

# 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**

Wednesday, June 22, 1983

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

Prayer by the Reverend Robert E. Stuart of the Winter Street Baptist Church, Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:  
The Senate of Maine  
Augusta

June 21, 1983

The Honorable John L. Martin  
Speaker of the House  
111th Maine Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the Governor's nomination of Robert J. Dunfey to the Board of Trustees of the University of Maine.

Mr. Dunfey is replacing John D. Robinson.

Sincerely,  
S/JOY J. O'BRIEN  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees  
Unanimous Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Remove Moose River from the Maine Forestry District" (S. P. 239) (L. D. 681)

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

At this point, the rules were suspended for the purpose of allowing members to remove their jackets for the remainder of today's session.

**Non-Concurrent Matter**

Bill "An Act Pertaining to the Political Rights of State Employees" (S. P. 439) (L. D. 1318) which was Passed to be Engrossed as amended by House Amendment "D" (H-392) in the House on June 15, 1983 in non-concurrence.

Came from the Senate Passed to be Engrossed as amended by House Amendment "D" (H-392) as amended by Senate Amendment "B" (S-216) thereto in non-concurrence.

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to recede.

On motion of the same gentleman, Senate Amendment "B" to House Amendment "D" was indefinitely postponed in non-concurrence.

The same gentleman offered House Amendment "C" to House Amendment "D" and moved its adoption.

House Amendment "C" to House Amendment "D" (H-413) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker and Members of the House: A couple of days ago, the gentleman from Limerick, Mr. Carroll, mentioned a concern on a very narrow aspect of the bill dealing with solicitation that may be allowed by state employees, specifically solicitation by law enforcement officers. We felt that this was covered under the Charitable Solicitations Act. After reviewing the act, although it may be interpreted to prevent them from soliciting, which we indeed thought it did, we felt it would be an important safeguard to explicitly put this into the law, that law enforcement officials would not be allowed to partake in this political activity of soliciting whether they are in uniform or whether they are out of uniform. It is a safeguard that we felt was important at this time, and we are happy to oblige the gen-

tlemen from Limerick, Mr. Carroll, and we urge the adoption of this amendment.

Thereupon, House Amendment "C" to House Amendment "D" was adopted.

Mr. Carter of Winslow offered House Amendment "B" to House Amendment "D" and move its adoption.

House Amendment "B" to House Amendment "D" (H-404) was read by the Clerk.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Several days ago I offered an amendment which tried to delete solicitation only by state employees, and inadvertently it ruled out the unclassified employees, most of which are gubernatorial appointments. I think it would be unfair to now require these people not to be able to practice the art which they so dearly love, and what this amendment does is allow the unclassified employees only to be able to solicit. It rules out solicitation by state employees, whether they are paid from the General Fund or from federal funds. In other words, everything remains the same except that they will not be able to solicit.

Some say, well, this can be controlled. I would suggest to you that this is an area that is very difficult to control. They can meet each other after hours with no one around and they can be threatened, and I don't think I would like to see this take place, not with our public employees. When this occurs, it is a form of intimidation and if it is pursued, there can be repercussions against the employees. It is his work against possibly a superior or coworker. It does not make for good state government, and I would hope that you would adopt this amendment.

Mr. Speaker, I request a division.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: In reference to House Amendment "B" which has just been offered by the gentleman from Winslow, Mr. Carter, this amendment basically guts the bill in a sense that it would now put us back to the current status in the state of Maine where unclassified state employees can participate in political activities, there seems to be no prohibition. Classified employees cannot participate to a great extent and this amendment would bring us back to our current situation. It would say that classified employees cannot solicit but unclassified employees can.

Our goal in the very beginning was to try to create some parity between the two groups of state employees, the unclassified and classified. We tried to do that, allowing them to participate in a limited fashion in political activities, but we have also added a number of prohibitions.

Mr. Speaker, I move that House Amendment "B" be indefinitely postponed.

The SPEAKER: Representative Gwadosky of Fairfield moves that House Amendment "B" to House Amendment "D" be indefinitely postponed.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The reason I am offering this amendment is because I haven't found one state employee who told me he wanted it. I have asked many of them and they all tell me that they would just as soon not have it, and when I pursued the questions of "where does this urge or desire to have this type of legislation come from," it doesn't come from state employees, it comes from union officials. It is nothing more than a lobbyist bill and I can't but it, and I would strongly urge you to adopt this amendment.

Mr. Speaker, I ask for a division.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gen-

tlemen of the House: I think the gentleman from Winslow is partly correct this morning when he says that a great majority of state employees don't want this bill or don't need this bill, but I think the gentleman from Fairfield is more correct when he says that this amendment would gut the bill as presented to this chamber. If the House adopts this amendment, there is no reason to have the bill.

Most of you know I was once a state employee, I worked in the Department of Personnel, and I can attest to the fact that most state employees have total disdain for the political process as we know it, Republican and Democrat, they don't fully understand the way it works and they don't want to become involved in it as active participants other than voting and participating in that democracy. But as far as becoming involved politically, most don't want to do so, they have no reason to do so, but there are a few that feel that they are obligated as citizens to become involved either here in Augusta or some of the other towns in the political process, they do understand what is going on. They have their rights, as do we, to become involved and an obligation to become involved, and I think it is for that reason that we have a choice this morning to accept the bill the way it is or to accept an amendment such as this. It is a very small minority, but then again, today there are very few people who are willing to get involved in the political process or willing to help candidates run for office. And I submit to you, that is an important part of the political process, not only to pass out pamphlets and leaflets and go door to door with us but also to raise money, become treasurers of campaigns, perhaps, or to help in fundraising activities. This bill prohibits any of that being done on state time or in state office buildings, but when the person is home in the evening or on the weekends, on their own time, I think they have the same constitutional rights as all of us do. We are not trying to infringe on those, we are just trying to state that they do exist even though they are state employees.

I know a few years ago the Congress modified the federal Hatch Act. Right now, federal employees and state employees who are federally funded have more political rights than do state employees under our own rules and laws. I think that is an inequity that we had to address with the present bill, and the gentleman from Fairfield did a good job explaining that last week.

I would urge you to oppose the amendment by the gentleman from Winslow, Mr. Carter vote against the amendment and then pass this bill.

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

Mr. KELLEHER: Mr. Speaker, I have two questions that were sent to me by a constituent of mine and I have had them in my desk now for about three months in regards to this bill and I would like to pose them through the Chair to anyone on the committee.

The first question from my constituent is, was the committee on State Government aware of the relationship of this bill to the Hatch Act? The second question which was asked for me to ask the State Government is, is it wise to permit classified employees to run for the legislature at the same time that they are on the state's public payroll?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a series of questions through the Chair to anyone who may care to answer.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: To respond to the gentleman from Bangor, Mr. Kelleher's questions, the first question was, was the State Government Committee aware of the Hatch Act when we were dealing with this bill, and the answer is yes. In fact, what we have done is

attempted to take the provisions of the Hatch Act and apply it in several prohibitions to our current state employees. These are the prohibitions that you will find in House Amendment "D".

The second question is, is it wise to allow state employees to be able to run for a state-wide office such as the legislature - we felt unanimously as a committee that no, it wasn't wise to allow them, so what we have allowed in House Amendment "D" is for state employees to run for local offices and county offices, offices which are nonpartisan. They can run for partisan offices as long as they are not federally Hatch, but we have expressly put in House Amendment "D" that state employees in no way, shape or form will be able to run for state offices such as the legislature.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this amendment, but I would like to clarify a statement that I made earlier.

The gentleman from Augusta is partially correct when he states that my amendment would prohibit solicitation, but if you read the bill carefully, it prohibits state solicitation on state property. The portion concerning the state troopers has been taken care of. This would not prevent the employees from participating in politics the way they can now under the guidelines of the Hatch Act. They would be prevented from soliciting on state property only, and I would ask for the yeas and nays, Mr. Speaker.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Winslow, Mr. Carter, that certainly in our conversations with both the Attorney General's Office and with a member of the legal counsel for the U.S. Board of Merit Review who was responsible for dealing with the Hatch Act, the thrust of the Hatch Act deals with solicitation in political activities on premise, but it is inherent that intentional solicitation and only solicitation, intentional solicitation even off the premise is prohibited under the Hatch Act, so those federal employees who come under the Hatch Act would be prohibited from intentionally soliciting even though it is not directly written into the bill.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Fairfield, Mr. Gwadosky, that House Amendment "B" to House Amendment "D" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bonney, Bost, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Carroll, G.A.; Cashman, Chonko, Clark, Connors, Connolly, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Dexter, Diamond, Dillenback, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Handy, Hobbins, Holloway, Ingraham, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Paradis, P.E.; Parent, Perry, Pines, Pouliot, Randall, Richard, Roderick, Rondoni, Salsbury, Smith, C.B.; Sproul, Stevens,

Stevenson, Swazey, Tammario, Tuttle, Vose, Webster, Willey, Zirkilnton.

NAY—Anderson, Bell, Bott, Brown, K.L.; Cahill, Callahan, Carrier, Carroll, D.P.; Carter, Conary, Cote, Davis, Day, Drinkwater, Hall, Hayden, Hickey, Higgins, L.M.; Jalbert, Kelleher, Kiesman, Lehoux, Livesay, MacBride, Master-ton, Matthews, K.L.; Maybury, McCollister, McPherson, Michael, Norton, Paradis, E.J.; Paul, Perkins, Racine, Reeves, J.W.; Ridley, Roberts, Scarpino, Seavey, Sherburne, Smith, C.W.; Stover, Strout, Telow, Theriault, Walker, Weymouth.

ABSENT—Benoit, Higgins, H.C.; Jackson, Jacques, Kane, Mahany, Murphy, E.M.; Murphy, T.W.; Murray, Reeves, P.; Rolde, Small, Soucy, Soule, Thompson, Wentworth, The Speaker.

Yes, 86; No, 48; Absent, 17.

The SPEAKER: Eighty-six having voted in the affirmative and forty-eight in the negative, with seventeen being absent, the motion does prevail.

Thereupon, House Amendment "D" as amended by House Amendment "C" thereto was adopted.

The bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

#### Orders

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

ORDERED, that Representative Philip Jackson of Harrison be excused June 21 through June 24 for personal reasons.

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

Representative Day from the Committee on Taxation on Bill "An Act to Amend the Forest Fire Control Laws and Repeal the Maine Forestry District" (H. P. 529) (L. D. 637) reporting "Leave to Withdraw"

Representative Day from the Committee on Taxation on Bill "An Act to Establish the Cost of the Maine Forestry District in Fiscal Year 1983-84" (Emergency) (H. P. 1121) (L. D. 1478) reporting "Leave to Withdraw"

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

#### Ought to Pass in New Draft

Representative Higgins from the Committee on Taxation on Bill "An Act Relating to the Taxation of Certain Watercraft" (H. P. 1154) (L. D. 1524) reporting "Ought to Pass" in New Draft (H. P. 1343) (L. D. 1782)

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

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

Representative Higgins from the Committee on Taxation on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1983-84" (Emergency) (H. P. 617) (L. D. 765) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Services of a Municipal Character in the Unorganized Territory" (Emergency) (H. P. 1344) (L. D. 1783)

Report was read and accepted, the New Draft given its first reading and assigned for its second reading later in today's session.

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

#### Passed to Be Enacted Emergency Measure

An Act Making Additional Allocations for the Expenditures of State Government in Response to United States Emergency Jobs and Humanitarian Aid Programs for the Fiscal Year Ending June 30, 1984 (H. P. 1333) (L. D.

1773)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Assure Consideration of On-Site Impacts of Major Developments Under the Site Location Laws (S. P. 630) (L. D. 1772)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and 12 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor

##### Later Today Assigned

An Act Providing for Administrative Changes in Maine Tax Laws (H. P. 1054) (L. D. 1398) (H. "A" H-412 to C. "A" H-408)

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 later today assigned.

##### Passed to Be Enacted

An Act to Appropriate Oil Company Overcharge Funds (H. P. 1334) (L. D. 1774)

An Act to Validate the Procedure for Selection of Members of the Maine Real Estate Commission (H. P. 1335) (L. D. 1775)

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

#### Enactor

##### Later Today Assigned

An Act to Amend the Military Laws of the State of Maine (H. P. 1337) (L. D. 1777)

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 later today assigned.

An Act to Permit an Air National Guard Officer to be Eligible to Serve as Deputy Adjutant General (H. P. 1338) (L. D. 1778)

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

#### Divided Report

Majority Report of the Committee on Taxation on Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (H. P. 528) (L. D. 636) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1342) (L. D. 1781)

Report was signed by the following members:

Senators:

WOOD of York

TWITCHELL of Oxford

TEAGUE of Somerset

— of the Senate.

Representatives:

HIGGINS of Portland

ANDREWS of Portland

CASHMAN of Old Town

DAY of Westbrook

INGRAHAM of Houlton

KANE of South Portland

KILCOYNE of Gardiner

MASTERMAN of Milo

MCCOLLISTER of Canton

— 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:

BROWN of Bethel

— of the House.

Reports were read.

Thereupon, the Majority "Ought to Pass" Report was accepted and the New Draft read once. Under suspension of the rules the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

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

#### Orders of the Day

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

Bill "An Act to Provide for the Use of Major Credit Cards at State Liquor Stores" (H. P. 1340) (L. D. 1780)

(Committee on Business Legislation suggested)

Tabled—June 21, 1983 (Till Later Today) by Representative Diamond of Bangor.

Pending—Reference.

On motion of Mrs. Mitchell of Vassalboro, retable pending reference and later today assigned.

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

An Act Relating to Involuntary Admission (Emergency) (H. P. 1321) (L. D. 1756) (H. "A" H-398)

Tabled—June 21, 1983 (Till Later Today) by Representative Nelson of Portland.

Pending—Passage to be Enacted.

On motion of Mrs. Nelson of Portland, 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 House Amendment "A" was adopted.

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

House Amendment "A" (H-415) to House Amendment "A" (H-398) was read by the Clerk and adopted.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Establish County Budget Committees" (S. P. 592) (L. D. 1710) (H. "A" H-352 to H. "A" H-329 and H. "B" H-330)

Tabled—June 21, 1983 by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair.

The SPEAKER: The Chair would rule that based on previous rulings by this Chair on matters which have been defeated, only those matters which have been reintroduced by the Governor can be taken under consideration by the same session unless that Bill is in by two-thirds vote. Based on that previous ruling and historical rulings of the Chair, the Chair would rule that House Amendment "K" is improperly before this body.

Mr. Carter of Winslow offered House Amendment "M" and moved its adoption.

House Amendment "M" (H-414) was read by the Clerk.

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

Mr. McHENRY: Mr. Speaker, a parliamentary inquiry.

The SPEAKER: The gentleman may state his inquiry.

Mr. McHENRY: Mr. Speaker, is not House

Amendment "M" the same thing as the amendment that the Chair just ruled on, same situation?

The SPEAKER: In reference to the request by the gentleman from Madawaska, Mr. McHenry, the Chair would rule that House Amendment "M" is germane.

The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, I move indefinite postponement of House Amendment "M" and ask for a roll call.

The SPEAKER: The gentleman from Belfast, Mr. Drinkwater, moves indefinite postponement of House Amendment "M" and requests a roll call.

The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, would it be out of line to ask for an explanation of what the difference between "M" and "K" is?

The SPEAKER: The gentleman from Orono, Mr. Bost, has posed a question through the Chair to the sponsor of the amendment who may respond if he so desires.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Page 14 of House Amendment "M" indicates that there shall be three questions on the ballot with three options. One is, do you want to adopt county budget? Question two is, do you want to adopt a charter commission? Question three is, do you want to eliminate county government and have the functions reassigned?

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of 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 before the House is on the motion of the gentleman from Belfast, Mr. Drinkwater, that House Amendment "M" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Anderson, Armstrong, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Cashman, Chonko, Cooper, Cox, Crouse, Curtis, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Joyce, Kiesman, Kilcoyne, LaPlante, Lebowitz, Livesay, Locke, MacBride, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Maybury, McHenry, Nelson, Paradis, E.J.; Parent, Perry, Pines, Richard, Roderick, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Sproul, Stevenson, Stover, Swazey, Tammara, Telow, Thompson, Walker, Webster, Weymouth, Willey, Zirnklinton.

NAY—Allen, Andrews, Baker, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Clark, Conary, Connors, Cote, Dudley, Erwin, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joseph, Kelleher, Kelly, Ketover, Lehoux, Lewis, Lisnik, MacEachern, Manning, Matthews, Z.E.; Mayo, McCollister, McGowan, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.E.; Paul, Perkins, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Seavey, Smith, C.W.; Strout, Tuttle, Vose.

ABSENT—Connolly, Crowley, Jackson, Jacques, Kane, Mahany, Matthews, K.L.; Michael, Murphy, E.M.; Murphy, T.W.; Murray, Randall, Reeves, P. Rolde, Soucy, Soule, Stevens, Theriault, Wentworth, The Speaker.

Yes, 74; No, 57; Absent, 20.

The SPEAKER: Seventy-four having voted in the affirmative and fifty-seven in the negative, with twenty being absent, the motion does prevail.

Mr. Armstrong of Wilton offered House Amendment "J" and move its adoption and requested a division.

House Amendment "J" (H-402) was read by the Clerk.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "J" — and I hope at this late date that "J" stands for June and not July — is a simple one-page amendment. First of all, let me say briefly that I feel very strongly about this bill. I feel very strongly about local control and I feel that this whole thing is a local control issue. I feel very strongly about the concept of this bill, getting the county budget process out of the whole legislative process. It just doesn't make any sense for me to be voting on Washington County's budget or Cumberland County's budget or Kennebec County's budget and it doesn't make any sense to me to have people from those counties voting on Franklin County's budget. However, there seems to be in this body a lack of any real consensus on the make up of a county budget committee, there is a big question of the one man, one vote issue, there is a question of would each municipality have a vote on the county budget committee, so in thinking about this last week and listening to the debate, it came to me that possibly the only solution that would be agreeable to this legislature at this time and at this late date would be to have a county budget committee in each county composed entirely of the legislative delegation from that county. This is basically the way it is right now, except under my bill the legislative delegation would meet with the county commissioners and finalize the budget right in the county. The budget would not be brought back here to Augusta, it would not be subject to debate before the Local and County Government Committee, it would not be subject to debate on the floor of the legislature. It wouldn't clog our calendar and take two or three weeks of the whole body's time here arguing about county budgets.

I think this is a good solution at this point in time. It was not my original idea but I think it has a lot of merit and I would urge its adoption and appreciate your support in the vote.

The SPEAKER: A vote has been requested. The pending question before the House is on the adoption of House Amendment "J". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 26 in the negative, the motion did prevail.

Mr. Strout of Corinth requested a roll call on passage to be engrossed.

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 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: The pending question before the House is on passage to be engrossed as amended by House Amendment "A" (H-329) as amended by House Amendment "A" (H-352) thereto, House Amendment "B" (H-330) and House Amendment "J" (H-402). Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Anderson, Armstrong, Benoit, Bonney, Bost, Bott, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Conary, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Drinkwater, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Kelly, LaPlante, Lebowitz, Livesay, Locke, MacBride, MacEachern,

Macomber, Martin, A.C.; Masterman, Master-ton, Matthews, Z.E.; Maybury, McHenry, Melendy, Michaud, Nelson, Paradis, E.J.; Parent, Perry, Pines, Richard, Roderick, Rotondi, Salisbury, Scarpino, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Swazey, Telow, Thompson, Walker, Webster, Weymouth, Willey.

NAY—Allen, Andrews, Baker, Beaulieu, Bell, Brannigan, Brown, K.L.; Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connors, Connolly, Cooper, Cote, Diamond, Dillenback, Dudley, Erwin, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jalbert, Joseph, Joyce, Kelleher, Ketover, Kiesman, Kilcoyne, Lehoux, Lewis, Lisnik, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McPherson, McSweeney, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.E.; Paul, Perkins, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Seavey, Sherburne, Soule, Strout, Tammaro, Theriault, Tuttle, Vose, Zirkilton, The Speaker.

ABSENT—Jackson, Jacques, Kane, Mahany, Matthews, K.L.; Michael, Murphy, E.M.; Murphy, T.W.; Murray, Reeves, P.; Rolde, Soucy, Wentworth.

Yes, 67; No, 71; Absent, 13.

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

Sent to the Senate.

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

#### Passed to Be Enacted

An Act Creating a Maine Milk Pool (H. P. 1323) (L. D. 1754) (H. "A" H-410 to S. "A" S-210)

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

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, I would ask for a roll call.

The SPEAKER: The gentleman from West Bath, Mr. Stover, has requested a roll call.

The gentleman may proceed.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: As I talked you previously, I was a dairy farmer for some 32 years and I feel I know the problems and I know their work. I don't think anyone has brought it up, that certainly no one would indicate that these people on the Maine market don't earn every nickel they get. There is no one who works any harder than a dairy farmer. Farming is hard business anyway, but when you have animals to take care of, when it comes five o'clock and you still have animals to be fed, milked and bedded down, you don't quit until you have that done. With me anyway, the last thing I did before I went to bed, I went back out to the barn and checked those animals, and a farmer never gets overtime, he gets no fringe benefits, the only difference between Sunday and Christmas and the other days in the week was that I used to work eight hours on those days instead of twelve or fourteen. There certainly is no reason that you should take away what they earn and what belongs to them.

I had my own business, as I said before, and I guess I was a pretty good salesman. I went out and I sold and I got all there was in it and I know that if some bureaucrat in Augusta came down and said to me, look, after all, you had a little pull and you got this customer and that one and you get more for your milk and therefore you have to divide it up with the guy down the street, I would have called it a gunman's holdup and I probably would have acted accordingly. To me, this is nothing but robbing Peter to pay Paul and I feel there is no reason for it, so I would urge you to vote no on the enactment.

The SPEAKER: A roll call has been re-

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: We have debated this bill, I think, at length and I don't think any of us can add anything new whatsoever. I would hope that we could proceed to the voting in deference to the heat of the day and the time element.

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

Mr. SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. This was a bad bill when it started mainly because of the fact that there are so many different situations in the State of Maine. Southern Maine has one situation, northern Maine has a different situation, and they are going to get a different treatment in this bill.

Penobscot County is just south of that area which was called the Northern Pool so the expenses there are nearly as great but they are too far south to be benefited like the Northern Maine Pool would be. So, between the southern part of the state and the northern part of the state, those in the rest of the state are going to get it put right to them.

The SPEAKER: The pending question before the House is on passage to be enacted.

The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I would request permission to pair my vote with the gentleman from Kennebunk, Mr. Murphy. If Mr. Murphy were present and voting, he would be voting no; I would be voting yes.

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

Mr. SCARPINO: Mr. Speaker, I request permission to pair my vote with the gentleman from Bangor, Mr. Murray. If Mr. Murray were present and voting, he would be voting yes; I would be voting no.

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

Mr. TELOW: Mr. Speaker, I request permission to pair my vote with the gentleman from Caribou, Mr. Matthews. If Mr. Matthews were present and voting he would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, I request permission to pair my vote with the gentleman from Waterville, Mr. Jacques. If Mr. Jacques were present and voting he would be voting yes; I would be voting no.

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

Mr. MATTHEWS: Mr. Speaker, I request permission to pair my vote with the gentleman from Westbrook, Mr. Carrier. If Mr. Carrier were present and voting, he would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Gray, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, I request permission to pair my vote with the gentleman from South Portland, Mr. Kane. If Mr. Kane were present and voting, he would be voting yes; I would be voting no.

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

Mr. BRODEUR: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Pittston, Mrs. Reeves. If Mrs. Reeves were present and voting, she would be voting no; I would be voting yes.

The SPEAKER: The Chair recognizes the

gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, I request permission to pair my vote with the gentleman from Easton, Mr. Mahany. If Mr. Mahany were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, I request permission to pair my vote with the gentleman from York, Mr. Rolde. If Mr. Rolde were present and voting, he would be voting yes; I would be voting no.

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

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Brannigan, Carroll, G.A.; Carter, Clark, Connolly, Cote, Crowley, Curtis, Daggett, Diamond, Dillenback, Dudley, Erwin, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, Lehoux, Lisnik, MacEachern, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, J.W.; Roberts, Roderick, Rotondi, Soucy, Swazey, Tammaro, Thompson, Tuttle, Vose, Zirkilton, The Speaker.

NAY—Anderson, Armstrong, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Chonko, Conary, Connors, Cooper, Cox, Crouse, Davis, Day, Dexter, Drinkwater, Foster, Gauvreau, Hayden, Higgins, L.M.; Holloway, Ingraham, Kiesman, LaPlante, Lebowitz, Lewis, Livesay, Locke, MacBride, Martin, A.C.; Masterman, Masterton, Maybury, McHenry, McPherson, Michaud, Moholland, Paradis, E.J.; Parent, Perkins, Pines, Randall, Ridley, Salisbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Strout, Theriault, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Jackson

PAIRED—Brown K.L.-Murphy T.W.; Carroll D. P.-Kane; Scarpino-Murray; Brodeur-Reeves P.; Telow-Matthews K. L.; Cashman-Mahany; Richard-Jacques; Soule-Rolde; Matthew Z. E.-Carrier.

Yes, 71; No, 61; Absent, 1; Paired, 18.

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

Signed by the Speaker and sent to the Senate.

By unanimous consent, all matter requiring Senate concurrence were ordered sent forthwith to the Senate.

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

#### Emergency Measure Failed of Enactment

An Act to Provide for Reapportionment of County Commissioner Districts (H. P. 689) (L. D. 869) (H. "A" H-411)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to some extent for bringing this bill up today but it has been sitting on the Unassigned Calendar for some time and yesterday afternoon we put an amendment on the bill which I did not have the opportunity to review. Since then I have, and I guess I would pose a couple of questions if I might relative to how this bill would work.

When I looked through the amendment that was offered yesterday, on Line 30 and 31 of the amendment, I think it must be Page 2, it says

that this commission is going to report back to the Clerk of the House with a plan and then the Clerk of the House is going to submit the plan to the legislature on January 15, 1984. The next sentence says that the legislature shall enact the submitted plan in regular or special session by a vote of two-thirds of the members of each house within 30 calendar days after the plan is submitted. The way I read this, it is clear to me that whatever plan is sent to the House, we have to adopt it, the Senate and House, we don't have a choice. It cannot be amended, it is an up or down vote. It does make a provision later on, however, that if we should vote against the plan, if it is not adopted by two-thirds, then the Supreme Court will make the final determination. That seems to me to be a little different, certainly, than the plan that we had earlier this year for our own reapportionment and I wondered if this was an oversight or if it was intended to eliminate, in effect, the legislature, us here, from having anything to do whatsoever with the reapportionment.

The second part of that question, I guess, is an attempt, and I am sincere about this in not making this a partisan position, I am concerned about the dollars and cents and I know that some of you may think that this is less than sincere but I am sure you are all aware that there has been some concern over the amount of money that was spent on the reapportionment for the House and Senate — my concern here is, who is going to determine how much money is going to be spent by the commission in determining county commissioner districts and who has the authority to spend that money and who has the authorization to allow the money to be spent? I think that was part of the problem that we ran into a month or so ago and I am posing that question in less than a partisan manner because I think it is something that needs to be clarified. In fact, the Attorney General's opinion that came back earlier this week said very clearly that he felt the legislature needed to take some action on determining the process and who was the authority and who had the ability to authorize these expenditures, so I think for the record we need to clear up the first question that I posed relative to the process and the second question as to the financing of the commission and how this is going to be determined.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a series of questions to anyone who may care to respond.

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

Mr. DIAMOND: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Scarborough's questions—first of all, the intent of the legislation was to mirror the procedures by which we reapportioned the legislative districts and as a result of a drafting error, that option that the legislature has to approve its own plan was inadvertently omitted.

I talked with one of the staff members from Legislative Assistants just a few moments ago and she told me that they were going to correct this mistake in the Mini-Errors Bill that they are working on right now, so it is something that will be addressed.

You should know that the State Constitution does provide the legislature with that option, so notwithstanding this piece of legislation, should it be enacted, we would still have that ability to approve our own plan if we are unhappy with the plan put together by the reapportionment commission.

Secondly, as far as the funding of the commission goes, as you all probably know, the Legislative Council approved the expenditure of money of the purpose of reapportionment and it would be the same procedure that would be followed with regard to reapportionment of county commissioner districts as well.

I hope I have answered the questions of the

good gentleman and if there are any others, I would be glad to answer those as well.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like you to vote against this. When this was first planned, commissioners in the area were going to be involved in the reapportionment. Since then, it is my understanding that the same reapportionment committee that worked on our districts is now going to do this. If that is so, with the damage done in my area, I would strongly oppose it.

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

A vote of the House was taken.

78 having voted in the affirmative and 51 having voted in the negative, the Bill failed of Passage to be Enacted.

The Chair laid before the House the following matter:

An Act Providing for Administrative Changes in Maine Tax Laws (H. P. 1054) (L. D. 1398) (H. "A" H-412 to C. "A" H-408) which was tabled and later today assigned pending passage to be enacted.

Mr. Higgins of Scarborough requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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: The pending question before the House is on passage to be enacted. 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, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Soucy, Soule, Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, Murphy, E.M.; Nelson, Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Strout, Swazey, Telow, Walker, Webster, Wentworth, Willey, Zirnkilton.

ABSENT—Carrier, Conary, Connolly, Dudley, Jackson, Jacques, Kane, Mahany, Matthews, K.L.; Murphy, T.W.; Murray, Reeves, P.; Weymouth.

Yes, 80; No, 58; Absent, 13.

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

Signed by the Speaker and sent to the Senate.

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

On motion of Mr. Swazey of Bucksport, Recessed until two o'clock in the afternoon.

#### After Recess

2:00 P.M.

The House was called to order by the Speaker.

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

#### Passed to Be Enacted

An Act Relating to the Taxation of Certain Watercraft (H. P. 1343) (L. D. 1782)

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

Mr. Scarpino of St. George 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 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: The pending question before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Baker, Beaulieu, Bell, Benoit, Bonney, Bott, Brannigan, Brown, A.K.; Brown, K.L.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Day, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, Norton, Paradis, P.E.; Parent, Perry, Racine, Randall, Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salsbury, Small, Smith, C.B.; Soucy, Soule, Stevens, Stover, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Webster, Zirnkilton.

NAY—Brodeur, Brown, D.N.; Cahill, Callahan, Conary, Davis, Dexter, Greenlaw, Higgins, L.M.; Holloway, Kelleher, Kiesman, Lewis, Paradis, E.J.; Paul, Perkins, Pines, Reeves, J.W.; Scarpino, Sherburne, Smith, C.W.; Sproul, Stevenson, Walker, Wentworth, Willey.

ABSENT—Armstrong, Bost, Carrier, Dudley, Jackson, Mahany, Matthews, K.L.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Pouliot, Reeves, P.; Seavey, Strout, Weymouth, The Speaker.

Yes, 108; No, 26; Absent, 17.

The SPEAKER: One hundred and eight having voted in the affirmative and twenty-six in the negative, with seventeen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

On motion of Representative Mayo of Thomaston, the following Joint Resolution: (H. P. 1347)

Joint Resolution Memorializing the Honorable William F. Bolger, Postmaster General of the United States, and the Citizens Stamp



Advisory Committee to Order the Issuance of  
A Special Stamp Commemorating General  
Henry Knox

WE, your Memorialists, the Senate and House of Representatives of the State of Maine in the First Regular Session of the One Hundred and Eleventh Legislature now assembled, most respectfully present and petition the Honorable William F. Bolger and the Citizens Stamp Advisory Committee, as follows:

WHEREAS, the American cause was in mortal danger in the winter of 1775-76; and the Americans had the British confined in Boston, with the Redcoats unaware of the artillery shortage existing within the rebel ranks; and

WHEREAS, America might have lost its fight for nationhood in its infancy if General Henry Knox, a bookseller turned soldier, had not delivered the guns which allowed George Washington to strengthen his fledgling army and liberate Boston; and

WHEREAS, with the big guns from Fort Ticonderoga, General Washington could defend his own siege positions, command Boston and prevent the arrival of British supplies from the sea; and without them, the English would have massed enough men and equipment and sallied forth and crushed the revolution; and

WHEREAS, General Knox, a military amateur at that time, who had helped engineer the fortifications, came to General Washington with a plan to go after the guns captured from the British at forts on Lake Champlain; and

WHEREAS, facing seemingly impossible odds, General Knox, just 25 years old and with a new Colonel's commission, set out for New York on November 17, 1775, racing as best he could on horseback over frozen roads, reaching Fort Ticonderoga on December 5th; and

WHEREAS, General Knox selected 59 guns, captured the previous spring by Ethan Allen and Benedict Arnold, with a total weight of 120,000 pounds, which were loaded onto 3 boats; and

WHEREAS, the artillery and supplies were transferred to 42 sledges which were pulled by 80 teams of oxen, along crude roads, Indian trails, or no roads at all, through 3 feet of fresh loose powder; and General Knox and his men made no better than 2 miles a day, all at so great a strain that oxen and horses gave out and were abandoned, with men often pushing the sleds; and

WHEREAS, General Knox arrived at Washington's camp with an advance contingent on January 18th, and "the noble train of artillery," as he called it, was delivered on January 24, 1776, 47 days after leaving Fort Ticonderoga; and

WHEREAS, it is recognized that General Knox performed a monumental deed by hauling 60 tons of artillery and supplies from Fort Ticonderoga in New York, across the length of Massachusetts to Boston, in the dead of winter that numbed horses and oxen, and terrified men. When animals refused to struggle on, men pulled an impossible load; and when men hesitated, General Knox's own assurance and courage kept them going, and rallied the countryside to their aid; and

WHEREAS, with nothing but book-learning to guide them, General Knox aided in designing and building siege fortifications about Boston, with which George Washington was greatly pleased; and

WHEREAS, on March 2nd, General Knox's guns began shelling Boston, and on March 17th the British evacuated the city, a date still celebrated annually by Bostonians; and

WHEREAS, "the Tories were repelled; the rebels were relieved and the cradle of liberty was free;" and

WHEREAS, eventually, General Knox became chief of artillery for the Continental Army and one of General Washington's closest friends and trusted lieutenants and became active in most of the major battles of the revolution,

in the course of which he proposed a laboratory and cannon factory at Springfield, Massachusetts, which became the army's nationally famous Springfield Armory; and

WHEREAS, General Knox showed a facility for artillery warfare which continually amazed his learned British opponents and French allies alike; and he designed a new gun carriage which enabled him to engage guns in greater number and mobility than Europeans had done; and

WHEREAS, it was General Knox who personally directed the transport of General Washington's troops across the Delaware on Christmas night, 1776, for which he was awarded the rank of Brigadier General; and

WHEREAS, General Knox was with Washington at Valley Forge and at Yorktown; he organized a military academy for the new army and he was the first to embrace Washington in farewell at war's end; and

WHEREAS, this self-taught bookseller-soldier became a Major General and succeeded General Washington as Commander of the Army after the war; and

WHEREAS, General Knox became the country's first Secretary of War in President Washington's Cabinet on March 8, 1785, and later enjoyed success as a businessman on his estate in Thomaston, Maine; and

WHEREAS, Henry Knox represented young America. He was a self-made General, too unsophisticated to be cowed by the near impossible, and had that exquisite American capacity to do what couldn't be done, simply because it needed doing, and he knew that he could do it when few others would dare try; now, therefore, be it

RESOLVED: That We, your Memorialists, in recognition of this outstanding General and his record of accomplishments, recommend and urge that the Honorable William F. Bolger, Postmaster General of the United States and the Citizens Stamp Advisory Committee take appropriate action by ordering the issuance of a special stamp commemorating the two hundredth anniversary of General Henry Knox's appointment as our nation's first Secretary of War on March 8, 1785; and be it further

RESOLVED: That copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable William F. Bolger, Postmaster General, and the Honorable Members of the Citizens Stamp Advisory Committee.

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

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

**Unanimous Ought Not to Pass**

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Remove Cigarettes from Sales Tax Exemption and Increase State Revenue Sharing from 4% to 5% of Sales, Individual and Corporate Income Taxes" (H. P. 428) (L. D. 510) reporting "Ought Not to Pass"

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

**Unanimous Leave to Withdraw**

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Increase Sales Tax Equity" (H. P. 989) (L. D. 1294) reporting "Leave to Withdraw"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Impose a Severance Tax on Wood" (H. P. 1166) (L. D. 1557) reporting "Leave to Withdraw"

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

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

animous consent:

**Passed to Be Enacted  
Emergency Measure**

An Act Relating to Involuntary Admission (H. P. 1321) (L. D. 1756) (H. "A" H-415 to H. "A" H-398)

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

Mr. Manning of Portland requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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: The pending question is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Clark, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

NAY—None.

ABSENT—Carrier, Carter, Chonko, Diamond, Dudley, Jackson, Kane, Kelleher, Lisnik, Livesay, Mahany, Matthews, K.L.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Reeves, P.; Scarpino, Seavey, Strout.

Yes, 131; No, 0; Absent, 20.

The SPEAKER: One hundred and thirty one having voted in the affirmative and none in the negative, with twenty being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Pertaining to the Political Rights of State Employees (S. P. 439) (L. D. 1318) (H. "C" H-413 to H. "D" H-392)

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

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

The following Communication:

The Senate of Maine

Augusta

June 22, 1983

Honorable Edwin H. Pert  
Clerk of the House  
111th Legislature



Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Recede and Concur with the House on Bill, An Act to Establish County Budget Committee (S. P. 592) (L. D. 1710)

Sincerely,  
S/JOY J. O'BRIEN  
Secretary of the Senate

The Communication was read and ordered placed on file.

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

On motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1350)

ORDERED, the Senate concurring, that Bill "AN ACT to Validate the Procedure for Selection of Members of the Maine Real Estate Commission", H. P. 1335, L. D. 1775, be recalled from the Governor's desk to the House.

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

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

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

**Passed to Be Enacted  
Emergency Measure**

An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Fire Control Services (H. P. 1342) (L. D. 1781)

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

Mr. Davis of Monmouth requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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: The pending question before the House is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House necessary. Those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Maning, Martin, H.C.; Masterman, Masterton, Matthews, Z.E.; Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Rotondi, Salisbury, Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Willey, Zirkilton, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Connors, Curtis, Davis, Dexter, Dillenback, Foster, Greenlaw, Higgins, L.M.; Holloway, Kiesman, Lewis, Livesay, Maybury, McPherson, Paradis, E.J.; Perkins, Randall, Roderick, Scarpino, Sherburne, Small, Sproul, Stover, Walker, Webster, Wentworth, Weymouth.

ABSENT—Carrier, Day, Dudley, Jackson,

Mahany, Martin, A.C.; Matthews, K.L.; Murphy, E.M.; Murphy, T.W.; Murray, Reeves, P.; Seavey, Smith, C.B.; Strout.

Yes, 101; No, 36; Absent, 14.

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

Signed by the Speaker and sent to the Senate.

Miss Brown of Bethel was granted unanimous consent to address the House.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: There really hasn't been very much debate on this bill that we just enacted, so I would like to explain to a couple of people what they just voted for.

This bill came about because of the constitutionality in the Maine Forest District and the way it was funded. What we just established is a one year program to provide a new tax on forest land of parcels over 100 acres. I went with the Minority "Ought Not to Pass" Report because I felt the tax structure was too high. For someone living in an organized territory, it represents approximately a 14 percent minimum tax increase, or, if they are in tree growth, it could be an 18 or 19 percent tax increase. It is going to be approximately 25 cents an acre if you live in an organized territory; if you live in an unorganized or plantation, there will be an additional 9 cents an acre on top of the 25. One third of this cost will be funded out of the General Fund program and two thirds will be out of this new tax.

I felt that there are some very positive things we have accomplished in this bill in the compromise, one was the Advisory Council that was established. Some of the problem is we have asked them to deal with aspects that I find highly political and I am not sure how a group of nine members is going to resolve what a Legislative Taxation Study Committee failed to do as well as the Maine Forest Fire District Commission failed to do and how nine people are going to study this and give us all the answers by next January.

The other part of my problem is that the old people who were in the Maine Forest Fire District before are now allowed out if they don't have 100 acre parcels. We haven't done anything to do any sort of an evaluation on what their fire control capabilities are, and I feel that since 1904 or 1909 we established this program and forced them to stay in it and now here we are in 1983 and we are throwing them out because they don't have 100 acre parcels. I think that is a little inconsistent without at least doing some sort of evaluation on this project.

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

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

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1029) (L. D. 1354) reporting "Ought to Pass" in New Draft (H. P. 1345) (L. D. 1784)

Report was signed by the following members:

Senators:

BROWN of Washington  
NAJARIAN of Cumberland

— of the Senate.

Representatives:

KELLEHER of Bangor

LISNIK of Presque Isle  
CONNOLLY of Portland  
CARTER of Winslow

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1983, June 30, 1984, and June 30, 1985" (Emergency) (H. P. 1346) (L. D. 1785)

Report was signed by the following members:

Senator:

PERKINS of Hancock

— of the Senate.

Representatives:

SMITH of Mars Hill  
ARMSTRONG of Wilton  
BELL of Paris  
MASTERTON of Cape Elizabeth

— of the House.

Representatives JALBERT of Lewiston and CHONKO of Topsham — of the House — abstaining.

Reports were read.

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

Mr. CARTER: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report. The Majority Report of the Committee, which I ask you to support today, is a Part II Budget that provides for a reasonable and responsible investment in Maine's future. It is a budget which looks to the future, not to the past. It is a budget that honors commitments to the mentally retarded, the handicapped, the aged, the deaf, and the poor. It is a budget which continues this state's commitment to economic development in agricultural marketing programs. It is a budget which provides real property tax relief to Maine property taxpayers to the tune of \$5 million. It is a budget which adequately funds the first meaningful worker's compensation reform package in the last fifty years. It is a budget which preserves the federally funded jobs of one hundred and four state employees who provide essential services to the mentally retarded, the elderly, the mentally ill, and the needy.

It is easy to be complacent, to say no to needed spending programs, much easier than it is to take the lead in meeting the needs of our people during difficult economic times. It is right for us to invest our money in our people and in our future, rather than spend it on corporate tax breaks. It is right for us to provide much needed property and corporate tax reforms rather than to look in the other direction and permit gross inequities to continue. It is right to keep faith with our business community by funding workers' compensation reform. It is right to fully fund home-based care for the elderly and to preserve Supplemental Security Income to comply with new federal regulations.

It is right to do all these things, but they require that we stand up and be counted. It means that we must have the courage to set spending priorities to benefit our people and not the large corporations who can afford to pay high-powered lobbyists to protect their interests. It means that we must be willing to justify a sound financial policy to the people of this state. This budget as reported by the majority of the Appropriations Committee is sound state policy.

But before I go through some of the budget, I would like to reminisce a bit. I first served in the legislature in the 102nd. I first served on the Appropriations and Financial Affairs Committee in the 105th and I can say that I never have seen us in a situation or game like this one. You know, the name of the game is compromise and we all know that politics is the art of compromise. Left alone to do its

work, the Appropriations Committee has always been able to accomplish its task. We had a good track record in this session, if my memory serves me correctly, we only had one split report during the entire session. In retrospect, however, I guess it was not in the cards that we were to have unanimity on Part II.

The committee had two strikes against it from the beginning, and it was only a matter of time before the third strike came up against it. The first strike, as you all know, was the fact that we had indexing, and not to try to be making puns about it, but I think it came from the outside, it was an outside pitch that we had to react to. The second strike was a slow curve that also came from right field, and it is known as New Federalism, or the trickle-down theory, and we are supposed to be the safety net. The third strike came later in the game and it came from the left corner, or leadership that sits in the left corner. Despite the first two strikes, I thought we were doing very well.

Indexing meant that we had to consider finding revenues to fund our recommendations. Most of the methods recommended by the Governor to fund his programs were rejected. The committee, nevertheless, was working well, I thought. After our first go-around on the Part II, we ended up with a package, a bipartisan package, that provided many vital services to our constituents in economic development, conservation, education, human services, and so on. We needed only approximately \$10 million the first year and \$4 million the second to fund our program. New revenues, of course, were needed to fund our package.

I don't believe any of us were locked into any position at the time, but I thought we could fund our package by simply using a repeal of the sales tax on the cigarettes and by the utilization of a credit card to purchase liquor and probably from the sale of fortified wines in grocery stores or possibly an amusement tax. Any one of these in combination would have provided the adequate revenues to fund our programs.

The irony of the whole picture was the fact that the \$14 million of new revenues needed to fund that program — \$10.2 million of this was due to loss of federal revenues, or the New Federalism, New Federalism without a safety net. At this point of the game, leadership got into the act and the warm-up for the third pitch was underway. Leadership wanted Appropriations to go back and pare down our recommendations by as much as \$7 million, nearly half the program. The committee worked diligently through the entire budget, and succeeded only at arriving at a \$1 million cut with give and take from both sides of the aisle, each of us voting his own convictions, and even some of the minority party voting against their own recommendations—or their own party recommendations, and for that matter, Democrats did the same thing on the other side.

So, indeed, the spirit of compromise was still alive. However, out of nowhere the third strike swished by as leadership in the lower left-hand corner said simply not acceptable with the Part II budget at \$14 million. The only thing left to do is what we are now caught in—draw up our own budget. And here we are, we are asking you to accept the Majority Report.

The Democratic members reworked the bipartisan budget and in the same vein, known in the game as compromise, we went at it, and roughly we added an additional \$10 million, \$2 million of this was for the University of Maine in Lewiston. I might add we included three stipulations: One, that the property be a public building, publicly owned; two, that it was subject to the approval of the University trustees; and three, that the people of Lewiston accept it in a referendum.

We also added \$2 million for the University of Maine at large, with no strings attached. We saw fit to add \$5 million for property tax re-

form, or set aside for property tax reform in the form of a circuit-breaker. Additionally, we voted to include half a million dollars for service fees in lieu of taxes from state-owned property in some of the communities across the state.

The bottom line is that we are now in need of some \$24 million of new revenues to fund Part II. Because of indexing, as I mentioned earlier, we have to provide the funding, and the funding is included in our package. It is provided for in Sections E and F. I'm not going to go into details about the funding, I will leave that to the members of the Taxation Committee who had an equal hand in the preparation of this budget. However, I would ask you to accept this budget so that we may serve our constituents as we should.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Generally I would commend the remarks of the gentleman from Winslow, Mr. Carter, and before I go into my real pitch, I would like to suggest that the word compromise works both ways. Now, several of you have served with me on this committee for a long time, several of you have known me and know that I have been on this committee for a long time and my hue and cry on this committee has always been one thing—compromise and unanimity. Even two weeks ago we were separated and I forced, literally forced, the members of the Republican party on three occasions to go back into the room next door and come up with a compromise, and finally they did. We had unanimity on our other important bills.

Now, the other comment that was made by the good gentleman was the Majority Report. The fact of the matter is this, the Majority Report of this committee is seven to six "Ought to Pass" and I happen to be one of those who is voting for "Ought to Pass", along with the lady from Topsham, Mrs. Chonko, and five other people. But that was called a phantom vote or tentative vote, so we let that go for a while until finally we voted. We had to come down after we got to the end of Part II, we voted on it, and I said, "Is this a solid vote?" And an agreement was made, yes. We voted on the bill and a vote came out seven to six. We voted a third time, and the vote came out seven to six, until last Friday when I asked if we had gotten through with the Jobs Corps Bill—the jobs bill, as we call it—we had gotten through with the budget, so that left us with a couple of little piddling things and I really had some work to do, I had no breakfast, I was a little hungry, so I told the chairman, on that basis, then, I'll leave unless you are going to take up the table this afternoon. I left and I had to call one of the members of our staff for totally unrelated reasons to the budget. It was mainly to let them know just exactly where I could be reached, what I was doing and I was then told by him, you had better come back up here.

The Speaker himself spoke to me about it, and I can use those words sometimes myself, and I don't blame him. So then I got back again and spoke to the gentleman from Bangor and he suggested that I come back. We have been very close friends for many years, although at times we've opposed one another—not too often, but sometimes. So I decided to come back, and when I came back, they took up a little bill that didn't mean one single thing, and immediately they took up the budget. The first thing they took up was the last thing they took up that day, the University of Maine at Lewiston budget, and they passed that. I left and said "I guess you don't need me" and that was the end of it, and that is the solomon truth. If I'm not telling the truth, I want anyone to get up here and say that I'm not telling the truth. I am not addicted to lying, and I particularly love to keep my word. I think it's despicable for anybody who gives his word and then breaks it,

and I can prove it right there. I've got twelve mill dealers in my district, some of them very, very dear friends, and I gave them my word that I would vote for them and those dealers have all been after me like flies. I came to him and I said, "Don, will you release me from my vote?" I'm not going to tell you what he said to me, but the fact of the matter is he didn't release me; I stuck and stayed with him right to the end. I am making these statements because I have been meaning to make them for a long time since this session has started, since this horror show has started and that is what it has turned out to be anyway.

I will get on to the issues. I found out about the University of Maine—Mr. Speaker, when the vote is taken, I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Mars Hill, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not accept Report "A" and then accept Report "B". As you may know, Report "B" is the minority proposal which includes items from the Governor's Part II budget request, the Appropriations Table, as well as tax relief to individuals, small businesses and municipalities. Members of the Appropriations had been aware of the uncertain financial status of state government all session. Recently, Rod Scribner informed our committee of a possible \$13 million shortfall in the present year's budget. With this in mind, and the closeness of the Part I budget to estimated revenues, we informed the members of Appropriations that we were not prepared to vote for a major tax increase. For some of the newer members of this body, I would like to remind them that we are talking about the Part II Budget. We passed the Part I Budget in April, which keeps the shop open. The Part II Budget is for new and expanded programs. Keep in mind that many of the items in Part II have already been funded in part in Part I.

We are proposing a moderate, humane budget which will be funded by a 5 cent increase in the cigarette tax.

The SPEAKER: The Chair recognizes the gentleman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to briefly talk about the process that we went through in developing Report "B". We felt that we had three options before us. Number one, we could vote against the Part II Budget, which would mean jeopardizing a number of jobs and programs because of a loss in federal funds. We did not want to disrupt state government and create a problem for those individuals and programs.

The second option that we had was to develop a bare bones budget, replacing only those federal funds necessary to keep state government operating smoothly with only a minimal increase in spending.

Our third option was to look at the other human needs that we heard being expressed by individual legislators, committees and the Governor in his Part II proposal. We had some tough choices to make but opted for a moderate, reasonable proposal that recognized the state's serious economic and financial situation and also balances this with the human needs and concerns being expressed.

The first year posed more of a problem than the second, so we decided to delay many of the new and expanded proposals to the second year. For example, we chose to fund home-based care and delay the housing until the second year.

In order to fund some programs for the elderly, veterans, education, it was necessary to raise some revenue. Recognizing that the state employee contract negotiations are underway and will be before us in the future, we chose to use only one option, the five cent increase in the excise tax on cigarettes and to have other options available to fund the employee contracts and any possible deficit at the end of the

fiscal year.

The result of our work is reflected in Report "B". It balances our concern for the economic and financial situation with our concern for the human and social needs in our state.

I hope that you will support Report "B".

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

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I also urge you to vote against the pending motion for the adoption of Report "A" so that we may consider Report "B" which is the minority's Part II Budget. During our long deliberations over the weekend, we, the minority members on Appropriations, decided early on that our Part II Budget had to be a reasonable one that could be funded with a minimum of additional taxes, that would address some of the concerns of the Governor, of members of this legislature on both sides of the aisle, of Maine's needy and of Maine's working men and women.

Our Part II Budget, Report "B", which you have on your desk as L.D. 1785, meets these tests, and in total, represents less than one percent of the Part I Budget we enacted earlier this year. Our Part II Budget includes funding for job reclassifications already approved by the Department of Personnel, including funding for unpaid workmen's compensation claims, includes funds for the retention of vital state jobs and state programs jeopardized by the loss of federal funds, includes money for the white hat program, solid waste management where the D.E.P. provides technical assistance to the towns, provides \$2 million for the H.O.M.E. program, provides \$1,787,000 for social services, provides a 2½ percent increase for A.F.D.C. recipients for each of the years or \$1,565,000 for the biennium. It includes money for boarding and foster home care in both years. It includes \$2,100,000 in additional new money for home based care for the elderly. It includes a 2½ percent increase each year of the biennium for S.S.I. It includes \$20,000 additional money for the displaced homemakers program. It includes over \$600,000 the first year and over \$800,000 in the second year in additional money for community mental health. We have funded the very popular food program for people learning to be chefs and that type of thing at C.M.V.T.I. for both years. We've included an additional \$150,000 for tourism promotion in the first year of the biennium and an additional \$650,000 in the second year. We have funded the Workmen's Compensation Commission effective January 1, 1984, \$300,000 the first year and \$600,000 the second year. We provided tax uniformity or tax relief only for individuals, not for the corporations that Representative Carter talked about, but we proposed giving \$1,250,000 in tax relief for the average working man and woman on the street this year and something in excess of \$2 million next year. We're talking about giving \$6.3 million back to the towns and municipalities by increasing state and local revenue sharing from four to five percent.

The only funding mechanism for our proposal is a five percent excise tax increase on cigarettes. The revenues from this were necessary to balance the budget in the first year of the biennium, but this tax was only acceptable to us with the understanding that these additional revenues be used in the second year to increase state-local revenue sharing by \$6.3 million, or from four to five percent. We feel Report "B" is a reasonable approach to a Part II budget for the state of Maine. It was arrived at after many hours of deliberations, and I hope you will consider its adoption by first defeating Report "A".

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: After we had combed through Part II of the budget, we were deligh-

ted to find that with the cigarette tax revenues we had a little over a million dollars to apply to the tabled L.D.s. Some of these tabled L.D.s have been, during the budget, moved into Part II anyway, but for those that were left, we carefully combed through the L.D.s, and let me tell you what our philosophical premises were as we did that.

First of all, we decided that we would like to address pressing human needs, needs of the elderly, needs of children, the poor, the sick, and the disabled. Secondly, we decided that we would like to address immediate environmental health concerns. Thirdly, we would like to address problems in the business and the industrial sector. Forthly, we would like to address educational needs. All of these desires we wished to address were to be within the financial constraints imposed by our desire to avoid a major tax increase.

Let's look at some of the bills that we would like to see funded, that are now on the table, by this slightly over a million dollars left over from Part II produced from the cigarette tax that we have proposed. Now mind you, some of these programs we have left intact as far as the funding is concerned; some of these programs we had to cut back in the first year or in the second or in the first year only and not in the second; some of these programs we did not fund in the first but funded in the second. But these are the ones that we want you to know that we were interested in, and it is only a very partial list:

Legal services for the elderly, the poison control center toll free phone, large print books for the blind in the state library, independent living services for the disabled, the addressing of school failure in grades K through three. Ladies and gentlemen, this was a bill that I was very interested in. I was a cosponsor of it and followed it very closely. We asked for, I believe, \$250,000 the first year for this innovative program—it is a grant program to the local schools—and \$500,000 the second year. Very reluctantly, very reluctantly, we proposed to cut back the program to nothing in the first year of the biennium while it gets organized, and to \$250,000 the second, but there is hope for that program and you know we are concerned.

Others, the Buckfield-Gray clean-up programs of contaminated dumps; in Winthrop, the hazardous waste program; the Maine Commission for Excellence in Education we supported; we supported hospital cost containment; and finally, the program for severely disabled to help them to work.

I think that Chairman Carter described very well the very fine working relations we have had on the Appropriations Committee this year. I think all throughout this process of Part II, Republicans kept saying, "Well, if I vote this in, does it mean we have to have a major tax increase?" I think that the Democrats were well prepared and well armed when we decided that we could not go along with the idea of increased spending and increased taxation. So, looking back to what you said, Representative Carter, you said, I believe, that it was easy to say no to programs. I will tell you very sincerely that it is the most difficult thing to do in the world when you have worthwhile programs that deserve to be funded. So, I ask you, in the spirit in which I offer these remarks, to not support the pending motion, and to very carefully and seriously consider going along with the minority budget.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Carter and Representative Smith and Representative Masterton and others described in detail up to the point of where we were in doing the Part II. We met as a committee; we listened to the presentation as a committee; we went over the Part II the first time around as a committee—

and it became quite apparent about four weeks ago that there was a difference between the political parties on the committee about what was going to be funded. At no point in the past four weeks did I doubt that we were going to come to an impasse simply because of the fact that to go for additional programs, much needed in this state, there was a tax to go with it, and my friends in the opposition party felt that they could not bring themselves to vote for the necessary funds in meeting what we thought were needed obligations.

That, in itself, I respect, I respect it tonight. What I resented as a member a few weeks ago was the fact that we reviewed again the Part II with their support only in a point of paring it down, and when it came time for any additional moneys, they weren't prepared, for whatever reason, to vote for it. Now, those of you that are not on the Appropriations Committee, I ask you to put yourself in our place. How could you work in good faith to reduce a budget with individuals that had no intentions whatsoever of voting for a tax that was needed to fund it? That's where the impasse came. Can you imagine—you are going to sit down and you are going to negotiate in good faith, vote in good faith, and I am sure they did, they were always up front about it, they were going to help make the judgment of what Part II was to be for a unanimous report but only if we would work in the spirit of accepting what they felt was fair funding. That was a disadvantage that I did not want to partake in, nor did the other Democratic members. That is why there are two budgets today—no surprise—and no surprise where the tax is coming from.

It has been in the past few years that the corporate tax has not met the obligation for which it was intended when it was created in 1969. Rollbacks have not come to the working people under the income tax but have been applied by the corporate tax to the very corporations in this state. We wanted to correct that error for two reasons; one, that a fair exchange of obligations would be met by the corporations in this state as it has been by its citizens, you and I, in the personal income tax; and, two, the money would be used for worthwhile services and programs, and the Part II budget the Democratic Party has up here today does that.

We've met in fairness what is needed because, as Mr. Carter said, of the trickle-down effect and what happened with tax indexing and what happened in Washington with the old theory "let them do it at home but be sure they do it with their own money." Part of the problem is the economy in the state and in this country, and part of it is the lack of responsibility from Washington which places us in this position here this afternoon.

They have a bare bones budget and we all know who it hurts—the very people that can least afford to be hurt. I urge you to support the majority report and not listen to the nonsense in the imaginary Report "B".

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

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose two questions through the Chair. In reference to the majority report, L.D. 1784, page 32, and the top of page 33, there is an item headline called purchase social services, and it talks about \$160,000 for the first year of the biennium, \$848,000 in the second year of the biennium, and it says "provides funds for a five percent increase to social service providers as

well as funds for family violence and special support services." My question was, to any member who may care to respond, what are these special services and what is the amount that we are talking about.

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to anyone who may care to respond from the Appropriations Committee.

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

Mr. CARTER: Mr. Speaker, I am sorry but I did not hear his question. There was too much noise coming from the back. Would he mind repeating his question.

The SPEAKER: The gentleman will please repeat the question.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to. My question dealt with the top of page 33 on L.D. 1784, under the category of purchased social services and I was just wondering what these types of services included and the amount.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman's question, purchased social services are contracts with existing agencies and this is designed to increase the fees for these contracts by five percent.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Winslow, Mr. Carter. Also, my second question was on page 25 of L.D. 1784 under the category of payment to municipalities and this totals up to \$500,000 for the second year of the biennium. I was wondering if someone could explain the need for this appropriation and the reason that we are changing our current statute.

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed an additional question through the Chair.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman's question, Mr. Gwadosky from Fairfield, the funds incorporated in payment to municipalities of \$500,000 in the second year is payment in lieu of taxes or service fees for state-owned properties in various communities across the state.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would pose two questions through the Chair, if I might.

Number one, I was rather surprised, to some extent, to see that this bill did not have an emergency clause on it, and I wonder if someone in this body might tell us how they intend to fund the jobs that potentially would be lost as of the first of July since this is not going to take effect until the first of September or sometime thereafter. There was a great concern here a while back when we were dealing with the indexing issue that if we didn't take action immediately that these jobs would be lost. And it seems to me that we are in the same identical situation that we were in back in January when those same jobs were going to be lost. We are talking about a different category here but, nevertheless, the money is not going to be available for these jobs on the first of July and I think some good member of the House ought to tell us what the difference between this situation we are in now is and the situation we were in back in January.

The second question is, I can appreciate identifying \$5 million for the circuit-breaker in the second year for property tax cuts, but I wish some member of this House would explain to us just what this does before we vote

on it. It seems to me that one ought to have a fairly good idea, namely, a piece of legislation in front of us, that indicates what that bill in fact does. I mean, we are buying a pig in a poke if you just say, well, we are going to appropriate \$5 million to something out there that we haven't even seen a piece of legislation for. I would be more apt to see that lie on the table and appropriate it next year, but those two questions, I think, ought to be answered.

The SPEAKER: The gentleman from Scarborough, has posed two questions through the Chair and the Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Members of the House: I am not sure I am the good member of the House that the gentleman was posing the question to, but I would like to attempt to answer it. The first question concerns potential layoffs. That is obviously a concern of both parties, as expressed by the gentleman in the other corner, I am delighted to hear that. The thing that we know now that we did not know at the time was a letter from Michael Petit, Commissioner of the Department of Human Services, in response to a request from John L. Martin, Speaker of the House: "In response to your inquiry to the budget office regarding the 56 positions requested in the Part II budget which are currently federally funded" — and those are the positions at stake — "the department would have normally initiated layoff procedures on May 2 to assure that the affected positions were off the payroll by June 18th. The department did not initiate layoff procedures, however, as the request for continuing the positions had been tentatively approved by the Appropriations Committee. Funding to continue payment for the 56 positions will be necessary by July 13th, which is the first payroll in fiscal year 1983. If the Part II budget is passed without an emergency clause, the department, with authorization from the legislature, could continue these positions on an interim basis, provided that the Part II budget contains full-year funding"—and this one does. "With appropriate authorization, the department could use federal block grant funds earmarked for other services until October"—and I do not need to remind you that that is when the federal budget year ends—"and then journal the cost of the 56 positions back to the appropriate General Fund account. If a Part II budget is not approved, layoffs would be initiated immediately. The only other alternative would be for the department to seek authorization to shift block grant funds from the community purchased services account to offset the loss on 56 lines." That is typical, I am sure, of what each department commissioner would respond if asked about the particular employees in his department.

As to your second question, the money, the \$5 million that is being set aside in our second year of the biennium is earmarked for a circuit-breaker because that is the preference of the members of the Appropriations Committee, the Democratic members of the Appropriations Committee and the Taxation Committee. The money is set aside there, designed for property tax relief. It is our desire to write a very good, a very proper bill, assuring that individuals see that property tax relief. It has been the concern of some members of our party that if it simply goes back in straight revenue sharing, that does not guarantee property tax relief.

It is no secret that this money will not be needed until January, because it is the second year of the biennium. We have ample time to write a carefully drawn circuit-breaker. There is no reason to put a hastily drawn one into the budget at this time, there is ample time to address that problem. It is a commitment to fund property tax relief to the individual as opposed to municipal officials.

The SPEAKER: The Chair recognizes the

gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair? It is my understanding that we pass a bill mandating that alcoholism and mental health be provided insurance coverage, and I can't seem to find this in the proposed legislation. Could somebody point out to me where this might be covered and in what amounts?

The SPEAKER: The Chair would advise the gentleman that that is on the Appropriations Table in the other body.

Mr. RACINE: It is not included in this?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. On page 87 of L.D. 1784, subpart 25, there is allocated from the highway fund roughly \$121,000 in 83-84 and \$130,000 in 84-85. It appears to create five new positions in the Motor Vehicle Division. I wonder if somebody could explain to me just what that is.

The SPEAKER: The gentleman from Eliot, Mr. McPherson, has posed a question through the Chair to anyone who may care to respond.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This allocation here, the statement of fact, this section provides funds that will enable the division of motor vehicles to increase inspections of scrap processors and enter into a possible contract for services regarding disposition of drunken driving cases.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MACBRIDE: Mr. Speaker, may I pose a question either to the Chair or through the Chair?

The SPEAKER: The gentleman may proceed.

Mrs. MACBRIDE: You mentioned the bills that are in the Senate on the Appropriations Table. Does that mean that if they are funded they will be funded in addition to this budget?

The SPEAKER: The Chair would advise the gentleman that some of those that are on the Appropriations Table will be funded; others will be defeated—in addition to this Part II.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't particularly surprised with the good gentleman's remarks to my question relative to funding positions that intend to lapse on the first of July because we have seen here in the last six months or so that depending on who asks the question and the answer that you want to receive that generally has an outcome on the response. This is the first time in the history that I have been here that a Part II budget has been attempted to be passed on a simple majority vote, and I think that is, to some extent, unfortunate.

I disagree with the gentleman from Bangor, Mr. Kelleher, when he says that the minority report of this bill is imaginary. It is not an imaginary report, I can assure you. It is one that is very thoughtfully carried out, I think, by the members of the minority party in this House, members of leadership and members of the committee. Under the backdrop of the fact that the state is currently at its highest level of bonding in the history—some \$300 million, given the fact that there is a state employees contract that at some point in time is going to have to be addressed and paid for, and the more immediate fact that at the end of June this year we may actually be in a deficit situation, those three things tempered our thoughts for passing additional spending at the state level.



The gentleman from Winslow, Mr. Carter, mentioned the three strikes that are somewhere out there. He mentioned indexing, he mentioned the new federalism, and he mentioned leadership, and somehow all three of those seem to imply that it is our fault, that the Republicans, either through the indexing issue or through things that go on in Washington, which at the present time I would remind the House, and it shouldn't need to be reminded, that it is controlled by Republicans in the Senate and Democrats in the House so we can't blame everything on the Republicans from Washington—but the implication that somehow I or my seatmate, Mr. Davis, or members of Republican leadership somehow interfered overwhelmingly with the decisions or the deliberations that went on in the Appropriations Committee are just really not well founded. Yes, we were concerned with the budget, as I am sure the good gentlelady from Vassalboro is concerned and the gentleman from Eagle Lake, Mr. Martin, and most everybody else in this House.

So yes, we became informed and knowledgeable about where the budget was going, and we had some concerns about not only how much money was going to be spent and the programs they were going to be spent for, but where was that money going to come from to pay for it. And yes, as we went through the budgetary process there was a good deal of give and take, of compromise, but when it got down to the bottom line, we didn't feel like we could support raising additional revenues to fund those programs. We attempted to present a budget to this legislature that was a reasonable, responsible, realistic approach at funding current services, of accepting the will of the people, and funding some alternative programs, some Part II additional spending programs that we thought were necessary and yet keeping in mind that someone has to pay the freight to fund those programs. We tried to balance that approach and come up with one that was palatable to us.

As far as coming to the bottom of the agreement where Republicans and Democrats broke up, as I recall, I was asked, "why don't you compromise some more, let them go in good faith and deal and vote as a committee and accept the will of that committee?" I said, "fine, on one condition, you either give the Republican Party three more votes or you take three Democrats off the committee"—the makeup of the committee is 8 to 5. While a compromise is great and bipartisanship is great, the fact of the matter is that the committee isn't equal, so any deal that was reached or compromise that was reached in the committee certainly wouldn't reflect the will of the minority party and that is why we didn't agree to go along with that proposal. I don't find that abhorrent in the least. I am not ashamed of that and I am very proud of the budget that our committee developed because I think it does provide a reasonable approach. We sat down and tried to address what we thought were the current needs and fund them with what we thought was a reasonable approach at coming together on a Part II Budget.

There is one thing that is clear in the difference between these two budgets. One of them calls for raising about \$13 million in additional revenue through raising the excise tax on cigarettes five cents, which is approximately the same amount of revenue, I might add, that the Governor intended to raise through eliminating the sales tax exemption on cigarettes. We accepted that, but when we got done with our budget, out of that \$13 million or \$14 million, because we included nothing in there for tax conformity for only individuals and small Subchapter S businesses in the first year, and in the second year we have left enough to do the same and in the second year we have also included \$6.3 million in additional money for revenue sharing, the fact is that out of the \$13

million that we asked to raise through additional taxes on cigarettes \$10 million of that is going back to the people of this state in reduced taxes, reduced income taxes and reduced property taxes. In the second year, more money is intended to go back to the people in reduced taxes than we are taking from them in cigarette taxes, so I think it is a pretty good deal.

Now the other version, the Majority Report, on the other hand, calls for raising \$28 million more in additional state revenue to fund the ongoing operations of government and out of that only \$5 million is intended to go back to the people. Right now, we don't know just how it is going to go back to them other than the fact that something out there says that we are going to have a circuit breaker but it doesn't say what that circuit breaker is or who is going to be the recipient of it except that it is going to another state program, another bureaucracy, and I think the return on the dollar to the people of the State of Maine is very minimal.

Some people say to me, there is not a darn bit of difference between the Republicans and Democrats—well I can tell you this, on this budget there is one big difference—one big difference. I think we have acted in a responsible, realistic manner. If the Majority Party in this House feels that it is compelled to enact this budget, certainly that is your will and that is your ability. I think it is wrong, I think you are misreading the people of the State of Maine. I don't think they sent us up here or down here to raise more revenue to fund additional state programs.

We have more than \$200 million worth of additional revenue in this biennium than we did in the last biennium and we are saying to the people, we can't live with that, we need more. We raised a sixty-some-odd-million dollar gas tax; now you are asking to raise another \$28 million. This is getting pretty expensive. We are getting close to \$100 million, ladies and gentlemen of the House, and that is a lot of money.

One other thing I want to mention is, and it is a specific issue here, that is the issue of tourism. In our version of the budget, we have appropriated \$800,000 additional money for tourism and it is going to go to the Maine Publicity Bureau to fund their ongoing operation. The majority version appropriates \$150,000, I believe, in each year of the biennium, not to go towards tourism necessarily, but to go and fund a new bureaucracy of some additional personnel, sixty-some-odd-thousand dollars in each year for personnel, and there might be \$80,000 or so left over to actually do the work, but we are going to hire four or five more people and pay them \$60,000 a year so they can spend \$80,000 to get the people here. I think that is ridiculous. You either do it right or you don't do it at all. I supported the tourism bill at \$1,500,000 because at least that way if you have more people that were doing their job and you were paying them \$60,000, there was a little left over to go for the services, but in this bill, all we are talking about is \$60,000 for additional people and spend \$80,000. If you are real serious about tourism, we don't need a bureaucracy. Let's take the \$150,000 and give it to the Publicity Bureau and let them do it themselves. It seems crazy to spend \$1.00 in personal services for a \$1.25 in direct services to the people. That is almost as good a return as you are getting on the other deal.

I don't have any great thoughts that anything I have said has changed a single vote here today and sometimes I hate to say that, but, you know, you have to be on the record and you have to be counted and feel comfortable with the position that you are in. I feel very comfortable, ladies and gentlemen of the House, with the position that I am in today and I hope that when we all adjourn and go home and eventually come back here, that you all will feel as comfortable with the position that you take

this afternoon as I intend to.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman from Scarborough, Mr. Higgins, has touched on several points; however, he seems to be stressing economic development either through tourism promotion or by some of the items included in Part II. I didn't want to compare the minority report against ours, but some of his remarks leave me no choice.

Leverage is an excellent way of promoting economic development. Take one quick look at Page 27 of our budget, the top of the page, line 3, Maine State Housing Authority—we have included \$2 million in each year of the biennium to provide funds for expanded use of housing opportunities for Maine Fund. It is already an established procedure, doesn't require any additional personnel, we are not creating a bureaucracy, it is already in existence, but \$2 million will generate \$30 million. Now, that is pretty darn good leverage to begin with. I could cite many other areas in the budget and I would like to commend the members of the committee on the Republican side, I think they did a very good job; however, I don't think they went far enough. For example, under economic development, let's take a look at the Agriculture, Food and Rural Resources Department. Taken out of the Minority Report, Page 6, Line 30, for livestock and poultry production which is a long range plan for agricultural commodity development has been taken out, not much, \$10,000 the first year, \$40,000 the second.

Market Services, again under Agriculture, Page 8, includes personal services and capital to provide funds for a potato quality assurance program—that has been stricken out.

For the Conservation Department, Land Use Regulation Commission, we recommend, which is on Page 10 incidentally, \$36,000 for both years and this is to provide funds for an environmental services specialist in addressing developing review, citizen assistance and educational programs.

Under the general Parks and Recreation operation, we had ten positions for a total sum of \$77,000 and these were to extend seasonal positions to permanent positions to allow greater use of our parks—this was taken out in their budget. These are not really earthshaking, but one that disturbs me is on Page 11, under Forest Management, here are funds to support legislation to establish a Forest Resources Assessment and Marketing Program—that has been stricken out of their budget. I think this is an item that is needed, very much needed.

I could go on and on. For example, one member of the committee mentioned that their budget catered somewhat to the veterans and I fail to find any of the funds that we recommend in our budget for the Department of Veterans' Services, there were three items, they have all been struck from their budget.

Funds for the Baxter School for the Deaf to put in programs that have been recommended by the Advisory Committee have been stricken out of their budget.

Under Environmental Protection, Page 17, Line 36, two positions for administration, environmental protection positions—this is to provide funds in support of computer, administrative and public assistance efforts formerly provided through federal resources. Here is a service that is going to be cut, no federal funds, no program, it is not in their budget. The same holds true for air quality, Page 18, formerly funded through federal resources, that has been stricken from their budget. Hazardous materials, \$51,000 for two positions formerly provided through federal resources—this has been cut.

Land Quality Control, \$85,000 for personal services and \$9,000 for all other, these are

funds for the Rivers Initiative Bill, these have been stricken from their budget.

Land Quality Control, Page 19, three positions, \$116,000 for personal services and \$9,700 for all other—again, these services were formerly provided through federal resources—this has been stricken from their budget.

I will skip over quickly, I won't take too much of your time, but I would like to point some out that are really, really needed. The Financial Authority of Maine has been stricken out completely from their budget; Hospital Cost Containment Commission stricken from their budget; funds for the Human Rights Commission, because of loss of federal funds stricken from their budget.

Here are areas that also disturb me, Page 31, Line 10, Income Maintenance, this is on a regional basis, about \$318,000 for personal services, \$27,000 for all other and \$13,000 for capital expenditures. This is to provide funds to meet new federal regulations which require the state to implement a monthly reporting and retrospective accounting system which will increase case reviews. Line 26, again, under Income Maintenance, three positions, \$114,000 for personal services, \$7,000 for all other and capital expenditures. It provides funds to enable reduction maintenance of error rates in order to prevent federal sanctions. These items need to be funded.

I think I have made my point, I could go on and on. I would hope that in true spirit, in the way that I believe that we should all act, we will support the Majority Report as recommended by the Appropriations Committee.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Winslow, Mr. Carter, that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, I request permission to pair my vote with the gentleman from Bangor, Mr. Murray. If Mr. Murray were present and voting, he would be voting yes and I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Pittston, Mrs. Reeves. If Mrs. Reeves were present and voting, she would be voting yes; I would be voting no.

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

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Beaulieu, Bell, Benoit, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Chonko, Conary, Connors, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, Locke, MacBride, Macomber, Masterman, Masterton, McHenry, McPherson, Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Steven-

son, Stover, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, A.K.; Carrier, Jackson, Mahany, Martin, A.C.; Matthews, K.L.; Maybury, Murphy, E.M.; Murphy, T.W.; Seavey, Smith, C.B.; Strout.

PAIRED—Clark-Reeves, P.; Michaud-Murray. Yes, 75; No, 60; Absent, 12; Paired, 4.

The SPEAKER: Seventy-five having voted in the affirmative and sixty in the negative, with twelve being absent and four paired, the motion does prevail.

Thereupon, the Bill was read once.

Under suspension of the rules, the Bill was given its second reading.

Mr. Jalbert of Lewiston offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-416) was read by the Clerk.

Mr. JALBERT: Mr. Speaker and Members of the House: House Amendment "A" just takes out the money for the University of Maine in Lewiston.

When I first heard about this amendment, unfortunately I was unable to be here the night that the speech was made by the Governor, I was in the hospital and I was stunned. It was the first time I had ever heard one word about the situation. I thought about it for quite a few days because I was there for quite a few days, and I decided the best thing for me to do was to stay quiet, not say anything, and see what developed. The newspapers were after me daily and I read articles daily about the program. I think I was challenged by the Mayor of Lewiston at least 10 times when he would call me and discuss the thing with me, but that never came about outside of a lunch which ended very quickly.

He also made in his speech on TV the remark that if this passed it would affect every campus in the State of Maine; he admitted that, but I have never heard from him.

The one thing I did hear right along was \$3,100,000. But before I get into that, I would like to make this comment—I received one letter and got one phone call concerning this measure from Lewiston. I have got hundreds of people telling me that we couldn't afford it, we had no money. On three occasions, I prepared bills to have the University of Maine in the Lewiston area. I certainly cannot be accused of being anti-education. I thought it over very carefully, I was very much mixed into the situation of organizing the system of the University of Maine, and I saw that my area was not quite ready for it so I veered my direction into the way of vocational education. I presented and passed the CMVTI bill, I then proceeded to go into the area of vocational schools, which meant on the high school level, and carried that throughout the state, presented about six amendments for the school at CMVTI and worked for five other vocational schools throughout the State of Maine.

I have visited on many, many an occasion every vocational school in the state at my own expense, never charged the state one cent for food, sleep or travel, and I would continue to do the same thing.

The fourth article that came into the newspapers concerned itself with the cost of Peck's building, or Peck's U, as it has been called. It was between six and seven million dollars according to the figures given by Chancellor McNeil. That is for the building. The building is some 85 years old and it is on a main thoroughfare, Main and Lisbon streets, a state highway.

In this budget that I have prepared, I couldn't find enough figures to figure out how much it would cost my community to police the area at night, to police the area when they got out of school for safety reasons, but here are the figures that I came up with which would thoroughly disrupt the \$3,100,000. That figure has been mentioned in the newspapers at least 100 times. Not one single soul has ever explained what that \$3.1 million was about. If

you add the \$2 million that the state would put in, that would be \$5,100,000, and that in itself would not be enough to build the school. When you build a building the size to hold 500 people, it would cost a little money, and when the figure of six or seven million was given to the reporter by Chancellor McNeil, he made the statement that those were low estimates, as well as making the statement that it was a very low item on their totem pole.

Now, I went in and visited former members of the board of trustees, visited with Chancellor McNeil, visited with people in the school system in Orono and other school systems in the state, and here is the story. The cost of property and renovation of the Peck Building, \$5,500,000, and that is a low, low figure. There is no way in the world that you could build that building for \$5,500,000. It is a big building. The wiring in the building, the heating plant, the elevator, that in itself would run into a tremendous amount of money.

I spoke earlier this morning with the building inspector in Lewiston and he told me that there has never been any repairs made and they would have to go through him, and he has been the building inspector for over 15 years. Not one cent has been spent for the repair of that building, 85 years of age, so just imagine what kind of shape it is in, what kind of shape the elevator is in. That would never pass any inspection, the boiler system, the wiring and so on and so forth, but I didn't add that in the cost of \$5,500,000. That is just for the building.

Besides the building, you just can't have a university or building or store or anything and just have the building and have nothing in it. The purchase of adjacent properties, construction of parking lots and additional buildings, \$1,500,000. That means the two buildings that they have to have and the land that they have to have for the students to park, the professors to park and the people who are at the school to park, that adds up to another \$1,500,000. The office equipment, the computers, the laboratory and the laboratory equipment, that adds up to at least \$2 million, and I am told that is a very, very low estimate. I am not an engineer, I don't go into computer work, it is not my work—the cost of operation, you have got to have somebody teaching in that school, so the figures were taken on an average of what the salaries were. The average salaries were taken from Orono, and that comes up, when it includes the faculty, the professional administration, the classified people, that comes up to a total of \$4,746,000. The operating cost of the university, you people in business know what operating costs mean and what they are. The operating cost of the university, \$1,200,000, which makes a subtotal of \$14,000,946.63.

They estimate there will be 2,500 students going to that school. That being so, then the 2,500 students would pay \$5 million in tuition. The Brennan program would be \$2 million, that is \$7 million. You subtract that \$7 million from \$14,000,946, it leaves you with a subtotal cost to the City of Lewiston of \$7,000,946 plus \$7,000,091 in interest, which comes up to a total of \$15,037,000, not \$3,100,000, \$15 million paid for by the citizens of the City of Lewiston. The reason I add the interest in there is, you can't pay your teachers once every three months or four months or five months, you have got to pay them, and when you come up with figures like this and a building like this, the money must come from up front and if it doesn't come from up front, you have no building.

The major reason why I kept quiet was a very sound one. The Mayor and Council in Lewiston voted to have the University of Maine Board of Trustees name a subcommittee to study this program. That is when I made up my mind very definitely not to say anything but wait until that thing came up. A trustee met me this



morning right behind the door and he told me that Chancellor McCarthy wanted to see me with him and one or two other members of the Board of Trustees or the subcommittee of the Board of Trustees and they wanted to talk to me to discuss my plan. Some people knew of it that I wanted to tell it to, some people that were even against me that I wanted to tell it to and I made no bones about it. I did not go around the House and twist arms. I talked to some people, some people I have known for 15, 20 or 30 years, naturally I am going to talk to them. There are some people in this House, we may laugh about it, but I talked to them as early as six o'clock in the morning, I am an early riser so I figure somebody else should get up early and talk too. There are many people, believe me, that take their receivers off the hook at night and they do it because of me; I know that. But I have found a gimmick, I have a way to get through that, there is always a way to get around something.

The whole situation here is political gimmickry. I would just like to ask you a very simple question. Forget that I am Louis Jalbert, just say I am a member of the Appropriations Committee. Is it fair enough to assume that possibly a man who has been on a committee like Appropriations for over three decades could have been told about this program before it was launched? Forget my ability or inability—that has nothing to do with it. The fact of the matter is, I was counted for being in. They forgot to ask me, however. If they had asked me and if I had known about it and if I had been here when this Bill was referred to a committee, it would have been referred to a proper committee, then back to the Appropriations Committee, because it concerns itself with too much policy, and that is why it should have gone to the Education Committee, then come to us, and we would have arranged the funding.

I am not much of a reader, but I must read you this story. This story was written in the Lewiston Journal on May 18, 1983. It was written by Thomas Robustelli, the young man here with a moustache who is a political writer for the Lewiston Journal. It states: "Unless state revenues rise by millions, Lewiston officials might as well write off the \$2 million promised by Governor Joseph E. Brennan to help build and operate a university campus in town, according to the lawmakers who chair the Legislature's Appropriations Committee"—according to the lawmakers who chair the Legislature's Appropriations Committee. "Senator Mary Najarian and Representative Donald Carter, Senate and House Chairs respectively of the committee that determines how the state spends its money, agree that the campus is currently a low project on the totem pole. Senator Mary Najarian offered the bleakest assessment. Even if the state suddenly found more money to spend over the next two-year budget period, July 1, 1983 to June 30, 1985, the campus probably still would not get the votes to remain a part of the Governor's budget. 'I think that with all the requests for funds we have and given the strong opposition by many people,' even my committee and in leadership, 'it would be very difficult to appropriate the dollars for the campus,' he said. It would be very difficult if we had a lot of money. The political support for it doesn't seem to be there. There's the crux of the matter, the political clout is not there. The feeling of the people in my city for this is not there. That is why I veered off so quickly and so hard for the Lewiston area vocational school and the vocational school in Auburn. I was sorry it went to Auburn, but that is where it went, it is a beautiful school. I veered off from that direction because somehow or other, for some reason or other, it seems that a great many of our youngsters do not graduate from high school but how they flock to these vocational programs.

I think with all the requests we have for funds we have and given strong opposition by many people and even my leadership, it would be very difficult to appropriate the dollars for the campus, it would be very difficult even if we had a lot of money.

Governor Brennan included the campus project in the so-called Part II Budget which funds new or expanded services. He asked the Appropriations Committee for \$2 million per year to help operate the college campus in Lewiston. City officials plan to use the first \$2 million to help renovate and equip the former Peck's department store on Main Street, led by Mayor Dionne. Envision a computer campus on the back of the Androscoggin River to accommodate 2,500 students. Dionne stated today that he is still confident that the Legislature will find the funds necessary to build a campus.

There are too many good programs in the Part II Budget, including ours, Dionne said. He also takes issue with Senator Najarian's assessment of the political support for buying the campus.

I am getting most of my feedback from local legislators that there is support. Local legislators are waging a formidable battle for this project. Furthermore, the project is getting support in the Governor's Office from legislative leadership, Dionne said. I feel that there are a number of key people who are lobbying for this project. I still feel that chances for this project are good. But Senator Najarian observed that there is not much money available and I think greater priorities are out there crying for funds.

As far as we know, the estimates of what is available for fiscal year 1984 for things like this is \$2 million. We have to examine requests of \$819 and she lines out what to spend the \$2 million for. That is not counting any of the rest of the Governor's Part II Budget, which is an inch thick, and other legislative documents that are coming through from legislators.

The second year we are a little better off, we have got about \$17 million, but there may be things in the first year that we will have to put off until the second year. She thinks the Lewiston campus is washed up unless lawmakers approve a major tax increase. I think the Legislature would have to pass a tax increase sufficient for us to take on something new like that. The Taxation Committee is considering removing certain things, and it spells out what they have got to say.

Unless the national picture brightens, a lot of programs are in trouble, agreed Representative Carter. He disagreed with Senator Najarian that a major tax increase is one possible method of raising revenue for the Part II Budget. I don't believe you could get another tax increase through this Legislature anyway. You have had one major tax increase, the gasoline tax, and I think that is going to be it. These are the words of the House Chairman of the Appropriations Committee as stated by him to a reporter and printed in a newspaper, and I am not fabricating now. I am reading from a newspaper article given to the House Chairman of the Appropriations Committee. I am not saying anything in any way hitting at any character, there is no anger, there is no anger in my voice, I am just stating the hard, cold turkey facts. I have waited four and a half months to speak and with the usage of my voice, as it is customary for me to do, this is pretty hard to take, I have got to bail out sometime.

He said it is possible that the lawmakers could cut some expenditures and free revenues from certain projects. I would like to see that happen within the next few days. Meanwhile, the University of Maine Board of Trustees has studied its feasibility to determine whether or not the campus is needed in Lewiston. The study is expected to be continued until next fall. They had talked about that and I agree with them.

As far as the bond issue is concerned in my city, it takes six votes of the council to issue a bond issue, and as it is now, I know that the six votes aren't there, and any of you that don't believe me, I will have two of them here tomorrow morning, and two from seven leaves five, or else I can't add.

There has been some talk about the fact that the University of Southern Maine was concerned. I got a letter from President Robert Woodbury this morning, written yesterday, asking me to support the \$4 million package of the University of Maine now being considered by the Appropriations Committee. I immediately got on the phone and I called the office of the President of the University of Maine and I spoke to the good lady who was in charge because Dr. Woodbury was gone. I forget the lady's name, but I said to her, you understand that \$2 million of this goes to you people to do what you want to do, although the chairman of the Appropriations Committee, not Mr. Carter, Mrs. Najarian, said that the extra \$2 million was for salaries for the University of Maine, but now it is that they can do with it what they want to do. I said the other \$2 million goes to the University of Maine. Are you telling me that you—that is right, \$4 million—are you telling me that you want me to vote for this bill here and urge passage of this bill and join the University of Maine in Lewiston? She said, oh horrors, no, we want our \$2 million and Lewiston can take care of itself, and you can quote me. I will get the name tomorrow if you want it. Anybody who wants to can ask me tomorrow, I will give you her name and she can call me. They want no part of that at all.

As far as the University of Maine is concerned, it is a land grant college. The \$2 million that we give, if we pass it, to the University of Maine for Lewiston, they don't have to spend that for anything but what they want to spend it for. They can go to Tahiti with the money if they want to. We can give them \$6 million or \$7 million and they can buy yachts, they can do what they want to with it. The \$2 million that we gave them extra in the Appropriations Committee was simply bait, that is all, it was just more political gimmickry.

I thought I would acquaint you with some of these facts. These are the facts and they can be backed up, and somehow or other there must be some validity to my comments when I am invited through a trustee via the Chancellor to visit with them and I intend to with a star-studded committee to find out just where we are, because as far as I am concerned, bond issues or passage of this, whatever you want to do, means absolutely nothing. If the University of Maine reports back no, it is dead. If they report back yes, then we could have a referendum provided we had the six votes and I would see that we might get another vote so we would have a referendum in Lewiston so that the people could finally find out just where we are. There is nothing I would love any better than to see us be able to agree and come to terms with the trustees of the University of Maine so that we could have a group campus, not on the corner of Main and Lisbon streets, not to cover up the sins that were made that folded up Lisbon Street. Lamey-Wellehan, Ward Brothers, Dostie the jeweler and Mr. Silverman, that is all that is left of Lisbon Street. Go down there and visit, go down Saturday morning or call me up and I will go with you, and I don't mind a little bet once in a while if it is legal, I will walk around with you. You find five people who are walking around with packages or in stores. One of the major reasons for this is to cover up the sins that were made by killing our main artery.

I am not going to speak any longer, I am going to stick to this issue here. I want to commend the people who have spoken before, I think they have done a fine job on both sides of the aisle. I think we are off to a good start. I, too, have agreed with Mr. Higgins. It is the first time in the past three decades that I have been on

the committee that we have come out with a report like this, only once, six years ago, we came out 12 to 1 and I abstained from voting, and believe it or not, you can go down to the library and check, they killed the 12 to 1 report and I had a chestnut on the Appropriations Table, they picked that up, they picked up my budget and they passed it. Outside of that, ever since I have been on the Appropriations Committee, we have come out with a budget and we have come out with it unanimous. I think the best thing we could do as a service to the State of Maine, and I am not talking strictly as a legislator, would be for the 13 of us to go downstairs, take these two budgets and don't tell me that you can't compromise and you can't come about with unanimity and come up and give you a budget, even though we would have to go home for two or three days and come back and spend the other five days that we have got coming to us anyway and come back with a budget. That is really what we ought to do, not do this here, we are getting nowhere. We have a budget that has been written out of the Governor's Office. We have a budget that has been written by the Republicans, one that has been written by us, the Appropriations Committee, we have got a jobs budget that is loaded with items and we don't even know what the guidelines are, what are we going to do about that?

What happens if we go short in June and what happens if things get worse as far as money is concerned? We are in real trouble. I have never seen anything like it, and I am not speaking for that, I am speaking for my amendment.

Mr. Speaker, in thanking the members of the House and having had the patience to listen to me and for the first time being able to explain my position, I move passage of my amendment and ask for a roll call, and thank you very kindly.

The SPEAKER: A roll call has been requested.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves indefinite postponement of House Amendment "A". The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: It is not very often that the good gentleman from Lewiston and I have disagreed on an issue, especially an issue of this magnitude. I know that he speaks because he is very much concerned and we are also concerned, and that is why we have agreed to put language within the budget in an attempt to take care of his concerns.

When the good gentleman from Lewiston reads from a newspaper and tells you what I said and he is absolutely correct, I did say it, I don't deny it. I used to think that I could read this House pretty well, but when you have a turnover like we had in this session, it gets to be pretty difficult for us oldtimers to be able to read the feelings of the House—perhaps that is the way it should be.

The good gentleman from Lewiston indicated his concern that the \$2 million we have in the budget would go to the University and we would have no control over it, he is quite right. If we turned the money over to the University, that is a possibility because it has happened before. But according to the conditions that we have indicated and written into the bill, line 37, bottom of page 48, it says "No expenditures shall be made from this appropriation unless the following conditions are met," and those are the conditions that I stipulated earlier in my discussion of the majority report.

I would hope that you would go along with the motion and indefinitely postpone this amendment so that we can get on with the business at hand.

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

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

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: I feel compelled to speak to you today and to the people of the state of Maine and to the people of the district that I represent. Earlier this month or late last month you had placed on your desks a petition originating from the Androscoggin County delegation, a petition urging the unqualified support of the University of Maine at Lewiston proposal. There were four signatures noticeably absent from that petition, mine was among them. It was noticeably absent because of the fact that I could not lend my unqualified support to the establishment of another university campus at that time. I did so with great reservations, but I felt that was the course of action that I had to take.

I still feel some great concern about the proposal, but I also feel that I must stand before you and honestly urge you to support the motion before you today, that is to indefinitely postpone the first amendment. My concerns that are still with me are the location, the fact that the Education Committee should have studied the proposal because it has a great deal to do with educational policy in the state. I feel that the board of trustees should have some role in it. However, as the good gentleman from Winslow, Mr. Carter said while debating the bill, the name of the game is compromise, and I did not come here to the legislature to be a one-man show, I did not come here to the legislature just to push my point of view, but to try to come to some understanding of the needs, wants, and desires of my constituency.

I can say before you with all sincerity that I feel that my constituency is probably evenly split on this issue. However, I approached this with what I believe to have been a cautious and prudent approach and one that I wanted to evaluate and take the time to study. I researched and I studied and, ladies and gentlemen of the House, I believe that the conditions stipulated in this L.D., L.D. 1784, are several steps towards addressing some of my concerns, and I emphasize some of my concerns, and I feel that the bottom line in this, and I will quote from L.D. 1784, "that the bonds to be issued by the City of Lewiston must be approved by the voters." To put that bond issue before the voters will take a simple majority of the council. I feel satisfied that there is that majority and that the people of Lewiston will be able to decide whether or not they want to invest \$3.1 million in the University of Maine campus. Far be it from me to tell the people of my district and my city that they will not have an opportunity to vote on such a crucial issue; I will let them make that decision. If they so desire a university campus, so be it. If they desire a half mill increase in their tax rates, so be it. If they so desire to have a campus in their city, so be it.

The other condition is that the board of trustees shall present a study of approval of this proposed campus. And again, that meets part of my concern that there be a study done. Although not the approach that I would have taken, it is not for me to say, but at least there is some body that will take in the concerns of whether or not this university campus should be located in downtown Lewiston, whether or not it will take a total of \$5.1 million to operate it, and it will answer the other questions that I have and others have.

I have faith in the university board of trus-

tees, contrary to a number of people's belief, but I have worked long and hard for the university system, having been a product of it, and I think I have worked long and hard to better our university system as a member of this body. So I am placing it in the hands of trustees' hands and in the hands of the voters of the city of Lewiston to approve this project or to disapprove this project.

I thank you for your patience, and I urge you to support the motion to indefinitely postpone.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The petition which the good gentleman, Mr. Handy, referred to that was passed around the House a few weeks ago was also lacking my name. I opposed the University of Maine at Lewiston then and I oppose it now.

I am speaking as one who is very much concerned about education because I think that education should be one of the priority items that we as a state consider, speaking as a parent with children currently in the educational systems, speaking as a former teacher, a former administrator.

The thing that really concerns me, I guess, is that obviously Maine is not a wealthy state. We are acting like we are, but we aren't. We are asking the taxpayers to raise \$2 million of state money—Maine taxpayers' money—notwithstanding the local issues that Mr. Handy referred to, and I appreciate his concerns about his people being able to vote on the issue, but I am concerned about the people of the state of Maine having to cough up the \$2 million this year, and it doesn't end this year, obviously, it is a continuing program that is going to cost more and more each year thereafter. I am also speaking as a member of the Androscoggin County delegation who viewed this issue with a great deal of concern prior to making my decision as to whether or not I would support the University of Maine at Lewiston, because all four of the towns that I currently represent are in Androscoggin County and in relative close proximity to what would be the Lewiston campus. But notwithstanding the parochial issue, I had to look beyond that issue because I think that, yes, we are down here to represent our own constituencies, obviously, but we are also here, I think, to represent the total good of all of the state of Maine.

At the present time, we see the economy, the national economy and the state's economy improving at a reasonably good rate, I think everybody agrees with that, and when that happens it becomes very tempting to create new programs, to create new universities within our own system—very tempting indeed. But I think that we have to look at the university system that currently exists. It is a good system; there are a lot of campuses. It is a large system, and it is a costly system. I think we just have to realize that at some point we have to bite the bullet, put the brakes on, and say "Look, folks, enough."

If the University of Maine at Lewiston campus does not go forward, as I do not think it should, I really don't think that the educational capabilities of our children are going to be placed in jeopardy. I think that there is a branch of the University of Maine system within relative easy reach of every person in this state that has the desire to continue his or her education.

I am concerned about the parochial issue. I understand Mayor Dionne's problem. There is a situation downtown that is deteriorating, I am sorry about that, I am sorry the Peck's building is empty right now. Obviously, this would be a good use of that building and would certainly be to the betterment of the city, at least in his opinion, but I don't think that that kind of issue should be used or even considered as a selling point for creating a new campus within the university system.

I hope that you defeat the pending motion to indefinitely postpone this amendment, so that the amendment can then go on and be passed.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: It is 99 degrees and it is quarter of seven. I am going to be as brief as I possibly can, but considering the issue is probably the most important educational issue to my community and to my county and to my region since the vocational-technical institutes, I do feel a couple of points ought to be covered.

First of all, I want to clarify something on the funding aspect of the project. First of all, I am going to do it as briefly as I possibly can. The governor's office, the chancellor's office, and municipal officials were all involved in designing the funding formula for this essential project in my community. That involved \$3.1 million of local money raised by the taxpayers of Lewiston and voted on in referendum, and \$2 million state share for the operation of that university. Those figures were put together by the chancellor's office, the governor's office, and municipal officials, agreed upon, and the package went forward to this legislature for its determination. Basically, in a nut shell, that is the case. The Appropriations Committee has heard that information and reviewed all that during their deliberations for the last few months. And in our discussions with each and every one of you, yes we have been talking to each and every one of you, members of our delegation, attempting to explain to you the ramifications of this project and the importance of this project to our community. So we have tried our best to explain to you how the project works, and it has been clarified by the gentleman from Lewiston, Mr. Handy, that this is certainly going to referendum and that our city councilors will have that to look forward to.

Ladies and gentlemen, the crux of the matter is simply this—we in Androscoggin County are in somewhat of a dilemma. The city of Lewiston, for example, has a proud history of industry, shoe and textile, industry that goes back a hundred years. That industry is something that we are very proud of and something that has generated jobs and income for an awful lot of our people. Unfortunately, as everyone here knows, those industries have been in deep trouble in recent years. Textile and shoe workers are losing jobs by the day. Therefore, what does an industrial city like Lewiston do, and Androscoggin County, because many of those people in outlying areas do work in Lewiston? We have no additional jobs to show them. We have gone from tens of thousands of shoe and textile workers to a couple of thousand shoe and textile workers. We had a poultry industry that provided some jobs. That is obviously gone.

We are not on the ocean, we are not on the coast, we don't have a fishing industry. We are an industrial city, an industrial community, and industrial region without industry. Therefore, what you do to attract that industry is you provide for them a trained workforce, individuals who they can come to and count on for a good day's work. We have that reputation now, we have the people capable of providing that work for that industry; however, we are lacking somewhat in the area of training. That is the basis for this proposal. It is not something that we feel cavalier about—it is something that we feel is the cornerstone of the foundation of our future development.

Again, I don't want to prolong this too long, but in terms of the support this issue is receiving back home, there has been a bit of discussion on that today, and I just want to tell you that we have support in our community—in our communities, ladies and gentlemen, Lewiston and Auburn and some surrounding communities for this project in droves. We have endorsements in a packet we distributed to

you last week from local industry, from the chamber of commerce, from the YMCA, from individuals, we could go on forever, and obviously, as many of us have gone back to our districts and spoken to our people back home, they have expressed to us the need for this project and the desire for it and the appreciation they felt for our efforts up here in attempting to convince you of the necessity of this project for our region.

Ladies and gentlemen, I do not want to take up too much time, I know it is late and it is warm, but I just want you to consider the things that I have said, to consider the importance of this issue to our community, and ladies and gentlemen, there are an awful lot of people back home involved in this issue and that in itself, as far as I am concerned, demonstrates the support we have there. I can bring you testimonial after testimonial if that is what is necessary, but I think you know what I am talking about and I would encourage you to indefinitely postpone this amendment.

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

Miss LaPLANTE: Mr. Speaker, Men and Women of the House: I won't speculate on the motivations of Mayor Dionne and I won't speculate on the motivations of the members of the delegation of Androscoggin County that are only from Lewiston, but I will tell you about my own motivations, and I guess you could call them a little selfish. But before I do that, though, let me tell you that the teachers are already there for this university, the funding for the teacher is already there. There is an Auburn campus, a satellite campus of Augusta. Some members don't think that it adequately meets our community's needs—we are just folding into a permanent campus.

But for my selfish motivations—this is going to help not just Lewiston, the mother campus will be in Lewiston, but my people, my constituents, my classmates who Representative Brown now represents who were not in the fortunate ten percent that got to go on to college, that could afford to go to college, I want to help those 90 percent go on to college. This might be their only chance, and I say it is selfish because I want Sabattus, Green, Lisbon to be better than Lewiston, I want them to be able to compete for the jobs. It is tough out there, we all know it. Let's give our non-traditional students the chance.

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

Mr. TELOW: Mr. Speaker, Ladies and Gentlemen of the House: I think the Speaker will give me a couple of minutes so I will try to be brief. I have been sitting here in the hot spot because of the fact that I happen to be a member of the Lewiston City Council and I would like to set some facts straight, the fact that this was a unanimous report that came out of the council when this was brought up. One of the things that I did specify when I gave my vote to the council is that this would be sent to a referendum so that the people could decide it.

I also would like to remind you of several other things, that this is supposed to be a high-tech school. I have already talked to one of the officials from Northeastern University in regards to some of the things on that, and the fact that we may at the same time see if we can make it a sort of cooperative deal like Northeastern is. We must also remember that the U. of M. at Auburn is overcrowded now, that is why I gave it my full support. I think my two minutes is up and it is 101 now, so I will plead with you, please give us your vote to indefinitely postpone this.

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

Mr. BOTT: Mr. Speaker, I just wish to pose a question through the Chair. I would like to ask if there is someone in this body who could give me the percentage of seniors graduating from

high school in Lewiston.

The SPEAKER: The percentage?

Mr. BOTT: Yes. The figure was brought out in the Appropriations Committee and it escapes my mind just now.

The SPEAKER: The gentleman from Orono, Mr. Bott, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: To answer that question, as the result of a recent survey for literacy volunteers in Lewiston, 50 percent graduated from high school, 30 percent only had an eighth grade education.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: It's as hot for me as it is for Mr. Telow, and I would like to tell him this—high-tech programs don't belong in universities in Maine. High-tech programs belong in vocational schools. That is where they can do the most good, that is where they belong, that is what I would support, and that is what I hope eventually will pass.

I am aware of the vote taken by the council. I am also aware of the vote that was taken, and Mr. Telow, the councilor, is also aware that to have a referendum you have got to have six votes. Mr. Telow, being an honest man, being a close friend of mine—because when I worked for that bridge, Mr. Telow delivered over 300,000 pamphlets for me throughout the state, he is a friend, he has been a friend, so he is going to tell the truth. Mr. Telow, in order to have a referendum, you have got to have six votes and you don't have them. Am I right or am I wrong? I don't say that you wouldn't get them, but you certainly don't have them now and you know it.

As far as the remarks that were made by another legislator from Lewiston—where were the 450 people that were supposed to attend the hearing? For any member of the Appropriations Committee that is still left here in the room, there were nine people from Lewiston at the hearing—one spoke. No one else has made any statements since then. An election is coming—things and people are careful. And as far as I am concerned, I have been invited to speak to several service clubs from Lewiston and other areas. I certainly don't blame Sabattus for wanting this, they are not going to pay anything anyway. We are going to pay for \$15 million. It may be a little more or a little less. But it is going to be a 5 mill tax rate increase. I am sorry that I got up again, Mr. Speaker, but I had to get these points across.

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

Mr. POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I know you are tired, I am tired, I think everybody is tired. I have had to face this issue now for six months, it has not been easy for some of us. But there is one thing that I would like to say—and I know that you are all tired and I know what it is to be tired, to sit here and wait and just take a vote—and I think you are all entitled to that, and it was said here a few days ago. I think your minds are made up, you know where you are going, I think you know what you have to do. But I would ask you to think of one thing—we, the members of Lewiston, have worked hard but it is the first time that I stood here to think of my delegation back home, the Androscoggin delegation, I am talking about Democrats and Republicans. We have 17 members on this delegation who have held strong to it. I think that deserves just a little consideration on your part.

The last thing that I would say, because Mr. Handy said it, Mr. Nadeau, Miss LaPlante said it all, there is no need to repeat it because I would be saying the exact same things—but I would

thing—let your voters make this decision, and I ask you today to help me—let the voters of Lewiston make this decision in November.

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

The Chair recognizes the gentleman from Biddeford, Mr. Norton.

Mr. NORTON: Mr. Speaker, I would like to pair my vote with the gentleman from Bangor, Mr. Kelleher. If he were here, he would be voting yes; if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, I would like to pair my vote with the gentleman from Pittston, Mrs. Reeves. If she were here, she would be voting yes; if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I would like to pair my vote with the gentleman from Bangor, Mr. Murray. If he were here, he would be voting yes; if I were voting, I would be voting nay.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Brown, K.L.; Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Conary, Connolly, Cote, Cox, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadodsky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Joyce, Kane, Kelly Ketover, Kilcoyne, LaPlante, Lehoux, Lewis, Lisnik, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McCollister, McSweeney, Melendy, Michael, Mitchell, E.H.; Nadeau, Nelson, Paradis, P.E.; Perkins, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Stevens, Swazey, Tamaro, Telow, Theriault, Thompson, Vose, Walker, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, D.N.; Cahill, Chonko, Connors, Cooper, Crouse, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jacques, Jalbert, Kiesman, Lebowitz, Livesay, Locke, MacBride, MacEachern, Macomber, Masterman, McGowan, McHenry, McPherson, Michaud, Moholland, Paradis, E.J.; Parent, Paul, Perry, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Tuttle, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, A.K.; Callahan, Carrier, Dudley, Jackson, Mahany, Martin, A.C.; Master-ton, Matthews, K.L.; Murphy, E.M.; Murphy, T.W.; Seavey, Strout.

PAIRED—Clark-Reeves, P.; Kelleher-Norton; Mitchell, J.; Murray.

Yes, 69; No, 63; Absent, 13; Paired, 6.

The SPEAKER: Sixty-nine having voted in the affirmative and sixty-three in the negative, with thirteen being absent and six paired, the motion does prevail.

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

House Amendment "D" (H-424) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This particular amendment deals with a bill that we had before this body on numerous occasions—I hate to think how many—and dealt with in a manner that it was finally defeated in this body. And that deals with the subject of purchasing alcohol on credit cards at state liquor stores. We don't really have to go in to the great debate that we did previously, but I just think it is necessary that some of you who apparently are interested in supporting this program now when you were not supporting it before could give us the answers why. I don't think anything has changed; in fact, it has gotten worse. People are

still being killed on the highway because of operating under the influence. We have passed three bills since we initially killed this bill, killed this provision in this budget bill, that deals very effectively—in fact, two of those bills were the Governor's bills themselves that made it more difficult for people to operate under the influence in the state and provide for stricter penalties. To me, it doesn't make any sense to make alcohol more acceptable to people with the provision in this bill when we just passed three other bills that are increasing the penalties at the same time. If it is a matter of money, which apparently it is, I think we are being very greedy, and I think we are using the people of the state of Maine who intend to utilize their credit cards to purchase alcohol as very sadistic pawns, I guess, in a game that is necessary to fund state government.

We have been through the arguments before. If we allow people to consume more alcohol, we are going to have to provide additional alcoholic programs for them, increase the funding for them—it is a losing battle, ladies and gentlemen. So I had the amendment drafted just simply because I felt that it was unfair for this House to kill a bill like this on a previous vote, after several votes, I might add, and then stick it in a budget bill just because we need the revenue. Some of you who are going to vote for this today who didn't vote for it before, I think you ought to stand up and tell us why, because it doesn't make any sense to me that if this legislature, as it has on three other occasions, supported increasing penalties for those who drive while they are drinking, why you would support a provision like this now.

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

Mr. DIAMOND: Mr. Speaker, I move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves indefinite postponement of House Amendment "D". The gentleman may proceed.

Mr. DIAMOND: Mr. Speaker, Members of the House: As some of you may know, I share some of the concerns that the gentleman from Scarborough, Mr. Higgins, just articulated. I had a concern that this was a practice that we would be establishing that would encourage further consumption of alcohol. I didn't think it was the best practice that we could adopt and for that reason I opposed the legislation when it was before us earlier. However, a couple of things have taken place, many things have taken place, that have made me reassess my position and have made me come to the realization that probably this measure is one that we should adopt and is one that I think the state can handle in an appropriate manner.

As you know, this session we have dealt with a number of areas in landmark legislation that addressed such areas as the Finance Authority of Maine encouraging economic development, hospital cost containment, tourism, a number of areas that I think are going to radically change the State of Maine for the better, is going to leave their impression for years to come and those are areas that we can all be proud of. However, those areas and those issues cost money. I prefer a couple of areas to fund those concerns. I am very supportive of a corporate tax reform that would raise considerable money for the state and I am also in favor of raising the cigarette tax. I was hoping that those would cover the necessary components of the Part II adequately but, unfortunately, they don't. We tried some administrative changes that would possibly reinforce our ability to finance some of these very worthy programs that are before us and unfortunately we still came up short. We came to the conclusion in looking at it that we had to seek other ways to raise the revenues necessary to fund the programs of this legislature.

In looking at the proposal that is now before us, using credit cards for the purchase of li-

quor, I reluctantly came to the realization that as much as I had personal feelings about them, those on the other side had sound arguments as well. While I still have concerns over those, I realize their arguments have just as much credibility as mine. There is a philosophical difference that was addressed, it was a very close vote when we dealt with the issue before, but in talking about it, I have to compromise, something that we all, at this time of year, have to do.

You know, they say that politics is the art of compromise and some of us practice it pretty poorly and some of you practice it probably a lot better than others, including myself, but reality set in. I realized that I can't expect this legislature to go along with every single position that I take, nor can anybody in this body expect the same. We all have to get together and come up with a proposal that is agreeable to a majority of us and hopefully can accommodate our positions as best as possible.

The package that is before us, the Majority Report of the Appropriations Committee, I feel comfortable with that package. There are parts of it I don't like and this was one that I would prefer not be there, but in light of all the other components that are there or the programs that are there, the federal cuts that are costing us millions that we just have to address, I came to the realization that my concerns are for the greater good of the people of Maine and that if we want to pass a package that reflects our concerns and deals with the best interest of the people of Maine, then this has to be a part of it.

I sympathize with the gentleman in the other corner, I know where his concerns are coming from, but I think for the sake of compromise and for the sake of dealing with a proposal that does adequately address the concerns of the people of Maine, this has to be a part of it. For that reason, I ask you all to support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I never thought a month ago I would be standing up debating this bill again. The principles have not changed and the previous speaker said you have to compromise; but there is one thing that I cannot compromise, I cannot compromise on principle. A man walked through the fields of Judea 2,000 years ago and he said, "What does it profit a man who gains the whole world and loses his own soul?" Money is important but money is not so important to me that I would take it walking on the backs of those people down there that we came here to help. We are all here to help the people and this is still a booze bill and it will never change. It is nothing but a booze bill and I can't in all good conscience ever support this kind of bill.

I hope you people who stood with us a month ago will stay with us today.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here very quietly so I guess I can say a few words.

As you recall, my previous statements on this is going to New Hampshire and trying to use a credit card and found out that I couldn't do it. One of the reasons that I couldn't do it is because they didn't have the computers. There is no way in the world, and I don't know, people say you are going to raise all this money, you may not raise a cent with these credit cards but you are going to spend money to put computers into your liquor stores so you can use them. Can you imagine the holdup at the checkout when they come. You present that credit card and they have to check the credit card to make sure that it is a viable one, that they can be used—it takes time. In the summer when we sell all this liquor—and I am not concerned about selling more liquor because peo-



ple can buy liquor with a credit card in a bar—but the point is, I don't think you are going to raise any more money and I think you are going to spend a lot of money for electronic computers. I don't think it is a good deal.

Mr. Diamond of Bangor requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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: The Chair recognizes the gentleman from Unity, Mr. Stevenson.

Mr. STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: Our former speaker mentioned that there were items passed for the betterment of the state. I can't see where selling more booze is a betterment of this state. I, too, am concerned about the money from the booze. With credit cards, we are going to be able to purchase booze every day. It has to be paid for by the end of the month whether we have money for the other necessities of life or not. I personally think it is a pretty sorry state of affairs when this state has to depend on booze for its revenue.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Bangor, Mr. Diamond, that House Amendment "D" be indefinitely postponed.

The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, I request permission to pair by vote with the gentleman from Bangor, Mr. Murray. If Mr. Murray were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Millinocket, Mr. Clark.

Mr. CLARK: Mr. Speaker, I request permission to pair my vote with the gentleman from Bangor, Mr. Kelleher. If Mr. Kelleher were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Diamond, that House Amendment "D" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cote, Crouse, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lewis, Lisnik, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCallister, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Theriault, Thompson, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bost, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Cooper, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jalbert, Perkins, Lebowitz, Livesay, Locke, MacBride, Masterman, Maybury, McHenry, McPherson, Michaud, Mitchell, J.; Paradis, E.J.; Parent, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Bott, Brown, A.K.; Carrier, Connors, Cox, Dudley, Jackson, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; Murphy, E.M.; Murphy, T.W.; Reeves, P.; Seavey, Strout.

PAIRED—Clark-Kelleher, Crowley-Murray.

Yes, 75; No, 56; Absent, 16; Paired, 4.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-six in the negative, with sixteen being absent and four paired, the motion does prevail.

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

House Amendment "C" (H-423) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It appears that the Legislature is going to take the initiative and pass on to the business community of this state a tremendous early Christmas present in the waning days of June, that being a corporate income tax. I think it is only fair that the people of the State of Maine know how we feel about the corporate income tax, so I offered the amendment that deletes from the Appropriations Bill the portion that deals with raising the corporate income tax.

I was intrigued by this epistle that appeared on our desks here earlier today, apparently anonymously so, but someone had done a great deal of art work here in an attempt to make the case for increasing the corporate income tax. It is rather difficult sometimes to stand up here and beat the drum for not doing that because everybody says, well, you know supporting all those big bad businessmen up there—well, I guess I don't have that same feeling, I don't happen to feel that all the business community that is out there are big or bad and that they are oppressing the working class people in this state, but I do think that they look seriously at this Legislature and look seriously at actions that we take here dealing with state laws and increasing their taxes, most assuredly.

I did a little work and I was surprised—I heard some of these figures bantered about earlier but it says that in 1976 the corporate tax year of our state revenue was 9.4 percent; in 1983 it was about 5.7 percent, which is significantly less than seven years ago, I don't know the percentages but I don't find any particular fault with that, I assure that they are right.

The personal income tax here at the bottom showed that in 1976 it was 14 percent and in 1983 it is 32.7 percent. The implication, obviously, is that the personal income tax is now taking this tremendous amount of money from the people of the State of Maine and the corporations are getting by scot free. Well, my answer to that is two-fold—the fact that 32 percent of our state revenues now are coming from the income tax should clearly indicate to everybody in this House that tax indexing had a meaning and when we came here in January and dealt with that, there was a reason why, and it is called bracket creep, and that is precisely the reason, ladies and gentlemen, that from 1976 to 1983 we are taking 18 percent or more or getting 18 percent more of our budget from the personal income tax. What this doesn't show you, however, is the dollars and cents involved. I think that is important.

Now in 1976, the state received about \$33 million from the corporate income tax. In 1982, because 1983 has not ended yet, we were receiving about \$35 million—all right, so corporations are paying about 10 percent more in income tax now than they were six years ago. So it is not that they are getting by scot free, they are just not increasing as rapidly. It isn't like it was \$32 million and now it is \$15 million, they are paying more now than they were seven years ago.

You look at the personal income tax that has graduated and you see that 1976 corporate income tax was \$52 million, the amount that the state received; in 1982, it was \$200 million, four times what it was in 1976, so the figures you have here may be accurate but the only reason the corporate tax structure is not contributing the same percentage that it was before is based

on two things—the personal income tax has grown four times as much and I think if you look at the sales tax, because of inflation you would find that the sales tax has probably grown in a like amount. This is extremely deceptive, and I want you to understand the dollars and cents amounts because it is important. Corporations in this state are not paying less money than they were before; they are paying a less percentage, unquestionably; but why are they paying less percentage? Because the rest of the state budget has grown disproportionately. We passed a graduated income tax and when I was here my first session in 1974, we passed an additional increase in the personal income tax and we now have one of the most progressive income taxes in the nation. All right, that aside, I think it is important that you understand that the dollars and cents don't back up the percentages that are here now.

My objection to a corporate income tax is pure and simply this: that sends a clear message throughout this nation that when Maine wants money, they go to corporations first and how are you going to explain to those businesses that you want here to bring jobs to this state that, well, we needed a few extra bucks so we went in and raised the corporate income tax about 40 or 50 percent on the upper end of the bracket, when they can go to New Hampshire and pay nothing or go to some other state that have a much less corporate income tax than we do, have much less energy costs than we do, transportation costs than we do—how do you go out to those businessmen that want to bring in a thousand jobs to this state and say: "Oh, come on in, that was just a fluke, we needed a few extra bucks." They aren't going to believe that. You put that together with the staggering cost of workers' compensation in this state and I can't believe you can have anything but just a joke. You might just as well shut down the office that goes out and tries to bring these businesses into this state. You have two or three strikes against you and this isn't going to help. It is like kicking a man while he is down; it is like throwing water on a drowning man to say that just because they are not producing the same amount of income or the same percentage that they were seven years ago, that you ought to take them for more. That is a rationalization, it is an excuse, let's face it. You need a few extra bucks so you go after the corporations, they are the big, bad guys. Ladies and gentlemen, they aren't necessarily, they provide a lot of jobs to this state, a lot of jobs in the paper industry, for example.

I think we are on a collision course because you are hearing a lot of people say—we want jobs, the Governor especially, we want to bring jobs to this state, it has been the highlight of his campaign, his reelection campaign and everything that he has said since then in his inaugural address. How do you bring jobs to this state when you tell them you are going to raise \$13 million more out of their pockets? You don't do it. If you do, you can't do it without your tongue in cheek. They are smarter than that and if you put an increase in the corporate tax on the books, they are going to look at that and they are going to look at the personal income tax that we have in this state as being one of the highest in the nation and they are going to say, "Why do I want to send my business there, not only am I going to get wracked with my corporate income tax but if I happen to be lucky enough to pay my employees a half decent wage, they are going to have to pay more than any other state to live there." I think it is ridiculous.

We tried, in good faith, to come up with a budget that we thought was workable. We tried to fit the dollar amounts that were necessary to what we had available. I am afraid that the other party has done the opposite. They have tried to fit the tax to the dollar amounts rather than the other way around.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: Looking at this yellow sheet here and the first question and its answer, from 1969 to 1980 corporate profits roughly to 36 percent or 62 percent. Wages are up over 200 percent in that same period. If you look at the produce price index, the dollar is worth only 40 cents; if you look at the CPI, consumer price index, the dollar is worth 35 cents, and matching those figures up, corporate profits are down, not up, as this states, if you want to match it on constant dollars or if you want to match it on ordinary dollars that we see every day, wages have far outstripped it.

I invite you to look at the report of the Maine State Employees Retirement System and look at the four hundred and some million dollars that are managed by five money managers and a couple of banks, and I did. Try and find in that report how much money is invested—employees' money for their rainy day is invested in the forest products or wood products industry—you will find \$1.1 million invested in Boise Cascade and that is all and that is about three tenths of one percent of our state employees' money invested in these businesses. The rest of the money is invested in out of state businesses, in other businesses in the forest products industry. Now there are some very smart people investing the money and some of you folks are going to get some retirement pay out of the State Retirement System. If these people don't want to invest your money in those companies, it tells me one thing, they aren't doing a decent job of earning a profit.

The proof is in the pudding—look at the June 30, 1982 State Retirement Report, find one Maine paper company with a measly million dollars out of \$400 million, that is what the business community that invests your money thinks how profits in these big companies are.

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

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: I would first of all like to move indefinite postponement of House Amendment "C".

The SPEAKER: The gentleman from Portland, Mr. Andrews, moves indefinite postponement of House Amendment "C". The gentleman may proceed.

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: When I noticed that House Amendment "C" existed and saw Representative Higgins name on it, I was looking forward to a solid debate on the facts and the issues behind this portion of the bill before you today. I was not expecting the shallow slogan slinging that we have received. Before I address some of the specific points that he has made in his comments, I would like, first of all, to discuss the proposal.

This proposal is based on the principle that taxation should be based on the ability to pay and that everyone should be shouldering their fair share of our state tax burden. It is also based on the recognition that not everyone is paying their fair share of taxes in our state and that the personal income taxpayer has been forced to shoulder more than his or her fair share of taxes over the years.

Finally, this proposal recognizes that not all corporations are alike. The tough economic times that we are experiencing hit our smaller and less prosperous businesses first and hardest, and while these businesses may not have the resources to send lobbyists to the halls of the State House, they deserve a break.

This legislation, ladies and gentlemen, will reduce the rates in the first corporate income tax bracket from 4.95 to 3.5 percent. As a result, businesses not only in that first bracket, but businesses in the second bracket, will receive a tax benefit. In fact, if you look at a corporation making \$50,000 or less in taxable income, they will receive an actual tax reduc-

tion under this plan. The business with a taxable income of \$25,000, for example, will have a state tax reduction of 29 percent under this plan. Over 80 percent of Maine businesses who pay a corporate income tax in this state will receive a tax reduction under this plan. The rate of the second corporate income tax bracket will increase by one percentage point under this proposal; a third bracket will be created at \$75,000 with a four tenths of a percent increase over the second and the fourth bracket will be created for corporations making a taxable income of over \$250,000. The rate changes apply only to a corporation's taxable income; that is the income left over after the corporation takes all of its exemptions, deductions, applied accelerated depreciation schedules, etc., in other words, taxable net income.

This legislation recognizes that the loss of a taxable profit of a corporation, the greater the ability to pay and that these larger businesses have the greatest capacity to take advantage of the new federal tax breaks. As a matter of fact, any tax increase with these corporations, can be used as a deduction from their federal corporate income tax; in other words, by passing this bill, we will be bringing more federal revenues to the State of Maine, in effect, writing our own federal revenue sharing program, in my view, a reasonable and fair response to the shrinking federal dollars provided state programs and services.

While the income tax has risen over the years, the corporate tax share of income taxes has, in fact, declined. In 1977, individual taxpayers in the State of Maine paid 67 percent of the Maine Income Tax. By 1982, five years later, that percentage had risen to over 85 percent. I am talking about percentages of that income tax. The corporate share, the corporate percentage of that income tax in 1977 was 32.2 percent; five years later, that share had dropped to 14.9 percent.

The time has come, ladies and gentlemen, to insist on tax equity. If we are going to have to shoulder taxes to face our responsibility particularly in light of decreased federal dollars, we must insist on that burden being shouldered fairly and equitably. To insist that the largest, most profitable corporations in Maine pay their fair share, I believe is totally reasonable, as I believe it is reasonable to correct the disparity of burden that has been placed on the backs of the personal income taxpayer.

In addition to restructuring the corporate income tax rates, this legislation will generate additional revenue for the state. This revenue will help to offset a decline, as I mentioned, in federal funds for programs and services to the people of the State of Maine. Again, this revenue will be generated by those with the greatest ability to pay.

Now, during the course of the session and the many hearings that the Taxation Committee had, we were asked to give tax benefits to some groups and levy additional taxes on other groups. Some industries complained that they were being singled out unfairly, that it was wrong to force an increased tax only on certain types of businesses. Many of us listened to that and were troubled by the fact that we would be putting an increased tax on certain types of businesses, but this particular corporate income tax legislation, yes, it does discriminate, but it discriminates on the basis of fairness. Corporations will face an increase in their tax based on their ability to pay and, again, if they are earning \$50,000 in taxable income, net taxable income, their tax will actually go down under this plan—again, over 80 percent of the businesses will receive a tax reduction under this plan.

Revenue for important programs and services will be generated without placing an increased tax burden on the personal income taxpayer; in fact, the disparity between the corporate and personal income tax share will be narrowed.

The bottom line is fairness and I hope that you will join me and the majority of the Taxation Committee in supporting this reform of the corporate income tax.

On reviewing some of the comments that we heard by the good gentleman from Scarborough, I can appreciate the rhetoric for the benefit of the business community and I, too, am concerned about the business climate in this state and I am concerned about the businesses in my district, those marginal businesses, those businesses that are run by a person and his family trying to struggle in these economic times. I take a look at the disparity in our income tax structure and I look at the fact that the State of Maine has the lowest corporate income tax in New England, one of the lowest corporate income taxes in the nation, and I realize that first of all we have got to do something about the disparity in the share of corporate versus personal income taxes and, secondly, we have got to take a look at those small businesses, those marginal businesses, that are having a hard time and we have got to offer them some tax relief.

This proposal does both, and I ask you, don't be fooled by the rhetoric of the broad gross generalizations of "let's help business." Let's really help business, let's reduce the tax breaks of the businesses that need it and let's increase the tax break of the businesses that can afford it.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I don't know that there is much more I can add to my good colleague's comments. Mr. Andrews, I think has given a very good case why this reform is needed and I urge all of you to support the motion to indefinitely postpone this amendment and I ask for the yeas and nays.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that we finally reached the crux of the matter, because I feel that this amendment is the crux of the matter, it is the major difference between the two packages being proposed here this evening.

The Democratic package includes more programs and is funded by a corporate income tax. That corporate income tax is objected to by the gentleman from Scarborough and that objection doesn't surprise me. As Representative Higgins from Portland has pointed out, there isn't much we can add to what Mr. Andrews has just said, but I just wanted to point out a few inconsistencies in the arguments here.

As Representative Andrews stated, the corporate income tax in this state is the lowest in the New England states and is one of the lowest in the country. If the arguments that the gentleman from Scarborough uses were true, that businesses are going to look at this and they are going to say—"Horrors, we can't move into Maine because of what that terrible Legislature did," then they should be rushing here now and opening up some factories by the dozen because we are on the bottom of the scale right now when it comes to corporate taxes.

Also, I would point out that even after this bill is passed, if it is passed, this does not put us at a rate that is exorbitant. We would still be lower than the corporate tax rate of Connecti-



cut, Massachusetts, and almost every other New England state, and certainly not out of line with the corporate tax rates in the rest of the country.

I think this is a very fair package. As Representative Andrews said, it lowers the corporate tax rate for 80 percent of the corporations in this state or better. I think it is a fair package and I, for one, would be voting for this whether the Part II budget needed the money or not. I would vote for this and also vote for a personal income tax decrease.

I urge your support for the motion to indefinitely postpone this amendment.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to quote one of our famous Americans: "You cannot strengthen the weak by weakening the strong; you cannot help small men by tearing down big men; you cannot help the poor by destroying the rich; you cannot lift the wage earner by pulling down the wage payer." This, ladies and gentlemen, is a quote from the great emancipator, Abraham Lincoln. I want you to keep this in mind when you press that button.

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

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: Something that my friend Mr. Andrews said a little earlier caught my attention. He said that this bill discriminates for fairness, and I had a little difficulty with that so I grabbed ahold of Webster's sitting here and I looked up fairness. It says: "neither very good nor very bad; honest and impartial." Then I looked up discriminate and it says: "to make a distinction; to treat differently as to discriminate between classes." The term to discriminate for fairness is a contradiction in terms, they are directly contradictory, it is an impossible statement just as the entirety of Mr. Andrews' logic, in my opinion, is an impossible statement. To say that you are going to reduce the taxes by increasing taxes, to say that you are going to improve the business climate by harming the business climate is just as much a contradiction in terms as to discriminate on the side of fairness.

I would suggest that we keep that in mind, that basic contradiction in the whole concept in mind when you vote on this bill.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: My good seatmate remarked when I sat down that I made an error and I just want to clear the record. I indicated that in 1982 the corporate tax revenues were \$200 million, I obviously meant that personal income tax revenues were \$200 million; the fact is that from 1976 they have grown from \$52 million to \$200 million. I want to clear that up for the record.

A couple of remarks have been made here that I think need to be responded to and I guess and you know I am a small businessman and I ought to be delighted that you are going to cut my corporate income tax. My wife and my son are here tonight, I should probably take them out to dinner after we are done and celebrate but I am not going to do that because I think that despite the fact that we may well be the lowest corporate income tax in New England, I think it still sends out that message to the business community not only throughout New England but other places that we are establishing a trend here. Recently we talked about raising the minimum wage; in fact, it was passed in the House; now we are talking about raising corporate income taxes almost 20 percent in one year—how is that going to cut when they look at the workers' compensation costs? Why would someone want to come to Maine? Why would they want to go to northern Maine where it is 300 miles or more than 300 miles from there to Boston or some other place

like that? I think we are cutting our noses off to spite our face in doing something like this, and I don't happen to think that "profit" is a dirty word. Profit that businesses make is used to provide capital, to renew plant and equipment, to keep businesses healthy and productive, but most of all it provides jobs. Lord only knows how much time we spend talking about jobs in this place and yet for some reason we think we want to kill the goose that laid the golden egg, I guess. It is not enough that they provide jobs, now you want to tax them more, and I think that is unfortunate.

You can call it a reform if you want to but it is a tax increase, pure and simple, six or seven million dollars a year and it sends that clear message reverberating throughout the nation that if Maine gets tough and needs a few extra bucks, they are going to go to the corporations.

I still say, why can't we live within our own means? The budget increased \$200 million, our revenues increased over \$200 million in the General Fund during the last two years or, excuse me, over the next two years it intends to—why can't we live within that? That is a 15 percent increase over what we spent in the last two years. I think it is enough.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Andrews, that House Amendment "C" be indefinitely postponed. 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.; Carter, Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Brown, K.L.; Cahill, Callahan, Conary, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Hobbins, Holloway, Ingraham, Joseph, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Maybury, McPherson, Moholland, Nelson, Norton, Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Swazey, Telow, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Bott, Brown, A.K.; Brown, D.N.; Carrier, Chonko, Connors, Dudley, Jackson, Jalbert, Kelleher, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; Murphy, E.M.; Murphy, T.W.; Murray, Reeves, P.; Seavey, Strout, Willey. Yes, 75; No, 55; Absent, 21.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-five in the negative, with twenty-one being absent, the motion does prevail.

The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY, Mr. Speaker, I offer House Amendment "F" and move its adoption.

House Amendment "F" (H-441) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker, Members of the House: The amendment that I am presenting relates to the tourism program that is here in the budget and it is unfortunate that we are unable to fund this entire program of tourism this year, but noticing that there was an appropriation of \$150,000 for a staff of four in the State Development Office that will primarily

direct the funding of the money out to a contractor to promote tourism, I thought it might be a neat idea if we could have this money go directly to the contractor. In most cases, this has been the Maine Publicity Bureau, who has been doing an excellent job and does have funding for this year, but this would be an additional appropriation and I think would be a good idea to have it go directly to them rather than the staff.

The program for tourism will still be in the statutes and when the time arrives for us to fully fund this program, it will be there to implement it.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I move that House Amendment "F" be indefinitely postponed.

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, moves indefinite postponement of House Amendment "F".

The gentleman may proceed.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: In the Part II Budget there is allocated a bond for \$150,000 for each year of the biennium. I think it is important to remember that there is also money that has been allocated in the Part I Budget in the amount of \$350,000 for each year of the biennium, so we are talking about a half a million dollars which is going to be set up for tourism promotion.

I think my concerns with giving this money on a matching basis rather than beginning to create the tourism division, which we spent a lot of time in State Government Committee and passed out a unanimous report developing, is that we were a little concerned that some of the performance that certain groups like the Maine Publicity Bureau had provided, we were concerned with some of the services that they provided in the last several years. A couple of years ago, the Maine Publicity Bureau was some \$300,000 in debt and there were a lot of questions about using state monies to continue to fund an agency or division such as the Maine Publicity Bureau. There were a couple of studies that had examined the efficiency of the Maine Publicity Bureau and other studies that we felt that it was best for the state to get involved as an active participant in the tourism program, not simply hand this money over to an outside source such as the Maine Publicity Bureau.

In fact, because some of the monies have been deleted, this original bill required a million and a half and the original bill required for some eight employees within the State Development Office that would be operating the tourism program, the current bill calls for four positions, so this will just be the beginning of a tourism program, tourism effort for the State of Maine. It is a valuable effort, it is a valuable investment, because the experience of other states is that for every dollar you put into tourism, you get \$3.00 back, so it is something that we think is worthwhile.

Realistically, because it is going to take three to four months before they can get this tourism program set up, they are going to have to be contracting for outside services to get a lot of this done and they are, in fact, contracting now and they are involved in preliminary negotiations with the Maine Publicity Bureau to do some work for the first three or four months until they can get on their own feet. It is because of that that we think this amendment is not needed and I would urge your indefinite postponement.

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

Mr. BONNEY: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the Maine Publicity Bureau, I happen to have been involved with it for some time. What the gentleman from Fairfield stated was true—up until two years ago, the Maine Publicity Bureau was

in a mess. At that time, the Governor and others appointed Mr. George Stobie as Director of the Bureau. At the time that Mr. Stobie took over, the Publicity Bureau was in debt for \$300,000. At the present time, the Publicity Bureau is in debt for about \$60,000, and it will be paid off due to the excellent work of Mr. Stobie and his staff. All of the people that were connected with the bad reputation of the Publicity Bureau were let go two years ago, they are all gone. This was the first act that Mr. Stobie made.

This man, George Stobie, is considered one of the ten top hotel operators, resort operators, in the world. Now, we are darn fortunate in this state to have George. He came home and retired, his Dad was Fish and Game Commissioner, he is doing this because he loves this state. We don't have many people like this. The money that George is getting out of this job is 10 percent of the money that he has made in the past and I would like to say a couple of things in favor of the Publicity Bureau. For every one dollar that Maine spends on tourism, \$1,000 has come back in return and there isn't a better investment in the state.

The Maine Publicity Bureau, since 1926, has handled Maine tourism promotion and for two years since 1926 it has had problems. Today, right now, our summer visitors are 22 percent ahead of where they were a year ago. The Maine Publicity Bureau is a private, non-profit, member contributed company that operates on a matching basis with the state. For every dollar raised from private industry, the state matches these up to \$350,000 a year.

The tourist industry itself is behind the Maine Publicity Bureau and supports it with its dollars. We can gain much more from a state dollar through the Maine Publicity Bureau than we can with a new department and new people. The Maine Publicity Bureau has 56 years of experience and only two of those 56 were bad. You can see the difference.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Certainly we don't want this to become a debate on the Maine Publicity Bureau because they have made an improvement over the last couple of years. However, at the time that the state was involved, the State Development Office was involved in finding out the types of things they were doing, there were some serious questions to be raised about how they were spending the state's money. The fact that MPB membership is comprised mainly of coastal members who concentrated on promoting the coast sector rather than the inland sectors, I don't think we have to get into that, because under the present tourism promotion that is set up under this bill in L. D. 1784, there is a matching funds program already and there is absolutely nothing to preclude the Maine Publicity Bureau from applying for these funds. Certainly, if they have had any kind of good track record and they are improving, they are going to qualify for those funds; in fact, they are in negotiations with them now to allow them to do some of the services until the division itself can get more on its feet. I don't think it is needed. I understand the concerns of the gentlelady from Edgecomb. I urge you to indefinitely postpone this amendment.

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 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: The pending question is on the motion of the gentleman from Fairfield, Mr.

Gwadosky, that House Amendment "F" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bonney, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McColister, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Brown, K.L.; Cahill, Callahan, Clark, Conary, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Maybury, McHenry, McPherson, Michaud, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Bott, Brown, A.K.; Brown, D.N.; Carrier, Cashman, Connors, Dudley, Hayden, Jackson, Jalbert, Kelleher, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; McColister, Murphy, E.M.; Murphy, T.W.; Murray, Reeves, P.; Seavey, Strout, Willey.

Yes, 77; No, 51; Absent, 23.

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

The pending question now before the House is on passage to be engrossed.

Mr. Higgins of Scarborough requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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: The pending question before the House is passage to be engrossed of L. D. 1784. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Bonney, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McGowan, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Beaulieu, Bell, Benoit, Brown, K.L.; Cahill, Callahan, Chonko, Clark, Conary, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, Locke, MacBride, Macomber, Masterman, Maybury, McHenry, McPherson, Michaud, Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth,

Weymouth, Zirkilton.

ABSENT—Bott, Brown, A.K.; Brown, D.N.; Carrier, Cashman, Connors, Dudley, Hayden, Jackson, Jalbert, Kelleher, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; McColister, Murphy, E.M.; Murphy, T.W.; Murray, Reeves, P.; Seavey, Strout, Willey.

Yes, 71; No, 57; Absent, 23.

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

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Hobbins of Saco was granted unanimous consent to address the House.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: My conscience wouldn't let me get away without making a few comments. Unfortunately, the amendment offered by the gentleman from Scarborough, Mr. Higgins, you will find when you get your roll call sheet an indication that I supported his position. The machine must have been broken because I want to go on record as saying that I oppose that position and I want the record to indicate that.

The Chair laid before the House the following matter: An Act to Amend the Military Laws of the State of Maine (H. P. 1337) (L. D. 1777) which was tabled and later today assigned pending passage to be enacted.

On motion of Mr. Hickey of Augusta, the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "B" (H-430) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith.

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

Bill "An Act Relating to Services of a Municipal Character in the Unorganized Territory" (Emergency) (H. P. 1344) (L. D. 1783)

Was reported by the Committee on Bills in the Second Reading.

Mr. Higgins offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-429) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith.

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

#### Bill Recalled from Governor (Pursuant to Joint Order —House Paper 1350)

An Act to Validate the Procedure for Selection of Members of the Maine Real Estate Commission. (H. P. 1335) (L. D. 1775)

—In House, Passed to be Enacted on June 22.

—In Senate, Passed to be Enacted on June 22.

Thereupon, the House reconsidered its action whereby the Bill was passed to be enacted.

The pending question before the House is passage to be enacted. Pursuant to Article V, Part I, Section VIII of the Constitution of the State of Maine the affirmative vote of two-thirds of the members present and voting being necessary, a total was taken. 90 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Order Out of Order**

On Motion of Representative MacEachern of Lincoln, it was

ORDERED, that the Clerk of the House be authorized to furnish 100 20¢ postage stamps to each member of the House for the purpose of distributing various reports of the state departments and other public documents, such as they may desire to mail to citizens of the State.

The following items appearing on Supplement No. 18 were taken up out of order by unanimous consent:

**Non-Concurrent Matter**

Bill "An Act to Prevent Unjust Enrichment by Retention of Surplus Upon Foreclosure of Municipalities and Sewer Districts" (S. P. 597) (L. D. 1719) which failed of passage to be engrossed in the House on June 15, 1983.

Came from the Senate with the Bill and Accompanying Papers Recommended to the Committee on Judiciary in non-concurrence.

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

**Non-Concurrent Matter**

RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells for \$10,000 (H. P. 1024) (L. D. 1325) which was passed to be engrossed in the House on March 29, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Gwadosky of Fairfield, the House voted to insist and ask for a Committee of Conference.

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

**Committee of Conference Report**

Report of the Committee of Conference\* on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. P. 1267) (L. D. 1678) have had the same under consideration, and ask leave to report: that the House recede from its action whereby it failed to pass the bill to be engrossed; Indefinitely Postponed House Amendment "A" (H-333); Read and Adopt Conference Committee Amendment "A" (H-427) submitted herewith; and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-427); that the Senate recede from passage to be engrossed; Read and Adopt Conference Committee Amendment "A" (H-427); and pass to be engrossed as amended by Conference Committee Amendment "A" (H-427) in concurrence.

(Signed)

Representatives:

DIAMOND of Bangor  
KELLEHER of Bangor  
SPOUL of Augusta

— of the House.

Senators:

DUTREMBLE of York  
HAYES of Penobscot  
DOW of Kennebec

— of the Senate.

Report was read.

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

Mr. DIAMOND: Mr. Speaker, I move acceptance of the Committee of Conference Report.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves that the House accept the Committee of Conference Report.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I request a division and I hope that many of you will continue to vote against this report. This is the exact same version that the House last voted on, a version

which included state employees, and the last time the House voted on this version, we defeated this bill. I hope that we will hold firm and continue to defeat this bill.

Mr. Racine of Biddeford requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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: The Chair recognizes the gentleman from Bangor, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Members of the House: Very briefly, in order to correct the gentelady from Auburn, the House passed this measure in this form the last time we had it before us, so I would hope that we would go along with the Committee of Conference Report and continue your support.

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

Mr. MANNING: Mr. Speaker, I would like to pose a question through the Chair. Could we have a brief explanation of this report, please?

The SPEAKER: The gentleman from Portland, Mr. Manning, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: As much as I hate to say this, I can say it simply in two words—binding arbitration.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Diamond, that the House accept the Committee of Conference Report. 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.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Nadeau, Paradis, P.E.; Paul, Perry, Randall, Richard, Rolde, Rotondi, Soule, Sproul, Stevens, Tammara, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Cooper, Curtis, Daggett, Davis, Day, Dillenback, Drinkwater, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Manning, Masterman, Maybury, McCollister, McPherson, Melendy, Moholland, Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Parent, Pines, Racine, Reeves, J.W.; Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Stevenson, Stover, Swazey, Telow, Walker, Wentworth, Zirkilton.

ABSENT—Armstrong, Bott, Brown, A.K.; Brown, D.N.; Carrier, Conary, Connors, Dexter, Dudley, Hayden, Jackson, Jalbert, Kane, Kelleher, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; Murphy, E.M.; Murray, Perkins, Pouliot, Reeves, P.; Seavey, Strout, Webster, Weymouth, Willey.

Yes, 64; No, 59; Absent, 28.

The SPEAKER: Sixty-four having voted in the affirmative and fifty-nine in the negative, with twenty-eight being absent, the motion does prevail.

Thereupon, the House receded from its action whereby the Bill failed of passage to be engrossed.

House Amendment "A" (H-333) was indefinitely postponed.

Conference Committee Amendment "A" (H-427) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

**Later Today Assigned**

The following Joint Resolution: (S. P. 632) Joint Resolution Requesting Action to Prevent Further Accumulation or Storage of Spent Nuclear Fuel Within the State Beyond the Amount Presently Licensed

WHEREAS, the state's only nuclear power plant, Maine Yankee Atomic Power Company, has been using its temporary storage pool and facilities to store all the spent nuclear fuel it has generated since beginning operation; and

WHEREAS, that facility was originally designed and intended only for temporary storage prior to transferring spent fuel for reprocessing or permanent storage; and

WHEREAS, the company has filed an application with the Nuclear Regulatory Commission for a license amendment to allow it to continue to store on-site at its nuclear power facility all additional spent nuclear fuel that will be produced during the operational life of that plant; and

WHEREAS, that application requests permission to store approximately 8 times the amount of spent nuclear fuel for which the spent fuel storage area was originally designed, and proposes to use a storage technology, known as "pin compaction," that has never before been applied for or used; and

WHEREAS, though the purpose of that application is to insure continued economic operation of that nuclear power plant, the expansion plans demonstrate little regard or consideration for either a permanent storage solution or for the life, health, safety and welfare of the people of this State; and

WHEREAS, the State may be foreclosed from requiring the Nuclear Regulatory Commission to consider or provide for the consequences of this on-site storage beyond the date of the expiration of the company's operating license; and

WHEREAS, a decision by the Nuclear Regulatory Commission to approve the application may, at the least, result in significant limitations on or seriously aggravate the difficulties in finding a permanent storage solution; and

WHEREAS, the Federal Government, by the United States Nuclear Waste Policy Act of 1982, Public Law 97-425, has recently reaffirmed its primary responsibility for proper and permanent disposal of spent nuclear fuel and other high-level radioactive wastes in a safe, timely, reliable and economic manner, and has established a program for developing methods of managing and disposing of these wastes; and

WHEREAS, the foregoing constitutes a situation where there may be created a serious threat to the health, safety and welfare of the citizens of the State and a major disruption in the proper planning for an orderly and proper development of appropriate programs for methods of permanently managing and disposing of spent nuclear fuel; now, therefore, be it

RESOLVED: That We, the Members of the Senate and the House of Representatives of the First Regular Session of the 111th Legislature, now assembled, most respectfully urge and request that the Governor, the Attorney General and all appropriate state agencies, take all possible actions to prohibit or prevent further accumulation or storage of spent nuclear fuel within the State beyond the amount presently licensed, and that:

1. The State, through the Attorney General,

shall continue to vigorously prosecute the state's participation, before the Nuclear Regulatory Commission, in the current license amendment proceeding of Maine Yankee Atomic Power Company to expand its spent fuel storage capacity in Wiscasset, Maine;

2. The Governor shall inform the President of the United States, the President Pro Tempore of the United States Senate, the Speaker of the House of Representatives, each member of the state's Congressional delegation and each member of the United States Nuclear Regulatory Commission, of the extreme concern and strong opposition of the citizens of this State to any further accumulation or storage of spent nuclear fuel within the State; and

3. The Governor and the Attorney General shall keep the Legislature informed on the actions they take to carry out the purpose of this resolution; and be it further

**RESOLVED:** That copies of this resolution be sent forthwith to the Honorable Joseph E. Brennan, the Honorable James E. Tierney and the appropriate state agencies as notice of this urgent request.

Came from the Senate read and adopted.

In the House, the Joint Resolution was read.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: Inasmuch as I don't agree with all the "whereas's" in this, I request a roll call.

The SPEAKER: A roll call is requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. All those 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.

On motion of Mr. Higgins of Scarborough, tabled pending adoption in concurrence and later today assigned.

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

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

Mr. HIGGINS: Mr. Speaker, is the House in possession of An Act to Provide for Reapportionment of County Commissioner Districts? (H. P. 689) (L. D. 869) (H. "A" H-411)

(In House, Passed to be Enacted on June 22, 1983.)

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

On motion of Mr. Higgins of Scarborough, the House reconsidered its action whereby the Bill failed of passage to be enacted.

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

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

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

House Amendment "B" to House Amendment "A" (H-426) was read by the Clerk and adopted.

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

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

**House at Ease**

Called to order by the Speaker.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

An Act Making Appropriations and Allocations for the Expenditures of State Government and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 1345) (L. D. 1784)

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

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

Mr. HIGGINS: Mr. Speaker, I move that this lie on the table one legislative day and ask for a roll call.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that this matter be tabled for one legislative day. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Bell, Bonney, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Crowley, Curtis, Davis, Day, Dillenback, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Maybury, McPherson, Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Wentworth, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Higgins, H.C.; Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Molland, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Armstrong, Baker, Bott, Brown, A.K.; Carrier, Cashman, Connors, Dexter, Drinkwater, Dudley, Hayden, Hickey, Hobbins, Jackson, Jalbert, Kane, Lisnik, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; Murphy, E.M.; Murray, Nadeau, Norton, Reeves, J.W.; Reeves, P.; Seavey, Soucy, Strout, Webster, Weymouth, Willey.

Yes, 45; No, 73; Absent, 33.

The SPEAKER: Forty-five having voted in the affirmative and seventy-three in the negative, with thirty-three being absent, the motion does not prevail.

The pending question now before the House is on passage to be enacted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call vote. The reason I ask for a roll call is because I felt that it was unfair for this legislature to take the action that it is taking today at twenty minutes to eleven on a bill that has the potential ramifications that this bill does.

This proposal was unveiled to the public at three o'clock, maybe, this afternoon and we are enacting it tonight, and my way of thinking is, that is a little bit too much too soon.

I don't have any doubt about the outcome, it is not my intent to create any parliamentary disturbance on the floor of the House; however, I did feel that in the normal course of legislative events, a piece of legislation takes anywhere from perhaps six days to be enacted. I think it is unfortunate that we choose to enact a piece of legislation like this within eight hours, not because I disagree with it, because I do, but because I think we have betrayed the people the opportunity to speak to us, to respond, to give us their concerns about what we are doing here. While we are debating this tonight, there are a lot of people out there who have no idea what is happening and tomorrow they are going to be some surprised and some upset, not only with you but with me as a group of legislators. I think we have betrayed their confidence in that regard.

As I have campaigned, and I am sure many of you have, there has always been the discussion of what is the difference between Republicans and Democrats or what is the difference in philosophy of conservatives or liberals or any other delineation you might want to make, and I think that this bill tonight is clearly indicative of the difference in the philosophy of the two parties in the State of Maine. How do we perceive the role of state government through our funding mechanisms and in the way we run state government and the legislature?

The bill we have before us tonight is a bill that I disagree with but I disagree with it on principle, because if you look at it, in many regards it is nothing short of a pork barrel. If you look at the University of Maine at Lewiston campus, we all know the trials and tribulations that that went through and because there wasn't enough support for it in the Appropriations Committee, and there wasn't a lot of support for it among members of this House, Republican or Democrat alike, what happened? We had to add another \$2 million to the University system as well, a sweetener, if you will, so we had to find \$2 million somewhere else to pay the other \$2 million to make a little gem or sweetener for some other people who were concerned about deluding the University of Maine system.

Another philosophy, I guess, is bigger government better government? I disagree with that philosophy because I don't think bigger government is better government and if you look at the University of Maine at Lewiston campus and you look at the issue of setting up a new bureaucracy in tourism, it is clearly indicative that we would rather expand government than do what we already have better. We have a University of Maine system in place with numerous campuses throughout the state and rather than spend money on those, perhaps pay raises for some of those professors there who have been clamoring for it for years, we want to attempt to build or create another new campus, more bureaucracy.

You look at the issue of tourism—instead of funding the minimal amount that is in the budget with an existing group, the Maine Publicity Bureau, we have to set up a whole new bureaucracy to spend \$150,000—actually spend \$80,000 because \$60,000 of it is going to go to personal services to pay somebody these salaries, and I think that is ridiculous.

We as Republicans have felt that it is more important to do what you are doing better than just simply doing more of it. As I said earlier today, in our attempt to reach what I thought was a reasonable, cooperative, responsible budget, we tried to make our revenue sources fit with what we had for dollars rather than making the resources fit how much we were going to spend. It is the same old spend and tax and spend and tax routine and I am not sure that the people of Maine are up to that.

Yes, our budget called for an increase in taxes, an increase of 5 cents on cigarettes. Of the \$13 million that that is going to raise, \$10

million of it would have gone back to lower the property and income taxes to the people; of the \$28 million that the version in front of us intends to raise, \$5 million of that may go back to somebody yet to be determined in lower property taxes. I don't think it addresses the needs and the wishes of the people of the State of Maine.

Going one step further, I guess when I look at the bill tonight and the manner in which we got here, I find myself compelled to feel as if this is really the culmination of the entire session, that the whole atmosphere of this session on big issues has been "let's compromise and do it my way"—the Democrat way, with a big "D". We have to have it our way—and I don't think that is what politics is all about, I really do not.

The elimination of the emergency clause from this bill is something that I find rather difficult to accept, manipulative perhaps, but if it is such a good bill, if it does so much for so many people, why can't we enact it as a two-thirds measure? If it is such a terrific idea and it addresses the needs of the people of Maine so wonderfully, why can't we accept a two-thirds vote? Every other budget—Part I, Part II, have all required a two-thirds vote. What are we afraid of? We are afraid of the fact that it will not pass, that is the bottom line, there is no secret about that, and why won't it pass? Because it isn't such a great piece of legislation.

The Speaker, the Governor, and others have said—If we can't do it, if Republicans don't want to go along with it, we are going to ram it through, and that is just what is going on. I object to that.

Most of the people of the state of Maine are not going to know what we did here tonight until tomorrow and they are not going to have a chance to react, except verbally, and I hope they call me because I would be pleased to tell them what happened and why.

We have seen on the major issues that have come before us, in my opinion, a blatant disregard for what the people of the state of Maine have said they wanted. On the three referendum issues, for example, that were voted on in November, the indexing issue, in my opinion—my opinion only—this legislature chose to disregard their opinion and to gut that bill. On the issue of nuclear power, which the people of Maine voted against, this legislature chose to enact a bill which in essence would have closed Maine Yankee in ten years, but was recalled when it was deemed unconstitutional. And the third issue that was voted on by the people of the state in November was the milk issue, eliminating the Maine Milk Commission. I don't pretend to be any kind of an expert on the Milk Commission in Maine, but from what people have told me, the milk pooling bill is really an attempt to eliminate the Maine Milk Commission, perhaps backdoor—but, nevertheless, those issues have been voted on by the people and cast aside by this legislature. I think it is a callous disregard for their wishes.

I think that in addition to a lot of other things, the Maine people have said that they want less government, not more. The Part I budget that we have before us spends \$200 million more than the last two-year budget, a 15 percent increase. That is not less, that is more, a lot more. We keep trying to feed that tape-worm that is eating at us. We have to spend money in order to encourage people or tell them that Maine government is looking out for them, and I don't think that they buy that.

When the Governor was here earlier this year, he talked about a cap, a cap on hospital cost containment, because the runaway costs of hospitals were devastating not only state government in costs—medicaid, but the people in the insurance industry, workers' compensation and all those sorts of things, and he said, "This legislature has to enact a cap on hospital costs." We have done that—amended, certainly—we have done that. But if it is so good for the hospitals, why isn't it good enough for

Maine state government? Why must we continually go to the well to raise more and more and more money?

My feeling is that the people of the state of Maine, as well as the Governor, but in this particular regard, in dealing with state spending, they, too, have said "enough is enough." And the question I ask of you is—is anybody listening?

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The minority floor leader in his opening remarks complained about the fact that the public didn't know what was going on. I would suggest to the good gentleman that he read the daily newspapers, listen to the daily radio broadcasts, and listen to the evening news forecasts on television. The public is well aware of what is going on. He is beating that tired old horse of his to death here tonight. He is using the same old lines that he has used for the past five and a half months in attempting to delay actions of the government.

I submit to this House that we, the elected representatives of the people of the state of Maine, duly assembled on the 22nd day of June, are doing the people's business. That is why we were elected to come down here. He complains about the growth in government—government grows at times because of needs. We are not always happy with it, but we have to meet the obligation of need that is out there. It has been traditional in the past that my party has been the leader in the social needs in this state, and they have also had the convictions to back up those needs with the dollars necessary. That is not in Mr. Higgins' plan. I compliment him for being consistent, but I am not about to apologize for my position on this budget, nor should any other member that votes for it this evening.

He talks about the pork-barrel approach. He ought to check, if he cares to, his own back yard, where his political party comes from. There is nothing in the budget that I feel uncomfortable about, and there is nothing in it that I would want to take out this evening.

We all have different needs and we assess them, and some of us have different responsibilities. That is why we get on the floor and occasionally speak on individual issues, to make us all aware of what's necessary back home. The complaints that Mr. Higgins is raising tonight are the same old delay tactics that we have experienced, believe me, in Appropriations—it is not soon enough, there is not time enough, we have got to wait for this, we have to wait for that. So we have waited and we have listened and we have tried to meet our fellow members of the other party, but they just did not want to give. And the thing that bothers them more than anything is that they are not in the majority tonight.

If we as Democrats have been doing so badly in the past ten years, why is it that we are still in the majority? We must be doing something right for the people of Maine. I suggest that he listen to what goes on in this House and what has gone on in the past and he might equal his own party off in numbers.

There are a lot of people in this state of ours that need help, and my party, and I honestly mean it, has been willing to lead for them.

In some ways, you people on the other side represent such a minority of thinking. They are only worrying about their taxes—what kind? Corporate taxes. Or, if we deal in income taxes, leave the well alone. I listened to an interesting figure that Walter Mondale said the other day down in Appropriations. He talked about the wage earners in this country that are earning \$80,000 or more a year, and the Reagan tax package saved them \$6 billion. I know where they are coming from and you know where I am coming from. The budget that we have got here tonight is a sound budget. There is a financial cap on it that funds it. There is money to meet the needs of the people of this state.

They need a campus at Lewiston—what is wrong with giving them an opportunity for an education for those people in that part of the state? It is really an absurd fact that in 1983 we are finally providing a public education institution in that community, the second largest city in the state.

We have done something for property tax relief in this budget. We have got money for towns and cities where there are public buildings. There is a well-balanced package here tonight, and I hope you will not be fooled by the old routine arguments coming from the minority corner.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the good and noble gentleman from Scarborough this evening and he hit a very raw nerve with me. He hit that raw nerve a couple of months ago when we had the Part I budget, but at that time I was told that I should not say anything because I would hurt somebody's feelings. Well, ladies and gentlemen of the House, when we had the Part I budget, there were people who were held hostage at that time. There were state employees who were looking to be laid off. There were people who lived at Pineland who were out in group homes who were going to be brought back to Pineland. There were little old ladies and little old men who received services from the state of Maine who were calling me and telling me how scared they were of what was going to happen thanks to the Republican Party pulling back on the Part II budget. Well, ladies and gentlemen of the House, these people are not held hostage any more. We do not need 101 votes to pass this Part II budget and there is a good reason for it.

It is very easy to criticize when you and your party have stood for nothing. The Democrats have always stood for something, and I don't know about Mr. Higgins, but I campaigned on what I stood for, and I have been elected on what I stood for. And I dare say that the 92 other Democrats in this House campaigned on what they stood for, and I say they were elected on what they stood for, not on the color of their hair or the way that they speak. And I think Mr. Higgins should take note of what the people in the state of Maine want and don't want.

I have no qualms and reservations about leaving here tonight voting for this budget. There are probably some parts of the budget that don't thrill me completely, but overall I think it is a good budget because it stands for what we stand for. And it is very easy to vote against everything—it doesn't take too many brains to do that and I have seen done a lot, but I certainly resent the fact that the good gentleman—and he is a good and noble gentleman from Scarborough—has insinuated that the members of this body have done something behind the backs of the people of the state of Maine. I have never done anything behind the backs of anyone in the state of Maine and do not ever intend to as long as I am a member of this body.

But I think the simple fact that there are 92 Democrats in this body and 23 in the other body and one on the second floor should tell someone about something in the state of Maine. I think that the people of the state of Maine have spoken, they have spoken very clearly and they have spoken in a way that they have spoken since the inception of this country, and that is right at the ballot box, and they have elected 92 Democrats to this body to do what we think is right to take care of the people that we take care of.

The gentleman has made mention of going to the well and going to the well. Well, I have voted to go to the well for Pratt-Whitney and Bath Iron Works and Wyandotte and Spencer Press since I have been down here, and I like to refer to it as going to the trough in this particular situation, and I think that if I can vote to go to



situation, and I think that if I can vote to go to the well for these people, I certainly can vote to go to the well for the retarded kids in this state, for the elderly in the state of Maine, and for those that have a lot less than I have, and I have no qualms and reservations about doing that.

But I will tell you this, ladies and gentlemen of the House, that I am going to go home tonight and feel very good about the way that I vote on this budget, with no doubts and reservations, and if the people of the state of Maine disagree with me, Mr. Higgins, they will let me know come next November, and I will have no qualms and reservations about their decision, because one thing that I have is complete confidence in the people of the state of Maine. I think that they have shown good judgment in the past and that is why there are 92 Democrats in this body, and I think that they will continue to do so. The only thing that I think we should do next time around is try a little harder and make sure that we get 101 Democrats in this body next time around, and that will make sure that the people of the state of Maine are really taken care of in a way that they deserve.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I am certainly not going to try to equal the volume of the last speaker. He gave us a good lesson in how to get elected. I am certainly pleased that the folks in my district did not elect me, Mr. Jacques, on the basis of how tall I am or how short I am, or how much hair I have—in my case, not much. I think they elected me on the basis of some of the principles that I stand for.

Mr. Jacques has responded to that ugly animal that the majority party keeps throwing up in our faces every time we reach a point of dissention, and that ugly animal is fear. We constantly hear about the retarded kids losing their benefits, the elderly losing theirs, those who can't take care of themselves losing their benefits, and, folks, there is not one member of my party in this body or at the other end of the hall who has ever, ever advocated that I can recall reducing those services to levels that would make it uncomfortable for those folks to live and survive.

Mr. Kelleher spoke very eloquently, as he always does. He knows I like to hear him speak, everybody in here likes to hear Mr. Kelleher speak, he is a good speaker, it is always tough to follow him. Maybe he takes his marching orders from Walter Mondale, but I don't, I never did and I never will, Mr. Kelleher, I have never really been a fan of his—that may come as a surprise to many of you, but Mr. Kelleher was very critical of my floor leader's approach on this topic, and I will say for the record that I think my floor leader has done one heck of a job in making the position of my party, the minority party, he has made it known well, he has articulated it well, and I am very proud of the job that he has done.

Mr. Kelleher said, in response to Mr. Higgins' remarks, that he thought that the public was listening, that all we had to do was read the newspapers and we would know that the public was listening. It is late and I am not even going to apologize for that fact, because it is a lot cooler than it was this afternoon, but, Mr. Kelleher, I know that part of the public knows what is going on, and I read the newspapers, and, in particular, I read the editorial that appeared in today's Lewiston Daily Sun. It is relatively brief and I am going to read it into the Record.

It goes like this: "House Speaker John L. Martin"—that's you, sir—"appears determined to force through a Democratic budget that will cost the taxpayers an additional twenty-five or thirty million dollars. The position of the Democratic leadership in the Maine legislature is that the Republicans didn't seek soon enough

to work out a compromise on the supplemental budget. The G.O.P. has been urging a reduction in expenditures so that little, if any, additional revenue would be needed. The Democrats are going to have to live with this decision. Some Maine citizens will become increasingly annoyed as they find various taxes and fees boosted. This will be remembered at the next election. While it is inevitable that more money will be needed to meet state government costs this next biennium, the increase visualized in the Democratic budget proposal is unnecessary. When it comes to budget matters, the Democrats have been riding high and wide, but not particularly handsome. There has been altogether too much of a bulldozer attitude on the part of their party's leadership; it may well come back to haunt them."

Yes, Mr. Kelleher, I read the papers just as you do, and this is what I read in my local paper this morning, a paper that serves a Democratic part of the state.

I believe that if this budget is passed tonight, and I believe that it will be, I don't have any doubts about that, this Legislature will go down in history as a wild, free-wheeling, big-spending legislature, I have no doubts about that.

I would like to end my discussion, I guess, with a question. Because this has been rammed through as quickly as it has, I am a little uncomfortable with some aspects and I would like to ask a question about one very important part of this bill, and that is the fact that it is not an emergency piece of legislation. This is my fifth year in the legislature, I don't recall ever having a budget go through without requiring a two-thirds vote. Unless I have lost something in the parliamentary process, I believe this budget can't go into effect until 90 days after this legislature adjourns, and so I have some concerns about what happens in that interim period. I guess I have to go back to that old animal, fear. I understood that there were some jobs that were at stake if this were not enacted immediately. I know that that question was raised this afternoon and I didn't quite understand, I didn't quite get the gist of what the response to that question was, thinking that I would have plenty of time between this afternoon and when this budget would be enacted—I thought tomorrow—to get the answer to my question, and so I sort of let it go at that time. Now, that's my fault, that's a flaw, I guess, in my abilities as a legislator acting on a budget that is being, I think, rammed through the process, but nevertheless, I didn't find the answer to my question in a satisfactory fashion this afternoon, and I would like somebody to respond, I guess perhaps Mrs. Mitchell, because she responded this afternoon. I didn't understand it then, I hope I will this time, so would you, Mrs. Mitchell, respond, please, to what happens in that interim period, that 90-day period beginning July 1? What are going to be the adverse, negative effects of not passing this as an emergency piece of legislation?

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I have been waiting since I was 33 years old for this moment. I have waited a long time because it is the very first time it has been crystal clear why I am a Democrat and Representative Higgins is a Republican. This is probably the most exciting debate we have ever had on the floor of this House. I will digress quickly to deal with your question and some of the other points which you have raised. I will try to speak slowly in a New England English so that you will understand what I said earlier about why these positions will not disintegrate if we do not pass an emergency budget.

The federal government, in its wisdom, has a different budget year; it ends in October. The budget that we pass tonight will take effect 90 days after we adjourn, and, Lord willing, that

will be Friday or before. To the question of ramming it through, that is the most ridiculous statement that has been uttered here in many a day. Tom Andrews' bill to reform the corporate income tax was introduced, I think, at a press conference, back in January, I don't know. A public hearing was held by the Taxation Committee, it has been in the newspapers for a long time. That is the basic thrust of one of the funding mechanisms of our package. The Appropriations Committee, to my knowledge, unless the Republicans were taking a vacation—I don't think that is true, I think they work very hard—sat down in 228 doing something from January until now, and that was almost two-thirds or three-quarters of what you see before you here tonight. As a matter of fact, taken by what we agreed with in the first place in the Part I budget, adding to it the Part II here tonight, the difference in what you recommend, my dear friend, and this wild-spending legislature is 1.2 percent. Boy, that is really big!

I'm also tired of "Democratic taxes." Now, Mr. Higgins ought to count the votes very carefully. It takes a two-thirds vote to pass a gas tax in this body and, ladies and gentlemen, we passed one because we felt that it was the responsible thing to do. I checked the roll call and I noticed the floor leader over there, in spite of his caucus, out there on the limb voting for that tax increase, voted no. Two years before that, for you freshmen, he complained all year that the Governor didn't ask for a gas tax when he needed one to fund our roads. We present him one, he just can't vote for it because he didn't present it in time, or about changing the effective date of indexing—we have certainly heard a lot about that—as I recall, that was an emergency measure also, a two-thirds vote. Mr. Brown, your party must have participated in that change, you may not have but certainly members of your party did on both ends of this body. Those are bipartisan votes and it is absolutely false to try to represent to the public of Maine that the only ones taxing people in this legislature are Democrats—this is really silly.

The budget that is before us tonight is one that has been well thought out, that has tried to meet the needs of all of the people of Maine. In terms of taxes in this budget, as I recall your committee came forward recommending another cigarette tax. We agree on that and I am really delighted that there is one tax that we agree on. Of course, there are members of my caucus who think it is rather regressive, because the people who pay that cigarette tax are probably the people on the lower end of the spectrum. The one place we differ, and this is the moment I have been waiting for, and I was pleased to hear members of the Taxation Committee say that we would have had a vote on this issue with or without this budget impasse, is the corporate tax, or the form of the corporate tax, if you will, and I hear a lot of screaming for tax conformity and this is a step toward tax conformity. We are making our corporate tax structure progressive, as is the federal corporate tax structure. I hear that cry, I hear a cry for indexing. It begins to index the corporate tax structure, and it says that all businesses, as well as the men and women of the state of Maine, pay their fair share for the use of the resources of this state, for the use of the services of this state, for the educational facilities of this state.

Now, we have worked long and hard here today and there are people who have had misgivings about some of the parts of this budget, but that has been true every year since I have been here, whatever is there. One of the issues that has been very difficult for many people on both sides of the aisle is that campus down in Lewiston. I think it is time that we put that behind us and to look at what we are making an investment in, an investment in the future of all of Maine's young people. The people in Lewiston have a right, they deserve to be a part of



any system of higher education, and I defy any one of you today, if you were sitting down to draw up a Super U plan, if you were sitting down to draw up that plan, would you leave out the second largest city in the state? I really don't think you would. So let's not create strawmen to poke holes at, but rather let's look at the big budget.

While I am up, Mr. Higgins talks about the important things we have done this session about cost containment. I was stunned to hear him praise the Governor for the cap he was trying to put on runaway hospital costs. Mr. Higgins' party wouldn't fund the cost of doing that. As I recall, that is not in the Republican budget.

How about the rivers bill. Is that in the Republican budget? Of course, the environment may not be important to everybody, but it seems to be that this is a budget that we have put together with a future. I'm sorry it is a majority budget. I wish the members of both sides of the aisle could embrace the issue, but ramming it through on the 98th day of a 100-day session, ladies and gentlemen, it is time that we passed a responsible budget and went home.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: It is getting quite late and I think it is probably about time that we voted on this budget. I am not too upset about the budget as a Republican because I think it serves the people in the state of Maine right because they are the people who have elected the majority of this House. It serves them right, they have got just what they voted for and I think when I run for election next time, it is going to be much easier. I think there will be a few more Republicans up here. I think you have handed us something on a platter, so please, let's vote on the budget tonight.

Mr. Carter of Winslow requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. 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: The pending question before the House is passage to be enacted. 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.; Carter, Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Manning, Martin, H.C.; Matthews, Z.E.; Mayo, McCollister, McGowan, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Richard, Ridley, Roberts, Rolde, Rotondi, Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Chonko, Conary, Curtis, Davis, Day, Dillenback, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, Locke, MacBride, Macomber, Masterman, Maybury, McHenry, McPherson, Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Wentworth, Zirkilton.

ABSENT—Armstrong, Bott, Brown, A.K.; Carrier, Connors, Dexter, Drinkwater, Dudley, Hayden, Jackson, Jalbert, Mahany, Martin, A.C.; Masterton, Matthews, K.L.; Murphy, E.M.; Murray, Norton, Reeves, J.W.; Reeves, P.; Seavey, Strout, Webster, Weymouth, Willey.

Yes, 77; No, 49; Absent, 25.

The SPEAKER: Seventy-seven having voted in the affirmative and forty-nine in the negative, with twenty-five being absent, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

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#### (Off Record Remarks)

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On motion of Mrs. Mitchell of Vassalboro, Adjourned until eleven o'clock tomorrow morning.

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