

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume II

May 26, 1977 to July 25, 1977

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**Senate Confirmation Session
September 16, 1977**

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problem is that the bill now is too late to do any good. I understand that some of the young people have raised some of their own money. Apparently, they will be pooled together with some other young people from different states to form a team to Austria.

I do think, though, that it is unfortunate that we can't support more of our young people in this manner.

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

Mr. CARTER: Mr. Speaker and Members of the House: I wasn't present when the bill was reported out of committee, but I would like to go on record as favoring the Minority "Ought to Pass" Report.

Thereupon, on motion of Ms. Goodwin of Bath, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

Bill "An Act to Amend the Laws Relating to Criminal History Record Information" (H. P. 1629) (L. D. 1832)

Tabled — June 6, 1977 by Mr. Spencer of Standish

Pending — Motion of Mr. Hobbins of Saco to Reconsider Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, retabled pending the motion of Mr. Hobbins of Saco to reconsider passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Amend the Law Regulating Mass Gatherings" (H. P. 1603) (L. D. 1806)

Tabled — June 6, 1977 by Mr. Goodwin of South Berwick.

Pending — Motion to Recede from Passage to be Engrossed as Amended by House Amendment "A" (H-441) and Concur with Senate on Passage to be Engrossed as Amended by Senate Amendment "A" (S-180) and House Amendment "A" (H-441) on June 3.

On motion of Mr. Goodwin of South Berwick, the House voted to recede.

Senate Amendment "A" (S-180) was read by the Clerk and adopted.

Mr. Goodwin of South Berwick offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-525) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: What this amendment does is to place an emergency clause on this bill. The bill changes and clarifies some of the regulations relating to mass gatherings to help clear up some of the problems we have had in the past. There are several potential large mass gatherings of various types of concerts and other things that will be happening this summer and if the emergency clause was not on, it would not allow the department to issue permits on some of these gatherings. One in my area, there is a potential of about 20,000 people, but since it will only be for about 12 hours, the present law would not apply I think it is important that we put this on.

I have talked with the department people, and they are all set to go on it. There won't be any problem. It is really not changing any of their existing rules and regulations, it just brings it down into a mass gathering that would last for 12 hours with 2,000 or more people rather than the present law which is 24 hours and 3,000 or more people.

Thereupon, House Amendment "B" was adopted.

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

The Chair laid before the House the following matter:

An Act to Clarify the Statutory Provisions Concerning the Legal Capacity of a School Bus (H. P. 1017) (L. D. 1232) (C. "A" H-427) which was tabled earlier in the day and later today assigned.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.
115 having voted in the affirmative and 6 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the following matter was taken from the Unassigned Table:

An Act to Amend the State Tuition Equalization Fund (H. P. 258) (L. D. 327)

Tabled — May 11, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill be indefinitely postponed. The reason that I am asking for indefinite postponement of this particular bill is that it raises the present student tuition equalization program maximum family income limits from \$13,000 to \$17,000. When the Department of Cultural Services calculates the \$13,000, that is net income after all deductions and so forth have been taken out. When we talk about \$13,000, we are really talking about incomes of \$18,000 and \$19,000, and when you increase it to \$17,000, you really are talking about incomes of \$25,000 or more. I just don't think that that is the kind of income families that the Maine State Legislature ought to be giving 1,000 checks to, free grant checks.

Immediately following this will be taken from the Unassigned Table another comprehensive student aid program which phases out this particular program and institutes another; therefore, I think this one is totally unnecessary.

Mr. Palmer of Nobleboro requested a division.

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

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

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

The SPEAKER: The pending question before the House is the motion of the gentleman from Portland, Mrs. Najarian, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Beaulieu, Benoit, Berry, Biron, Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Chonko, Cote, Cox, Curran, Davies, Dow, Dudley, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Greenlaw, Hall, Henderson, Hobbins, Howe, Hunter, Immonen, Jalbert, Jensen, Joyce, Kany, Kerry, Laffin, LaPlante, Lizotte, Locke, Lunt, MacEachern, Masterman, Maxwell, McBreaity, McKean, McMahan, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Pearson, Plourde, Prescott, Rideout,

Talbot, Tierney, Torrey, Truman, Valentine, Wilfong, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Bagley, Bennett, Berube, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Churchill, Clark, Connors, Cunningham, Dexter, Diamond, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Gillis, Goodwin, K.; Gould, Green, Hickey, Higgins, Hutchings, Jackson, Jacques, Kane, Kelleher, Kilcoyne, Lewis, Littlefield, Lynch, Mackel, Mahany, Marshall, Masterton, McHenry, McPherson, Nelson, M.; Norris, Palmer, Peltier, Perkins, Peterson, Post, Raymond, Rollins, Shute, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tozier, Trafton, Tyndale, Whittemore, Wood.

ABSENT — Boudreau, A.; Carrier, Connolly, Devoe, Huber, Hughes, LeBlanc, Martin, A.; Mills, Moody, Peakes, Quinn, Silsby, Twitchell.
Yes, 65; No, 72; Absent, 14.

The SPEAKER: Sixty-five having voted in the affirmative and seventy-two in the negative with fourteen being absent. The motion does not prevail.

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: When this bill first came out of committee, frankly, I thought the gentledady from Portland, Mrs. Najarian, was somewhat overreacting to a bill which looked very fair and very reasonable to me. It increased the family limitations which are now \$13,000 to \$17,000 as far as giving these grants to young people, and I personally feel that people who are making between \$13,000 and \$18,000, their children should be eligible for this program because, after all, the people who are making in that area are the bedrock of our state, they are the people who are working hard, maybe two jobs, maybe working in a paper mill, small businessmen making in that amount. Then I realized that the gentledady from Portland was really absolutely correct, because we are not talking about gross income when we are talking about \$13,000 to \$17,000, we are talking about net income.

I think I would like to have you all think back, if you were fortunate enough, I wasn't, but some of you made enough money last year to not use the standard deduction. I did, but think back, just think of all those loopholes that have been built into our tax laws and if you think back, you will find out that we are talking about \$17,000 or \$18,000 in net income, you are talking about significantly more than that in gross income. What this bill really does is make eligible for a tax grant program now, not a loan, but a grant from the tax dollars of this state to the children of individuals who are making \$25,000 or \$30,000 at the direct expense, because we are not increasing in this bill the amount of money available for our young people, at the direct expense of the people whose net income is \$13,000 or actually the gross income of about \$16,000 to \$17,000 a year.

So, if you pass this bill, what you are actually doing to that individual who is making around \$15,000, \$16,000 or \$17,000 a year, is making it more difficult for his child or her child to get one of these grants, because you are just increasing a number of people available, you are throwing in all those children of people who are making between \$25,000 and \$30,000 a year and it makes it that much more difficult for those young people of our real middle-class citizens and I hope we do not enact this piece of legislation.

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

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to the Education Committee and probably somebody might be able to answer it. We are