

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

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OF THE

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not a good idea; it excludes a lot of worthwhile people from running for the town council. This even extends to teachers who do not teach in the Brunswick community. However, I feel that this is a matter for change on the local level, that the town council should put an amendment to the voters of Brunswick if they want to have teachers serve on the council, and I don't think this sort of legislation should be superimposed from Augusta. Therefore, I would like an opportunity to vote in opposition to the entire bill.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: I would request respectfully that you vote to pass this bill to be engrossed, and the only thing I would say to the comments of the gentle lady from Brunswick, Mrs. Bachrach, I would ask the question of her through the Chair — first I will say that I agree with the concept of home rule. I don't think we should force things on municipalities, at least not until a municipality shows no desire of righting a wrong. I would end by asking the gentle lady from Brunswick, through the Chair, if the council in Brunswick is doing this, contemplating doing this, or putting it out to the voters? That is fine; I have no complaints with that, but what I submit to you is that they do not do this. The council sits there and they will not put it out to the voters.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, I would be glad to respond to that. No, the council is not putting this out to the voters, and I have often wondered about this situation. But one thing that was brought out in the course of discussion here was the fact that in fact teachers are municipal employees and other municipal employees also do not run for town offices, and as long as that prevails, I think there is a certain logic in being consistent in this respect.

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

Mr. CURRAN: Mr. Speaker, I would like to pose a question through the Chair to the gentlewoman from Brunswick, Do I understand that the charter in the Town of Brunswick forbids a teacher to run for municipal office? Even if he may teach in Portland but lives in Brunswick, he is still ineligible?

The SPEAKER: The gentleman from South Portland, Mr. Curran, poses a question through the Chair to the gentlewoman from Brunswick, Mrs. Bachrach, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. BACHRACH: Mr. Speaker, Yes, that is true. I think that is very much in error. At some point, I hope we will change that.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, if the town council, under home rule, in a community refuses to do this, a small number of people may initiate a petition and take it to referendum to all the voters in that community. So there is another area to do this if you want to leave it strictly within the purview of home rule.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: Just to reiterate very quickly, this is in effect permissive legislation. We all know that there is a considerable breach between what should be done and what some councils in some towns do. This bill will not force anyone to vote for a school teacher if anyone doesn't want to vote for a school teacher.

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

Mr. CAREY: Mr. Speaker and Members of the House: Only to make one comment on the gentleman from Gorham, Mr. Quinn's comments. It is permissive only in that people may or may not vote for the person, but it certainly is a decision that is being made here, and it is mandatory that they would be allowed to run for office, so it is not permissive legislation as we know permissive legislation.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker and Members of the House: I find myself following this in a logical progression. The town has decided that they will not allow teachers to run for public office. This is a town decision but the legislature now feels that this is a wrong decision, the towns have made a wrong decision and they should overrule this and that they should be allowed to and the decision should be on the voter rather than the town on who will serve. I follow this to a natural progression, and the result I come out with is, how can we in the legislature deny any state employee the right to sit in the legislature and serve the state?

The SPEAKER: The Chair will order a vote. The pending question is on passage to be engrossed as amended by House Amendment "A" as amended by House Amendment "C" thereto. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 41 having voted in the negative, the motion did prevail.

Sent to the Senate.

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

Bill "An Act Relating to Compensation for Minors Delivering Newspaper Supplements," (H. P. 910) (L. D. 1109) — In House, Minority "Ought to pass" Report accepted and the Bill passed to be engrossed — In Senate, Majority "Ought not to pass" Report accepted in non-concurrence.

Tabled — Mr. Rolde of York

Pending — Motion of Mrs. Clark of Freeport to Recede and Concur.

On motion of Mr. Dam of Skowhegan, the House voted to recede.

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

House Amendment "A" (H-302) was read by the Clerk and adopted.

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

House at Ease

Called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Rolde of York, the House voted to take from the table the

following tabled and unassigned matter:

An Act to Fund Public School Education (Emergency) (H. P. 1437) (L. D. 1452)

Tabled — April 24, by Mr. Rolde of York.

Pending — Passage to be Enacted.

On motion of Mr. Lynch of Livermore Falls, under suspension of the Rules, the House reconsidered its action whereby this 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, and on further motion of the same gentleman, the Amendment was indefinitely postponed.

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

House Amendment "R" (H-301) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This morning, I understand that L. D. 1452 and the proposed amendment, House Amendment "R", was thoroughly covered in a Republican caucus and we attempted to do it in a Democratic caucus this morning. I don't know as it is necessary to go into too much more detail.

As the Speaker said, we are leaving on the bill House Amendment "G", which was filed by Representative Post, House Amendment "J", which was filed by Representative Greenlaw, House Amendment "M", which was filed by Representative Rolde, and House Amendment "N", which was filed by Representative Jackson. We have resolved the constitutionality problem that was involved in 1452 as originally proposed. We believe we have a workable document. It is not the answer to school financing way into the future. Financing has always been a problem in this state and it probably always will be a problem. But we have a workable solution that will take us through this session of the legislature, and I am quite sure that before the second year of the biennium rolls around, there will be a study of some sort to more thoroughly consider the financing of public school education in the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. Cooney.

Mr. COONEY: Mr. Speaker, Ladies and Gentlemen of the House: I had prepared some long remarks because I am not very excited about this particular amendment nor am I very excited about the whole procedure we seem to have followed in dealing with the problems of 1994. I am going to set this speech aside and just address one of the provisions Amendment "R".

We heard from the Maine Judicial Court, we heard that an unequal taxation measure was unconstitutional. They were right; I agree with them and I think all of you agree with them. So what we are being asked to do this evening is not to have a taxation method that is unconstitutional, but we are asked to have a rebate program, and I would admit that it is probably constitutional, it is certainly politically expedient, but in my own view, it flies in the face of what the court said, it is just darn unethical.

It is my own feeling that there is very little in 1452 that is really needed at all. There are some things, I realize, that are necessary. Those things, I think we should address them. I am not even sure if we need 1452 as a vehicle to do that. I wonder

if we shouldn't bite the bullet of funding 1994 with necessary spending limitations in the Appropriations Act at a later time. But for now, I cannot stand here and vote for or keep my seat any longer, and if you will notice, I haven't spoken on this 1452 at all, but to watch us pass a program which I think is one of the most disturbing political maneuvers we have made on this subject, what it is — buying the votes of certain communities with a rebate program. I don't buy it. I think we can come up with a whole lot better. I ask you to vote against this measure. I move we indefinitely postpone it, and I think we should go back to the drawing board and come up with something that not only supports the taxation and educational concepts of 1994 which are right but also answers the necessary problems with that law.

So I urge you, don't accept this amendment. It is just plain wrong.

The SPEAKER: The gentleman from Sabattus, Mr. Cooney, moves that House Amendment "R" be indefinitely postponed.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Sabattus has forgotten that the philosophy of 1994 did place a phase-in period for the communities that were affected by any drastic change in valuations, and we have maintained in 1452 the philosophy that we will not penalize those communities. I think that is an answer.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I hope you vote against indefinite postponement so we can adopt House Amendment "R", and when the vote is taken, I move it be taken by the yeas and nays.

Mr. Palmer of Nobleboro offered House Amendment "B" to House Amendment "R" and moved its adoption.

House Amendment "B" to House Amendment "R" (H-324) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want to make it clear at the very outset here that I am speaking as an individual legislator from one of the coastal counties. I have something to say. I will try to be brief, but what I have to say comes from my heart and for that reason, I want to go back just a little, if I can, and give you what I think is a little bit of history on 1452.

I have spent literally the last year of my life in one capacity or another as a legislator, as a member of the Educational Subsidy Commission working on 1994 in the hope that we might be able to do something to it constructive and make it a working vehicle to overcome many of the objections which many of our people have had to it.

The Educational Subsidy Commission initially turned out L. D. 526. It embodied a lot of the things which 1452 does. It took care of a lot of housekeeping measures. At the same time, it addressed the problem of the phase-in towns and recommended that one-year pay-in be forgiven and that state, in the second year of the biennium, move to 55 percent funding and thence to 60 percent funding. This was rejected because I believe the Education Committee in good faith tried to work within the

guidelines or somewhat near the guidelines of the money that we had available. So they presented the 20 percent phase-in which we know now has been declared unconstitutional.

We moved from the 20 percent phase-in — I am now talking of relief to those communities which were severely hurt — to a 25 percent phase-in. Now we have finally arrived at the grand climax, which is 80 percent of the 25 percent with one town left out. I happen to represent the town, and for these reasons, I want to speak briefly.

The amendment which I have offered, House Amendment "B" to House Amendment "R" does only one thing, it treats the town of Wiscasset the same way that it treats every other town on that list. Every other town is given 80 percent of 25 percent, and Wiscasset, for some mysterious reason, is given the figure of \$250,000. I don't know how the committee arrived at the \$250,000 figure. I have been told that the only reason really was that it was a little bit above what the highest town would get below Wiscasset. So, with this magic we say, we will give everybody what they need to pacify, but we will let Wiscasset get by with a \$250,000 pay-back.

Now, people have looked at that and they have said to me, gee, that is a lot of money. I want to clarify one thing right now. You are not giving, by my amendment, you are not giving Wiscasset anything that you are not giving to every other community in this state. You are just phasing them into the same formula you are giving to everyone else. Of course, if we put down what Wiscasset really should get on this sheet, using them the same as everyone else, they should receive \$1,540,000, and I have had friends in the House say, well, we couldn't put the figure down; it just never would fly. Well, I submit to you that I think in all fairness it would fly if people are fair if they realized that, for example, in 1973, Wiscasset phase-in obligation was \$1,241,000.

This new bill, because of an immediate phase-in of everything, puts Wiscasset at \$3,478,000, or a difference of over \$2 million. Even if you were to give Wiscasset what it justly deserves, which is what everybody else is getting, they still would be paying \$700,000 more than they did before. I really can't justify the reasoning as to why this was put on the way it was. I first of all thought it was something maybe to end Lin Palmer, but I couldn't really see why you would want to stick it to just one representative from the little town of Wiscasset. I couldn't see how that would really be a viable reason for wanting to leave them out. But I thought, well, maybe it is just to get at Wiscasset — it is a pretty little town, it has a sign that says "The Prettiest Little Village in Maine," and they like to keep it that way. But you know, it is not too much different from all the other towns in the State of Maine. Their people are of average circumstances. They work at the Bath Iron Works, dig worms, and they work for the village grocer and they work in the village drug store, and they do everything that you and I do, and their income is no greater than yours and mine. But they do have one thing that is different. They have a plant called Maine Yankee, so I say, well, certainly then it can't be Wiscasset, it must be that this is a good way for one corporation to help pay the greater share of the cost of education in this state than any other corporation is asked to pay and likewise, any other town is asked to pay.

I cannot believe that this would be the ploy to just have Central Maine pay the bill, and I realize, standing here with 151 members and knowing how the vote has gone on many other things, I am not here to defend the Central Maine Power Company, I know I would get very few votes if I did. I think their friends are slowly diminishing here in the House. But I am not here to do them a favor. I am here just to ask that they be given what everybody else is given. Why would a formula go all down the line and leave one town out? I just can't believe that we are giving them anything. I had one good friend say to me a few minutes ago, Lin, if you think I am going to give Central Maine a million dollars, or Maine Central, if you think I am going to give Central Maine a million dollars, you are crazy, but you aren't giving them a dime, because if you use them the way you use everybody else, you would give them a million-five, what this formula should read.

I ask you why, for example, you would treat Livermore and Jay differently? They have International Paper, Millinocket has Great Northern, Baileyville has Georgia Pacific, Bath Iron Works is in Bath, why one — why just one? All I am appealing to is the basic fairness of this situation.

I would like to say just a word or two to those who disagree about the pay-back, specifically, the previous speaker, the Representative from Sabattus, Mr. Cooney, mentioned it. I can appreciate his thoughts, but I submit to you, as did Representative Lynch, that the original 1994 had a pay-back; it was called a phase-in, but a phase-in and pay-back amount to the same thing. And two years ago, 1994 would never have passed this House or the Senate had it not had a phase in. Now, two years later, we come back and through constitutional questions we phase in all at once and we make some very grave disparities. So there is no give-away, there is no pay-back, there is a phase-in, we are doing exactly what we did two years ago in trying to save this bill.

I maintain to you, after the work that I have put into this thing for one year, I become very demoralized and very discouraged. But when you see the work that went into it and then you see your condition whittled away, you arrive at what we have on this desk, I think it is immoral and I think it is unethical. And I will say to you this, even though the Central Maine Power Company isn't the most popular corporation in the State of Maine, this is probably the first time in the history of the state that the state willingly and knowingly, willfully and knowingly is asking one corporation to help finance education in this state more than they are asking anyone else.

There is no problem with giving them back what they justly deserve. There is no budgetary problem. In leadership meetings with the Governor we have gone over these figures, and the \$3.8 million, which my amendment calls for, is well within the guidelines of what we had previously agreed to, which is about \$4.7 million. So there are no financial problems. It can be funded, and I just don't understand the reasons why we then would not fund it the way we fund everything else rather than take what I call the devious route.

I am not going to talk any longer. I do not want to delay our session, but I want you to know what is in my heart, and I am asking you just for one thing, which is to be fair. You are not giving anything to Central

Maine; you are not giving anything to Wiscasset; you are giving them what everyone else is getting according to the same formula. That is all I am asking. I think it is a reasonable thing, and I hope we can adopt this amendment.

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

Mr. LYNCH: Mr. Speaker, I move the indefinite postponement of House Amendment "B" to House Amendment "R" and would speak to my motion.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that House Amendment "B" to House Amendment "R" be indefinitely postponed.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Nobleboro. Wiscasset is a pretty town, but the town itself is only 5 percent of the valuation of the community. Ninety-five percent of the valuation of the town of Wiscasset lies with Central Maine and Maine Yankee. Now, in Jay, in Bath, in Millinocket, there isn't that disproportion between a business and the rest of the community. In no other industrial center of the state is it possible to pass back over a wide variety of communities any impact that might be caused on Central Maine Power Company, and it is the intent of the Education Committee to send a letter to the PUC. We know we cannot interfere with their judgments, but we would like to ask them to look at the impact on Central Maine and its rate structure by what 1452 does. That, I think, is only reasonable and fair for the Education Committee to do.

The gentleman said that he could have the thing funded by \$3.8 million — he can, but you will have less than \$7 million to spend on other items for this biennium.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope that at this late stage — I realize that this is a very complicated bill. In fact, a lot of parts of it, I will be truthful with you, I don't understand, but I would certainly hate to see Amendment "R" indefinitely postponed unless the gentleman from Sabattus had a better plan.

Mr. Lynch of Livermore Falls requested a roll call vote.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the actions of the gentleman from Nobleboro, Mr. Palmer, and I think it is probably one of the few times that I would ever rise to take a strong position against the actions of the gentleman from Livermore Falls, Mr. Lynch.

Many of the comments that were made this afternoon by the gentleman from Nobleboro were similar comments to what I made before the Education Committee two years ago, in which I pointed out that some of these things very well could happen. Also, and it was pointed out that some of these companies such as the situation in Jay, that they do not have the same proportion, they do have very close to the same proportion. In fact, when this bill was originally put together, Jay was going to be a major pay-in. It was going to pay in almost as much money as Wiscasset was, but due to some other quirks that

developed, Jay got off the hook and Jay is now a recipient of \$108,000 instead of paying in the \$650,000 that this bill was originally sold to the legislature on, and this is true on quite a few others, several other towns in the state.

I think that the actions and the motion and the amendment that the gentleman from Nobleboro has just offered is completely in keeping with the entire intent of what this bill was sold to the legislature two years ago.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to very briefly answer one point that the gentleman from Livermore Falls made. Of course Wiscasset is different in the effect of Central Maine Power on it than International Paper is in Livermore and Jay. It is a small community and CMP there has very few employees. You don't get the problems of housing and everything else that go with the larger towns. This town has been very frugal over the years, and I don't see any reason why they should be penalized for having been that.

I would also like to say that you know there are many of us in this House who don't like nuclear power plants; there are many here today who would vote to take away this money from Wiscasset who wouldn't have a Maine Yankee in their own town, but once it is in Wiscasset, they want their share.

The last thing I want to say is this to the gentleman from Livermore Falls, and I have a great and deep respect for him, but I don't care what you say about the Central Maine Power Company and its ability to pay, they don't have a spigot with dollar bills running out. It still has nothing to do with the basic fairness of this amendment, which simply says, regardless of where you are and what your condition is, you pay everyone in the same manner. I don't believe we are asking for anything other than fair play in saying to this community, you get what everyone else gets.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I am put in mind a bill saying "divide to conquer." I have watched 1994 and I was here in the session when it was initially adopted. I have sat through this session and I have watched us work it over and try to breathe life into it and attempts on top of attempts on top of attempts in putting off the date for the budget and finally putting it off again, and I think that we should all give a second thought here to any formula that is not equally applied. Wiscasset sticks up, there is a big plant there, there is a lot of money coming in, but what happens when next year we have a problem funding this and we run through the money that is available and there are overruns again and say special education gets out of hand or some other phase of it and it costs us a lot of money and we have to find some more money? We have established a nice precedent with Wiscasset, so then we turn to Yarmouth or East Millinocket or Sears Island or Jay or maybe Skowhegan — I understand a new plant may go into Skowhegan — or some other town, and we make a little exception for them that we find some more money. I just could go on indefinitely, and I think this is a very bad precedent to set.

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 Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: Since my good friend Mr. Jackson has spoken and referred to Skowhegan, I was going to vote anyway with the good gentleman over in the far left corner from Nobleboro for his amendment, because I think Mr. Jackson has put it very plainly, that next time around when they need more money, they are going to go back to other communities, and this is just what is going to happen. I don't like to see it happen, that is why I am going along with Mr. Palmer. I don't think he is asking anything unreasonable. I think all he is asking for is fair play and I think that is what every member of this House wants, fair play. The only way we can have fair play is to adopt this amendment and not indefinitely postpone it.

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

ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, P. P.; Bustin, Carpenter, Carroll, Carter, Chonko, Clark, Connelly, Cote, Cox, Curran, P.; Davies, Drigotas, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Hall, Henderson, Hennessey, Hobbins, Ingegneri, Jalbert, Jensen, Joyce, Kany, Laffin, LaPointe, LeBlanc, Lewis, Lynch, MacEachern, Mahany, Martin, A.; Martin, R.; Miskavage, Mitchell, Morton, Mulhern, Nadeau, Najarian, Peakes, Pelosi, Peterson, T.; Post, Powell, Raymond, Rideout, Saunders, Silverman, Susi, Talbot, Theriault, Tierney, Tozier, Tyndale, Usher, Wagner, Wilfong.

NAY — Ault, Bachrach, Berry, G. W.; Birt, Blodgett, Bowie, Byers, Call, Carey, Churchill, Connors, Cooney, Curtis, Dam, DeVane, Doak, Durgin, Farley, Gould, Gray, Greenlaw, Hughes, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelleher, Kelley, Kennedy, Laverty, Leonard, Lewin, Littlefield, Lizotte, Lovell, Mackel, MacLeod, Maxwell, McBrairty, McKernan, McMahon, Norris, Palmer, Perkins, T.; Peterson, P.; Pierce, Quinn, Rolde, Shute, Smith, Snowe, Spencer, Sprowl, Strout, Stubbs, Tarr, Teague, Torrey, Twitchell, Walker.

ABSENT — Berube, Boudreau, Burns, Curran, R.; Dow, Dudley, Dyer, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, Mills, Morin, Perkins, S.; Rollins, Snow, Truman, Webber, Winship.

Yes, 67; No, 61; Absent, 21.

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

Mr. Bustin of Augusta offered House Amendment "A" to House Amendment "R" and moved its adoption.

House Amendment "A" to House Amendment "R" (H-320) was read by the Clerk.

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

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

House Amendment "R" to L. D. 1452 was funded for the biennium, leaving approximately \$6.8 million out of surplus and moving ahead of the corporate tax. We have now used a million plus under House Amendment "B". If we adopt this amendment that is before us now, you can plan on spending another \$3 million, so before long, we are going to have a question of whether we are funding 1452. If that is your motive, I think you are going to succeed, then we will be right back at the drawing board again.

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

Mr. BUSTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would trust that the House Chairman of the Education Committee might think that this comes from a friendly corner and is not an attempt in any way to disparage the work that is being done by the committee or, in fact, by leadership on this bill.

My problem with this amendment is only the feature that I attempt to amend out of House "R" by House "A" which would knock out the so-called Huber proposal of limiting the inflationary impact in the second year of the biennium to 6 percent.

I would like to be able to tell you that I could speak as an expert on this L. D. and that what I am going to tell you I am absolutely convinced is right. Unfortunately, I am in the same position as probably at least 149 of you, if not 150; this whole thing is very, very fuzzy.

What seems to me to be happening is that we are adopting the Longley philosophy of "planned under funding" in the second year of the biennium. I have talked with people on the Education Committee, I have talked with leadership, and I have asked one question: Is there money enough in the second year of the biennium, and no one will say yes. They hedge, they fudge, they bob and they weave — no one will say, you are adequately funding education in the second year.

Ask your town officials if they can get by with 6 percent in the second year of the biennium. The bill, L. D. 1492, as I understand it, asks for 9. Are we getting ourselves in a box by deliberately playing into the hands of those who would underfund in the second year? People who have underfunded the university, we know it has happened, it is underfunded in the second year, departments in state government underfunded by 10 percent in the second year, are we going to play this same game and come in here in the Spring and have to pass a whopping increase in the Maine income tax? That is part of the issue. Are we going to take some of the responsibility in this regular session and then take some more of the responsibility in the special session for a tax increase, or are we going to pretend that this budget is balanced and go blindly into a special session knowing that this L. D. is underfunded?

I would ask for the yeas and nays.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Particularly you members of the opposition party, I raised that question that Representative Bustin has just raised here this afternoon, earlier this morning to my leaders of the House and the members of the Education Committee and I got a response from some members of the Education Committee

about the underfunding and perhaps they might care to stand up and give the same answer to the House this afternoon. I question the fact is there sufficient money for the second year of this program and would we not in fact be back here prior to elections of the primaries next year looking for substantial money for this program?

I would like to be enlightened again to the fact that there is sufficient money to fund this program and that we will not, by their assurances, be looking for any additional money for the second year.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I did what the gentleman from Augusta suggested. I did take this back to my people and I find that they can live with the 6 percent ceiling very closely. The Superintendent of Schools seemed to feel that this was a reasonable limit and that with this 6 percent and the leeway that was available, they would be able to handle it. I trust that is the same thing across the state.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I know that all of you who were here two years ago know exactly how I felt about 1994 and my attempt. However, it is two years hence, I did do exactly what the gentleman from Augusta, Mr. Bustin, suggested, only I went one step further, I got experts, not me, I got experts to call the City Controller of the City of Lewiston and the Superintendent of the City of Lewiston, who is elated at this program and I certainly intend to follow Mr. Lynch.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I find it hard to accept the proposed amendment because for several weeks now we have heard nothing around the State House except the cost of education is increasing too much each year, each biennium, and we have been asked constantly, are you closing the doors, are we going to be faced with increased cost two years from now, what can we do to bring this under control? The 6 percent is an attempt to do just this. If you want 10 percent, 12 percent, then put your money behind it, but don't come back two years from now and ask why the cost of education are skyrocketing.

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

Mr. GARSOE: Mr. Speaker Ladies and Gentlemen of the House: The reason we are in part of this jam right now is that there were not controls such as this written into the original legislation. I think this is a signal that we should be sending out, that there is going to be a control on these two segments. I fail to understand the logic of the gentleman from Augusta in removing this control and then questioning whether or not there is going to be money, because we are going right back into the same old ball game with no controls unless this feature is kept in the bill.

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

Mr. BUSTIN: Mr. Speaker, I would like to pose a question to the House Education Chairman. Again, this may be my unfamiliarity with the bill, but if this amendment passed, Mr. Lynch, would not

the 9 percent or the 9-point-something percent then be in as the top?

The SPEAKER: The gentleman from Augusta, Mr. Bustin, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: If we do not accept the 6 percent limitation, the deficit in the biennium would be \$11,579,000 that would have to be funded. If we accept the 6 percent limitation, the deficit would be approximately \$8.5 million, so with 15.3 to work with and 8.5 to fund the deficit under Amendment "R", it leaves approximately \$6.8 million for other bills. Now, if you want to take \$3.1 million and do away with the 6 percent, that would leave you approximately \$2 million for other bills.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think we should realize that the 6 percent only applies to the operation of elementary and secondary schools. It doesn't apply to special education, vocational education, transportation or school buildings. So actually, the figure is 10.5 percent increase, not the 6 percent.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that along with this document being passed, the message is going forth to the educators, no hanky-panky this time around. There is no gold mine in Augusta. Your bills are coming home to roost. If you overspend, you are going to dig it out of your own pockets.

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

A vote of the House was taken. Obviously, more than one fifth of the members 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 Livermore Falls, Mr. Lynch, that House Amendment "A" to House Amendment "R" be indefinitely postponed. Those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bachrach, Bagley, Bennett, Berry, G.W.; Berry, P.P.; Birt, Blodgett, Bowie, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Connors, Cooney, Cote, Cox, Curran, P.; Curtis, Dam, DeVane, Doak, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Gray, Greenlaw, Hall, Hennessey, Hobbins, Hunter, Hutchings Immonen, Ingegneri, Jackson, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, Miskavage, Morton, Nadeau, Najarian, Norris, Palmer, Peakes, Pelosi, Perkins, T., Peterson, P.; Pierce, Post, Powell, Quinn,

Raymond, Rideout, Saunders, Silverman, Snowe, Sprowl, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Tyndale, Usher, Wagner and Wilfong.

NAYS — Bustin, Clark, Connolly, Davies, Henderson, Hughes, Kelleher, LaPointe, Mitchell, Mulkern, Peterson, T.; Rolde, Smith, Spencer, Talbot and Tierney.

ABSENT: Berube, Boudreau, Burns, Curran, R.; Dow, Dudley, Dyer, Farley, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, McMahon, Mills, Morin, Perkins, S.; Rollins, Shute, Strout, Truman, Twitchell, Webber, Wilfong and Winship.

Yes, 107; No, 16; Absent, 26.

The **SPEAKER:** One hundred and seven having voted in the affirmative and sixteen in the negative with twenty-six being absent, the motion does prevail.

Mr. Cooney of Sabattus requested a roll call, on adoption of House Amendment "R".

The **SPEAKER:** In order 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 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 Owls Head, Mrs. Post.

Mrs. **POST:** Mr. Speaker, I would like to pose a question through the Chair, it is on the intention of House Amendment "R" more than anything else. I would like to know what the intention is as far as making grant allocations to the various communities in the next biennium, the biennium ending June of 1977?

The **SPEAKER:** The gentleman from Owls Head, Mrs. Post, has posed a question through the Chair to any member who may care to answer if they do desire.

The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. **LYNCH:** Mr. Speaker, Ladies and Gentlemen of the House: I believe the Representative is asking about the second year of the biennium. There is no provision made for reimbursing these communities that are on the raspberry colored sheet.

I would like to say, Mr. Speaker, that we are under pressure; it needs 101 votes. It is not the answer to all the school financing problems this state is going to have, but we are under pressure to get something done this week to get the communities in this state in shape to do what they have to do before May 31, and I am quite sure that we should be concerned only with the first year. I am quite sure we are going to have some revision in school financing in the relative near future.

The **SPEAKER:** A roll call has been ordered. The pending question before the House is the adoption of House Amendment "R". If you are in favor of the adoption of House Amendment "R" you will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bachrach, Bagley, Bennett, Berry, G.W.; Berry, P.P.; Biodgett, Bowie, Bustin, Byers, Call, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, P.; Curtis, DeVane, Drigotas, Durgin, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Gould, Greenlaw, Hall, Hennessey, Hobbins, Hunter, Hutchings, Immonen, Ingeneri,

Jackson, Jaffert, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBreaarty, McKernan, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, T.; Peterson, P.; Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Snowe, Spencer, Sprowl, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Twitchell, Tyndale, Usher, Walker, Wilfong and The Speaker.

NAYS: Birt, Carey, Cooney, Dam, Davies, Doak, Gray, Henderson, Hughes, Kauffman, Palmer, Peterson, T.; Pierce, Smith, Tierney and Wagner.

ABSENT: Berube, Curran, R.; Dow, Dudley, Dyer, Farley, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, McMahon, Mills, Perkins, S.; Rollins, Snow, Strout, Truman, Webber and Winship.

Yes, 110; No, 16; Absent, 23.

The **SPEAKER:** One hundred and ten having voted in the affirmative and sixteen in the negative, with twenty-three being absent, the motion does prevail.

Mr. Leonard of Woolwich offered House Amendment "V" and move its adoption.

House Amendment "V" (H-325) was read by the Clerk.

The **SPEAKER:** The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. **LEONARD:** Mr. Speaker, Ladies and Gentlemen of the House: If you remember, the other day we had some people here from the town of Richmond, and those students, on their own, advised me that they were very concerned with the funding features of L.D. 1452. Their request was, either I amend L. D. 1452 or we retain L. D. 1994. I talked them pretty much out of retaining L. D. 1994 because that certainly has a lot of holes in it, that particular piece of legislation.

What has happened under 1452, and it is a case of trying to treat the whole state and in the process of treating the whole state under one uniform system, you forget the individual problems. Richmond has been known and has been used many times as an example of the tremendous gains in education that were achieved by L. D. 1994. Richmond has a very, very little tax base. They have a great number of people in that community, a great number of students, they have many of the problems that go along with growing municipalities or municipalities that are in congested areas.

I will go to the heart of L. D. 1452 and what has happened. We have taken under L. D. 1452 and we have gone back and to achieve funding, for example, for this next year, you have to use by definition the preceding year as a basis. Richmond, before L. D. 1994 even, was contemplating building a high school or a new junior high school and they have pretty much committed themselves towards that goal. They finally built it this year and it just became available this last fall for inclusion of students and faculty. Therefore, this last year they have had the facilities, they have had the room, and of course by L. D. 1994 they have also had the money, not to come up to state average but at least accelerate rather rapidly to come somewhere near the state average for the cost of education per pupil. By the funding under 1452, we now have to go back to the year before they used the 1973-74 years to

determine what Richmond will be allocated to spend in the years 1975-76.

As a result, this acceleration that they had last year will go unnoticed. I can give you a few of the examples of what happens in practical terms. In 1971-72, they spent per pupil, this is on the secondary level, \$660 per student; 1972-73, they spent \$720; 1973-74 they spent \$889, and in 1974-75, they spent close to \$1,000, or they estimate or anticipate spending that much.

The problem that we have now is that with leeway, maintenance of effort, the escalation clause of 6 percent, that Richmond cannot, using all those things, raise or be funded from the state with matching funds on their part-raise the amount that they are spending for education right now, and they are still below state average.

They will probably have to, without going to the local tax dollar any more excessively than they are right now (I will give you an example of that in a minute) the maximum they would be able to raise for their students this year would be \$950. So they fall \$50 per student or over \$50 per student short. Actually, it is close to \$100; my figures are off here little bit, but it will be somewhere in the vicinity of \$925 and they are about \$1,025 right now.

One of the problems that creates this is that the Department of Education has said that under Section 1011 of the Maine Revised Statutes that physical education is mandatory if you have the facilities. They now have the facilities; they didn't have them before, they didn't have physical education before, but now they have the facilities so they have to fund that. That is about \$12,000. I don't think they would address that as one of their priorities, but by law or by the ruling of the Department of Education, they now have to address that as one of their priorities, so they have to cut some other course in order to comply or in order to get their spending down to the amount that will be funded to them this year.

I said \$950. I am saying that they are using every conceivable way that the state gives on matching funds to come up somewhere near the state average, and they are nowhere near it. The only way that they can raise the money is by going to the local taxpayers and asking them to raise around \$40,000 to \$50,000 more. Another problem they have, their state evaluation went up 40 percent and that impacts them on the subsidy.

They have a significant problem and the problem is that they are one of the towns we are dearly trying to help under this legislation, L. D. 1994, and we find that we are retarding them or taking them back somewhere near where they were before by this L. D. 1452. They are probably - I hate to give a figure because nine times out ten from what I have seen in this House somebody is wrong when they do - but there aren't many schools that will fall under this category. Hence, the reason for Amendment "V". It will set aside \$100,000 and it will allow the Department of Education to review given problems, and to make that money available on a matching basis of two to one that the state will give, for example, \$10,000 versus a town giving \$5,000. The reason we did that two to one matching is because these towns, even with L. D. 1994, or even if we have 1452, they are strapped.

We have talked about Wiscasset. My neighbor is Wiscasset. I have probably worked, talked, as a matter of fact, a lot of my family comes from Wiscasset, I probably know more people in Wiscasset than anybody in this House and I can tell

you, ladies and gentlemen, property tax in that town is a joke. We had a fellow firmly convinced — I worked with him at Bath Iron Works — we had him firmly convinced that with Maine Yankee he would get a rebate instead of paying taxes, and it is just about to that extreme.

I ask that you support this amendment. It means a lot to the kids in Richmond. It will mean that they have to cut programs, no question, they will have to cut back. I have never seen better kids, more closely knit to their faculty, more eager to learn and any more appreciative of what you did in the last legislature. I ask you to accept this motion of "ought to pass" and we will treat this problem, it is only for a year.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is a very uncomfortable position to be in, to be in opposition to everything.

This sounds like a very reasonable amendment. Richmond does have a problem, it is a problem that is common to many areas. We had one come before the Education Committee today which would do essentially the same thing to fund their programs the first year, you are opening up tremendous increases in state education; you just can't afford to fund it.

We have a fund that will take care of increasing enrollments. The Board of Education will sit down in October and look at the impact of increasing enrollments across the state and fund what they can to alleviate some of those conditions, but to fund start-up programs is an area that we have to be very careful to keep under control, and I am talking about start-up programs in every area, including special education and vocational education. I am sorry, Mr. Speaker, but I ask that this amendment be indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would rise to support Mr. Leonard's position. I have a similar problem in my own area and it has been, at least in part, taken care of by the Education Committee. I think it is extremely unfortunate if this finds itself in the position where in the name of improving education through this whole program we actually put towns in the position where they can't maintain the quality of the programs which they are currently supporting. I would urge support for Mr. Leonard's amendment.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to pose a question if I could, probably to the gentleman from Livermore Falls. Isn't there a part of L. D. 1452 which would allow a town to have a second maintenance of effort? How would that enter into this particular situation?

The SPEAKER: The gentleman from York, Mr. Rolde, poses a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer the question if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This puts the burden right on the community to raise local dollars which will not be included in averaging and arriving at the state average per pupil cost.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I wasn't listening very carefully before, Mr. Lynch, but I understood that you felt that this amendment would address itself to any new programs, but as I understand it, this was a program that the school system in Richmond had previously contracted for under L. D. 1994 and now they would be in a position of having to raise the money themselves in order just to maintain this program, is that correct?

The SPEAKER: The gentleman from York, Mr. Rolde, poses an additional question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, in order to control the cost of public school education in this state, there has to be local dollars for a start-up program. If there is an unusual burden on any community, they can appeal to the Board of Education, but the department does not have money to make these adjustments during the course of the year. There is \$300,000 in the contingency account. I don't think that is going to go very far, especially if every district in the state runs in with a particular problem. I know it is difficult. Until there are more state dollars for funding public school education, I think you are going to have these uncomfortable situations in many school districts. That is the only answer I can give you.

The SPEAKER: The Chair recognizes the gentleman from Rangeley, Mr. Doak.

Mr. DOAK: Mr. Speaker and Members of the House: I have a question to pose through the Chair to anyone who might answer it. That is, isn't it true that the State Board of Education is now requiring new programs to start up and Mr. Lynch spoke of new start-up programs, but as I understand it, this year all schools are supposed to have a special ed program in their schools and these are programs that they have never had before because they could never afford them and yet if the state mandates this and doesn't have the money to fund it, then I think we are making a mistake.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, the start-up programs in special education and vocational education are borne for the first year by the communities. That is why there has been great concern expressed that we do not have the controls on special education and vocational education that we need to have. We need to look three and four years down the road to anticipate this.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: I don't know if everybody has reviewed Amendment "V" but all it is is a piece of relief that certainly we have an obligation towards the town of Richmond in this case, towards other towns, that we told them that they would have L. D. 1994 and it is for them and it would prove them finally with equal education. I appreciate the position of the Education Committee, and they have done an admirable job under very trying circumstances and conditions, but you cannot deal with all the state's problems

by one formula, you can't do it. We certainly have an obligation to somewhere along the way to continue or to show Richmond and other towns that we are not just going to now take the rug right out from under them when we have told them tee money would be there. It is unfortunate. If they were at state average, what the heck. They aren't even there yet. If you do this to them it is going to take them a long time and they just don't have the tax base to raise the money to keep the programs, they just don't.

I told you one thing the other day that I thought was one of the greatest things I have ever heard. They used to have 10 percent of their high school student body that would drop out in a school year. This year they had one, but we are going to return it now back to what it was. I checked in places to cut, I said can you cut sports? My gosh, sports in that city don't amount to a hill of beans and certainly sports are a part of education. They don't spend nearly as much as other towns still in that area. They have programs that they never had before, but I didn't think you could get along without them. I just think that — I am not much of a humanitarian at times but I think this time we have made the gesture in the first place, and I think we ought to continue it somewhat. It is not going to solve all their problems because there is going to be a lot more money they will have to raise on local dollars, but at least we will give them a minimum, and that is what the amendment says, a maximum of \$20,000 and it can't exceed \$100,000. I don't see where we are going to jeopardize the whole State of Maine. It has got a maximum of \$100,000 no matter how many apply, and it has another thing, that you can't program it to come out short. They say you can't apply for it until within 90 days of the end of your year. I just don't see, I think Richmond is being very fair in this case of requesting a very small amount of what they will need.

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

A vote of the House was taken.

Mr. Leonard of Woolwich requested a roll call vote.

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 Livermore Falls, Mr. Lynch, that House Amendment "V" be indefinitely postponed on Bill, An Act to Fund Public School Education, House paper 1437, L.D. 1452. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Albert, Ault, Bennett, Berry, G.W.; Birt, Byers, Call, Carroll, Carter, Churchill, Cote, Cox, Drigotas, Dudley, Durgin, Farley, Farmhan, Faucher, Flanagan, Garsoe, Gauthier, Hall, hennessey, Hunter, Hutchings, Immonen, Jalbert, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Laffin, Laverty, LeBlanc, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lynch, MacEachern, MacLeod, Mahany, Martin, R.; Maxwell,

McBreairty, McKernan, Miskavage, Morton, Norris, Pelosi, Perkins, T.; Powell, Raymond, Rideout, Saunders, Silverman, Snowe, Susi, Teague, Theriault, Torrey, Tozier, Tyndale and Usher.

NAYS: Bachrach, Bagley, Blodgett, Bowie, Bustin, Carey, Carpenter, Chonko, Clark, Conners, Connolly, Cooney, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Finemore, Fraser, Goodwin, H.; Gould, Gray, Greenlaw, Henderson, Hobbins, Hughes, Ingegneri, Jackson, Kany, Kennedy, LaPointe, Leonard, Mackel, Martin, A.; Mitchell, Mulkern, Nadeau, Najarian, Palmer, Peakes, Peterson, P.; Peterson, T.; Pierce, Post, Quinn, Rolde, Shute, Smith, Spencer, Sprowl, Talbot, Tarr, Tierney, Twitchell, Wagner, Walker and Wilfong.

ABSENT: Berube, Boudreau, Burns, Curran, R.; Dow, Dyer, Farley, Goodwin, K.; Hewes, Higgins, Hinds, Jacques, Lunt, McMahon, Mills, Morin, Perkins, S.; Rollins, Snow, Strout, Stubbs, Truman, Webber and Winship.

Yes, 67; No, 58; Absent, 25.

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

Thereupon, the Bill was passed to be engrossed as amended by House Amendment "G", House Amendment "J", House Amendment "N", House Amendment "R" in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On the disagreeing action of the two branches of the Legislature on Bill "An Act Concerning Listing of Tax Exempt Real Property for Town Reports," Senate Paper 496, L. D. 1843, the Chair appointed the following Conferees on the part of the House:

Messrs. BURNS of Anson
CAREY of Waterville

Mrs. TARR of Bridgton

Mr. Gauthier of Sanford was granted unanimous consent to address the House.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend Mr. Lynch for the wonderful job that he did. He did a nice job and I think he should be commended by the House. (Applause)

Off Record Remarks

Mr. Lynch of Livermore Falls was granted unanimous consent to address the House.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the compliment given to me few minutes ago was undeserved. This was the work of the Education Committee, and I mean the whole committee.

Off Record Remarks

On motion of Mr. Rolde of York,
Adjourned until nine-thirty tomorrow morning.