

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, April 11, 1977

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

Prayer by the Reverend David Pillsbury of the Poland Community Church.

The members stood at attention during the playing of the National Anthem by the Mat-tanawcook Academy Band of Lincoln.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act to Make Housing Advocacy Services a Priority Area in the Priority Social Services Program and to Appropriate Funds to Fund this new Priority Area" (S. P. 409) (L. D. 1417)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

An Act to Clarify Physician Certification of Patient Deaths in Maine Nursing Homes" (S. P. 408) (L. D. 1416)

Bill "An Act to Regulate the Dispensing of Prescription Drugs" (S. P. 407) (L. D. 1415)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Brown Company (S. P. 375) (L. D. 1390)

Bill "An Act to Provide that the Board of Environmental Protection Shall Administer the Maine Land Use Regulation Statutes" (S. P. 405) (L. D. 1421)

Came from the Senate referred to the Committee on Natural Resources and ordered printed.

In the House, referred to the Committee on Natural Resources in concurrence.

Bill "An Act to Merge the Passenger Tramway Safety Board with the Board of Elevator Rules and Regulations" (S. P. 398) (L. D. 1396)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

Bill "An Act Appropriating Funds from the General Fund for the Purpose of Developing a Parking Lot in Lincolnville" (Emergency) (S. P. 410) (L. D. 1418)

Came from the Senate referred to the Committee on Transportation and ordered printed.

In the House, referred to the Committee on Transportation in concurrence.

Study Report

Committee on State Government

Committee on State Government to which was referred the study relative to legislative review of administrative rules and regulations of state departments and agencies, pursuant to S. P. 710 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Improve Public Access to State Agency Rules by Providing for their Publication in a State Register by the Secretary of State" (S. P. 415) (L. D. 1411) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read

and accepted and the Bill referred to the Committee on State Government.

In the House, the Report was read and accepted and the Bill referred to the Committee on State Government in concurrence.

Study Report

Committee on State Government

Committee on State Government to which was referred the study relative to legislative review of administrative rules and regulations of state departments and agencies, pursuant to S. P. 710 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Require State Agencies to Submit Proposed Rules and Related Information to the Legislature" (S. P. 414) (L. D. 1410) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on State Government.

In the House, the Report was read and accepted and the Bill referred to the Committee on State Government in concurrence.

Reports of Committees

Ought Not to Pass

Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Reduce the Fee for Lobster Fishing Licenses" (S. P. 180) (L. D. 494)

Was placed in the Legislative Files without further action pursuant to Joint Rule 20 in concurrence.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board" (S. P. 27) (L. D. 40)

Report was signed by the following members:

Mr. REDMOND of Somerset — of the Senate.

Mrs. BEAULIEU of Portland

Messrs. PELTIER of Houlton

BUSTIN of Augusta

McHENRY of Madawaska

LAFFIN of Westbrook

DUTREMBLE of Biddeford

Mrs. TARR of Bridgton

Mr. ELIAS of Madison — of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-47) on same Bill.

Report was signed by the following members:

Messrs. McNALLY of Hancock

PRAY of Penobscot — of the Senate.

Mr. FLANAGAN of Portland

Mrs. LEWIS of Auburn — of the House.

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-47)

In the House: Reports were read.

On motion of Mr. Bustin of Augusta, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

(Off Record Remarks)

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Repeal the State Property Tax" (I. B. 1) (L. D. 270)

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Messrs. CAREY of Waterville

TEAGUE of Fairfield

Mrs. CHONKO of Topsham

Messrs. COX of Brewer

IMMONEN of West Paris — of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. JACKSON of Cumberland

WYMAN of Washington — of the Senate.

Mrs. POST of Owls Head

Messrs. TWITCHELL of Norway

MACKEL of Wells — of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

In the House: Reports were read.

Mr. Carey of Waterville moved that the Majority "Ought Not to Pass" Report be accepted in concurrence.

(On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Carey of Waterville to accept the Majority Report in concurrence and later today assigned.)

Non-Concurrent Matter

Bill "An Act to Provide for 8-person Juries in Civil Cases" (H. P. 574) (L. D. 698) which was passed to be engrossed in the House on April 4, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-51) in non-concurrence.

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

Petitions, Bills and Resolves

Requiring Reference

The following Bills, Resolves and Resolutions were received and referred to the following Committees:

Appropriations and Financial Affairs

RESOLVE, to Appropriate \$20,000 to the Office of Camping Resources at the University of Maine, Portland-Gorham (H. P. 1259) (Presented by Mr. Palmer of Nobleboro) (Cosponsors: Mrs. Tarr of Bridgton, Mr. Wilfong of Stow, Mr. Ault of Wayne) (Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Clarify Certain Statutory Provisions for the Licensing of Camps, Eating and Lodging Places" (H. P. 1260) (Presented by Mr. Goodwin of South Berwick)

Committee on Business Legislation was suggested.

On motion of Ms. Clark of Freeport, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

Labor

Bill "An Act to Avoid Delays in Payment of Workmen's Compensation Claims Because of the Involvement of Two or More Insurance Carriers" (H. P. 1261) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Hobbins of Saco, Mrs. Chonko of Topsham)

Committee on Business Legislation was suggested.

On motion of Ms. Clark of Freeport, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Business Legislation

Bill "An Act to Establish the Fair Credit Reporting Act" (H. P. 1262) (Presented by Mr.

Howe of South Portland) (Cosponsor: Mr. Higgins of Scarborough)
(Ordered Printed)
Sent up for concurrence.

Education

Bill "An Act to Reduce the Funding Level of the University of Maine Law School, to Establish a Law School Loan Fund and to Require Part-time Programs to be Offered at the University of Maine Law School" (H. P. 1263) (Presented by Mr. Goodwin of South Berwick) (Cosponsor: Mr. Wilfong of Stow)

Bill "An Act to Provide for Full-time Principals in Elementary Schools" (H. P. 1264) (Presented by Ms. Clark of Freeport)

RESOLVE, to Provide for an Agreement Between the Department of Educational and Cultural Services and the City of South Portland to Establish a Greenbelt Area on the Southern Maine Vocational-Technical Institute Campus (H. P. 1265) (Presented by Mr. Howe of South Portland) (Cosponsors: Mrs. Gill of South Portland; Mr. Curran of South Portland)
(Ordered Printed)

Sent up for concurrence.

Energy

Bill "An Act Concerning State Energy Conservation" (H. P. 1266) (Presented by Mr. Higgins of Scarborough)
(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

RESOLVE, Authorizing and Directing the Commissioner of Marine Resources, the Commissioner of Inland Fisheries and Wildlife and the Atlantic Sea Run Salmon Commission to Take the Steps Necessary to Assure the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 1267) (Presented by Mr. Carter of Winslow)
(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Authorizing Expenditures for Health Care Alternatives" (H. P. 1268) (Presented by Mr. Palmer of Nobleboro)

Bill "An Act to Provide for the Posting of Certain Common Dental Fees" (H. P. 1269) (Presented by Mr. Wood of Sanford)
(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Amend the Mechanic's Lien Statutes so as to Abolish the Potential of Double Payment by Homeowners" (H. P. 1270) (Presented by Mr. Howe of South Portland)

Bill "An Act to Limit Access to Security Interest Records Filed in a Municipality" (H. P. 1271) (Presented by Mr. Tyndale of Kennebunkport)

Bill "An Act to Repeal the Marijuana Decriminalization Statute" (H. P. 1272) (Presented by Mr. Devoe of Orono) (Cosponsors: Mr. Gillis of Calais, Mr. Joyce of Portland)

RESOLVE, to Authorize a Study of the Judicial Pension System of the State of Maine (H. P. 1273) (Presented by Mr. Spencer of Standish) (Cosponsor: Mr. Tierney of Lisbon Falls)
(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Establish a Sliding Scale Minimum Wage Law" (H. P. 1274) (Presented by Mr. Bustin of Augusta)
(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Establish Dog Racing in the

State of Maine" (H. P. 1275) (Presented by Mr. Boudreau of Waterville)
(Ordered Printed)
Sent up for concurrence.

Liquor Control

Bill "An Act to Provide Malt Liquor Licenses for Caterers" (H. P. 1276) (Presented by Ms. Clark of Freeport)
(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Creating Job Security for Deputy Sheriffs" (H. P. 1277) (Presented by Mr. Spencer of Standish) (Cosponsor: Mr. Curran of South Portland) (Later Reconsidered)

Bill "An Act to Extend Collective Bargaining Rights to County Employees" (H. P. 1278) (Presented by Mr. Spencer of Standish) (Later Reconsidered)

Bill "An Act to Repeal Certain Laws Relating to Local and County Government" (H. P. 1279) (Presented by Mrs. Trafton of Auburn)
(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Aid the Maine Seafood Industry" (H. P. 1280) (Presented by Mr. Fowlie of Rockland) (Cosponsor: Mr. Spencer of Standish)
(Ordered Printed)

Sent up for concurrence.

Natural Resources

Bill "An Act Clarifying the Saco River Corridor Commission Statute" (H. P. 1281) (Presented by Mr. Spencer of Standish) (Cosponsor: Mr. Hobbins of Saco)

Bill "An Act to Permit Local Plumbing Inspectors to Approve Repairs to Existing Septic Systems" (H. P. 1282) (Presented by Miss Brown of Bethel)

Bill "An Act to Amend the Oil Pollution Control and Discharge Prevention Laws" (H. P. 1283) (Presented by Mr. Wilfong of Stow) (Cosponsors: Mrs. Post of Owls Head, Mr. Spencer of Standish, Mrs. Masterton of Cape Elizabeth)
(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Limit the Types of Advertising which Public Utilities may Charge to their Ratepayers" (H. P. 1284) (Presented by Mr. Howe of South Portland)

Committee on Public Utilities was suggested. (On motion of Mr. Kelleher of Bangor, tabled pending reference and tomorrow assigned.)

Public Utilities

Bill "An Act Concerning Residential Utility Consumer Action Groups" (H. P. 1285) (Presented by Mr. Wood of Sanford)
(Ordered Printed)

Sent up for concurrence.

State Government

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Election of Executive Officials (H. P. 1286) (Presented by Miss Brown of Bethel) (By Request)

RESOLUTION, Proposing an Amendment to the Constitution to Permit the Governor to Veto Items Contained in Bills Appropriating Money and Retaining the Power Within the Legislature to Override such Item Vetoes (H. P. 1287) (Presented by Mr. Boudreau of Waterville)

Bill "An Act Concerning Certain Powers of Joint Standing Committees Responsible for Acting on gubernatorial Nominations" (H. P. 1288) (Presented by Mr. Curran of South Portland)

Bill "An Act to Amend the Maine State Housing Authority Statutes so as to Abolish the Requirement of the Resolution of Consent" (H. P. 1289) (Presented by Mr. Howe of South Portland)
(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 1290) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mr. Greenlaw of Stonington, Ms. Clark of Freeport, Mrs. Trafton of Auburn)

Bill "An Act to Exempt Certain Watercraft from Property Taxation" (H. P. 1291) (Presented by Mr. Greenlaw of Stonington) (Cosponsors: Mr. Jackson of Yarmouth, Ms. Clark of Freeport, Mr. Churchill of Orland)
(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Relating to Reimbursement of Fuel Tax for Miles Traveled on Maine Turnpike" (H. P. 1292) (Presented by Mr. Spencer of Standish)

Bill "An Act to Provide Funds for Airport Improvements" (H. P. 1293) (Presented by Mr. Fowlie of Rockland)

Bill "An Act to Regulate Left Turns at Traffic Light Controlled Intersections" (H. P. 1294) (Presented by Mr. Cunningham of New Gloucester)
(Ordered Printed)

Sent up for concurrence.

Study Report

Committee on Election Laws

Mrs. Boudreau from the Committee on Election Laws to which was referred the study relative to the election laws of the State, pursuant to H. P. 1646 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, "An Act Relating to Campaign Reports and Finances" (H. P. 1256) (L. D. 1444) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Election Laws, and sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1258) recognizing that: Freeport Fire Chief Earl F. Silver Sr., is retiring after 40 years of dedicated service to his town (Presented by Ms. Clark of Freeport)

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees

Ought Not to Pass

Mr. Carroll from the Committee on Agriculture on Bill "An Act to Increase the License Fee for Unspayed Female Dogs to \$15" (H. P. 603) (L. D. 740) reporting "Ought Not to Pass"

Mr. Rollins from the Committee on Agriculture on Bill "An Act Concerning Dog License Fees" (H. P. 559) (L. D. 676) reporting "Ought Not to Pass"

Mr. Mahany from the Committee on Agriculture on Bill "An Act to Equalize Dog License Fees" (H. P. 119) (L. D. 152) reporting "Ought Not to Pass"

Mrs. Tarr from the Committee on Public Utilities on Bill "An Act to Repeal the Annual Dam Registration" (H. P. 651) (L. D. 795) reporting "Ought Not to Pass"

Mr. Strout from the Committee on Transportation on Bill "An Act Relating to Overtaking or

Passing School Buses" (H. P. 398) (L. D. 506) reporting "Ought Not to Pass"

Were placed on the Legislative Files without further action pursuant to Joint Rule 20, and sent up for concurrence.

Leave to Withdraw

Mr. Dow from the Committee on Performance Audit on Bill "An Act Relating to the Costs of General Assistance" (H. P. 422) (L. D. 527) reporting "Leave to Withdraw"

Mr. Lizotte from the Committee on Performance Audit on Bill "An Act to Clarify the Powers of the Department of Audit when it is Acting as a Legislative Staff Agency" (H. P. 211) (L. D. 221) reporting "Leave to Withdraw"

Mr. Dow from the Committee on Performance Audit on Bill "An Act to Maintain General Assistance Reimbursements to Municipalities" (H. P. 605) (L. D. 742) reporting "Leave to Withdraw"

Mr. Carroll from the Committee on Transportation on Bill "An Act to Exempt All Wreckers from the Law Relating to Studded Tires" (H. P. 734) (L. D. 833) reporting "Leave to Withdraw"

Mr. McKean from the Committee on Transportation on Bill "An Act Appropriating Funds to the Department of Transportation to Provide a Full-time Employee for the Bureau of Aeronautics to Assist with Short and Long Range Airport Development" (H. P. 541) (L. D. 655) reporting "Leave to Withdraw"

Mr. Jensen from the Committee on Transportation on Bill "An Act to Permit Vehicular Traffic to Turn Right at a Red Light" (H. P. 105) (L. D. 129) reporting "Leave to Withdraw"

Mr. Hickey from the Committee on Local and County Government on Bill "An Act Pertaining to Town Ways" (H. P. 542) (L. D. 682) reporting "Leave to Withdraw"

Mr. Goodwin from the Committee on Health and Institutional Services on Bill "An Act Relating to the Definition of Ambulance Personnel" (H. P. 982) (L. D. 1188) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

New Draft Printed

Mr. Spencer from the Committee on Judiciary on Bill "An Act Relating to Responsibility of Parents to Provide Medical Care Coverage for Minor Children" (H. P. 274) (L. D. 363) reporting "Ought to Pass" in New Draft (H. P. 1257) (L. D. 1414)

Report was read and accepted, the New Draft read once and assigned for its second reading tomorrow.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Relating to Corporal Punishment" (H. P. 517) (L. D. 635)

Report was signed by the following members:

Messrs. USHER of Cumberland
KATZ of Kennebec

— of the Senate.

Messrs. WYMAN of Pittsfield
CONNOLLY of Portland

Mrs. LEWIS of Auburn
Mrs. BEAULIEU of Portland
Mrs. MITCHELL of Vassalboro

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-121) on same Bill.

Report was signed by the following members:

Mr. PIERCE of Kennebec

— of the Senate.

Messrs. BAGLEY of Winthrop
BIRT of East Millinocket
FENLASON of Danforth

LYNCH of Livermore Falls

— of the House.

Reports were read.

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

Mr. LYNCH: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This is a rather controversial issue. I think the title is misleading. I would like to read what I think sums up the arguments in favor of the bill. This is from a teacher-principal.

"I am an elementary school principal and it is with great concern that I write this letter to ask you to support the enactment of L. D. 635, An Act to Reinstate" — and she substitutes the words "in loco parentis."

"The passage of Title 17-A within the Maine Criminal Code has effectively removed a means of maintaining discipline within the school community. The interpretation by the State's Attorney General in regard to Title 17-A has been issued to all public schools in this state through the State Department of Education. All educators have been told that the only instance which warrants physical contact with a student is to remove him physically, if necessary, from a scene where it appears probably that a student is liable to do harm to others or to himself or herself.

"For many years, schools in the State of Maine have functioned under the premise of in loco parentis which was handed down by the court system. This allowed educators to act as a reasonable parent would act. The key word, it would appear to me, is 'reasonable.'

"In 14 years of working in public school education, I have never taught in nor been principal of a building where a teacher used unreasonable physical force while dealing with a child who was a discipline problem. A firm grip on a child's arm says more than 'this person doesn't like what I am doing.' The person doing the gripping is also saying, hey, I care about you and what you do. You are doing something of which I don't approve. At the same time, it is hoped that the child's reasonable parent would also disapprove. While it is my belief that children need to know that you care about them to stand firm on your expectations of their behavior.

"Our society has tended toward the permissive. We hear about pot smokers in the fifth grade. Children are showered with material possessions by their reasonable parents. Somewhere along the line, someone has to say no and mean it. Staying with 'no' decision is important. Children need to know what is expected of them, what rules exist. When rules are broken, punishment is imminent. Children need to know this. They need to learn to accept responsibility for their own behavior. If they make a decision which involves breaking a rule, punishment results.

"Several times I have used the term 'reasonable.' If the assumption is made that most parents are reasonable in dealing with their children, I would submit to you that most educators are equally as reasonable.

"We read about child abuse being a grave problem in our state. How many child abuse cases do you think exist in the schools? Personally, I know of none.

"Please don't think for a moment that children don't know what the law is in regard to school discipline. I have had educators tell me that children defy a teacher or principal to touch them. In some instances, children have appeared to deliberately make an effort for

physical contact to transpire. Is this what we want in our schools?"

It is controversial, and I think the attitude that some discipline, physical or oral, will scar a child for life. I think you have to give back to the teachers some degree of responsibility for enforcing discipline, especially in the cases where they don't have it at home.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to remind you that two years ago there was a bill in to prohibit corporal punishment in the schools. Up until then, there had been no law mentioning corporal punishment. There had been court decisions, as the last speaker said, saying that teachers had the same rights and responsibilities as reasonable parents. At that time, when the bill was put in to prohibit corporal punishment, it was defeated in this body by a vote of 105 to 40. I looked up the roll call vote to be sure I was right. I knew it was pretty one-sided. But you people, and those who are no longer with us this term, voted 105 to 40 against removing the right of corporal punishment. Later on, a section in the Criminal Code took away this particular right.

All this bill calls for, all Committee Amendment "A" calls for is, in the section where the corporal punishment was prohibited for teachers, it says, "a parent, foster parent, guardian or other similar person is justified in using reasonable force for punishment." All this amendment does is add the word "teacher" to that list. It says, "parent, foster parent, guardian, teacher, or other similar person responsible for the long-term, general care and welfare of a pupil is justified in using a reasonable degree of force against such person when and to the extent that he reasonably believes it is necessary to prevent or punish a person's misconduct."

I hope you will go along with the "ought to pass" report.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I am in opposition to the report, the minority report "ought to pass" and I would ask for a division, Mr. Speaker, and we will probably get to a roll call at some point.

I just want to read to you a section from the Criminal Code that was enacted in the last session of the legislature. If any of you care to look it up, it is Title 17-A, chapter 5, section 106, part 2. It reads: "A teacher or other person entrusted with the care or supervision of a person for special and limited purposes is justified in using a reasonable degree of force against any such person who creates a disturbance when and to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove a person from the scene of such disturbance."

We already have a law on the books that allows a teacher to use a reasonable degree of force to prevent a student from inflicting harm to himself or to anyone else in the classroom. It doesn't say in the statute just physical harm, it says harm, which would mean also emotional kinds of harm if the teacher wants to deal with that type of situation.

What the folks who want to pass this particular piece of legislation would like to have you do and would like to be able to allow teachers to do is not only allow the teacher to use force to prevent a disturbance in a classroom but to use force to punish someone for something that they do wrong. They don't define what corporal punishment is. Mr. Lynch argues that it is a firm grip on the arm. But corporal punishment, as it is written under this particular bill, would also allow spanking, it would allow someone to be punched, it would allow someone to be slapped. Under our judicial

system, when we begin to talk about punishment, we say that someone has to do something wrong before they are punished. But then they have right to due process of the law, they have the right to argue their case before someone to say that what I did was right or justified, and then after a determination has been made, then punishment can be inflicted upon them.

The kind of corporal punishment that is being talked about in this bill, in most instances in the testimony that was heard before the committee, would be an emotional response. If a kid did something wrong, a teacher got ripped off at him, so he lashed out at the student. He hit him, he spanked him or whatever. I just don't think that is the way the kids should be treated. If a kid is going to break a window, if he is going to throw something at the teacher or is going to hit another kid, then the teacher has the right now, under the Criminal Code, to grab that person, put him back in his seat, take him out of the classroom, take him to the principal's office, the student can be suspended from school, but they want to extend that concept beyond that to allow children to be hit as a punishment.

One final point I would like to make, at least at this time, is that Mr. Lynch and others said, and when he read the letter, that the principal said she knew of no child abuse that existed in school. I would argue conversely that every kid who is a dropout from school has suffered a form of child abuse.

I hope you will vote against the motion of "ought to pass" and kill this bill.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to have a little patience with me. I will ask you to support the majority report.

Mr. Lynch read a letter from a constituent who is concerned about this whole situation of corporal punishment. I will read sections, if I may, and I ask for your attention to a letter that takes an opposing point of view to the corporal punishment and I believe the words there deserve some mindful attention.

"For several years, the efforts of many of us who sought legislation to abolish corporal punishment in public domain failed. However, during the 107th Legislature, the new Maine Criminal Code, which included a section relating to corporal punishment, was adopted. The language of this section is reasonable and sufficient. It protects the student, the teacher and the authoritative image of the school.

"I am opposed to corporal punishment in schools because of the fact that it verses stimuli as a conditioning tool has not yet been demonstrated to be particularly effective and contributes more to alleviate the frustration of the adults in their classrooms than it does to modify the behavior of pupils. Physical force is not the only way to communicate respect and self-control to children and disciplinary measures other than physical punishment are within reach of all teachers.

"The use of physical violence on school children is an affront to the democratic values and an infringement of individual rights. It is a degrading, dehumanizing and counterproductive approach to the maintenance of discipline in a classroom. The infliction of any kind of pain to control behavior is used primarily on children under 12 years of age and, ladies and gentlemen, I submit to you that I question officials and the people who are speaking before the committee for corporal punishment, and all of them admitted that it would be used primarily at the younger age levels.

"When a student reaches junior high and secondary level, the use of physical force ceases because of the obvious size of the student. If you can't corporally punish a student who is six feet, why should any adult be allowed to punish someone who is four feet two and

weighs 78 pounds? Children should be able to attend school without the threat of such punishment. The use of physical punishment has long been outlawed by other agencies of government, including prisons and the military. Children do not have adult values and adult defenses and cannot effectively protest. How can corporal punishment be a good thing for children when we do not want it for ourselves?

"Another reason why I oppose physical punishment is that it promotes the thesis that violence against others is acceptable and sets the stage to resort to violence when dealing with conflicts. The teaching profession, in my opinion, should accept the responsibility of teaching students that there are more productive ways of dealing with conflict.

"The present Criminal Code relating to this issue is reasonable and sufficient and, again, protects all the rights of the school, the authority of the school, the student and the teachers."

I think we should examine section one of the bill. Does it mean that a person entrusted with the care of supervision of a person for special and limited purposes, could that possibly include other institutions other than schools?

I, too, have a copy of the opinion, several opinions that have been listed and presented from the Attorney General's office. In one section it is made very clear that corporal touching is permissible. There is a difference between corporal touching and corporal punishment. If you have a fifth grader who is choking the heck out of another fifth grader and you have to knock him out to get him off that other child, that is reasonable judgment and use of reasonable force. But, to make a child stay in his seat and to slap him across the face or to grab his arms to the point where the fingernails will break into the skin and make a child bleed, that is corporal punishment.

I have a lot of faith and trust in the teachers who deal with my children but as a parent, I distinctly remember several times getting so angry at mine, I chose not to spank them because I was in such anger. I don't believe that I wish, as a parent, to place my faith in a third party to make my child behave by using physical force. Most parents are only a phone call away. If a child is so disruptive to a classroom that a teacher feels he has to belt him to make him mind, maybe he shouldn't be in the classroom at all, that is why we have special education, resource rooms, etc., to find out why the child is behaving that way.

I feel that what is in the Criminal Code is more than adequate and I urge all of us to not subscribe to what I call corporal punishment.

Therefore, please accept the Majority "Ought not to pass" Report, it makes a lot more sense.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: We have talked quite a bit now about this bill, but I do think it is important and I have a couple of things to add.

I think maybe we should think of what is the basic philosophy behind this bill, and if we do, it might not be something that we like. We have talked an awful lot, I am sure, in our campaigns and already in this House, about parents abdicating their responsibilities, the responsibilities of families towards their children. Well, in my opinion, that is exactly what this bill does. Parents have the responsibility for rearing children so that they can conduct themselves in a classroom so as not to be disruptive or to disturb others. It has already been said that there are mechanisms to remove children who are disruptive from the classroom, which is what should be done, and for breaking up fights or other similar types of things where children are in danger of being injured.

I feel that it is not the responsibility of the

schools to instill some sort of self discipline in children, I think it is the responsibility of parents and the family. Why don't we put this responsibility where it belongs? As far as I am concerned, I do not want to give to another person the right to physically discipline my child when I am not present. As the bill states, a reasonable force, but it does not say reasonable circumstances. A teacher may reasonably believe in a classroom that a child throwing airplanes or whispering or giggling or some other what I consider fairly innocuous behavior is reason to discipline a child, is misconduct, which I grant, and may therefore physically discipline a child. I may not agree with this. This bill takes away my right to have my child disciplined as I see fit and gives the responsibility to the teacher. So, therefore, teachers are to decide when children should be disciplined and what type of values a child should have. This, to me, all belongs in the home, it doesn't belong in the school.

My great concern also is, as Representative Beaulieu stated, the physical punishment of students has been shown to be largely in the lower grades. What is a threat of these little tots, five and six years old? If they cannot be controlled in any other way, they either have a very serious problem themselves and, as she stated, should be in Special Ed programs or the teacher simply should not be teaching in the classroom.

Physical punishment is not used very much at all in upper grades where a person might surmise the teacher would be in danger if he tried to strike a child, especially a boy who is 15 or 16 years old and very capable of defending himself. No, it is mostly used against little tykes who are not capable of defending themselves and is usually used when a teacher is out of control and has lost patience, is at his or her wits end, not because of the behavior of the child, and I would hope that we would vote with the majority "ought not to pass" on this bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not a school teacher, I never have been. I have never had enough learning to be a school teacher, but I was a student and I know you won't believe this, but I was the worst acting kid in school. If a teacher thought they was going to get any place with me by talking to me, they were sadly mistaken, but the teacher who used a rough hand and threw me against the wall, I paid attention to and don't think I didn't. When I got home and I was in trouble in school, I feared that more than the teacher because I got another one. I know what the cutter-stick is, and anyone who lives in a papermill town, they know what a cutter-stick is, it is a long, three foot big, thick, stick that the girls use to count and fan paper and they have to pat it down on the ends because they can't reach it and believe you me, that tangles, and I can speak from experience.

I think today there are too many parents babying their children, too many parents today who want the school teacher to be a babysitter, supervisor and everything else. I think if you are going to have them do it, then you will have to give them some authority. In fact, this is really a watered down, weak bill, to be truthful with you.

In fact, I had a principal in my school and one day he threw me up against the wall, and believe you me, I listened afterwards. The teacher that tried to talk to me, I threw him down the stairs.

So, I would say to you, ladies and gentlemen, discipline is a very important part in young people and believe me, I can speak from experience.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and

Gentlemen of the House: I would like to correct, if I may, an impression which some people seem to have that our teachers and our school administrators are mean, vicious, unreasonable people. I think this is far from the truth. I think that overall there are many more cases of child abuse in the home than there are in our schools.

This bill merely asks that the teacher be put back in loco parentis, in place of the parent, as he was for many years, and I am sure that schools ran for many years with little trouble in so-called discipline, which isn't a good word to use. I think what we need in schools is an orderly process of education. I am positive that the people who work for us in our schools and our school systems, and I happen to know a little bit about schools, are fine people. I think you would have to go a long way to find a case of abuse by school personnel.

I ask that you vote for the minority report. The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in opposition to the minority report because of a problem which is created by Section 2 of L. D. 635 which remains in the bill even though the amendment is adopted. What Section 2 does is, it provides that a teacher or other person entrusted with the care or supervision of a person for special and limited purposes, in other words, a babysitter, a camp counselor, any other person like that, is able to use a reasonable amount of force to control a disturbance or to remove somebody from the scene of a disturbance, so that if a babysitter or a camp counselor saw that his charge was being beaten up by another kid or was being assaulted, Paragraph 2 gives him the authority to break up the fight and to use reasonable force against the person who is, in fact, beating up his charge. Now, if we repeal that, we may have dealt with the teacher situation by including teachers in the provision dealing with long-term care, but we don't have anything in the code to deal with a situation of the person who is entrusted with the care for a short time or limited purpose. So I think that we, in effect, would be undermining the authority of a camp counselor or a babysitter to protect the child they are charged with looking after.

The other problem I see with this as it relates to Section 1 is that if we include a teacher within the same definition as a parent, foster parent or guardian, we are then watering down the definition of a person responsible for the long-term, general care and welfare of a person so that we may end up with a situation where people who are similar to teachers, like camp counselors, a supervisor in a recreation program, people like that, are also authorized to employ corporal punishment.

It looks to me, in reading this, that there is a number of problems that we would be creating, and I would urge you not to support the minority report.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: If there are problems with this bill in areas outside of education, guardians or parents, then let's pass the bill and amend it later, but let's not kill a bill that is needed.

We have heard too much, and if you had sat on the Education Committee as I have for several years, you would be disturbed at the attitudes of people coming in. Youngsters do not have adult virtues or knowledge — of course they don't. Where do they learn it? They learn it in the lower grades. If you instill responsibility into the children in the elementary grades, they carry that on to the high school. There is no need for any physical force at the high school level.

We have, over the years, mandated that

teachers do so many things. The experience in this state is that so many parents do not do many things that it has created problems for the public school education; they need some enforcement powers. They, like parents, are subject to the laws governing child abuse.

I hope you do not defeat this bill. Let's pass it and if there are camp counselors or any other people that are involved that you are disturbed about, let's amend it, but give the teachers some authority.

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid that some people have the attitude of the woman who brought her child into the kindergarten and she said to the teacher, now look, my child is very sensitive so be careful not to touch him. If he misbehaves, slap the kid next to him and that will scare him. I don't think that is the proper way to handle discipline.

I want to say that as a result of 46 years in the field of education, I found that very few children had to be punished more than once in a grade or even in the school. It is just the fact that the possibility of punishment is there the children realize that once in awhile something can happen to them if they misbehave. It is the realization more than the actuality that is important.

I have had all my life parents come to me and say, do whatever you want to do with the kid, I can't do anything with him at home. I think that is a bad attitude. I think if we pass this minority report, we will at least be improving a little the situation and we would be putting it back more or less to where it was two years ago.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Lynch argues that unless we adopt this particular bill that there is going to be no way to instill responsibility in the kids who attend school. I would just argue that none of us who are opposed to this bill are saying that kids shouldn't be instilled with responsibility and discipline, but we would argue that the way to do it is not to hit kids and not to beat kids.

There is a little boy, his name is Craig, he is 11 years old, and some of you who have been in the last two sessions of the legislature may have remembered him, I bring him up here periodically during vacation times and he acts as a Page. Craig is in the sixth grade at the Reiche School in Portland. He has had a number of problems in school, none of which are related to his intelligence, he is above average in intelligence, but he has a number of problems in school that relate directly to discipline and the kind of situation that the proponents of this legislation talk about today that require corporal punishment. Thank God that the teachers at that particular school never once saw fit to hit him in any way, to punch him, to slap him, to spank him, but dealt with his problems, realizing that he does have a problem, and disciplining him in ways other than hitting him but dealing with his particular problem in an individual setting after school or during school with counseling by special teachers, etc., and now that boy is turning out to be I guess what you would call a productive student. His problems are beginning to be corrected.

We would argue that kids need a sense of responsibility and do need to be disciplined, but you can discipline a kid in other ways than by smacking them, and that is the thing that we are arguing against. The people that are opposed to this legislation are not in any sense of the word being permissive in the way that kids or students should be treated. That is a false argument, a phony argument.

The argument in loco parentis has been

thrown around here several times. I have been on the Education Committee, this is my second term, and the subject matter of dropouts has come up very frequently in the past three or four years in an attempt to try to get the school systems to deal with dropouts, and every time that issue is raised, the same people that argue for corporal punishment argue against the school systems being involved in dealing with dropouts saying that it is a social problem, it is not the responsibility of the schools. Yet, they completely reverse themselves here and say that the teachers should be allowed to hit kids.

One final point I would like to make. I would like to pose a question to maybe an attorney here: If a student is in high school and he is 18 years old or more, legally an adult, and he is hit by a teacher, does he then, as an adult, have the right to sue the teacher for assault?

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you what happened to me in the third grade. I was misbehaving and the teacher came up the aisle, she struck me beside the head and knocked me right on the floor, so having rather poor judgment, I jumped up and put up my fists and said, do that again, and she did. So you people here can understand the magnitude of her crime, I am going to tell you what she made me do. She made me learn how to read, how to write how to decipher — can you imagine that? So, if I went to Orono at the University of Maine today, I wouldn't have to take that remedial course in reading and writing — just think of it.

Let's come to the present. My son-in-law teaches in Dover-Foxcroft. He is proctor of a study hall of over 100 students. Just picture that, over 100 students. He stands 6 ft. 2 in., a farm boy and pretty able. He had a student defy him two weeks ago, 18 years old, a football player, and the student struck him in the face. Under our present system, if he had retaliated, he would be in Thomaston, without a doubt. In the process of subduing the boy, wrestling him, he took 8 or 10 blows to the face, he bumped the boy's head against the wall slightly, but he never did strike him and that boy's parents were going to sue him.

Now, I say, let's stand behind our teachers for a change. I am going to tell you right now, I wouldn't have taken 8 to 10 blows to the face, no way, I may stand up here and criticize teachers in the future, but either stand behind them or give them combat pay.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Having been a member of the Judiciary Committee which did change the law, of course, anybody who reads that document realizes that teachers already have the authority to deal with that situation. As far as that goes, that was assault anyway and the person could have been, and I think should have been, thrown in jail for it — that is the student, according to the story. That has nothing to do with this bill.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I think that Mr. Connolly of Portland has described a situation where we do have sensitive children in the school, and I think that they do not require corporal punishment. I believe, also, that Mr. Laffin of Westbrook described children or types of children who in turn do require an occasional slap on the back.

I do believe this bill is really necessary. I think we have got to demonstrate our confidence in the teachers. I do believe, and we all recognize that we have disciplinary problems in our schools, and our teachers do not have the means to control them, so I think this is a very,

very small step towards restoring some semblance of order in our schools. I do hope you will support the Minority "ought to pass" Report.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I really didn't want to speak on this bill, but I have now spoken every time it has come up since I have been here, which is a couple of terms.

This is the kind of bill that scares the heck right out of me, mainly because I don't want anybody touching my kids, I don't want anybody laying a hand on my kids, teacher or otherwise. I am their father. I guess I am beginning to sound like a father and I guess I am proud of that. But as Mr. Connolly of Portland told you, there are other ways to deal with discipline. And as the gentlelady from Augusta, Mrs. Kane, told you this morning, a child goes to school for education, he should get his discipline at home, and we as a legislature are going to have to turn to the facts and we are going to have to tackle that fact that we have got to deal with the family as a unit instead of bringing in bills like this that perpetuate violence. There is enough violence in this country now that we don't have to start doing that at the third and fourth grade levels.

My kids, and I have a daughter that is in college now and I have a girl in the fourth grade, I have four, and I think they are well adjusted and I think they are well mannered. They get that at home. I don't try to pound that into them. I haven't laid a hand on my children, I think, for the last 15 years. There are other ways to do that very same thing.

I would hope that this body would vote against the Minority "Ought to pass" Report so that we can accept the "ought not to pass" report.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak as a teacher. I taught both high school and primary level, and as a teacher, I don't want this bill. I would like my children to learn responsibility, but I believe in teaching them through respect and not fear.

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

Mr. HOWE: Mr. Speaker and Members of the House: When I was in teacher training ten or twelve years ago, one of our professors told us that when it comes to learning, education, there are no neutral moments, that we are learning all the time, whether it be for bad or for good, and I think what we learn from violence is the same sort of lesson that I think we would all agree is learned from television violence, and I think there is far too much of it.

My first job out of teacher's college was at the Job Corps Center in Poland Spring, and some of you may remember the place, it had quite a reputation. Most of the students there, the 11,000-plus students, were from ghettos of the larger cities in the country. They were not the kind of students, perhaps, that have been brought up in some of the homes that have been described here today, and I think one of the biggest jobs I had and some of the other teachers there had at the time was trying to unlearn the facts that they had learned as they were growing up that violence was the solution to problems. When they got there, some of them were still carrying knives on their person. So it wasn't a matter of using corporal punishment, it was, I think, a matter of trying to get them to unlearn some of the means they had learned to use to resolve problems.

I think I would be as upset as the gentleman from Portland if anyone touched my children in school. I guess I have done it at home a few times and I may again, but when I reflect upon why I have done it, I think it is probably more

because of how I am feeling at the moment than because of something I think it is going to do for my child; therefore, I hope we support the Majority "Ought not to pass" Report.

I look at the people who signed that report, and there are others who have been on that committee for some time as well as both sides of that bill. I think I would trust my children with the gentleman from Livermore Falls. He seems like a kind and compassionate man and I probably wouldn't get very upset if I knew a gentle squeeze on the arm was as far as this bill would go, but I personally know of cases where an educator has thrown rowdy school bus children across the back of a school bus seat. I know of a case where a very small child was tied to a chair for half a day with a belt. These cases, I believe and I hope, are in the extreme and rare, but I think this is the kind of thing that we may be permitting again with the passage of this legislation.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: I can truthfully speak, having had many, many years in the classroom, and again here listening to this debate today, you are thinking too much in terms of discipline being corporal punishment.

From my many years in the classroom and out of the classroom, I noticed not only a change in the pupils from year to year but also a change in the teachers. I say from experience, discipline can be used, discipline can be brought about without corporal punishment, and I hope you move with the majority report.

The SPEAKER: The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Minority "Ought to pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

Whereupon, Mr. Kelleher of Bangor 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.

Mr. Connolly of Portland was granted permission to speak a third time.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I don't want to debate this bill any longer, because you have heard about all the points that can be presented. There is just a point I want to reiterate again, that in the Criminal Code now, which was passed the last session of the legislature, there is already a provision that allows teachers and administrators and anybody else who wants to deal with unruly children the right to take care of a kid by taking him out of the classroom, using a reasonable degree of force to sit him down in his chair or whatever.

The bill that you vote for, and all of you who voted up there to support this particular motion are voting, whether you agree with the way I phrase this or not, are voting for a motion to allow children to be beaten. Whether you agree with that or not, that is the end result. It is going to happen, not in every case, but it will happen.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I voted for this bill and I didn't vote to have any kid beaten. Nobody ever beat my kids, because if they did, I would be there.

I still have one child in school, and I have had four children, so I know what this is all about. I have been called many times from school because of their apparent bad behavior, but I

was never called a second time. I never whipped them or did anything to my kids but I did give them a good lesson and today I think it pays off. I think they knew then what was right and what was wrong, but I think all they wanted to do was be reminded that they were on the wrong path.

I submit to you that I have had and still have reservations about certain teachers that we have around the state, certain teachers we have in Westbrook and Portland, too, but I submit to you that I would rather see them give proper and reasonable discipline to my child if he needs it than for them to go along the corridors telling him and others that they don't have to listen to their father, they don't have to listen to their mother, and this is all part of the issue.

You have brought up the fact that in the Criminal Code this and that was granted. True enough, but we are not expanding, I don't believe we are expanding the authority of the teacher. I would definitely be against that. But if you want to use the Criminal Code as an example for what we should do, the Criminal Code as passed is one of the greatest mistakes that this state has ever made, and you can go from page to page, and this is relative to the issue.

I say to you that if you want to give the teachers — and I have great reservations about this — the right to hold a reasonable amount of decorum in class and throw them out if they don't behave — and we are talking now and the fourth and fifth graders don't give you too hard a time, I don't believe. I never would have been a good teacher because I just haven't got that kind of giving, I suppose, that you are supposed to have. But I will tell you that if my kid doesn't do well in school, I want the teacher to take care of him, and you can be sure that when he gets home he will wish to heck he was back in school.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: As a teacher, I would like to agree with the remarks of those Representatives who have spoken against L. D. 635. I believe that I do have the right to deal with children who misbehave or children whose discipline is generally disruptive to the atmosphere of my classroom. I have never felt that I do not have the right to take a child by the arm or to restrain him. If this action is not successful, I always have the option to refuse to have this child in my classroom.

Representative Laffin is correct to a point; however, I, as a teacher, do not want the responsibility of corporal punishment. I will do the best I can with the options I now have. After that, I must depend upon the principal and the child's parents to see that the situation is resolved.

I have had discipline problems with children and some parents are cooperative and some are not. Even so, I do not want to be a parent to a child who is not my responsibility totally. I would urge that we defeat the Minority "Ought to pass" Report.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I speak as a mother and as a teacher. I know of a small boy who was mistakenly beaten in the fourth grade, and today he still stutters. That is my son.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I apologize for getting up here this morning, but I feel as though I do have to reply to the gentleman from Portland, because I, too, voted for the Criminal Code last time and felt that it was very good legislation, but I did so without realizing that the language could be interpreted the way it has been interpreted legally, and that disturbs me a great

deal because I do not believe that I want to go along with that interpretation and hence I am perfectly willing to support this change that this bill calls for.

The gentleman from Portland mentioned dropouts as being affected by this. I submit, ladies and gentlemen, that is a completely unrelated problem. We are not talking about dropouts here at all.

The Criminal Code is very clear on assault and assault is still not condoned, and responses such as described under emotional stress and slapping and beating, bleeding from fingernail scratches, those certainly are questionable practices and I am sure that the teachers involved would be subject to discipline if not court action.

I talked with a very compassionate and successful elementary school principal the other day, some 14 years experience, and I asked him directly, had he ever punished any youngsters, spanked them? His answer was, yes, maybe 10 in 14 years of experience, and I said, under what circumstances? He said, after the whole situation had been explained to them, the student had been brought to him and certainly in no case within less than 30 minutes from the time that the infraction had taken place and not until repeated warnings to the student involved, those warnings had not been accepted and basically it was a case of complete defiance.

I realize that punishment is not the only way to reach a child, but it is one way, and in some cases it is necessary to be effective. I asked him, was it effective. He said, in every instance that youngster's attention was finally gotten, he understood he was being told something he had to go along with, and from then on he had no disciplinary problem.

I don't accept the fact that we should use the word violence here in this debate, the word beating in this debate. They are not part of what we are talking about. We are talking about a measured response to a very difficult situation for the teacher. I am quite disturbed by the legalistic details that are being brought in in an attempt to defeat this bill. Frankly, ladies and gentlemen of the House, I think it is just a matter of good, old, Maine common sense — abuse, no; beatings, no; assault, no; punishment, yes.

I hope you will support Mr. Lynch's position.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to make it very clear at the outset that I am speaking as a Representative from Lisbon and Durham and not as Majority Leader in the remarks that I am about to make. Of course, in no way is this a party issue.

I would like to address this House, I guess, in three capacities. I would like to address you first as a lawyer, I would like to address you second as a former teacher, and I would like to address you lastly as a parent.

As a lawyer, I have to look at the legal implications of what this bill does, unlike Mr. Morton, who seems to pass them off with the slight of hand saying, I don't like the legal technicalities brought in. I suggest you all read this bill. As an attorney, first of all, I ask the question, who are the other similar persons who are referred to in this bill? Who are the other similar persons that we are allowing to use force on the young people of this state? Read the amendment. We don't know who they are. Are they uncles, aunts, cousins, neighbors, we don't know. Second of all, again speaking as a lawyer, I am afraid that this bill will lull the teachers of this state into a false sense of security which could result in some very serious, legal ramifications for them. They are going to take a look at this and say, well, this means I can use reasonable force. Well, I am going to define what reasonable force is and I am going to use it on X, Y, Z child. Then, as the

gentleman from Portland, Mr. Connolly, very ably pointed out, can that teacher be sued for assault? Well, I will tell you as an attorney, you are darn right that teacher can be sued for assault, because my definition as an attorney and my definition as a parent may be very different from the definition used by that particular teacher when he applied that reasonable degree of force. And even if my complaint is without merit, ladies and gentlemen of this House, again speaking as an attorney, even if that plaintiff's claim is without merit, that teacher is going to need a lawyer too, that teacher is going to need insurance, that teacher is going to need protection, because this law opens up for that teacher a whole new level of liability which goes beyond the Criminal Code which we passed, whether rightly or wrongly, but it is passed and it is a law of this state. Those are my remarks as an attorney.

Now my remarks as a teacher. I taught for two years in the City of Auburn and found those two years among the most rewarding in my life. And several times while I was teaching, I used corporal punishment on students, and I remember each one of those circumstances very, very clearly, because, ladies and gentlemen, in each one of those circumstances, I was wrong. Those circumstances, resulted from my inability as a teacher to control and to understand a student and to control and to understand a class. As I increased in experience, those instances of using corporal punishment decreased, and as I became a better teacher and understood my students more, I found a less and less need for using corporal punishment. And had I been a more professional teacher at the outset, as I should have been, I would not have had to strike those children. So I urge you, as a former teacher, to reject this bill.

I guess finally I was going to speak as a parent, but no one can really top the good gentlelady from Portland, Mrs. Nelson, when she stated that she had a child who was permanently traumatized by being struck by a teacher. As a parent, you must remember that children will look at a teacher as a helping, constructive, positive force in their lives and violence directed against a child from such a positive force in their lives will never be forgotten, not just by the child that receives that violence but by every other child in that class. Because at that point, ladies and gentlemen of the House, we are saying it is okay for people in public positions, for people in power, for people in prestige, for people who are respected in the community, for our teachers to use corporal punishment when they fail at doing the job that good, professional teachers should do.

I hope we do not pass this bill today.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: While several people were speaking, especially the Representative from South Portland, I would like to have had her for one of my teachers when I was in school, because I would have walked all over her.

I can't tell you the teachers' names in school that let me get away with murder, but I know every one of them very well who made me mind. Several years ago, I met one of those teachers, I met her on the street and she said I was the worst acting kid in school, and I probably got more punishment than any kid in school, but I respected that old woman and I will always respect her because she was not speaking as a professional lawyer, she was not speaking as someone who was a professional other than her own profession as a teacher, because she knew that the only way some children, and I was one of them, would mind was by force. I respected those teachers and I respect them today. But the teachers who didn't make me mind, the teachers who let me walk

all over them, and we knew who they were, we knew who to stay clear of, we knew when not to throw airplanes, when not to hit somebody, we knew the weak teachers, and I am telling you, they were a disgrace, but the teacher that made you mind was the one you respected.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Laffin can be very humorous at times, but I think this is a very serious subject: I would urge all of you not to support this legislation that would allow teachers, in my words, to abuse the children in school.

The situation here in the legislature in my observation has been that we are more concerned with legislating laws for the minority than we are for the majority. Every speaker who has spoken has talked about a small amount of kids in the schools who have abused their privilege as students, a small amount. We are talking about passing legislation that would affect each and every one of our kids because of their minority. Now, a minority will always exist, but we should not legislate for the minority, we should legislate for the majority — that is how I stand.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the Minority "Ought to pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Austin, Bagley, Bennett, Birt, Boudreau, P.; Brown, K. L.; Bunker, Burns, Carey, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Conners, Cunningham, Curran, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Garsoe, Gillis, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Immonen, Jacques, Laffin, LaPlante, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, McBreairty, McHenry, McKean, McPherson, Mills, Moody, Morton, Nelson, N.; Norris, Palmer, Pearson, Perkins, Peterson, Prescott, Rideout, Rollins, Shute, Smith, Sprowl, Stover, Stubbs, Teague, Theriault, Torrey, Tozier, Twitchell, Whittemore.

NAY — Alopis, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Brenerman, Brown, K. C.; Bustin, Byers, Carroll, Clark, Connolly, Cote, Cox, Davies, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Howe, Huber, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, LeBlanc, Lewis, Locke, Martin, A.; Masterton, McMahon, Mitchell, Nadeau, Najarian, Nelson, M.; Peakes, Peltier, Plourde, Post, Quinn, Raymond, Spencer, Talbot, Tarr, Tierney, Trafton, Truman, Tynedale, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Boudreau, A.; Gauthier, Hobbins, Hughes, Kerry, Littlefield, Maxwell, Silsby, Strout, Tarbell.

Yes, 76; No, 65; Absent, 10.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-five in the negative, with ten being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-121) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot
KATZ of Kennebec

DANTON of York

— of the Senate.

Messrs. BUSTIN of Augusta
TRUMAN of Biddeford
Mrs. MITCHELL of Vassalboro
Mr. BOUDREAU of Waterville
Mrs. BOUDREAU of Portland
Mr. TALBOT of Portland

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following members:

Messrs. McMAHON of Kennebunk
BIRT of East Millinocket
Mrs. DURGIN of Kittery
Mr. RAYMOND of Lewiston

— of the House.

Reports were read.

On motion of Mrs. Mitchell of Vassalboro, the Majority "Ought to pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

(Off Record Remarks)

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Relating to use of Flashing Red Lights on School Buses when Negotiating Turn Arounds on Public Ways" (H. P. 207) (L. D. 266)

Report was signed by the following members:

Messrs. GREELEY of Waldo
McNALLY of Hancock
MINKOWSKY of Androscoggin

— of the Senate.

Messrs. LUNT of Presque Isle
JENSEN of Portland
McKEAN of Limestone
Mrs. HUTCHINGS of Lincolnville
Messrs. STROUT of Corinth
JACQUES of Lewiston

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. CARROLL of Limerick
LITTLEFIELD of Hermon

— of the House.

Reports were read.

(On motion of Mr. Carroll of Limerick, tabled pending acceptance of either Report and tomorrow assigned.)

**Divided Report
Tabled and Assigned**

Seven members of the Committee on Education on Bill "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies" (H. P. 158) (L. D. 196) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-122).

Report was signed by the following members:

Messrs. PIERCE of Kennebec
KATZ of Kennebec

— of the Senate.

Messrs. BIRT of East Millinocket
FENLASON of Danforth
BAGLEY of Winthrop
LYNCH of Livermore Falls
Mrs. LEWIS of Auburn

— of the House.

Four members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-123)

Report was signed by the following members:

Mr. USHER of Cumberland

— of the Senate.

Messrs. WYMAN of Pittsfield
CONNOLLY of Portland
Mrs. MITCHELL of Vassalboro

— of the House.

One member of the same Committee on same Bill reports in Report "C" that the same "Ought Not to Pass"

Report was signed by the following member:

Mrs. BEAULIEU of Portland

— of the House.

Reports were read.

Mr. Lynch of Livermore Falls moved that Report A, "Ought to pass" be accepted.

(On motion of Mr. Connolly of Portland, tabled pending the motion of Mr. Lynch of Livermore Falls to accept Report A and tomorrow assigned.)

Consent Calendar

First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H. P. 557) (L. D. 674) Bill "An Act Relating to Dogs Running at Large" — Committee on Agriculture reporting "Ought to Pass"

(H. P. 827) (L. D. 1000) RESOLVE, Increasing to \$25,000 the Amount for which Romeo and Genevieve St. Amand or their Legal Representatives may bring a Civil Action against the State of Maine — Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 185) (L. D. 247) Bill "An Act to Provide Minimum Subsidy Payments for Small Administrative Units" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-120)

(H. P. 516) (L. D. 634) Bill "An Act Appropriating Funds to Maine Vocational Development Commission" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-119)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 12, under listing of the Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(H. P. 143) (L. D. 173) Bill "An Act Relating to the Plans and Specifications Governing School Construction"

(H. P. 321) (L. D. 412) Bill "An Act to Revise the Laws Relative to the State Military and Naval Children's Home" (C. "A" H-115)

(H. P. 160) (L. D. 198) Bill "An Act Relating to Town Hospitals" (C. "A" H-114)

(S. P. 255) (L. D. 780) Bill "An Act to Clarify the Law as to Fraud by a Guest or Customer in a Hotel, Inn, Boarding House or Eating House" (C. "A" H-46)

(S. P. 130) (L. D. 310) Bill "An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services" (C. "A" S-45) (Later Reconsidered)

(H. P. 826) (L. D. 999) Bill "An Act to Establish Maine Writers Week"

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were passed to be engrossed in concurrence, and the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Clarify the Marking of Ballots" (H. P. 1235) (L. D. 1388)

Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing

Certain Provisions of the Law Necessary to the Proper Operation of State Government" (Emergency) (H. P. 1255) (L. D. 1413)

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

Second Reader

Tabled and Assigned

Bill "An Act Increasing the Pay for Substitute Teachers" (H. P. 186) (L. D. 248)

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

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have a tendency to be confused, and that is all right, but in this case I confused the department where they draw up the amendments. I had an amendment being prepared and it is not prepared correctly, and I would appreciate it if somebody would table this for one day so I can get it drawn the way it ought to be.

Whereupon, on motion of Mr. Birt of East Millinocket, tabled pending passage to be engrossed and tomorrow assigned.

Amended Bill

Bill "An Act to Ensure that the Uniform Property Tax Rate Conforms to Limits on Educational Funding Established by Statute" (Emergency) (H. P. 66) (L. D. 91) (C. "A" H-116)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed as amended and sent up for concurrence.

Emergency Measure

Tabled and Assigned

"An Act to Provide a Supplemental Appropriation for Instructional Television" (H. P. 145) (L. D. 175)

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

(On motion of Mr. Lynch of Livermore Falls, tabled pending passage to be enacted and specially assigned for Wednesday, April 13.)

Passed to Be Enacted

Emergency Measure

"An Act to Amend the Authorization to the Plantation of Matinicus to Establish an Electric Generating Facility" (H. P. 720) (L. D. 855)

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. 122 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.

Passed to Be Enacted

"An Act to Remove Limitations on the Amount of Group Life Insurance Which May be Issued" (S. P. 91) (L. D. 215)

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.

Enactor

Tabled and Assigned

"An Act to Remove Restrictions on the Salary of County Commissioners who Hire Full-time County Administrators" (S. P. 154) (L. D. 394)

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

Mr. Nadeau of Sanford moved the Indefinite Postponement of the Bill and all accompanying papers.

(On motion of Mr. Bustin of Augusta, tabled

pending the motion of Mr. Nadeau of Sanford to indefinitely postpone and tomorrow assigned.

Enactor

Tabled and Assigned

"An Act Relating to Payment of Expenses for Examination of Crime Victims" (H. P. 329) (L. D. 420) (C. "A" H-91)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and tomorrow assigned.)

Enactor

Later Today Assigned

"An Act to Require Periodic Justification of State Government Programs and Independent Agencies" (H. P. 1163) (L. D. 1206)

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

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

Enactor

Tabled and Assigned

"An Act to Amend the Laws Relating to Payments for Care of Children" (H. P. 124) (L. D. 157) (C. "A" H-96)

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

(On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and tomorrow assigned.)

Passed to Be Enacted

"An Act Relating to Inspections and Inspection Fees of Elevators" (H. P. 142) (L. D. 172)

"An Act Pertaining to Rat Control on Public Dumps" (H. P. 387) (L. D. 477) (H. "B" H-92)

"An Act to Increase the Fee Charged for U.C.C. Certificates of Information" (H. P. 403) (L. D. 513)

"An Act Increasing Compensation of Trustees of Gray Water District" (H. P. 500) (L. D. 618)

"An Act to Increase the Maximum Authorized Maine Veterans Mortgage Limit to \$30,000" (H. P. 535) (L. D. 650) (C. "A" H-97)

"An Act Permitting Sunday Operation of Bowling Alleys" (H. P. 639) (L. D. 783)

Were 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.

Orders of the Day

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

Senate Report — "Ought to Pass" as amended by Committee Amendment "A" (S-43) — Committee on Appropriations and Financial Affairs on Bill, "An Act Providing for a Program of Support for Destitute Persons on Indian Reservations and Appropriating Additional Funds for the Department of Indian Affairs" (Emergency) (S. P. 187) (L. D. 573)

Tabled — April 6, 1977 by Mr. Pearson of Old Town.

Pending — Acceptance of Committee Report. Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-43) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

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

"An Act to Authorize General Fund Bond Issue in the Amount of \$30,000,000 for Planning, Construction and Equipment of Pollution Abatement Facilities" (Bond Issue) (H. P. 496) (L. D. 615)

Tabled — April 6, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

On motion of Mr. Tierney of Lisbon Falls, retabled pending passage to be enacted and specially assigned for Wednesday, April 13.

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

House Divided Report — Majority (6) "Ought Not to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (H-118) — Committee on Taxation on Bill "An Act Relating to School Funding and Inventory Tax Reimbursement" (Emergency) (H. P. 1160) (L. D. 1252)

Tabled — April 7, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report. On motion of Mr. Tierney of Lisbon Falls, retabled pending acceptance of either Report and later today assigned.

The following paper from the Senate was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 432) ORDERED, the House concurring, that notwithstanding Joint Rule 23, bills listed by the Director of Legislative Research on April 11th as pending receipt in that office for final preparation may be introduced in the appropriate House no later than 5 p.m. on Wednesday, April 20th.

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

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, is the House in possession of Bill "An Act to Permit Snowmobiling on the Entrance Road of Baxter State Park," Senate Paper 404, L. D. 1387?

The SPEAKER: The Chair would answer in the affirmative, having been held at the gentleman's request.

Mr. BLODGETT: Mr. Speaker, I move we reconsider our action of April 7 whereby this Bill was referred to the Committee on Fisheries and Wildlife in concurrence.

On motion of Mr. MacEachern of Lincoln, tabled pending the motion of Mr. Blodgett of Waldoboro to reconsider and tomorrow assigned.

On motion of Mr. Bustin of Augusta, the House reconsidered its action of earlier in the day whereby Bill "An Act Creating Job Security for Deputy Sheriffs," House Paper 1277, was referred to the Committee on Local and County Government.

On further motion of the same gentleman, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

On motion of Mr. Bustin of Augusta, the House reconsidered its action of earlier in the day whereby Bill "An Act to Extend Collective Bargaining Rights to County Employees," (House Paper 1278) was referred to the Committee on Local and County Government.

On further motion of the same gentleman, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action of earlier in the day whereby Bill "An Act to Transfer the Alcohol Treatment and Education Program of Operating under the Influence Offenders to the Department of Human Services," Senate Paper 130, L. D. 310, was passed to be engrossed pursuant to Consent Calendar rules.

On further motion of the same gentleman, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Adjourned until five o'clock in the afternoon.

After Recess

5:00 P.M.

The House was called to order by the Speaker.

The Chair laid before the House the following matter:

Divided Report — Majority (6) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on Taxation on Bill "An Act to Repeal the State Property Tax" (I. B. 1) (L. D. 270) which was tabled earlier in the day and later today assigned pending the motion of Mr. Carey of Waterville to accept the Majority Report.

Mrs. Post of Owls Head 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 the motion of the gentleman from Waterville, Mr. Carey, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Bennett, Benoit, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Connolly, Cote, Cox, Curran, Davies, Devoe, Dexter, Diamond, Dow, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, K.; Green, Hall, Henderson, Hickey, Howe, Huber, Hunter, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Locke, Louge, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, McHenry, McKean, McPherson, Mills, Mitchell, Morton, Najarian, Nelson, M.; Norris, Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rideout, Rollins, Smith, Spencer, Stubbs, Talbot, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Whittemore, Wyman, The Speaker.

NAY — Berry, Birt, Blodgett, Brown, K. L.; Bunker, Byers, Carter, F.; Churchill, Clark, Conners, Cunningham, Drinkwater, Durgin, Fowlie, Gould, Gray, Greenlaw, Higgins, Hutchings, Jackson, Mackel, McBreairty, McMahon, Moody, Nelson, N.; Palmer, Perkins, Post, Shute, Sprowl, Tarbell, Tarr, Theriault, Twitchell, Tyndale, Valentine, Wilfong, Wood.

ABSENT — Beaulieu, Carrier, Dudley, Gauthier, Goodwin, H.; Hobbins, Hughes, Immonen, Jacques, Laffin, Littlefield, Lizotte, Marshall, Maxwell, Nadeau, Silsby, Stover, Strout.

Yes, 95; No, 38; Absent, 18. The SPEAKER: Ninety-five having voted in the affirmative and thirty-eight in the negative, with eighteen being absent, the motion does prevail.

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

Majority Report of the Committee on Appropriations and Financial Affairs on Bill "An

Act to Establish Total Educational Cost and the Uniform Property Tax Rate and Appropriating Funds for the Fiscal Year Ending June 30, 1978" (Emergency) (H. P. 1166) (L. D. 1234) reporting "Ought to Pass" in New Draft (H. P. 1295) (L. D. 1445)

Report was signed by the following members:

Messrs. MORRELL of Cumberland
HUBER of Cumberland
MERRILL of Cumberland
— of the Senate.
Mr. HIGGINS of Scarborough
Mrs. NAJARIAN of Portland
Ms. GOODWIN of Bath
Messrs. McBREAIRTY of Perham
MORTON of Farmington
LeBLANC of Van Buren
CARTER of Winslow

— of the House.
Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.
Report was signed by the following members:

Messrs. PERKINS of Blue Hill
GREENLAW of Stonington

— of the House.
Reports were read.

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

Ms. GOODWIN: Mr. Speaker, I move the adoption of the Majority "Ought to pass" Report and would speak very briefly.

The SPEAKER: The gentlewoman from Bath, Ms. Goodwin, moves that the Majority "Ought to pass" Report be accepted.

The gentlewoman may proceed.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: Very quickly, this is the funding level of \$290.6 million, as you are probably all aware, the 1½ mill rate at \$134 million on the state's part of \$156 million. It also increases the local leeway from 90 to 100. And lest some of you might think that perhaps education is eating up a disproportionate share of the state budget, I would point out that at \$290 million, the increase in the education budget is 13.9 percent over the last biennium versus total state expenditures in revenues which are up 18.6 for the biennium. I also would point out that the uniform property tax would be up 13.9 percent at 1½ and the state's share would be up 6.1 percent. This will also leave an available balance of \$11.7 million for other purposes.

Mr. Speaker, I ask when the vote is taken it be taken by the yeas and nays.

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

Mr. JALBERT: Mr. Speaker and Members of the House: As you will note, I abstained from voting on this. I have an amendment that I have ready which I will present at the proper time. It hasn't been distributed yet but will be in a few moments.

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

Mr. KELLEHER: Mr. Speaker, I have a question for the gentlelady or any other member of the Appropriations Committee, and I apologize to Ms. Goodwin because I was harping and out of my seat when she was making her presentation. The \$290.6 million, if I heard the lady correctly, she said that there was some other monies available for consideration dealing with L.D.'s or any other program. I guess my question is to Ms. Goodwin or members of the committee, just where are we on the inventory tax if in fact this House would be willing to buy this proposal as it is right now? Would there be sufficient funds for full funding, or is the committee thinking about perhaps a less commitment to an obligation that the legislature has written into law a few years ago at 80 percent or 70 percent or some other level?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question

through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, the available balance would be \$11.7 million, which obviously is not enough to fund the inventory tax. The committee, at this juncture, has not discussed that fully. We felt that the hearings have not all been held on the possibilities and we would hope that on this question we will work much more closely with the Taxation Committee. Perhaps that question would be better directed to a member of the Taxation Committee.

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

Mr. KELLEHER: Mr. Speaker, I thank the gentlelady from Bath, Ms. Goodwin, and I so direct the question to any member of the Taxation Committee.

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

Mr. JALBERT: Mr. Speaker, I can answer the question. As this bill is drafted now with a tax, it is useless.

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

Mr. MACKEL: Mr. Speaker, I would like to ask a question. Does this amount, \$290.6 and 156 coming out of the general fund, does that also include the so-called surplus that is being held in the Department of Education for the construction fund?

The SPEAKER: The gentleman from Wells, Mr. Mackel, has posed a question through the Chair to the gentlewoman from Bath, Ms. Goodwin, who may answer if she so desires.

The Chair recognizes that gentleman.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: The answer to that is yes.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I have been looking at L. D. 1445 and there is no mention of use of local funds to maintain education programs. I would assume that the ceiling is in effect. My concern is not for the communities with above per pupil expenditures but for those with lower than average costs.

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

Mr. CAREY: Mr. Speaker, I notice on Page 4 of the bill that there is an item called uniform property tax pay in at \$5,200,000, and I would like to have somebody from Appropriations explain to me just what that is.

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed a question through the Chair to any member of the Appropriations Committee who may care to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think very clearly, I am not sure whether or not the question from the good gentleman from Waterville is a rhetorical or not. Let me see if I can answer it in this regard. At a mill rate of approximately 12 mills, the pay-in provision, that is the provision that a number of towns in the state, roughly 50, pay more for their education than they receive, was a little in excess of — I guess it was right around \$5.9 million. At 1½, the pay in is reduced from \$5.9 million to \$5.2 million.

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

Mr. CAREY: Mr. Speaker, it is my understanding then, in very plain and very simple English, what this bill does is repeal the pay-in provision?

The SPEAKER: The gentleman from Waterville, Mr. Carey, has posed an additional question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I wish in fact, Mr. Carey, that that was true, but it is not. This is the procedure that the legislature has to go through to reallocate the pay-in provision that is contained in the Governor's budget. It has to go through the allocation bill, so the uniform property tax is not repealed, the pay-in is not repealed, and if it were, I certainly would have signed this report differently than I have.

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

Mr. BURNS: Mr. Speaker, a question, please. Should this go to second reader, would printouts be available tomorrow?

The SPEAKER: The Chair would answer in the affirmative. This bill will be available for amending at second reading.

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

Mr. JALBERT: Mr. Speaker, I would just like to ask a question. Are we going to hold this bill until tomorrow morning for presentation of amendments to it or are we going to do it tonight? I prefer we do it tomorrow morning, because I would be quite lengthy in my dissertation as far as I am concerned.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: In deference to the many semesters sat in this House by the good gentleman from Lewiston, Mr. Jalbert, leadership has heard his plea and we would not attempt to address the amending process here this evening. What we are going to try to do, and hopefully we will have a majority of the people present to do it, is to give the bill its first reading at this time.

There are several parts of this particular L. D. 1445, which I find objectionable. One of them is, for example, the low level of leeway; it is only \$100. I would like to have a higher amount, and I have received several notes from legislators who also want a higher amount and they wonder how best to do it. Well, my suggestion to those people and, indeed, to all of you, is to vote yes today, give this bill its first reading so that we can attack this bill in its amending process tomorrow. That is why I strongly urge that we do vote yes on the pending motion and then we can address it in due course.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I thank the gentleman from Lisbon Falls, Mr. Tierney, and I would suggest that my amendment has now been distributed and in it is not the funding of the inventory tax which I will explain thoroughly tomorrow.

I would like to have you vote yes on this today even though I abstained from voting, I shall vote yes on it which will put me in a position for presenting my amendment tomorrow. I want to thank the gentleman from Lisbon Falls again.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I think you will see on this that I signed the "ought not to pass" report, but I think in the spirit of cooperation, I shall support this particular bill this afternoon to put it in a position to have it amended tomorrow because I am going to ask, among other things, the members of the House to do the very same thing on a bill that I have sponsored, so I would urge you to accept the "ought to pass" report so we could put it in a position to be amended tomorrow.

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

Mr. MACKEL: Mr. Speaker, I would like to pose a question through the Chair. I think that I and perhaps some of us are concerned about the

tax implications of this bill. If someone could give us some indication of what tax increases would result from it would be helpful.

The SPEAKER: The gentleman from Wells, Mr. Mackel has posed a question through the Chair to anyone who may answer if they so desire.

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

Mr. CAREY: Mr. Speaker, I would point out that with an 11.5 tax rate on the bill, 1445, there will be a \$60 million tax increase at the local level and I would also point out that that is probably the very best that the communities are going to do.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There is not only an impact of a local increase, but with the ceiling on, there is also very definitely going to be a cutting of educational programs.

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. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentlewoman from Bath, Ms. Goodwin, that the House accept the Majority "Ought to pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Bachrach, Bagley, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Carey, Carroll, Carter, D.; Chonko, Clark, Cox, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Immonen, Jalbert, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterman, Masterton, McBreairey, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Moody, Morton, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Pearson, Peltier, Peterson, Plourde, Prescott, Quinn, Raymond, Rollins, Shute, Smith, Stubbs, Talbot, Teague, Tierney, Torrey, Tozier, Trafton, Truman, Tyndale, Whittemore, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Berry, Blodgett, Brown, K. L.; Bunker, Bustin, Byers, Carter, F.; Churchill, Connors, Connolly, Cote, Cunningham, Fowlie, Hall, Hutchings, Jackson, Kelleher, Mackel, Marshall, Perkins, Post, Rideout, Spencer, Sprowl, Tarbell, Tarr, Theriault, Twitchell, Valentine, Wilfong.

ABSENT — Beaulieu, Carrier, Dudley, Gauthier, Hobbins, Hughes, Jacques, Littlefield, Lizotte, Maxwell, Nadeau, Silsby, Stover, Strout.

Yes, 105; No, 32; Absent, 14.

The SPEAKER: One hundred and five having voted in the affirmative and thirty-two in the negative, with fourteen being absent, the Majority "Ought to pass" Report is accepted.

The New Draft was read once and assigned for second reading tomorrow.

The Chair laid before the House the following matter:

Bill "An Act Relating to School Funding Inventory Tax Reimbursement" (H. P. 1160) (L. D. 1252) which was tabled earlier in the day and later today assigned, pending the acceptance of either report.

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

Mr. CAREY: Mr. Speaker, I move the acceptance of the Majority "Ought Not to Pass" Report.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: As the saying goes, this is a bill that I sponsored. It is the one piece of legislation that attempts to address the question of educational funding and inventory reimbursement under the same heading.

The bill had a hearing the other day, Wednesday, before the Taxation Committee, at which point the business community turned out in force opposed to the excise tax as presently contained in the bill. The Taxation Committee, that evening, drafted a committee amendment that I am not particularly in favor of. Since that time, we have been attempting to put together an amendment that has been worked on Friday and today to address these two issues. The amendment is not ready at this particular time, and I want to assure everyone that I am not in any way, shape or manner attempting to delay the ultimate decision we are faced with this week.

I would ask all of you today to oppose the motion of the good gentleman from Waterville, Mr. Carey, so we can do two things. I would like to accept the "ought to pass" report, I would like to move indefinite postponement of the committee amendment and put this in the position so that tomorrow at second reading it could be amended. The amendment will amend the entire bill and I certainly do not wish at this time to cause a long debate, but I would ask for that courtesy of the House this evening.

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

Mr. CAREY: Mr. Speaker, in order to give the gentleman from Stonington, Mr. Greenlaw, every opportunity to try to salvage what may possibly be the only combination that we have coming between the inventory tax and the repeal, and in fact that bill, after your visit, Mr. Speaker, in front of the Taxation Committee late Wednesday afternoon, almost came out unanimous "ought not to pass". We would obviously try to give that gentleman from Stonington every opportunity; therefore, Mr. Speaker, if I am granted permission, I would like to withdraw my motion to accept the "ought not to pass" report.

Thereupon, Mr. Carey of Waterville was granted permission to withdraw his motion to accept the Majority "Ought Not to Pass" Report.

Mr. Carey of Waterville moved that the Minority "Ought to pass" Report be accepted.

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

Mr. JALBERT: Mr. Speaker, my original amendment that I was going to present up against the appropriations bill had the inventory tax in it. You rightfully declared that that would not be germane under the appropriations bill. As I read it now, and I can appreciate things changing very fast, this could very well put me, if I so desired, in the position now to distribute my other amendment, which has both the inventory tax and mill rate in it. Am I correct?

The SPEAKER: The Chair would respond in the affirmative, that the amendment that was suggested by the gentleman from Lewiston, Mr. Jalbert, could be introduced to this bill if this bill is accepted today.

The Chair recognizes the same gentleman.

Mr. JALBERT: Mr. Speaker, I want to get myself straight because I am a little confused and I would presume that others are confused also. I listened to the good gentleman from Waterville, Mr. Carey, make the motion to accept the minority "ought to pass" report hoping it doesn't get back to Waterville, and I don't know whether I want to go back to Lewiston if I put my amendment, which I don't have to do, to

this gem of the gentleman from Stonington, Mr. Greenlaw.

I want the people here to understand that I think that the original bill, no matter what it said, no matter how it — the original bill of the Appropriations Committee I am separating with my amendment, I am putting in the mill rate and taking the tax reimbursement off it. If I put in my amendment tomorrow morning, I would have both of them combined. But the original bill, which will probably be the one that will fly anyway, I don't know what to do now, whether to put both amendments in or whether to wait. I am thinking of hiring myself a staff of attorneys anyway. I want you to clearly understand this, that this 11½ mill rate, and I will explain it to you tomorrow, I want you to go to bed with it tonight, this 11½ mill rate means a tax. You have got to have a tax before you pass this bill and enact it. It needs a tax or you won't have enough money to fund it.

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

Mr. CAREY: Mr. Speaker, in answer to the gentleman from Lewiston, Mr. Jalbert, my comments are obviously intended for those people who are from Waterville, and I appreciate the gentleman from Lewiston. I would point out to him at this time that we are trying to work out as closely as possible a compromise before midnight on Thursday night, which will produce 101 votes out of this body, and I would hope that he would make every effort, and I know that he will, in trying to come up with a very reasonable amendment that maybe the majority of this House, not only the majority of it but two-thirds of this House can buy. I am anxiously awaiting the amendment that he possibly will make, and if I am not happy with it, he would certainly know.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I want one point clarified. I am not too sure, after listening to the gentleman from Lewiston, Mr. Jalbert, and the answer that he received from the Chair, whether or not he understands the answer or whether or not I do. I believe his question was that since we have before us this so-called Greenlaw bill, which does combine school funding and the inventory tax, I believe his question to you was, could he tomorrow amend his bill, the Appropriation Bill with an amendment dealing with the inventory problem. I believe you said he could amend the Greenlaw bill. I think he feels he could amend this bill and I think it should be clarified before the vote is taken, for his sake if for no one else's.

The SPEAKER: The Chair would restate the Chair's original declaration. The bill which comes from the Appropriations Committee deals only with school funding and, therefore, only amendments dealing with school funding could be introduced to that bill coming from the Appropriations Committee. If legislators wish to put the two bills together, inventory and school funding, this, at this time, appears to be the only vehicle with which to do it.

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

Mr. JALBERT: Mr. Speaker, I understand the proposition. I understood it today, this noon and I understand it now. I would further make a comment to the good gentleman from Waterville, Mr. Carey, that I am also anxiously awaiting what tax vehicle he has got to slam up against this vehicle.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the very good gentleman, my able friend from Lewiston, Mr. Jalbert, I would point out to the gentleman that it was he, himself, on several occasions on the floor of this House who has said that the Governor has got the money within the budget

to fund the \$290 million package, and it is written into his particular budget; therefore, there is no need to raise any new monies. We are already going to commit, at 11½ mills, the municipalities to raise \$16 million.

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

Mr. NORRIS: Mr. Speaker, I would pose a question through the Chair to the gentleman from Stonington, Mr. Greenlaw, and ask him if his amendment would repeal the title of this vehicle that he is going to present?

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw, who may answer if he so desires.

Mr. GREENLAW: Mr. Speaker, to answer the question of the gentleman from Brewer, Mr. Norris, to the best of my memory, the answer is no.

Thereupon, the Minority "Ought to pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-118) was read by the Clerk.

On motion of Mr. Greenlaw of Stonington, Committee Amendment "A" was indefinitely postponed.

Mr. Kelleher moved the House reconsider its action whereby Committee Amendment "A" was adopted.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: Committee Amendment "A" is under filing number H-118, and it is probably the worst amendment ever to come out of any Taxation Committee in the history of this legislature, and I would certainly concur with its demise.

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

Mr. KELLEHER: Mr. Speaker, I thank the gentleman for a very clear answer to my question, but I will ask it again — just what is Committee Amendment H-118?

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

Mr. CAREY: Mr. Speaker, having just returned from an extensive hearing at the Civic Center, I may not be able to put my finger directly on H-118. It is a repealer. It sets \$160 some-odd million for a funding level. As I recall the amendment, it has an 11.66 mill tax rate, it has \$125 in for leeway, it has the nuclear reactor tax in there, it is a funding level of \$290.6 million and it does have the same price tag that this amendment out of Appropriations has, \$3 million in 1976-77; \$160 million in 1977-78. It is a repeal bill, has a tax effort of 11.66 mills and it steals more money from the local government fund and, in the words of one member of my committee, it is, to say the least, tremendously underfunded.

Thereupon, Mr. Kelleher of Bangor withdrew his motion to reconsider.

The Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter:

"An Act to Require Periodic Justification of State Government Programs and Independent Agencies," (H. P. 1163) (L. D. 1206) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

(Off Record Remarks)

On motion of Mr. Greenlaw of Stonington, Adjourned until eight-thirty tomorrow morning.