

# 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

**HOUSE**

Friday, April 2, 1976

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

Prayer by the Reverend Peter Misner of Winthrop Methodist and Wayne Community Church.

The journal of yesterday was read and approved.

**Papers from the Senate**

From the Senate: The following Communication:

The Senate of Maine  
Augusta, Maine

April 1, 1976

Honorable Edwin H. Pert  
Clerk of the House  
107th Legislature  
First Special Session  
Augusta, Maine 04333  
Dear Mr. Pert:

The Senate today voted to reconsider its action whereby it voted to Adhere to its former action on Bill, "An Act to Implement a Central Licensing Division within the Department of Business Regulation" (H. P. 2153) (L. D. 2294).

The Senate further voted to Insist and Join in a Committee of Conference.

Respectfully,  
(S) HARRY N. STARBRANCH  
Secretary of the Senate.

The Communication was read and ordered placed on file.

From the Senate: The following Joint Order: (S. P. 787)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Stan Cowan Of Orono High School Named Outdoor Track Coach Of The Year For 1975

WE the Members of the Senate and House of Representatives do hereby Order that our congratulations and acknowledgment be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

Came from the Senate read and passed. In the House, the Order was read and passed in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission" (Emergency) (S. P. 777) (L. D. 2334) which was Passed to be Engrossed as amended by Senate Amendments "A" (S-488), "B" (S-495) and "C" (S-496) and House Amendments "C" (H-1162), "D" (H-1170), "E" (H-1171) and "F" (H-1174) in the House on March 31, 1976.

Came from the Senate, passed to be engrossed as amended by Senate Amendments "A," "B," "C," and House Amendment "C" and "E" as amended by Senate Amendment "A" (S-509) thereto in nonconcurrence.

In the House: On motion of Mr. Burns of Anson, the House voted to adhere.

**Messages and Documents**

The following Communication:  
Committee on Education

April 1, 1976

Hon. Edwin H. Pert  
Clerk of the House  
State House  
Augusta, Maine  
Dear Hon. Pert:

The Joint Legislative Committee on Education was directed by Joint Order (H. P. 2214) to report out a bill providing a means of approv-

ing emergency school construction projects for the remainder of the biennium.

The Committee wishes to report that its response to this Joint Order may be found in Section 3750 of Committee Amendment "A" (S-651) to S. P. 561, L. D. 2056, Bill An Act to Clarify Certain Provisions in the Education Laws.

Respectfully,  
Signed: BENNETT D. KATZ  
Senate Chairman

Signed: ARTHUR P. LYNCH  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:  
State of Maine  
One Hundred And Seventh Legislature  
Committee on Performance Audit  
April 1, 1976

Honorable John L. Martin  
Speaker of the House  
House of Representatives  
Augusta, Maine 04333

Dear Representative Martin:  
It is with pleasure that I report to you that the Committee on Performance Audit has completed all actions necessary on the business placed before it by the 107th Legislature.

Total Number of Bills Presented	4
Ought to Pass	3
Ought to Pass as Amended	1
Unanimous Reports	4

Respectfully,  
Signed: GEORGETTE B. BERUBE  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:  
State of Maine  
One Hundred And Seventh Legislature  
Committee on Public Utilities  
April 1, 1976

Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04330

Dear Mr. Speaker:  
It is with pleasure that I report to you that the Committee on Public Utilities has completed all action necessary on the business placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	19
Unanimous Reports	16
Ought to Pass	4
Ought to Pass as Amended	7
Leave to Withdraw	5
Divided Reports	3
Total Number of New Drafts	1

Sincerely yours,  
Signed: EDWARD C. KELLEHER  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:  
State of Maine  
One Hundred And Seventh Legislature  
Committee on Fisheries And Wildlife  
April 1, 1976

Honorable John L. Martin  
Speaker of the House  
House of Representatives  
Augusta, Maine 04333

Dear Speaker Martin:  
It is with pleasure that I report to you that the Committee on Fisheries and Wildlife has completed all actions necessary on the business placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	5
Unanimous Reports — Ought to Pass as Amended	1
Leave to Withdraw	2
Divided Reports	2

Respectfully,  
Signed: KENNETH A. MILLS  
House Chairman

The Communication was read and ordered placed on file.

The following Communication:  
State of Maine  
One Hundred and Seventh Legislature  
Committee on Marine Resources  
March 31, 1976

Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04333

Dear Mr. Speaker:  
It is with pleasure that I report to you that the Committee on Marine Resources has completed all action necessary on the business placed before it by the Special Session of the 107th Legislature.

Total Number of Bills Presented	7
Unanimous Reports	5
Ought to Pass	1
Ought to Pass as Amended	3
Ought to Pass in New Draft	1
Divided Reports	2
Total Number of New Drafts	1

Signed: LAWRENCE P. GREENLAW, JR.  
House Chairman

The Communication was read and ordered placed on file.

**Orders**

Mr. Carpenter of Houlton presented the following Joint Order and moved its passage: (H. P. 2274) (Cosponsor: Mr. Finemore of Bridgewater)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of St. Mary's CYO of Houlton State of Maine Catholic Youth Organization Basketball Champions 1975

WE the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

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

Mr. BURNS: Mr. Speaker, having voted on the prevailing side on L. D. 2334, I now move that we reconsider our action of earlier today and hope you all vote against me.

The SPEAKER: The gentleman from Anson, Mr. Burns, having voted on the prevailing side, now moves that we reconsider our action of earlier today whereby the House voted to adhere on Bill "An Act to Revise the Maine Criminal Code as Recommended by the Criminal Law Revision Commission Senate Paper 777, L. D. 2334.

The SPEAKER: The Chair redognizes the gentleman from Bangor, Mr. McKernan.

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we would reconsider. I think that it is important that we don't let this bill die between Houses. I think that it is important that we have a Committee of Conference on this and try to work it out.

As I understand it, there are just minimal dif-

ferences between the two bodies and it would seem these days, when we have a lot of debate going on, it would be easier to let a Conference Committee get together and work out the minor differences in this bill. I think they are important measures that everybody agrees that ought to be passed, in fact, we have even extended the effective date of the criminal code in order to get these amendments on. I think it would be too bad to lose them, so I hope that we would reconsider so that we could ask for a Committee of Conference instead of adhering.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: The minimal differences referred to by the gentleman from Bangor is taking the gun mandatory sentence off the criminal code and is also removing the burglary mandatory sentence that Representative Gray put on. We passed this measure by a vote of 115 to 14 and I hope you stand firm.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I have some very mixed feelings about this. The one that primarily comes to mind is the fact that I am concerned, deeply concerned, that we will shoot down the tube the whole criminal code bill that we had before us. The reason that I am concerned about that is because I think in the other body, their position in terms of adhering would be even stronger than ours. The criminal code commission enacted the criminal code and it will go into effect on May 1 as it presently is in the law without this bill and we would, in effect, have deleted the opportunity of having the deadly force issue, which we passed last week, changed, as well as some other very important and critical points. I suspect that that body could live with the code in its present posture much easier, perhaps, than we in this body can.

I support the position of Mr. Burns insofar as his amendment is concerned, but I would hope that at least by insisting and asking for a Committee of Conference, that we could stand our position; if we can't, then adhering would not make any difference because we will have lost it anyway, or they will come along with us. I would hope that we would not adhere but we would reconsider the motion to adhere and perhaps at that point ask for a Committee of Conference.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I certainly hope this morning that we go along with Representative Burns. The other day when we debated this bill, I was sick and left early and I got a lot of letters as to why I didn't speak on this bill. This is a very important issue and it is a very important issue because there are a lot of amendments that were put in there that are good for the people of this state. Item one is, that if we don't have protection in our own homes, we don't have protection anywhere, and mandatory sentences is what this legislature has the responsibility of doing. Let's make the law so that we tell these criminals that it is going to be, if you commit this crime the second time, you are going to jail. It is our responsibility as legislators to make good, strong laws against these people who use guns in this state.

I support these amendments 100 percent. In fact, I had a speech ready weeks ago and wasn't here to use it. Probably we did not need it anyway. We had a lot of support on this bill and this bill is very important, and I for one am sick and tired of the other body over-ruling the good legislation that this body passes.

Last year, I was very disappointed with them and I am again this year, but I said nothing last year. I think the wisdom of this legislature is

just as intelligent and in many cases more so than the other body. In fact, I believe that the legislation that we have passed on making it harder for the criminal to survive in this state, who use guns, is something that we are going to eventually be faced with in years to come where vicious crime and murders and rapes are on the upgo. To be sure, they are only up 8 percent this year compared to 16 percent last year but still going in that direction and I believe that we are entitled to stand up and be counted, that the people of this state want good laws against the vicious crimes that are committed.

Last night in Miami, three policemen were murdered, shot in cold blood, and you can go all over this country and see where these things are happening.

I firmly urge the members of this House to stick to our guns and not let the other body tell us what they are going to do because we have had enough of that — I have anyway, I don't know about you. We are elected by the people the same as they are elected by the people, and I don't want to get too involved in this this morning but I certainly do hope that we stick to our guns and we let the other body know that we are not going to back down.

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

Mr. FARNHAM: Mr. Speaker, first, a question of information? Did I understand that the gentleman from North Anson, Mr. Burns, recinded his motion to adhere?

The SPEAKER: The Chair would answer in the negative. The gentleman moved to reconsider whereby this body voted to adhere.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to reconsider and then we would insist and ask for a Committee of Conference. It seems the only logical thing we can do. Otherwise than that, as the gentleman from South Portland explained, we will have the criminal code law May 1 without any amendments, even the committee amendment.

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

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I would also ask that we reconsider the motion and ask to insist and ask for a Committee of Conference.

As you know, the other day I spoke for the mandatory sentencing on firearms and I still support that position 100 percent, but if it goes down in flames between the two Houses, I don't see where that is going to get us anywhere. I think it is important that we insist and ask for a Committee of Conference. Further, I would ask the Speaker to please, when he appoints that Committee of Conference, take into consideration the vote on mandatory sentencing for firearms of this body.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: The other body's idea of compromise is to yield to the defense lawyers. We have watched all session long the other body capriciously kill or badly maim bill after bill, amendment after amendment, that we have sent down to the other end of the hall.

The only people that are against these two amendments are the defense lawyers. As they have mentioned, these are minor differences, and now they are trying to rush us into a committee of compromise to knock off these two amendments that were passed in this House overwhelmingly.

I certainly don't believe that they are so unreasonable down there that they will kill the entire criminal code, so I would ask this House that we not reconsider.

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

Mr. JOYCE: Mr. Speaker, Ladies and

Gentlemen of the House: Let's make this issue clear. Let us recall last year when I told you that scientific study that was done about the chicken, why did she cross the street? They concluded that that chicken did not cross the street, it only went to the middle of the road so she could lay it on the line. This is what I want to do here now lay it on the line.

We have a good criminal code that will be going into effect shortly. This revision that we are talking about will put teeth in that code. The input is there from law enforcement. They went through this, and believe me, I found for the first time in two years that the law enforcement people were interested in something other than the front plate. Don't lose the good revision. We can save much by a Committee of Conference. We don't want to lose it all now.

We have got to put these teeth in there. We have got to make this clear. We have problems in the criminal law and I support that mandatory sentencing. We have got to come to a compromise here. Mandatory sentencing is a dirty word sometimes amongst the lawyers, I know that. I put it up there in that class with plea bargaining, you know, that nice ethical thing that we can't define.

I am concerned with this, this judge shopping, our lawyers, you think you have seen ballet dancers at their best, go down to the courthouse and watch those lawyers, how quick they develop that courthouse flu when there is a Thomaston engineer sitting on that bench, and that is how we refer to these judges, Thomaston engineers. They bring them in, listen to their story and they send them down there to the college of rockology, we know that.

We have got a good, a very good criminal code. I traveled through these halls, up and down stairs, I heard discussions on outhouses in Casco Bay and all this sort of thing that I never came in touch with before, but when I went to that Judiciary the last few months, believe me, I saw the workers here. They labored through this. They were up there from eight o'clock until twelve-thirty the other night. I think they should have stayed longer and they probably could have worked this out.

I think, really, that we have got to get in a Committee of Conference. I have always been for fundamental fairness, and I think this is what we owe that committee.

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

Mrs. NAJARIAN: Mr. Speaker, a parliamentary inquiry. If we adhere, would this kill the bill or will the Senate be able to take further action?

The SPEAKER: The Chair would advise the gentleman and members of the House that it would not kill the bill. The pending question of adhering would be to adhere to our position. The other body would have no choice but either to recede and concur or that would kill the bill, but the other body would have that option, since the bill left here without having been indefinitely postponed.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Mr. Speaker for that very lucid explanation of what will and can occur. I think the prospects are very clear, in order for this bill not to die, it would be necessary for the Senate to recede and concur.

I voted with Mr. Burns and Mr. Gray yesterday and I support their position, but I think that a change in deadly force was the item that came out of our passage of the criminal code last year. And as the provisions of that criminal code became rather widely known around the state, we immediately began to hear strong urgings that we do something about the use of deadly force as it applied to the defense of the

domicile. That is what the people were concerned about. The gentleman from Calais addressed this with an amendment to the criminal code. I did not hear the people screaming for mandatory sentences. I am sure that they would agree, I am sure that they would agree with the majority of this house that mandatory sentences are the right thing, but that is not what they were talking about.

There is strong sentiment in this body to strengthen the deadly force provision. We showed that, because that is the item we took up first on the criminal code and we supported it, and I certainly agree with the gentleman who spoke in favor of mandatory sentences, but regardless of what I think, if you vote to adhere, you probably will not get mandatory sentences for second offenses of burglary, you probably will not get mandatory sentences on offenses with a gun and, most importantly, you probably won't get a revision on the deadly force issue and I think this is the issue the folks out there were concerned about.

People have little knowledge of the total implications of the mandatory sentencing but they do perceive a real problem in the restrictions on the use of deadly force to defend the home. So in order not to lose this entirely, this change in the application of deadly force in the home, to defend the home, I think we should definitely vote to reconsider adhering this morning and move to a Committee of Conference, and I certainly hope that you support that position.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know, if you heard Attorney General Brennan last Sunday speak on Channel 5. I was in my room here at the Senator Motel with my wife and we were listening to it. He was questioned by two reporters and at certain times they asked him, were there certain things that you didn't like in the criminal code? He said, yes, but he said, there have been a few amendment changes which are excellent. He said, as it is at the present time, it is about as good as you can get and I am very, very much in favor of it. He said, I was not at one time, but you can't make it perfect all at once. He said, a little later if we find a few things that don't work right, at that time, we can make changes. For God's sake, he said, let's not kill it now because we have it as good as we can get it at the present time.

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

Mr. PERKINS: Mr. Speaker, a point of inquiry. It is my understanding that other body put on a Senate Amendment 509, which was to correct a problem in the code as found by the committee. If we adhere, does that mean that we will not have the opportunity to put that on?

The SPEAKER: The Chair would answer in the affirmative.

Mr. PERKINS: Mr. Speaker. I think that is important.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We are in the throes of a parliamentary maneuvering, and that is what it amounts to. The other body has enforced their will over us on several issues by doing the very same thing on other matters and they would come back here to us and we would recede and concur and go along with them. So, what we are talking about this morning, when you come right down to it, is whether or not we are going to lose these two mandatory sentences in the two amendments that were presented from the floor of the House; it amounts just to that.

In my opinion, there is no more danger of this bill dying than there is for anything in the world to happen at all. If we adhere and it goes back to the unmentionable branch, they will recede and concur, there is no question about that. It is just the fact that they want to take these two things off and I think the people across this state want those two items on and for the minimal risk, the odds are 100 to 1 that they would go the other way. For the

minimal risk, I say, let's hold firm, let's adhere to our action and send it back down there and they can scratch their consciences and see what they want to do.

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Silverman.

Mr. SILVERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the gentleman from Brewer, Mr. Norris, as far as this being a parliamentary maneuver. The major thing that we are talking about here today is mandatory sentencing for the use of firearms when committing a crime. In my thinking, the major stake is this, those who do not want to use mandatory sentencing are saying, there is the occasional person who might be innocent and you leave the judge no choice but to follow the law and give him a mandatory sentence if he used firearms, that is one approach.

The other approach, and the approach which I favor, is that if it be understood in the State of Maine that we use mandatory sentencing in the use of firearms, then it is definitely and can be used as a deterrent for those people who might use it, such as in burglary or assault and I think that that is important on the laws of our state in this criminal code.

I realize there are both sides, but I listened to the speakers and the orations yesterday, especially from many of the younger members where I was somewhat surprised at the stand they were taking of the use of mandatory sentencing. I think they are taking that stand because they believe it is needed and I certainly agree with them, that most people who are going to use a firearm in committing a crime recognize that they have an automatic jail sentence in front of them, and possibly many of them are going to think twice and, therefore, I find it important that that stay in the criminal code, so I would ask that you adhere. Once this goes back down to the other end of the hall, they will get the message and you will certainly see this come back as a bill with the intent of this House being the law in the criminal code.

I would ask for a roll call and ask you to vote to adhere.

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

Mr. CAREY: Mr. Speaker, I am going to be going through a few parliamentary procedures here and I would ask, Mr. Speaker, that if I am incorrect, if you would be kind enough to interrupt me, to tell me that I am incorrect.

If we were to insist and go to a Committee of Conference, am I correct, Mr. Speaker, in saying that the House still has the alternative of rejecting the Committee of Conference report and adopting our previous position?

The SPEAKER: The Chair would answer that part of that assumption is correct, that we could reject the Committee of Conference. At that point, we would then appoint another Committee of Conference, but we could not go back to our original position.

Mr. CAREY: All right, so we would have lost our position to adhere as soon as we leave it today?

The SPEAKER: The Chair would answer in the affirmative.

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I am a proponent of the position that is taken by the Representative from Anson, Mr. Burns. We conducted some fairly extensive studies two summers ago under a rural crime study that the Legal Affairs Committee was charged with and this is exactly what we were finding out throughout the countryside, that people wanted some control over those criminals who were acting with guns, some controls over those people who were committing burglary for the second, third and fourth times. They wanted some controls over the people who were out on bail and committing further crimes while they are out on bail. This has not been addressed in this bill, it was defeated in the regular session. But the position that Mr. Burns has taken at this point is our only position that we can take, since this will be the last time that we can reach this position,

and I would certainly hope that we would stick with it.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: For the last time, I will say a few words on this. I would like to disagree with my good friend Mr. Silverman. We had some very good bills that came out of this House here, as you all know, and those good bills were killed in the Senate.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I think I was the only member of the Judiciary Committee, and someone may correct me if I am wrong, to vote for both of these amendments. I do favor both of them. I was also the only one of the Judiciary Committee who favored the mandatory sentence for firearms in the committee and then spoke for it here on the floor. But there is a valuable Senate amendment which might be lost if we adhere today and, furthermore, there is a chance, even though it may be a long shot, that we lose the whole bill. For those two reasons, I would urge you that we not adhere and go to a Committee of Conference.

I think the will of this House has been well expressed and I think those conferees will go into that conference with a strong feeling of how we feel, and I am confident that we can come out of the conference in a strong position and if we don't, then I would not support the report of the Committee of Conference either. I would urge you not to adhere at this point and go to a Committee of Conference.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: About everything has been said, but I would like to state my position, that I think we should adhere and then let the other body make their move and then let's go from there.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. PIERCE: Mr. Speaker, Ladies and Gentlemen of the House: I, too, like I think many of you, have mixed emotions on what to do in this particular instance. However, I think you know as well as I do what happens in committees of conference. We might as well call them a committee of acquiescence, because that is what usually happens. Most of the time we end up on the losing side.

I think that the mandatory sentencing for the use of firearms receives overwhelming support in this body and I think certainly does from the vast majority of people across the State of Maine. I happened to be in the other body when the vote was taken over there, and I can tell you, there was a considerable amount of support for it there, also. It wasn't overwhelming in the other direction.

So I would just ask you to put yourselves in their place. If this bill came to you, would you kill it or would you recede and concur? I think for once we have got the upper hand in this body and I hope we will stick to it and vote not to reconsider.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to reconsider our motion to adhere on this matter. I think that the House expressed itself as clear-

ly as it would be possible to express itself on the subject of a mandatory one-year sentence for any crime which is committed with the use of a gun. The vote was clearly overwhelming and I think that the members of the other body have gotten that message clearly.

I, for one, feel at this point that the House has accurately expressed the feelings of the people of this state and although I personally have some reservations about the use of mandatory sentences in any case, at this point, with the House having expressed itself so clearly, I would not support any bill coming out of a Committee of Conference which did not have a mandatory one-year sentence for crimes committed with firearms. I don't think that there is any question or there is any danger that that provision will be lost.

There was, in the other body, strong opposition to the other amendment relating to mandatory sentences on burglary, and there also was an amendment that was put on in the other body to deal with the problem of enforcement of civil violations. I don't know how strong this sentiment is in the Senate, but I know that there is and has been strong sentiment in favor of the code as it exists right now among certain members of the body.

If the code goes into effect on May 1 as it is scheduled to go into effect, and I think that that is a possibility, there will be no mandatory sentences in the code, there will be no mandatory sentence for crimes committed with a firearm, and not only that, there will be a field day for the defense lawyers because the civil penalty provisions will be completely unenforceable.

The way the code is written right now, if the police officer has probably cause to believe that somebody has possession of marijuana, because marijuana possession is a civil offense, the officer has no power to make an arrest. All he can do is issue a civil summons. If he goes up to somebody who he knows is in possession of marijuana and says, please identify yourself so that I can write out this civil summons, and the person refuses to cooperate, the officer is completely without recourse. He can't arrest the person, he can't require him to identify himself. The person says, my name is Mickey Mouse, I live on Sunset Boulevard, and there is nothing that the police officer can do. So the revisions that we have made, I think, are important for law enforcement.

The code, as it goes into effect, if we don't have the revision bill, also does not permit the use of deadly force to remove an intruder from the dwelling house if he refuses to leave. I think that this House voted strongly in favor of that provision and that that is an important protection to the rural citizens of this state.

I don't think that there is any chance whatsoever that a Committee of Conference, made up of members from this House, will come back to this House with a Committee of Conference bill that doesn't include the mandatory one year jail sentence for crimes committed with a gun used against the person. And I for one, as the acting chairman of the Judiciary Committee, will not support any bill coming out of a Committee of Conference which doesn't have that provision. But I think that we would be wise to reconsider, allow a committee of conference so that we can get the two bodies in concurrence on this matter and get these revisions passed before the code goes into effect. I would urge you to vote to reconsider and I would urge you to watch my vote if we do reconsider and I will vote against anything that doesn't have that one year mandatory sentence for crimes committed with a gun.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It is no secret to this

House what my position is on mandatory sentencing, but there is one thing that I am really sick and tired of, and this is not just in this session of the legislature, but in the previous sessions of the legislature, how that other unmentionable body has the ability to dictate to this House.

I would urge you not to reconsider. I would urge the House to stand fast, even though I object to mandatory sentences, and let's see if the other body will take a different position.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge you not to vote to reconsider but that you would vote to adhere.

I think Mr. Carey brought out some good points when he explained the parliamentary procedure, that with a Committee of Conference it is possible that we lose our position. I can see no reason to have a Committee of Conference if we all feel today as we did when we voted on this previously, because the Committee of Conference would only do one thing, come back in to weaken the bill.

I think the bill is good the way it is and I think it is time that this body said to the other body that we are not going to keep backing down for your wishes, that we have voted our position and we are going to hold our position. As far as this bill dying between the two Houses, I think Mr. Norris from Brewer brought out very well that this is too important a bill and the other body will not let it die. So I say, let the other body do some backing down for a change and let us hold our position; otherwise, we are only going to show that we are the weak sister arm of the legislature and that the other body is doing all the string pulling. I would ask you to vote to adhere.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: As I told you, I went several times before the Judiciary and I am proud today to see that one of the students of my lecture, the Representative from Standish, got the message.

I went up to clear up a problem there and this revision will clear it up. I don't want to get into a long debate on a Friday, but I am going to explain to you in laymen's terms. I am going to try to bring out in a few short sentences the way these attorneys confuse us. A lawyer can confuse me in about two minutes, until I write it down and look at what he said, and then I make a big zero.

What they are talking about, civil violations versus criminal violations, and most people don't know what they are, so I will identify in common layman's terms. In a civil violation, the state is going after your pocketbook, going to hit you in the pocketbook. And to the gentleman here, I could say, in the criminal law, the state is going out for your — uh — but to the ladies, they want that pound of flesh, and that is what it boils down to.

Now, on the marijuana thing, I went up and told them how the code would handle this, how the police would interpret it. It was clear.

Several years ago, the United States Supreme Court felt there should be some restrictions put on the behavior of policemen, the way they operated, and they brought to light once again the exclusionary rule, and this is what the ballgame is all about. If you are to be arrested, the policeman can't come to the front door, pull you out of your house and then go out back into your bedroom and get the evidence against you. He can't take you to court because it is excluded, and this is very clear. Policemen understand this. I explained to the Judiciary Committee that they made the possession of marijuana — and I know it is a no-no word here, but marijuana is a civil violation. I explained to the

Judiciary that the exclusionary rule cannot be applied to a civil violation, it doesn't count. It is not the rule to the ballgame, and I predicted to them that there would be ten times more arrests for the possession of use of marijuana in the next few years, but they left the thing the way it was. The police can come down the street and search every kid on the corner and then arrest those that he wanted to. They would have a field day out there.

I explained to them, you have got to do something here, and this is why this amendment is in there. The only redress that the kid on the corner would have is to turn around and sue the policeman. Now, everybody threatens to sue policemen, but you have such a long line waiting that they never get to you. That is why this revision has got to get on the books.

I have got children and many of you have got children. You have got to take a look at this, and I urge you to vote to reconsider so we can get into that Committee of Conference and right the wrongs that are there.

You know, the regular session, the Judiciary Committee didn't work until midnight or after. Now they have seen the problem, they have tried to correct, and believe me, I think they are sincere. I think there are a lot of good things in here and I don't like to see it go down the tube.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Gauthier.

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman of the Judiciary Committee, I disagree with Mr. Spencer very much on this problem here. I agree with the Attorney General. The Attorney General said, you have got a good thing going, I am not agreeing a hundred percent with it, but if you tamper with it, you are going to be in trouble. Let's try to put it in, we can always come back and there will be changes. At least this thing here can be changed at the same time.

Mr. Pierce has told you that as far as the other body was concerned, the vote was very close. If it is that close and you go into a Conference Committee, you might have a chance of not disturbing the whole thing and passing what you want at the present time.

I am with Mr. Burns on what he wants, but I am afraid that we might hurt our criminal code if we go otherwise.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: By placing my amendment on the code, I in no way want to indicate that I didn't think that the Judiciary Committee didn't do one very good job in coming up with the revisions with the criminal code itself. There are going to be problems with it, anything that is new they are going to have problems with. However, I firmly believe that the people of this state want to retain the mandatory provisions of sentencing they currently have. In fact, mine is not as strong as they are currently on the books.

Mr. Gray's amendment for no suspension on the second time an individual is convicted for burglary is an excellent one. The committee did a good job; let's get the whole works.

Mr. Morton mentioned a change in deadly force. The criminal code currently, as written without amendments, is the same language which was stated here on the floor of the House when we were debating the criminal code. It is the same statute that is in the current code. There would be no change. The revision that we passed put more strength to the code.

As for Senate Amendment "A" to House Amendment "E", if that is necessary, it can be added to the Errors and Inconsistencies bill, so the red herring of that shouldn't concern us too much.

After what I have experienced this morning by talking with some individuals from the other end of the hall, if we go to a Committee of Conference, we are going to almost guarantee you that we can swallow our 115 to 14 votes or kill the bill. That is the only way out.

Let's wrap this package up, tie it with a great big red ribbon and send it back to the other end of the hall. I would like to see the red light light up, vote no.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Anson, Mr. Burns, that the House reconsider its action of earlier whereby it voted to adhere. All in favor of reconsideration will vote yes; those opposed will vote no.

YEA — Bagley, Bennett, Boudreau, Call, Connolly, Cox, Dow, Dudley, Farnham, Flanagan, Gauthier, Hinds, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kauffman, LaPointe, Leonard, Lewis, Mills, Miskavage, Morton, Pelosi, Perkins, S.; Peterson, T.; Powell, Quinn, Snow, Spencer, Talbot, Tierney, Usher, Wilfong.

NAY — Albert, Ault, Bachrach, Berry, G.; W.; Berry, P. P.; Berube, Birt, Blodgett, Bowie, Burns, Bustin, Byers, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Connors, Cooney, Cote, Curran, P.; Curran, R.; Curtis, Dam, Davies, Doak, Drigotas, Durgin, Dyer, Farley, Faucher, Fenlason, Finemore, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hunter, Hutchings, Jackson, Kany, Kelleher, Kelley, Kennedy, Laffin, Laverty, LeBlanc, Lewin, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, A.; Martin, R.; Maxwell, McBrearty, McMahon, Mitchell, Morin, Mulken, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Perkins, T.; Peterson, P.; Pierce, Post, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Wagner, Walker, Webber, Winship.

ABSENT — DeVane, Hewes, Hobbins, Immonen, McKernan.

Yes, 36; No, 109; Absent, 5.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred and nine in the negative, with five being absent; the motion does not prevail.

Mr. Morton of Farmington presented the following Joint Order and moved its passage: (H. P. 2276) (Cosponsor: Mr. Rollins of Dixfield)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Jill Pingree — Temple, Maine Mt. Blue High School Junior National Winner — Discus Throw Intermediate Division AAU

WE the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

Order and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

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

Mr. Stubbs of Hallowell presented the following Joint Order and moved its passage: (H. P. 2279)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Hilda Jacob Administrative Secretary Of The State Law Library Who is

Retiring After 43 Years Of Service To The State

WE the Members of the House of Representatives and Senate do hereby Order that our congratulations and acknowledgement be extended; and further

ORDER and direct, while duly assembled in session at the Capitol in Augusta, under the Constitution and Laws of the State of Maine, that this official expression of pride be sent forthwith on behalf of the Legislature and the people of the State of Maine.

The Order was read and passed and sent up for concurrence

Mr. McKernan of Bangor presented the following Joint Order and moved its passage: (H. P. 2280) (Cosponsor: Mr. Martin of Eagle Lake)

WHEREAS, the present compact between Maine and the University of Vermont College of Medicine for the medical education of Maine residents is scheduled to terminate with the admission of a final group of students in the fall of 1976; and

WHEREAS, the compact has proven of value both to the students and to the State of Maine in meeting its need for medical education and health care; and

WHEREAS, the University of Vermont and Tufts University have recommended to Maine a new compact which would increase the number of Maine residents receiving medical education at the University of Vermont College of Medicine and would make such medical education available at Tufts University, as well as at Vermont; and

WHEREAS, the Committee to Improve Medical Manpower and Education approved in principle the further development of contractual opportunities for medical education of Maine residents at the University of Vermont and Tufts University, while reserving its right to consider and recommend alternatives in the future; and

WHEREAS, The proposal for a new compact would increase the opportunity for Maine students to receive a medical education and would also require as a condition for graduation that a portion of the clinic education of Maine residents take place in Maine; and

WHEREAS, both universities need to have an indication from the State of Maine as to its intentions and attitude toward the compact for the medical education of Maine residents; now, therefore, be it

ORDERED, the Senate concurring, that the 107th Maine Legislature, while realizing that final decisions on a new compact and the appropriation of funds for students starting the 1977-78 academic year must be made by the 108th Maine Legislature, nevertheless, recognizes the value of the compact and indicates its approval of the State starting negotiations to enter into a contract with both Tufts University and the University of Vermont which will increase the number of Maine residents receiving medical education; and be it further

ORDERED, upon final passage, that suitable copies of this Order be forwarded to the Deans of Tufts University and the University of Vermont.

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

On Motion of Mr. Albert of Limestone, it was ORDERED, that James MacLeod of Bar Harbor be excused April 5th, 6th, 7th, 8th, 9th, and 10th for personal reasons.

#### House Reports of Committees

##### Ought to Pass in New Draft New Draft Printed Tabled and Assigned

Mr. Garsoe from the Committee on Ap-

ropriations and Financial Affairs on Bill "An Act to Establish the Contract Review Committee to Oversee the Bureau of Purchases" (H. P. 1980) (L. D. 2172) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Reorganize the Standardization Committee" (H. P. 2278) (L. D. 2239)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

On motion of Mr. Talbot of Portland, tabled pending passage to be engrossed and tomorrow assigned.

#### Orders of the Day

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

An Act Concerning Transit District Buses Used for Elementary Pupil Transportation (H. P. 1996) (L. D. 2177) (S "A" S-439 to C "A" H-980)

Tabled — April 1 by Mr. Rolde of York.

Pending — Reconsideration (Returned by the Governor without his approval)

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: You have before you today L.D. 2177, An Act Concerning the Transit District Buses Used for Elementary Pupil Transportation. This act has been vetoed and I am asking you to override this rash action by the Governor.

Let me start by reading the Statement of Fact on the original bill. "The purpose of this act is to enhance people's safety by allowing flexibility in transit district bus seating capacity for small children where the loading factor is unstable. Strict adherence to the 13 inch requirement of the present law often results in small children being left at bus stops or at school, where they could be accompanied safely by amending the law."

Let's start off by looking at why this bill was vetoed. If I could quote from the veto message — "I am returning this bill because it would grant the transit districts powers generally delegated by Maine law to superintendents of schools and school committees." Governor Longley ought to take the time to read the bill. The fact of the matter is that my bill does not take any power away from school superintendents nor from school committees. They never had any power over school bus seating capacity. They never had any authority whatsoever in this area. Even if it had been the case, the fact is, I put this bill in at the request of both the Portland school superintendent and the school committee. If they had the power, this bill never would have come up. They would have handled the problem administratively. The fact is, they couldn't do this. Nor does the bill grant power to Maine's only transit district. The power is, the power always has been, with the Legislature itself. That is the reason we are discussing it today.

The veto message goes on to say, and I quote, "I do not approve of legislation that amends our school bus safety laws for the convenience and profit of a transit district to the potential detriment of the safety and health of the elementary school children." Again it is very clear that the Governor does not understand the bill.

The Greater Portland Transit District is not a private company, it is a publicly owned and operated regional district providing public transportation in the Portland area. It is losing nearly \$750,000 during the current fiscal year. This situation is not expected to improve in the future.

Furthermore, this bill is not going to provide any more revenue of any significant amount, even if it should pass. At most, it might add a grand total of \$200 a year in a multi-million dollar operation. If the bill fails, the transit dis-

trict doesn't get any less money. It won't cost the transit district any more. Failure of this bill will merely mean that the legislature condones leaving tiny children, age five through twelve, stranded and unsupervised in bad weather at the bus stop. It is obvious to me that this is a case of extremely poor research on the part of the Governor.

The Governor has, however, hit upon the key issues raised in this bill, that is, the safety of children. Right now, under present law, on a bad day a mother tells her 6-year-old son Johnny to take the bus to school because her car wouldn't start. So he goes to the bus stop and he waits for the bus. Although he doesn't usually ride the bus, his bus stop is early in the school bus route so he gets on. The state pays for it, it is already under the transportation section of the school funding law. This bus has got 20 seats. Each seat is 36 inches wide and present law allows two kids to a seat for a total of 40 children to be carried.

Now, the bus goes along its route, it picks up more small children and so it has a total of 40 students, but there is one more child, a 6-year-old girl that always takes the bus to school who is also waiting for a ride. The bus driver stops and tells her, I am sorry, you can't get on. After all, if he takes on just one more child, even one as tiny as this, he could lose his license, he could lose his livelihood. What's more, if there were ever to be an accident, he would have broken a law and would be held personally liable for exceeding the legal load limit.

Now, the poor little thing has got nowhere to go. The driver must drive the other kids to school, so he is of no help. The little girl's mother is off to work to help make ends meet, so the child can't go home. There is no one else at the bus stop, bad weather happens to be, a driving snow storm in the middle of January, her mittens are wet, it is 20 degrees out and the wind is blowing the snow in her face. She has to wait outside in this storm for 20 minutes until the bus comes. She is confused because she can't go to school and she can't go home. She is terrified to be alone like that — what can she do? What would you do if you were a 6-year-old in her position? I shudder to think what I would do or what would happen to me if I was in that situation.

I say, on those few occasions when this thing happens, let her sit down in a seat with two other 6-year-olds. The minor discomfort of three 6-year-old children sitting on a 13 inch seat is far outweighed by the threat to the child's safety if she is left stranded there alone at the bus stop. I would ask you to vote with me for the safety of this little girl and a couple hundred like her. Vote to override this veto. Let's let common sense prevail.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I also rise to support this bill. The transit district was trying to be exempt in the session two years ago from the school bus safety laws, and no one fought harder than the Portland delegation to not exempt the Portland Transit District from the school bus safety laws.

As you well know in this House, sometimes when the letter of the law is enforced, it sometimes becomes ridiculous, and this is what has happened in Portland. We have children who do not normally ride the bus every day. If it is sunny and the weather is nice, they walk. If it is rainy or a bad snowstorm, there are more children out there waiting to be picked up on the bus. What happens is and what has happened is that the bus driver picks up these kids, he gets on to the next bus stop, he realizes he has got four too many and he has to check on who are not the regular riders and he puts them off at the next bus stop. Either the children have to go

find a telephone to call for a ride or the bus driver has to stop and find a telephone and call for another bus. This is a delay on his time and a delay on the children's time and if they have to order another bus, it costs far more than if they let four or five more children ride on the bus for ten or fifteen minutes. The bus rides in Portland are no more than fifteen minute at most on a regular run.

I think the Governor doesn't understand the bill. It is a convenience to the children. The transit district would profit more if they had to order another bus than if they let four kids more on now and then, and I hope you will vote to override the veto.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think the proponents of this bill have defeated themselves when they say it is a measure of safety, because the only times the buses will be overcrowded is in the bad weather when there is snow and ice on the roads. That is the time when you don't want to crowd the buses. That is the time when you have children crowded together on seats, they are going to be hurt if there is an accident.

We have under the errors and omissions bill a change on Page 17 that says no vehicle shall be operated as a school bus when the number of occupants exceeds the maximum seating capacity of the school bus. To determine the maximum seating capacity of a school bus, the linear width of each pupil seat in inches shall be divided by thirteen and rounded down to the nearest whole number.

The sum of these rounded down quotients is the maximum seating capacity of that individual school bus and shall be so indicated just to the right of the front door.

Now, what does this mean? It means if you have two oversized children occupying one seat, you can have four kindergarten or four first grade or small children seated across the aisle in another seat. It allows the bus to be used to its maximum capacity. I think this is statewide. I think it ought to be enforced statewide and we ought not to make any provisions for individual communities. I recognize the problem in Portland but I think the safety of the children overrides the intent of this bill.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: This bill is not in the best interest of school children. Its purpose is to allow students who are not entitled to free transportation to buy a ride at the fare box and be part of the 20 percent overload on a regular basis. This bill says the transit district shall establish a routing system which is in direct conflict with Title 20, Subsections 220, 358 and 3561 as they relate to the powers and duties of the superintendent and the superintendent of school board or committee.

This limits the powers of a superintendent to in all cases conserve the comfort, safety and welfare of the children.

I would also go on to say that this would grant to transit districts powers generally delegated by Maine law to superintendents of schools and school committees. If this bill were to become law, students transported to and from school by a transit district would not be subject to the same level of comfort and safety as children transported on regular school buses. This bill does not contribute to the safety of school children nor does it save any money.

I believe children being transported on a transit district buses should be entitled to the same level of service and safety as other children.

In short, I think we should retain the 13-inch seating requirement for all buses, including transit buses, and I believe other reasonable courses of action could be taken to address the

issue of public safety in a more satisfactory manner than is proposed in L.D. 2177. Therefore, Mr. Speaker and members of the House, I recommend sustaining the Governor's veto.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that there is nobody in this House more concerned about the safety of children than we would be. They are our children, they are from our district in the City of Portland, and if any of us thought that their safety was going to be in any way jeopardized, we certainly wouldn't even have this bill in the first place.

We are talking about transit district buses, which are heavier, bigger buses than the regular bus. Before we passed the school bus safety law, they used to be crowding 65 and sometimes 80 in the school buses. That is why we wanted the school bus safety law.

Presently, the buses have 45 seats, and these are for adults. You all know that these children are elementary students and they are much smaller. This would only allow for the expansion of nine more children on the bus, not every day, just on certain occasions when the weather is bad. I don't feel that we are jeopardizing the safety of the children in any way. I am sure Mr. Jensen doesn't nor any of the members of the Portland delegation, otherwise we would never have supported the bill in the first place.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Winship.

Mr. WINSHIP: Mr. Speaker and Members of the House: I was on this Transportation Committee and heard this testimony given. This is just scare tactics that my good friend Mr. Jensen is giving you. These are theoretical things. Nowhere else in the state can children get on a bus that are not regular passengers. The school board takes care of those things and the superintendents. There is no danger of them going and buying buses with state money because Senator Greeley asked the chairman or the manager of the bus thing, and he said that the federal government paid 75 percent of their buses. This is just a way of getting pay passengers on with your school children and they say it just runs up to the seventh grade or sixth grade. But elementary school children go kindergarten through eighth grade. Some of those children may weigh 150 pounds. When you narrow it down 20 percent from 13 inches, you are getting down to less than 10 inches and a half. That is a pretty small space to put children into.

I don't believe that there have been very many children left out in the cold. I believe that they have been taken care of by their parents or by their school board in some other way. I hope you sustain the Governor's veto.

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

Mr. MULKERN: Mr. Speaker, Ladies and Gentlemen of the House: I wish you would listen to the remarks of the Assistant Majority Floor Leader, Representative Najarian. The Portland delegation is as much concerned about safety as anyone in this House for the school children. As a matter of fact, I was the one who introduced the amendment in the last session, with the support of the delegation, to put the flashing red lights on the transit district buses, although our city council unanimously opposed it and we had some very divided opinions. We have put those flashing lights on; as far as I know they have worked out fine.

We are concerned about the safety of the children, but I feel that this is a perfectly reasonable idea that Representative Jensen has proposed and I can live with it in my district. If any children are injured as a result of this in my district, I and all the members of our delegation



are answerable for that. This only affects Portland and I would ask you, I would urge you, to go along with this amendment, I think it is perfectly reasonable.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: As Mr. Lynch of Livermore Falls has pointed out to you, in the errors and omissions bill, we have taken care of the problem in, I think, in a much safer way.

The original bill, the bill that the Governor has vetoed, adds the total length of all the seats, one seat after another, one seat may be narrower than another, we don't really know, but it adds the total length and divides by 13. So, in some cases, a narrower seat might be too narrow for two goodsized children and the wider seat may not really hold three good-sized children, there might be only five inches, maybe four inches to spare. So it doesn't really make a great deal of sense to me, but the amendment that we are offering will divide the length of each individual seat by 13, so that three small children would be able to sit in each seat and it would be therefore safe and I don't feel that the bill that the Governor vetoed really insures the safety of the children of Portland or children anywhere who ride on one of these transit buses.

I hope that we will sustain the Governor's veto and then go on in the education bill and approve that measure.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to start off by making it very clear that the gentleman from Auburn, Mrs. Lewis, is very much incorrect. The amendment she is referring to is Page 16 and 17 of the Errors and Inconsistencies Bill for Education. The fact of the matter is that what it says is that you determine the total number of children that can sit in a bus the same way that you do now with one slight exception. If you have got a wide kid, you can have him take up two seats and put three small children on a seat that is designed for two. The amendment that has been offered by the committee does absolutely nothing to solve the problem of the Greater Portland Transit District that the school children in Portland are facing.

It is interesting, until December 11, when the Attorney General's Office ruled otherwise, the Department of Education, in the way they were figuring things out, were saying that a transit district in Portland, by their figures, could take 63 children. Now, that was safe that was okay, they had no problems with that. State police looked at the laws and said, hey, who are you kidding. They went to the Attorney General's Office, they got a ruling and the ruling said, wait a minute, you guys have been interpreting things incorrectly. The fact of the matter is, those buses will handle 45 students. Now, what was safe before last December 11 suddenly is no longer safe.

The amendment that I am offering would allow 56 children maximum under certain limited conditions. The law prior to the last legislative session, the 106th legislative session, said that every pupil had to have 12 inches of seating capacity. I think that is a fair statement, especially for elementary pupils and you are talking about children in the kindergarten through sixth grade because the City of Portland, and, for that matter, the entire area, operates on a basis of three levels of education, elementary, K through sixth, junior high school, seven, eight and nine, and high school. It doesn't include anyone in the seventh or eighth grade.

The Department of Education was saying that 12 inches was fine at that point, then they

required it to be 13, increasing each student by one inch, which is what the average adult female requires by federal requirement. So what I am saying is that under certain limited conditions go back to the 12-inch rule and in this way, allow the small children to be carried.

Mr. Speaker, I would hope in the interest of bus safety and pupil safety, you will override this veto, allow it to become law, and allow the children to be taken care of. If this doesn't happen, if you don't make adequate use of the resources that you have through something such as the transit district, what you are going to end up doing is requiring the State of Maine to purchase yellow school buses, require them to purchase 50 or 60 buses. Now, how much money is that going to cost? It seems to me that it is going to cost us quite a bit. The alternative is the present system, where you use buses that have already been bought, been purchased by the transit district with some federal assistance to be used for passengers, you take those same buses during a certain period in the morning and the afternoon and you use them for school buses, you transport the kids, when the kids are transported, you go back to allowing other people to get on the buses, you don't mix the two. What you are talking about is utilizing fully the resources that you have. The alternative is spending a lot more money or reducing tremendously pupil safety. I would ask you to override.

The SPEAKER: The pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bennett, Berube, Boudreau, Bowie, Bustin, Connolly, Curran, P.; Curran, R.; Curtis, Davies, Dow, Farley, Fraser, Goodwin, H.; Hennessey, Hughes, Ingegneri, Jackson, Jacques, Jensen, Kany, Kelleher, Laffin, LaPointe, Martin, A.; Maxwell, Mills, Mitchell, Mulkern, Nadeau, Najarian, Norris, Peakes, Pelosi, Perkins, S.; Post, Powell, Quinn, Rideout, Rolde, Snow, Spencer, Stubbs, Susi, Talbot, Tierney, Torrey, Truman, Usher, Webber, Wilfong.

NAY: Ault, Bagley, Berry, G. W.; Berry, P. P.; Birt, Blodgett, Burns, Byers, Call, Carey, Carpenter, Carter, Chonko, Churchill, Clark, Connors, Cooney, Cote, Cox, Dam, DeVane, Doak, Drigotas, Dudley, Durgin, Dyer, Farnham, Faucher, Fenlason, Finemore, Flanagan, Garsoe, Gauthier, Goodwin K.; Gould, Gray, Greenlaw, Hall, Henderson, Higgins, Hinds, Hunter, Hutchings, Immonen, Jalbert, Joyce, Kauffman, Kelley, Kennedy, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lovell, Lunt, Lynch, MacEachern, Mackel, MacLeod, Mahany, Martin, R.; McBreairey, McKernan, McMahon, Miskavage, Morin, Morton, Palmer, Pearson, Perkins, T.; Peterson, P.; Peterson, T.; Pierce, Raymond, Rollins, Saunders, Shute, Silverman, Smith, Snowe, Sprowl, Strout, Tarr, Teague, Theriault, Tozier, Twitchell, Tyndale, Wagner, Walker, Winship, The Speaker.

ABSENT — Carroll, Hewes, Hobbins.

Yes, 53, No, 95: Absent, 3.

The SPEAKER: Fifty-three having voted in the affirmative and ninety-five in the negative, with three being absent, the veto is sustained.

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

Bill "An Act Repealing the Expungement Law and Providing for the Control of Access to and Disclosure of Criminal History Record Information" (S. P. 773) (L. D. 2326)

Tabled — April 1 by Mr. Rolde of York.

Pending — Passage to be Engrossed.

On motion of Mr. Rolde of York, retabled pending passage to be engrossed and specially assigned for Monday, April 5.

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

An Act Clarifying the Use of the Mental Health Improvement Fund (Emergency) (H. P. 2068) (L. D. 2238) (C "A" H-1024, H "A" H-1142)

Tabled — April 1 by Mr. Goodwin of South Berwick.

Pending — Passage to be Enacted

The SPEAKER: This being an emergency measure and under the terms of the Constitution requires for final enactment the affirmative vote of two thirds of the entire elected membership of this House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

122 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

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

An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process (H. P. 1966) (L. D. 2155) (C "A" H-977)

Tabled — April 1 by Mr. Tierney of Durham

Pending — Reconsideration (Returned by the Governor without his approval)

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

Mr. MCKERNAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we will today pass this law without the Governor's signature. I think that it is important to make sure that all sides have some input in collective bargaining at the University of Maine. As we discussed here and passed overwhelmingly when this bill was enacted, the collective bargaining will begin at the University of Maine and therefore we ought to make the decision here and now whether or not students should have some input with the administration.

All this bill does is guarantee that students will have the right to discuss the issues with the administration. After all, they are the ones who are going to be affected by whatever agreement is made. We have taken out of the original bill that the students will be able to be present at collective bargaining. Therefore, some of the objections raised in the Governor's veto message are not necessarily correct, and that is the discussions with the students by the administration will not prolong the negotiations, will not interfere with the negotiations, will not create any problems because of too many people in the room, because we have taken all that out of the bill. This is simply to require that the administration meet with the students when they know what the demands of the faculty are so that the administration can get only the reaction of the students and then make their own decision. This guarantees the students will at least be able to have a forum in which to discuss what they feel the effects of any agreements reached between the faculty and the administration will be on the student body who, after all, are the ones that we are trying to educate at the institution.

I hope you will vote yes on this, vote to override the veto.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I believe the gentleman in the far left corner has explained this very well and has done an excellent job. But I, too, want to urge you today to override this veto. I think the students deserve a right to have

a little input in the decision making process in which they are directly involved.

This bill received a good vote previously. I would only ask you, without any further debate, to maintain your same position as you vote previously on this bill and in that way we can override this veto and give these students in the university a right to have a little input in the decision making.

Now, we have all recognized that when we passed the 18-year-old maturity bill that these are no longer kids, they are young adults. Any time a decision is made that affects their rights, they should have a right to have a little input in this decision. To take this right away from them, we might as well go right back and reconsider this 18-year-old vote and maybe raise the age to 30 years and not leave it at 18. These young people are way beyond the age of 18 and they deserve that right and I hope today that this is one bill that will become law over the objections of the Governor.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Snow.

Mr. SNOW: Mr. Speaker, Ladies and Gentlemen of the House: The other day, the Governor told me that he had made up his mind to veto this and asked me if I could persuade him not. Obviously, I was not very successful. Let us examine some of these reasons for vetoing this bill as stated herein.

He says, "I believe it would be discriminatory to include students specifically without also including alumni or faculty or friends of the university." I don't understand this. We don't operate the university for the benefits of the alumni, for the benefits of its friends, and as for the faculty, this bill permits the students to be involved with bargaining with the faculty or at least in offering advice on the stance the university should take.

The Governor further says that he feels this legislation is not fair to students because it could mislead them into believing the legislation provides them rights greater than in fact allowed. Actually, I think the legislation is quite clear. It says that the trustees shall consult with the students from time to time during the bargaining process.

He says further, this could also prove extremely demanding and time consuming for the students involved — not necessarily so, as the Labor Committee which approved this bill invasions it and which the students themselves invasion it. They will consult from time to time at the call of the trustees with them to tell them how they feel about the items which are being bargained.

Finally, I would like to commend the Governor on one point, his next to the last paragraph where he commends the university for the great strides it has made in seeking student input. This is marvelous but I think in his veto here he, himself, is saying something totally different.

I believe this is a good bill, ladies and gentlemen, and I hope you will vote to override the Governor's veto.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will also vote to override the Governor on this particular veto because it is a perfectly reasonable bill presented by perfectly reasonable people.

We had the input before the Labor Committee on which I serve. One of the points which the students made there was that — we asked them, what is it that you would be interested in having some input, why do you want this? They said, well, some of the operations of the university. I thought about it for awhile and went home one weekend and went down to the University of Maine in Orono to do some research at the library on Saturday night. I think it was about nine o'clock, and the library wasn't open. That is what they are interested in, in having some say. If you ask a student to do research in the library and the library isn't open, that is one of the many things that affects them.

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

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to sustain the Governor's veto. We have heard some talk about the bill. Well, the bill is so bad that it never was acted on and a very watered down committee amendment was presented to us. The original bill would have put the students into the bargaining room. When you have got two sides in there debating a question, two antagonists, you don't need a third one. I look upon this measure as it now stands as more or less a boondoggle or a foot in the door. Now students do, through their student council, can at any time go talk to the president of the university and let him know what the opinion of the student council is, I think this is just a little bit of surplus legislation.

I would also remind you that students are a very transient population at a college. They are there for four years, and over and over again they will have their own problems, revise their constitution, it becomes a great crusade. So, in 1970, they completely revise their constitution, it is a very popular move. That was in 1970; 1976, all the group that was so worked up over the 1970 constitution are gone and what do they do, they change it all over again and say what in God's name ailed that crowd in 1970 to put this in our constitution.

Mention was made that these people are adults now, that they can vote. Well, they are adults but 90 percent of them are in college because their parents are supporting them, they are not on their own and of course all have a very generous subsidy from the State of Maine.

I hope you will sustain the Governor's veto.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I don't want my colleague from Old Town to get ahead of me, so I will say that when I worked at the university and the Speaker was a student, as was Representative Hughes from Auburn, when the library was closed, the students did their research down at Pat's.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Just a few brief words. I have refrained from speaking to the Governor's vetoes because he had vetoed several things.

I am a little concerned this morning and have been concerned for some time with the idea that the university, some people think it is structured for the board of trustees and some people think it is structured for the legislature and some people think it is structured for the Governor. I submit that we have the University of Maine for the students, not for the instructors, not for the board of trustees, not for the legislature, not for the Governor but for the students, that is what it is there for. I certainly believe that they should have some small input in the governing of the university. I think it is only fair.

I think that we lose the whole intent, the whole issue, every time the University of Maine is mentioned here. We forget the reason that it is there. So, I hope that you would vote this morning to override the Governor's veto.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The other day I supported this bill and I hope you will again support it today. I believe the students have acted very responsibly in the way they have presented this legislation. They have agreed with the changes that have been made in it, and I think the legislation has been worked out to everyone's satisfaction. I hope you will go along with it today.

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

Mr. DAM: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't help but get up again to respond to the arguments of Mr. Farnham. Mr. Farnham said that this is a very transient body. Then he mentioned that they had changed their constitution and four years later they had changed it again. Well, I would like to remind Mr. Farnham that this body is very transitory, and I would also like to remind Mr. Farnham that he has been here several sessions and that each year that I have been here, and it has been eight years, we fooled around in just one area with election laws, so maybe we should have more University of Maine students down here and less of us here as legislators.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you people, for the sake of the students at the university, to override this veto. There isn't a major nominee that ever enters the State of Maine for a contest that doesn't run to the University and seek the help from the students in the body there. They are allowed to spread these doctrines from Congressman to Governor to Senator to President and to carry the ball and to work for all of these people, working on the issues that are important today, yet, on the issues of their own institution they haven't a word to say. This would give these people an opportunity to learn and to see and to know how all of these things operate. This action could be the most successful learning that they would receive. Please give these students an opportunity to receive this learning.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: It was always my impression that in the collective bargaining process you are working for the betterment of people involved. I think if there is any one group here that is involved, it is the University of Maine students. I would urge you to vote to override the Governor's veto.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: I think we are missing something here that has not been spoken of and I will bring it to your attention. That is the fact that most of these students that I have met are over 18 years of age. They are adults in their own right. We have made them responsible citizens and I don't know why the University of Maine board wants to renege and downgrade these citizens who are entirely citizens in their own right.

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

Mr. CALL: Mr. Speaker, Ladies and Gentlemen of the House: As I have said before, I enjoy very much serving in the legislature, but every once in a while I am horribly disillusioned by certain pieces of proposed legislation which never should have reached first base. This is one of those occasions. I might add that, like others in this body, I, too, am an alumnus of the University of Maine. This is a ridiculous bill. Let's defeat it.

The SPEAKER: The pending question before the House is: Shall this bill become a law notwithstanding the objections of the Governor? Pursuant to the provisions of Article IV of the Constitution, the yeas and nays are ordered. If you are in favor of this Bill becoming law notwithstanding the objections of the Governor, you will vote yes; if you are opposed, you will vote no.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, I would like to pair my vote with the gentleman from Cape Elizabeth, Mr. Hewes. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern wishes to pair with the gentleman from Cape Elizabeth, Mr. Hewes. If

Mr. Hewes were here, he would be voting yes and Mr. MacEachern would be voting no.

The SPEAKER: The Chair recognizes the gentleman from Buxton, Mr. Berry.

Mr. BERRY: Mr. Speaker, I would like to pair my vote with the gentleman from Saco, Mr. Hobbins. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The gentleman from Buxton, Mr. Berry, wishes to pair with the gentleman from Saco, Mr. Hobbins. If Mr. Hobbins were here, he would be voting yes and Mr. Berry would be voting no.

#### ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berube, Birt, Blodgett, Boudreau, Bowie, Bustin, Carey, Chonko, Clark, Connolly, Cooney, Cox, Curran, P.; Curtis, Dam, Davies, Doak, Dow, Drigotas, Farley, Fenlason, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hennessey, Higgins, Hinds, Hughes, Ingegneri, Jackson, Jalbert, Jensen, Kany, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Lavery, LeBlanc, Lewin, Lewis, Lizotte, Lovell, Mackel, Mahany, Martin, A.; Martin, R.; Maxwell, McBreairty, McKernan, McMahon, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Palmer, Peakes, Pearson, Pelosi, Perkins, S.; Peterson, T.; Pierce, Post, Quinn, Raymond, Rolde, Rollins, Saunders, Silverman, Smith, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

NAY — Burns, Call, Carter, Connors, Cote, Curran, R.; DeVane, Dudley, Durgin, Dyer, Farnham, Faucher, Finemore, Fraser, Gray, Hunter, Hutchings, Immonen, Jacques, Joyce, Kauffman, Leonard, Littlefield, Lunt, Lynch, MacLeod, Morton, Perkins, T.; Peterson, P.; Rideout, Shute, Tarr, Theriault, Webber.

ABSENT — Byers, Carpenter, Carroll, Churchill, Gauthier, Powell.

PAIRED — Berry, P. P.; Hewes, Hobbins, MacEachern.

Yes, 107; No, 34; Absent, 6; Paired, 4.

The SPEAKER: One hundred and seven having voted in the affirmative and thirty-four in the negative with six being absent, and four paired, this being more than two-thirds of the membership present, the veto is not sustained. Sent to the Senate.

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

Joint Order Relative to Amending Joint Rule 11 (H. P. 2264)

Tabled — April 1 by Mr. Birt of East Millinocket.

Pending — Passage

Mr. Birt of East Millinocket offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1190) was read by the Clerk.

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

Mr. WILFONG: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from East Millinocket, Mr. Birt. Would you please explain what is going on?

The SPEAKER: The gentleman from Stow, Mr. Wilfong, has posed a question through the Chair to the gentleman from East Millinocket, Mr. Birt, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question, it actually changes just one word in the order. In essence, it would hold the order in the legislature until it has been reviewed and finally recommended for approval. The way the order itself is worded, there is some question of it and it changes one word in the second line

from "upon" to "before", so that the order now reads, every proposed legislative study before majority approval in both Houses instead of 'upon.' It just clarifies that one word.

Thereupon, House Amendment "A" was adopted.

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

Mrs. NAJARIAN: Mr. Speaker, Members of the House: I have read this order very carefully and I have talked to Mr. Birt, the sponsor, and I know that there is a problem in that we pass too many joint orders through here without really giving them careful scrutiny as they pass through the House and the Senate. However, I really don't think that this amendment is going to be any help in solving our present problem. It seems to me that all we are doing is adding another layer to the Performance Audit Committee, in this case, he has recommended and we are going to end up in the same posture that we always are with these joint orders anyway.

The Reference of Bills Committee now very well could get an estimation of the cost of a study order. However, there is a problem with that, because the Legislative Finance Office does not know how the chairman or the committee is going to decide to conduct that study order, whether they are going to call in experts from out-of-state, whether they are going to travel around the state in subcommittees or whether they will be held in Augusta and it often comes down that the Reference of Bills Committee or the Legislative Council is really the body that makes that decision now, although they are the same people, this is based on political considerations and the Performance Audit Committee or any other committee in this House is going to be just as political as the Legislative Council and no matter what they recommend, I think members of the committee, of the Legislative Council, will be lobbied by sponsors and those who have any interests and I think, ultimately, our decisions are going to be based primarily on very much the same grounds that they are based now.

What I would recommend, although I know that when we decided after the last session whether to pass these joint orders or not, we said, well, it is not up to us to say that they should not be studied because it went through the House and it was passed by the Senate and that was the decision of the legislature and we should not overturn it. We did one, reject one study order which we thought was just really too difficult to get into, and that was the effects of the cost of living on the elderly, I believe that was the one.

I think what we really have to do is that each member of this legislature has the responsibility to read those study orders carefully as they come through. If they have reservations, get up and speak about them and open them up to the debate more here on the floor of the House than we have been doing in the past.

I would move the indefinite postponement of this joint order.

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

Mr. BIRT: Mr. Speaker, I would oppose that motion. I would like to explain this just a little bit and go back into the history.

Prior to the development of the Legislative Council and the present mode of operation during the period when we had the Legislative Research Committee, all orders were placed on a special table in the Senate exactly the same as all finance measures were. Then, in the closing days of the session, the legislative leadership took the orders and reviewed them, recommended which ones should pass and which ones should not. The ones that were recommended not to pass were indefinitely postponed in the Senate or they might be debated and recommended that they be kept alive for some reason.

Then they were sent back to the House where concurrent action was necessary. If there was disagreeing action, then they were sent back and usually the problems as to whether they should or should not pass would be worked out through various legislative processes.

Since the Legislative Council has been adopted, practically every order that has been introduced in the legislature has been referred to study and the study committees. Two years ago, I served on the Legislative Council myself. We, at that time, recognized that some mechanics should be developed for handling of orders. There were too many of them being allowed to be studied and there was some question in the Legislative Council after the adjournment whether we had any right to kill orders or not, because if they had been passed by both bodies, possibly there was just no authority within the Legislative Council.

The Legislative Council, this year, the same procedure was adopted. I am not faulting either one of them, but during this process, we have all said, in talking with leadership in both sessions, they indicated that some mechanics should be worked out for the handling of study orders.

This order was drawn up which allowed the orders to be referred to the Reference of Bills Committee. Let's just take a look at just how bills are handled, bills with appropriations, and compare the situation. At the present time, the Appropriations Committee does take the bills that are on the Appropriations table and review them and make some recommendations to legislative leadership. The legislative leadership then makes the final decision and makes this recommendation to the Legislature. This works out reasonably well. I know there is some lobbying in both the Appropriations Committee and the legislative leadership and I have experienced both of these situations, but we have always been able to work out a fairly satisfactory situation.

In referring these to the Performance Audit Committee, and the intent of this is that that committee would have them reviewed briefly or would review them and find out how much work is needed to be done and what the costs might be and at that time make a recommendation to the legislative leadership, Reference of Bills Committee or Legislative Council, all of whom form the same committee, and they, at that time, could go through the procedure of recommending what orders should be passed or should not.

I don't feel, as the gentlelady from Portland, Mrs. Najarian, has indicated, that you are going to get some lobbying, some pressure, the same as you do with appropriation measures but the process is going to be exactly the same. We are, as everybody indicates, and she indicated initially in her testimony, that we were passing too many orders.

During the period from December 12, 1975 to February 20, 1976, \$101,000 was spent by committees in studying various measures that were sent to them, and this does not include any of the costs of staff work or it does not include any of the costs of printing. There had been other proposals that probably the legislative staff or the Finance Office could study these and make their recommendations.

It is my own personal belief, and I have discussed this with others, that we should do everything we can to insulate both the Finance Office and the staff from making political decisions. The political decisions should be made on the floor of this body and the body at the other end of the corridor. We can ask them for advice but the final decision should be made here. Once we start to involve them deeply in the political decisions, we are to some degree destroying the credibility of their particular offices and I think we should make every effort to protect that credibility.

I feel that this is a worthwhile approach. If

there is a better approach that can be developed. I am certainly wide open to listen to it. But for two years I have sat here and watched every order that has gone through the legislature with the exception, I think, of one that I know that was killed this session, but practically every order has gone through the legislature. I think we have got to do something to improve this process and I would hope that the motion to indefinitely postpone does not prevail and at least give this type of a program a try.

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

Mr. LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: This morning I am going to go along with the motion of my colleague from Portland, Mrs. Najarian, and I am going to speak to the issue both as a member of the Performance Audit Committee, along with Mr. Birt, and as a member of another committee.

First, as a member of the Performance Audit Committee, I do not want the power to pass on any orders that have been submitted by any member of this House. I have reviewed some of the orders and I have reviewed some of the products of some of those orders that have been forthcoming since the regular session of the 107th and I have been amazed, in some cases, overwhelmed, with the depth and breadth of the analysis of a particular problem that some committees have gone to in trying to fulfill the obligations of the study orders that were ratified and approved by both this House and all of its members and the people down at the other end of the hall.

The fact of the matter is, by virtue of our acting on accepting what is proposed in the study order, we, as the grassroot makeup of the legislature in both the House and in the Senate, are embracing or going along with what is being proposed.

I would like to dwell for just a very brief moment on the issue of whether the Performance Audit Committee should have this power to pass on an order that has been submitted by a member of the legislature. The gentleman from — anyone in this House — the gentleman from Stow, Mr. Wilfong may have us put in a study order relative to something that is of interest to him and to his committee. The gentleman from Durham, Mr. Tierney, may have an overwhelming, complex issue that has to be studied, and it is necessary for the Labor Committee to resolve that particular issue. As a member of the Performance Audit Committee, I don't think that I can be sensitive to types of issues that anyone is trying to address in a study order and as I have already pointed out, I don't want that power to pass judgment.

The question seems to be one of whether or not we have the mechanism for carefully scrutinizing study orders that are proposed by members of the legislature. If that is the case then, maybe what we should do when we have study orders is to do what we do with joint standing orders that we pass to govern the processes of the House and the Senate, and that is that we table them for a day or two days and review the impact of those particular studies as a collective House and as a collective Senate. Again I repeat, I do not want, as a member of the Performance Audit Committee, the power to pass on anyone's study order.

The other final thing that I would like to make is that notwithstanding all the objections and all the complaints and criticisms that we may have relative to the study process, I think that the legislature in the past year or year and a half, or at least since my first term here in the 106th, has strengthened itself as a body who make decisions and is making itself more of a co-equal branch of government by these study orders.

So, in summary, I do not like the approach that is being proposed in this particular joint order as a member of the Performance Audit Committee, and I think that there is a better way to deal with the issue.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I am also a member of that overworked committee, the Performance Audit Committee and, as Mr. Birt stated the other day, and I guess perhaps this morning, that this idea germinated through Mr. Birt and some of the members of the committee. We talked about it, we didn't come out with a special order but he did some further work on it and our discussion was on orders and how they come about, and I don't know as this is exactly the vehicle or the order to do it, but I would hope that you would vote against indefinite postponement and maybe this could be amended.

What I had in the back of my mind was that in creating this table in opposition to the Appropriations Table in the Senate, that we create an order table in the House and hold those orders, send them to the Performance Audit Committee and then table them on an order table here in the House and then at the end of the session when they start to clear the Appropriations table we clear the order table. I don't know that the Performance Audit Committee necessarily would need the power to determine whether or not these orders lived or died, I think they could go on that table. I think what Mr. Birt was getting at, that a price be set to each order because, regardless of what it may be, any study order that goes through this House certainly costs some money in travel, in per diem pay, and the only idea was that we attach a figure to that.

So I would hope that you would vote against the indefinite postponement and then perhaps amend this to have the Performance Audit set a figure on each order that goes through and then we would set up an order table here in the House. That is just a thought and I will leave it at that.

The SPEAKER: The Chair recognizes the gentleman from Durham, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: It appears, from listening to the two eloquent speakers, the gentleman from East Millinocket and the good gentleman from Brewer, that they have done some work on this order and maybe they have a good point, but it seems that the idea hasn't quite germinated yet and what I would suggest to either of those two gentlemen is to vote to indefinitely postpone this order now and perhaps they could put it in a joint order on studying joint orders and I would be happy to have that referred to Performance Audit Committee.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we won't indefinitely postpone this and I would remind the gentleman from Durham that if we adopted his line of reasoning, we would not pass very much legislation around here. I think it makes sense that we start exerting some discipline and some self-control on a fiscal basis. Who can argue against an order when it is coming through, it is like arguing against motherhood and apple pie. And the advice of the gentle lady from Portland that we exert more conscious thought as we pass these orders is falling on barren ground. We are not going to do it, we don't have the time to do it. I think it is eminently sensible that the Performance Audit Committee make the final decision, not take this awful power to determine which order will be studied and which won't but to put a price tag on these and make a recommendation to the Legislative Council. I hope that you will not indefinitely postpone it and if indeed it needs a little amending to make it a better bill, let's do that.

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

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I ask you, how is the Performance Audit Committee going to determine costs of study orders? What they are going to do is they are going to go down to the Legislative Finance Office and ask Mr. Garside to give them an estimate and that is what the Legislative Council can do now. O.K.?

Secondly, I would like to say that Mr. Palmer who last week, or whenever it was, on the budget committee order that we had in here on our table said that we did not need this because Mr. Steve Lakis was upstairs studying our legislative process and we were spending a lot of money on that and perhaps we should wait until we got the suggestions from this man from the National Legislative Conference, like he suggested to us.

So I suggest that perhaps we can come in, after he studies our legislative process, he may have some suggestions on how we best can handle this question of our legislative study orders. We are spending this money for him. Let's make use of it. I am sure he can come up with some suggestions which we can reject or not and I hope that you will support the motion.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It is indeed regrettable, and I say this very sincerely, that this has boiled itself down now to a partisan debate on this order.

I had hoped that I could speak before, directly after Mrs. Najarian spoke in the first place, to make it very clear that it was not partisan and it still is not as far as I am concerned.

I simply say this to you and members of the House, we do know that something needs to be done about our order system and maybe Mr. Lakis can do something. I would ask Mrs. Najarian to show me on the chart where we are studying the orders. I am perfectly happy to have that done. I don't think that necessarily the order which Mr. Birt gave is the perfect order. It was my hope that when the order was put into this House, that it would be tabled and that both parties, all sorts of people would look it over, offer suggestions, make amendments. I see nothing wrong in having the total House think of this thing because we know it is a problem. I think the latest count says that it is something like 100 orders upstairs, or at least that is what I have been told. I see Mr. Greenlaw is frowning, but someone told me that Mrs. Whose-ama-dingy the other day said that there were about 100 orders up there for study of some sort and I don't care if there is only 50.

The fact of the matter is that we spent over \$100,000 between sessions this last time. I don't think that it is a partisan thing, I think it is something that we have to look at. It is very difficult for me, when an order comes before this House, to say no to someone. I have asked for laws to be passed, they have asked for laws to be passed so we just nicely say, okay, let her go. We pass it and then we pay the bill after.

I think we all recognize the fact that there have been thousands of order passed and thousands of reports and, as a matter of fact, just since I have been sitting here, I have checked the ones which have been given to me recently, and these are reports of studies, and I assure you that probably I will read every word there is on all those reports. I am sure all of you will too. They are all of great value.

I am sure there are some things that need to be done. We all know that there are major items of business in this state that need to be studied and I applaud that and I think they should be, but this order here, probably it should not pass today, I don't know, I don't care, I just want us to start thinking about the problem.

Now, Mrs. Najarian, the lady from Portland knows, and all of us know that we in leadership

discussed this over and over again, that something had to be done.

When the session is over, the scenario is very similar. We sit there at the leadership meeting and in between cups of coffee and so forth, we chat and chat, and we finally decide, shall this go or not and we always come to the same conclusions. We are always saying, we are all human beings and there is nothing partisan about it, and we all say, well, the House passed it, the Senate passed it, let it go. Maybe that is the way we should do it.

Maybe Mr. Birt's order should be amended that after Performance Audit or Legislative Research down here decides how much it is going to cost, that it come back and the full House vote a second time on it. I don't think we are talking here this morning about something which has to devolve into a partisan debate and we on both sides of the aisle know full well that something has to be done about orders and maybe something will come out, but at least a discussion like this is going to help a little bit and perhaps there are amendments and perhaps not. I am very sorry that this got off on the wrong foot on a partisan tone because there was no intended purpose.

The only reason, frankly, why Mr. Birt put the order in was because we had discussed this over and over again in leadership meetings and nothing appeared to be being done and that was the agreement, I believe, before this session began, in the Legislative Council, that we would review this problem, we would do something about it, but if we don't want to do anything about it, let it go, be my guest.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that the gentleman in the other corner does regard this as a partisan issue. When this order first came through, I had a certain amount of sympathy for it because we have discussed this in leadership as a problem. I have met with the gentleman from East Millinocket a number of times to discuss this. The real sticking point seems to be the role of the Performance Audit Committee on it. I don't think that anybody disagrees that we should have better control over orders. I know that I made the suggestion that this feasibility and cost study be done by Legislative Finance Office, which I view as a neutral body.

One of the reasons that I have some resistance to the Performance Audit Committee is, the other day you may remember the order for the budget committee, it was presented by the gentleman from Stow, Mr. Wilfong, that was a partisan issue. It was passed in this body on a basically partisan vote and was killed in the other body on a basically partisan vote. That order to set up the budget committee would have incorporated the Performance Audit Committee in the new budget committee. I think that is one of my real fears about putting the Performance Audit Committee into this procedure.

Now, if we do kill this order today, I would be very happy to meet with the leadership on the other side, to meet with the gentleman from East Millinocket, meet with anybody who is interested, to see if we could come up with another procedure for dealing with orders. I think that as this order stands, there are going to be some real problems with it.

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

Mr. Kelleher: Mr. Speaker, Ladies and Gentlemen of the House: I do hope this House supports Mrs. Najarian's motion to indefinitely postpone. I listened with great interest to the comments my good friend from Cumberland, Mr. Garsoe, made about orders passing through this House and generally most people don't take time to read them. I might suggest that the gentleman from Cumberland takes time to read

them and the gentleman from Bangor does as well, because we continually comment about them.

I have two problems with this. First of all, I don't think the Performance Audit Committee or any other committee should review what this body and the majority passes over to the other body and the fact what they pass. In fact, I even take exception to the rule that leadership has the right to pass any judgment on any orders that pass through this body or through the other body, who are 10 people in this House or 10 people in leadership to have the right to make the final decision whether to overrule this body or the other body on orders.

I look at this order, Mr. Birt, like I review 17-A, and I think the goo-goo's that were in government here when we passed Rule 17-A, giving the right of the committee to 17-A a bill without having an opportunity to speak on it, was more than a gag rule that I ever liked, and I would hope that this House, each and every member, vote to kill your order, Mr. Birt, and perhaps you can come back in with a better one, but as it stands right now, the order is no good.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Before we get too deeply into letting our passions possibly get away with us a little bit, let's take a look and see just exactly what this order did say.

Now, the gentleman from Portland, Mr. LaPointe, made some comments about the tremendous power we would be giving the Performance Audit Committee. I happen to be a member of the committee but that was not the reason that the Performance Audit Committee was put on there. In fact, this was not put on by myself, it was put on by somebody who helped to write this up and after he had put it together, I thought it made some sense. I initially had made another suggestion to it.

As far as giving any great power to the Performance Audit Committee, it is not. The Performance Audit Committee, by its nature, is a reviewing and investigating committee. This is what the intent of it was, as I understood, when the committee was established, the only thing the Performance Audit Committee will do is to take these orders and review them and make recommendations to the leadership and the leadership, at that time, would decide just exactly how they want to recommend these orders.

The leadership has not, in its judgement killed any orders after the Legislature has gone out of session, because they had some question as to whether they had a right to or not.

I have looked at the appropriation's table and I think I have spent as many hours thinking over the operation of the legislature as anybody in this body. I think it has been a real hobby of mine to study how legislative performances could be improved. I have looked at the Appropriation's table with some reservations at times and yet I have talked with people at a couple of the National Legislative Conferences that I attended and as bad as I might have thought the appropriations table was, I have not been able to come up with any system that works any more effectively in establishing priorities as to what legislation should or should not be passed which has cost measures attached to it.

I think the same procedure is exactly what is intended here. We will send these recommendations and we will not have any power at all, any more than our vote on the floor, we will send these recommendations to the legislative leadership and the legislative leadership will then make recommendations to the floor, in the Senate in this case, or if it is desired to want to hold it, in the House. I have no quarrel with that particular position, to either body, whichever one it is, they will make the recommendations, that body can decide whether they want to accept this recommendation or whether they want to reject. If they want to accept it why then the

order will be automatically killed. If they want to reject it, they can reject it and send it back in nonconcurrence to the other body and the other body can either concur or reject it. We will still have the final decision made on the floor.

Now, there has been a good deal of comment about coming up with some other idea. I have sat here for two years and I have heard the number of orders being passed, heard the comments and we have seen the figures as to how much money is being spent. I haven't seen anything better come up. I would like to see this given a try and I hope you will vote against indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. DeVane.

Mr. DeVANE: Mr. Speaker, Ladies and Gentlemen of the House: On the 51st Legislative Day, Tuesday March 30, Mr. Birt's order appears and it reads, "Ordered, the Senate concurring that the Joint Rules be amended by adding a new Joint Rule 11-A to read as follows: Legislative Studies, every proposed legislative study upon majority approval in both Houses shall be placed on a legislative study table in the Senate until the Joint Standing Committee on Performance Audit reports to the Reference of Bills Committee on the feasibility and cost of that study and the Reference of Bills Committee recommends the study for final approval by a majority vote in both Houses of the Legislature."

I would point out to Mr. Birt that if this new Joint Rule 11-A were in effect now, then the proposed 11-A would wait a long time before it ever became, even if it were the will of the majority of both bodies, ever become a rule. It is not one step, it is two or three additional steps.

I would ask my dear friend and the esteemed minority leader a question. Twice in his comments he told us this was a partisan issue; twice he told us it was not. Once he said it was for him, and then equivocated on that and I wonder if he has time to tell us what a partisan issue is?

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I don't really want to waste a lot of time at one o'clock to argue with my esteem friend from Ellsworth. I guess that I would have to say that I must have had a late night, as he did last night. But I will say this to you, I will try to be very clear. I thought I indicated that I didn't want this to become a partisan issue. If I did something different from that, you will just have to excuse the lateness of the hour both now and then.

I don't believe it is a partisan issue. I think it is something that we should address in this session and by general agreement leadership had said we should address it because we do have a problem here.

If you want to kill the order, kill the order, but I do believe that the leaders of this legislature have to get together sometime before this session ends and hit this question head on as to how we can solve it. Again, I don't believe it is partisan and I don't believe it should be.

Mr. Birt of East Millinocket requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mrs. Najarian, that the House indefinitely postpone Joint Order Relative to Amending Joint

Rule 11. All in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Albert, Bachrach, Bennett, Blodgett, Boudreau, Burns, Call, Carroll, Carter, Chonko, Clark, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Dam, Davies, DeVane, Doak, Drigotas, Farley, Faucher, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hennessey, Hughes, Ingegneri, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kennedy, Laffin, LaPointe, LeBlanc, MacEachern, Mahany, Martin, A.; Maxwell, Mitchell, Mulhern, Nadeau, Najarian, Peakes, Pearson, Pelosi, Peterson, T.; Post, Powell, Quinn, Raymond, Rolde, Saunders, Smith, Snow, Talbot, Theriault, Tierney, Tozier, Usher, Wagner, Wilfong, The Speaker.

NAY — Ault, Bagley, Berry, G. W.; Berry, P. P.; Berube, Birt, Byers, Carey, Carpenter, Churchill, Conners, Curtis, Dow, Durgin, Dyer, Farnham, Fenlason, Garsoe, Gould, Gray, Higgins, Hinds, Hunter, Hutchings, Immonen, Jackson, Kauffman, Kelley, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lynch, Mackel, MacLeod, McBrearty, McKernan, McMahon, Miskavage, Morin, Morton, Norris, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Rideout, Rollins, Shute, Snowe, Sprowl, Strout, Stubbs, Susi, Tarr, Teague, Twitchell, Tyndale, Walker, Webber.

ABSENT — Bowie, Bustin, Dudley, Finemore, Gauthier, Hewes, Hobbins, Lunt, Martin, R.; Mills, Silverman, Spencer, Torrey, Truman, Winship.

Yes, 72; No, 64; Absent, 15.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-four in the negative, with fifteen being absent, the motion does prevail.

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

Bill, "An Act to Clarify Certain Provisions in the Education Laws" (Emergency) (S. P. 651) (L. D. 2056) — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-480) as amended by Senate Amendment "A" (S-500), thereto, and Senate Amendment "B" (S-502)

Tabled — April 1 by Mr. Morton of Farmington

Pending — Adoption of Committee Amendment "A" as amended by House Amendment "E" (H-1180)

Mrs. Kany of Waterville offered House Amendment "G" to Committee Amendment "A" and moved its adoption.

House Amendment "G" to Committee Amendment "A" (H-1192) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This amendment removes from the Committee Amendment the section on the vocational schools. The reason this is in the Committee Amendment is because these regional vocational centers have been in operation approximately ten years now. There is an indication that at least one of them may decide to pull out and not serve as a vocational regional center.

The present law says that they must operate the regional center for ten years. After that, under present law, they can decide not to operate as a regional center and the state has no recourse for the money that has been spent in construction of vocational buildings in this or in any other area.

We have at the present time more than \$21 million in vocational regional centers. I think the state has to safeguard its interests in the money that it has put into these regional centers and that after ten years no center, no

central committee, can arbitrarily decide that it will no longer operate as a regional center and the surrounding areas that have been sending schools will have no access to a regional center unless another state-subsidized vocational regional center is constructed. The Education Committee has put this language into the bill to forestall any regional center pulling out of the program until we at least have an opportunity to look at it and study it.

I move indefinite postponement of the amendment.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves the indefinite postponement of House Amendment "G" to Committee Amendment "A".

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I must say I am very surprised to hear Representative Lynch's comments. The last time I spoke with this gentleman I did not realize he would oppose this amendment.

The reason this amendment was put in was because that this section calls for a major potential change in the government of the vocational centers and this was put into an amendment in Errors and Inconsistencies without proper hearing; no public hearing was actually held on this item which could affect a number of the vocational centers.

The first time that the ten-year period will be over that Representative Lynch mentioned is in the middle of 1977. So, if there is a need for such a portion within the statutes, as is called for in this amendment, the whole question could be addressed in the 108th session of the Legislature next January.

I hope that you will support this amendment. There is no need for any major piece of legislation like this to go through without a public hearing and without a notification to the State of Maine and to the vocational centers and those that use these facilities.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Representative Kany is correct. I did not object yesterday, but I was laboring under the misapprehension that the state could recoup any of its investment in these vocational regional centers. The only time that can be done is if the center does not operate within the ten-year period. I can't see where any regional center, administrative staff, can object to this amendment unless they are planning to discontinue a regional center. There is nothing under this language that is going to be harmful to any regional center. They will continue to operate as they are. Why was it introduced at this time, because the committee was aware for the first time that a regional center was not going to operate in good faith, to continue their operation of a regional center as the legislature intended they would when this legislation was adopted years ago.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: Dexter has a regional center. This last educational bill that was passed, we took a 10 percent ripoff and it cost our local area \$60,000 because we now have a 90-10 situation. I am not surprised that a lot of these regional centers who had agreed to operate for a ten-year period of time are a little unhappy at this point when they all of a sudden find themselves losing a large amount of money, when they will only fund certain items under the regional concept.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make it

entirely clear that it is not the Waterville Area Vocational Institute which is in the least bit interested in getting away from what we have now. I understand it was the Augusta center which indicated some interest. So, I just want to make this very clear.

This is a major piece of legislation; it was not announced. The people of Maine were not notified and it deserves a public hearing. There is no hurry and the first change would only go into effect in the middle of 1977. Let us postpone this question until the 108th. I hope you will oppose Representative Lynch's motion of indefinite postponement.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question that was raised over the 90-10 proposition, this is a problem that is not going to be confronting us immediately. We have time to address this and it does concern many areas. We will do that next year.

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

A vote of the House was taken.

Mrs. Kany of Waterville requested a roll call vote.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

#### ROLL CALL

YEA — Ault, Bagley, Berry, G. W.; Berube, Birt, Call, Carroll, Churchill, Cooney, Cote, Cox, Dam, DeVane, Doak, Drigotas, Durgin, Dyer, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Gould, Gray, Greenlaw, Hennessey, Hinds, Hunter, Hutchings, Immonen, Ingegneri, Jacques, Jalbert, Joyce, Kelley, Laffin, Laverty, Leonard, Lewin, Lewis, Littlefield, Lovell, Lynch, MacEachern, Mackel, MacLeod, Martin, A.; McBrearty, McMahon, Morin, Morton, Mulhern, Nadeau, Najarian, Norris, Palmer, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rideout, Rollins, Shute, Smith, Snow, Snowe, Spencer, Sprowl, Stubbs, Tarr, Theriault, Tyndale, Usher, Walker, Webber.

NAY — Bachrach, Bennett, Berry, P. P.; Blodgett, Boudreau, Burns, Byers, Carey, Carpenter, Carter, Clark, Conners, Connolly, Curran, P.; Davies, Dow, Farley, Hall, Henderson, Hughes, Jackson, Jensen, Kany, Kelleher, Kennedy, LaPointe, Maxwell, Miskavage, Mitchell, Mulhern, Nadeau, Najarian, Peakes, Pearson, Peterson, T.; Pierce, Post, Powell, Quinn, Rolde, Saunders, Strout, Talbot, Teague, Tierney, Tozier, Twitchell, Wagner, Wilfong, The Speaker.

ABSENT — Albert, Bowie, Bustin, Chonko, Curran, R.; Curtis, Dudley, Finemore, Gauthier, Goodwin, K.; Hewes, Higgins, Hobbins, Kauffman, LeBlanc, Lizotte, Lunt, Mahany, Martin, R.; McKernan, Mills, Silverman, Susi, Torrey, Truman, Winship.

Yes, 75; No, 50; Absent, 26.

The SPEAKER: Seventy-five having voted in

the affirmative and fifty in the negative, with twenty-six being absent, the motion does prevail.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the prevailing side, I move reconsideration whereby we indefinitely postponed the previous amendment.

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, moves the House reconsider its action whereby House Amendment "G" to Committee Amendment "A" was indefinitely postponed.

The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker and Members of the House: I would request that you vote to reconsider and give Mrs. Kany the courtesy of understanding her amendment. First of all, I think we all know what happens when we legislate education matters rather hastily. Mrs. Kany's amendment does no harm to anybody. The Waterville Vocational Center feels that they have no input, which is actually true, into the drafting of this legislation and to its final ramifications. Somebody will be back in the 108th. That is ample time to deal with this major change. You will not be in any danger, you will not be jeopardizing any school budgets if you reconsider her amendment. I urge you to vote to reconsider.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion to reconsider the problem we have already discussed.

Let me read what the section is and what it does. "The 14 vocational centers and satellite centers in operation on July 1, 1976 shall continue in operation until the State Board of Education revokes the vocational plan for the center or satellite." Now, can you see the Board of Education revoking any existing plans?

"Any addition to or deletion of programs at the vocational centers or satellites must be approved by the State Board of Education." Why? If a vocational center intends to draw out of this program, they can discourage the surrounding communities, sending communities, by deleting programs, by interfering with any educational programs desired by the sending units as a first step towards pulling out of the vocational regional center program. I am sure Waterville is not involved in these first two requirements.

The advisory committee as set forth in Section 2356-A, shall file its recommendations with the unit operating the vocational center and shall meet at least annually with the center school committee to discuss implementation of its recommendations. It says the advisory committee should have some input at least once a year with some recommendations and discuss the implementation of its recommendation. That is all that is in this section. There is no reason why any vocational center in this state cannot live with this language unless it anticipates doing what the language says it cannot do. I am sure if a center intends to do what the language says it cannot do, we are going to disrupt our vocational center program.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Livermore Falls, Mr. Lynch, I think it brings up a very good point when he says that the language says that the State Board of Education would have the right to revoke the plans for any of these 14 centers. It is interesting to note that the State Board of Education, the members are appointed by a Governor who has demonstrated

time and time again that he is opposed to the philosophy of educating people in the State of Maine, both at the university level and at the public school level. It is for that reason that I feel that the gentleman who sits on the second floor could in fact pack that state board during his four years in office and they could start revoking some of these things in total violation of what the legislature wants to do itself. It is because of that that Mrs. Kany has shown such a deep concern for what could possibly happen; not only in Waterville but in some other areas. I would certainly hope that you would reconsider this.

The SPEAKER: The Chair recognizes the gentleman from Dexter, Mr. Peakes.

Mr. PEAKES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to sum up by saying that Mr. Lynch is correct. However, the other side of the coin is that the various school administrative districts agreed to take these regional centers for ten years. Dexter is not planning to withdraw at this time or anything of that nature. However, we are taking away their right to withdraw.

Now, the problem is, this last bill that we passed in the educational area, I took a lot of static because I voted to override the Governor's veto and it meant a \$60,000 loss because of the regional vocational center. It means that School Administrative District 46 is picking up that 10 percent and the other four or five school administrative districts are not picking up any part of the 10 percent. I think that this is a major item and I think that we should have a hearing on it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The tuition problem is not of immediate concern. It will be a year from now and it will be addressed prior to that. I can't see the State Board of Education revoking any vocational plan in the State of Maine because the Governor, the present Governor, is on record in support of vocational education and extension of it.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As the sponsor of the area vocational school program a few years ago, I look upon this as a brand new bill, not an amendment. I would like to know more about what is going on.

I can appreciate the fact that the hour is not only late today, but the date is late. I can appreciate the fact that standing up there five or six hours or eight or ten hours is no picnic either, no more than it is for us to be here. I am not in that much of a hurry that I want to go through such an important item as this without knowing what I am doing, if I don't know what I am doing without inquiring from people who know what they should be doing. I would like to ask somebody to table this thing until Monday, or probably if the motion to reconsider were to pass then we could table it until Monday.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House reconsider its action whereby House Amendment "G" to Committee Amendment "A" was indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.  
55 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

On motion of Mr. Peakes of Dexter, tabled pending the motion of Mr. Lynch of Livermore Falls to indefinite postponement of House Amendment "G" to Committee Amendment "A" and specially assigned for Monday, April 5.

The Chair before the House the seventh tabled and today assigned matter:

Bill, "An Act Redistributing the Powers of the Executive Council (H. P. 1997) (L. D. 2197) (C "A" H-1115)

Tabled — April 1 by Mr. Rolde of York.  
Pending — Passage to be Engrossed as Amended by Committee Amendment "A" and House Amendments "A" (H-1166) and "C" (H-1183)

Mr. Peterson of Windham offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-1196) was read by the Clerk.

The Chair recognizes that gentleman.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: The amendment is under filing number H-1196. Presently, with the abolishment of the Executive Council, there would be no review of the members on the LEA Board. This would provide review by the Joint Standing Committee on Judiciary and confirmation by the Judiciary Committee and not the whole legislature.

The reason that I suggest this amendment is, in the amendment it says the ex officio members are the Chairmen of the Joint Standing Committee on Judiciary, that is presently in the law, but we have found that an opinion of the Attorney General's Office for some reason states that legislative members cannot constitutionally serve on the LEA Board. Therefore, some members of this body have been asked to step down, and this means that there is no legislative input or affiliation with the LEA Board of Directors and the LEA Board of Directors administer \$3.4 million in federal monies all requiring some state-match monies, and this is the kind of money involved in the past year.

Category No 1: Adult correction: \$767,000, 19 subgrants; Juvenile Services \$564,000, 25 subgrants; Courts and Prosecutions: \$540,000; Police: \$573,000; Training: \$462,000; Research Planning Administration and Local Planning: \$451,000; Public Information in Education: \$83,000. I think there should be some legislative input into the people who make the determinations how this money is to be distributed and that is the purpose of the amendment.

The other consequence of the amendment would provide for review by the Board of Directors of the Maine Criminal Justice Committee by the Judiciary Committee and confirmation by the Judiciary Committee. Presently, these members are appointed and reviewed with the advice and consent of the Executive Council. With the present legislation that we have, the Governor would be appointing, there would be no review by anybody, since the Executive Council is going to be abolished, so this provides the Judiciary Committee with review and confirm. At the most, this adds an additional 15 people to be reviewed by the Judiciary Committee each year. I think that the legislature should have some input into the policy direction or at least the people who go onto these boards and administer and direct where these state monies go. I would urge your adoption.

Thereupon, House Amendment "F" was adopted.

Mr. LaPointe of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1177) was read by the Clerk.

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

Mr. LaPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: What this amendment does is to clarify a technical deficiency in the entire bill relating to the redistribution of the powers of the Executive Council, but the substance of the amendment allows for the legislative confirmation of members of the Maine Human Services Council and the Maine

Committee on Aged. Essentially, my concern here is that these two committees really allocate and plan for the distribution of anywhere from approximately in excess of \$20 million of state and federal dollars which go towards the distribution, planning and creation of Human Services Programs through contractual arrangements with private non-profit organizations as well as through state agencies. I hope that the House will adopt this amendment. I think it is a very significant one and that the legislature should have some input into who makes up those various committees.

Thereupon, House Amendment "B" was adopted.

Mr. Birt of East Millinocket offered House Amendment "E" and moved its adoption.

House Amendment "E" (H-1191) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: Essentially what this amendment is, the State Retirement Board is made up of 7 people, 4 of which are actually ex officio members appointed by a particular body. There are two members that are appointed by the Governor, actually three, two appointed by the Governor from appointments of his own with experience in particular financial fields and one who is a member of another agency that is a contributing member out of three recommendations that are made to him. This board has complete oversight over a \$200 million fund, the investment of it and a good many of the other factors involved in it and I do believe that there is some need for review of the appointment of the two members that the Governor makes and this would allow this to be done.

I think, because of the amount of money involved, that this little protective measure would be satisfactory.

Thereupon, House Amendment "E" was adopted.

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

Mr. KELLEHER: Mr. Speaker, I move that the House reconsider its action on House Amendment "A" to Committee Amendment "A" where it was indefinitely postponed.

The SPEAKER: The Chair would advise the gentleman from Bangor that the motion is in order provided that the rules are suspended, since Committee Amendment "A" has now been adopted twice.

Mr. KELLEHER: Mr. Speaker, I move that the rules be suspended.

The SPEAKER: Mr. Kelleher of Bangor moves that the rules be suspended for the purpose of reconsideration.

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

Mr. COONEY: Mr. Speaker, I request a vote.

The SPEAKER: The Chair would recognize the gentleman from Old Orchard Beach, Mrs. Morin.

Mrs. MORIN: Mr. Speaker, could we ask why he wants it done?

The SPEAKER: The Chair would answer that that is not debatable.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bangor, Mr. Kelleher, that the rules be suspended. A two-thirds vote is necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

47 having voted in the affirmative and 32 in the negative, the motion did not prevail.

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

The following papers appearing on Supplement No 1 were taken up out of order by unanimous consent:

**Passed to Be Enacted  
Emergency Measure**

An Act Relating to Exceptional Children (H. P. 1797) (L. D. 1956) (S. "A" S-497, H. "A" H-1104, C. "A" H-1083)

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, 106 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.

**Emergency Measure**

An Act to Revise the Laws Relating to the Maine Traffic Court (H. P. 2257) (L. D. 2327) (H. "A" H-1144, H. "B" H-1155, H. "C" H-1160)

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, 106 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.

**Emergency Measure  
Tabled and Assigned**

An Act Correcting Errors and Inconsistencies in Motor Vehicle Related Laws (H. P. 2270) (L. D. 2337) (Emergency)

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

On motion of Mr. Palmer of Nobleboro, tabled pending passage to be enacted and specially assigned Monday, April 5th.

An Act Relating to Property of Survivor where Joint Deposits or Accounts are Involved (S. P. 664) (L. D. 2102) (C. "A" S-460, (H. "A" H-1101, H. "B" H-1147) )

An Act Providing for Protective and Supportive Services for Mentally Retarded Persons (H. P. 2069) (L. D. 2239) (S. "A" S-499, C. "A" H-1118)

An Act to Provide for the Position of Associate Administrative Court Judge and to Revise the Administrative Court Law (S. P. 783) (L. D. 2338)

An Act Relating to the Form of Ballots (H. P. 2063) (L. D. 2233)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the bills passed to be enacted, signed by the Speaker and sent to the Senate.

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Mr. Cooney of Sabattus presented the following Joint Order and moved its passage: (H. P. 2282)

Ordered, the Senate concurring, that the following be recalled from the Governor's Office to the House: Bill, "An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government." (H. P. 2143) (L. D. 2286)

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

The following paper from the Senate appearing on Supplement No. 3 was taken up out of order by unanimous consent:

Resolve, to Require the Department of Human Services to Reopen the Itinerant Office in Belfast (H. P. 2269) (L. D. 2336) which was referred to the Committee on Health and Institutional Services in the House on April 1, 1976.

Came from the Senate, with the Rules Suspended, Read Twice and Passed to be Engrossed in non-concurrence.

In the House: The House voted to recede and concur.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I think you will note on your calendar that the gentleman from Bar Harbor, Mr. MacLeod, was excused from attendance next week. I understand that he and his wife had made commitment to take a little vacation in warmer climates and therefore he will not be with us next week, and knowing that he will not be running for reelection, this is really his last day to serve in the House of Representatives.

Jim has been a very close, personal friend of mine during his years here in the House and I know he has been to many of us and I just wanted to recognize that fact and say that I for one, and I am sure that this House agrees with me, we wish him well on his vacation while we will be struggling here next week and we wish him God speed in all that he does in the future. (Applause, the members rising)

Mr. MacLeod of Bar Harbor was granted unanimous consent to address the House.

Mr. MACLEOD: Mr. Speaker, Ladies and Gentlemen of the House: I thought the day would never arrive or that I would probably find a home here forever, but I guess I didn't and other things came along. I had an opportunity, for the benefit of you folks who did not know it, to take a position with the bank in Bar Harbor and that is what I will be doing along with the motel business for a few more years.

I have been sitting here each week before we go home and listening to the puns of the good gentleman from Old Town, Mr. Gould, and you know, it is very difficult, you would like to think that you could maybe come up with something yourself once in awhile that might be just half as good as what he springs. I have a little piece here that I would like to read and I think we have been going through some trying times and everybody has sort of been up in arms with each other over pay bills, etc., and, by the way, I have signed the jacket, I am not leaving and ducking my responsibilities on any of my duties on the Appropriations Committee.

This is the little poem, if you will bear with me, that I would like to close with — there might be a chuckle in it for somebody. It is entitled "Wit and Wisdom".

Gramp was born in Mt. Desert, it says, we are going to stay alert unless our future lies beguiled, by some lengths or long resided.

Gramp has taken this position through many bureaus and commissions; whose memberships at least, two-thirds of, folks around here have never heard of.

Right now he is mad as merry H. The EPA has condemned his well, his outhouse far too near the bay, no more than half a mile away — one doesn't move a fallen log or build a duck blind in a bog. They even asked what it would take to build a roof on Eagle Lake.

Gramp says there has been a lot of talk, about finances of New York but says, you ain't seen nothing yet, until you hit the alphabet.

There is an EPA, the PCC, LURC and the DEP. He says the system has got him beat, pains him somewhat in the seat.

Some crazy truth and lending laws, to Combat, PRG and Common Cause — he says the only one not defended is the boss whose neck is way extended.

Another matter bugging Gram, each fall, she smokes a dozen hams; she is wondering just what laws she will hit when she gets the smokehouse lit.



Gramp says he also has got a gripe, he is worried about his corn cob pipe. He says just as sure as shooting, they are going to claim it is air polluting, but Gramp allows that he is not concerned from what he has read or somehow learned, the island is right up to date, every fall, we fumigate. (Applause.)

Mr. Greenlaw of Stonington was granted unanimous consent to address the House:

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: If I might be permitted for just a minute, I would like to add some comments to the good gentleman from Nobleboro, Mr. Palmer, in wishing the gentleman from Bar Harbor, Mr. MacLeod, Godspeed in going back into the private sector. I think four years ago when I came into this House, the Hancock County delegation, which had been Republican up until that point, didn't know quite what to make of a Democrat joining their group, but I think Mr. MacLeod would acknowledge that we all have had a very, very friendly association, we have worked well together. We differed on matters, but then again, that is what this legislature is all about. I would like to thank him for his cooperation and his help in helping me to become accustomed to the legislative process and I think this legislature will miss Mr. MacLeod very much.

Mr. Rolde of York was granted unanimous consent to address the House:

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: It has been brought to my attention that another member of this body is also spending his last day with us today. The gentleman from Belfast, Mr. Webber has also made plans, presumably, to head for warmer climates. Also, the gentleman from Belfast, Mr. Webber, is not planning to return to this body, despite the best entreaties of the Democratic Party and I am sure that we all want to give him as warm a farewell as we have given to the gentleman from Bar Harbor. (Applause, the members rising)

Mr. Carroll of Limerick was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: My remarks will be rather brief, but I can never thank you enough for the kindness and all the generosity. You were very, very good to me when I first came back from the hospital. It was impossible, until this time, for me to get up here and thank you but I want you to know that you are one of the nicest bunch of people I have met. I shouldn't address you in this manner, but you are the nicest people I have ever met in this legislature. You all have been very, very good to me, very kind, and you know something, at home I wasn't recuperating as fast as they felt I should so they sent me back to work and when I went home the first week, they said, what hit you? I said, the Maine Legislature. (Applause)

Mr. Shute of Stockton Springs was granted unanimous consent to address the House:

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: Shortly after the vote on Item 4 on Page 7 of today's calendar "An Act Regarding the Rights of Students at the University of Maine in the University Bargaining Process", L. D. 2155, relative to the veto message of this measure by the Governor, I sent our Speaker a note that I had voted against the override, but my intentions were to vote to override the veto message and asked the Speaker if I could change my vote and he indicated that I could not. So I would like to have the record show that my position has not changed from my original position on this bill when I voted for passage on it in this House several days ago and that my vote today was an error in

pushing my voting switch the wrong way and my intentions and intent has not changed.

(Off Record Remarks)

On motion of Mr. Webber of Belfast.  
Adjourned until Monday April 5 at ten o'clock in the morning.