

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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Senate Confirmation Session

June 14, 1978

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First Special Session

September 6, 1978 — September 15, 1978

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Third Special Session

December 6, 1978

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APPENDIX

gentlewoman from Portland, Mrs. Boudreau, that the Majority "Ought Not to Pass" Report be accepted. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 21 in the negative, the motion did prevail.

Sent up for concurrence.

Consent Calendar Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day: (H. P. 1975) (L. D. 2061) Bill "An Act to Improve the Short-term Investment Capabilities and Debt Management of the State" (C. "A" H-1098)

(S. P. 675) (L. D. 2083) Bill "An Act to Encourage the Formation of Small Business Investment Companies"

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence, and the House Paper was passed to be engrossed and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Clarifying the Statutes Relating to Municipalities (H. P. 1921) (L. D. 1982) (S. "A" S-468 and S. "B" S-469 to C. "A" H-1019)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of same and 4 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to the Funding of Education (H. P. 1943) (L. D. 2022) (C. "A" H-1055)

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

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I shall vote for this bill because I don't want to deprive any children of an education, but I do want to voice my protest against it. I think it is lopsided.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The Education Committee took the school funding law, following the repeal of the uniform property tax, and we spent more than a month working day by day, when we were out of session, trying to put together a school funding law that we could pass in this House. It was not easy and I think most of us who opposed the repeal of the uniform property tax saw that it would not be easy. When you alter one part of the school funding law to benefit one sector of the state, you create problems for other sectors of the state.

What the Education Committee did was take the governor's bill, and he supported repeal of the uniform property tax, the committee amended it. Essentially, it is the Governor's bill, but it has been softened in two areas requiring additional funding, simply because the committee felt that it was unjustified to present problems across the state without the communities having any warning that the problems were coming.

If you will look at the funding level of \$173 million, that is required because we cannot have any deficits. But I would be willing to gamble that what will occur in the next school year will be exactly what has taken place in the past few years. School expenditures for the coming school year, I would be willing to wager, will run between \$168 million and \$169 million, almost on target with the Governor's funding level.

The three categorical programs where we

have had surpluses in the past, will have surpluses in the next school year. Special education, vocational education, and transportation operating costs are still based for one more year on a half year of known costs and a half year of estimated costs. That is where the surplus comes.

Leeway has been changed. The communities, across the state, have never utilized leeway to the full extent, and there will be surplus there. We have had in excess of \$5 million in surplus, and there is no reason whatsoever that we won't have something approaching that level. So the funding level, although it differs from the governor's, actually, at the end of the next school year, will be very close to the \$168 million.

There are problems in school funding. We have tried to address them. The one that was presented here a week or two ago on SAD's was one that the Education Committee could not consider in a school funding law because it would be clearly unconstitutional, and that is why we asked it to be sent to Appropriations. We are not unmindful that there are problems in the SAD's and some CSD's, there are problems in vocational centers, and we hesitate to distort these at this late moment. But I will make a commitment to the legislature, that we will address at least the SAD problem before we adjourn.

The Education Committee is meeting this afternoon. There are a number of alternatives. We could amend the statutes to comply with the Attorney General's opinion and make these changes retroactively. We could amend the statutes to comply with the opinion and establish a prospective effective date. We could amend the statutes to comply with the opinion and specifically validate those districts' formations that have used pupils in their cost-sharing formula.

We could amend the statutes to comply with the opinion and prescribe procedures for districts which now use pupils in their cost-sharing formula to convert to a constitutionally acceptable formula.

We can create a study committee, and I believe there will be a proposal forthcoming very soon to create a finance commission to look at the problems that have been created by the repeal of the uniform property tax, hopefully to continue a equalized funding law in the State of Maine, one of the few in the nation.

We can seek the opinion of the Supreme Court Justices. We could take no action whatsoever and let one or more SAD's bring a suit. We could remove the alternate "B" which uses pupils and state valuation and go back entirely to a sharing of costs on state valuation. That would be clearly unacceptable to me because it would create additional burdens on those high valuation communities. It is unacceptable to ignore this situation. So personally, and I am sure the committee will stand back of me, we will make a commitment to address this problem, at least of the SAD's, before the end of this session.

This is the earliest at which a school funding bill has been presented and can possibly be enacted in the State of Maine. We have, year after year, postponed the effective date for budgets one, two, three and four times during a session trying to arrive at the school funding law that would be acceptable.

I am hopeful that you will enact this today and accept the commitment that the problem will be addressed before the end of the session.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I was a "no" voter on the referendum on the 5th of December. I toured my area and many parts of Somerset County talking on the uniform property tax, and one question was asked of me, "What is the alternative?" There was no alternative and I still don't believe we have an alternative.

I am not trying to chide the Education Committee or run them down, because they did do a lot of work on this and they are to be congratulated on it, but I do not believe that we have answered the mandate of December 5, to me, which was over-whelming mandate.

I would like to pose one question, in view of the specific article they voted for. It is the intent of the legislature to provide at least 50 percent of the cost of operation of the public schools from the General Fund revenue sources. I know this is impossible at this time, but something that does bother me and bothers me very greatly when I look at the funding and look town to local leeway, and I cannot justify in my mind where the 50-50 split is going to come when we take \$10 million and apply it to local leeway. My specific question is, why do we need local leeway? Secondly, why don't we take this \$10 million and spread it out through the entire state?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to anyone who may care to answer.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think if you look at the history of school funding law for the last several years, you must accept that education opportunities across the state have been increased, and it has been increased because communities with low valuations now have an opportunity to provide a suitable education for their young people, something that they were denied because they could not raise by local taxation enough money to compete with the more affluent communities across the state. Leeway is a basic stone in this school funding structure and without it, you are going to set education back to where it was prior to this equalized funding law.

There is no problem with many areas of this state to raise twelve, fourteen, fifteen hundred dollars or more per pupil, but in many communities of this state, raising six or seven hundred dollars is a major obligation, and leeway, when they use it and get the assistance of matching state dollars, helps them tremendously. I think if you were to remove the leeway, you would cripple education in many areas of the state.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have refrained over the past several years from speaking on these matters. I have gone along with the work of the Education Committee and I commend them again for the fine job that they have done, but I am afraid that we are approaching the problem with dollars. I feel that we had a clear mandate from the people in the referendum that they wanted greater local control, and if they wanted to spend more dollars, they spend them at the local level. So I am on my feet this morning to say that I am going to vote against this measure.

The fellow on the second floor, he seems to have been the accepted leader of the majority of the citizens of this state who at least got out and voted in the referendum. He has presented us with a dollar package that will allow a different kind of local leeway, in my opinion. It will allow the local communities to spend more if they desire or less if they desire.

So contrary to my good friend from the other part of the state, the gentlewoman, I don't think that education will suffer, I don't think that the students will suffer. I am going to vote against this measure this morning and, Mr. Speaker, I would ask for the yeas and nays.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, I would like to reply to the last few comments. The total cost of education in the State of Maine is made on the local level in each school district from Kittery to Fort Kent. People in their communities

have decided what to spend for education, and if you will look, as I have, at the voter turnout in school budget meetings across the State of Maine, it is deplorable. If people feel that they are spending too much for education, they have allowed it to go that way by default, no other way.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think probably I have mentioned one time before and I mentioned several times in committee that I was the single member of that committee who voted for repeal of the uniform property tax. I was opposed to it at the time that this bill passed in the legislature, I was opposed to it when it was first proposed ten years ago, and I have never changed my mind a bit.

I did work with the committee, and at the time that we sat down to do our work on this, I said that if we could come up with an acceptable program that was in agreement with the members of the committee, I would support it as wholeheartedly as any. I think this bill does do a great deal of what was intended in the vote in November. I think I am thoroughly acquainted with what that vote intended to do. I think a great deal of the local decision making has been restored as to how dollars are spent. They do not have to spend the full amount that is required. There is a recommended rate in there, and I think what has been done is the best possible thing that could be put together by a committee in the time that was involved to be able to take care of the education problems in the State of Maine. I certainly hope you will support this bill this morning.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I would say initially that I am comfortable with this bill and the work which the Education Committee has done. I do have a couple of problems, mainly on the level of funding, and I would like, Mr. Speaker, through the Chair, to ask two questions of the gentleman from Livermore Falls, Mr. Lynch. I apologize to the gentleman because I think probably he addressed this in his initial remarks and I didn't catch them because I was busy doing something else. I want to know before I vote whether or not it is true that there is or was, as of December, a lapse balance in the education account of \$3.5 million with a projection, perhaps, of \$5 million by the end of this fiscal year?

The second question would be, is it true that actually this bill, through maximum exposure, is really overfunded at \$173 million?

The SPEAKER: The gentlemen from Nobleboro, Mr. Palmer, has posed questions through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman is right on target. We have had surpluses in school funding because of the estimating process that has been used in categorical programs and leeway. If we had the \$4.6 million surplus to operate with, we could very nearly come up with a washout on school funding, but that \$3.6 million is now in the \$41 million surplus. The surplus that we had a year ago was not given credit in school funding, so what we have in effect says that we are overcollecting of local property tax and we are over appropriating state dollars. Now, the state dollars simply go back into surplus, but you don't afford the local taxpayer any relief for the overcollection on the local level. I think he is entitled to some of this surplus money being used against the next year's funding.

The funding level, as I said, is approximately \$173 million. It has to be there because we have

to fund all the programs for the maximum exposure to the state. But when the year has been completed and the cost totalled up for public school education in Maine, it is going to be very close to \$168 million, the level at which the Governor has supported.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. President and Members of the Senate: I, of course, will be very, very brief. It appears that Mr. Lynch and I and a few others who are concerned about the funding level of this particular bill agree at this point that it is overfunded. I think that to me at least this is unnecessary and unacceptable. Why should we fund it at \$173 million if, in fact, all we do need is \$168 million, as has been pointed out?

I would agree that we should not over collect from the taxpayer. I think that we need this money. These excessive funds of four to five million dollars which are not necessary in school funding should be used for another purpose. I don't think that we should today vote to approve the funding level as prescribed in this bill.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think I am as perplexed this morning about how to vote on final enactment of this bill as perhaps a lot of people are. Very frankly, I have not made up my mind at this point in time as to whether I will vote yes or no.

I would like to respond to the comments of the previous speaker, the gentleman from Wells, Mr. Mackel. I think he and I have agreed substantially on education quality and education funding, although we have disagreed on occasions of how we should go about that. But I think that he is somewhat mistaken this morning in his comments when he says that we should not fund our total exposure. I would like to refer back to 1975, the first session of the 107th when we incurred a close to a \$20 million deficit. We incurred a \$20 million deficit because we did not have the appropriate control that I think we now have in place.

Both Mr. Mackel and I were members of the Education Finance Commission, and I think that commission, in its work, made a recommendation to the legislature that we fund our total exposure, fund it on local leeway, private school transportation, vocational ed and a number of other programs that where it was very very hard to predict costs.

I think to me the method of funding our total exposure is much more preferable than the possibility of have deficits year in and year out. I would much rather be able to go back to the people in my district and say, yes, we did fund more that was actually used by the local units, but we did protect ourselves to that we did not have a deficit. I think most of you will agree that it is a lot easier to talk about pouring more money back into an education funding bill than it is about having to fund a deficit that we have inherited under this particular funding before this particular year.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the words of my good friend from Stonington, Mr. Greenlaw, but I can go back several semesters and I can remember the same honorable committee with this school funding bill and I can remember every biennium or every year after year after year a deficit. The citizens have done away with the method of taxation, but I would inform my young friend that you don't stop deficits by spending \$5 million more. It is utterly impossible. If you are spending extra money, then you are heading closer to a deficit. There is no way you can spend more money and not have to come up with more money, regardless of the way the bill is written. When you spend

more, it takes more, and there is no way in the good Lord's world that you can do anything about it.

I would just hope that we would remember the past history of educational funding and except for one year we have always been in a deficit position.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Brewer is asking that we ignore past history, because are our memories so short that we can't recall the deficits we did face? We can't set up a leeway program that is open to every municipality in the state to take part in and not fund it, because that is what led us into our deficit problems earlier.

I think this is only responsible, that if we are going to say there is a program out there that you can take advantage of, that we fund it to its allowable limit. I had thought we pretty much agreed on this subsequent to the deficit that we have been laboring under in the past few years.

I think the gentleman from Livermore Falls has given you as concise and clear and honest a statement, and I am one of those who will applaud the work of the committee and I am going to vote with the committee. I hope this morning we can give this a good, big vote, send it on its way.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There is one other point besides the leeway. We have extended for one year in this bill the categorical things, as has already been mentioned. Probably some of you don't understand the way those work. We have an exact known amount of dollars spent for the three categories from July 1 to December 30. We have an estimate by the superintendents and school boards of how much they are going to need between January 1 and June 30, and they plan to make that estimate high enough so to cover the actual cost at least.

The law, the way this is worded and the way it was before is that the state reimburses the towns the lowest amount, the actual amount spent or the estimate. Now, if they estimate too low, they get the amount they estimate. If they estimate too high, they get the amount they spent. That is all there is to it.

By in large, since most superintendents and school boards are wise enough to estimate at least the amount they will spend, the estimate is usually higher than the actual amount they spend.

If we raise the amount of the estimate, many, many towns do not spend quite that amount, so that results in a surplus. Now, unless we had that provision in, we would be running into this constant deficit that we have had. This thing is deficit proof, and it seems to me that it is the only logical way to run a system to be sure that we don't have a deficit. I personally would rather have a slight surplus, either in a school account or in my own personal accounts, than I would to have a deficit.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: People speaking on this issue on both sides today were, in most cases, on the same situation back when we argued about the uniform property tax last fall. Those people who had some action in initiating the petition, today are arguing that \$173 million is too high a figure. Well, I would suggest that the way that bill is written, the initiated bill, it talked about the state and 50 percent of the cost of total education. We could be talking about \$190 million here if we went by the letter of that initiated bill, not \$173 million, but those same people that initiated that bill talking about half of the cost of education are now getting up and saying we shouldn't be using \$4 million or \$5 million for local leeway, for leeway to be used

by those people who want to participate with the state to raise more money for kids. That just doesn't seem like a logical argument to me. Those same people that were behind repeal of the uniform property tax are saying we shouldn't provide money now for local leeway. Those are the same people that were talking about local control. I would suggest that \$173 million isn't too high and that we could be talking about \$190 million or \$193 million if you wanted to stick to the exact language of that initiated bill.

I would hope we would support the \$173. There is nothing wrong with the lapsed balance. People seem to be saying if we have a lapse balance, that is bad. There is nothing noble about that \$168 million figure. If we have \$173 million, we will have enough, and to me that is better than not having enough.

Mr. Lynch of Livermore Falls was granted permission to speak a fourth time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would simply like to reinforce what I said earlier. This is the last year in which the estimating process will be used. After this school funding, next year we will be operating on two-year old costs, we will be operating on known costs, no estimating.

Now, in regard to the bill itself, you have to have a school funding law. I think this is the best approach that can be arrived at at this time. I would hope that you would pass it.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: I have been sitting here wondering whether or not I should get up and speak on this issue and finally decided that perhaps I should. I take Mr. Lynch's good faith commitment to help the SAD's, and I have an SAD that is deeply in problems with this legislation. I have an SAD that has seven towns in it and is being asked to raise \$1.3 million and the state will reimburse them only \$241,000. They will have to raise out of the seven small towns in Southern Oxford County \$1.1 million. It just seems to me that once again we have not answered the problems of what to do about the small towns, small rural areas, what to do about helping them with their school funding problems.

We talk about 50 percent state participation, 50 percent in funding education, and I don't see any 50 percent for my small town. Fifty percent doesn't show up down in Southern Oxford County, one of the poorest sections of Oxford County, primarily because some of those towns have lake property that is owned by out of staters and it affects the state valuation. Once again I am afraid we are in the problem of valuation, state valuation affecting the taxes of my people.

I look at a town like Stow, which doesn't have a lake, had one piece of property turned over last year, and we pay — it worked out almost perfectly — we pay 100 percent the cost of educating our kids. We are talking about people that don't have a lot of money in Stow. The average income is probably \$5,000 and they have to travel 25 miles one way just to earn that \$5,000. We are talking about 50 percent of the town of Stow being fixed income. The reason that our valuation continues to go up is not because they have a good idea about what the real estate value is in the town, it is because since we don't have a high turn over of real estate, they use a like town to come up with our valuation. So, I don't see where 50 percent of funding in helping the kids in the state is being directed in my towns at all.

In addition to that, school funding is always a confusing issue, but it never ceases to amaze me how much more confusing it gets and how, when you think you might understand a little bit of it, the sand sort of slips through your fingers.

Yesterday, I came up with a whole new set of figures for my SAD. I had been operating on

the principle that we were going to operate on the 10 mills and had been given figures by the Department of Education, as all of you have been, and yesterday, all of a sudden, somebody put the bright idea that there were different figures for those SAD's, totally different figures, and these are the figures that are going to be used in basing the constitutional question of whether or not alternate method "B" is constitutional, because some towns in the SAD's pay as high as 17 mills to raise their basic allocation.

The town of Sullivan, I think, Mr. Conners' town, has to raise 17 mills to fund their school funding, so that a whole new set of figures have now entered the ball game, which I have right here, for those SAD's. It affects my SAD's, but, it doesn't provide any tax equity for my SAD, all it does is shift the burden from one poor town to another.

I guess I wouldn't mind so much if we were asked to pay 100 percent of our costs, which we are in Stow, almost equally, I wouldn't mind that so much, but we have towns that are not only asked to pay 100 percent of the cost of educating their kids, but they are also asked to pay in as much as \$110,000 for the cost of educating other kids and those townspeople can't afford it any better than the people in the neighboring town can afford it.

I have seen school budgets go in the town of Lovell in 1968 when they joined the SAD from \$73,000 for educating 158 students, until 1977, nine years later, when they had 157 students they paid \$354,000. In nine years' time, they went up \$280,000 to educate one less student. I just don't think people out there can afford it. That is why I am going to vote against this.

I respect all the hard work the committee has put in. I believe that there has been as honest an effort to try to come up with a solution as possible, but I am afraid I can't vote for it until we have some tax equity for Lovell, Stow, Denmark, Stoneham, and Sweden, and many of the other towns in the state.

I just ask you to consider that and think about that when you vote for it, because we are going to have to handle this question sooner or later this year. I certainly hope you will give us a hand when we have a chance to do that.

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 roll call, a roll call was ordered.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Coming from an area in southern York County, which is the fastest growing area in the State of Maine, it almost seems as though we importing them or furnishing them transportation to get across the line. They are moving in on us every day. We have a very rapid, escalating growth in students. We built a middle school and before the motor was dry, it was already filled up with students. We have to have another building, we are building all the time in order to keep up with our rapid growth of students and we do need these extra funds in these budgets. We need this extra money.

I urge you all to support this budget today, because in 1965, we changed the Sinclair Act to 50 percent enrollment, 50 percent valuation. It the first change in Ropes and Gray, which is a bonding house, and the Attorney General at that time ruled that this type of funding was constitutional. They sold bonds on this type of funding. Therefore, throughout the state many more districts were formed. This was the only way you could get a rich community to work with a poor community. This was the only way

that a poor community could get into a school district to improve the education of their children. Therefore, we came up with a formula - 50 enrollment, 50 percent valuation. The bonds were sold on the basis of this, and to now declare this law unconstitutional, is to declare an act of fraud—pure and simple. The bonding houses, in good faith, sold the bonds, funded our districts and we built our schools, going into this with our eyes open and being told that this was a constitutional law, that it would stand up in the sale of bonds.

Now, 12 years later, the question comes up again that this is an unconstitutional act. For about 12 years we have had bonds, been bonding and built our schools, the bonding house reviewed all the formulas, said this was perfectly all right and sold bonds.

I feel that the Education Committee has worked hard, they have tried their best, and I can assure you, you can never satisfy all the people all of the time, so there is no sense in trying. I also can assure you that we need this extra funding in this budget in the fastest growing area in the State of Maine and I would urge you all to support the educational funding act this year.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Gould.

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Speaking of SAD's, it will be a sad day for a great many towns if this bill isn't passed today. I urge you to vote yes.

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 being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. KERRY: Mr. Speaker and Members of the House: I would like to pair my vote with Mr. Kelleher. If he were here, he would be voting no, and I would be voting yes.

ROLL CALL

YEA — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Birt, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carrier, Carroll, Carter, D.; Clark, Cote, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Dudley, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Green, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McBrearty, McHenry, McKean, McMahon, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Paul, Pearson, Peltier, Peterson, Prescott, Quinn, Rideout, Rollins, Shute, Smith, Spencer, Sprowl, Stubbs, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Truman, Violette, Wood, Wyman, The Speaker.

NAY — Aloupis, Berube, Biron, Blodgett, Bunker, Carter, F.; Chonko, Churchill, Conners, Cunningham, Davies, Devoe, Durgin, Goodwin, K.; Gray, Greenlaw, Hutchings, Kane, Lizotte, Mackel, McPherson, Nelson, N.; Norris, Palmer, Perkins, Post, Raymond, Sewall, Silsby, Stover, Strout, Tarbell, Tarr, Twitchell, Valentine, Whittemore, Wilfong.

ABSENT — Carey, Connolly, Elias, Locke, Mills, Moody, Peakes, Plourde, Talbot, Tynedale.

PAIRED — Kelleher, Kerry.
Yes, 102; No, 37; Absent, 10; Paired, 2.

The SPEAKER: One hundred and two having voted in the affirmative and thirty-seven in the negative, with ten being absent and two paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate. By unanimous consent ordered sent forthwith to the Senate.