

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

1st Special Session

OF THE

*One Hundred and Sixth
Legislature*

OF THE

STATE OF MAINE

1974

Kennebec Journal
Augusta, Maine

HOUSE

Monday, February 11, 1974

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Richard Higgins of Oakland.

The members stood at attention during the singing of the National Anthem by Representative Gauthier of Sanford.

The journal of the previous session was read and approved.

Papers from the Senate

From the Senate: The following Joint Order: (S. P. 899)

ORDERED, the House concurring, that unless approved by all of the members of the Joint Standing Committee on Reference of Bills, no bill or resolve shall be considered at this Special Session except those within the scope of the Proclamation by the Governor convening this Special Session or those previously approved by a majority of the members of the aforesaid Reference of Bills Committee and such bills or resolves as may be returned by or recalled from the Governor. This Order shall not apply to such bills or resolves as are intended only to facilitate the business of the Special Session.

Came from the Senate read and passed.

In the House, the Joint Order was read and passed in concurrence.

Bills from the Senate requiring reference were disposed of in concurrence.

Report of Committee**Ought to Pass in New Draft**

Report of the Committee on Education on Bill "An Act to Correct Errors and Inconsistencies in the Education Laws" (S. P. 788) (L. D. 2268) Emergency, reporting "Ought to pass" in New Draft (S. P. 895) (L. D. 2488) under same title.

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft

read once and assigned for second reading tomorrow.

Orders

Mr. Briggs of Caribou presented the following Joint Order and moved its passage:

WHEREAS, the family of Frederick J. Thompson of Caribou has been selected the FHA Farm Family for the year 1973; and

WHEREAS, the Farmers Home Administration award is given to increase awareness, encourage greater accomplishment and emphasize outstanding FHA family contributions to agriculture and the rural community; and

WHEREAS, the Thompsons have been able to develop a small farm operation into a profitable family business through hard work, good farm practices, mechanization of machinery, updating buildings and wise use of credit; now, therefore, be it

ORDERED, the Senate concurring, that the Members of the House of Representatives and Senate of the 106th Legislature of the State of Maine take this opportunity, while assembled in special session, to extend our congratulations to Mr. and Mrs. Thompson and family of Caribou upon their outstanding achievements and offer, with pride, our best wishes and support for continued success and accomplishment; and be it further

ORDERED, that a suitable copy of this Joint Order be prepared and transmitted forthwith to the sponsor for presentation to the Thompson family on behalf of the Legislature. (H. P. 1961)

The Order was read and passed and sent up for concurrence.

**House Reports of Committees
Leave to Withdraw****Covered by Other Legislation**

Mr. Stillings from Committee on Liquor Control on Bill "An Act Relating to the Sale of Malt Liquor at Central Maine Youth Center in Lewiston" (H. P. 1709) (L. D. 2102) reporting Leave to Withdraw as covered by other legislation.

Report was read and accepted and sent up for concurrence.

Referred to 107th Legislature

Mr. Bustin from Committee on State Government on Bill "An Act Creating a Division of Youth Services within the Bureau of Corrections" (H. P. 1795) (L. D. 2275) Emergency reporting that it be referred to the 107th Legislature.

Report was read and accepted, the Bill referred to the 107th Legislature and sent up for concurrence.

Ought to Pass with Committee Amendment

Mr. Shaw from the Committee on Legal Affairs on Resolve to Reimburse Michael Gilbert of Albion for Loss of Poultry by Wild Animals (H. P. 1899) (L. D. 2407) reporting "Ought to pass" as amended by Committee Amendment "A"

Report was read and accepted and the Resolve read once. Committee Amendment "A" (H-678) was read by the Clerk and adopted and the Resolve assigned for second reading tomorrow.

Consent Calendar First Day

(S. P. 836) (L. D. 2377) Bill "An Act Relating to Fees for Inspection of Elevators" — Committee on Business Legislation reporting "Ought to pass"

No objection having been noted, was assigned to the Consent Calendar's Second Day list.

Consent Calendar Second Day

(H. P. 1775) (L. D. 2247) Bill "An Act to Repeal Reference in Law that University of Maine Officers and Employees are Unclassified Employees of State of Maine" (C. "A" H-676)

(H. P. 1874) (L. D. 2373) Bill "An Act Relating to Motor Vehicle Accident Reports"

(H. P. 1755) (L. D. 2214) Bill "An Act Providing for Restricted Motor Vehicle Operator's License" (C. "A" H-677)

No objection having been noted, were passed to be engrossed and sent to the Senate.

(H. P. 1868) (L. D. 2367) Bill "An Act to Incorporate the Atlantic Sea Run Salmon Commission into the Department of Inland Fisheries and Game"

On the request of Mr. Briggs of Caribou, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

(S. P. 852) (L. D. 2420) Bill "An Act to Eliminate Collection of Delinquent Accounts by the Treasurer of the State"

On the request of Mr. Carrier of Westbrook, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading tomorrow.

Second Reader

Later Today Assigned

Bill "An Act to Clarify the Real Estate Subdivision Law" (S. P. 890) (L. D. 2485)

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

Mr. Briggs of Caribou offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-679) was read by the Clerk.

(On motion of Mr. Simpson of Standish, tabled pending the adoption of House Amendment "A" and later today assigned.)

Passed to Be Engrossed

Bill "An Act to Clarify Certain Property Tax Statutes" (H. P. 1796) (L. D. 2276) (C. "A" H-674)

Bill "An Act Relating to Certified Copy of Regulations Promulgated by Commissioner of Inland Fisheries and Game as Evidence" (H. P. 1954) (L. D. 2489)

Bill "An Act Relating to Failure to File Annual Reports of Corporations" (H. P. 1959) (L. D. 2493)

Bill "An Act Clarifying the Provisions of the Waste Water Construction Grant Program and Waste Water Pollution Control Planning Program" (H. P. 1960) (L. D. 2499)

Were reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to the Dredging, Filling or Otherwise Altering of Rivers, Streams and Brooks" (H. P. 1955) (L. D. 2490)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and specially assigned for Wednesday, February 13.)

Bill "An Act Relating to Nullification of Criminal Records" (H. P. 1956) (L. D. 2491)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

**Second Reader
Tabled and Assigned**

Bill "An Act Relating to Expunging of Certain Records of Arrest" (H. P. 1957) (L. D. 2492)

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

(On motion of Mr. Simpson of Standish, tabled pending passage to be engrossed and tomorrow assigned.)

Bill "An Act Relating to Deductions from Sentences of Inmates in County Jails" (H. P. 1839) (L. D. 2331)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent to the Senate.

**Passed to Be Enacted
Emergency Measure**

An Act Increasing Indebtedness of the Jackman Water District (H. P. 1863) (L. D. 2357)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Orders of the Day

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

Bill "An Act Relating to Certain Bureaus in the Department of Finance and Administration" (H. P. 1865) (L. D. 2359)

Tabled — February 7, by Mr. Simpson of Standish.

Pending — Acceptance of any Report.

Report A "Ought to pass" as amended by Committee Amendment "A" (H-670)

Report B "Ought to pass" as amended by Committee Amendment "B" (H-671)

Report C "Ought not to pass"

On motion of Mr. Simpson of Standish, retabled pending acceptance of any Report and tomorrow assigned.

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

Bill "An Act Exempting Machinery and Equipment Used for Manufacturing and Research from Sales and Use Tax" (S. P. 746) (L. D. 2158)

Tabled — February 7, by Mr. Simpson of Standish.

Pending — Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent to the Senate.

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

Bill "An Act to Prevent Physically Handicapped Discrimination under Human Rights Act" (H. P. 1665) (L. D. 2058) (H. "A" H-668)

Tabled — February 7, by Mr. Ault of Wayne

Pending — Passage to be engrossed.

On motion of Mr. Birt of East Millinocket, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill "An Act to Make Public Utilities Commissioners Full Time" (S. P. 879) (L. D. 2455)

Tabled — February 7, by Mr. Martin of Eagle Lake.

Pending — Passage to be enacted.

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

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am going to move the indefinite postponement of this bill, and I will speak briefly to that motion.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, moves the indefinite postponement of this Bill and all accompanying papers.

The gentleman may proceed.

Mr. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill is a redraft of an original bill that was presented in an attempt to bring more consumer protection to the area of the Public Utilities Commission. As it turns out, this particular document came out of redraft on behalf of the State Government Committee unanimously "ought to pass." It calls for the full-time services of three people to sit in the Public Utilities Commission. I do agree with that concept. However, if you are going to have full-time commissioners, it is important that you do something about the salaries. This bill does not call for any salary increase whatsoever. It means that people who are serving in a part-time position will either be serving at half pay fulltime or else they will resign. It is my personal feeling that unless we make an effort to increase the salaries, then we ought to kill this particular bill.

If someone feels that we ought to amend the bill to increase it to \$25,000, where it ought to be, or to make the salaries of the two other commissioners fulltime along with the chairman who is already fulltime and getting the fulltime salary, then I would agree with that concept, but I do not believe that this bill is the vehicle which we should be using at this time, so I would ask you to vote for indefinite postponement of this bill.

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

Mr. SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would rise in opposition to the motion to indefinitely postpone. In fact, I might even go a little bit further if the gentleman wanted to back it back under his premise that he is undertaking. I might support an amendment to take the non full-time commissioners and cut

them back to maybe \$9,000 for half the work, if that is the case.

I think that the committee did an excellent job. They came out with a solution to a problem that some people seem to think we have had. The report out of the State Government Committee was unanimous. We have a chairman right there now that is making \$21,000 a year, and we have two part time men who are working for \$18,000. My personal feelings would be that this figure is pretty high for two part-time men. I believe they should work fulltime, and I think the salary is commensurate with the job.

I would remind you that it was a unanimous committee report. I think it is a good, workable solution, and I would sincerely hope that you would not indefinitely postpone the bill. I think that we should put this bill into law and see how it works.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Standish, Mr. Simpson. If you can call a job that pays \$350 a week a part-time job, I believe there are a great many people in the hall of this House that would like to make that.

These people should be working fulltime. I think that the pay is commensurate with their duties. And as I said, the two members are getting \$350 a week and the other about \$370, and I think those are good jobs and warrant full-time men.

The SPEAKER: The Chair recognizes the gentleman from Lubec, Mr. Donaghy.

Mr. DONAGHY: Mr. Speaker and Members of the House: I would inquire through the Chair whether anywhere in the statutes it says that these are part-time jobs? If they are not, I would suggest that these people should pay back if they have been working half time on their own, perhaps they should repay, reimburse the state for the half pay that they have been receiving for not working.

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

Mr. MARTIN: Mr. Speaker and

Members of the House: If the gentleman from Lubec would check the records of the Public Utilities Commission, he would find that at least one commissioner, when he is not performing his duties, specifically requests that he not be paid. That is already the case, and that is presently being done. As far as the other two members of the commission, I believe that is not the case.

The point, basically, is very simply this. Do we want or do we not want people who represent the consumer on the Public Utilities Commission to represent the general Public? Their purpose on the commission is not to represent utilities. It is basically to check what the law says and then to make interpretations pursuant to what ought to be the right one.

I happen to believe, and I am sure that some of you may disagree, that many times the commission has not acted in behalf of the general public. We find out that water increases are being made in our district after the fact, not before. We find our electrical rates are being elevated after the fact and not before. We find out that hearings are being conducted in our legislative district after the fact and not before. It seems to me that we need a commission that is truly representative of the public — of the public and not of industry, and that is why I believe that it is important that we have a commission that is representative of the public.

Some of you may feel that this is too much money and may feel that we ought to be changing that. That is not the issue here. It is whether or not you are going to have qualified people to sit on the commission. That is basically what we are trying to determine. And if you agree with me, I simply ask you to vote yes.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat confused by the arguments made by my friend from Eagle Lake, because I certainly know that this House agrees with him in stating that we want the consumer represented. In fact, we want all parties

represented on the Public Utilities Commission, and I can't see for the life of me that an increase in money would determine better representation.

As Representative Simpson has stated, these two part-time employees now or part-time members of the commission are receiving \$18,000 a year. That is a lot of money. They are very responsible men who are part-time members of the commission, and I would think to benefit ourselves, but particularly the people of the state, they should be full-time employees.

I am somewhat surprised that this action hasn't been taken before, and I am somewhat disturbed at the fact of Representative Martin's insinuation about what happened as far as the commission is concerned. If this is true, Mr. Martin, I think you should verify this and an explanation should be made not only to this House but by the commissioner himself. I think we would be doing an injustice if we didn't pass this bill that is before us and make these two part-time employees, supposedly part-time employees permanent.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I would mildly take issue with my colleague from Eagle Lake, Mr. Martin. I think the issue here is that we are putting two men on a full-time basis who are getting full-time pay. I mean, \$21,000 a year for the chairman and \$18,000 for the other two people is what I would call pretty good money.

One of the gentlemen who took the position at first had another one with the state, and he took an increase in salary. He got an increase in salary by getting this job, yet the job called for part-time work.

The other gentleman, who is a fine young man, got out of Yale for a little while and then he wound up with this at \$18,000, and I think that is good money. I really and truly think the issue here is what the committee did. The committee gave us a unanimous report making these people fulltime. I think the \$21,000 for the chairman is justified. I think the two other \$18,000 are justified on a

full-time basis. And I frankly am amazed — I didn't know, I thought the two other members were getting in the area of eight or ten thousand dollars a year. I never knew they were getting \$18,000 a year for part-time work. I declare myself a candidate for one of those jobs myself.

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

Mr. ROSS: Mr. Speaker, Ladies and Gentlemen of the House: Since this is quite an important question, I move that when the vote is taken, it be taken by the yeas and nays.

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.

The SPEAKER: The pending question is on the motion of the gentleman from Eagle Lake, Mr. Martin, that Bill "An Act to Make Public Utilities Commissioners Full Time," Senate Paper 879, L. D. 2455, and all accompanying papers be indefinitely postponed in non-concurrence. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Carter, Drigotas, Dudley, Fraser, Gauthier, Greenlaw, Hancock, Keyte, LaPointe, Mahany, Martin, McKernan, McTeague, Morin, V.; Peterson, Rolde, Santoro, Smith, D. M.; Smith, S.; Talbot, Tanguay.

NAY — Ault, Baker, Berry, G. W.; Berube, Birt, Bither, Boudreau, Bragdon, Brawn, Brown, Bunker, Bustin, Cameron, Carey, Carrier, Chick, Chonko, Churchill, Clark, Conley, Connolly, Cote, Cottrell, Cressey, Crommett, Curran, Davis, Deshaies, Donaghy, Dunn, Dyar, Emery, D. F.; Evans, Farley, Farnham, Farrington, Faucher, Fecteau, Ferris, Finemore, Flynn, Garsoe, Genest, Good, Goodwin, K.; Hamblen, Haskell, Hobbins, Hoffses, Huber, Hunter, Immonen, Jackson, Jacques, Jalbert, Kauffman, Kelleher, Kelley, Kelley, R. P.; Kilroy, Knight, LaCharite, Lawry, LeBlanc, Lewis, E.; Lewis, J.; Littlefield, Lynch, MacLeod, Maddox, Maxwell, McCormick,

McHenry, McMahon, McNally, Merrill, Morin, L.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer, Parks, Perkins, Pontbriand, Pratt, Ricker, Rollins, Ross, Shaw, Shute, Silverman, Simpson, L. E.; Snowe, Soulas, Sproul, Stillings, Strout, Susi, Theriault, Trask, Trumbull, Twitchell, Tyndale, Walker, Webber, Wheeler, White, Whitzell, Willard, Wood, M. E.

ABSENT — Berry, P. P.; Binnette, Briggs, Cooney, Curtis, T. S., Jr.; Dam, Dow, Dunleavy, Gahagan, Goodwin, H.; Herrick, Mills, Mulkern, Sheltra, Tierney.

Yes, 22; No, 113; Absent, 15.

The SPEAKER: Twenty-two having voted in the affirmative and one hundred thirteen in the negative, with fifteen being absent, the motion does not prevail.

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

The following Bill appearing on Supplement No. 1 was taken up out of order by unanimous consent:

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Health and Institutional Services

Bill "An Act Relating to Reimbursement of Providers of Care and Treatment other than the State" (H. P. 1962) (Presented by Mr. Norris of Brewer)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill "An Act Lowering the Maximum Age of Juvenile Offenders" (S. P. 713) (L. D. 2125)

Tabled — February 8, by Mrs. Morin of Old Orchard

Pending — Motion of Mr. Martin of Eagle Lake to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies

and Gentlemen of the House: I would request a division and speak briefly.

The bill we are discussing now repeals the bill we passed last year, in which juveniles, a year ago, could be incarcerated for truancy. At the present time that is not the case. It refers back to the schools the teachers or the truant officer and to the courts who don't know what to do with these boys. Now I agree that probably South Portland or a boy's home is not the answer. But in the meantime, I think that this bill here is needed until they come up with something else to solve the problem.

The superintendent of schools has told me they have a real problem on their hands that has nothing to do with these boys. The mothers are being brought to court and that is what they have available to them now, and a lot of these mothers, they go to work at seven o'clock in the morning expecting their child to go to school. The child doesn't appear in school. The truant officer appears at the home and speaks to the parents. The child misses again the next day and finally the parent is in court being fined \$25; that is the only recourse they have now.

I don't think it is a good plan. I don't wholeheartedly agree with the plan we had prior to this bill here, last year's bill. I think in the meantime in interim period we ought to go back to the old law until they come up with some other solution to the problem.

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

Mr. PERKINS: Mr. Speaker and Members of the House: I would merely like to reiterate what was said the other day. We are not talking about the truancy problem at this point and time. The Senate Amendment has not been offered to us for acceptance; we are talking about the original bill as amended by Committee Amendment "A" reducing the age of the juvenile delinquent back to the age of 17 from the age of 18.

One point I didn't make the other day that I would like to make now — now carry it on any longer — but that is the fact that if an individual, an adult, is charged with a felony, quite often it is the first offense, the court has the

opportunity with discussing it with the prosecuting attorney, after viewing the total case and the background of the individual, to reduce the charge to a misdemeanor, and I had that happen to me today. We are talking about the case where an individual, where that does occur, and you have got a juvenile you could not do that. The juvenile may be treated as an adult for felonies and as such, if found guilty, committed as an adult. However, if it is a misdemeanor, they cannot commit him to any institution. So what you do in effect is remove one of the better alternatives that is available to the court, because they are locked in to charging that kid with a felony just to prove a point.

So we are not helping kids an awful lot by saying that between 17 and 18 we should treat them as juveniles. I think that they should be accountable as adults and given an opportunity to accept that alternative. Again, I point out that I have checked with the courts, they find that in their opinion this we should do. I certainly would hope that you would not accept the motion to indefinitely postpone.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, oppose the motion for indefinite postponement. I did check this out with the judge in the District Court, who is Roland J. Poulin, and I don't know if some of the more liberal elements in at least the party that I sometimes belong to has done anything about this in checking with anybody at all. But at least I took it upon myself, and the judge feels that the legislature made a tremendous mistake the last time and they would certainly, as a court, like to see it corrected.

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

Mr. MARTIN: Mr. Speaker and Members of the House: We would love to have the gentleman from Waterville with us all the time.

I am most concerned, not in particular with the bill but with the amendment that we are playing around with. At this point I am going to withdraw my motion

to indefinitely postpone the bill and all its papers on the assumption that the gentleman from South Portland, Mr. Perkins, will win his motion, which is obviously the one I am most concerned about, when that comes around. So at this point, Mr. Speaker, I withdraw that motion, and certainly I will follow the lead of the gentleman from South Portland, Mr. Perkins.

The SPEAKER: The gentleman from Eagle Lake, Mr. Martin, withdraws his motion to indefinitely postpone.

Thereupon, on motion of Mrs. Baker of Orrington, the Majority "Ought to pass" Report was accepted in concurrence.

The Bill was read once. Committee Amendment "A" (S-339) was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" (S-336) was read by the Clerk.

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

Mr. SIMPSON: Mr. Speaker, I now move the indefinite postponement of Senate Amendment "A".

Mr. Farley of Biddeford requested a vote.

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

Mr. MORTON: Mr. Speaker and Members of the House: I would like to address a question to anyone through the Chair to suggest a thrust of this amendment — what does it do to the bill?

The SPEAKER: The gentleman from Farmington, Mr. Morton, poses a question through the Chair to anyone who may answer if he or she wishes.

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: This is the portion of the bill as it came out of the other body which I do not want nor did our committee want. This reinstates truancy as a criminal offense for which a juvenile may be committed to the Boy's Training Center. The basic argument is that the schools are having problems and they can't keep some of the kids in school, and therefore they need this threat, if you will, and they use it and they consider it a threat to the individual child to keep him in school if he understands he may end up in the Boy's

Training Center or the Stevens School for Girls.

I, during the regular session, voted to retain it. I have since talked again with the court system, with the United Community Services, that have done an extensive study on this, they are terribly opposed to it as is the Probation and Parole Department. When we have to use something like this as a threat to keep kids in schools, things get pretty bad in my book.

I have also seen it happen where a child was told by the school, and I may have mentioned it before, to stay out of school. They would not accept the child back in school. And when the six months went by, which constituted the period of time necessary as a habitual truancy, he and his parents or she and her parents were brought before the juvenile court and she was on her way to Stevens. I managed, by virtue of having the child checked by a psychiatrist, to find that the child had a phobia as a result of an assault when she was eight years old in school. She was not a candidate for the Stevens School for Girls. She ran home; she ran out of school, and she was ultimately tutored. So I would certainly hope that you would support the motion to indefinitely postpone Senate Amendment "A".

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

Mr. CAREY: Mr. Speaker and Members of the House: In my conversation with Judge Poulin in the court system, he made a beautiful observation to the Superintendent of Schools in Waterville. He said that in the old days when the truancy was on the books, the schools and the courts could use that one case to influence the other 99 out of a 100 to stay in school. Unfortunately, as the Judge said, now the one truant is influencing the other 99 to stay out of school.

We have had parents brought in before us and we talk to them about their kids not being in school, and they say that they have done everything that they possibly can. We had some parents tell us that they even drive the kids up to the door of the school. They see the kid go in the front door. The child walks out the back door. The school is powerless to

hold them in school. the parents have done their job. they have brought the kid directly to school.

What is happening, at least in our area; we had a meeting with superintendents in our area, along with our juvenile officer, and we had several representatives from the area there. And what has happened is, the 15 and 16 and now the 17-year-olds are getting out of school by being truant, and they have left a lasting impression on the 10, 11 and 12 year olds who feel that nothing is happening to the big brother for skipping school, so that nothing is going to happen to him.

And if there is anything that we need in this law, it is this particular amendment.

The gentleman from Waterville, Mr. Carey, requested a roll call.

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 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 Standish, Mr. Simpson, that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed in non-concurrence. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Berube, Boudreau, Bragdon, Brawn, Briggs, Brown, Bustin, Cameron, Chonko, Clark, Connolly, Cooney, Cressey, Crommett, Curtis, T. S., Jr.; Davis, Deshaies, Donaghy, Drigotas, Dunn, Emery, D. F.; Farnham, Farrington, Ferris, Flynn, Fraser, Gahagan, Garsoe, Gauthier, Goodwin, K.; Greenlaw, Hamblen, Haskell, Hobbins, Huber, Jackson, Jacques, Kauffman, Kelleher, Kelley, Kelley, R. P.; Kilroy, LaCharite, LaPointe, LeBlanc, Lewis, J.; MacLeod, Martin, Maxwell, McHenry, McKernan, McTeague, Merrill, Morin, L.; Morin, V.; Morton, Murchison, Murray, Najarian, Norris, O'Brien, Palmer,

Perkins, Peterson, Pontbriand, Pratt, Rolde, Simpson, L. E.; Smith, D. M.; Smith, S.; Snowe, Soulas, Stillings, Strout, Susi, Talbot, Theriault, Tierney, Trask, Twitchell, Tyndale, Walker, Wheeler, White, Whitzell, Willard, Wood, M. E.

NAY — Ault, Baker, Berry, G. W.; Birt, Bither, Bunker, Carey, Carrier, Carter, Chick, Conley, Cote, Cottrell, Curran, Dow, Dyar, Evans, Farley, Faucher, Fecteau, Finemore, Genest, Good, Hancock, Hoffses, Hunter, Immonen, Jalbert, Keyte, Knight, Lawry, Lewis, E.; Littlefield, Lynch, Maddox, Mahany, McCormick, McMahan, McNally, Parks, Ricker, Rollins, Ross, Santoro, Shaw, Shute, Silverman, Sproul, Tanguay, Trumbull, Webber.

ABSENT — Berry, P. P.; Binnette, Churchill, Dam, Dudley, Dunleavy, Goodwin, H.; Herrick, Mills, Mulkern, Sheltra.

Yes, 88; No, 51; Absent, 11.

The SPEAKER: Eighty-eight having voted in the affirmative and fifty-one in the negative, with eleven being absent, the motion does prevail.

The Chair recognizes the gentleman from South Portland, Mr. Perkins.

Mr. PERKINS: Having voted on the prevailing side, I move for reconsideration, and hope you vote against me.

The SPEAKER: The gentleman from South Portland, Mr. Perkins, moves that the House reconsider its action whereby it indefinitely postponed Senate Amendment "A" to Committee Amendment "A". The Chair will order a voice vote. All in favor of reconsideration will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, Committee Amendment "A" was adopted and the Bill assigned for second reading tomorrow.

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

Bill "Act to Clarify the Real Estate Subdivision Law" (S. P. 890) (L. D. 2485)

On motion of Mrs. Baker of Orrington, tabled pending the adoption of House

Amendment "A" and tomorrow
assigned.

(Off Record Remarks)

On Motion of Mr. Birt of East
Millinocket,
Adjourned until ten-thirty tomorrow
morning.