Limerick we want 100 percent. It is ours, it is yours and we want it.

Don't tell me, Mr. Brown, that we are acting irresponsible. The highway budget now, the legislature has their hands right on their throat. They can't go out and spend money and they can't transfer it and you know it. There is very, very little monies in that tremendous budget that can be spent without your approval, and you know it. Anyone who gets up and talks as though we are going to spend two million, six million, eight million dollars without legislative approval is being utterly ridiculous. In years gone by, they could move funds from one account to another and play games, but you put them on line budgeting and line budgeting says that they have to come before you. Line budgeting means that the legislature cannot transfer accounts.

Your winter maintenance account had a balance; we want to transfer it into the block grant account. It is pure and it is simple.

Some people were offended because they put an amendment on the bill. You can always come back, there will be another year to play these kinds of games if you want to play them, but don't hold the block grant money up. We have got a rainy season out there and they are going to be in a heck of a rush to get those roads fixed. We have had washouts galore, don't hold up the town's money.

If you want to make a fool out of Carroll, make a fool out of him, I don't care, but let's not play with block grant money.

The SPEAKER: The record will show that there were nine members of the Transportation Committee present for the vote. The four people absent in the committee were the Senator from Penobscot, Senator Emerson, the gentleman from South Portland, Mr. Macomber, the gentleman from Mechanic Falls, Mr. Callahan, and the gentleman from Eliot, Mr. McPherson. All other members were present and voted, and the record so records it in the Transportation Committee Clerk's Room.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I can't let the remarks of the gentleman from Limerick, Mr. Carroll, go unanswered because he has implied, I think, that I was a cosponsor or the sponsor of this legislation, or if not this legislation, other legislation that I have put my name on and then voted against in the midst of some turmoil of playing games, and that simply is not true. That particular bill was sponsored by the gentleman from Limerick, Mr. Carroll, Mr. Nadeau and Mr. Emerson from the other body. I was not involved in this bill whatsoever and I am not accustomed to trying to kill or somehow play games with legislation that I sponsor myself, and certainly not this bill.

I guess the last comment I would make is that the good gentlelady from Vassalboro, Mrs. Mitchell, sort of asked the rhetorical question--is Scarborough willing to give up its share of the money in block grants. I guess I would have to say that I think they would be willing to give up their share if it meant that the legislature would have something to do or say about where that money was going to be coming from in the future. I say that reminding this body that it was the legislature, not the Governor, who put money back in the block grant program to begin with. The Governor's original allocation act had no money at all for block grants, none. Through our actions, and certainly through the actions of the Governor's Office in passing the gas tax, we eventually put that money back in to fund it at a hundred percent.

I am saying to you that behind all the rhe-

toric here today, game playing and all that sort of thing, the issue is being responsible and accountable for the people of the State of Maine who are paying 14 cents a gallon in gas taxes.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I attempt to speak to you today in a non-partisan manner. It is very difficult because I believe it has been made into a partisan issue at this time. I hope you all understand what it is we are talking about. If this bill isn't passed today, there will be no block grant money sent out.

The gentleman from Livermore Falls, Mr. Brown, talked about accountability. I have no problem with the word, but I think you have accountability to the people that you represent from the cities and towns that you come from. These people have made up their budgets, they are into the season where the road work, things of this nature, are about to start. They need this money and they need it very badly. I don't think that we should hold up something like this because of a partisan split. I think it is a thing that we really need.

I think the fact is that the gentleman from Scarborough said that perhaps we could send out 90 percent of the checks and the other 10 percent would be sent out sometime in the future. Well, I don't think that is really being fair to the people who are concerned. That is fine if you are one of the 90 percent but it is not quite that good if you are one of the 10 percent.

I think the very serious aspect of this, if we don't do something and do it today, there is not going to be any money available 90 days from now. If we do not pass this bill today, the money will go back into surplus, the money for the block grants will come out of the next biennium's money. I think that is a very important point to consider. I hope you will keep in mind the people you represent and act in their best interest.

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 either Mr. Carroll or Mr. Macomber or Mrs. Mitchell. What is wrong with asking the legislature for its approval in a matter such as this?

Mr. Higgins of Scarborough requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Diamond, that the House recede and concur. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, 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, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammara, Theriault, Thomp-



son, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Callahan, Conary, Conners, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, Masterman, Masterton, Matthews, K.L.; Maybury, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, K.L.; Cahill, Dudley, Handy, MacBride, Mahany, Manning, Matthews, Z.E.; McPherson, Nelson, Racine, Seavey, Strout, Tuttle.

Yes, 84; No, 53; Absent, 14.

The SPEAKER: Eighty-four having voted in the affirmative and fifty-three in the negative, with fourteen being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Ms. Rotondi of Athens,  
Recessed until four o'clock in the afternoon.

**After Recess  
4:00 p.m.**

The House called to Order by The Speaker.

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

An Act to Revise the Truancy Laws (H. P. 877) (L. D. 1131) (C. "A" H-213 and H. "C" H-264)

Tabled — May 27, 1983 by Representative Connolly of Portland.

Pending — Passage to be Enacted.

On motion of Mr. Connolly of Portland, tabled pending passage to be enacted and tomorrow assigned.

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

Bill, "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

Tabled — May 27, 1983 by Representative Diamond of Bangor.

Pending — Motion of Representative Kilcayne of Gardiner to Reconsider whereby the House accepted the Majority "Ought Not to Pass"

Report of the Committee on Labor.

On motion of Mr. Diamond of Bangor, tabled pending the motion of Mr. Kilcayne of Gardiner to reconsider and tomorrow assigned.

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

SENATE DIVIDED REPORT — Majority (7) "Ought to Pass" in New Draft (S. P. 570) (L. D. 1646) — Minority (6) "Ought Not to Pass"

— Committee on Judiciary on Bill "An Act to Provide Equal Access to Justice" (S. P. 203) (L. D. 625)

— In Senate, Majority "Ought to Pass" in New Draft (S. P. 570) (L. D. 1646) Report read and accepted and the New Draft passed to be engrossed.

Tabled — May 27, 1983 by Representative Hobbins of Saco.

Pending — Motion of Representative Joyce of Portland to accept the Minority "Ought Not to Pass" Report.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Joyce of Portland to accept the Minority Report and tomorrow assigned.

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

Bill, "An Act to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town

Way Bridges" (S. P. 415) (L. D. 1262)

Tabled — May 27, 1983 by Representative Carroll of Limerick.

Pending — Passage to be Engrossed.

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

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

An Act to Amend the Foreclosure Laws (H. P. 1153) (L. D. 1523) (C. "A" H-268)

Tabled — May 27, 1983 by Representative Hobbins of Saco.

Pending — Passage to be Enacted.

On motion of Mr. Soule of Westport, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-304) was read by the Clerk and adopted.

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

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

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

An Act to Require Interdepartmental Coordination of Social Services Planning (H. P. 1255) (L. D. 1668)

Tabled — May 27, 1983 by Representative Brodeur of Auburn.

Pending — Motion of same gentleman to reconsider Passage to be Enacted.

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

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

An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs (H. P. 1241) (L. D. 1653)

Tabled — May 27, 1983 by Representative Mitchell of Vassalboro.

Pending — Motion of same gentlewoman to Reconsider Passage to be Enacted.

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

Mrs. MITCHELL: Mr. Speaker, I hope the House will vote against the motion to reconsider. I tabled the bill pending reconsideration as a courtesy to a colleague who could not be present at the time.

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

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: I guess to put it very bluntly, I just don't think this bill is necessary. I was one of the minorities who signed the "ought not to pass" report. This bill has a price tag of somewhere in the vicinity of \$54,000. I think if each of you were to speak to your own superintendent of schools and explain this bill to him, they would probably say that this legislation is not necessary, and I would urge you to defeat this legislation.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: Not to prolong the debate, but I think the House deserves at least some consideration of what the issue is that we are discussing. We are talking about L. D. 1653; it is an act which simply provides for enforcement of equality in education under Title 19.

The bill does not require schools to do anything that they are not already required to do under federal law. It just gives a remedy if people are not given an opportunity for equal education. They have a remedy that does not require three to five years in the courts. They can go before the Human Rights Commission and have the complaint resolved.

I hope you will vote against reconsideration and pass this very good piece of legislation.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the House reconsider its action whereby this Bill was passed to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

33 having voted in the affirmative and 65 having voted in the negative, the motion to reconsider did not prevail.

Sent to the Senate.

The Chair laid before the House the ninth tabled and today assigned matter: An Act Establishing a Commission to Study the Issue of the Custody of Children in Domestic Relations Cases (H. P. 1244) (L. D. 1658) (Emergency)

Tabled — May 27, 1983 by Representative Hobbins of Saco.

Pending — Passage to be Enacted. (Roll Call Ordered)

On motion of Mr. Soule of Westport, tabled pending passage to be enacted and later today assigned.

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

An Act to Create a Maine Sentencing Guidelines Commission (H. P. 1270) (L. D. 1684)

Tabled — May 27, 1983 by Representative Mitchell of Vassalboro.

Pending — Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

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

Mrs. MITCHELL: Mr. Speaker, is the House in possession of House Paper 592, L. D. 736, An Act to Protect Employees from Reprisal who Report or Refuse to Commit Illegal Acts?

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentlewoman's request.

Mrs. MITCHELL: Mr. Speaker, having voted on the prevailing side, I now move we reconsider whereby this Bill was passed to be enacted.

On motion of the same gentlewoman, tabled pending her motion to reconsider and tomorrow assigned.

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

#### Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Corporation, Company, Firm or Individual who is Delinquent in Paying any Personal Tax" (H. P. 939) (L. D. 1222) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Person who is Delinquent in Paying Personal Property Taxes" (Emergency) (H. P. 1290) (L. D. 1711)

Report was signed by the following members:

Senators:

WOOD of York  
TEAGUE of Somerset

— of the Senate.

Representatives:

HIGGINS of Portland  
ANDREWS of Portland  
BROWN of Bethel



CASHMAN of Old Town  
DAY of Westbrook  
INGRAHAM of Houlton  
KANE of South Portland  
KILCOYNE of Gardiner  
MASTERMAN of Milo

— of the House.

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

Report was signed by the following members:

Senator:

TWITCHELL of Oxford

— of the Senate.

Representative:

McCOLLISTER of Canton

— of the House.

Reports were read.

On motion of Mr. Higgins of Portland, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on Bill "An Act to Amend the Law Relating to Tax Increment Financing" (H. P. 1039) (L. D. 1364)

Report was signed by the following members:

Senators:

TEAGUE of Somerset

TWITCHELL of Oxford

— of the Senate.

Representatives:

CASHMAN of Old Town

DAY of Westbrook

BROWN of Bethel

INGRAHAM of Houlton

MASTERMAN of Milo

— of the House.

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

Report was signed by the following members:

Senator:

WOOD of York

— of the Senate.

Representatives:

HIGGINS of Portland

ANDREWS of Portland

KILCOYNE of Gardiner

KANE of South Portland

McCOLLISTER of Canton

— of the House.

Reports were read.

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

Mr. HIGGINS: Mr. Speaker, I move acceptance of the Minority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Portland, Mr. Higgins, moves that the Minority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: If this bill is enacted as it is printed, this measure would exclude certain locally taxable property from the municipality's state valuation. This would result or could result in substantial shifts of the county tax burden. Shifts in the responsibility for financing education costs would also occur based on this bill. If the legislature compensates for state valuation loss by increasing the subsidy index, then shifts in local shares of financing education would occur.

Alternatively, if the subsidy index is not adjusted to reflect the reduced state valuation here, then the state's share of educational funding would be increased.

Assuming that a tax increment financing project is adopted to accommodate proposed projects such as the Bath Iron Works expansion, the Ethanol plant proposed for the Lewiston-Auburn area or any mining bills, the shift of educational financing costs could approach three quarters of a million dollars. It is

not known how many tax increment financing projects could be generated and would be generated and therefore the total shifts cannot be predicted.

I think in most cases here, the projects that we are talking about would be of major proportion, in the multi-million dollar area, and I think you would find a shift from the urban tax base to the more rural tax base when these occur. For these reasons, I would hope that you would accept the "ought not to pass" report.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum for the purpose of acting as Speaker Pro Tem.

Thereupon, Representative Gwadosky assumed the Chair as Speaker Pro Tem and Speaker Martin retired from the Hall.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: As a signer of the Majority "Ought to Pass" Report on this item, I would hope that the House would reject the minority report so that we can go on to accept the majority report.

What this bill aims to do is correct a situation where presently the state encourages municipalities to use tax increment financing as a vehicle by which government and the private sector can work hand in hand in developing large projects. We, on the one hand, encourage towns to use this vehicle; on the other hand, we penalize towns that do use it by including the tax increment financing district in their state evaluation so that after they have used this vehicle, their educational subsidies decline, their revenue sharing declines because their state valuation goes up. What this bill aims to do is to exclude those TIF districts from the state value so that that situation won't occur.

I think it is unfair for the state to encourage the use of TIF districts and then penalize areas that use it. I would encourage the House to vote against the minority report and would ask for a division.

The SPEAKER: Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, Men and Women of the House: As a cosponsor of this bill, I would like to give a little brief background of what tax increment financing is and what this bill intends to do.

Tax increment financing legislation was passed by the Maine Legislature in the last session where it allows a municipality who is interested in attracting new business and industry to its municipality to create a tax increment financing development district. Within this district, the municipality would then make certain public improvements which an industry interested in moving to that municipality would require in order to make that initial move. The valuation of that district should increase when a new industry or company moves into that municipality.

The theory behind tax increment financing is that that increased valuation pay for the public improvements that are required to attract the industry in the first place.

What L. D. 1364 is designed to do is correct a technical problem with the way the present law is structured. Presently, state aid for education is a function of a municipality's state valuation. As the valuation increased, so does the locality's responsibility to provide for its own education. Likewise, the county tax responsibility also is a function of state valuation increases, that municipality's share of county tax also increases.

This formula now is sound under normal circumstances; however, when we are involved in the tax increment financing district, we are in the situation where that increase in tax re-

venues is targeted by law to pay for those public improvements and therefore can't be used to finance increased educational costs and increased county tax burdens. Therefore, this piece of legislation exempts from the state valuation that particular captured assessed value or increased tax revenues. The taxes will still be collected, however, they cannot be used in the formula for determining state aid to education and also a municipality's county tax burden. Thus, we are not penalizing a municipality for using this tax increment financing tool. What we are saying is that we feel this is a viable alternative and the state should not be penalizing any municipality for deciding to use it.

I would urge you to reject the present motion so we can accept the Majority Report of the committee and assist our municipalities in possibly utilizing this tool.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The last speaker couldn't have put it more plainly. This is directly a tax shift from the larger municipalities to the small towns, those towns who will never have a chance to use this type of increment financing.

Mr. Higgins of Portland requested a roll call vote.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: During the last session of the legislature, I sponsored two bills dealing with tax increment financing and have been a strong proponent of TIF in the past. One of the bills that I proposed and was passed by this legislature removed from the tax increment financing procedures the local referendum requirement, thereby our municipal officials no longer need to go to the people for the approval of any projects.

In the city of Portland there is now under consideration a major \$100 million development of a convention hotel and recreational facilities in downtown Portland. I would expect that this would bring a lot to the city which I represent. It would bring a lot to the city; yet, it would be the suburban and rural areas of Cumberland County which would be bearing the brunt of this burden, the towns of Westbrook, South Portland, Otisfield, Pownal. There would be a major substantial shift in the tax burden. The city of Portland would be responsible for an additional three quarters of a million dollars to the county taxes, but by passing this bill, the city which is receiving the benefits would not be as a burden at all. The outlying areas which are not receiving the benefits are the ones who would be paying the price for this project. This is a major policy change affecting not only our county taxes but the school index and school subsidies for all the surrounding communities.

I think there are enough other incentives to use this tax increment financing program and I feel that this would not be a tax policy at this point in time that would be beneficial to the State of Maine.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Murray.

Mr. MURRAY: Mr. Speaker, Men and Women of the House: There are just a couple of things I would like to respond to. First of all, any municipality in the state would be eligible and is eligible to use tax increment financing. It is not a situation where only the large communities

can do so. The governing body of any municipality may decide to form such a district and I am sure that the likelihood of that occurring is as high in the small communities as it would be in the large communities.

Secondly, the state valuation would only be exempt during the period for which the pay-back on the municipal debt would occur, so that as soon as the municipality has paid for those public improvements, usually a ten year period or so which involves the bonding time period, after that point in time, that increased state valuation is considered as would be in any other municipality and therefore the educational subsidies would decrease and the county tax responsibility would increase.

All we are saying is that we have enacted a good TIF piece of legislation and right now it is not workable and this bill aims at making it workable and I hope you would vote against the pending motion so our localities and municipalities are able to use this development tool.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Durham, Mr. Hayden.

Mr. HAYDEN: Mr. Speaker, Men and Women of the House: I would like to address some of the questions that have been raised by this bill and as a co-sponsor and somebody that comes from small towns, I think some clarifying would be of use.

First of all, tax increment financing is not just a tool for big cities. It may seem more enticing to the big cities because they have more plans for which they might want to defer their debt, but the town of Lisbon, for example, which I represent, could well benefit from a tax increment financing type of legislation.

The statement has been made that this represents a policy shift within our state government and I think there is some accuracy to that, but it is possible to recognize it as a policy shift and still support the bill, which, in fact, I do. The policy shift is this—in deferring that debt, in effecting some of the revenue sharing formula, the complicated formula that all the towns in the county have to live by, we still can be giving an economic aid and an economic revitalization to every town in that county and I think that is the important point to remember. If you have a tax increment financing district that gives birth to an industrial park that is going to employ people, it is not going to employ people just in Lisbon, it is going to employ people in Brunswick, Durham, Auburn and Sabattus and some of those benefits are going to go over outside the town boundaries to the county boundaries. I think that is the ultimate answer to this question. If you don't buy into that theory, if you don't think that the birth of a district in one town is going to help the people in another town, perhaps it would be wise to vote against this.

I think the essence of tax increment financing is that if a town can make a wise investment, a wise decision, and rationally decide to defer its debt, everyone in the vicinity is going to benefit, not just the people in that town. I think that is the reason for the bill, a reason why those policy shifts are, in my mind, justified and why I am voting in support of the measure and against the Minority "Ought Not to Pass" Report.

The SPEAKER Pro Tem: The chair recognizes the gentleman from South Portland, Mrs. Thompson.

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. The Education Finance Act attempts to equalize educational opportunity throughout the state by requiring that every community raise as much money as it is capable of according to its tax base. Does this bill, in fact, say that those communities who opt to use tax increment funding will then be at an advantage over those communities who do not use TIF and will this cause some disequalizing or unequalize our Education Fi-

nance Act? Can someone from the committee answer that, please?

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, the valuation reflected in these improvements would not be included in state valuation and therefore, to some degree, there might be an artificial inflation because this is not considered in the subsidy index and a benefit to the community in which the project is located.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer.

Does this in any way affect the debt limitation on the cities and towns in circumventing debt limitation on the cities and towns?

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to anyone who may care to respond.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: It is a form of financing improvement above and beyond regular funding that the cities generally use for these improvements. It is a new mechanism, one that has been primarily used in the western areas and quite successfully out there. To my knowledge, there is only one tax increment financing district in the state, which is in the Lewiston-Auburn area, and when we passed this legislation in the past, we hoped that there were enough incentives to encourage this so they didn't have to go the regular bonding route that they have in the past.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose another question through the Chair. If I understand your answer, what you are saying is that this is a way to cut around the debt limitations that we put on our city and town governments? End run it?

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, has posed another question through the Chair to anyone who may care to respond.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I wouldn't use those particular terms. It is a new, novel, more creative approach of trying to bring in specialized industries or development special districts whereby you can improve the development in the area.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a further question through the Chair. Does this bill come from Maine Municipal?

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, has posed another question through the Chair to anyone who may care to respond.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: In answer to the question, not to the best of my knowledge.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rose to answer the gentleman's earlier question concerning the debt limitation of the municipality. It would be my understanding that this bill has no effect on that. This is more a method by which the debt is retired than it is an end-run around the bonding limitations of a municipality.

What we are doing with tax increment financing is retiring a debt that was incurred through encouraged development. The municipality involved incurred the debt to encourage a development, they use the increased tax revenue from that development to pay off that debt and I think it is important when we discuss the effect on the smaller towns, if a large municipality uses this vehicle, it is important to remember that they are only deferring putting this new development into the state valuation until such time as the municipality involved can use the increased revenue for other purposes other than retiring a debt that they incurred to encourage the development.

The SPEAKER Pro Tem: I would like to pose a question to the Chair. Should there be a fiscal note on this bill?

The SPEAKER Pro Tem: The Chair would respond to the gentleman from Bangor, Mr. Kelleher's request for a possible fiscal note that at this time there may appear to be a fiscal note needed; however, it would not be needed until acceptance of a committee report.

On motion of Mr. Jalbert of Lewiston, tabled pending the motion of Mr. Higgins of Portland to accept the Minority "Ought Not to Pass" Report and tomorrow assigned.

### Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Moneys Dedicated to the Highway Fund to be Used to Provide Operational Subsidies for Various Forms of Surface Passenger Transit (H. P. 968) (L. D. 1248)

Report was signed by the following members:

Senators:

TEAGUE of Somerset  
TWITCHELL of Oxford

— of the Senate.

Representatives:

McCOLLISTER of Canton  
MASTERMAN of Milo  
INGRAHAM of Houlton  
DAY of Westbrook  
BROWN of Bethel

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Resolution

Report was signed by the following members:

Senator:

WOOD of York

— of the Senate.

Representatives:

HIGGINS of Portland  
ANDREWS of Portland  
CASHMAN of Old Town  
KANE of South Portland  
KILCOYNE of Gardiner

— of the House.

Reports were read.

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

Mr. HIGGINS: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report.

The SPEAKER Pro Tem: The gentleman from Portland, Mr. Higgins, moves that the House accept the Minority "Ought to Pass" Report.

Mr. Moholland of Princeton requested a division.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: A few weeks ago when I voted for an increase in the gas tax, I voted for that tax because I believed our highways needed the money. I didn't vote for an increase in the gas tax to subsidize transit busing. If they want transit busing, let them put a bill in here and let them seek their own tax rather than to take the highway money that the roads desperately need.

The SPEAKER Pro Tem: The Chair recognizes

the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: Like Representative McCollister, I feel the same way, that we passed the gas tax to fix the roads and not get into surface transportation whether it be dog sled, trains or buses or what have you. If that need is that pressing, there are other means by which we can do it. We have turned a fair amount of money back to the municipalities already and many of those municipalities are subsidizing bus transit and some of that money could be used. If the plans that are in the works now come to fruition and more revenues go back to the municipalities, I think those municipalities can handle this on their own rather than getting into a constitutional question as to whether we should be subsidizing buses all over the State of Maine.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: It is true that this is a constitutional amendment but I would like us to try to put the idea out of heads, the way Mr. Day seems to insinuate from time to time, that amending the Constitution of the State of Maine is like rewriting the bible. The sad fact is, our Constitution is cluttered up with a lot of things that ought to be statutory, and sometimes we have to go to the Constitution.

As far as this bill, the practical effect of this bill is only to allow the people of the State of Maine who are paying the gas tax to vote yes or no on the question of whether or not some of that gas tax ought to go to transit funding.

Let me explain why I think this should be allowed by this House. In fiscal year, 1982, there were 13 operations in the State of Maine, rural, urban, small, large, and their funding was \$2.3 million state; \$3.8 million local and one half million dollars state. There have since been some severe reductions in federal funds from the Federal Department of Transportation and from the Federal Health and Human Services Department. The Congress has responded to this problem and has endorsed the importance of public transit by setting aside in the new gas tax a certain amount of the increase for public transportation, but there is a requirement that this money be matched by state funds. The Governor's Office has said that in endorsing this bill we stand to lose several million dollars in the State of Maine for public transit unless we come up with the money to match the federal money in the gas tax.

I don't really believe that there is going to be any money in the General Fund in the next year or the next few years for this kind of funding, and my feeling is that it is the proper thing to take out of the Department of Transportation and out of the Highway Fund. I know that Mr. Carroll feels differently and some others do. The only thing I ask today is that you let the people who are paying the gas tax have the opportunity to say whether or not they think part of this gas tax ought to go for this function.

We heard an awful lot of testimony before the committee, largely from people who were going to benefit from the increase in the gas tax and now seem to feel some proprietary right to it, to that amount of money, saying that transportation in a large disperse state like Maine is so important that it absolutely deserves a dedicated fund and deserves that special consideration in the Constitution.

I think that transportation in this state, whether in the country or in the city, for the handicapped, the elderly, and the working poor, ought to be of sufficient importance to us to make some special provision also.

I urge you to accept the Minority Report.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: About a month and a half

ago, I voted against the five cent increase in the gas tax in this body and I did so for one specific reason, I thought it was too much at a particular time. When I got home and told my people I voted against it, they all said one thing—good, because we don't think they are going to take that five cents and put it where it belongs, fixing the highways and the bridges. They will be down here with a plan to take some of that money away, and I said, "oh no, they wouldn't do that." In my naiveness, I didn't believe it would be this soon and, lo and behold, here we are six weeks, seven weeks down the road and now we are going to send it out to the people of the State of Maine to decide whether we should take some of that money and put it on something besides fixing the roads and the bridges. Well, I don't know about the rest of you, but I was elected to come down here and vote to represent my people and I will vote on their behalf today when I vote to kill this particular issue once and for all and do the job I was sent down here to do. I hope the rest of you do the same thing because I have an idea that this is just one of many things to come, ladies and gentlemen, and we shall see what we shall see.

I would request a roll call.

The SPEAKER Pro Tem: 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 in favor of a roll call 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 Pro Tem: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Representative Jacques is right on target, there isn't any question in my mind that that is exactly what is occurring, just as he said. When I voted for that five cent gas tax myself, I knew what it meant to the people in my area. Our roads are in terrible condition. We need that money to go just exactly where we voted it to go, to repair the roads in Washington County, Aroostook County, and many of the other counties where the roads are just as bad — no way should it go to any other place but that.

I sure hope that you kill this bill dead.

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

Mrs. INGRHAM: Mr. Speaker, Ladies and Gentlemen of the House: Being from the northern part of the state and a rural area. I am well aware of the need for surface passenger transit; however, I do feel that the problem with this bill is undedicating the Highway Fund. We voted to kill undedicating the Highway Fund before, let's be consistent.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Lewiston, Mr. Nadeau.

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: In first observing this bill as a member of the Transportation Committee, obviously I had some mixed emotions, but in further observation and discussing it with the sponsor and members of the Taxation Committee, I decided that I was going to support the bill and for a very simple reason, for those provisions outlined in the testimony today, that this will go to the voters. It is a Constitutional Amendment and they have the final say as to whether we can do this or not, first of all.

Secondly, should the voters approve this concept allowing us to use some transportation dollars for assistance in mass transit, this legislature, obviously has the second say. It is going to go to the Transportation Committee, this legislature will have to determine whether or not they are going to use any money to fund any part of the mass transit system in Maine. So there is more than one checks and bal-

ance to this entire process that I think will protect those people.

In terms of the testimony previously, that we passed the gas tax for the purpose of fixing the highways, I have no problem with that, that is, of course, the intent behind the passage of that gas tax increase. As I said, the people of Maine are going to have the ultimate decision on whether to do this or not through their votes on election day.

The main reason I think of the thrust behind my decision on this bill was—I have been in this legislature five years and I can remember five years ago a big concern over energy conservation, we were doing everything we could possibly think of to encourage people to use less fuel because of our dependency on foreign oil. I have seen a constant escape from that attitude in the last few years and that energy conservation seems to be taking a back seat to a lot of issues these days and that really is my prime concern in why I have departed with some of my colleagues on the Transportation Committee. I think this legislature ought to make a statement that energy conservation is still a critical issue in this country and this state and this is one way we can do it, by making that statement that we are willing to use some money to go toward mass transit and, ladies and gentlemen, if the people of Maine do not agree that they want their highway tax dollars to go directly to the roads, they have the option of voting it down when it comes to the ballot box.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am going to make a statement this afternoon with my vote along with the vote I made for the five cent tax increase a few weeks ago, and that is to insure that the roads are built and repaved and resurfaced in this state, my statement now is that I move that this bill and all its accompanying papers be indefinitely postponed, and I request the yeas and nays.

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, moves that this Bill and all its accompanying papers be indefinitely postponed and has requested a roll call.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I hate to give in but I think this bill must not be looking too good for Mr. Kelleher to try to kill two in one day.

Just by way of information, in response to Mr. Jacques, this bill was put in long before the gas tax was passed, and as far as the gentleman from Houlton, Mrs. Ingraham, this is not an undedication, it is a further dedication. The Constitution right now, in Article 9, Section 19, says what the highway fund can be spent on and includes expense for state enforcement of traffic laws and a few other generalities—this would put operational subsidies for forms of surface passenger transit, so it is a further dedication and no an undedication.

The SPEAKER Pro Tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire one fifth of the members present and voting. All those in favor of a roll call 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 Pro Tem: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I think I am the one man who stands to lose more than anybody on this bill today and I am right on target with Mr. Kelleher. I had to hold my nose, and I have 30 trucks running up and down the highway and I know there are probably 100,000 more trucks running up and down the highway bouncing

over holes and in to the ditch and all over the place — my fuel is 13 cents a gallon, jumped up 13 cents more a gallon, so I had to take my pumps completely out of Washington County and buy all my fuel in Bangor. I held onto my nose doing this and I did vote for that five cent tax. I think, like Mr. Kelleher said, that everybody in this House should vote to fix the roads and not to ride people up and down the highways with our gas money.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: A few years ago, as a matter of fact it was the 110th, we faced a period of time when the federal government said we are not going to give you anything more, because a few years ago they offered us something. If you raised so much state money, we will put up so much federal money and you build a new program. Today we have heard about the new money that the federal government is offering us if we will raise matching money. When will it be, the 112th when the federal government says we have no more money for you, you have to carry the program yourself? I don't think we want to go down that road again.

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

Mr. JACQUES: Mr. Speaker, I would like to pose a question through the Chair, please. I pose this question to anybody who can answer it. What is the cost to the taxpayers of the State of Maine everytime we send an issue out for a vote?

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

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

Mr. PARADIS: Mr. Speaker, in answer to the gentleman from Waterville, I believe that if there is only one issue on the ballot in a Fall referendum vote, it would cost approximately \$60,000. To put any additional questions, and there usually are, it is approximately \$2,000 for extra printing.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Chonko, Clark, Conary, Conners, Cooper, Cote, Cox, Crowley, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rondini, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carroll, D.P.; Cashman, Connolly, Crouse, Diamond, Gauvreau, Higgins, H.C.; Hobbins, Kane, Kilcoyne, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray,

Nadeau, Reeves, P.; Rolde, Seavey, Thompson.

ABSENT—Carrier, Curtis, Dudley, Gwadosky, Mahany, Manning, Matthews, Z.E.; McPherson, Nelson, Racine, The Speaker.

Yes, 114; No, 26; Absent, 11.

The SPEAKER Pro Tem: One hundred and fourteen having voted in the affirmative and twenty-six in the negative, with eleven being absent, the motion does prevail.

Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-305) on Bill "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) (L. D. 1558)

Report was signed by the following members:

Senators:

WOOD of York  
ERWIN of Oxford  
HICHENS of York

— of the Senate.

Representatives:

LOCKE of Sebec  
PARENT of Benton  
STOVER of West Bath  
ANDERSON of Stockholm  
CROUSE of Washburn  
MICHAEL of Auburn  
SHERBURNE of Dexter  
SMITH of Island Falls

— of the House.

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

Report was signed by the following member:

Representative:  
MCCOLLISTER of Canton

— of the House.

Reports were read.

On motion of Mr. Michael of Auburn, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-305) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Provide Equitable Health Care for Alcoholism and Drug Dependency Treatment" (H. P. 623) (L. D. 775)

Report was signed by the following members:

Senators:

SEWALL of Lincoln  
CHARETTE of Androscoggin

— of the Senate.

Representatives:

TELOW of Lewiston  
POULIOT of Lewiston  
CONARY of Oakland  
MacBRIDE of Presque Isle  
RACINE of Biddeford

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1293) (L. D. 1714) on same Bill.

Report was signed by the following members:

Senator:

CLARK of Cumberland

— of the Senate.

Representatives:

BRANNIGAN of Portland  
PERKINS of Brooksville  
MARTIN of Van Buren  
MURRAY of Bangor  
STEVENS of Bangor

— of the House.

Reports were read.

Mr. Brannigan of Portland moved that the Minority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Minority Re-

port and tomorrow assigned.

#### (Off Record Remarks)

At this point, Speaker Martin returned to the rostrum.

The SPEAKER: The Chair thanks the gentleman from Fairfield, Mr. Gwadosky, for acting as Speaker pro tem.

Thereupon, Representative Gwadosky returned to his seat on the floor and Speaker Martin resumed the Chair.

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

The following Joint Order: (S. P. 594)

ORDERED, the House concurring, that the Joint Standing Committee on Judiciary report out a bill relating to the manner of approval of amendments to the Maine Indian Claims Settlement.

Came from the Senate read and passed.

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

#### Unanimous Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Prohibit Hospital Services Price Discrimination" (S. P. 210) (L. D. 631)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

#### Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An Act Relating to Penobscot Nation Trust Land Designation" (S. P. 82) (L. D. 193) reporting "Ought to Pass" in New Draft (S. P. 593) (L. D. 1713)

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 and the New Draft read once. Under suspension of the Rules, the New Draft was read the second time and passed to be engrossed in concurrence.

#### Non-Concurrent Matter Tabled and Assigned

Bill "An Act to Provide for Consumer Representation before the Maine Milk Commission" (Emergency) (H. P. 1137) (L. D. 1499) on which the Majority "Ought Not to Pass" Report of the Committee on Agriculture was read and accepted in the House on May 25, 1983.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Agriculture read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-157) in non-concurrence.

In the House: Mr. Michael of Auburn moved that the House recede and concur.

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

Mr. SHERBURNE: Mr. Speaker and Members of the House: I would hope that the House would not recede and concur on this. I didn't realize this was coming up on the floor today so I am not very well prepared.

I think it was pretty well brought out the other day that the consumer is well represented by the commission. All the members of the commission are only consumers. They cannot represent the industry in any way, so it seems as though most of those commission members, being consumers, are going to look out for the consumer. Many of them, before they have been appointed to that commission, have been opposed to the commission, but once they get on there and have a chance to study the workings of the commission and the industry, they usually represent not only the industry but the consumers also.

I hope you will oppose this motion to recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: There is one part of this bill that was not brought out, and that is that this public advocate will never appear before the milk commission when it is a farmer-oriented issue. When they are dealing with farmers prices, the public advocate is not involved. The public advocate is only involved when they are dealing with the price that the public is going to pay and that the dealer is going to be charging. The farmer never meets up against the public advocate, so it is strictly a protection of retail pricing.

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

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

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

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

Mr. KELLEHER: Mr. Speaker, I move that this be tabled for one legislative day.

Whereupon, Mr. Brown of Livermore Falls requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call 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 this be tabled for one legislative day pending the motion of Mr. Michael of Auburn to recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jackson, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacEachern, Macomber, Martin, A.C.; Martin, H.C.; Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Scarpino, Smith, C.B.; Smith, C.W.; Soule, Stevens, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Connolly, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kisman, Lebowitz, Lewis, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Reeves, P.; Salsbury, Seavey, Sherburne, Small, Soucy, Sproul, Stevenson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Carrier, Curtis, Dudley, Hall, Jacques, Jalbert, Mahany, Manning, Matthews, Z.E.; McGowan, McPherson, Nelson, Racine.

Yes, 85; No, 52; Absent, 14.

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

#### Non-Concurrent Matter

An Act to Establish Advocacy Services for Special Education Students in Residential Placements (H. P. 1127) (L. D. 1482) which was passed to be enacted in the House on May 27, 1983.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House: On motion of Mr. Carter of Winslow, the House voted to recede and concur.

#### Non-Concurrent Matter

An Act to Provide that Joint Custody be Awarded when the Parents Agree to it in Child Custody Cases (H. P. 1243) (L. D. 1657) which was passed to be enacted in the House on May 27, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-163) in non-concurrence.

In the House: On motion of Mr. Hobbins of Saco, the House voted to recede and concur.

The Chair laid before the House the following matter:

An Act to Provide for the Development of a Centralized Coordinated Planning and Evaluation Process for State Alcohol and Drug Abuse Activities (H. P. 1276) (L. D. 1692) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. Rolde of York, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-308) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This is an amendment to correct a typographical error in a bill that was put out by the Joint Select Committee on Alcoholism, which was a unanimous committee report, and all this does is clarify the typographical error that was made.

I will just give a very brief explanation of this bill, which was a unanimous committee report, and it is an important bill. It changes some of the ways that we have been dealing with alcoholism in the state, it establishes a new statewide evaluation committee which will work with all the four departments that are involved with alcoholism, and it also changes the structure of the Governor's Advisory Committee on Alcoholism. It is a very important bill and this is just a small amendment to deal with a typographical error.

Thereupon, House Amendment "A" was adopted.

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

#### (Off Record Remarks)

On motion of Mrs. Maybury of Brewer,  
Adjourned until nine o'clock tomorrow morning.