

# MAINE STATE LEGISLATURE

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**Legislative Record**

OF THE

**One Hundred and Seventh Legislature**

(First Special Session)

OF THE

STATE OF MAINE

**1976**

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Including Certain Political Advertising Material along with Customer Bills" (H. P. 1809) (L. D. 1968) on which Report "A" of the Committee on Public Utilities Read and Accepted and the New Draft (H. P. 2249) (L. D. 2323) was Passed to be Engrossed in the House on March 26, 1976.

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

In the House:

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

Mr. KELLEHER: Mr. Speaker, I move the House Insist.

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

Mr. PALMER: Mr. Speaker, I move that the House recede and concur.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I think this House is quite familiar with this bill, "An Act to Prohibit Public Utilities from Including Certain Political Advertising Materials along with the Customer Bills."

This bill was debated quite extensively in this House the other day and it prohibits the utilities from inserting in the customers' bills anything pertaining to political parties, political candidates or referendum questions, both at the state and the national level. However, it does not prohibit the utilities to use the stockholders' money or, in fact, to use their own money as individuals to send out a mailing on any issue whatsoever. One thing this bill does not prohibit any utility from doing, that is allowing them to put into their inserts, as far as customers' bills are concerned, information pertaining to safety measures, as far as utilities are concerned or, in fact, cost-saving measures.

I would urge this House to stand by its actions of before and reject the motion of the gentleman from Nobleboro, Mr. Palmer, to recede and concur and then maybe we can insist.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the writing is on the wall here in the House but I did not have the opportunity the other day to say a word or two about this bill and I, personally, believe that it is a bad bill. I believe that it is a discriminatory bill and I want to make those statements before we finally vote.

I don't mind if a utility or any other business is denied the right to promote the candidacy of any candidate for public office or making political contributions to people for public office, but there are two passages in here which I think are totally wrong and I think they are discriminatory and I am sure that if the shoe were on the other foot, we would never allow passage of any measure like this.

The first one is to promote the passage or defeat of a measure appearing on a ballot at any election whether local or statewide or national, it also denies them the right to put a flier in any bill to promote, modify or defeat any change in local, state or federal legislation rules or regulations.

I say, regardless of what the situation may be now, that this kind of legislation is discriminatory and it is wrong. To say to a utility that you cannot send a message with a bill, for example, obviously, the two things are aimed at public power and nuclear power, that basically is all that it says, that Central Maine Power or anybody else can't put a little thing in against public power and against nuclear power, I think it is a perfect right that the utilities should have. It isn't costing the taxpayer or the ratepayer one dime and I believe that it is like tying their hands behind a telephone pole and

saying, go ahead, sock it to them baby, all you want to, they can't talk back.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Quite contrary to the remarks made by my good friend from Nobleboro, Mr. Palmer, this legislature, or the committee that passed out this bill, is not tying anyone's hands behind any telephone pole or handcuffing anyone's hands to their automobile wheel.

This legislation simply states that if a utility wants to be persuasive on an issue that is before the people in Maine and it is an interest to themselves, then they should do it on a very separate issue. They shouldn't be using their billing formula. I as a ratepayer, for example, or a consumer to their particular product, shouldn't have to open up their bills and see in there some persuasive pieces of information documenting what their stand is on an issue. No way, and quite contrary to the remarks made by Mr. Palmer, does this bill prohibit them for doing exactly what he wants them to do, but they do it with their money and not your's or your consumer's money.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Nobleboro, Mr. Palmer, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 58 in the negative, the motion did not prevail.

Thereupon, the House voted to insist.

#### Non-Concurrent Matter

Bill "An Act Concerning the Geologist and Soil Scientist Certification Act" (H. P. 1993) (L. D. 2182) on which the "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Geologists and Soil Scientists Certification Act" (H. P. 2240) (L. D. 2322) Report of the Committee on Business Legislation was Read and Accepted and the New Draft Passed to be Engrossed as Amended by House Amendment "A" (H-1100) in the House on March 25, 1976.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

In the House:

On motion of Mrs. Clark of Freeport, the House voted to insist and asked for a Committee of Conference.

#### Non-Concurrent Matter

Bill "An Act Relating to Costs in Contested Cases and Depositions in Probate Court" (S. P. 709) (L. D. 2236) which was Indefinitely Postponed in the House on March 24, 1976.

Came from the Senate with that Body having Insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (S-454) and asked for a Committee of Conference.

Thereupon, on motion of Mr. McMahon of Kennebunk, the House voted to insist and asked to join in a Committee of Conference.

#### Non-Concurrent Matter

##### Tabled and Assigned

Bill "An Act to Revise and Clarify the Freedom of Access Law" (H. P. 2226) (L. D. 2316) which was Passed to be Engrossed as Amended by House Amendments "A" (H-1034), "B" (H-1044), and "E" (H-1110) in the House on March 26, 1976.

Came from the Senate Passed to be Engrossed as amended by House Amendments "B" and "E" in non-concurrence.

The SPEAKER: The Chair recognizes the gentleman from Solon, Mr. Faucher.

Mr. FAUCHER: Mr. Speaker, we have a correction to be made on this bill. I am having an

amendment drafted and I wish somebody would table this bill for one day, please.

On motion of Mr. Rolde of York, tabled pending further consideration and tomorrow assigned.

#### Passed to Be Engrossed

Bill "An Act to Clarify and Strengthen the Statute Governing Current Use Taxation of Farmland" (H. P. 2258) (L. D. 2330)

Was reported by the Committee on Bills in the Second Reading and read a second time.

Mr. Morton of Farmington offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1129) was read by the Clerk and adopted.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. Exactly what does House Amendment "A" do?

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It was the clear intention of the Taxation Committee that a maximum of \$2,000 be all that was required to qualify as farmland. There seemed to be some question in the original wording and that is what this does. It changes the wording to make very sure that the Committee on Taxations intent that the total gross income required to qualify for classification as farmland shall not exceed \$2,000.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: This is out of my field, but I move the indefinite postponement of this bill and all its accompanying papers.

A few years ago, the courts ruled that land must be taxed at its highest and best use, so four years ago, the legislature passed a constitutional amendment, which was approved by the people, which allows local assessors to decide how land should be evaluated, whether it should be assessed at its highest and best or its current use or what. So, presently, the law is that the local assessors, at the local level, can decide how land should be assessed.

As I read this L. D., this is by which we are taking from the local people the power to assess.

Since I have been in the legislature, the local people have abdicated their control over welfare. Remember the big fight we had probably three or four terms ago when all welfare costs were given up by the localities. Recently, our local people are losing part of their control over education costs and now, as I see it, they are giving up a power to assess for tax purposes their local land.

I call to your attention Page 3 of L. D. 2330, which says, "The Commissioner of Agriculture, in consultation with the Director of the Cooperative Extension Service and the Maine Agricultural Experiment Station, shall determine and average one hundred percent productivity value for good crop land, orchard land, etc." Then I call your attention further on Page 3, on the bottom of Page 3, it tells about how the Commissioner of Agriculture shall determine the ratios of productivity and then it says that he may change these ratios after a hearing.

I think this bill is a step that takes away from local assessors the power to assess the value of the land at the local level. Maybe that is where we are headed, losing control of welfare, partial control of education. Right now, perhaps, the Commissioner of Agriculture is a good man and will be very fair, but you cannot tell what the

state bureaucrats are going to do eventually.

You are concerned here with the Commissioner of Agriculture, the State Tax Assessor and the Director of the Cooperative Extension Service and the Maine Agricultural Experiment Station, and I submit that this is not in the best interests of the people of Maine. You are taking from the local people and mandating something into the hands of state bureaucrats.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would strongly urge you to vote against the motion of indefinite postponement of this bill. Mr. Hewes of Cape Elizabeth is correct, four years ago the Maine Legislature passed a constitutional amendment which was subsequently adopted by the people of this state saying that forest land, farmland, and open space land could be taxed on the basis of its current use rather than its potential for development or its highest and best use.

In the following legislature, this body passed a law called the "Tree Growth Law", which provided that forest land would be taxed on its productivity value and it established a whole system for tree growth taxation, which is currently in effect, providing that an owner of forest land may apply for classification of tree growth if he has less than 500 acres or is covered by tree growth if he has more than 500 acres, and his tax will be based on the ability of that land to grow forest products.

At the same time, the legislature passed a bill to establish current use taxation for farmland. The bill that was passed to establish a method of current use taxation for farmland was poorly drafted, there were a lot of technical problems with it and it simply hasn't worked. The result has been that in this state we now say to someone who has trees on his land that we will tax the woodland on the basis of its value for growing forest products, but for farmers, in many parts of the state we are taxing them not on the ability of their land to grow crops, not on the ability of their land to produce an income for agricultural purposes, but on its value of highest and best use. In other words, we are telling the farmer that he has to pay taxes on the value of his land for house lots, even though he is trying to use the land productively and to practice agriculture on the land.

All this bill does, it says that we are going to treat the farmer, who is producing food for the people of this state, on the same basis that we are treating the forest landowner. It clears up a large range of technical problems in the farm and open space law. It still leaves a great deal of control on the local assessors. It is the local assessor that makes the determination as to whether the land in question is farmland within the purposes of this act. It does provide for the establishment of productivity values for farmland that are established on a county-wide basis, and if you are going to go to a system of current use assessments with a penalty provision when the use is changed, you have got to establish values which enable the person who is putting his land in under this system to do the planning that is necessary to determine whether or not it will be worth it to him to include his land in this category.

This bill has been worked on very carefully. It has a unanimous report from the Taxation Committee. It implements some of the recommendations of the Governor's Tax Committee in part by increasing the minimum amount that is necessary to qualify for farmland taxation and it is a bill which I think is badly needed by the agricultural interests in this state. They cannot continue to farm the land if they have to pay taxes on its development value or its value for house lots, and this bill is designed simply to implement the intent of the people of this state as expressed in the constitutional amendment

which they passed in 1971. We do it for forest land; there is no reason on earth, that I can see, why we shouldn't afford the farmers, who also are using the land productively, equal treatment.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I suppose that I worked on this bill for the last four years as hard as any bill I have ever worked on in the House, and for a wonder, I believe I got my own way. They shifted it just about the way I wanted it to cover Aroostook County, which probably will never be affected by it, but to cover the people down here. We have gone so far as the first \$1,000 for ten acres of land to allow them to raise a garden to support their own family. They can even raise beef for their own use and figure it at the regular market price to get this \$1,000. We bent over backwards to make this. To hear someone today stand up and say we don't need this bill, we sure as the world do need it. We need it in the worst way, to stop them from coming in and saying we are going to figure this for what house lots will bring in.

Mr. Spencer has done a wonderful job of explaining it. Our committee brought this out unanimous and well understood it and I think we all worked for it. I hope you will vote against the indefinite postponement of this bill.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question to the gentleman from Standish or any member of the Taxation Committee and the question is this. If I understand the bill correctly, if you are farming a number of acres of land or even an acre of land, you could be taxed for the potential house lots on that land instead of the farming use. Where are they doing it now? Where, in fact, are the assessors, where farmers are tilling the land, now assessing for the potential use of house lots?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: There are several areas in the state where this has become a problem. It has become a problem in the outlying areas around the major cities, it is a problem on the outskirts of Portland, it is a problem in my district. It is also a problem in some of the coastal areas where the value of the land for seasonal homes far exceeds its agricultural value.

But the reason I put in this bill this session was not because I think this is currently the most pressing problem facing the state, but when we go to a system of uniform assessing standards where the communities are required to assess at actual market value, then we are creating a situation where the state is ordering the local assessors to assess this farmland on its development value, and this is the problem that I was concerned with and that I thought we ought to address now, so that two years from now, when this uniform assessing standard thing goes into effect, we don't find that we have suddenly mandated that all the farmers have to get off their land because they have to be taxed at highest and best use.

I think what we see now in some of the areas where this is a problem is simply the first indication of what we are going to face if we don't set this thing in place. We have postponed the effective date of this bill until the 1978 tax year in order to give the Department of Taxation and the Commissioner of Agriculture and the Extension Service the time to do the studies that are going to be necessary to establish these productivity values. There is quite a lot of lead time in passing a bill like this that will allow them to tax farmland on its current use value, and if we don't do it now, we are going to face a

very, very serious problem two years from now when we find that a law that we passed in the preceding legislature has a devastating impact on the farmers of this state and it is too late to do anything about it.

I would urge you to oppose the motion of indefinite postponement and to vote in support of this bill.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you to oppose the indefinite postponement of this bill. I believe that a lot of work has gone into it and I, just very briefly, would like to say that I think there is a tremendous problem — the question brought up by the gentleman from Bangor — there is a tremendous problem around the urban areas of Maine and certainly I know well the tremendous problem along coastal Maine.

I think if you think about this thing and think very carefully, you will realize that if you want to keep Maine a little bit like it is now, you will vote for this bill.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mr. Hewes.

Mr. HEWES: Mr. Speaker, Ladies and Gentlemen of the House: I submit that the local assessors now have the authority to evaluate the property or assess the property at its current value, its farm value. It is done that way in Cape Elizabeth and I submit that it can be done that way in Standish or Gorham or what have you.

In respect to the gentleman from Bridgewater, Mr. Finemore, you may want the state aid right out. Perhaps there are some assessors in Aroostook that are not being fair in their assessment, but it well could be that you will get some people here in Augusta that are not assessing it the way you want it and you will rue the day that local folks gave up their authority to assess a property the way they want to.

In response to the gentleman from Standish, Mr. Spencer, he mentioned that this bill clears up certain questions. I agree that it clears it up. It sets it right smack into a certain form the way the state people will want it, which may or may not be the way the local folks will want it. I hope that you will vote to indefinitely postpone.

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

Mr. MORTON: Mr. Speaker, I would like to reply to the gentleman from Cape Elizabeth, Mr. Hewes, and possibly answer the question that the gentleman from Bangor, Mr. Kelleher, asked in a little more detail. The answer to Mr. Kelleher's question is that it is all over the state where this particular valuation of farmland is being made.

Tax assessors have told me that they are unable to assess farm at its current use value for farming because they have no standards, no bench marks to work from. This bill does begin to provide the standards and the bench marks. So, that is one of the big reasons why it is a good bill.

In other words, the farm and open space law is not working. Now, it may be working in Cape Elizabeth, I am not saying that it isn't. I don't know what that tax assessor does down there, but this bill can only help him. This bill can only improve his possibility of making a correct assessment on that. The assessors are unable at the present time to make this assessment.

We heard testimony in the committee that indicated that only one place in the unorganized territory was being properly handled, and that was because the state was running it, and that was down in Edmunds and we had an excellent testimony from the good gentleman who testified down there who runs a pretty big farm.

The point is, this is trying to move farmland into the same sort of a taxing position that you have for tree growth. Tree growth does tax land on the basis of its productivity and that is what this does for farmland. I hope you heard what the gentleman from Nobleboro said. If you want to retain a little bit of open spaces, a green belt, if you want to keep some land in Maine that isn't all going to be paved over, this is a good bill to go for.

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

Mr. LYNCH: Mr. Speaker, I pose a question to the committee. If these standards are to be set countrywide, is there any provision for variations within the county because there are differences in productivity in various pieces of farmland?

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

Mr. SPENCER: Mr. Speaker, in response to the question, there is a provision that the value should be established on a countywide basis and then there is an adjustment depending on the quality of farmland, so if it is poor land, the assessments can be lowered, if it is better quality land, it is higher than the representative value. There is a provision that if there is a finding that the range in a particular county is greater than the range that is established in the bill, then the difference between the assessments on poor quality land and good quality land can be adjusted to reflect that situation.

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

Mrs. NAJARIAN: Mr. Speaker, I have a question for any member of the Taxation Committee. In the Governor's Tax Policy Committee, they recommended that farmland and open space and tree growth classifications be repealed and they also went on to say that the public control of land use could be better handled by zoning laws than by statutory tax laws and the tax policy should not be a means towards social policy and they recommended that something like recapture penalties to deal with this and I am just wondering if the committee considered these recommendations when they voted on this bill and why they rejected recommendations offered by the tax policy committee?

The SPEAKER: The gentlewoman from Portland, Mrs. Najarian, has posed a question through the Chair to anyone who may care to answer.

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

Mr. MORTON: Mr. Speaker, having been on the Tax Policy Committee and on the Taxation Committee, I think that I can answer the gentlewoman's questions. The answer is, yes, we did in the Taxation Committee discuss this and considered the recommendations of the Tax Policy Committee.

I would remind the gentlewoman, however, that the recommendations of the Tax Policy Committee concerned the repeal of this law after the adoption of many other rather major changes in tax policy, and this particular change right now would take care of the situation as it exists right now and implement the farm and open space law as it is presently on the books.

I don't, in my best judgment, expect to find the opportunity for actually removing this type of legislation from the books, probably coming before six, eight or ten years.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I notice that the gentleman from Bangor, Me. Kelleher, was out of his seat when Mr. Morton answered his ques-

tion and if he was out of hearing of the speakers, he may not have been able to hear what Mr. Kelleher indicates that he did hear.

In any event, I would point out a particular case in Waterville that would answer his question and would also touch on Mrs. Najarian's idea of handling the taxation issue by the zoning laws. We have a fellow named Bernard Trafton who owns an 80 acre farm, and this farm is located adjacent to the Wyandotte Woolen Mill that we have in Waterville. The zoning board and the planning board have worked together and they have zoned the Wyandotte property industrial, it is an industrial park. They could see the potential growth out there, so they also zoned Mr. Trafton's farm in the industrial zone. He is now paying taxes for his farmland on an industrial zoned piece of property. He is further confined in that he wants to give 12 acres of his land to his son to build a house on. Now, DEP couldn't complain about the size of the lot, there was ample drainage for septic tanks and everything and the zoning laws do not permit the son to build a house in an industrial zone, so you can see that this gentleman is quite hampered by the fact that the zoning laws restrict him from expanding on his property and that he is, in fact, taxed as being an industrial piece of property.

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

Mr. LEONARD: Mr. Speaker, I have a question. Under the tree growth tax, the state reimburses the municipalities, and pardon me for my ignorance, but I don't think I see it in this bill. Plus, the state reimburses the municipalities for any taxes lost on the local level because of that law. If there is such a feature in this bill, has anybody put an estimate on the cost in 1978 or 1979 or whenever it becomes effective? Then, on Part 9 of the Statement of Fact, the recapture penalties, who do those go to, pertaining to these last questions?

The SPEAKER: The gentleman from Woolwich, Mr. Leonard, has posed a question to any member who may care to answer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: As the bill that came out of committee, and as it was originally drafted, there are not any provisions for reimbursements based on the farmland classification, and my thinking in preparing the bill was that I didn't anticipate that in very many areas this would amount to a substantial enough difference that it would be necessary. It is something that if in a few communities at some point it did appear that they were losing a great deal of revenue, something that the legislature might want to consider, my own feeling about it is that the recovery provision would take care of this problem. The way that works, if the land is included under this classification for a period of years, then when the land use is changed and the land is developed, the landowner pays a tax based on the development value of the land which he hasn't been taxed on. The way it is provided for in this bill, it would be the same as tree growth, the penalty would be a percentage of the value on which no taxes have been paid. For the first five years, it would be 10 percent of that value, if you had it in for five to ten years, it would be 20 percent of that value, and if you had it in for more than 10 years, it would be 30 percent of that value. So that would, I think, make up to a large extent for the loss of any taxes that might result. That penalty would go to the municipalities and the municipalities have the power under the bill to put a lien on the property when the use changes in order to enforce that penalty.

Mr. Finemore of Bridgewater requested a roll call.

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 will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Cape Elizabeth, Mr. Hewes, that L. D. 2330 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Call, Connors, Dyer, Hewes, Kaufman, Lewis, Morin.

NAY — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Farley, Farnham, Faucher, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Hinds, Hobbs, Hughes, Hunter, Hutchings, Immonen, Ingegneri, Jackson, Jensen, Joyce, Kany, Kelleher, Kelley, Kennedy, LaPointe, Laverty, LeBlanc, Leonard, Lizotte, Lovell, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; McBrairy, McKernan, McMahon, Mills, Miskavage, Mitchell, Morton, Mulkern, Nadeau, Najarian, Palmer, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Usher, Wagner, Walker, Webber, Wilfong, Winship.

ABSENT — Bowie, Cote, Curran, R.; Gauthier, Hall, Higgins, Jacques, Jalbert, Laffin, Lewin, Littlefield, Lunt, Norris, Pearson, Rollins, Smith, Tyndale.

Yes, 7; No, 125; Absent, 18.

The SPEAKER: Seven having voted in the affirmative and one-hundred and twenty-five having voted in the negative with eighteen being absent, the motion did not prevail.

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

Bill "An Act to Clarify the Labor and Industry Statutes" (H. P. 2259) (L. D. 2332)

Were reported by the Committee on Bills in the Second Reading, the Report was accepted and read a second time.

Mr. Tierney of Durham offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1136) was read by the Clerk and adopted.

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

#### Amended Bill Tabled and Assigned

Bill "An Act Relating to the Effective Dates for School Lunch Programs and Occupational Safety and Health in Public Employment" (H. P. 2207) (L. D. 2307) (C. "A" H-1106)

Was reported by the Committee on Bills in the Second Reading and read the second time.

On motion of Mrs. Najarian of Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.

#### Passed to Be Enacted Emergency Measure

An Act to Reorganize or Repeal Certain Ac-