

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 9, 1976

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

Prayer by the Reverend Robert H. DeWolfe of Bucksport.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees**

**Divided Report
Later Today Assigned**

Eight members from the Committee on Health and Institutional Services on Bill "An Act to Reorganize the Bureau of Corrections" (Emergency) (S. P. 732) (L. D. 2281) reporting in Report "A" "Ought to Pass" as amended by Committee Amendment "A" (S-543)

Report was signed by the following members:

Mr. BERRY of Androscoggin — of the Senate.

Mrs. POST of Owls Head
Mrs. MORIN of Old Orchard Beach
Mrs. LAVERTY of Millinocket
Messrs. GOODWIN of South Berwick
KENNEDY of Gray
LOVELL of Sanford
CURRAN of South Portland

— of the House.

Three members from the same Committee reporting in Report "B" "Ought to Pass" as Amended by Committee Amendment "B" (S-544) on the same bill.

Report was signed by the following members:

Messrs. LAPOINTE of Portland
HENNESSEY of West Bath
SPROWL of Hope

— of the House.

Two members from the same Committee report in Report "C" "Ought Not to Pass" on the same bill.

Report was signed by the following members:

Messrs. HICHENS of York
GREELEY of Waldo

— of the Senate.

Came from the Senate with Report B read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B".

In the House: Reports were read.

On motion of Mr. Goodwin of South Berwick, Report B was accepted and the Bill read once. Committee Amendment "B" (S-544) was read by the Clerk.

On motion of Mr. Goodwin of South Berwick, tabled pending the adoption of Committee Amendment "B" and later today assigned.

Non-Concurrent Matter

Bill "An Act Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State" (Emergency) (H. P. 2018) (L. D. 2187) which was Passed to be Enacted in the House on March 9, 1976.

Came from the Senate, with Engrossment Reconsidered and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-546) in non-concurrence.

In the House: On motion of Mr. Birt of East Millinocket, the House voted to recede and concur.

Communications

The following Communication:

STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON TAXATION

April 8, 1976

Honorable John L. Martin
Speaker of the House

Slate House
Augusta, Maine 04333

Dear Mr. Speaker:

It is a pleasure to inform you that the Committee on Taxation has considered and acted on all matters placed before it by the First Special Session of the One Hundred and Seventh Legislature.

Following is a tabulation of bills as reported out of Committee:

Total Number of Bills Received	25
Ought to Pass	2
Ought to Pass in New Draft	3
Ought Not to Pass	4
Leave to Withdraw	7
Divided	9

Respectfully,

Signed:

FRANK M. DRIGOTAS
House Chairman

The Communication was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND SEVENTH
LEGISLATURE
COMMITTEE ON TRANSPORTATION

April 8, 1976

Honorable John L. Martin
Speaker of the House
House of Representatives
State House
Augusta, Maine
Dear Speaker Martin:

It is a pleasure to inform you that the Committee on Transportation has considered and acted on all matters referred to it by the One Hundred and Seventh Legislature in First Special Session.

Following is the tabulation of bills as reported out of committee:

Total Number of Bills Received	20
Ought to Pass	3
Ought to Pass as Amended	5
Ought to Pass in New Draft	2
Ought Not to Pass	3
Divided Reports	6
Leave to Withdraw	1

Very truly yours,

Signed:

EMILE J. FRASER
Representative
Chairman

The Communication was read and ordered placed on file.

Orders

Mr. Kauffman of Kittery presented the following Joint Order and moved its passage: (H. P. 2313) (Cosponsors: Mrs. Durgin of Kittery, Mr. Rolde of York)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Frisbee's Market of Kittery Point Which is the Oldest Family Store in the Nation Having Been Continuously Owned and Operated by the Frisbee Family Since 1828

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 Communication was read.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Kauffman.

Mr. KAUFFMAN: Mr. Speaker, Ladies and Gentlemen of the House: Frisbee's Market at Kittery Point is the oldest family-operated store in the nation. It has been in operation since 1828. It was purchased in 1828 from the

Cutts family, which had acquired it from the Commonwealth of Massachusetts, who seized it when Sir William Pepperel, II decided to side with the King during the American Revolution. I think that in this Bicentennial year, it is only appropriate that we recognize this store.

Thereupon, the Order received passage and was sent up for concurrence.

On Motion of Mr. Albert of Limestone, it was ORDERED, that Frank Kauffman of Kittery be excused for the duration of the Special Session for personal reasons,

AND BE IT FURTHER ORDERED, that Harold Silverman of Calais be excused for the duration of the Special Session for personal reasons.

**House Reports of Committees
Ought to Pass in New Draft
New Draft Printed**

Mr. Smith from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for the State Share of the Spruce Budworm Control Program and Imposing a Tax on Forest Lands for Spruce Budworm Control" (Emergency) (H. P. 1875) (L. D. 2050) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Suppression of the Spruce Budworm Epidemic" (Emergency) (H. P. 2310) (L. D. 2348)

Mr. Drigotas from the Committee on Taxation on Bill "An Act Providing for Administrative Corrections in Tax Laws" (H. P. 1959) (L. D. 2147) reporting "Ought to Pass" in New Draft (H. P. 2312) (L. D. 2349)

Reports were read and accepted, the New Drafts read once and assigned for second reading later in the day.

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

Enactor

Later Today Assigned

An Act to Clarify the Election Laws (H. P. 2293) (L. D. 2344) (H. "A" H-1230)

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

(On motion of Mr. Jacques of Lewiston, tabled pending passage to be enacted and later today assigned.)

**Passed to Be Enacted
Emergency Measure**

An Act to Reorganize or Repeal Certain Activities and Agencies in Maine State Government (H. P. 2143) (L. D. 2286) (C: "A" H-1079, H. "B" H-1212)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House necessary, a total was taken.

Whereupon, Mr. Farnham of Hampden requested a roll call vote.

The SPEAKER: 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 passage to be enacted. This being an emergency measure, a two-thirds vote of the entire elected membership of the House is necessary. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Byers, Call, Carey, Carpenter, Carroll, Carter, Chonko, Churchill, Clark, Conners, Connolly, Cooney, Cote, Cox, Curran, P.; Curran, R.; Curtis, Dam, Davies, DeVane, Doak, Dow, Drigotas, Dudley, Durgin, Dyer, Farnham, Fenlason, Finemore, Flanagan, Fraser, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hennessey, Higgins, Hinds, Hobbins, Hughes, Hunter, Hutchings, Ingegneri, Jackson, Jacques, Jensen, Joyce, Kany, Kauffman, Kelleher, Kelley, Kennedy, Laffin, LaPointe, Laverty, LeBlanc, Leonard, Lewin, Lewis, Littlefield, Lizotte, Lunt, Lynch, MacEachern, Mackel, Martin, A.; Martin, R.; McBreairty, McKernan, Mills, Miskavage, Mitchell, Morin, Morton, Mulkern, Nadeau, Najarian, Norris, Palmer, Pearson, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Pierce, Post, Powell, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Silverman, Snow, Snowe, Spencer, Sprowl, Strout, Stubbs, Susi, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Tyndale, Usher, Wagner, Walker, Wilfong, Winship, The Speaker.

ABSENT — Bowie, Bustin, Farley, Faucher, Hall, Hewes, Immonen, Jalbert, Lovell, MacLeod, Mahany, Maxwell, McMahon, Peakes, Peterson, T.; Smith, Tierney, Weber.

Yes, 133; No, 0; Absent, 18.

The SPEAKER: One hundred and thirty-three having voted in the affirmative and none in the negative, with eighteen being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act Relating to the Formation of Political Parties and to Political Designations (H. P. 1960) (L. D. 2140) (C. "A" H-985) (H. "A" H-1103) (H. "B" H-1233)

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

Finally Passed

Resolve, Authorizing Frederick Gooldrup and Germaine Gooldrup, or their Legal Representatives, to Bring Civil Action Against the State of Maine (H. P. 2301) (L. D. 2347)

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

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, I questioned this particular item, asked a few questions about it, and I didn't get any answers. Consequently, I went to the Transportation Department and spoke to the attorney there to get a little more information. It seems that after checking out the different reports on this particular case, I have my doubts whether or not this should even be allowed to go to court in the first place.

I read some of the reports. One of the reports was that the gentleman involved in this accident used to be an employee of the state for the Transportation Department. He has since left that department. The job he now holds, he has to go through, back and forth to work, he has to go by this particular project in the morning and in the evening, so that person was well aware of the work being done.

As far as the Transportation Department putting sufficient notice — I am trying to do this from memory, I was supposed to have a copy of that letter on my desk this morning and I don't have it, so I am going to try to remember this from memory. Approximately 200 yards before you get to the excavation, there is a street light; 300 feet beyond, there is another street light. Beyond the street light,

there are sand piles mounted on the side of the street showing excavation is being done. There are two signs anywhere from 25 to 50 feet apart. The first two signs have 25 reflector lights on them. The person involved in this accident went through all these, went through these two signs, noticed the reflectors, he didn't bother hitting those, he hit that third sign.

There were no torches, but with the reflector lights, with the knowledge that this man had of the excavation going on for several weeks, he knew very well what was going on.

I have been told by the lawyer involved in the case that these people have no chance of winning in court anyway, and I believe Mr. Perkins told us the same thing yesterday. If this is the case, I feel that the State of Maine shouldn't even have to go to court, because even if the state is not held liable for this, it is going to cost this state a lot of money just for the idea of going to court. Lawyers have to be there, secretaries, paper work, this could cost the state, just in expenses, probably up to \$2,000. I am not a lawyer, but I don't feel there is probable cause to even give permission to these people to sue the State of Maine.

Mr. Speaker, I would like to ask for indefinite postponement of this bill and all accompanying papers and I would ask for a division.

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

Mr. CAREY: Mr. Speaker and Members of the House: It seems strange that we would be trying the case here, I thought that was why we had a judicial system. The law provides that if a person feels he has a right to sue the state, he brings a proposal before the state, the Judiciary Committee decides at that point whether he has, in fact, sufficient grounds to at least bring suit before the state, and they are the ones who finally say to the legislature, yes, this man should have a chance to go before the courts or no, he should not.

I am very impressed, for instance, with the gentleman from Lewiston, Mr. Raymond, who says that he has talked to the attorney for the Department of Transportation. That is a gentleman called Mr. Day. Mr. Day was also the one who told the Judiciary Committee, and I know, I was sitting there and they were there, that he couldn't understand how the state could possibly have lost that case in Franklin County, that absolutely there was no way, that the judge had not done his work, that the jury didn't know what they were doing, that the state really had no neglect in the case, and he was defending the fact that he, himself, had tried that case. I don't know if the gentleman is competent in holding cases before the judges and juries in this State of Maine, but he would like to have this case destroyed before it even goes to court.

These people are residents of the State of Maine. Mr. Raymond did mention that while there may be lighting there and everything, there was in fact an excavation. But the most irresponsible action that the gentleman from Lewiston, Mr. Raymond, brought up was that this man was a former employee of the Department of Transportation, I would hope, Mr. Raymond, that this man, in his anger against the Department of Transportation, didn't try to self-destruct himself as sort of a vendetta for no longer working for the Department of Transportation.

The gentleman has a right, obviously, to bring suit before the state, which he has tried to do. The Judiciary Committee feels that he has merit. The City of Waterville was originally the one that was sued. There is a strong legal possibility that the City of Waterville is not liable, but the City of Waterville is not saying, oh, no, we are going to deny you the chance to go to court. What the City of Waterville has said to the members of judiciary is, if you want to make the City of Waterville a party to this case, even

though they had no substance in the matter whatsoever, let the court decide whether the City of Waterville was responsible or whether the state was responsible. That is what we have courts for.

You are familiar with the fact that I do not very often agree with judges, but I would at least take my chances and bring it before a judge in the courts of the State of Maine before allowing one attorney in the Department of Transportation to make the ruling whether or not the man has a case.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clear up one point that was stated by the gentleman from Lewiston, Mr. Raymond, and that was that yesterday I may have implied that the individuals couldn't win a case against the state. I don't recall having said that, and I certainly didn't wish to imply that.

I don't know whether the individual will or will not win in his case before the state and we on the Judiciary Committee didn't attempt to try to try that case on the merits to determine whether there was or was not better than a 50-50 chance that they could or could not win. I would just like to make that clear.

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

Mr. GAUTHIER: Mr. Speaker and Members of the House: With reference to one statement made by my good friend Mr. Carey, the attorney did not fight the case that he mentioned. The attorney was sick at the time and I think the attorney has good ability to fight cases in court because the state wouldn't hire him, I am sure.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: Very briefly, I think another issue that hasn't been considered here is the general principle of sovereign immunity, that is that the state can't be sued, and that the State Supreme Court has made several strong recommendations to the legislature that it do something about this; otherwise, the Supreme Court itself might take it upon itself to completely eliminate our protection from being sued.

I am afraid that if we appear to be obstinate in these matters, we may not have the time to develop a reasonable law which would allow people to sue the state under certain circumstances.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Raymond, that this Resolve be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

10 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

Thereupon, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

Orders

Mr. Finemore of Bridgewater presented the following Joint Order and moved its passage: (H. P. 2314)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Mabel Hall Everett Former Language Teacher in Bridgewater Classical Academy Now Retiring After Fourteen Years of Faithful Service as Town Manager of Bridgewater

We the Members of the House of Represent-

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

Mr. FINEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I call your attention to this order for one reason and one reason alone. Mabel Hall Everett taught me language in high school and I don't think she done a very good job, so I hope you will pass this order.

Thereupon, the Order received passage and was sent up for concurrence.

Mr. Birt of East Millinocket presented the following Joint Order and moved its passage: (H. P. 2315)

WHEREAS, The United States Department of Commerce, Bureau of the Census, has requested that Maine establish a committee to work with the bureau to assist in the preparation of a 1980 census program designed to meet the State's needs for legislative reapportionment and redistricting purposes; and

WHEREAS, the Members of the 107th Maine Legislature believe it essential to obtain the most accurate population counts possible to assure equal representation for all Maine citizens in the State House of Representatives and the State Senate; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee be established to assist the Bureau of the Census in preparing a 1980 census program for the purposes of meeting the State's needs for legislative reapportionment and redistricting, the committee to consist of 2 Senators appointed by the President of the Senate, 3 Members of the House appointed by the Speaker of the House of Representatives, the Legislative Administrative Director or his designee and a representative of the State Planning Office, the committee to elect a chairman who shall serve at the pleasure of the committee; and be it further

ORDERED, that the members of the committee shall serve without compensation, but that the legislative members may be reimbursed for their actual expenses in attending meetings when the Legislature is not in session; and be it further

ORDERED, that the committee shall complete this study no later than 45 days prior to the next regular session of the Legislature and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED, upon passage in concurrence, that a suitable copy of this Order shall be forwarded to each member of the committee.

The Order was read.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This order is pretty well explained in the first paragraph. It establishes something on legislation that has recently been passed in Congress to require the Bureau of Census to compile data necessary for assisting in development of apportionment. We may not realize it but we are not too far from taking another census and the present Congress is initiating the guidelines for the taking of that census. This establishes a small committee to work with a couple of people within the State House complex to draw up guidelines that they might use for taking the census in the State of Maine.

The Order received passage and was sent up for concurrence.

Mr. Carpenter of Houlton presented the following Joint Order and moved its passage: (H. P. 2316)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Heather Kim Degenhardt, 4 Years Old; Joy My Lien Degenhardt, 8 Years Old; David Vinh Degenhardt, 6 Years Old; Children of Mr. and Mrs. Edward Degenhardt Who Were Born in Vietnam and Became United States Citizens on April 5, 1976, at Houlton

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.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mr. Carpenter.

Mr. CARPENTER: Mr. Speaker, Ladies and Gentlemen of the House: It is refreshing sometimes to see some of these orders and to realize the concern that some of our people have for other people. We pass a lot of legislation trying to dictate or mandate compassion and concern. I think this order is as much for Mr. and Mrs. Degenhardt, who are new citizens of the State of Maine and new residents of Houlton, as it is for the children. This is a family that has 7 foster children in it at this time, the latest adopted foster children are Heather, Joy and David, who have just become citizens of the United States after having lived in Vietnam for a number of years.

The Order received passage and was sent up for concurrence.

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

Enactor

Later Today Assigned

An Act Redistributing the Powers of the Executive Council. (H. P. 1997) (L. D. 2197) (C "A" H-1115 as Amended by S-519; S "B" S-524; S "D" S-529; S "C" S-526 as Amended by S "A" S-532; H "A" H-1166; H "C" H-1183; H "E" H-1191)

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

On motion of Mr. Cooney of Sabattus, tabled pending enactment and later today assigned.

(Off Record Remarks)

On motion of Mrs. Najarian of Portland, the House voted to take from the table the following tabled and unassigned matter: Bill "An Act to Base Adjustments of Teacher and State Employee Retirement Allowances on the Consumer Price Index" (H. P. 1799) (L. D. 1958)

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

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Susi of Pittsfield was granted unanimous consent to address the House.

Mr. SUSI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few comments on the situation we find ourselves in on the pay issue.

We are in a situation where two groups, namely, the Executive Office on the one hand and the state employees on the other hand are

indicating to us their contrary positions on this issue, which each of them certainly has the right to do, and each of them has clearly indicated to the legislature and to the world as to how the positions they are taking, to each of them so important, that they can see little hope of change in these positions.

As usual, the legislature is in the middle in this situation, which is our usual position and one which we are used to, and this is what we get elected to do, to resolve these problems. But apparently, after a few more hours work, we will have handled the other duties that we are charged with and will be ready to leave to go home except for this remaining pay issue.

The point I would like to make is this, that even when we are not receiving pay, it seems to me that 180-odd-member legislature is a very expensive instrument to use to arbitrate on a single issue. In a few hours, we will be going home for the weekend and I want to get on record as urging the other parties involved in this question to search their souls over the weekend so that we in the legislature will come back to a situation which is possible rather than impossible. I don't see much point in this legislature remaining in session for several days, when we have handled all of our charges except for a single issue, so I hope that over the weekend that here in Augusta, people are busy thinking up positions which might be acceptable to them other than what they have indicated to us so far.

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to what my very good friend Mr. Susi has said and I agree with him to the point that, yes, we are going to be here another few days or week, but I don't care if we are here until the 4th of July. We are here for an important issue and when we go home this weekend, as long as it has been brought up, I would like to have you members go home and think that we have employees working in this state and taking home peanuts for pay. We have people working that could do much better on welfare and not even have a job. I hope when we go home this weekend we will think about that. I am sure that many of us will be able to feed our families very comfortably, we won't worry about next weeks paycheck because we live in clover because of the working people of this state, and I think that they should have some consideration.

I am not going to get excited this morning and talk about what we should do and should not do, but I agree with Mr. Susi, when he says we should think about this and think very seriously about this, that we should give the people that are working for the State of Maine decent pay so that they can feed their families and clothe them and they are living from week to week.

I certainly hope that you think also about this Hay Report and put this Hay Report in its proper place when we come back. I don't look for a deadline to vote on an issue just so we can get out of here. If I never come back here to this House again after this session, at least I will feel that I have done everything that I can do for the working people of this state. I think that is an important issue, the take-home pay of the employees.

We all live very good today because of the industrial revolution that has been taking place over the years to give working people a decent week's pay. We have employers in this state who would pay 50 cents a day if they could get away with it and I certainly do agree, think about this, because this is an important issue, it is an emotional issue. When people are working for a week's pay and see their neighbors on

social giveaway programs getting more than they are and they are working and the other people are not, that is not justice and that is not equality. I certainly hope this weekend we will consider that very, very carefully because that certainly is an important issue.

(Off Record Remarks)

On motion of Mr. Lewin, of Augusta, Recessed until the sound of the gong.

After Recess
1:30 P.M.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Rolde of York, Recessed until three o'clock in the afternoon.

After Recess
3:00 P.M.

The House was called to order by the Speaker.

The following Senate Papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Reorganize the Standardization Committee" (H. P. 2278) (L. D. 2339) which was Passed to be Engrossed as Amended by House Amendment "A" (H-1202) as Amended by House Amendment "A" (H-1238) thereto, in the House on April 7, 1976.

Came from the Senate, passed to be Engrossed (without Amendment) in non-concurrence. In the House: On motion of Mr. Jensen of Portland, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel" (Emergency) (H. P. 1937) (L. D. 2125) which failed Engrossment as Amended by House Amendments "A" (H-938) and "B" (H-1234) in the House on April 7, 1976.

Came from the Senate, passed to be Engrossed as Amended by Senate Amendments "A" (S-420) and "B" (S-547) in non-concurrence. In the House: The House voted to adhere.

Orders

From the Senate: The following Joint Resolution (S. P. 789)

IN MEMORIAM

Having Learned of the Death of Oscar B. Horne of Belfast A Distinguished Law Enforcement Officer

The Senate and House of Representatives of the State of Maine do hereby extend their sincere heartfelt condolences and sympathy to the bereaved family and friends of the deceased: and further

While duly assembled in session at the State Capitol in Augusta under the Constitution and Laws of the State of Maine, do herein direct that this official expression of sorrow be forthwith sent to the family of the deceased 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.

The following papers appearing in Supplement No. 5 were taken up out of order by unanimous consent:

Passed to Be Engrossed Amended

Bill "An Act Relating to the Suppression of the Spruce Budworm Epidemic" (Emergency) (H. P. 2310) (L. D. 2348)

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

Mr. Smith of Dover-Foxcroft offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1251) was read by the Clerk and adopted.

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

Bill "An Act Providing for Administrative Corrections in Tax Laws" (H. P. 2312) (L. D. 2349)

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

Mr. Drigotas of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1252) was read by the Clerk and adopted.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature, on Bill, "An Act Concerning the Geologist and Soil Scientist Certification Act" (H. P. 2240) (L. D. 2322) ask leave to report; that the House recede from Engrossment; adopt Conference Committee Amendment "A", submitted herewith, and pass the bill to be Engrossed as Amended by House Amendment "A" (H-1100) and Conference Committee Amendment "A"; that the Senate recede from Indefinite Postponement, Adopt House Amendment "A" and Conference Committee Amendment "A" and pass the bill to be engrossed as Amended in concurrence.

Signed:

Messrs. BERRY of Cumberland
CYR of Aroostook
O'LEARY of Oxford

— of the Senate.

Messrs. DeVANE of Ellsworth
PEAKES of Dexter
PIERCE of Waterville

— of the House.

The Report was read and accepted.

The House voted to recede from its action whereby the Bill was passed to be engrossed. Conference Committee Amendment "A" was read by the Clerk and adopted.

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

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Mr. Ault of Wayne presented the following Joint Order and moved its passage: (H. P. 2317)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of the Members of the Office of Legislative Assistants for Their Tireless and Expert Assistance to the Joint Standing Committees During the 107th Legislature

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

Mr. LeBlanc of Van Buren presented the following Joint Order and moved its passage: (H. P. 2318)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of John Dionne of Van Buren District High School 2nd Place Winner of the State Spear Speaking Contest for 1976

We the Members of the House of Represent-

tatives 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 Joint Order was read and passed and sent up for concurrence.

Mr. Peterson of Caribou presented the following Joint Order and moved its passage: (H. P. 2319) (Cosponsor: Mr. McBreairty of Perham)

WHEREAS, The Legislature has learned of the Outstanding Achievement and Exceptional Accomplishment of Colleen McIntosh of Washburn District High School Third Place Winner for Girls in the State Spear Speaking Contest for 1976

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

The Chair laid before the House the following matter: Bill "An Act to Reorganize the Bureau of Corrections" (S. P. 732) (L. D. 2281) which was tabled earlier in the day and later today assigned, pending adoption of Committee Amendment "B".

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain this bill and why I have moved Report B, even though I have signed Report A.

First of all, in these two reports there was only one section that was different and I think we have worked out that problem. I am going to explain the bill and I will explain the differences in the two reports and what is happening with this bill.

Last fall, the committee became aware of a correctional plan by the department which was to phase out the Stevens School for Girls and combining the girls with the boys down in the Boys Training Center and to do several other things within the correctional field. Leadership authorized our committee to do a quick study of that, we did, and we recommended certain things which were implemented.

One of the understandings was that a bill would be introduced in the special session to handle the correctional changes that the department wanted to make and the bill finally came to us about a month ago. We have been working on it ever since and this is a product of the committee's work.

The Committee Report B and A, basically, if you go through it, the first section provides that the contingency fund for the institutions will be able to be used for things other than pure commodities. In other words, if an extra guard position is needed or if some money is needed to pay a phone bill at some of the state institutions, this money could come out of the contingency fund. In the past, it has only been able to be used for food. That is a minor change that there was no problem with.

Then we got into the real guts of the whole question, and that is the closing of Stevens School for Girls, moving the girls down to the Boys Training Center and the opening of Skowhegan as a safety valve. I don't think I have to get too deep into problems that we are facing right now, and that is that we have had a

tremendous increase in population at the State Prison in Thomaston and we are beginning to face an increase in population in the Men's Correctional Center, and with the implementation of the criminal code, we expect a considerable amount more of people confined to those institutions, which are going to put even more of a stress on it. Plus, the cuts that have been implemented by the Governor have done a considerable amount of harm at these institutions in terms of not being able to properly staff the institutions.

At one point when I was down at the Men's Correctional Center, the only person other than a guard that the inmates could talk to was the minister. There were no human service workers down there at all, no councillors or vocational rehabilitation people or anything.

So, the only alternative that the department had, given our present financial state, was to take a look at the system and see where some money could be saved. One of the areas they looked at was Stevens School, which has a very small population of girls and an equally small population of women.

The plan, and this bill accomplishes that, is to allow the department, with the approval of the Governor, to close down Stevens School. The girls will be moved to the Boys Training Center; there is room for the girls there. There are problems at the Boys Training Center now due to the lack of staff and not space. The girls will be housed in two of the new cottages down there and an infirmary will be established in one of the cottages. The other cottage will be used completely for a dorm and half of one cottage will be used for dormitory and other living space. Then Stevens will, in the bill, be allowed to be used for by the department in conjunction with the Department of Human Services and the Department of Education for a facility basically to be known as a behavior stabilization unit, and this is with the approval of the Governor, and this is a plan that the departments have been working together with to develop and provide a place for severely emotionally disturbed youngsters, on basically a three to four month basis, to provide stabilization of these youngsters and then they would be moved out into facilities such as the Sweetser Home, Spurwink, etc.

The resulting savings at Stevens, according to this bill, will be directed, if you look at the back of the Committee Amendment, we are reallocating some of these savings to the various institutions to the Maine Youth Center, which is what the Boys Training Center will be retitled at, as the Maine Correctional Center and the prison and there will be some people left at the Hallowell campus to maintain it.

The big question in the bill, however, comes about in the opening of Skowhegan, the reopening of Skowhegan to be used as a safety valve for the influx and for the over population that we now have at Thomaston and the expected influx that we will be having at the Maine Correctional Center.

The differences in the two reports are in the opening of Skowhegan. Report A said that Skowhegan could be opened under the say of the commissioner. Report B, which is what the Governor wanted, says the Governor has the final approval over the opening of Skowhegan.

Now, we have met with the Governor and I think, well, I can say for myself and for most of the members of the signers of Report A, that although we are probably not happy with it, I think we can live with it. I think the Governor understands the problems and I think that he is going to — I hope that he is going to act responsibly in trying to solve these problems. So I think that we can live with Report B.

We also have required in here that if Skowhegan is used, before it can be used they must review all the alternatives, such as prerelease centers, halfway houses, the use of

county jails, and if in the opinion of the commissioner and the Governor Skowhegan has to be opened as a temporary facility to handle the overflow and to handle the women, which is another real problem that we are going to have initially — for a place for them to stay, not as a correctional problem — then it can only stay open until January 1, 1978. In other words, we have put a self-destruct clause on here.

Also, what we have required of the department in the bill is for them to come back in the 108th with a plan. We have outlined some of the areas we want them to address, such as the problems at Thomaston in terms of the so-called 40 to 50 people that are really causing a lot of trouble down there, and in the establishment of an internal maximum security unit in there, we wanted them to develop a plan for treatment of the 20 to 25 psychiatric inmates down there. We want them to develop a plan for the future use of the women for handling out-of-state prisoners that we have and this out-of-state compact where we send prisoners out of state and other states send them to us and just an overall correctional plan to review what they have done and to try and come up with some recommendations.

Basically, what this bill does, it is a stopgap measure, a temporary measure to provide the department to handle the serious problems developing at Thomaston and will be developing at the Men's Correctional Center in overcrowding and in just the tenseness of the situation.

We do have a couple of amendments to offer that take care of a couple of technical points and another substantial point which I think will be offered now. If there are any questions to this I will try to answer them.

Mrs. Post of Owls Head offered House Amendment "A" to Committee Amendment "B" and moved its adoption.

House Amendment "A" to Committee Amendment "B" (H-1247) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Ladies and Gentlemen of the House: One of my concerns in dealing with this particular bill was what would be happening with the money allocated for the Skowhegan location if in fact that facility was not used. What this amendment does is to say that up to \$200,000 of the money that was allocated for the Skowhegan location can be transferred to the correctional program improvement fund to be used for the kinds of programs that fund carries on, such as halfway houses and the various kinds of programs that can be carried on under that particular act. The rest of the money, if the Skowhegan location is not used by December 31, 1976, would be transferred to the other correctional institutional accounts.

Thereupon House Amendment "A" to Committee Amendment "B" was adopted.

Mrs. Post of Owls Head offered House Amendment "C" to Committee Amendment "B" and moved its adoption.

House Amendment "C" to Committee Amendment "B" (H-1254) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: At the time we drew up that particular bill, we were under the impression that there was only one assistant superintendent presently at the Men's Correctional Center at South Windham and so we wrote into the law that there could be one assistant superintendent at each location of the Maine Correctional Center. We have since found that there are presently two assistant superintendents, so all this particular amendment does is to allow

those two assistant superintendents to remain at that particular facility.

Thereupon House Amendment "C" to Committee Amendment "B" was adopted.

Mr. Stubbs of Hallowell offered House Amendment "B" to Committee Amendment "B" and moved its adoption.

House Amendment "B" to Committee Amendment "B" (H-1250) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment would allow Stevens Training Center in Hallowell to be used for office, storage space, and it would not preclude the Commissioner of Mental Health and Corrections from utilizing it as an area for overflow from what is now called the Boys Training Center upon approval of the Governor. I did not delete that section from the bill. However, failure to enact this, I am certain, will result in about 12 idle buildings down there, because the plan that they propose can only be enacted upon approval of the Governor and I can not foresee its forthcoming in the near future.

Thereupon, Mr. Goodwin of South Berwick moved the indefinite postponement of House Amendment "B" to Committee Amendment "B" and requested a vote on the motion.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I urge that you oppose this and not vote for indefinite postponement. Currently in this area, the state is renting and leasing office space to the tune of over \$600,000 a year. If we do not enact this, we will have 12 idle buildings a mile and a half away from here owned by the state. You will note that Committee Amendment "B" provides for a program for caring for some 24 emotionally disturbed children at a cost of \$670,000. This is about \$28,000 per patient. In order to enact this \$28,000 per patient program, it has got to obtain the approval of the Governor. I doubt that it will get off the floor.

Stevens Training Center has 12 buildings. This program would care for 24 patients. We are going to have about two children per building on some 60 acres of land. Originally, they proposed a plan for caring for, I understand, a couple of dozen children at a cost of \$1.3 million.

Now, this plan, if enacted, which I seriously doubt would ever be enacted to care for these 24 students, certainly not at Hallowell, would incorporate what we are trying to go against here, the starting up of another tiny institution that is overstaffed and overfunded. It is better off to put it in an area where there is a larger institution.

As I say, originally they planned to have 110 employees care for these 24 children at a cost of \$1.3 million, which has been scaled down to \$670,000.

All I am trying to do is preclude the new building of — we have a brand new Department of Transportation Building down here that is being finished up that cost the state some \$5.1 million. We have a parking garage across the street which costs \$1.4 million. All this would allow is this space be used for office space and again, I repeat, there is nothing to preclude the moving of some of the patients or the children that are being moved down to Portland back here upon the approval of the Governor.

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

Mr. LAPOINTE: Mr. Speaker, Men and Women of the House: First off, I would like to commend the gentleman from Hallowell, Mr. Stubbs, for his amendment. However, I have to

support the motion to indefinitely postpone the amendment today.

The good gentleman will recall that he presented his amendment to the Health and Institutional Services Committee at the time this particular bill was up for public hearing.

The gentleman's concerns are valid ones; however, I would offer the opinion at this particular time that they are a bit premature. The gentleman is indicating his concern that the state office complex that abounds here in this immediate area of the state office building and the state capitol might be able to use these facilities for future office buildings. This I grant him.

I would also point out to the good gentleman and members of the House today that prior to the construction of any additional buildings, you are going to have to have legislative approval. So, that means by the time that we are back in session, those proposals will be before us.

As Representative Goodwin has pointed out, the proposed use of the Hallowell facility is for a behavioral stabilization unit, so-called. More broadly, it is a facility for severely emotionally disturbed children to provide for them the intense care that currently cannot be provided in the facilities that exist in the state, either in the public sector, such as at Pineland where there are no such facilities any longer, or in the private sector through residential group homes, such as the Sweetser Home in Saco, the Spurwink School in Portland, St. Michael's in Bangor, and possibly even Bancroft North.

You might recall, last October there was a suit filed in Bangor, in the Superior Court in Penobscot county, a right to treatment suit, in which it was alleged that the state was not providing the necessary type care to a severely emotionally disturbed child. As a result of that particular suit, the Commissioner of Mental Health and Corrections and the Commissioner of the Department of Human Services got together with the residential group-home people that I just a moment ago outlined and had been working on a plan. The plan calls for the possible use of the Hallowell facility and would be funded through a combination of dollars both from the Department of Human Services and the Department of Education and Cultural Services.

Again I point out, I commend the gentleman for his amendment, but I believe at this particular time it is premature. I would hope that we would defeat the amendment as offered, that we let this bill pass and that at a future date, either the Health and Institutional Services Committee or the State Government Committee would look at the feasibility and the need for the Bureau of Public Administration to have control of the Hallowell facility.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to comment very briefly on some of the statistics that the gentleman from Hallowell, Mr. Stubbs, has given you. Yes, he is correct that the BSU unit tentatively is planned for 24. But, I think if you remember back to the comments of the gentleman from South Berwick, Mr. Goodwin, this is not designed to be another institution but a stabilization unit where they would be present for perhaps three or four months. So, if you take the 24 and you expand it over a year, it is quite possible this program is going to serve almost 100 youngsters and there is a need now. We wouldn't have to search to find children for this program, they are out there and they need that service.

I think it would be unwise for this body at this time to take those buildings and put them under the direction of yet another agency when we asked in the plan for them to come up with plans and have this as one of the available resources to them.

The SPEAKER: The Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I would remind the ladies and gentlemen of this House you are still going to have 12 buildings, 24 patients at any one time, and that is two people per building. I think that we should wait until next year before we implement anything like this.

If you look at Section 27 of this Committee Amendment, it asks the commissioner to make a reassessment of the need for additional area correctional centers. Let's put a stop to the renting of space in this area for five and ten dollars a square foot when we don't need it. If we save money, we can put it towards some of these good programs.

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

Mr. Stubbs of Hallowell 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 Chair recognizes the gentleman from Hallowell, Mr. Stubbs.

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: Again, as I say, I don't question the need of this program but I am telling you right now, it will never get off the ground and we are going to end up with a dozen empty buildings and we are going to be continuing to rent space in this area at very expensive propositions. They are spending over \$600,000 a year to rent space in this area, and that doesn't require legislative approval for them to go out and contract to rent space at five or ten dollars a square foot. Let's use our money wisely. The more money we use wisely, the more money we will have to help people.

Too often money is spent on bricks and mortar rather than people. I am just trying to preclude the ridiculous situation of having empty buildings nearby, a mile and a half away, that is all, and a situation where we are paying right through the nose to rent space in this area.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that House Amendment "B" to Committee Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bennett, Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Carey, Carroll, Carter, Chonko, Churchill, Clark, Cox, Curran, P.; Dam, Davies, DeVane, Doak, Drigotas, Dudley, Faucher, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hughes, Ingegneri, Jensen, Joyce, Kany, Kelleher, Kennedy, LaPointe, Laverty, Lynch, Mills, Miskavage, Mitchell, Morin, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Quinn, Rideout, Rolde, Saunders, Shute, Snow, Spencer, Talbot, Tarr, Theriault, Tierney, Tozier, Wagner, Wilfong.

NAY — Bagley, Berry, G. W.; Bustin, Byers, Call, Carpenter, Conners, Curtis, Farley, Farnham, Fenlason, Gould, Gray, Henderson, Hewes, Hunter, Hutchings, Jackson, Kelley, Lewin, Lewis, Lunt, Mackel, Maxwell,

McBreairty, McMahon, Palmer, Perkins, S.; Perkins, T.; Peterson, P.; Raymond, Rollins, Snowe, Sprowl, Strout, Stubbs, Susi, Teague, Torrey, Walker.

ABSENT — Bowie, Connolly, Cooney, Cote, Curran, R.; Dow, Durgin, Dyer, Finemore, Gauthier, Higgins, Hinds, Hobbins, Immonen, Jacques, Jalbert, Kauffman, Laffin, LeBlanc, Leonard, Littlefield, Lizotte, Lovell, MacEachern, MacLeod, Mahany, Martin, A.; Martin, R.; McKernan, Morton, Powell, Silverman, Smith, Truman, Twitchell, Tyn-dale, Usher, Webber, Winship.

Yes, 71; No, 40; Absent, 39.
The SPEAKER: Seventy-one having voted in the affirmative and forty in the negative, with thirty-nine being absent, the motion does prevail.

Thereupon, Committee Amendment "B" as amended by House Amendment "A" and House Amendment "C" thereto was adopted.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I signed out for the B Report, so the body doesn't need an explanation of that. But Ralph Lovell, who left us a few days ago did leave a note in my possession, and he wanted the record to show, so why don't I just read what he wrote. "I wish to change my signature on L. D. 2281, An Act to Reorganize the Bureau of Corrections. I want to have on record that I wish to give the Governor final authority. In other words, the same way as signed by Representative Sprowl."

On motion of Mr. Hennessey of West Bath the House reconsidered its action whereby Committee Amendment "B" was adopted.

Mr. Hennessey of West Bath offered House Amendment "D" to Committee Amendment "B" and moved its adoption.

House Amendment "D" to Committee Amendment "B" (H-1259) was read by the Clerk.

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

Mr. HENNESSEY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this amendment is to insure that we pay attention to the criminally insane so-called. These might be called the trouble makers that are now at Thomaston. They are part of the problem, and I would like to see that somewhere along the line we take a good hard look at this problem and put it into a medical setting where these people can be helped. If not, I am afraid we are going to warehouse a lot of people at the prison, which is going to compound the problems in the future.

Thereupon, House Amendment "D" to Committee Amendment "B" was adopted.

Committee Amendment "B" as amended by House Amendment "A", House Amendment "C" and House Amendment "D" thereto was adopted.

Under suspension of the rules the Bill read a second time.

Mr. Farley of Biddeford objected to passage to be engrossed at this time.

The SPEAKER: The pending question is on passage to be engrossed as amended. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Farley of Biddeford 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 Chair recognizes the gentleman from Biddeford, Mr. Farley.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that you not vote to suspend the rules today on this bill. I plan on having an amendment ready on Monday for this bill. If we engross it now, it would take two thirds of this body to get an amendment on that bill and I would ask you all to support my motion not to suspend the rules at this time.

The SPEAKER: The pending question is passage to be engrossed, not suspension of the rules.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: Is it in order to ask the gentleman from Biddeford what his amendment is going to be doing?

The SPEAKER: The gentleman from South Berwick, Mr. Goodwin, poses a question through the Chair to the gentleman from Biddeford, Mr. Farley, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: Since the amendment is not before this body, would it be all right to at this time comment what my amendment would be?

The SPEAKER: The gentleman may so answer the question of the gentleman from South Berwick, Mr. Goodwin.

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: What my amendment would be is not to close the Stevens School. I think we are going to have serious problems down the road if we close the Stevens School, send them to the South Portland School for Boys, the 16 and 17 year old children. You are asking for these young ladies tempting these young boys about three hundred yards down the road. I think before we get into that, we ought to at least discuss it and take a closer look at it.

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

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from Biddeford had wanted to debate that, he could have, because Report C, was just plain "ought not to pass" on the bill. The gentleman from Biddeford's amendment would in effect make the bill useless, and if he would like to, he could debate Report C.

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

Mr. FARLEY: Mr. Speaker, Ladies and Gentlemen of the House: If that is the case, I would withdraw my motion and wait for the final enactment of this bill.

The SPEAKER: The pending question is on passage to be engrossed as amended. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Ault, Bachrach, Bagley, Bennett, Berry, G. W.; Berry, P. P.; Berube, Birt, Blodgett, Boudreau, Burns, Bustin, Byers, Call, Carey, Carpenter, Carroll, Chonko, Churchill, Clark, Cox, Curran, P.; Curtis, Dam, Davies, Doak, Drigotas, Dudley, Farnham, Faucher, Fenlason, Flanagan, Fraser, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Henderson, Hennessey, Hewes, Hughes, Hunter, Hutchings, Jackson, Jensen, Joyce, Kany, Kelley, Kennedy, LaPointe, Laverty, Lewin, Lewis, Lynch, Mahany, Maxwell, McBreairty, McKernan, Mills, Mitchell, Morin, Mulkern, Nadeau, Najarian, Peakes, Pelosi, Perkins, S.; Perkins, T.; Peterson, P.; Peterson, T.; Post, Quinn, Raymond, Rideout, Rolde, Rollins, Saunders, Shute, Snow, Snowe, Spencer, Sprowl, Susi,

Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Wagner, Walker, Wilfong.

NAY — Carter, DeVane, Farley, Gray, Hall, Ingegneri, Kelleher, Lunt, Mackel, McMahon, Miskavage, Palmer, Pearson, Pierce, Stubbs, Tozier.

ABSENT — Bowie, Conners, Connolly, Cooney, Cote, Curran, R.; Dow, Durgin, Dyer, Finemore, Gauthier, Higgins, Hinds, Hobbins, Immonen, Jacques, Jalbert, Kauffman, Laffin, LeBlanc, Leonard, Littlefield, Lizotte, Lovell, MacEachern, MacLeod, Martin, A.; Martin, R.; Morton, Norris, Powell, Silverman, Smith, Strout, Truman, Twitchell, Tyndale, Usher, Webber, Winship.

Yes, 94; No, 16; Absent, 40.

The SPEAKER: Ninety-four having voted in the affirmative and sixteen in the negative, with forty being absent, the motion does prevail.

Sent up for concurrence.

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

Mr. FARNHAM: Mr. Speaker, I would ask if we could reconsider item 2 on Supplement No. 4, An Act to Change the Statutory Qualifications and Salary Limit for Director of Personnel, House Paper 1937, L. D. 2125 and would speak briefly to my reasons for asking for reconsideration.

The SPEAKER: The gentleman from Hampden, Mr. Farnham, moves that we reconsider our action whereby this body voted to adhere on L. D. 2125.

The gentleman may proceed.

Mr. FARNHAM: Mr. Speaker, Ladies and Gentlemen of the House: When we acted on this bill a few minutes ago, I was involved with both hands passing amendments and before I realized that, the hammer had gone down and we adhered. I would like to reconsider it so that we could take up Senate Amendment "A" which came from the Senate and which we have not acted on, and then I would explain the amendment if I could.

Thereupon, on motion of Mr. Farnham of Hampden, the House reconsidered its action of earlier in the day whereby it voted to adhere.

Thereupon, on motion of Mr. Bustin of Augusta, the House voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following matter:

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

On motion of Mrs. Najarian of Portland, retabled pending passage to be enacted and specially assigned for Monday, April 12.

The Chair laid before the House the following matter: An Act Redistributing the Powers of the Executive Council. (H. P. 1997) (L. D. 2197) (C "A" H-1115) as Amended by S-519; S "B" S-524; S "D" S-529; S "C" S-526 as Amended by S "A" S-532; H "A" H-1166; H "C" H-1183; H "E" H-1191) which was tabled earlier in the day and later today assigned, pending passage to be enacted.

Mrs. Goodwin of Bath moved that the rules be suspended for the purpose of reconsideration.

Thereupon, Mr. Dudley of Enfield objected.

The SPEAKER: The Chair will order a vote. The pending question is on suspension of the rules for the purpose of reconsideration. This requires a two-thirds vote of those present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

A vote of the House was taken.

Thereupon, Mrs. Goodwin of Bath requested a roll call vote.

The SPEAKER: 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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I wish to pair with the gentleman from Lewiston. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt, wishes to pair with the gentleman from Lewiston, Mr. Jalbert. If the gentleman from Lewiston, Mr. Jalbert, were here, he would be voting yes and if the gentleman from East Millinocket were voting, he would be voting nay.

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

Mrs. CLARK: Mr. Speaker, I would like to pair with Mr. Finemore. If he were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentlewoman from Freeport, Mrs. Clark, pairs her vote with the gentleman from Bridgewater, Mr. Finemore. If the gentleman from Bridgewater, Mr. Finemore, were here, he would be voting nay and the gentlewoman from Freeport, Mrs. Clark, would be voting yea.

The pending question is on the motion of the gentlewoman from Bath, Mrs. Goodwin, that the rules be suspended for the purpose of reconsideration. This requires a two-thirds vote of those present and voting. All those in favor of the rules being suspended will vote yes; those opposed will vote no.

ROLL CALL

YEA — Albert, Bachrach, Bagley, Bennett, Berube, Blodgett, Boudreau, Burns, Bustin, Call, Carroll, Carter, Chonko, Churchill, Curran, P.; Dam, Davies, DeVane, Doak, Drigotas, Faucher, Flanagan, Fraser, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hennessey, Hughes, Ingegneri, Jensen, Kennedy, LaPointe, Lynch, Mahany, Maxwell, McKernan, Mills, Miskavage, Mitchell, Mulkern, Nadeau, Najarian, Norris, Peakes, Pearson, Pelosi, Peterson, T.; Pierce, Post, Quinn, Raymond, Rolde, Saunders, Smith, Sprowl, Talbot, Theriault, Tozier, Wilfong, The Speaker.

NAY — Ault, Berry, G. W.; Berry, P. P.; Byers, Carey, Carpenter, Cooney, Cox, Curtis, Dudley, Farnham, Fenlason, Gould, Gray, Henderson, Hewes, Hunter, Hutchings, Jackson, Joyce, Kany, Kelleher, Kelley, Laverty, Lewin, Lewis, Lunt, Mackel, McBreairty, McMahon, Perkins, T.; Peterson, P.; Rollins, Shute, Snow, Snowe, Spencer, Strout, Stubbs, Susi, Tarr, Teague, Torrey, Wagner, Walker.

ABSENT — Bowie, Conners, Connolly, Cote, Curran, R.; Dow, Durgin, Dyer, Farley, Garsoe, Gauthier, Higgins, Hinds, Hobbins, Immonen, Jacques, Kauffman, Laffin, LeBlanc, Leonard, Littlefield, Lizotte, Lovell, MacEachern, MacLeod, Martin, A.; Martin, R.; Morin, Morton, Palmer, Perkins, S.; Powell, Rideout, Silverman, Tierney, Truman, Twitchell, Tyndale, Usher, Webber, Winship.

PAIRED — Birt, Clark, Finemore, Jalbert.

Yes, 61; No, 45; Absent, 40; Paired, 4.

The SPEAKER: Sixty-one having voted in the affirmative and forty-five in the negative, with forty being absent and four paired, the motion did not prevail.

The SPEAKER: The pending question is on passage to be enacted. In order for this Bill to be passed to be enacted, it requires a two-thirds vote of those present and voting. 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.

70 having voted in the affirmative and 36 hav-

ing voted in the negative, the Bill failed of enactment.

Sent up for concurrence.

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

Mr. Strout of Corinth moved that the House stand adjourned until ten o'clock Monday morning.

The SPEAKER: The Chair will order a vote. All those in favor of the House standing adjourned until ten o'clock Monday morning will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

House at Ease

Called to order by the Speaker.

(Off Record Remarks)

On motion of Mr. Strout of Corinth,
Adjourned until Monday, April 12, at ten o'clock in the morning.