

# 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**

Thursday, April 29, 1977

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

Prayer by the Reverend Richard C. Dyer of the Winthrop Friends Church.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Joint Order: (S. P. 474)

ORDERED, the House concurring, that Bill, "An Act Changing the Name of Webster Water District to Sabattus Water District and Providing Compensation for the Trustees" (H. P. 883, L. D. 1054, be recalled from the Engrossing Department to the Senate.

Came from the Senate read and passed.

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

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Rabbit Hunting on Sundays During Rabbit Season" (S. P. 77) (L. D. 185)

Report was signed by the following members:

Messrs. USHER of Cumberland  
REDMOND of Somerset  
— of the Senate.

Messrs. GILLIS of Calais  
PETERSON of Caribou  
ROLLINS of Dixfield  
DOW of West Gardiner  
McKEAN of Limestone  
PEARSON of Old Town  
MILLS of Eastport  
TOZIER of Unity  
— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot  
— of the Senate.

Messrs. MASTERMAN of Milo  
MacEACHERN of Lincoln  
— of the House.

Came from the Senate with the Bill and Papers indefinitely postponed.

In the House: Reports were read.

On motion of Mr. Dow of West Gardiner, the Bill and accompanying papers were indefinitely postponed in concurrence.

**Divided Report**

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Allow Sunday Hunting of Wild Birds by Residents" (S. P. 373) (L. D. 1219)

Report was signed by the following members:

Messrs USHER of Cumberland  
REDMOND of Somerset  
— of the Senate.

Messrs MILLS of Eastport  
TOZIER of Unity  
PEARSON of Old Town  
McKEAN of Limestone  
MASTERMAN of Milo  
GILLIS of Calais  
PETERSON of Caribou  
ROLLINS of Dixfield  
DOW of West Gardiner  
— of the House.

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

Report was signed by the following members:

Mr. PRAY of Penobscot  
— of the Senate.

Mr. MacEACHERN of Lincoln  
— of the House.

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

In the House: Reports were read.

On motion of Mr. Dow of West Gardiner, the Majority "Ought Not to Pass" Report was accepted in concurrence.

**Divided Report**

Majority Report of the Committee on Legal Affairs on Bill "An Act to Require Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings" (S. P. 157) (L. D. 397) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require Committees and Subcommittees of the Board of Trustees of the University of Maine and of the Maine Maritime Academy to Hold Open Meetings" (S. P. 469) (L. D. 1681)

Report was signed by the following members:

Mr. CARPENTER of Aroostook  
— of the Senate.

Messrs. COTE of Lewiston  
JOYCE of Portland  
BIRON of Lewiston  
Mrs. DURGIN of Kittery  
Messrs. GOULD of Old Town  
BURNS of Anson  
MOODY of Richmond  
SHUTE of Stockton Springs  
— 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. HEWES of Cumberland  
Mrs. CUMMINGS of Penobscot  
— of the Senate.

Messrs. CARRIER of Westbrook  
DUDLEY of Enfield  
— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft passed to be engrossed.

In the House: Reports were read.

On motion of Mr. Cote of Lewiston, the Majority "Ought to Pass" Report was accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

**Divided Report**

Majority Report of the Committee on Natural Resources reporting "Ought Not to Pass" on Bill "An Act Establishing an Experimental Blackfly Control Program" (S. P. 264) (L. D. 823)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot  
REDMOND of Somerset  
— of the Senate.

Miss BROWN of Bethel  
Mr. BLODGETT of Waldoboro  
Mrs. HUBER of Falmouth  
Ms. BENOIT of So. Portland  
Messrs. HUNTER of Benton  
DEXTER of Kingfield  
GREEN of Auburn  
WILFONG of Stow  
— of the House.

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

Report was signed by the following members:

Mr. O'LEARY of Oxford  
— of the Senate

Mr. HALL of Sangerville  
— of the House.

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. In the House: Reports were read.

Miss Brown of Bethel moved that the Majority "Ought Not to Pass" Report be accepted in concurrence.

Mr. Marshall of Millinocket 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 gentlewoman from Bethel, Miss Brown, that the Majority "Ought Not to Pass" Report be accepted in concurrence. All those in favor of that motion will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Alopis, Ault, Austin, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K.L.; Bunker, Burns, Bustin, Byers, Carrier, Carter, F.; Chonko, Churchill, Clark, Conners, Cote, Cox, Cunningham, Curran, Devoe, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Goodwin, K.; Gould, Gray, Green, Greenlaw, Hickey, Higgins, Hughes, Hunter, Hutchings, Immonen, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, LeBlanc, Lewis, Lougee, Lunt, Lynch, Mackel, Martin, A.; Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Morton, Nadeau, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Silsby, Smith, Spencer, Sprowl, Talbot, Tarr, Torrey, Tyndale, Whittemore, Wood, Wyman.

NAY — Bachrach, Birt, Brown, K.C.; Davies, Gillis, Goodwin, H.; Hall, Henderson, Hobbins, Kany, Laffin, Mahany, Marshall, Masterman, McBreairty, Prescott, Theriault, Tierney, Truman.

ABSENT — Bennett, Blodgett, Carey, Carroll, Carter, D.; Connolly, Dexter, Dudley, Howe, Huber, Jackson, Littlefield, Lizotte, Locke, MacEachern, Moody, Najarian, Nelson, M.; Norris, Peakes, Shute, Stover, Strout, Stubbs, Tarbell, Teague, Tozier, Trafton, Twitchell, Valentine, Wilfong.

Yes, 100; No, 19; Absent, 31.  
The SPEAKER: One hundred having voted in the affirmative and nineteen in the negative, with thirty-one being absent, the motion does prevail.

**Non-Concurrent Matter**

Bill "An Act to Reduce Traffic Accidents and Fatalities by Providing for the Establishment of Education and Treatment Programs for Persons Convicted of Operating under the Influence of Alcohol" (H. P. 1122) (L. D. 1340) on which the House accepted the Report of the Committee on Judiciary reporting that it be referred to the Committee on Health and Institutional Services and referred the Bill to the Committee on Health and Institutional Services on April 27.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

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

**Non-Concurrent Matter**

Bill "An Act Providing for the Observance of Memorial Day on May 30th" (H. P. 442) (L. D. 549) on which the Minority "Ought to Pass" Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed in the House on April 26, 1977.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on State Government read and accepted in non-concurrence.

In the House: The House voted to recede and concur. (Later Reconsidered)

#### Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolution were received and referred to the following Committees:

#### Passed to Be Engrossed

Bill "An Act to Extend the School Budget Adoption Date until June 15th" (Emergency) (L. D. 1718) (H. P. 1456) (Presented by Mr. Garsoe of Cumberland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Committee on Performance Audit was suggested.

On motion of Mr. Garsoe of Cumberland, the rules were suspended.

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

Mr. GARSOE: Mr. Speaker, I move that L. D. 1718 be given its first reading without reference to a committee and would speak briefly to my motion.

Mr. Speaker, Ladies and Gentlemen of the House: On March 30, you perhaps recall, we were forced to extend the deadline for assessing the uniform property tax and the limit of educational funding, and in the same L. D., we extended the date by which school budgets should be adopted to May 15. Well, the situation has now been resolved on the matters that I just referred to, but now we find that the time frame will just not allow an orderly transaction of school business. The commissioner has to meet with superintendents, they have to advertise their budget hearings and take action in the various manners by whatever legislative body they have, so this bill simply extends from May 15 to June 15 the date on which budgets must be adopted. It is proposed that we give this bill its first and second readings and send it on to the other body for adoption, hopefully to have it enacted by tomorrow so that the various school bodies will be able to plan their work in an orderly manner.

Thereupon, under suspension of the rules, the Bill was read twice.

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

Mr. MORTON: Mr. Speaker, I would like to address a question to the gentleman from Cumberland, Mr. Garsoe. I would like to ask if this is a one-shot provision for this year only?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentleman from Cumberland, Mr. Garsoe, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. GARSOE: Mr. Speaker, in Section 1, it specifies June 15, 1977 for the adoption of budgets in school administrative districts and community school districts, and in Section 2, which is the section dealing with municipalities that may have a charter that would have a contrary connotation, it specifies that that date shall be governed by the provisions of this section for the calendar year 1977. So it would be my interpretation that this is a one-shot affair.

While I am up, Mr. Speaker, I guess I should call your attention to an error in the Statement of Fact that has been called to my attention by the gentleman from Livermore Falls, Mr. Lynch. You will notice in the fifth paragraph, it refers to the bill still pending before the Committee on Education, and inadvertently, L. D. 122 and L. D. 1329 were reversed. The reference to the possible appropriation of another \$431,000 should be in reference to L. D. 122 and not to L. D. 1329. You may recall that L. D. 1329 is the

bill that was tabled yesterday for action today. But this paragraph illustrates the fact that we still have L. D.'s that are going to have an impact on these budgets; therefore, this extension until June 15, which I believe is a one-shot occurrence, seems reasonable.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask the sponsor if this refers to all school budgets or just his district?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to the gentleman from Cumberland, Mr. Garsoe, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. GARSOE: Mr. Speaker, yes, it refers to all school budgets.

Thereupon, under suspension of the rules, the Bill was passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, orders sent forthwith to the Senate.

#### Performance Audit

Bill "An Act Pertaining to the Granting of Preference in the Letting of State Contracts to State of Maine Resident Bidders" (H. P. 1502) (Presented by Mr. Perkins of Blue Hill)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Resolution, Proposing an Amendment to the Constitution to Limit the Amount of Revenues Which may be Raised by Taxes in any Fiscal Year (H. P. 1501) (Presented by Mr. Cunningham of New Gloucester) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

#### Orders

On motion of Mr. Nadeau of Sanford, it was Ordered, that Barry Hobbins of Saco be excused April 29th, May 2nd, and May 3rd for personal reasons.

#### House Reports of Committees

##### Ought Not to Pass

Mrs. Lewis from the Committee on Education on Bill "An Act to Provide Regional Reading Consultants under the Department of Educational and Cultural Services" (H. P. 1026) (L. D. 1274) reporting "Ought Not to Pass"

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

##### Leave to Withdraw

Mr. Cote from the Committee on Legal Affairs on Bill "An Act to Regulate the Issuance of Concealed Weapons Permits" (H. P. 164) (L. D. 202) reporting "Leave to Withdraw"

Mrs. Chonko from the Committee on Taxation on Bill "An Act Amending the Elderly Household Tax and Rent Refund Act to Expand the Eligibility Ceiling for Low Income Elderly" (Emergency) (H. P. 341) (L. D. 432) reporting "Leave to Withdraw"

Mr. Mackel from the Committee on Taxation on Bill "An Act to Delay the Effective Date of the Implementation of the New State Valuation" (Emergency) (H. P. 305) (L. D. 360) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Recommitted to the Committee on Taxation

Mr. Carter from the Committee on Taxation on Bill "An Act to Exempt from the Sales Tax

all Equipment and Supplies used to Diagnose or Treat Diabetes" (H. P. 1207) (L. D. 1435) reporting "Leave to Withdraw"

Report was read.

On motion of Mr. Tierney of Lisbon Falls, the Bill was recommitted to the Committee on Taxation and sent up for concurrence.

#### Ought to Pass

##### Pursuant to Joint Order H. P. 138

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1977 (Emergency) (H. P. 1494) (L. D. 1713) reporting "Ought to Pass" pursuant to Joint Order (H. P. 138)

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1977 (Emergency) (H. P. 1495) (L. D. 1714) reporting "Ought to Pass" pursuant to Joint Order (H. P. 138)

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1977 (Emergency) (H. P. 1497) (L. D. 1715) reporting "Ought to Pass" pursuant to Joint Order (H. P. 138)

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1977 (Emergency) (H. P. 1498) (L. D. 1716) reporting "Ought to Pass" pursuant to Joint Order (H. P. 138)

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1977 (Emergency) (H. P. 1499) (L. D. 1717) reporting "Ought to Pass" pursuant to Joint Order (H. P. 138)

Reports were read and accepted, the Resolves read once and assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Permit Hunting of Deer within 1/2 Hour After Sunset" (H. P. 356) (L. D. 449)

Report was signed by the following members:

Messrs. USHER of Cumberland  
PRAY of Penobscot

— of the Senate.

Messrs. McKEAN of Limestone  
PEARSON of Old Town  
MASTERMAN of Milo  
PETERSON of Caribou  
DOW of West Gardiner  
MacEACHERN of Lincoln

— of the House.

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

Report was signed by the following members:

Mr. REDMOND of Somerset

— of the Senate

Messrs. TOZIER of Unity  
ROLLINS of Dixfield  
GILLIS of Calais  
MILLS of Eastport

— of the House.

Reports were read.

Mr. Dow of West Gardiner moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I presented this bill to

make honest men and women out of the hunters today because they are not observing this one half hour after sunset. I would like to speak briefly about the opposition I had at the hearing.

The first opponent represented a sportsmen's group. His opening statement went something like this: As individuals, we support this bill; as a group, we oppose it. Now, the individuals and the group being one and the same and being a confused freshman, this didn't help any, believe me. So the next opponent was a rod and gun club. He opposed it. I was amazed, but later I found out that they were mostly duck hunters. Well, you can imagine what a shot would be around four o'clock in the afternoon — thousands of ducks would take off. So I say that if we pass this bill, we are going to save thousands of ducks.

You take in my district, we still have a few people who work for a living and the only time they can hunt is just a few minutes before dark. I say that they should have a chance to hunt.

Of course, the Fish and Game appeared there to oppose it, and I have learned since that they will oppose any bill unless it is an increase in revenue for them. I guess that is all I have to say.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who are hunters, I would like to pose a question for you. When you go hunting and you are three, four or five miles back into the woods, do you make an effort to get out by sunset? Of course you don't. You are all the way in there and you hunt on the way out. It is a long time coming out. There are very few hunters in this state that quit hunting at sunset. They all take the extra half hour or an extra 45 minutes, because when you come right down to it, that is the best time for hunting. You know as well as I do that you don't quit at sunset.

I ask you to defeat the "ought not to pass" report so we can make it legal.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Almost everybody that has ever hunted knows that those last few hours at twilight are the best hunting there is. It is also probably the time of the day that is the most dangerous. Even with blaze orange, which has improved the visibility of hunters, it is dangerous during that period of time because shadows and lack of sunlight cause some people to perhaps fire at objects that they wouldn't normally fire at, and it is during that period of time, a half hour between sunset and darkness, when a lot of people became lost and the Department of Inland Fisheries and Wildlife was simply making the point, as I think the sportsmen's organizations were, that, yes, it is nice to hunt during that period of time but realistically they want something there to move the hunters out of the woods so that they won't be lost at night and be shooting at animals or objects or shadows that they don't know what they really are.

I support the motion of Mr. Dow from West Gardiner, reluctantly, because I know that there are an awful lot of people who would like to have that period of time to hunt.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think that one remark was made that I should address myself to, and that was when a club came in and one of the speakers did appear before our committee and he said that as an individual he would like to have this passed that we could hunt one half hour after sunset, but as a club, they had voted to oppose it. I think that that points out that we, as individuals, are very selfish creatures. I felt this way myself. I would like to have the one half hour after sunset to hunt in because I have

shot more deer at that point in time, that time of the day, than any other time, except in the early morning. But because of the dangers involved, if you will look at statistics, you will find that most of our accidents, when we had this law on the books, occurred one half hour after sunset. For that reason, I would urge you to support the "ought not to pass" report.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: The law states that you will stop hunting a half an hour before sunset. In that way, you unload your firearms, put your shells in your pocket and you can come out of the woods at nine or ten o'clock in the evening. That is the best time to hunt, and if a man is sitting on a rock or stump or by a tree waiting for deer, and if he hears them, do you think that he is going to keep watch of time and then at the specified time he is going to get up with those deer that could be seen momentarily and walk out and have the deer run off? I don't think there is a hunter in the State of Maine that would do that. All it is doing, there are some of them that are hunting that length of time, as long as they can see the objects so that they can know what they are shooting at, then they unload their rifle and come out of the woods. In no way will this be detrimental to the hunter it will perhaps keep him from breaking the law because a large number of us do it.

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

Mr. MASTERMAN: Mr. Speaker and Members of the House: I would just like to address myself for one second to the remarks made. We in the Fisheries and Wildlife Committee are not trying to create laws for the poacher.

The SPEAKER: The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Dexter of Kingfield requested a roll call vote.

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

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I am not a hunter, but one of the weakest arguments for this bill is because it is not being obeyed we should change the law. If you adopt that philosophy, then you ought to change the speed laws because they are not being obeyed.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Alopous, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Boudreau, A.; Brenerman, Burns, Bustin, Byers, Carey, Carrier, Carter, F.; Chonko, Clark, Connolly, Cox, Cunningham, Curran, Davies, Devoe, Dow, Drinkwater, Durgin, Dutremble, Fowlie, Garsoe, Gill, Goodwin, K.; Gould, Gray, Green, Greenlaw, Henderson, Hughes, Hutchings, Jackson, Jensen, Joyce, Kane, Kany, Kilcoyne, LaPlante, LeBlanc, Lewis, Locke, Lougee, Lunt, Lynch,

MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McBreairty, McHenry, McKean, McMahan, McPherson, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Smith, Spencer, Sprowl, Stover, Talbot, Tarr, Teague, Theriault, Tierney, Trafton, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman.

NAY — Austin, Biron, Blodgett, Boudreau, P.; Brown, K.L.; Brown, K.C.; Carroll, Carter, D.; Churchill, Conners, Cote, Dexter, Diamond, Dudley, Elias, Fenlason, Flanagan, Gauthier, G.llis, Goodwin, H.; Hall, Hickey, Higgins, Hobbins, Huber, Hunter, Immonen, Jacques, Jalbert, Kelleher, Kerry, Mackel, Mills; Morton, Rideout, Rollins, Shute, Silsby, Stubbs, Torrey, Tozier, Truman, Whittemore.

ABSENT — Howe, Laffin, Littlefield, Lizotte, Moody, Norris, Peakes, Perkins, Strout, Tarbell.

Yes, 96; No, 44; Absent, 10.

The SPEAKER: Ninety-six having voted in the affirmative and forty-four in the negative, with ten being absent, the motion does prevail. Sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Concerning Possession of Spruce Grouse" (H. P. 623) (L. D. 764)

Report was signed by the following members:

Mr. REDMOND of Somerset — of the Senate.

Messrs. TOZIER of Unity  
PETERSON of Caribou  
GILLIS of Calais  
MASTERMAN of Milo  
MILLS of Eastport

— of the House.

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

Report was signed by the following members:

Messrs. USHER of Cumberland  
PRAY of Penobscot

— of the Senate.

Messrs. MacEACHERN of Lincoln  
ROLLINS of Dixfield  
McKean of Limestone

— of the House.

Reports were read.

Mr. Dow of West Gardiner moved that the Majority "Ought Not to Pass" Report be accepted.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to defend this biggy for two reasons. First of all, I signed the minority report and, second of all, this was my first bill.

We had a particular problem in the spruce grouse area, in the northern part of the state especially, where we have the two different types of grouse. You have what you call spruce grouse and then you have what you call a birch grouse. The birch grouse is commonly referred to as a ruff grouse. The difference between the two types of birds is an orange stripe across the back of the tail of the spruce grouse, and it is not really bright, so it is kind of hard to see, and the spruce grouse has red eyes — not because he was out the night before, but I found it particularly difficult while bird hunting, and so do a lot of people that I know who are bird hunters, to discern between the two when they are hunting, especially when the birds are off on the fly. It is awfully difficult to walk up and ask them which one he is and even more difficult to look him in the eye to see what color his eyes are. As a result, we have had a number of hunters who have actually walked up to the

game checking station or to the game warden and proudly presented their spruce grouse and they proudly got a bill for \$50.

So, it has been a real problem to the hunters in our area. They asked me to present the bill, which I did, and I am not so sure it is a bad bill. I would like you to consider the fact that we do have good, law-abiding citizens who, because of the problem of identification, are, I feel, being unjustly punished. Please consider the minority report on this bill.

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

Mr. PELTIER: Mr. Speaker, Ladies and Gentlemen of the House: Somebody has to say something good about the poor old spruce partridge. He has been protected for years, he has a very low intelligence, he is a beautiful bird, he is not wild. If you walk up to this unknown bird and he flies away, it is probably a partridge. He sits there and looks at you and it is probably a spruce partridge. They are not good eating. They have got about the same eating qualities as a two by four.

I heard a gentleman at the Fish and Game hearing say that if you can't tell the difference between the two birds, you shouldn't be hunting.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker and Members of the House: I feel I must respond to that. First of all, I know of a farmer friend of mine who had a cow shot for a deer. That was an identification problem too, I presume. I remember sitting on a deer stand with an orange suit on and I got shot at. I knew I looked bad but I didn't think I looked that bad.

Anyway, I feel that the individual who said that, and there weren't too many of them that said that, but the one who did state that, I talked to him a few minutes later because I was sitting not too far from him and all he did was grin. I don't know if his identification problem was the same as mine.

Again, I would like to reiterate that we do have people who are being unjustly crucified because it is difficult to tell this difference, so let's give them a break.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I had wanted to rise and make the remark that the gentleman who was at our hearing said that the hunter who was in the woods and didn't know the difference between the spruce partridge and the normal partridge that we hunt, shouldn't be in the woods, and I agree. Then I heard Mr. McKean get up and say they also, through lack of identification, shot a cow, but I submit to you that the cow would probably be better eating than spruce partridge.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from West Gardiner, Mr. Dow, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

83 having voted in the affirmative and 27 having voted in the negative, the motion did prevail.

Sent up for concurrence.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-209) on Bill "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax" (H. P. 339) (L. D. 430)

Report was signed by the following members:

Mr. WYMAN of Washington

— of the Senate.

Messrs. MAXWELL of Jay  
CAREY of Waterville  
MACKEL of Wells

Mrs. CHONKO of Topsham

Messrs. TWITCHELL of Norway  
IMMONEN of West Paris

— 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. MARTIN of Aroostook

JACKSON of Cumberland

— of the Senate.

Messrs. COX of Brewer

TEAGUE of Fairfield

CARTER of Bangor

Mrs. POST of Owls Head

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, I would like someone to postpone this for two days. I would like to put an amendment on it please.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of either Report and specially assigned for Monday, May 2.

#### Divided Report

Majority Report of the Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-210) on Bill "An Act Relating to Conservation Restrictions" (H. P. 775) (L. D. 964)

Report was signed by the following members:

Messrs. BLODGETT of Waldoboro

Mrs. HUBER of Falmouth

Ms. BENOIT of So. Portland

Messrs. DEXTER of Kingfield

GREEN of Auburn

WILFONG of Stow

Miss BROWN of Bethel

— 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. O'LEARY of Oxford

REDMOND of Somerset

TROTZKY of Penobscot

— of the Senate.

Messrs. HUNTER of Benton

HALL of Sangerville

— of the House.

Reports were read.

On motion of Mr. Blodgett of Waldoboro, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-210) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Divided Report

Seven Members of the Committee on Natural Resources on Resolve, to Appropriate Moneys for Research on Black Fly Biology and Continued Research on an Environmentally Safe Insecticidal Control for Black Flies (Emergency) (H. P. 291) (L. D. 348) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-212)

Report was signed by the following members:

Messrs. TROTZKY of Penobscot

O'LEARY of Oxford

REDMOND of Somerset

— of the Senate.

Ms. BENOIT of South Portland

Messrs. DEXTER of Kingfield

GREEN of Auburn  
WILFONG of Stow

— of the House.

Three Members of the same Committee on same Resolve report in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Mrs. HUBER of Falmouth

Mr. HUNTER of Benton

Miss BROWN of Bethel

— of the House.

Two Members of the same Committee on same Resolve report in Report "C" that the same "Ought to Pass"

Report was signed by the following members:

Messrs. BLODGETT of Waldoboro

HALL of Sangerville

— of the House.

Reports were read.

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

Mr. BLODGETT: Mr. Speaker, I move that we accept Report C "Ought to pass."

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves that the House accept Report C.

The gentleman may proceed.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: This bill, as you can see, has several reports and Report C is the minority report, but I would like to explain just a little bit about this bill.

Report C would allow the test on a very limited basis for this black fly control. The amended version would allow us to continue lab studies at the university but have no field study at all. Well, we are up to our ears in lab studies and we need to get out in the field and try to do something.

There is no indication there is going to be any danger to the fish life at all. In talking with the people on the Pesticides Board, he doesn't see any particular danger on this limited basis. For this reason, I would urge you to allow us to get out in the field to do some testing on this serious problem in this part of the state. Therefore, I move we accept Report C.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would urge you to defeat Report C so that we can then accept Report A as amended by Committee Amendment "A".

I might differ with Representative Blodgett. We don't know what these insecticides would do in the stream to the fish or to other insects, thus we do need these lab reports before we put these insecticides into the streams.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I also signed the "Ought to Pass" report as amended and I have a slight confession to make here today, and that confession has to deal with the fact that the amendment would prohibit any testing outside of the laboratory testing with insecticide control with regards to black flies at all. When I signed the report as amended, I was under the distinct impression that it would just prohibit testing in the streams in the State of Maine. I was also under the impression that they would still be allowed to use black fly experiments in the fields and the forests of Penobscot County. I have since been corrected on my misunderstanding with regards to this amendment and I would now urge you to support the minority report, Report C.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: At the hearing, there was testimony brought out that practically all they could do has been done in the laboratory

already. If you don't allow them to go ahead and use this on a limited basis in some of the streams, what good is it going to do?

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to rise on this because I am on the Fisheries and Wildlife Committee, as you know. The day that this hearing was going on, I happened to walk in and I recognized they were talking about the black flies so I thought I should stay and see what happened. This black fly problem that we have today is not the one we had 10 or even 15 years ago. It is a new hybrid fly that we are putting up with and he seems to be concentrating more in Piscataquis and part of Penobscot County than any other counties in the state.

I have been in the woods, on the streams, ponds and lakea all my life and I have been bitten badly by black flies many times, but no great damage, once the scars healed up, but this black fly we have now is a different species. At one point in time, some four years ago, I was in the woods for a weekend and I was bitten by these flies and on the way home my eyes began to close up, my ears were swollen almost shut and my throat began to bother me. When I arrived home, I was having difficulty swallowing. I immediately went to the doctor and he informed me that my problem was the venom from this particular black fly that had gotten into the bloodstream and I was badly infected. He said if I had been one hour later, he would have had to perform a tracheotomy. This is serious. I made the remark there that I hesitated to get up and speak because I noted that Mr. Meister, the salmon commissioner, was sitting behind me, that was on Fisheries and Wildlife, so I hesitated to speak. But since it was such a great problem, I was actually disappointed that they were talking about experimental research rather than control.

Now, it is said that this fly breeds in the fast, swift, running water, pure water, but I submit to you, if you lived in the area where I live, when you go out and mow your lawn, that they seem to come right up out of the grass in hordes. I made the remark there and I will make it here — there is not much sense in having fish in our area if we can't get out and fish. I would urge you to support this Report C.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: At the hearings, we were told that conditions can be set up in the laboratory which are very similar to those in the field, thus they would be able to try these insecticides out first in the laboratory before they are put into the streams. In my judgment, we should know the potential problems that these insecticides might produce. I do believe that we have a problem with the black flies and I sympathize with the gentleman from Milo, Mr. Masterman, but I think we should do the proper research first and, Mr. Speaker, I would ask for a division.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker just a question. I have before me Committee Amendment "A" to this bill. Should we have the other committee reports before us, and do we have them before us, before we vote on this? I have one pink Committee Amendment. Are these Reports B and C in committee amendment form?

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

Mr. MASTERMAN: Mr. Speaker in answer to Ms. Benoit, I wish we could get these flies into the laboratory and they wouldn't bother me out in the field.

The SPEAKER: The Chair recognizes the

gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I live right in the heart of this area that's affected by these monsters. I find it very difficult to go out and stay in my garden for more than five minutes to pull up a few weeds. They don't sting you or nip you like a mosquito does, they bite chunks right out of you. I think they are half tiger and half something else, but they are a very vicious animal.

It has been said that maybe we could do this in a laboratory under artificial conditions. Probably there is a better solution to the thing. Let's start polluting our rivers again and these black flies will go away. They breed in clear water.

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

Mr. DAVIES: Mr. Speaker, Members of the House: The question of whether we should be testing in a laboratory or whether we should be doing limited field experiments in the out of doors where the problem exists is not a new question, not a question that is limited to the 108th Legislature. In fact, this question came up in the 104th Legislature, and in a report made by a committee of the legislature in the 104th to the 105th Legislature, Professor Ivan McDaniel, a Professor of Entomology at the University of Maine, said basically, we have conducted the laboratory experiments, it is time for us to get out in a limited way and begin testing what we found out in the laboratory on actual field conditions. Since that time, additional laboratory tests have been going on. We have conducted all the possible tests that can be done in the laboratory. It is time that if we are going to do anything about this problem, that we take that next step. It is not a big step, it is a very small step.

The chemicals that they want to test out have been tested in New York and in Canada and in Florida and in Texas. They have been found to be effective. They have little or no effect on the environment. Other larvae that are in the water recovered to full population levels within seven days with no adverse effect on future population. Larger animals are not affected. Fish are not affected. The only way that we can find out for sure, because of the federal laws, we have to test these things out in the field in Maine before we can have any commercial application of these. We have got to get out into the field to do this.

It is a serious enough problem, an economic problem, The campground operators in the Penobscot and Piscataquis county area are losing their patrons in droves. It is affecting agriculture. Cattle raisers have problems with black flies. It is a medical problem. We have a small but significant population that has allergic reactions to being bitten by the black fly and these people suffer so much that they have to be locked up in their houses during the summertime months because to be bitten by more than one black fly puts them in risk of their life. These people are going to continue suffering this problem. The central northern Maine area will continue suffering from this problem until we do something about it.

This is a very simple plea from the people in a large area in the State of Maine who ask that a very simple solution be attempted. There are very strict restrictions on it. There is going to be supervision by the Pesticides Control Board, by the Environmental Protection Agency, so it is not a rash thing, it is not a wild scheme, it is something that has plenty of laboratory experimentation behind it, but we have to get out in the field if we're ever going to do anything about the black flies. So I urge you today to support Report C.

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

Mr. TALBOT: Mr. Speaker, Ladies and

Gentlemen of the House: I have here a letter from the representative of the black fly community. They recommend that you support Report C.

The SPEAKER: The Chair recognizes the gentlewoman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Men and Women of the House: I did vote "Ought not to Pass" on this bill, not because I enjoy seeing people bitten and having our tourist industry harmed by this pest. Obviously, we have got a real problem. I guess I just feel that, frankly, there is enough difference among experts on this subject. The people who came to testify, many of them said, in fact, we don't know what causes it except for cleaning up the streams. It may be a cyclic thing, it may be like spruce budworm, you know, wax and wane and that type of thing. At this point, if I thought the money would do some good, I would be heartily in support of this bill. I think we are misleading the people who are in distress. Therefore, I can't really go along with throwing state money at it.

Finally, I would just point out to you that it seems, unfortunately, that any time man tries to control something out there in nature, we end up here by creating a super whatever it is or by doing away with some of its predators as well. And those are the reasons I voted "ought not to pass."

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think I have to reply to that. Just to illustrate the interest that there is in the area, the area towns have appropriated money. Now, they have something like \$9,100 just waiting to do something with which to control the black flies.

I am a cosponsor on this bill, as you probably know, and I would be willing at some time later on down the road to strip the appropriation from this bill. I talked with my town manager and he is perfectly willing to spend this money and, in fact, to appropriate more money in order to get this program, but without this bill, it will be illegal to conduct the program. I know the other area towns would be willing to put up the money too at no cost to the state. We would just like to have permission to do it because it is a very very serious problem in our area.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: We have heard a lot of discussion on this bill here this morning. In the last two weeks, I have been getting reports for my back area that these flies are now creating what one doctor up there calls a toxic poisoning which he didn't know before and they have never seen. I am going to vote to pass this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the House accept Report C. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

80 having voted in the affirmative and 24 having voted in the negative, the motion did prevail.

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

#### Consent Calendar First Day

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

(H. P. 971) (L. D. 1168) Bill "An Act Relating to the Payment of the Cost of Constructing a Pumping Station, Fire Hydrant and a Water Main for the New Stockton Springs Elementary School" — Committee on Education reporting "Ought to Pass"

(H. P. 290) (L. D. 371) Bill "An Act Prohibiting the Sale of Certain Aerosol Sprays

after January 1, 1979" — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-211)

(H. P. 220) (L. D. 284) Bill "An Act Relating to the Payment of Special Education Tuition and Board for the Fiscal Year 1977" (Emergency) — Committee on Education reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 29, 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 First Day:

(H. P. 991) (L. D. 1193) Bill "An Act Reinstating the Malt Liquor License Application Filing Fee" (Emergency)

(H. P. 581) (L. D. 708) Bill "An Act Concerning Cruelty to Animals" (C. "A" H-206)

(S. P. 359) (L. D. 1214) Resolve, Authorizing Ronald G. Valente, Deceased, and Formerly of Bradford, County of Essex, State of Massachusetts, by his Legal Representatives, to Bring Civil Action Against the State of Maine (C. "A" S-86)

(S. P. 370) (L. D. 1220) Resolve, Authorizing Charles S. Estes, or his Legal Representative, to Bring a Civil Action Against the State of Maine.

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

#### Second Reader Tabled and Assigned

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1977 (Emergency) (H. P. 1490) (L. D. 1703)

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

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

#### Passed to Be Engrossed

Bill "An Act Relating to Location of State Liquor Stores" (H. P. 1123) (L. D. 1341)

Bill "An Act to Eliminate the Requirement that Persons Over 70 Submit to an Eye Test in Order to be Issued a Complimentary Hunting License" (H. P. 562) (L. D. 679)

Bill "An Act Concerning the Collection and Use of Social Security Numbers by Educational Institutions Receiving State Funds" (H. P. 1068) (L. D. 1291)

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

Bill "An Act to Prohibit the Use of Headphones While Operating a Motor Vehicle" (H. P. 845) (L. D. 1036)

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

Mrs. Beaulieu of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-213) was read by the Clerk.

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

Mr. JACQUES: Mr. Speaker, could we have an explanation on House Amendment "A"?

The SPEAKER: The gentleman from Lewiston, Mr. Jacques, has posed a question through the Chair. The Chair recognizes the gentleman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: When we had the hearing on this bill, it was brought to my attention that there are many instances where peo-

ple use headphone sets. Farmers use them while they are operating their tractors, there are headphones that are used by construction people in the direction of their equipment. Headphones sometimes are used by officials in the directing of traffic. When the legislative division put the bill together, it was further brought to my attention on the floor of this House that there should be some further clarification and by others who were watching this bill. I went to the legislative division, asked them again to check with the state police and come up with an amendment that would simply address itself to what I am trying to do, and that is to prevent a young person driving a car or a van from using the headphone set while he is operating the vehicle. This excludes truckers, anybody who uses the headphones as part of their job or the kind of equipment that is put into vehicles by manufacturers that are designed to be an aid in the hearing process.

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

Mr. JACQUES: Mr. Speaker, could we have the committee report on this?

Thereupon, the Report was read by the Clerk.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill had a good hearing. One person appeared for it and none appeared against it.

I would like to say at this time that it is an unnecessary bill. I don't know why we want to clutter our legislative files with this type of bill. It is unnecessary, so unnecessary that we are spending an awful lot of money on this particular bill.

Just the other day I got into my car, started the car that morning, and the loud speaker in the car was just blasting me right out of the car. My son had used the car before, so what difference would headphones make, or loudspeakers in your car?

You know, if we keep putting restrictions on people, pretty soon they are going to put us in the house and tell us to stay in there and not go out any more, because we have so many restrictions when we are outside that there won't be any use for our being out.

I would move at this time, Mr. Speaker, Ladies and Gentlemen of the House: This came out of committee with a Majority "Ought Not to Pass," and I would move at this time for indefinite postponement of this bill and its accompanying papers.

The SPEAKER: The Chair would advise the gentleman his motion is not in order.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

#### Passed to Be Enacted Emergency Measure

An Act to Continue Providing Aid to Certain Charitable Institutions (H. P. 546) (L. D. 663)

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

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this, I would point out it has a price tag of \$91,000 over the next two years. It is an emergency measure. I think something should be said to explain it before we take an emergency vote on it.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: L. D. 663 is a bill that I cosponsored with my seatmate here, Mr. Carey. It provides aid to certain charitable institutions. It is small amounts of money. The first year it is \$38,000; the second year is \$42,000, and the money goes to the Good Samaritan Home, the Holy Innocence Home, the Maine Children's

Home, Opportunity Farm, St. Andres Home and Unmarried Parent Services. What this does is provide small amounts of agencies in dealing with unwed mothers and foster children.

The state has been contributing money to these programs since 1948. Two years ago, Governor Longley, in presenting his budget, refused to provide these small contributions to these various service agencies. The legislature, through the wisdom of the Appropriations Committee, reinstated this money. When the Governor presented his budget again this year, he again deleted funds to go back to these various agencies and the Appropriations Committee, and I would hope this legislature, again, would appropriate the funds for these various worthy agencies.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman from Bangor for a good explanation. I hope you will pass this bill.

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

A vote of the House was taken.

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.

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

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K.L.; Brown, K.C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Huber, Hughes, Hunter, Immonen, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LeBlanc, Lewis, Lizotte, Locke, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Masterton, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahan, McPherson, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M. Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Trafton, Twitchell, Tyndale, Valentine, Wilfong, Wood, Wyman, The Speaker.

NAY — Hiron, Carter, F.; Conners, LaPlante, Lougee, Mackel, Marshall, Peakes, Stover, Truman, Whittemore.

ABSENT — Byers, Elias, Gauthier, Hobbins, Howe, Hutchings, Littlefield, Moody, Peakes, Strout, Tarbell.

Yes, 130; No, 10; Absent, 11.

The SPEAKER: One hundred thirty having voted in the affirmative and ten in the negative, with eleven being absent, the motion does prevail.

Signed by the Speaker and sent to the Senate.



**Emergency Measure**

An Act to Authorize the Transfer of all Assets and Liabilities of the Patten Water District to the Town of Patten and the Dissolution of the Patten Water District. (H. P. 1333) (L. D. 1503)

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. 128 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 Clarify the Criminal Trespass Law (H. P. 1438) (L. D. 1639)

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to know what this bill does. We have two words changed in here and it may do a lot, so would we have an explanation, please?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to anyone who may care to answer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The change in the criminal trespass law is basically a clarification of what the original intent of the criminal code was and it makes it clear that the definition of secured premises includes premises which are posted according to law. So if somebody goes on property which is posted according to law, that will be a violation of the criminal trespass law.

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

Mr. BURNS: Mr. Speaker, one more question. Would this include deadly force?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed another question through the Chair to anyone who may care to answer.

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

Mr. SPENCER: Mr. Speaker, No.

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

**Enactor****Tabled and Assigned**

An Act Relating to Representation of State Employees under the State Employees Labor Relations Act (S. P. 149) (L. D. 391) (S. "A" S-81 to C. "A" S-70)

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 specially assigned for Monday, May 2.)

An Act Revising the Maine Business Corporation Act (S. P. 229) (L. D. 707) (C. "A" S-77)

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.

An Act in Support of Regional Library Systems (S. P. 462) (L. D. 1585)

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

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Ladies and Gentlemen of the House: I was looking at L. D. 1585, which is a new draft of L. D. 381, in support of regional library systems. I am a strong believer in libraries but I just felt that I should bring to your attention, if my addition is correct, that this bill calls for an appropriation of \$375,000 in each year of the biennium.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be

enacted. All those in favor of this bill being passed will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 32 having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Enactor****Tabled and Assigned**

An Act to Increase Flexibility in the Funding and Operation of the Vocational-Technical Institutes (H. P. 221) (L. D. 285) (C. "A" H-158)

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

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I believe this is a bill that came out of a study, a recommendation of the Governor's Task Force. I read the bill over and I have no objections to the bill, at least at this point, in principle, but it is my understanding in reading the bill over that there would be a loss of revenue to the state. I have checked with the Legislative Finance Office and their preliminary figures indicate that at a minimum throughout the biennium, the state would be losing close to \$1,700,000 and there is no fiscal note on the bill. I think perhaps before we get too far along, someone should either explain why there isn't or perhaps it should be tabled and backed up and put an amendment on it to reflect this loss in revenue.

On motion of Mr. Quinn of Gorham, tabled pending passage to be enacted and specially assigned for Monday, May 2.

An Act to Authorize Affiliated Banks to Operate Combined Common Trust Funds (H. P. 423) (L. D. 528)

An Act to Enable the City of Portland to Collect its Sewer Assessments over a Period not to Exceed 10 Years (H. P. 531) (L. D. 647)

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:

Bill "An Act Establishing an Experimental Open Season on Moose" (H. P. 1298) (L. D. 1495) In House, Passed to be Engrossed on April 21. In Senate, Indefinitely Postponed.

Tabled — April 26, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. MacEachern of Lincoln to Insist.

On motion of Mr. Tierney of Lisbon Falls, retabled pending the motion of Mr. MacEachern of Lincoln to insist and specially assigned for Monday, May 2.

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

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Fisheries and Wildlife on Bill "An Act to Permit Hunting for Small Game on Sunday during Certain Months" (H. P. 520) (L. D. 638)

Tabled — April 27, 1977 by Mr. Dow of West Gardiner.

Pending — Motion of the same gentleman to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would defeat the motion of "ought not to pass" and accept the "ought to pass."

I would like to explain briefly why I am asking you to do this. First of all, this is a workingman's bill. The bill, as currently written, does not quite accomplish what I want to do

and I have had an amendment prepared which was just circulated throughout the House. What it calls for is actually hunting for rabbits only during the months of January, February and March, and this would add no more than two weeks to the rabbit hunting season which now runs from October through the first of April, but it would allow the workingman, who doesn't have an opportunity to hunt, to hunt on Sunday.

The amendment that I have proposed I believe effectively overcomes all the objections that were raised at the committee hearing. I can't find any good reason for them objecting to it except they claim it would open the door. I think if the legislature makes up its mind that this is going to be only in January, February and March, I don't think you can say rightfully that this will be opening the door.

One objection that was also raised was the matter of conservation. I submit to you that now the bag limit is four daily and if that is a problem, then they should be recommending to cut the bag limit now but they are not doing that, so I don't believe that is a valid objection.

It truly is a workingman's bill and I would hope you would accept the "ought to pass" report and I can offer my amendment.

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

Mr. GREEN: Mr. Speaker, Men and Women of the House: I feel that I ought to respond to the good gentleman's comments with regard to it being a workingman's bill. I would just like to say that I am not a hunter, I use to hunt years ago, I don't now. In the district which I represent, I not only have workingmen that hunt, I also have workingmen that like to hike, like to take time off on Sunday to walk through the woods and I think they ought to be allowed to do it without the fear of guns.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is also the workingman who takes his children to walk, to ski and snowshoeing in the woods on Sunday. It is bad enough during the week when you have your own private property and your children can't play on it because the hunters are trespassing. I think they should have at least one day of the week that they could enjoy without fear of guns in their back yard.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Apparently, there is a great misconception about rabbit hunting. The rabbit hunter does not hunt in the wide open spaces, he hunts in an area that is heavily brushed. He normally uses a Beagle that barks when he is chasing a rabbit and people usually know that there is a rabbit hunter in the area. I submit to you that there is no danger in allowing people to hunt for rabbits on Sunday. It is not going to do any harm to anybody and if anything, it is going to bring additional revenues to the Fish and Game Department. I would hope that you would support my motion to defeat the motion of "ought not to pass."

The SPEAKER: The pending question before the House is on the motion of the gentleman from West Gardiner, Mr. Dow, to accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 94 having voted in the affirmative and 9 in the negative, the motion did prevail.

Sent up for concurrence.

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

House Divided Report — Majority (9) "Ought to Pass" in New Draft (H. P. 1493) (L. D. 1705) — Minority (4) "Ought Not to Pass" — Committee on State Government on Bill "An Act Relating to Resident State Police Troopers" (Emergency) (H. P. 84) (L. D. 104)

Tabled — April 27, 1977 by Mr. Curran of South Portland.

Pending — Motion of the same gentleman to Accept the Majority "Ought to Pass" Report.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to take just a few minutes to perhaps highlight this new draft on the resident state trooper program. There have been a number of significant changes from the original L. D. The new draft was delivered yesterday afternoon and I wanted you to have time to look at it, but I would like to point out now some of the highlights of this particular L. D.

I think the first significant change in the bill is that it has been made a pilot project for two years and at the end of two years would come under evaluation by the legislature. There is an evaluation process by which the communities who take part and by the chief of the state police. We have also reduced the number of troopers from the original L. D. from 25 down to 10, and we have also insured that these troopers have at least one year's experience before they are sent out in a resident trooper program.

Another significant change in the program is the funding. The bill does have a price tag. Originally, it called for a 50-50 split on funding the program and we have changed that to 75 percent of the funding will be a local share and 25 percent would be the state's share. Of the 25 percent which is the state's share, 75 percent of that amount, which is \$48,000 would come out of the Highway Fund and \$16,000 out of the General Fund. So if the House looks favorably upon this particular piece of legislation, it, too, would be doomed for the appropriations table at the end of the session.

We have also included some criteria within the bill for the Chief of the State Police to decide what communities would take part in the resident state trooper program. The bill allows two or more adjacent communities or unorganized territories to submit to the chief of the state police an application to take part in the program. The chief of the state police must take into consideration special law enforcement problems in the area. He must also take into consideration the crime rates in that particular area as well as the population to be served. The bill also calls for a community committee to be formed to act as an advisory group to the chief of the state police in these matters.

I know that there is some support for this in communities to the point where there has been at least one community appropriate money in a recent town meeting in hopes that they would be one of the communities involved in this particular program.

I sincerely feel that with the rising crime rate in the rural area, this particular program would be of benefit to a great number of Maine people and to the entire state. I hope that you will look favorably upon this and of course I stand ready to answer any additional questions you may have.

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

Mr. MILLS: Mr. Speaker, I would like to pose a question through the Chair to any member of the committee that may care to answer. On the 75-25 split, if the officer involved is a state police officer and there is a case that arises whereby he is subject to suit, what is the liability of the municipality?

The SPEAKER: The gentleman from Eastport, Mr. Mills, has posed a question through the Chair to any member who may care to answer.

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

Mr. CURRAN: Mr. Speaker, I am not really sure, at this point, that I could give the gentleman a definite answer in all honesty.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: Sheriffs are historically the law enforcement body in Maine. They are the only county officers named in the Constitution. The state police was established for traffic control and I admit now that they are empowered to exercise other functions but that was their original function and their chief one. Their primary mission is in traffic and highway control.

This bill, as has been said, is a pilot program but it does establish the principle of state police rather than sheriffs providing law enforcement in local communities. The state police officer will be paid more than a sheriff, as he is now, and a quarter of his salary will be paid by the state, that is to say all of us.

It seems to me that if more money is to be spent on law enforcement, it might as well go for more training and upgrading of the Sheriff's department. No one man can be on duty 24 hours a day, 7 days a week, so I assume that the county sheriffs would still be called upon to back up the resident state police officers on vacation or when ill or whatever might come up.

I see this bill as a gradual undermining of the sheriff's department and extension of county government. Now that county government is no longer managing the courts, they pay for them but that is about all, the law enforcement function is the one remaining area in which county government provides services to the citizens. If it is demonstrated that the state police, better trained and better paid, have more respect from citizens, where does that leave the sheriffs? The towns are not satisfied with contracting with the sheriff's department at present — the reason may be less training, lower pay, or just a question of personality problems. The sheriffs are already losing deputies to town and city police forces and to the state police. If we further reduce their prestige by passing this bill, the situation may snowball.

When I first came to Augusta, I proposed to abolish county government. Many people rose up in its defense and the problem most difficult to solve was that of law enforcement in rural areas. I became convinced that people wanted to retain both county government and sheriffs and have since spent considerable time trying to promote improved county government. Here again I feel that a decision should be made. Do we keep and strengthen county government or do we get rid of it and assign its functions to other departments? If you pass this bill, it is certain to undermine the prestige and morale of the county sheriffs of Maine.

Therefore, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the gentlelady from Brunswick, Mrs. Bachrach and her efforts to strengthen county government and I would say, first of all, that one of the problems with the sheriff's department is that it is too politically oriented to provide the necessary police protection that is needed in the communities. I know in my own county that our sheriff is trying to get himself a force of some 400 deputies and I am quite sure that in our county, like any other county, the purpose for such a large force of deputies is only to make sure that the sheriff can get reelected when the next time rolls around. So, I would prefer that we don't try to mix county government in with law enforcement to the tune that county government has an integrity to try to establish. I would hope that we could better protect our citizens of the state if we got into this bill.

One of the reasons that I am up on my feet, Mr. Speaker and members of the House, is

because I served on a committee back in the 106th Legislature with the gentleman from Lewiston, Mr. Cote, and we were charged with the responsibility of checking into rural crimes statewide. Time after time, in the hearings that we held, we continually heard from state police officers within the area and their commanding officers within the area that they were completely understaffed, that it was not unusual to take two hours to get to a call. We also discussed the possibility of checking into state police activities at the end of that particular session, and I think the gentleman from Lewiston will recall, only because there were more and more duties pressed onto the state police outside of the apprehension of criminals or the investigation of crimes.

My city is well protected, we have some 35 police officers in my city and I know that we can very well afford better protection for the rural communities in this state. If that is all we can do in this, I would certainly say that they deserve it and I would certainly oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I come from Oxford County and my district is over 120 miles from one point to the other. Many of my towns are really isolated and when I went to my constituents and talked to them about this bill, there was an amazing enthusiastic response. Many of the places are small plantations and townships that are over 45 minutes from any police unit. If, when they call, there is a police unit available, sometimes they have to wait three and four hours or a day or two before they even see a policeman. This would give them an opportunity to at least have some police coverage.

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I would like to address two or three things concerning debate on this bill. First of all, I would to respond to the question the gentleman from Eastport, Mr. Mills, raised and suggested in answer to his question and indicate that I am going to have to get some real advice from the Attorney General's Office.

The procedure that is established in the bill has a municipality or more than one municipality contracting with the State of Maine for the services of a resident state trooper, so I would suggest that because the resident state trooper would still be an employee of the state, that the municipalities would be immune from suit. Having said that, I don't know that is the correct answer and I think I will have to get the clarification from the Attorney General's Office.

I would like to respond very briefly to the comments that the gentlewoman from Brunswick, Mrs. Bachrach made regarding her feelings that this would undermine the law enforcement authority of county sheriffs. I reject that point of view, although I respect it, I reject it because I do not believe and it certainly has not been my intent as sponsor of this bill to in any way, shape or manner undermine the authority, prestige or respect of the county sheriffs.

I think, very clearly, the intent with which I introduced this bill is to give communities in rural Maine an opportunity to combine their resources to hire the services of a full-time law enforcement officer. This program has been tried in at least two states that I know of, Vermont and Maryland, and it is my understanding that it has been very successful. I see this as another opportunity for Maine people to address their law enforcement needs.

You might be very interested, and I will try to be very brief as to why I introduced this bill. Down in Deer Isle, and I am sure that you all

know there are two towns on Deer Isle, the town of Deer Isle and the town of Stonington. I was asked to chair a meeting concerning rural crime in December of 1975 and about 200 people turned out for this meeting and I can assure you that that is very unusual on a matter like this. We asked the District Court Judge, Judge Smith, the County Sheriff, Sheriff Williams, and local officials to come to this meeting and listen to the people's concern about rural crime on the island. I was requested at the time to ask Colonel Weeks of the State Police if we could possibly have a full-time trooper assigned to the island and as this was being discussed, I suggested the possibility of a resident state trooper program where the towns could pay for the services in part of a trooper that would be assigned full time. The people at the meeting asked me to contact Colonel Weeks, which I did. He was not able to assign a full-time police officer to the island at the time because of his critical shortage of manpower, so I decided that if I was reelected to the 108th that I would, in fact, introduce the resident state trooper program.

I think there is room for a variety of different law enforcement programs in the state. I think you all can take a look at this uniform crime report that was placed on our desks yesterday and see very well that there are still some very serious problems with crime here in the state.

I do want to reiterate very strongly, because I think perhaps this is the one major objection to the bill, that it is not an attempt to undermine the authority of the sheriff's office and I really see this as complementary, because I think this program, if established, that the resident state troopers will attempt to work with constables, municipal police officers and deputy sheriffs in the particular localities.

In summary, I see the bill as an attempt on the part of state government to acknowledge a very serious problem here in the State of Maine, and that is the problem of crime in our communities, particularly crimes of vandalism in people's homes. It seems to me that what this bill does is make an attempt to provide a partnership effort between the state and those communities.

I would ask you very humbly to oppose the motion to indefinitely postpone this bill.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I went to the hearing on this bill when it was originally proposed and I was very vocal in opposition to it. Local control was the biggest problem that I had with the bill and I, too, thought it was usurping the power of the sheriff departments. After the splendid work that has been done on this bill by the State Government Committee, reworked it and after really thinking it out, I am now a supporter of this bill.

The local control has been written into it with the committee. They would be able to suggest to the trooper where he might station himself and at what time of the day or night he would be there, their input would be there.

They are going to pay three quarters of the pay, this is going to come from the property tax, and I think that this is the area that bothered me the most and changed my mind to favor this legislation. The sheriff departments also are supported by the property tax through the county and I don't believe that this bill is undermining the sheriff departments, I think they have already done that for themselves. They have done very little to protect the rural area people. There have been sufficient funds available through LEAA and in most cases, I don't say all cases, but in most cases, the sheriff departments have been content to lay back and let the state police move in. They have moved in in the area of murder investigations,

they have moved in through the Attorney General into other investigations.

I think this bill, whether it is successful in enactment or not, should be very loud to the sheriff departments that they had better be getting their gear together coming up with plans to protect the rural areas that are absolutely necessary to be protected or they are going to find out that there is not going to be any sheriff departments.

This is a test project; it has two years to run. I suggest that maybe the two years the sheriffs have to get their gear together and I support this measure.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum to act as Speaker pro tem.

Thereupon, Mr. Greenlaw assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of this bill and it was in no way meant to cause any competition between the state police and the sheriff departments. I have been both a trooper and a deputy sheriff, and for my money there isn't too much difference. As the speaker before me said, he was a former deputy sheriff, that the sheriff departments has let the rural communities down and there is a good chance for this bill to get in. It is a known fact that when a police officer, whether he be a deputy sheriff, constable or a trooper in a town, that is a deterrent against crime.

I will give you a hypothetical case. Let's say that the officer is on patrol and if by chance he happens to go by a parking lot, near a pub, a bottle club or anything, the guy comes out staggering and he walks up to him and the guy tries to get in his car and he says, you don't have any aspirations of driving this car do you? It is possible that the driver might say, of course, I do, I am too drunk to walk.

The SPEAKER pro tem: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the "ought to pass" report, I feel that I should speak briefly on this bill.

Most of the things I had to say have already been said but I am a believer in county government basically, and when I first saw this bill, I felt that it was an intrusion into county government which might do some serious harm. However, as the bill progressed and with the changes that have been made, I feel that I can support it and therefore signed it "ought to pass", particularly, it being a two-year pilot program, if it doesn't work, the state can certainly get rid of it. Because of the city and town involvements, they don't have to pay unless they want to pay and they have to take the lions share of it, up to 75 percent.

In hearing this bill, I was impressed by the fact that people seemed to feel that they need it and my own observations are that in certain areas people do need this. It has been supported by the state police and it has also been supported by some of the sheriff offices.

I wouldn't want to give an opinion on Mr. Mill's question, but I would suggest that if the state police officer was assigned to the town, he is still wearing a state police uniform and he is under the ultimate control of the state police, and I would feel that the state police and the state would be responsible for his actions ultimately, but I would refer that to the Attorney General also.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: You put me in an uncomfortable position here being opposed to your bill, but I am opposed to it. I am not trying to make a dividing line on this in who is the most efficient, the state police or the sheriff departments. I am opposed to the bill because I feel that this is the beginning of something that is going to really get out of line and out of hand in future years. If this purpose is accomplished, it will be possible, after the program is put into effect for two years as a pilot program, that more people will like to come into it. Why not? If you can get your police protection for 25 percent, which would probably go up after awhile, and we would probably, in about 10 years from now, this House might be discussing the funding of the law enforcement in this state the same way as they are doing now on school funding. I feel definitely that this is just a beginning and I don't like to see the police and the law enforcement in this state taken over entirely by the state police.

I want to say at this time that I have a great admiration for the present Chief of the State Police, Colonel Weeks. When he was a trooper, he served in our area and I worked with him and he is one of the best police officers I have ever known. This is not to be construed as something against him when I say that I don't think the state police should take over the law enforcement of the State of Maine. I believe that this bill is just getting a foot in the door to start it and, as I say, if we have to start arguing about funding for law enforcement in the state the way we have argued about school funding, there is going to be quite a problem.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As House Chairman on the Committee on Transportation, I must rise today and point out to you that you are entering upon my domain and your domain because you are going after some of the Highway Department's dedicated revenues to fund resident state troopers.

I was informed that if we wanted town road improvement money, we would have to handle our resources very, very carefully. We would have to be careful what legislation we passed. Are we going to pass legislation that is going to help just a few communities? Or are we going to handle our resources and pass the town road improvement so as to help all the little communities throughout the state? You can't have your cake and eat it too. You are going to have to make up your minds. You are going to have to be very careful how you spend revenues, because with the proposed taxes on gasoline, the gas consumption will go way down, the Highway Department could become a very fiscally troubled spot.

Ordinarily, I might approve and go along with this, but when I asked Colonel Weeks some questions on this at the meeting when he was before us, I had my reservations because I said, how are you going to keep politics out of this? Your trooper is going to be down there, he is going to be right in there, you have some Republican selectmen and you have some Democrat sheriffs, they are going to try and embarrass because they want to get into power and you are going to see some wheeling and dealing you never heard of before because at the little community level, there is a lot of wheeling that goes on, don't you think there isn't. If you think there is a lot of wheeling here, you want to see how they operate. I was born right in a town meeting, you might say, I have had to fight my way around too.

I want to point out to you that you are spending dedicated revenue here that I feel is going to be very important if we are going to get our town road improvement fund. I hope you will consider this and consider it very carefully. I will try and suppress my feelings in regards to the political division that is going to be developing here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, I would like to pose a question through the Chair to the cosponsor of this bill and also the members of the committee. What consideration, if any, in what were the pros and cons in the merits of the debate that surrounded around the question of separate lines of jurisdiction? We have lines of jurisdiction in behalf of the state troopers coming from Augusta, which is state authority, and then you have the sheriff's department which is county — were there any considerations given to the potential conflict that might arise in coordination and cooperation between those two separate lines of law enforcement jurisdictional powers? Exactly what did the committee consider in this area?

The SPEAKER pro tem: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to anyone who cares to answer.

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

Mr. GOULD: Mr. Speaker, I don't know how the committee feels about this, but the same situation would be as is now. The state police and the sheriff's would have to work together. Our good friend, from Limerick, Representative Carroll, was speaking about the conflict there would be politically. It would not be one iota difference than it is now where a trooper is stationed in a town. It would not be any different at all. One thing that we have overlooked here is that if this bill is passed, it won't be mandatory for any town to have a trooper. They can have a deputy sheriff or anyone they would like. It wasn't put in for that purpose. It was just put in for the purpose that if they chose to have a state trooper, they could have it.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Tarbell's question, the matter was discussed before the committee and the committee was not so naive as not to think that there were going to be problems crop up from time to time, but I guess the majority feeling of those who did sign the report out is that our law enforcement officers had better learn to get along and their superiors had better take action to make sure that this happens. We didn't feel that it was going to be any different perhaps than some of the overlapping jurisdictions that occur in counties right now, within the County of Cumberland where you have municipal police and you have the county deputies who have jurisdiction out in the rural areas like in the town of Windham that has their own police officers, yet you do have patrol deputies going through and things are cordial and they are working out and the ultimate, of course, is that these people have better police coverage.

It is worthy to note here that there is nothing to prevent anyone at this point from contracting the full-time service of a deputy. Some counties have done that. I think what we are doing here is offering them an alternative, another choice, as to who is going to provide their police service. And to my good friend, Mr. Carroll from Limerick, it was certainly not the intent of the committee to chip away at the Highway Fund and endanger the town improvement money and I can assure the good gentleman that when

that issue comes up, he has my support for a town road improvement fund.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who signed the "ought not to pass." This pilot program, which is costing a mere \$100,000, is just opening the door. I reckon that next session we will be back here, some of us anyway, and we will be discussing whether or not we want to appropriate perhaps \$500,000, that was what they wanted in the original bill, several hundred thousand, or perhaps a million or two million. Remember, this is partly funded by the larger cities, the larger urban areas, that 25 percent which is coming from the state. Those places that already have a full-time force are now being asked, either directly or indirectly, to kick in and help pay for more police patrols out in the other part of the state.

Also, this establishes a whole new level of policemen, somewhere in between the local level and the county level and the State Police level. What we are being asked to do is to commence spending on a new army and I would suggest that you think long and hard before you open the door here today on what, as the gentleman said earlier, may be tomorrow's school funding problems.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, I would like to pose a question to the sponsors. If the different town budgets and warrants are fiscally prepared to cope with this?

The SPEAKER pro tem: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CURRAN: Mr. Speaker, I would point out that in the bill the program would not go into effect until March of next year so they would be able to apply and appropriate the money at next years town meetings.

The SPEAKER pro tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I would like to pose a question through the Chair to the sponsor of this bill. What control does the local community have over this state police officer?

The SPEAKER pro tem: The gentleman from Calais, Mr. Gillis, has posed a question through the Chair to anyone who may care to answer.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Under the terms of the bill, the trooper would be under the direction of the head of the state police, but the bill also provides that there shall be a contract developed between the town and the state police and it says the contract shall specify the police services to be provided and the conditions under which they are provided. So by contract, the towns and the state police could negotiate specific provisions regarding the direction of the trooper. If such a contract were entered into and the town did have some control, in answer to the question of Mr. Mills, then you would probably have a situation where you would have joint liability with the state police and the town.

In looking over the claims act, however, it looks to me as though the limits that we established on suits at a maximum of \$300,000 would apply for each occurrence so the total recovery could not be more than the \$300,000.

The immunity provisions in the sovereign immunity statute are the same for towns as they are for the state so that the areas of liability

would be the same. So what would happen in the event that there were a suit against both the town and the state is that the plaintiff would be limited to \$300,000 and the state and the town could be jointly responsible but their liability would be covered by the insurance that the town took out to cover that kind of liability.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Bridgton, Mrs. Tarr.

Mrs. TARR: Mr. Speaker, Ladies and Gentlemen of the House: I am trying to read the bill and listen at the same time, I just can't do that. I would like to pose a question through the Chair to Mr. Curran or anybody who could answer it. "If we already have a resident trooper in our town in addition to a police force, our own police department, but we have a trooper that lives there anyway, is he going to stay, or is he going to go?"

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

Mr. CURRAN: Mr. Speaker, Men and Women of the House: It has no relationship at all in terms of where the particular trooper is living. There is a maintenance of effort clause within the bill that specifically addresses the question of organized police forces which have now existed or existed since July of '76 and those towns would not be eligible. We don't want people dumping what police protection they have to pick up on this program. If a state trooper lives in Bridgton, Bridgton also has its own police force, you are not eligible, under this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Dutremble.

Mr. DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: I am against this bill for many reasons. The gentleman from Rumbold is right. It is just the beginning.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to urge you to vote for indefinite postponement of this bill. Law enforcement is a commodity. How much can you afford? We have over 180 officers in the City of Portland to begin with. We have an untold number of sheriffs who pass through our community daily. We have the F.B.I. We have the highest crime rate in the state. This bill here is \$24,000 to \$25,000 for a new state trooper. No matter how you cut the mustard, you're spending a lot of money — \$24,000 to \$25,000 dollars! How much do you pay a local enforcement officer? It varies throughout the state, but it is interesting to note on page three of this bill, it explains the authority and it gets into the point that they feel they must identify a full-time police officer. Now, they say a police officer full time is any officer whose wages or salaries are \$4,000 or more. Boy, what a difference!

I support the stand taken by the good gentleman from Rumbold, Mr. Theriault, on this. We have resident sheriffs. We have them in Cumberland County and I think you have them probably in your county, or you can. I don't think you would want to pay \$24,000. I almost think you are talking gold Cadillacs when you are talking that. I don't think either that a state trooper, as much as I admire them, the active ones as well as the retired ones, I admire them, but believe me, I never met a state trooper, active or retired, who could serve two masters. What is the serious crime? What would a local official want that perhaps Colonel Weeks wouldn't want? You know, from a lifetime in law enforcement, I found that when a person has a problem and they call the police, it might be the only time in their lifetime they have ever called the police, and that is the most

important thing to them, and it might be that cat up the tree or that bat up in the attic, it might be to put the trooper with a stopwatch down on that back road to catch a teenager or to see somebody sneaking through a stop sign. Different laws bring different weights from different people.

I urge that you vote for the indefinite postponement of this bill. It is too heavy a cross for the people to carry.

The SPEAKER pro tem: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I rise again this morning because I happen to know of a situation in York County where a district attorney had a state trooper sitting in his office at his beck and call at all times this past winter. He was a corporal of the Maine State Police. I inquired why that man was there, because right downstairs was a former state police officer hired by the York county sheriff's department who was a special investigator too. I was told that he is a special investigator for the district attorney's office. I said, will you tell me what we got a sheriff's department downstairs for then?

Now, ladies and gentlemen, this is just a beginning. This is just a beginning. We have had some awful bad beginnings if you look back over our history in this state. We've seen the educational empire grow and grow and we get here and we have to spend all our money on it. We are spending an awful lot of money on law enforcement because we are not getting cooperation. But I don't believe this experimental program is going to get you the cooperation you think you are going to get. I question again whether this shouldn't be recommitted. This legislative document should be committed to the Committee on Transportation, because if you're going to spend the Department of Transportation funds, I think we should have a hearing on this.

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

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to give my wholehearted support to this bill and this should come as no great surprise to you coming from the same area as the sponsor. I think we, in our area, are quite envious of the more populous and fortunate areas who have full-time and regimented police forces because we have none.

I think that one thing has been referred to about calling the police for a cat in the tree or up a telephone pole. We are denied this luxury because if we should call them it might be a matter of six or eight hours before we could get a response. I think this is just the area which we hope to address with this experimental program. That this would allow our rural area an experimental program where we would be funding 75 percent at our level a chance to have some sophisticated police coverage and which would, we hope, would cooperate with our local existing sheriffs and deputy sheriffs who, I think, in no way, intend to give or can give us full-time coverage. This would be an effort on our part to get a much stronger coverage.

I think if you look a little closer at this crime report, you will see that rural crime in the State of Maine is one of our real problems. Thus, if this is one of our real problems, I think \$25,000 is a very small amount to face it. You have talked about the big cities and some of the areas having funded this. Fine. We are aware of this and perhaps you are also aware of our recent education funding bill. So maybe we should say tit for tat.

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

Mr. HENDERSON: Mr. Speaker, Ladies and

Gentlemen of the House: As you know, during the last year, the Joint Select Committee on County Government, which was a special committee which included the Committee on Local and County Government and four sponsors of the bill that would have eliminated county government, did a study. Among its recommendations is a bill that we have before us in L.D. 224, which is still in the committee and under study. It is an act to clarify and reform the laws relating to county law enforcement. This bill addresses some of the problems of professionalism, civil service, and basically, upgrading county law enforcement. I think this particular bill is a bit premature until we can see the fate of the recommendations of the study committee which will be reported out in a few weeks and give a chance for local county law enforcement to improve itself. We all realize that it hasn't been what it should have been. A variety of the reasons for that included the fact that the local counties had difficulty in raising money and the state troopers were those with all the fancy equipment and a lot of, in effect, so-called free law enforcement. I think here is a great opportunity to upgrade the standards of county law enforcement and also to tap that source as an area of local knowledge of people who know the local people and can understand what goes on in the back woods and what people are the ones that are the ones you should be looking for in certain cases. These people have a feeling for the area and I think we should give that a chance. So, for those reasons, I hope you will not pass this bill today.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to respond to a couple of points that have been made this morning. One was made by the gentleman from Hallowell, Representative Stubbs, and that is that state money should not be involved in law enforcement in the community level. I think the precedent for that has already been set and that it's my understanding in the LEAA funds that towns can make application for about the combination of state and federal money and that towns also give support to that so we're not going into a new area. This type of cooperative agreement or cooperative use of funds has already been established and I think it has been very beneficial to many areas of the state when local people have made decisions on the kinds of programs that should be carried out.

I probably represent an area which is a little bit unique in that it's isolated by water and not by miles of highway. The needs of this type of bill has been made very clear to me as one of my communities has struggled with the fact that they have lost their police chief. Although they have made some very diligent efforts to recruit a new person, they have not been able to get somebody to come to that island and they are faced with a community which has a population of about 1,200 year round which will swell to probably over 2,000 during the summer. It has an amazingly high rate of vandalism and various types of crimes on the island with no police force. No one in the community has taken the course from the police academy. Nobody from the community is willing to be the police chief in the academy and they have not been able to find an off-islander to do it.

In this particular instance this year, the sheriff is trying to respond but doesn't have the ability to take one person off his force and to make a long-term commitment to put somebody on that island community. It is not that the island is not willing to spend the money, it is not that they haven't made the efforts to recruit someone, it is simply that they have been totally unable to do that.

We have what could be a crisis situation

developing. I think that although this bill is not going to be put into effect in time enough to help them through the summer period, it is the exact kind of situation that I see as an example of why this particular bill is needed.

I would like you to know that as a speaker who comes from a rural area which has eight small towns, all of my towns face the same type of problem of law enforcement. It is probably one of the major issues in my communities. I am speaking as one who is not an opponent of county government. In fact, my father is a deputy sheriff in Knox county. So, obviously, I am not an opponent, in fact, a supporter of county government, the county sheriff's office, are not able to deal with all the law enforcement problems. I think that this can be a cooperative arrangement in which different people meet different kinds of needs, yet are working together.

Some comments have been made in relating this to the educational funding bill. I just want to make it very clear that if there were a uniform property tax for this where the cities had to help pay the rural areas for the police enforcement, I would not support it. But since that is not in the bill presently, I hope the folks don't make that kind of comparison.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: It is very gratifying to me to be able to rise in support of a bill hand in hand with the gentledady from Owl's Head.

I would like to speak to the point that the gentleman from Bangor raised in connection with the local people having knowledge of the area. In my community, we have had resident state troopers for many years at various times for various periods of time and I assure you they have been excellent citizens of the community. They have got to know what the situation was in the community and have been able to apply that knowledge in their job as a police officer. My community, of course, would not be eligible for the services provided under this bill, nor would the straight City of Portland which was so eminently defended by the vociferous gentleman from that location.

I think the crux of this bill is that it is purely voluntary on the part of the towns, that the towns are going to be paying three quarters of the cost of the state trooper and, therefore, as a pilot program, I think it is an excellent way to move into this area because I, too, having been on the commission on Maine's future, have heard a great deal about the lack of cooperation that has existed in the past. I consider this an excellent opportunity to create much greater cooperation and I would urge you to support the bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I think we, from the urban communities, have got to live up and face and appreciate the plight of the rural communities throughout the State of Maine, irrespective of the fiscal balances involved. In Penobscot County, we have urban areas, then we have rural, remote areas and recently, our county sheriff has instituted a project whereby he has decentralized the county sheriff office and sent out throughout the county in dispersed fashion into the rural, remote areas, pockets of our county sheriff's department.

I am wondering and would like to pose this question through the Chair to the members on the committee and the sponsors of the bill, in their testimony and in their hearing before the committee whether or not there's evidence in any other counties, under the local and county sheriff departments, of this type of approach to getting the county sheriff department disbursed

properly and effectively throughout the counties, or does this bill really represent a frustration with the ineffectiveness and the inability of the county sheriff department to really fulfill its duties and does this bill really represent a circumvention by the option of use of State Police to get around this problem and effectively stem the tide in controlling crime?

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

Mr. CURRAN: Mr. Speaker, I thought there were three or four questions there and was trying to sort them out. I don't specifically remember the verbatim debate of the hearing which was held back in February or what other counties are doing in relationship to what's happening in Penobscot County. I do know that there are sheriffs who are getting into the contractual services with various communities within their counties. I think this approach is pretty much doing the same thing but offering an alternative as to who they want to provide that service. It's not intended, at least the support of this particular piece of legislation, to circumvent any efforts that the sheriff's departments may be making. I think probably part of the problem is that with the soaring costs of sheriff department's budgets and county funding in general and the vastness of the state and the amount of territory the deputies have to cover, the number of hours they have to work to cover that territory, that there are communities in the state now who are saying, we would like to have some very definite, defined coverage, so many hours a week within a small area like our town and the one next door. This is generally the impact behind the legislation.

The SPEAKER pro tem: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote against the indefinite postponement of this L.D. It is a good L.D., the Committee Report is watered down quite a bit from the original bill. We need this L.D. and its passage. Rural crime in Maine is soaring throughout the state, burglaries are up. If you studied that uniform crime report and booklet that we received from the Maine State Police, you will find that cases such as burglary and other serious crimes, the clearance rate for our sheriff's departments is much lower than that of the state police.

Reluctantly, I hate to say this but, within our own county presently, the conviction rate is around 2.8 percent. So if your house gets broken into, you have only got a 2.8 percent chance of that person actually getting convicted. We know within our court systems, taking that into account, it is very likely that actually serving sentence and time will be much less than that.

I like our sheriff departments, I have been on two of them myself. I enjoyed working for the sheriff departments. I think probably one thing that we do have to realize that our sheriff departments are understaffed, they're underpaid. Taking into account that they are underpaid, your sheriff departments, not always, but in most cases, really don't attract the high caliber personnel needed today. Basically, it is because of the low benefits, low pay and so forth and low compensation they receive and the number of elements involved.

Among other things, most sheriff departments in this state, possibly with the exception of Cumberland and Androscoggin, and possibly Penobscot, don't have very much equipment. For example, if somebody breaks into your house and a polygraph test is requested, they have to go through the state police to do that anyhow. Secondly, the state police is the only police agency within the State of Maine which has a crime detective lab.

I think this is a perfectly good bill; it is only a pilot program with a minimum of ten state troopers. I think we ought to give it a chance and see if it will work.

Within my own counting, I believe there are around 14 full-time men in the sheriff department. One of our towns within my district contracts with the sheriff's department over and beyond their regular county taxes for a police officer instead of establishing their own police department. The town of Phippsburg does that. What this bill would do is, it would merely provide the municipalities with the option of which one they want to contract with, the state police or your sheriff's department. It is not going to push your sheriff departments out, not at all. This is a good bill, ladies and gentlemen, and I sincerely hope that you give it a chance. Like I say, this is only a pilot program and give it an opportunity to work.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: You will find it is very seldom that Mrs. Post and I are in agreement and she touched on a little something when she and Mr. Perkins from Blue Hill mentioned the uniform property tax and it deals directly with the subject matter that I had in mind, that is, the county tax. Those very high valued municipalities within a county are paying probably the higher county tax for sheriff services; yet, we don't use those services because we have our own police department which includes a detective bureau, our own dispatchers, our own cruisers, so we pay for those things at the local level and then contribute through the county tax to support the smaller municipalities in the county. This bill says that the smaller municipalities are willing to undertake at least three quarters of the cost of police protection which would hopefully relieve some of the county tax off the larger communities and I am hard pressed to try to understand why some of the larger communities in the state are so opposed to this matter when, in fact, they very well may save some money in the long run with their county tax, especially when it comes to the sheriff's department budget.

The SPEAKER pro tem: The Chair recognizes the gentleman from Richmond, Mr. Moody.

Mr. MOODY: Mr. Speaker, just one more point that I wanted to make. You members here in the House who are afraid this is going to delete part of the sheriff department's operation, it is simply not so. There is just one point I want to point out and it is merely this — your sheriff departments are currently overburdened with what they now have. Unlike your municipal police officers and your state police officers, your county sheriff departments have four major functions. Law enforcement is only one of those four major functions. The first one is law enforcement, the second one is prisoner custody. For example, if your state police officer arrests somebody, your municipal officer arrests somebody and takes them into custody or if the sheriff's department arrests themselves, by state law, once they are under arrest and in custody, the high sheriff of that county is responsible for their custody and the operation of the jails.

The third thing that your sheriff departments are responsible for is the civil process, civil papers and so forth, divorce, that sort of thing. The fourth thing is the operations of your courts, providing court officers, bailiffs and superior court officers and so forth. So I think our sheriff departments already have enough to do and I just hope that you vote for the passage of this bill.

The SPEAKER pro tem: The Chair

recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here listening to all the pros and cons on this bill. I object to the bill. My biggest reason for objecting is enlarging the bureaucracy here in Augusta. For every person you are going to put in a county or small town, you are going to create another desk job here in Augusta. I can prove it on another department that we gave the state police to administer, they now have 15 people in that department. That is only to administer the little sticker that you put on your car. There is a state police for every two counties, there are three desk jobs created here in Augusta to handle the reports of the state police these different counties, and that is all we are doing, concentrating power in Augusta and not giving our local people a chance.

As far as the sheriff departments are concerned, whether they can handle this or not, I don't know, except this, you are going to have a \$450 a week man working with the poor sheriff who makes \$175 or \$180 a week. The first thing you get is discontentment. Things keep growing and growing and growing. As somebody said here a while ago, you are putting a foot in the door and pretty soon it won't be \$25,000 a year for a man — that is only to train him, that is plus his salary, and you are going to create more and more state police at the exorbitant price that we are paying today and I don't think the taxpayers can stand that.

I was watching a TV program last night on the news, a hearing in Washington where the CIA was involved that came to light that they don't want to disclose their budget, but they are spending \$6 billion a year for the CIA, at least.

We are starting something here, and somebody mentioned the school fund, and I am sure that within five or six years and two or three more sessions of the legislature, we will have the same dilemma as we have with the school fund. That is why I am opposed to this bill.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We have spent enough money studying rural crime in Maine through the Legal Affairs Committee, I believe, to fund this bill for ten years. They screech and holler about rural crime in Maine, but any time there is any type of solution presented to this legislature, for thousands of reasons — that is, the state police is opposed to the sheriff and the sheriff is opposed to the local police — we kill it.

Before the session is over, there will be another order come through the Legal Affairs Committee or Judiciary or a special select committee to study rural crime in Maine, but the fact of the matter is, we won't face up to the fact that you need some more law enforcement.

I think this is a good bill; I think this is a good way to do it. The municipalities, when it comes budget time and these delegations meet on the county budgets, with positions that have been funded in LEAA, I bet you can go over every county budget and see where the delegations have cut out some of the positions that were directed toward law enforcement.

If you want to do something about rural crime in Maine, and every one of us in this House has campaigned on law and order, I don't think there is a person here that hasn't gotten up on the podium and spoken for law and order and what they were going to do for law and order, so let's pass this bill.

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

Mr. BURNS: Mr. Speaker, I would request

the yeas and nays and hope you pass this bill.

The SPEAKER pro tem: 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. Carroll of Limerick was granted permission to address the House a third time.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to leave one final word with you. It has always troubled me that we retire so many state troopers in the prime of life. I maintain that this is where they should be going. This is the place. We have invested in them, they have worked for us for 20 years, they have had wonderful training, they have matured, they have gotten older, they have mellowed, and they are worth an awful lot of money to the people of the State of Maine, and I would hope that if this passes an amendment would be put on that retired state troopers will be entitled to go out into these communities as resident state troopers, because I think we want them, with their experience and maturity, we don't want someone who just got out of school.

The SPEAKER pro tem: The pending question is on the motion of the gentlewoman from Brunswick, Mrs. Bachrach, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker, I would like to pair my vote with the gentleman from Eagle Lake, Mr. Martin, if he were voting, he would be voting no and I would be voting yes.

The SPEAKER pro tem: The gentleman from Gorham, Mr. Quinn, pairs his vote with the gentleman from Eagle Lake, Mr. Martin. If Mr. Martin were here, he would be voting no and Mr. Quinn would be voting yes.

#### ROLL CALL

YEA — Aloupis, Austin, Bachrach, Berry, Biron, Boudreau, A.; Brown, K. C.; Carrier, Carroll, Carter, F.; Connolly, Cote, Cunningham, Dexter, Drinkwater, Durgin, Dutremble, Gillis, Henderson, Immonen, Jacques, Jalbert, Jensen, Joyce, Kane, Lizotte, Lougee, Mahany, Masterman, McHenry, Pearson, Raymond, Rollins, Sprowl, Stubbs, Tarr, Teague, Theriault, Tozier, Twitchell.

NAY — Ault, Bagley, Beaulieu, Bennett, Benoit, Berube, Birt, Brenerman, Brown, K. L.; Bunker, Burns, Bustin, Byers, Carey, Carter, D.; Chonko, Churchill, Clark, Conners, Cox, Curran, Davies, Diamond, Dow, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Green, Hall, Higgins, Huber, Hughes, Hunter, Jackson, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, LeBlanc, Lewis, Lunt, Lynch, MacEachern, Mackel, Marshall, Martin, A.; McMahon, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Peakes, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Shute, Silsby, Smith, Spencer, Stover, Talbot, Tarbell, Tierney, Torrey, Trafton, Truman, Tyndale, Valentine, Whittemore, Wilfong, Wood, Wyman. The Speaker pro tem.

ABSENT — Blodgett, Boudreau, P.; Devoe, Dudley, Gauthier, Hickey, Hobbins, Howe, Hutchings, Littlefield, Locke, McPherson, Rideout, Strout.

PAIRED — Martin, J.; Quinn.

Yes, 40; No, 95; Absent, 14; Paired, 2.

The SPEAKER: Forty having voted in the affirmative and ninety-five in the negative, with

fourteen being absent and two paired, the motion does not prevail.

Thereupon, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading tomorrow.

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

Bill "An Act Concerning the Penalty for Sale of Alcoholic Beverages to Minors" (S. P. 249) (L. D. 758) (C. "A" S-84)

Tabled — April 27, 1977 by Mr. Carey of Waterville.

Pending — Passage to be Engrossed.

On motion of Mr. Hughes of Auburn, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-214) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker and Members of the House: This is a very complicated bill. To understand it, you have to read not only the original bill but the Committee Amendment and now the amendment which I am presenting, and I found that nearly impossible and I suspect maybe you will too.

I would like to explain briefly what would occur if all three were passed, if my amendment were added to the bill and the Committee Amendment.

The bill purported, as expressed in the title, is to increase the penalty for sale of alcoholic beverages to minors. I suspect your reaction was similar to mine, that that was a good idea. Inadvertently, perhaps, the bill went further than that. I have talked to the sponsor, a member of the other body, he put in the bill before we put in the drinking age and that changed the picture quite a good deal so that he himself is concerned with the results of the bill if it were passed in its present form.

The bill would also raise the penalty for furnishing of liquor to someone under the age of 20. That means essentially sharing beer with somebody under 20. Since we have changed the ball game quite a bit with our action in raising the drinking age, we have the situation or we have created the situation where half of our college students will be legal drinking age and half will not. They will be living with each other probably as roommates or in the same dormitories, fraternities and so forth. If this bill were passed as read, any of our college students or young people who simply shared a beer with a friend would be guilty of a Class D crime, which is punishable by up to one year in prison as well, of course, of obtaining a criminal record.

While this seemed to be appropriate for those who sell liquor to minors, it seemed to me too harsh for those who simply give, with no financial remuneration, a small amount of liquor. At the same time, I did want them to be punished and I thought it was worthy of punishment, so what my amendment simply does is to break apart these two questions. It would allow the Class D crime for those who sell liquor and it would continue to include the minimum sentences which this bill calls for, which would mean that they would have a minimum five-day prison sentence on the first offense, non-suspendable, and I guess I have some philosophical questions about that myself, but that part would still remain in the bill. But at least for those who only share a beer for no financial remuneration, it would provide a civil offense, penalty of up to \$250. I think that is perfectly adequate to cover the seriousness of

the offense without giving young people who do something, perfectly legal now, a criminal record and the possibility of a one-year prison sentence.

I suggest that this is just a middle ground between what the sponsor originally intended to do before he realized we were going to raise the drinking age and a situation where this kind of thing could continue without any kind of sanction. I do believe it needs a sanction. I think a \$250 fine for furnishing without remuneration is adequate. For those who do sell, I think the bill is fine and would support it with this amendment.

I would be perfectly happy to answer any questions, technical, that may still exist in your minds. It is a very complicated thing to understand at this point, but I think I have tried to express honestly what the bill would do if my amendment is accepted.

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

Mr. JALBERT: Mr. Speaker, I have a question that comes to mind. Let's assume that after we adjourn petitions are filed initiating a referendum on the 20 year old drinking and it passes and it goes back to 19 or 18, what happens then?

The SPEAKER pro tem: The gentleman from Lewiston, Mr. Jalbert, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HUGHES: Mr. Speaker, the gentleman's question is well taken. The wording used in my amendment is the term "minors," and we have changed the definition of minors by raising the drinking age so that if our law recently passed goes into effect, the definition of minor would be anyone under 20 for liquor purposes, liquor law purposes. If, indeed, that law is held up through a referendum, then the definition of minor would remain 18. So this bill would not be affected if nothing happened to the drinking age bill between now and October.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the House is aware that this not only affects selling or furnishing alcohol, but it also refers to cigarettes, tobacco, air rifles, firearms or ammunition or in any other way endangering a child's health, safety or mental welfare. I wonder if the House realizes that they are also making it a crime to give children cigarettes and firearms? Under 16 this is.

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

Mr. HUGHES: Mr. Speaker, I would respond to that question. We are not changing things in that regard. There is presently a crime on the books which has been incorporated in the committee amendment which makes all those things illegal. I think some of them are somewhat outdated but they are on the books. They are in the criminal code. So, indeed, if you give cigarettes to somebody under 16, you are committing a Class D crime presently, whether you like it or not.

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

Mr. SPENCER: Mr. Speaker, in reading the amendment and responding to the gentleman's question, under Section 2, which is the top of the amendment, it says a person is guilty of endangering the welfare of a person under the age of 20 if he knowingly sells or offers to sell such person any intoxicating liquor. The other section refers to minors, but this talks about people

under 20, so if a referendum petition were circulated and the effect of increasing the drinking age were suspended, we would still have a crime on the books which was for endangering the welfare of a person under 20, even though they were permitted to drink, which seems to me would create a problem with the situation if that should occur.

I would hope that maybe someone would table this so that that could be taken care of.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly in reference to this bill.

The SPEAKER pro tem: The Chair would inform the gentleman that the pending motion before us is the adoption of House Amendment "A" to Committee Amendment "A".

Mr. BIRON: I will make a motion that is appropriate to House Amendment "A" Committee Amendment "A," and the whole bill.

The concerns that I have with the bill, and in all due respect to Mr. Hughes and other people who have sponsored this legislation, is that the penalty which this bill calls for is greater than if you were arrested for drunken driving, and that is the real concern that I have. Therefore, I move that this Bill and all accompanying papers be indefinitely postponed.

The SPEAKER pro tem: The Chair would inform the gentleman that the motion is not in order at this time.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Just because we might, temporarily in my opinion, but regardless, we have passed a bill that the drinking age is 18, and it doesn't make an individual, a boy or girl, at 18 a minor. We have given them all the rights; they are adults. That is why I asked the question. I think the amendment, to me at least, is confusing and I don't think it would hold up. I am not an attorney, but there is nothing more dangerous than a law student and that is what I was.

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

Mr. HUGHES: Mr. Speaker and Members of the House: We did a lot of inconsistent things when we passed that bill. One thing is that we do call 18 year olds adults but in the liquor law we call 18 year olds minors, and 19 year olds. So I think the definition of minor would stand. However, the gentleman from Lewiston, his point is well taken regarding another section of the bill that still uses the language "of age 20." I guess I would agree with Representative Spencer that we would be in a tough position if a referendum, which I think is going to occur and which I think will be successful, is successful and we would be caught with two inconsistent laws and some people would be caught in the middle.

I guess I would welcome a tabling motion to deal with that, and I would point out that the problem exists in the bill as well as in the amendment.

The SPEAKER pro tem: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, I move this be tabled for one legislative day.

Whereupon, on motion of Mr. Conners of Franklin, tabled pending the adoption of House Amendment "A" to Committee Amendment "A" and specially assigned for Monday, May 2.

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

An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30,

1979 (Emergency) (H. P. 266) (L. D. 334) (C. "A" H-133)

Tabled — April 27, 1977 by Mr. Burns of Anson.

Pending — Passage to be Enacted.

On motion of Mr. Burns of Anson, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-215) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This amendment deals with the problem that I had with the financial statement of the Fisheries and Wildlife throughout the summer and will correct the problem. It does not do anything more to the Fisheries and Wildlife Department than is required by other departments within the state.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act to Amend the Vocational Laws" (Emergency) (H. P. 1209) (L. D. 1329)

Tabled — April 27, 1977 by Mr. Theriault of Rumford.

Pending — Passage to be Engrossed as Amended by House Amendment "C" (H-190) as Amended by House Amendment "A" (H-204) thereto.

The SPEAKER pro tem: The Chair recognizes the gentleman from Rumford, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I had this bill tabled yesterday to give me a chance to study the amendment. I found nothing in the amendment that made any change that would affect vocational education in our area.

There are several things about L.D. 1329 that I don't like. It seems to me that the State Board of Education is getting a stronger hold on local education, particularly in the vocational education area. We talk a lot about local control, but every new bill takes away more control.

I would like to call your attention to the bill, Page 7, Section 15 of the L.D. In that, you will notice that the first two sentences in that paragraph states that when the budget is proposed — I will quote. "The vote of the legislative body shall be to accept or reject each article in the budget warrant. No portion thereof may be amended." In other words, there is no way to make any changes in this after it has been presented. This is one of the parts that I don't like. Maybe this was in the old bill originally, but I still feel that this shouldn't be so, that units should be allowed to make some changes when they feel it is necessary.

Another part of this that I don't like is the fact that this cooperative board is an appointed board and not an elected board, and I object to that.

I don't want to take up any more of your time on this, but I am certainly not going to vote for this bill as it now stands.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Rumford, Mr. Theriault, raised some questions, but if he will examine the present law, he will find that his objections are in place today.

They were enacted previously. All 1329 does, it assists the ordinary mortals like myself to read the education law and understand what is in it. We have taken the two and three hundred word sentences and broken them down into short, concise sentences which most of us can understand, and if we can understand it, perhaps the people in our home areas can understand them too.

There is nothing outside of putting the three islands in and taking them out that is making any change.

Thereupon, Mr. Theriault of Rumford requested a vote on the pending motion.

The SPEAKER pro tem: The pending question is on passage to be engrossed as amended by House Amendment "C" as amended by House Amendment "A" thereto. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

73 having voted in the affirmative and 4 having voted in the negative, the motion did prevail.

Sent up for concurrence.

On motion of Mr. Laffin of Westbrook, the House reconsidered its action of earlier in the day whereby it voted to recede and concur with the Senate on Bill "An Act Providing for the Observance of Memorial Day on May 30th" (H. P. 442) (L. D. 549).

The SPEAKER pro tem: The pending question now before the House is to recede and concur. The Chair will order a vote. All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

39 having voted in the affirmative and 51 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Laffin of Westbrook, the House voted to insist and ask for a Committee of Conference.

On motion of Mr. Tierney of Lisbon Falls, the following matter was taken from the Unassigned Table:

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" — Committee on Taxation on Bill "An Act to Reduce the Uniform Property Tax by 1/4 Mills" (H. P. 205) (L. D. 193)

Tabled — March 30, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of either Report.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a bill sponsored by the good gentleman from Waterville, Mr. Carey. I don't know who his druggist is, but — ladies and gentlemen, I think this bill, at this point in the legislative history, is at best superfluous. I don't think the Governor would support it, I don't think anyone should support it, I think it is a bad bill and I move that it be indefinitely postponed.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: For once, I would agree with the Majority Leader and ask that we make this unanimous.

Thereupon, the Bill and all accompanying papers were indefinitely postponed.

Sent up for concurrence.

On motion of Mr. Tierney of Lisbon Falls, Adjourned until one o'clock tomorrow afternoon.