

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Fifth

Legislature

OF THE

STATE OF MAINE

1971

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same sum as what would finance one half of this program.

I then of course submitted an amendment, and backed up my amendment that half of the program could be based on the fact that the money was available. The same thing would pertain insofar as this measure is concerned, now making it from half to full payment. We do not know as yet whether we will be willing to finance these programs with some form of minor taxation, and we do not know whether we will be able to finance a program of increase in salary being on a straight across the board level or on the level of the one step increase program and through the financing by minor taxation.

I think, however, there are a great many employees who want to retain the privilege of having this full-time payment, which is a non-taxable, and up against the possibility of some willing to sacrifice some part of an increase in salary; I doubt very much if both could be had. And substantiating the remarks made by the gentleman from Augusta, Mr. Lund, I think that probably the judicious thing would be to keep this thing alive until such time as we arrive at how we are going to finance these programs if we have them.

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

Mr. MARSTALLER: Mr. Speaker and Members of the House: As one of the signers of the Majority Report I would like to say that we have had before the State Government Committee a number of these fringe benefit bills for the state employees, and several of us sort of decided that we would like to pass on one or two of the top priorities, and these would go on the appropriations table along with the salary increase. Then this would give some options as to what we could best do for the state employees; and I hope that you will keep this bill alive.

Incidentally, if this bill passes the members of the Legislature will also benefit under its provisions.

The SPEAKER: A division has been requested. All in favor of the motion of the gentleman from Lubec, Mr. Donaghy, that the House accept the Minority "Ought not to pass" Report on Bill "An Act to Pay for One Hundred Percent of Health Insurance Plans for State Employees." House Paper 364, L. D. 471, will vote yes; those opposed will vote no.

A vote of the House was taken. 37 having voted in the affirmative and 86 having voted in the negative, the motion did not prevail.

On motion of Mr. Lund of Augusta, the Majority "Ought to pass" Report was accepted.

The Bill was given its two several readings and assigned the next legislative day.

Divided Report

Majority Report of the Committee on State Government reporting "Ought not to pass" on Resolution Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles (H. P. 370) (L. D. 521)

Report was signed by the following members:

Messrs. JOHNSON of Somerset
WYMAN of Washington
— of the Senate.
Messrs. DONAGHY of Lubec
MARSTALLER
— of Freeport
CURTIS of Orono
HODGDON of Kittery
STILLINGS of Berwick
COONEY of Webster
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Resolution.

Report was signed by the following members:

Mr. CLIFFORD
— of Androscoggin
— of the Senate.
Mr. STARBIRD
— of Kingman Township
Mrs. GOODWIN of Bath
Mr. FARRINGTON
— of Old Orchard Beach
— of the House.

Reports were read.

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

Mr. LUND: Mr. Speaker, I move the acceptance of the "Ought to pass" Report.

The SPEAKER: The gentleman from Augusta, Mr. Lund, moves that the House accept the Minority "Ought to pass" Report.

The Chair recognizes the gentleman from Ellsworth, Mr. McNally.

Mr. McNALLY: Mr. Speaker and Members of the House: This is the only dedicated revenue that is in the Constitution. And it was put there by former legislators in their wisdom so that we could have some way of traveling over the State of Maine.

It is going to be the case this year, there is not going to be enough money for anything to satisfy anywhere near everybody in their pieces of road. And this is a bill that I hope will be not passed in any way to go before the people. It is not necessary, and I ask for a division.

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

Mr. LUND: Mr. Speaker and Ladies and Gentlemen of the House: This is a resolve calling for a constitutional amendment, and would require a two-thirds vote of both bodies of the Legislature. And I am fully aware of the effectiveness of the lobby employed by the highway construction and petroleum industries, and I have no illusions about the likelihood of passage of this legislation at this session.

However, my purpose in putting this resolve in, and bringing it before you today, and my purpose in talking about it today is that I would like to call the attention of the Legislature to a practice that we have engaged in for some 20 or 30 years now, which I think is not conducive to sound government.

At the present time we have written into the Constitution a provision that any money received from licensing fees, excise fees collected by the state, that any monies received from fuel tax and the like, must be expended for highway purposes. This has been

eaten into a little bit. For instance, we finance a portion of the State Police budget out of the Highway budget because part of their work is limited directly to enforcement of the highway laws.

But as a general principle, if the legislature were to decide that it were desirable tomorrow to add a penny to the gasoline tax to be used, let us say, for establishing care for the mentally retarded, or some other project — and I am not suggesting that that is desirable — I am saying that if the legislature would decide to do this, we could not do this because of the restriction which is written into the Constitution requiring this money to be expended only for highway purposes.

There are several results which I think come from this restriction written into our Constitution. One of them is that we never do compare the spending of monies on the highway construction with the spending of the same amount of monies for other state services and programs. As a result of this we do not subject the State Highway budget to the same kind of scrutiny that we do the budgets of our state hospitals, of our courts, of our many state services, including educational services.

Now I mean no disparagement upon the efforts of the committee of the legislature which works with the Highway budget, which is the Transportation Committee. But I think I can say to you with some confidence, and those of you who have been here before would agree, that over the years we have not scrutinized the details of the Highway budget in the same way that we have the other money that we have spent. Because a person who is looking for \$50,000 for a project outside the Highway budget, isn't looking for some soft place where there is an expenditure in the Highway budget that isn't needed. Because that money is committed to Highway expenditures.

I did not offer this legislation with the idea that I would use it as a vehicle to launch criticism of the operation of the Highway Commission. I don't have that knowledge. There are people who I have been in contact with who

have expressed dissatisfaction, and I know there are dissatisfactions with various aspects of the highway operation. But that was not my purpose, although I feel that it might be worthwhile for us to make some passing note of the fact that the Highway operation was subjected to a study committee which reported to this session, and you were handed at the start of the session a very brief but comprehensive report. And I would like to allude to a couple of the highlights of that report.

The question was raised whether more of the services and construction performed now by publicly owned vehicles and equipment should be carried on by privately owned equipment, whether more of the snow removal program ought to be contracted out to private bid rather than being done by state equipment. Questions were raised in other areas of the Highway operation.

I would also like to point out that in 1968 we had the benefit of a study of the computer operations of the state that were conducted at a cost of \$50,000 to the state, which included a study of computer operations as they are used or might be used in the State Highway Commission. And at that time the report included a note that the State Highway Commission maintains an inventory of supplies and repair parts valued at approximately a million dollars, and that as many as 2,000 transactions per day occur in this inventory; that the parts are spread over six garages and 20 or 25 service trucks; and that the quantity on hand is monitored manually. My understanding is we are talking about file cards with an accounting operation of this magnitude. The question was raised then, and I don't know if they have changed the procedure or not — the question was raised then whether or not this operation might be done more effectively by computer.

Likewise I believe that report indicated that the Highway Department had purchased the wrong kind of computer for their operation, a scientific one rather than

one that was designed for business uses.

I don't want to prolong the debate unduly this morning. I would like to suggest to you all that there is an important principle involved here, and that is whether it is the proper function of the legislature to scrutinize with equal care all of the operations of state government. And I would suggest to you that under the present procedure we are not scrutinizing the Highway budget in the same fashion, we are not measuring expenditures against the same tests of public need that we do in the other areas. And that I think one way to accomplish this would be to act favorably on this resolve.

I would like to comment very briefly on the objections that were raised to this. The opponents made the argument that the Maine Good Roads Association, the Petroleum Association appeared before the committee and they pointed out the need for long range planning. Well, I am sure there is a need for long range planning in the Highway Department. But I am sure that federal funds vary from time to time, and we seem to be able to manage to get along and accommodate the variations that occur.

But to suggest that because there is a need for long range planning that we need to have a dedicated fund is to suggest that in the areas of public health, of mental health and physical health, our corrections, our courts, is to suggest that there is not a need for long range planning here too. And I think that that is not the case. I think we need long range planning in many areas of the state, and the need for the planning alone does not justify the existence and continuance of this dedicated fund.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. Farrington.

Mr. FARRINGTON: Mr. Speaker and Ladies and Gentlemen of the House: My efforts in support of the Minority Report are probably an exercise in futility, but I would like the following in the record.

I realize that there are valid pros and cons on both sides of this question. I personally don't believe that any of the people's money should be dedicated and allotted to one department, especially when the income is in the millions of dollars.

We are basically a poor state, and if all revenues went into the General Fund priorities would be assigned on all departmental requests, and all would have to prove their case; and the Appropriations Committee could evaluate and weigh the needs of the people prior to reporting the recommended sums of money allotted to each department.

In simple terms, each department would have to take their chances after presenting their budgets. If the people feel legislative supporters of this constitutional amendment are wrong, they will have the chance in referendum.

I request the yeas and nays. Thank you.

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

Mr. JALBERT: Mr. Speaker and Members of the House: No one in this body can ever question the thorough sincerity and dedication as held by the good gentleman from Augusta, Mr. Lund. Earlier this week, Tuesday as a matter of fact, when I was batting my head against the wall against a bill I didn't know which way to go and which way to get out. I got out all right, when I got a resounding defeat. But the good gentleman from Augusta said to me that I ought to quit when I am behind. And I will quit now, being Friday when I think probably I am ahead. I heeded the advice of the gentleman for about fifteen seconds, then got up and got bashed in again.

In any event, as far as this proposal is concerned, the reason I am on my feet on it is because I have the measure — one of the several measures that concern themselves with reorganization of different departments; and one of them, the one that I have concerns itself with transportation.

Of course, being the father of the line budgeting in the three categories of personal services, all other, and capital it has been my dream over the years to have an item by item line budgeting program within state government agencies, and that would not leave out State Highway and certainly it would not leave out another area that we give a little blank check in the vicinity of \$54 million called the University of Maine. I think possibly this program could be entertained in a more serious light certainly in a later period.

I understand the motivation behind it, and I know there is sincerity and honesty. And certainly there must be some levity to everything else. I am sure that the gentleman from Perham, Mr. Bragdon, would join me in this. If the purpose of this bill is for the Appropriations and Financial Affairs Committee to inherit this budget, I would say two words: Forget it.

Mr. Speaker and members of the House, regrettably I move the indefinite postponement of this measure and all of its accompanying papers, and I ask for a roll call.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, now moves the indefinite postponement of both Reports and Bill.

The Chair recognizes the gentleman from Lubeck, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I rise to go along with the gentleman from Lewiston, Mr. Jalbert. In hearing this bill, the only thing that we found out was that the Transportation Committee didn't scrutinize the things as well as the Appropriations Committee. It wasn't said quite as bluntly as that, but that is the way it wound up.

And on top of that, the proponents addressed themselves to the possible inefficiencies of the State Highway Department, and this doesn't seem very relevant to me either, over whether or not we should dedicate or undedicate the Highway funds. The two just don't equate. So I would hope that you would go along with Mr. Jalbert in this case.

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

Mr. ROSS: Mr. Speaker and Members of the House: Following World War II, the highways in the State of Maine were in very sad shape. Now, for the size of our state, we have highways of which we may well be proud. This would never have happened had we not had there dedicated funds. Furthermore, in my opinion this is the fairest way to pay, to have the users pay.

Highway building and planning used to be a hodgepodge, full of political overtones, via the pork barrel vehicles; a little here and a little there.

The Highway Department is an extremely large operation. There has been much criticism of the commissioner and the employees, of waste and inefficiency. In my opinion this criticism is not justified. There is always some waste in a very large corporation. Over the years many people have eyed this money with envy. Very often it has been the educators. And I feel that this would be a very poor action for us to take, and I wholeheartedly support the indefinite postponement.

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

Mr. MORRELL: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the motion of Mr. Jalbert to indefinitely postpone. I think I would agree that years ago, when the dedicated principle was established, that obviously we needed something of that sort to bring our highway system up to snuff. I think the years have passed and we have done that, and I think today we are faced with a number of substantial, more vital problems in this state with all too few sources of funds, particularly at this period, with which to deal with them.

And I would hope that we would give serious consideration to Mr. Lund's motion and defeat this present motion to indefinitely postpone.

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

Mr. STILLINGS: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority "Ought not to pass" Report, it seems to me that it is particularly inappropriate at this time to undedicate the Highway funds, to divert them to other uses. Roads have become an integral part of everyday life in Maine, benefitting not just the motorists, the trucking companies, the bus companies, but all segments of the population.

A modern highway system increases land values and produces additional revenue in property taxes. Modern roads contribute to the defense of the country. Highways are the backbone of the postal system. They enable public health officials to serve people who have no transportation of their own.

Public education has been mentioned, and right now, particularly in Maine with the development of the School Administrative Districts, public education is highly dependent upon motor transportation.

There are other expanded services — library services, more efficient police and fire protection and ambulance service, added attractions for tourists and resort facilities, all due to the existence of a very efficient, modern highway transportation system.

A number of states have recognized these facts and now have provisions assigning all or part of their automotive revenues for highway purposes.

In Maine the highway user foots the entire bill for roads which benefit the general welfare. To use this special tax money for purposes other than for roads is economically illogical and completely unfair.

The gentleman from Bath, Mr. Ross, has alluded to the pork barrel aspect of undedicating these funds. There may come a day, I will admit, when we perhaps will undedicate these funds and throw this very attractive bone to the legislature for the largest and most powerful dogs to fight over and take home their share as prizes. That day is not here yet, and I

support the motion for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker and Members of the House: I feel that this legislature would be very ill-advised at this time to send such a bill as this to the people to be voted on. These funds that are dedicated for the highways in the State of Maine are funds that are paid by the people that use the highways—gasoline taxes, licenses and registrations, and a few other minor things that come through highway use.

We have to consider the fact that we are in a federal program, getting many of our funds from federal sources. These funds are set up several years in advance of the time we get them. And having to come back to the legislature every two years to find out what we are going to have for highways, or whether we are going to use it for Health and Welfare or some other fund would completely disrupt this system. The federal government to set up funds six years ahead for a program, not knowing whether the funds would be there to take advantage of or not, would certainly change things considerably from the way it is now. I don't believe the people would want this. I believe that the people who vote, if this was sent to the people that know what they are doing, would feel it was foolish to send it to them, and the people that don't know certainly wouldn't know how to take advantage of this vote for the good of the state. And I hope this motion to indefinitely postpone is defeated.

The SPEAKER: The Chair recognizes the gentleman from Freedom, Mr. Evans.

Mr. EVANS: Mr. Speaker, Ladies and Gentlemen of the House: I travel every day approximately 65-66 miles. This makes the eighth year that I have been coming out here, and I travel over some very poor roads, yes; but I have been able to drive to this House and back in all kinds of weather and I have yet to have a day that I couldn't get home or get out here.

Now I think that the way our funds are being used by the Highway Department is the only way to use them, out in the outlying districts where I am. If you change this and make it a priority system, we won't get anything because we don't have the votes. And that is what it will boil down to. And I think it should stay right where it is.

We may curse the Highway Department and the men that work for it, but when it comes right down to brass tacks, they do a good job and there is no question about it. And I urge you to vote for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker and Ladies and Gentlemen of the House: I don't know how the rest of the members here look at this indefinite postponement, but I favor it. We have been here in other sessions when this has been talked in the lobby, this same type of action, and it never got to the bill stage. It was always considered just one thing, an attempt to raid the funds of the State Highway, nothing else and nothing more.

The SPEAKER: The Chair recognizes the gentleman from Brooks, Mr. Wood.

Mr. WOOD: Mr. Speaker, just to correct my statement that I hoped that the motion to indefinitely postpone would be defeated, I mean the motion to accept the Minority Report would be defeated.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I am one of the old timers that was here when the pork barrel was taken off. At that time, under thirteen towns I had \$1,000; now under thirteen towns and plantations, I get \$325,000. Under that same time and the same year, they gave us the bonus for construction which has made a wonderful 20 percent bonus on our state aid and we have had reconstruction under state aid. I wonder if we would like to leave those things. I hope people think

of that. I am in favor of the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Albion, Mr. Lee.

Mr. LEE: Mr. Speaker and Members of the House: I would just like to make the statement that all the monies that go to the Highway come out of the people's pocket that use the highway in every way, shape and manner. But we do, out of the Highway fund, pay 75 percent of the police costs and all the Motor Vehicle Divisions in the Secretary of State. And I think all this bill does is try to criticize the Highway Department. I am against it and I am in favor of indefinite postponement.

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

Mr. MARTIN: Mr. Speaker and Ladies and Gentlemen of the House: After listening to the gentleman from Freedom, Mr. Evans, and the gentleman from Eastport, Mr. Mills, I couldn't leave this go by without making some comment about outlying systems. I think if anyone comes from an outlying system, it is me. If any of you have ever bothered to travel to Eagle Lake through Route 95 until you finally get to Smyrna, or perhaps to the turnoff at Mattawamkeag or somewhere else in the process, you take beautiful Route 11, which is beautiful, at least the scenery is, and then you take Route 212 which perhaps takes you from Smyrna Mills to Knowles Corner and then you finally get the rest of the way from Knowles Corner to Eagle Lake which from Augusta would probably be a distance of 300 miles. Some of you might agree that I am really in the outlying system.

I don't think that I am standing here to criticize the Highway system, because I have been impressed with the effectiveness and the job that they have done in my area of cleaning the snow during the winter months, and I can assure you that we seem to get a little bit more than the people of Augusta do.

I am not here to really tell you that the Highway system and its

people have not done the job in the summer months.

I think I personally today will vote against the motion to indefinitely postpone the bill. I am not doing it because it is against the Highway system. I am not doing it because I am opposed to what is being done now, because I am not. I personally oppose pork barrel legislation. But I just thought that my vote might impress the lobbyists and for that reason I will vote against them.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that both Reports and Resolution Proposing an Amendment to the Constitution Repealing the Limitation to Highway Purposes for Revenues Derived from Taxation of Vehicles Used on Public Highways and Fuels Used by Such Vehicles, House Paper 370, L. D. 521, be indefinitely postponed. The yeas and nays have 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 members 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 Lewiston, Mr. Jalbert, that both Reports and the Resolution be indefinitely postponed. If you are in favor of indefinite postponement you will vote yes; if you are opposed you will vote no.

ROLL CALL

YEA — Albert, Bailey, Barnes, Bartlett, Bedard, Berry, G. W.; Berube, Binnette, Birt, Bither, Bourgoin, Bragdon, Brawn, Brown, Bunker, Bustin, Call, Churchill, Clark, Clemente, Collins, Conley, Cottrell, Crosby, Curran, Curtis, A. P.; Curtis, T. S., Jr.; Cyr, Donaghy, Drigotas, Evans, Fec-teau, Finemore, Fraser, Gagnon, Genest, Good, Hall, Hardy, Hawkens, Hayes, Henley, Herrick, Hewes, Hodgdon, Immonen, Jalbert, Jutras, Kelleher, Kelley,

R. P.; Keyte, Kilroy, Lawry, Lebel, Lee, Lewin, Lewis, Lincoln, MacLeod, Maddox, Mahany, Manchester, Marsh, Marstaller, McKinnon, McNally, Millett, Mills, Mosher, Norris, Page, Parks, Payson, Pontbriand, Porter, Pratt, Rand, Rocheleau, Ross, Scott, Shaw, Shute, Simpson, T. R.; Slane, Smith, E. H.; Stillings, Susi, Theriault, Trask, Webber, Wheeler, White, Williams, Wood, M. W.; Wood, M. E.

NAY — Ault, Bernier, Berry, P. P.; Boudreau, Carey, Carter, Dow, Doyle, Dudley, Dyar, Farrington, Gauthier, Goodwin, Hancock, Lessard, Littlefield, Lucas, Lund, Lynch, Martin, McCloskey, McCormick, McTeague, Morrell, Murray, Orestis, Rollins, Simpson, L. E.; Smith, D. M.; Whitson, Woodbury.

ABSENT — Baker, Carrier, Cooney, Cote, Cummings, Dam, Emery, D. F.; Emery, E. M.; Faucher, Gill, Hanson, Haskell, Kelley, K. F.; Kelley, P. S.; Lizotte, O'Brien, Santoro, Sheltra, Silverman, Starbird, Tanguay, Tyndale, Vincent, Wight.

Yes, 95; No, 31; Absent, 24.

The SPEAKER: Ninety-five having voted in the affirmative and thirty-one in the negative, with twenty-four being absent, the motion to indefinitely postpone does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting New Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax" (H. P. 546) (L. D. 718)

Report was signed by the following members:

Mr. HICHENS of York
— of the Senate.
Messrs. FINEMORE
of Bridgewater
ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
CYR of Madawaska
McCLOSKEY of Bangor
COLLINS of Caribou
MORRELL of Brunswick
— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following members:

Messrs. WYMAN of Washington
FORTIER of Oxford
— of the Senate.
Messrs. TRASK of Milo
DAM of Skowhegan
— of the House.

Reports were read.

On motion of Mr. Ross of Bath, the Majority "Ought not to pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought not to pass" on Bill "An Act Exempting Certain Nonprofit Community Organizations from the Sales Tax" (H. P. 1003) (L. D. 1365)

Report was signed by the following members:

Messrs. WYMAN of Washington
HICHENS of York
FORTIER of Oxford
— of the Senate.
Messrs. ROSS of Bath
COTTRELL of Portland
DRIGOTAS of Auburn
CYR of Madawaska
McCLOSKEY of Bangor
COLLINS of Caribou
MORRELL of Brunswick
FINEMORE

of Bridgewater
TRASK of Milo

— of the House.

Minority Report of same Committee reporting "Ought to pass" on same Bill.

Report was signed by the following member:

Mr. DAM of Skowhegan
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Bridgewater, Mr. Finemore.

Mr. FINEMORE: Mr. Speaker, I move that we accept the Majority "Ought not to pass" Report.

The SPEAKER: The gentleman from Bridgewater, Mr. Finemore moves that the House accept the Majority "Ought not to pass" Report.

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