

# 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**

**KENNEBEC JOURNAL**

**AUGUSTA, MAINE**

The SPEAKER: The gentleman from Yarmouth, Mr. Jackson, wishes to pair with the gentleman from Dexter, Mr. Peakes. If the gentleman from Dexter, Mr. Peakes, were present, he would be voting yea and if the gentleman from Yarmouth, Mr. Jackson, were voting, he would be voting nay.

The SPEAKER: The pending question is on the motion of the gentlewoman from Bath, Mrs. Goodwin, that the House recede from its action whereby the Bill failed of final enactment. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bagley, Bennett, Berry, P. P.; Blodgett, Boudreau, Burns, Bustin, Call, Carroll, Carter, Chonko, Churchill, Clark, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Dow, Drigotas, Faucher, Fenlason, Fraser, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Hennessey, Hobbins, Hughes, Ingegneri, Jalbert, Jensen, Joyce, Kany, Kelleher, Laffin, LaPointe, Lavery, LeBlanc, Lewin, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, Mills, Mitchell, Morin, Nadeau, Najarian, Norris, Pearson, Pelosi, Perkins, T.; Peterson, T.; Post, Powell, Rolde, Saunders, Smith, Strout, Talbot, Theriault, Tierney, Tozier, Tyndale, Usher, Walker, Wilfong, Winship, The Speaker.

NAY — Ault, Bachrach, Berry, G. W.; Berube, Bert, Byers, Carey, Carpenter, Connors, Cooney, Curtis, Doak, Durgin, Dyer, Farnham, Finemore, Gauthier, Gray, Henderson, Hewes, Higgins, Hinds, Hunter, Hutchings, Immonen, Kelley, Kennedy, Lewis, Littlefield, Lunt, Mackel, McBreairey, McKernan, McMahon, Morton, Perkins, S.; Peterson, P.; Pierce, Quinn, Raymond, Rideout, Rollins, Shute, Snowe, Spencer, Sprowl, Susi, Tarr, Teague, Twitchell, Wagner.

ABSENT — Bowie, Connolly, Dudley, Farley, Garsoe, Jackson, Jacques, Kauffman, Leonard, Lizotte, Lovell, MacLeod, Martin, R.; Miskavage, Mulkern, Palmer, Peakes, Silverman, Snow, Stubbs, Torrey, Truman, Webber.

Yes, 77; No, 51; Absent, 21; Paired, 2.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty-one in the negative, with twenty-one being absent and two having paired, the motion does prevail.

On further motion of Mrs. Goodwin of Bath, the House receded from its action whereby the Bill was passed to be engrossed.

The same gentlewoman offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-1241) was read by the Clerk.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if I could have this explained to me, please?

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, poses a question through the Chair to the gentlewoman from Bath, Mrs. Goodwin, who may answer if she so desires.

The Chair recognizes that gentlewoman.

Mrs. GOODWIN: Mr. Speaker, Men and Women of the House: I believe that the gentleman from Westbrook is annoyed because I would not go out to lunch with him this noon. If he would like to have an explanation of the amendment, I would be glad to go out to lunch with him tomorrow.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Wagner.

Mr. WAGNER: Mr. Speaker, Ladies and Gentlemen of the House: I just rise to clarify a couple of things for the benefit of the gentlelady from Bath, Mrs. Goodwin.

First, in reference in eating your spinach or throwing yourself out of the window, it is an old Italian saying which the gentleman from Bangor could render for you, suggesting that the alternatives we have, neither of them are very pleasant.

Secondly, I am interested that she says the president of the Orono Senior Citizens Association was dining with herself and the Senate Chairman of the State Government this noon, because this gentleman is a constituent of mine and I would expect if he were this concerned about these appointments being confirmed, that he would have corresponded with his Representative, which he nor no other member of the Orono Senior Citizens has done to date. I can't speak for the other Representative from Orono, but I have heard nothing from him and I would assume that his concern is not that great or he would have contacted me, so I shall vote against this amendment.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Only to clarify a point for the gentleman from Orono, Mr. Wagner. Mr. Scammon was in the hall just before the session recessed for lunch. I have known him for several years and he did approach me and he did go through this amendment thoroughly and indicated that he was very anxious that it pass. He did say, and I believe if I quote the gentlewoman correctly, he did say that he was going to lunch with the chairman of the committee from the other body, he did not go with the gentlelady from Bath, Mrs. Goodwin. He went with the gentleman from Orono, Mr. Curtis.

Thereupon, House Amendment "G" was adopted.

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

By unanimous consent, was ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

#### Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Clarify the Fish and Game Laws" (H. P. 1933) (L. D. 2121) ask leave to report: that the House recede from Passage to be Engrossed as Amended by Committee Amendment "B" (H-1050) as Amended by House Amendments "A" (H-1068), "B" (H-1163), "C" (H-1164), "D" (H-1172), and "E" (H-1175), thereto; recede from Adoption of Committee Amendment "B" as Amended by House Amendments "A", "B", "C", "D", and "E", thereto; recede from Adoption of Senate Amendments "A" (S-536) and "C" (S-513) and Indefinitely Postpone Senate Amendments "A" and "C" Adopt Conference Committee Amendment "A" (H-1269) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A", that the Senate recede from Indefinite Postponement; Adopt Conference Committee Amendment "A" (H-1269) and Pass the Bill to be Engrossed as Amended by Conference Committee Amendment "A" in concurrence.

(Signed)

Messrs. USHER of Westbrook  
STROUT of Corinth

Mr. JACKSON of Cumberland  
Mrs. CUMMINGS of Penobscot  
Mr. GRAHAM of Cumberland

- of the House.  
- of the Senate.  
The Report was read and accepted.

The House receded from passage to be engrossed as amended by Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D", and "E", thereto; receded from the adoption of Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D", and "E", thereto; indefinitely postponed Committee Amendment "B" as amended by House Amendments "A", "B", "C", "D", and "E", thereto; receded from the adoption of Senate Amendments "A" and "C" and indefinitely postponed same.

Conference Committee Amendment "A" (H-1269) was read by the Clerk and adopted, and the Bill was passed to be engrossed as amended by Conference Committee Amendment "A" in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Clarifying the Use of the Mental Health Improvement Fund" (H. P. 2068) (L. D. 2238) which was tabled earlier in the day and later today assigned, pending reconsideration.

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

The Chair laid before the House the following matter: Joint Order — H.P. 2323 relative to the State Personnel System, which was tabled earlier in the day and later today assigned, pending passage.

On motion of Mr. Hennessey of West Bath, retabled pending passage and tomorrow assigned.

The Chair laid before the House the following matter: "An Act Relating to the Suppression of the Spruce Budworm Epidemic" (H. P. 2310) (L. D. 2348) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mr. Smith of Dover-Foxcroft, tabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Providing for Administrative Corrections in Tax Laws" (H. P. 2312) (L. D. 2349) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

On motion of Mrs. Post of Owl's Head, under suspension of the rules, the House reconsidered its action whereby this Bill was passed to be engrossed.

The same gentlewoman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1268) was read by the Clerk.

The Chair recognizes the same gentlewoman. Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago, the issue came to my attention that municipal officials were being told by the Bureau of Taxation that if they in fact were part of a municipal assessing unit, which is a change that we made last year in response to the difficulty of all communities being told that they were going to have to go into an assessing district, that if they were municipal units, they could no longer make abatements for reasons of infirmity or poverty, even though this right was given to communities which were part of the primary assessing area or primary assessing district.

I contacted the Bureau of Property Taxation and I was told that, yes, that was true and it was the understanding that that was an incon-

sistency, that when we had put in the area of municipal assessing units in the regular session, we had neglected to deal with the area of abatement specifically for that and this particular amendment hopes to take care of that particular situation.

**THE SPEAKER:** The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

**MR. SUSI:** Mr. Speaker, Ladies and Gentlemen of the House. I would like to read the section that has the meat of this amendment and it says that assessors may on their own knowledge, or on written application therefor, make such abatements as they believe reasonable in the real or personal taxes on all persons who by reason of infirmity or poverty are, in the judgment of the assessors, unable to contribute to public charges.

Back, I can't remember when, it wasn't that long ago, I think within a couple of sessions, I put a bill in which in effect took the assessors out of the welfare business and this amendment puts them right back into it again. When you reinstate this authority to assessors to make judgments on the capabilities of people to pay their taxes, you are, in effect, putting them in a situation where they are judging whether or not these people shall get welfare relief.

We did allow for this provision under the legislation that I sponsored and this authority is in the hands of the assessors now, that if someone comes in and asks for an abatement, the assessors can grant the abatement subject to review a year and a half later, so that in the meantime should the situation of the taxpayer change so that he is able to pay, which many times is so, then the municipality collects these taxes and often times it is elderly people and they will have passed away and this becomes a lien on the property so that the municipalities come in ahead of the other beneficiaries and is able to collect their taxes then. This is the present situation.

If we enact this, then we will have the same situation as before where the assessors will be having to interview all of these people who feel that they are to some extent poverty stricken and should receive abatements. The assessors, I remember at the hearings, said that they should be concerned with assessment, they should not be in the position of welfare directors, that we have all sorts of welfare programs, and we certainly do, to handle welfare, but their function properly should be assessing, and this legislature agreed and enacted that legislation and now this would put us right back where we were before.

The previous speaker has indicated that there is a discrepancy between the way that municipalities are treated under law and the way a primary assessing area is treated, and that is true. When we drew up the assessment district law, we made a mistake and did not take care of this and it was just a mistake, so there is an error involved and the error should properly be corrected by removing this provision in the primary assessing areas, that is where the true error exists.

There is also this about it, we have no primary assessing areas, so none of them are, in effect, practicing this because we have none. There are no municipalities at this time who have applied to be a primary assessing area and those would be the only ones who would be eligible to use this provision in the law. Where there are none, it just is not happening. So I hope you vote down this amendment because I believe we are in the correct posture in this question now.

**THE SPEAKER:** The Chair recognizes the gentleman from Franklin, Mr. Connors.

**MR. CONNORS:** Mr. Speaker, Ladies and Gentlemen of the House: I support Representative Post's amendment on this. I got a call last night on it and I have called two or three other town assessors and selectmen and they have been told by one of the state assessors that

they cannot follow this practice that they have been doing.

Let's take a widow on Social Security, \$125 or \$130 a month and she is assessed her taxes, there are three assessors, or the selectmen in most small towns, who do the assessing. They know what the circumstances are, they set the value on her place, they make her tax bill out and then they abate a certain percentage of this so that this widow would be able to meet her tax obligation. What is recommended by the state assessors is that they put the valuation on, set the tax, go ahead and put the lien on. In 18 months, the municipality owns that property and then they can allow her to stay there and let this be rent free or a large percentage of what they would consider a fair rent, and a lot of this property they have lived on all of their lives and I think it is a disgrace to our elderly people to put a number of these into that circumstance. I hope you will go along and support this amendment.

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

**MR. FINEMORE:** Mr. Speaker, I would like to ask a question through the Chair to the gentleman from Pittsfield, Mr. Susi. As I understand this law at present, if someone is over-assessed and they are not allowed to put in an application for an abatement, therefore, it leaves the tax collector, if these abatements are not allowed and are unable to collect them on personal property, the tax collector is holding? Those two questions I wish he would answer.

**THE SPEAKER:** The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

**MR. SUSI:** Mr. Speaker, Ladies and Gentlemen of the House: As I recall the legislation that I offered some previous session here, it concerned itself with the question of welfare. When people came in with a claim that they were infirm or poverty stricken, then it was this issue that that legislation faced and not over assessment.

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

**MR. FINEMORE:** Mr. Speaker, Ladies and Gentlemen of the House: I have handled a lot of this in my life time, too many of them, but we always have, in my district and in my town, been very good with the elderly people. And to go along with what the gentleman from Franklin, Mr. Connors, has said, at the end of 18 months, the lien expires and this becomes town property, you must at once take possession of that property. Supposing it is for only one day or two weeks, you must take possession of that property in order to make your lien law take effect, so therefore, what you would be doing, you would be taking possession of that property and suppose you had to make those elderly people move out. You cannot let them hold that, not even for 10 days legally, they must be moved out or there must be a provision whereby this becomes town property. Then you can go back and rent it to them, which I am very much against.

I think it is a shame to take people who have owned property for 40 or 50 years, raised their family there, educated them in your town and paid taxes, then turn around and tell them because they are on Social Security, or through some uncertain circumstances they cannot pay their taxes, they must move off that property.

I hope you will go along with this amendment today, as I have a big heart for the old people not only in my community but all over the state. I have seen it happen. We have always allowed it in our town, we have kept their assessments down, which is strictly against the law, so that they could pay their taxes and there are a few today who are not quite eligible for the tax relief for the elderly and who are caught under this who maybe have a \$4,000 income but through uncertain circumstances they cannot

pay their taxes. I hope you will go along with this amendment.

**THE SPEAKER:** The Chair recognizes the gentleman from Hampden, Mr. Farnham.

**MR. FARNHAM:** Mr. Speaker, Ladies and Gentlemen of the House: I have no objection to this amendment when it applies to communities where the selectmen are the assessors and the overseers of the poor.

Let's take my community where we have a professional assessor. He has nothing to do with the selectmen, he has nothing to do with the poor, and it just seems to me that this is wrong that that man, whose business is solely to put a proper valuation on a piece of property, to be held into the welfare end of it. The selectmen in the town are also the overseers of the poor, they know the conditions. I certainly don't object to the assessor going to the town fathers and saying, I think you should do something about this, but for him to take it into his own hands to do it I think is all wrong.

**THE SPEAKER:** The Chair recognizes the gentleman from South Portland, Mr. Hinds.

**MR. HINDS:** Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the Board of Assessment Review in the City of South Portland and in our community, up until this law was previously passed, the assessor and our board referred these types of applications to our welfare director and he would report back the financial circumstances of the people involved and then we would proceed to vote, if it was on the board's case, on the abatement, or the assessor did if the application was made to him.

The amendment to me seems to be a good one. I do have one question, however. I know that we were notified a few months ago that our Board of Assessment Review could no longer make this type of abatement either, and I am wondering whether or not this is covered somewhere else in the law or would that still be the case, that it would only be the assessor and not the Board of Assessment Review that could make the abatement?

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

**MR. GREENLAW:** Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the gentleman from Pittsfield, Mr. Susi. He stated that assessors in primary assessment districts presently have the authority to abate taxes. My question is, if this were defeated, would he offer an amendment to this bill that would strike out what he considers to be an error and inconsistency in the fact that these assessors should not have the authority to abate the taxes anyway?

**THE SPEAKER:** The gentleman from Stonington, Mr. Greenlaw, has posed a question through the Chair to the gentleman from Pittsfield, Mr. Susi, who may respond if he so desires.

The Chair recognizes that gentleman.

**MR. SUSI:** Mr. Speaker, that is certainly my sentiment, and I would support this action. It is late in the session, and I hope that we will get out soon, and I wouldn't want to delay things on account of it, but that is my sentiment.

I would like to point out that this is a part of the controversy that we were in during the regular session that we have been in for several years. Our property taxes here in Maine were in terrible condition. We were getting assessments that were ranging all the way from 10 percent to 130 percent, and it was just a horror tale and we are beginning to make a little sense out of assessments in property tax around the state. We have some rules in that given a few years, without too much pain on anyone, we will start to have our property tax administration in the State of Maine coming into a much better posture than it has been in the past. It has been a scandal, it has just been horrible and we have

got some good legislation, and this is an attempt to take out a provision of it.

This would be a loophole, it would be an excuse to change from a fair valuation so that you begin to get variations and then you whack away at it some more and pretty soon you are right back where you were before where you are getting all sorts of things called assessments.

I hope that you hold your ground, we are gaining a little and so far I don't think there has been any evidence that anyone is suffering that badly out of the legislation that we have and I hope to give it a chance for a year or two and not entertain these various attempts that will be made to disrupt this effort. I hope you vote down this amendment and no doubt there will be more coming along in years to come, but it is worth the effort to improve our property tax administration in Maine.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I would hope today that we do not vote down the good lady from Owls Head, Mrs. Post's amendment. I think in a small town, whether you want to call these assessors welfare officers or not, I think the assessors in a small town have a pretty good knowledge of the economic conditions of the inhabitants of those towns. This is something that they had enjoyed for many, many, many years and then all of a sudden it was taken out. The only thing that the good lady from Owls Head is asking is that it be put back in.

I can't recall any time that in my town of any knowledge of where this was in the law that it ever worked to the detriment of the municipality. I do think it would help, as Mr. Finemore said, your senior citizens. They don't want to leave their houses. Some of these people could come up with a little money toward paying their taxes but maybe they couldn't come up with the whole amount. But it would make them feel a lot better if they could get an abatement and then have their taxes paid for that value instead of having a lien put on their property.

As far as Mr. Susi saying, well, if something happens to them, they come into money or they die, then the town could always claim the back taxes. I think on the state level we have pretty well taken care of that in our laws relating to state aid. We say that the state can't come back and claim the property, so why should the towns come back and claim the property on these old people if they are going to die?

I think this is a good amendment and I am sure that the bill that Mr. Susi is referring to was the one that we worked on in the regular session of this legislature when this came out. It was a bill that was reported by Maine Municipal Association, and I can see their point in supporting this bill because it was a move to strengthen tax assessing districts and now that we know that the towns don't want this, let's go back to giving the small towns what they want, let's give the assessors the right to make the abatements because they are the ones that know the problems of the people, they are the ones out talking with them, meeting with them, and I would hope today that we would support this with an overwhelming vote.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mr. Susi if I could in his comments that this particular provision hasn't yet caused too much pain. Part of the reason is, perhaps, that it has only been within the last month or so that the town officials have been told that they can no longer give abatements.

I think it has the potential for causing pain and I will tell you the case that I have been familiar with, and it was a woman who called me because she was not able to get enough out

of SSI to live on and I agreed with her that I would check and see whether there were provisions where she might be able to get more money and we found out that she was not and she was eligible for a little food stamps but not very much because she was single, and the one thing that maybe kept her going was that at least the town would be able to give her an abatement on her taxes and the town officials had agreed, yes, they would. She is a very proud woman and I will tell you that it would cause her a great deal of pain if her name has to appear on the town books, having not paid her taxes, and it would give her a great deal of pain if a lien is put on her house.

What we are asking for, essentially, is for those towns who want to be municipal assessing units to have the same kinds of rights and provisions that are presently available to the primary assessing areas. I think the reason why this is an inconsistency is that the grand plan was that everybody was going to be in an assessing area and so that one provision they had for abatements would have been applicable to everyone. It was only during the last regular session that we allowed the municipal assessing units to be set up and when we did that, we did not give them the same kinds of rights under abatement that is given to the primary assessing areas.

I was not aware that that had happened. The municipal officials in my communities were not aware that that had happened. All I am asking for now is that we change that particular provision back to what I think we all intended in the regular session.

The SPEAKER: The Chair recognizes the gentlewoman from Bath, Mrs. Goodwin.

Mrs. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would also hope that you would adopt Mrs. Post's amendment. When we set the income guidelines for the property tax relief program for the elderly, we set them back in 1971, and as you all know, the cost of living has gone up dramatically, at least in the last two years about 20 percent, I don't know what the figures are since 1971, but we have not changed the income guidelines. So many people who were in effect under real purchasing power eligible for property tax and rent refunds in 1971 no longer are.

I am also very concerned and it is something that I hope someday perhaps we could do something about in this legislature, but the cost is going to be enormous, and that is the 12,000 people who are on SSI who are not elderly, who are disabled and blind, whose incomes average about \$2,500 a year and who are, right now, not eligible for any kind of property tax relief. I would urge you to adopt the amendment.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I got somewhat concerned when I listened to the good lady from Bath, Mrs. Goodwin, speak about the elderly tax relief program, and I wholeheartedly support that. However, that is a state-sponsored program and is not a burden on the communities, and I am concerned if some communities have so much of this abatement that they have to go through that they might start taxing people based on their income rather than the worth of their property. The richest person in town pays 47½ mills for his property; the other person who is in the middle income would pay 33 mills for his property; the low income people would end up paying 16 mills on their property and the elderly would pay zero, and then you would be defeating what the Constitution says, that people will be taxed equally for equal value on property, that is the Constitution of the State of Maine. You are trying to make, suddenly, income level a part of the property tax, and that is defeating the purpose of the property tax.

I would certainly hope that we do not go along with this thing because I am a little concerned that in some of those municipalities where there are an abundant number of poor people, for instance, that the tax rate itself could go up 2 or 3 mills to make up for the local abatement that is given at the lower level.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Carey of Waterville has hit on it quite well. This would be the first step, then perhaps another time there would be a plea because industry is hurting and we want to make some exceptions for them and then the farmers are having a bad year so we want to make some exceptions for them and then, as times passes, the assessments get so completely out of whack and a piece of property is sold to a new owner whose economic situation is different from the previous owner and come to find out, he is paying a tax that is 10 times what the previous owner was paying on the same property. Now, don't you think for a second that that isn't happening around the state, because all of these subjective judgments enter into it.

And just as the gentleman from Waterville indicated, the tax should be based on value and when you start wandering away from it, you are just getting in a land of horrors that gets people into the frame of mind where they have absolutely no faith in their tax system because new owners find that they are taxed at altogether different rates from previous owners and adjoining properties of the same value are taxed sometimes two and three times as much because of all these extraneous considerations that have been entered into.

So if we are going to have an equitable tax system, I think that we have to stick by our guns in these situations. If we can stave off for just a few years now until an equitable tax system for property taxation actually gets to working, then I don't think the public will ever want to change, I think they will like it.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: We did have a couple of circuit breaker bills before us this session and, personally, I kind of favored those. I am sorry that we didn't go into something like that instead of this, at the last minute picking up something like this which is what is equitable, as the gentleman from Pittsfield said. I am wondering just how equitable this abatement level will be. In other words, one assessor or three assessors or whatever it is may determine the abatement level and I would also like to find out what the appeals procedure would be. Perhaps the gentlewoman from Owls Head could answer these questions and speak to the circuit breakers.

The SPEAKER: The Chair recognizes the gentlewoman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: Since the question of circuit breaker is not before us, I think I had better not speak to that at this point. All we are trying to do, essentially, is giving those assessors and those people in the municipal assessing units the same kind of rights and responsibilities as are presently available if you happen to want to go into a municipal assessing area or assessing district.

I want to make it very clear that the town officials and assessors in any community are very, very careful before they give tax abatements. Those of us who have ever been involved in the local assessing I think are very well aware of that. They only give it in extreme cases, and what we are asking for now is that this legislature permit them to carry on the practice that they have carried on, which at least I and I think many other town officials

were not aware were all of a sudden being terminated. That essentially is the question, not the circuit breaker.

The SPEAKER: The Chair recognizes the gentleman from Blue Hill, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the gentlelady from Owls Head because I feel that in these small communities we are getting down to the basic area — that local elected officials are in many cases the assessors. These gentlemen also are the people who have to live with the tax rate and they are not going to jeopardize either area, but they do have a heart and I think the Chamber of Horrors that the gentleman from Pittsfield is alluding to is also a Chamber of Horrors when we have to get into a regimented system where everybody is treated with a high tax rate and there is no recourse.

I therefore support the gentlelady and urge you to do the same.

The SPEAKER: The Chair recognizes the gentleman from Hope, Mr. Sprowl.

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support the position of the gentleman from Pittsfield, Mr. Susi, and the gentleman from Waterville, Mr. Carey. Like so many of the rest of you, I served my stint as assessor and overseer of the poor, selectman, I served each of these positions 12 years and I was the chairman of each of these positions nine years. Well, it was because of this law that I had to go to court and defend my town. I was taken there by Pine Tree Legal because I did have one in my town who was infirm and the Pine Tree Legal felt that he shouldn't have to pay the tax, but I or the board of assessors felt that he should as he was deriving income from the property, he was renting the farm and they had more income than what the taxes were. Nevertheless, we did have to go before the county commissioners to a hearing and defend our position and the county commissioners did rule for us.

I think this is a bad bill. I think that the assessment and the welfare are two distinct, separate branches and that the assessors shouldn't be getting into the welfare part of town government at all. It is for that reason that I hope you will kill this amendment and go along with Mr. Susi and Mr. Carey.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Conners.

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to debate this too lengthy, but I think here we go again in the state assessors and the state mandating to the towns just what they can do and what they can't do. I know that the assessors and the selectmen, usually they are the same in most towns, they work together and there is no gripe coming out of my town and a number of the other ones that I represent. It is usually that they are pretty strict in who they abate the taxes to. I am just like the rest of the town, I would just as soon pay two or three dollars extra on my tax so that a widow can at least hold her head up and be able to meet her obligations.

As far as the valuation being changed on property in those towns, it isn't changed. The valuation is right there and the tax is set at the mill rate of whatever it is. Then the selectmen or the assessors or both get together and they come up with what they feel that widow or that person can pay. Now, if we go to state assessors and let them go ahead and come up with what Mr. Susi from Pittsfield called an equitable tax, I would like to see if this is equality.

I will give you an example. On a lake in an unorganized township, and it is woodland all around it, there are two different people there who own five acres of land, no buildings, no nothing, your big landowners own miles of property around this lake. These two individuals have a valuation per acre on their four

and a half acres at \$1,275.27 per acre. The big landowners right along side have \$11.99 valuation on their property and all that property is doing is growing trees. Let's let the towns go ahead and continue with their tax the way they are and I think the people will be treated fairly and those who have to pay a couple more dollars and are able to pay it on their taxes to relieve some other person. I know they will be glad to do it. I ask for a roll call.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Franklin, Mr. Conners, I think is putting his finger exactly on the problem that we are arriving at, and that is the equity in the administration of the system. It seems strange that he would complain, for instance, about someone getting taxed on a 4 acre piece at \$1,000 per acre and yet somebody next door with thousands or hundreds of acres is getting taxed at the rate of \$11 an acre, and it is the very same people who are assessing those two parcels of land so differently, it is the very same people who will also be deciding what the abatement is going to be. So, how can you say that if the assessment is not correct and impartial, how can you then say that the abatements would be correct and impartial?

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support Mrs. Post's amendment. I hope that you would also do this.

It seems to me that in the twilight of one's years, they should have an opportunity to have a home, especially a home that perhaps they have worked hard for all their life and now, because they are old and they can no longer support themselves and go out and do a hard day's work, perhaps they might have their home taken away from them because they can't afford the taxes.

I would like to share with you an experience that I once had during the campaign of 1974 when I was in a town office and there was an old lady who turned out to be 96 years old, was being helped in by two older people. She was coming in to ask for help from the town. Her problem was that she had outlived the money that she and her husband had put away for all these years. She was 96 and she hadn't planned on living to be 96 years old, she had outlived that. She was very proud and was coming in for a little help from the town.

I thought, and I still think, that local people have a responsibility to help people in their areas. This is a permissive piece of legislation, and if the towns choose to help the people the towns people will know that their assessors are helping people and I am sure they want to help their neighbors. I would ask that you please support this because I think it is a very good amendment.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to this debate with some interest and have been attempting to really get at the answer, because in the back of my mind I felt there was an answer to it. I would like to refer you to this same paragraph, 841, that we are discussing here and that is being amended by this amendment.

In the first sentence of that, in the latest supplement it says, the assessors, for the time being, on written application stating the grounds therefor, within one year from date of commitment may make such a reasonable abatement as they think proper. That is the general statement which assessors are operating under, they may make abatements. It goes on to say, if after two years from the date of assessment a

collector is satisfied that a tax upon personal property or any portion of any tax committed to him for collection cannot be collected by reason of death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the assessors thereof in writing under oath stating the reason why it can not be collected and the assessors, after due inquiry, may abate such tax or any part thereof. That two year provision, of course, gets the abatement before the tax lien law.

So, I would feel as though this particular amendment is not necessary because it adds almost a similar language to a paragraph on the end of that very thing which I just read you and it would seem to me that the assessors, under their present authority, have the right to abate after two years of inability to collect by reason of poverty. That is what we are talking about.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: Mr. Morton has made a very important point about the careful checks on how long an abatement can be granted, but there is one point that must be brought out. An assessor for a single town does not have this authority, only a primary assessing district, is that correct? Would you correct me, please, Mr. Morton?

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, poses a question through the Chair to the gentleman from Farmington, Mr. Morton, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I was reading from Section 841 and the section that the good lady from Vassalboro is speaking about is Section 841-A, which is a separate section, and that does have the language that she speaks about in the first paragraph but it goes on to have exactly the same language that I just read, the two year provision, in its second paragraph.

It seems to me that the 841-A is the abatement procedure for municipal officers in the primary assessing districts, and 841 is the abatement procedure for assessors under the general law for municipalities, which we are attempting to amend, and it just seems to me that we are adding redundant language to that particular section.

Mrs. Post of Owls Head was granted permission to speak a third time.

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: I think that particular Section 841 in the beginning says that in order to be eligible for one of those abatements you have to comply with all the provisions of 706, which means that you have to send in your list of all the property you own, personal property and all the property that you own that you are going to be taxed on. I think, as many of you are aware, that is not the kind of thing that individuals do year by year. You maybe do it if you build a new house and you are afraid they are going to sock it to you, but it is not something that most elderly people go down every year to declare their property.

I think the most important point is, you have to wait two years, and in the meantime, your name is on the list of town reports. If someone has not paid their property taxes, a lien is put on your house, the person has to go through the stigma of having not paid their taxes and that is a very difficult thing for many many people to go through.

I think it is only because in fact the different communities are being required now to assess equal value that this particular provision is so important. It used to be sort of an informal kind of practice, if you knew there was a widow in the town who was 95 years old and you didn't want to assess her with so much tax, you put a



low value on her property. You can't do that any more and the state is telling these towns they can't do that any more. So the only opportunity they have now to give this kind of assistance is through the abatement process. This abatement process of immediate abatement because of infirmity or poverty, you are able to get it only if you are a primary assessing area or primary assessing district, if you have done all of these things the State of Maine has told you they want you to do in assessing taxes, not if your municipality is going it on your own. That simply is all we are asking.

The SPEAKER: The Chair recognizes the gentleman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: Could I pose a question through the Chair. In the debate that I have listened to we are talking about people 95 or in their twilight years, I don't see this in the amendment. Does this in fact apply only to people over 65 or does it apply because they just don't have the money? Does age come into it?

The SPEAKER: The gentleman from Bridgton, Mrs. Tarr, poses a question through the Chair to any member who cares to answer.

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I want to answer the question. It doesn't necessarily mean that you have got to be 65, you can get it at any age. If you are 25 and become totally disabled and unable to pay, you are still eligible under this.

Another thing, if I may continue, I noticed they were mentioning two years in there. Two years would be prior to the lien. The lien must go on no sooner than eight months and no more than twelve in our town, I am not talking about the cities, after the taxes are assessed and then the lien doesn't expire for 18 months. Therefore, the two years is within the limit, unless it went the limit.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I think the language is the same here as it is in 841-A and the criteria, by reason of infirmity or poverty, and you can say whether infirmity is age or not, I am not sure. I don't think it is necessarily.

I would like to address the remarks from the good lady from Owls Head, Mrs. Post, when she said that a taxpayer has to comply with Section 706, which is the declaration section, and that is correct. However, the paragraph which I read, the two year one, does not refer to that, this is only on a petition by the collector, and if the collector says it can not be collected and he is satisfied, the language is that if he is satisfied that a tax on personal property or any portion of any tax committed to him for collection cannot be collected by reason of, and it lists several things, including poverty, insolvency, bankruptcy or other inability from the person assessed to pay, he notifies the assessors thereof in writing under oath stating the reason why such tax cannot be collected and the assessors, after due inquiry, may abate such tax or any part thereof.

Then the gentleman from Bridgewater pointed out that the two years was a valid period of time. So, what we are determining here, I think, and we have got most of it out where we can understand it, is that the process does exist at the present time for abating these taxes, but it does take two years and I think the question is, does the position of the lady from Owls Head that you don't want these published in the town report have validity or do we want to go through the normal process?

There is one other rather distinct difference between 841 and 841-A or between this amendment and 841-A, the language. This amendment says, assessors may on their own knowledge, whereas in 841-A, the authority for abatements

in the assessing districts it says, the municipal officers of municipalities comprising a primary assessing area may. In other words, this is a responsibility of the municipal officers in the primary assessing areas. This amendment would give it to the assessors. I realize in many of the smaller communities those are one and the same individuals.

I think what we are doing here is adding something that really doesn't need to be done, is pretty much cosmetic, but I leave it up to your judgment. It isn't a real big deal either way.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Judging from the comments, apparently there is a need for it to be done. There is a need for clarification here if all of the local interpreting the current law as it stands now that it cannot be done, that is, they cannot issue an abatement. So, apparently there is a need for clarification and I do believe this amendment, which I think is a very good amendment, a very necessary amendment, should be passed.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Susi.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I just want to mention one thing that I think is very pertinent in this consideration. In recent years we have put through the bill that was sponsored by Representative Goodwin of Bath, the elderly householders' tax and rent relief act or whatever name it had, which gives substantial relief to elderly householders on their taxation bills. We have made a major commitment here in the state on this account and I am sure that we are going to follow up. I think that it is an extremely worthwhile effort that we have made and it deals with exactly the same problem that we are considering here today, another reason in my mind why this amendment should be killed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. MCMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of comments. To further comment on Mr. Susi's position, we do have the tax and rent refund law, we have the lifeline program, we have general assistance, we have SSI disability, we have Social Security disability for those who have worked enough quarters under that program and so on to assist people. But there is not too much available to assist the middle class workingman. His name is listed in the town report when he can't pay his property taxes. We don't exempt him from that. There are so many inequities in the present property tax laws, I believe enactment of this amendment will only further compound those inequities.

Now, we had a discussion in the regular session on this subject, a thorough discussion. We knew exactly what we were doing when we repealed this measure. I remember we had to go out and get the book to look it up. I believe that by adopting this amendment we are further shifting the tax burden on the local level to the shoulders of fewer and fewer of the working people who pay the bill in this state. However meritorious our reasons are and the reasons of the good lady Mrs. Post might be, and I don't dispute their merits, the fact is that the middle class is not able to continue shouldering the burden that we are putting on it. In many cases, this is the same group that we are asking to pay higher income taxes to bail out the school funding law.

I would ask you to think very seriously about the wisdom of voting for this amendment.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: One final brief comment. My selectman called me about this particular

provision because one of those fine middle class people that Mr. McMahon is worried about suddenly became disabled and the only choice that this selectman has is to declare this man a pauper, put a lien on his home and then declare it an uncollectible tax and let the man continue to live there. Now, is the town any better off?

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Dam.

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I think about everything has been said on this amendment that can be said. I do want to point out one thing, once again, that all the good lady from Owls Head is asking for is that we move over to Section 841 the same language that is in 841-A. Now, if we look in Title 36, Section 841, if a person wanted an abatement, they would have to comply with the section where they would have to list their property and send a true and perfect list of real estate and polls to the assessors before they would have a right to ask for an abatement. Now, if they did not do this, then they are denied that abatement right.

A lot of these old people don't understand this procedure, in fact, you don't have to be old not to understand the procedure, because I know in my community not a great number of people send in that list prior to April 1. They go along with what the town is going to assess. It is only really those that have been there and the old timers that have started doing it and they followed it each year as a pattern. Many people don't know that it exists and they don't do this.

Well, in 841, if you didn't do this, you would not be able to have an abatement, you would be barred from your appeal with the exception that — and it says notwithstanding the failure to comply with Section 706, the assessors for the time being, on written application, may make abatement in the case of the unremarried widow or minor child of a veteran which widow or child would be entitled to an exemption under Section 653. That would be the only time they could make this unless they had a written notice.

All Mrs. Post's amendment would do would move over into Section 841 the same language that is in 841-A, which is speaking to that area comprising primary assessing districts and saying that the assessors, on their own knowledge or written application, may make the abatement. I don't see anything ridiculous in this. I don't see anything in this that is disrupting the whole tax structure of the State of Maine and I am sure that the municipalities in the state that have their assessors, they have enough trust in them and the assessors have enough faith in the community that they are not going to force the community into any bankruptcy by going out and abating everybody's property tomorrow morning.

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 Owls Head, Mrs. Post, that House Amendment "B" be adopted. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berry, G. W., Blodgett, Byers, Call, Carpenter, Chonko, Churchill, Clark, Connors, Cote, Curran, P., Curran, R., Curtis, Dam, DeVane, Dudley, Dyer, Faucher, Fenlason, Finemore, Flanagan, Fraser, Goodwin, H., Goodwin, K., Gould, Greenlaw, Hennessey, Hewes, Hinds, Hobbins, Hunter, Hutchings, Jackson, Jalbert,

Jensen, Kelley, Kennedy, Laffin, LeBlanc, Lewin, Lewis, Lunt, Lynch, Mackel, Martin, A.; Maxwell, McBreaity, McKernan, Mitchell, Morin, Nadeau, Norris, Perkins, T.; Peterson, P.; Post, Powell, Rolde, Rollins, Saunders, Shute, Smith, Snowe, Spencer, Talbot, Tarr, Theriault, Twitchell, Wilfong, Winship.

NAY — Ault, Berry, P. P.; Berube, Birt, Boudreau, Burns, Carey, Carter, Cox, Davies, Doak, Dow, Drigotas, Durgin, Farnham, Gauthier, Gray, Hall, Henderson, Hughes, Immonen, Ingegneri, Joyce, Kany, Kelleher, LaPointe, Laverty, Littlefield, MacEachern, Mahany, McMahon, Miskavage, Morton, Najarian, Pearson, Pelosi, Perkins, S.; Peterson, T.; Pierce, Quinn, Raymond, Rideout, Sprowl, Stubbs, Susi, Teague, Tozier, Tyndale, Usher, Wagner.

ABSENT — Bowie, Bustin, Carroll, Connolly, Cooney, Farley, Garsoe, Higgins, Jacques, Kauffman, Leonard, Lizotte, Lovell, MacLeod, Martin, R.; Mills, Mulkern, Palmer, Peakes, Silverman, Snow, Strout, Tierney, Torrey, Truman, Walker, Webber.

Yes, 73; No, 50; Absent, 27.

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

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

The Chair laid before the House the following matter:

An Act Relating to the Geologists and Soil Scientists Certification Act (H. P. 2240) (L. D. 2322) (H "A" H-1100) (Conf Committee "A" H-1257) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hope we don't have to take as much time with this bill as we did that short amendment.

The best way would be to take the time to read the bill. First of all, it is very complicated, there is no need for it, we are having a hard time to agree with the other branch and I don't think it is anything that we need to have right now at the closing hours of this special session. It is something that deserves a lot of time, a lot more time than we have got here the rest of this week, to make this a good bill. There is no need for it, so I move that this bill be indefinitely postponed. I think after you read it, you will see why.

The SPEAKER: The gentleman from Enfield, Mr. Dudley moves the indefinite postponement of L. D. 2322.

The Chair recognizes the gentlewoman from Freeport, Mrs. Clark.

Mrs. CLARK: Mr. Speaker, Men and Women of the House: Perhaps the gentleman from Enfield should read the bill. The bill is a unanimous committee report from the Committee on Business Legislation. There was some difficulty and misunderstanding between the two branches of this legislature. That misunderstanding has been ameliorated with the Committee of Conference, which we adopted last Friday, and I hope that you would oppose the indefinite postponement of this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Enfield, Mr. Dudley, that this Bill and all accompanying papers be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 72 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters acted upon in concurrence and all matters requiring Senate concurrence, were ordered sent forthwith.

On motion of Mr. Lynch of Livermore Falls, the House reconsidered its action of earlier in the day whereby House Paper 2329, Joint Order relative to recalling from the Governor's Desk Senate Paper 651, L. D. 2056, An Act to Clarify Certain Provisions in the Education Laws, received passage.

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

Mr. LYNCH: Mr. Speaker, I now move the indefinite postponement of the order and would explain why.

The SPEAKER: Mr. Lynch of Livermore Falls moves the indefinite postponement of the Joint Order.

The Chair recognizes the same gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Between the Education Laws and the Election Laws there was conflict and the Election Laws on Page 2, Section 2. There is a conflict with language in the education bill. Also, in the Education Bill there is a section on transportation that the state police say they cannot enforce. So, in attempting to get both of those sections out of the education bill, we have asked the Governor to sign it, and he has signed it. There is not a Chapter number assigned to it and we can take care of those two measures in the omnibus bill. The language in the Election Laws the conflict can be taken care of by an amendment which I hope to present.

Thereupon, the Joint Order was indefinitely postponed.

The Chair laid before the House the following matter:

An Act to Clarify the Election Laws (Emergency) (H. P. 2293) (L. D. 2344) (H "A" H-1230) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "D" contains the language that is in the education bill and the language that is in the election laws. If you would look at the amendment, the first three sentences, as far as 2061 and 2062, is language that is in both bills. The next part, provided that the facsimile signature of the clerk referred to in Section 2061, Subsection 5, Paragraph F, shall be that of the Chairman of the Board of Directors, is in the election laws. The rest of that amendment is in the education bill. It just puts them into conformity.

Mr. Lynch of Livermore Falls offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1270) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 8 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (S. P. 799) (L. D. 2345) which was Passed to be Engrossed as Amended by Senate Amendments "B" (S-548), "D" (S-553), "E" (S-554), "G" (S-557), "H" (S-558), "I" (S-559), "J" (S-560), "K" (S-561) and

"L" (S-562) and House Amendments "A" (H-1240), "B" (H-1242), "C" (H-1243), "D" (H-1244), "E" (H-1248), "H" (H-1261), "I" (H-1262), "J" (H-1263), "K" (H-1264), "L" (H-1265), "M" (H-1266) and "N" (H-1267) in the House on April 12, 1976.

Came from the Senate, Passed to be Engrossed as Amended by Senate Amendments "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "M" (S-566) and House Amendments "B", "C", "D", "E", "H", "I", "J", "K", "L", "M", and "N" in non-concurrence.

In the House: On motion of Mr. Kelleher of Bangor, the House voted to recede from its action whereby the Bill was passed to be engrossed as amended.

Senate Amendment "M" (S-566) was read by the Clerk and adopted in concurrence.

Thereupon, House Amendment "A" was indefinitely postponed in concurrence.

The House voted to recede from its action of earlier in the day whereby Senate Amendment "C" was indefinitely postponed.

Senate Amendment "C" was adopted in concurrence.

Mrs. Kany of Waterville offered House Amendment "O" and moved its adoption.

House Amendment "O" (H-1272) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Madison, Mrs. Berry.

Mrs. BERRY: Mr. Speaker, I wonder if Mrs. Kany would explain this.

The SPEAKER: The gentlewoman from Madison, Mrs. Berry, has posed a question through the Chair to the gentlewoman from Waterville, Mrs. Kany, who may respond if she so desires.

The Chair recognizes that gentlewoman.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment simply provides the confirmation mechanisms out of the Executive Council during the interim period in which the Executive Council Bill, which we may or may not pass later today, will not be in effect and L. D. 2311, An Act Revising Statutes Concerning Alcoholic Beverages, talked about confirmation of the Liquor Commission subject to review by the Joint Standing Committee on Liquor Control, and this particular new law will go into effect 90 days after we adjourn from this session, whereas the Executive Council Bill, if passed, will go into effect January 4, and it simply is to provide for an interim confirmation procedure, so it is truly an error and inconsistency.

Thereupon, House Amendment "O" was adopted.

Mr. Lynch of Livermore Falls offered House Amendment "P" and moved its adoption.

House Amendment "P" (H-1273) under suspension of House Rule 33, was read by the Clerk in its entirety.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The amendment that is offered, and I am sorry that you don't have it to look at, but it does two things. It deletes in the Education Law, L. D. 2056, Section 5A, and that was taken care of by the amendment that I offered to the election laws bill this morning. The language that is in the education law is in the election law with the language that was proposed under the election laws. The other section of the amendment deletes Section 25A, which was an attempt to determine the seating capacity of school buses and the State Police say that they cannot enforce this so we have deleted that from the education bill. Those are the two functions of this amendment.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to the gentleman from