

# 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**

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**HOUSE**

Tuesday, May 3, 1977

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

Prayer by Father Christopher Piselli of St. Joseph's Catholic Church, Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate**

The following Communication:

The Senate of Maine  
Augusta

May 2, 1977

The Honorable Edwin H. Pert  
Clerk of the House  
108th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today Adhered to its action whereby it Indefinitely Postponed Bill, "An Act Relating to Mother's Day and Father's Day" (S. P. 202) (L. D. 600).

Respectfully,

(Signed) May M. Ross  
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees**

**Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning Single Motor Vehicle Registration Plates and Placement of Motor Vehicle Inspection Stickers" (S. P. 224) (L. D. 704)

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

**Leave to Withdraw**

Report of the Committee on Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Provide that the Board of Environmental Protection Shall Administer the Maine Land Use Regulation Statutes" (S. P. 405) (L. D. 1421)

Report of the Committee on Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Repeal Laws Regulating Floating Timber" (S. P. 244) (L. D. 753)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Insure Psychiatric Review of Voluntary and Involuntary Hospitalization of the Mentally Ill" (S. P. 272) (L. D. 830)

Came from the Senate with the Reports read and accepted. In the House, the Reports were read and accepted in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Clarify the Marking of Ballots" (H. P. 1235) (L. D. 1388) which was passed to be engrossed in the House on April 11, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-103) in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, the House voted to recede and concur.

**Orders**

An Expression of Legislative Sentiment (H. P. 1517) recognizing that: MARY THOMBS of Waterville has won the 29th annual Maine Sunday Telegram Spelling Bee championship.

Presented by Mr. Boudreau of Waterville. (Cosponsors: Mr. Carey of Waterville, Senator Pierce of Kennebec).

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Orland McPherson of Eliot

be excused May 3rd and 4th for personal reasons.

**House Reports of Committees Ought Not to Pass**

Mrs. BOUDREAU from the Committee on Election Laws on Bill "An Act Pertaining to the Recount of Ballots in a Disputed Election" (H. P. 620) (L. D. 761) reporting "Ought Not to Pass"

Mr. SMITH from the Committee on Public Utilities on Bill "An Act to Permit all Telephones in a Building to be on Phone Jacks" (H. P. 1152) (L. D. 1370) reporting "Ought Not to Pass"

Mr. CUNNINGHAM from the Committee on Public Utilities on Bill "An Act to Require Public Disclosure of Certain Financial Information by Large Public Utilities" (H. P. 1126) (L. D. 1344) reporting "Ought Not to Pass"

Mr. CURRAN from the Committee on State Government on Bill "An Act to Prohibit Organizations from Lobbying if the Majority of Their Funds are Derived from the State of Maine or from the Federal Government" (H. P. 1050) (L. D. 1279) 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**

Mrs. TARR from the Committee on Labor on Bill "An Act Prohibiting the use of Tax Moneys to Reimburse Hospital Expenditures Incurred in Labor Organization, Negotiation or Disputes" (H. P. 761) (L. D. 902) reporting "Leave to Withdraw"

Mr. PELTIER from the Committee on Labor on Bill "An Act to Establish a Maximum Yearly Adjustment to Workmen's Compensation Benefits" (H. P. 765) (L. D. 958) reporting "Leave to Withdraw"

Mr. McHENRY from the Committee on Labor on Bill "An Act to Require the Consideration of Holiday Pay in Computing Partial Unemployment Compensation Benefits" (H. P. 824) (L. D. 997) reporting "Leave to Withdraw"

Mr. SMITH from the Committee on Agriculture on Bill "An Act to Exempt Agricultural Societies from Camping License Requirements for Activities during Annual Fairs" (H. P. 739) (L. D. 944) reporting "Leave to Withdraw"

Mr. McMAHON from the Committee on Election Laws on Bill "An Act Relating to the Reporting of Loans to Candidates" (H. P. 480) (L. D. 595) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass with Committee Amendment**

Mr. MAHANY from the Committee on Agriculture on Bill "An Act to Raise the Christmas Tree Transportation Registration Fee" (H. P. 179) (L. D. 241) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-253)

Report was read and accepted and the Bill read once. Committee Amendment "A" read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

**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 Aroostook County for the Year 1977 (Emergency) (H. P. 1516) (L. D. 1744) 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 Androscoggin County for the Year 1977 (Emergency) (H. P. 1518) (L. D. 1745) 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 Public Utilities reporting "Ought to Pass" on Bill "An Act to Prohibit the Washing of Domestic Animals in Sebago Lake" (H. P. 1125) (L. D. 1343)

Report was signed by the following members:

Mr. COLLINS of Aroostook  
Mrs. CUMMINGS of Penobscot  
— of the Senate.

Messrs. KELLEHER of Bangor  
NADEAU of Sanford  
CUNNINGHAM of New Gloucester  
WOOD of Sanford  
PEARSON of Old Town  
Mrs. TARR of Bridgton  
— of the House.

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

Report was signed by the following members:

Mr. CARPENTER of Aroostook  
— of the Senate.

Messrs. SMITH of Mars Hill  
BERRY of Buxton  
LUNT of Presque Isle  
McHENRY of Madawaska  
— of the House.

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

Mr. KELLEHER: Mr. Speaker, I move that the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: It is very nice to see that the public utilities have so much interest in this type of a bill. It is also very ungratifying to know that when they can put a bill like this out and have so many on a divided report, that two of the best bills that ever came before this House they killed this morning.

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

**Divided Report**

Majority Report of the Committee on Public Utilities reporting "Ought to Pass" on Bill "An Act to Establish Assessments upon Certain Public Utilities and to Authorize Use of the Funds Generated by Those Assessments to Pay Certain Expenses of the Public Utilities Commission" (H. P. 777) (L. D. 932)

Report was signed by the following members:

Mr. COLLINS of Aroostook  
Mrs. CUMMINGS of Penobscot  
Mr. CARPENTER of Aroostook  
— of the Senate.

Messrs. KELLEHER of Bangor  
NADEAU of Sanford  
WOOD of Sanford  
PEARSON of Old Town  
SMITH of Mars Hill  
McHENRY of Madawaska  
BERRY of Buxton  
CUNNINGHAM of New Gloucester  
LUNT of Presque Isle  
— of the House.

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

— of the House.

Reports were read.

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

Mr. KELLEHER: Mr. Speaker, I move the House accept the Majority "Ought to pass" Report.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House accept the Majority "Ought to pass" Report.

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

Mr. LAFFIN: Mr. Speaker and Members of the House: It is very gratifying this morning that the Public Utilities Committee of this House can spend so much time debating in their committee and their working sessions this type of bill. But it bothers me to no end that we get good bills that are for the people of this state and they can get a unanimous "ought not to pass."

The SPEAKER: The Chair would advise the gentleman from Westbrook, Mr. Laffin, that he is to debate the merits of the bill before us and nothing else.

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

#### Divided Report

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act to Require the Full Name of a Party Designation to be Spelled out on a Ballot" (H. P. 746) (L. D. 951)

Report was signed by the following members:

Mr. DANTON of York

— of the Senate.

Mrs. MITCHELL of Vassalboro

Messrs. BUSTIN of Augusta

TRUMAN of Biddeford

RAYMOND of Lewiston

Mrs. BOUDREAU of Portland

Mr. TALBOT of Portland

— of the House.

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

Report was signed by the following members:

Messrs. TROTZKY of Penobscot

KATZ of Kennebec

— of the Senate.

Messrs. BOUDREAU of Waterville

McMAHON of Kennebunk

BIRT of East Millinocket

— of the House.

Reports were read.

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

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-257) on Bill "An Act to Define the Term 'Meeting' in the Right to Know Law" (H. P. 166) (L. D. 204)

Report was signed by the following members:

Mr. HEWES of Cumberland

Mrs. CUMMINGS of Penobscot

— of the Senate.

Messrs. COTE of Lewiston

MOODY of Richmond

DUDLEY of Enfield

BURNS of Anson

GOULD of Old Town

Mrs. DURGIN of Kittery

Messrs. JOYCE of Portland

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:

Mr. CARPENTER of Aroostook

— of the Senate.

Messrs. BIRON of Lewiston

CARRIER of Westbrook

— of the House.

Reports were read.

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

Mr. COTE: Mr. Speaker, I move the House accept the Majority "Ought to pass" Report as amended.

The SPEAKER: The gentleman from Lewiston, Mr. Cote, moves that the Majority "Ought to pass" Report be accepted.

The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: It pains me to do this a great deal, but, nevertheless, I am going to make a motion in a moment which I will be happy to explain if the necessity arises.

I have sponsored several bills in past sessions that collectively make up most of the present right-to-know law. I submitted the particular bill we are talking, L.D. 204, as a housekeeping measure which I hoped would solve a possible problem in the current law. The Committee Amendment, however, goes far beyond that; it represents a major change in the law and one that I am not sure isn't going to create more problems than it solves. Therefore, I reluctantly move the indefinite postponement of the Bill and all its accompanying papers.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This bill does what Mr. McMahon desired for it to do. Also, it cleaned up some other problems that people had with the right-to-know law. Basically, what it says is that any governmental or quasi-governmental entity will fall under the provisions of right-to-know if they have the sole authority or the final authority to approve any taxes, impose any rules or regulations upon the people governed and allocate the funds or the monies raised from taxes. It is the same thing that we had before whereby the committees and subcommittees of these entities do not fall under the provisions of the right-to-know law, except the two what are specifically laid out in the preceding paragraphs in the law, which are the legislature itself and the University of Maine and the Maritime Academy. There is another bill making its way through to include another department.

The third area governs all other type government bodies, including all bodies within the State of Maine.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: One of the important principles that I feel the right-to-know law of this state should embody is that it should list very, very clearly and explicitly just what bodies come under the law. We are talking about Title I, Chapter 13, basically, and as it has been amended in previous sessions, we have done that. Section 405, for example, spells out very clearly just why you can have executive sessions, and if it is not listed as to why you can have them, then you can't have them. It was in a similar desire for clarity that I sponsored the original bill, 204.

After considering the original bill for some time and prior to the committee hearing, we prepared what I hoped would have been a committee amendment to the bill which I presented

at the hearing an asked the committee to accept in place of the bill. The committee amendment was a four-word change in the present law, and although I can't at this point in time tell you and debate the merits of that amendment, be assured that I will be prepared to do that tomorrow, tomorrow.

The important part is, the point is that the committee amendment that I asked the committee to substitute in place of the bill represented a clarification, a more clearly defined description of just what government bodies come under this proposed change.

The original intention of the bill was to clear up a possible misconception about the law; namely, that the law itself could apply to meetings between department heads, a town manager, for example, and his road foreman. This was never intended, certainly not by me, to come under the provisions of the original right-to-know law. Therefore, the bill and the amendment that I had requested the committee to adopt went to that and it went to that only.

The committee amendment, in my opinion, goes a lot further. First of all, I question what is a quasi-governmental body. Remember, the original intention of all the right-to-know changes was clarity, and I submit to you that the term "quasi-governmental body" is not one that lends itself to a clear definition.

Secondly, the committee amendment requires a final decision-making authority. My question is, does that address committees and subcommittees, the subject of committees and subcommittees, particularly those that might make decisions which may or may not be considered quasi-governmental in nature?

Thirdly, in my opinion, this creates the problem that I wanted to solve by not defining clearly the body taking the action. For these reasons, I respectfully request that you support my motion, remembering that I am the sponsor of the bill and perhaps at another time we can do what we wanted to do.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: In response to the good gentleman's queries, I hope I can satisfy them.

The term "quasi-governmental body" is defined in law right now; the definition is there. It is any unit that is acting in the stead of the government or elected officials. Some right off the top of my head would be the sanitary districts, possibly the SAD's, MMA and some of the planning boards are also quasi-governmental bodies, and this is who we intend to get at.

The use of these two phrases, governmental and quasi-governmental body, was used rather than spelling out or attempting to use any description of that body, because we could run this amendment and the law on into infinity because of the different descriptions that are used, such as agency committee, authority, etc. Every time a new law was cranked out, you would be required to include that in here. So with the use of any governmental or quasi-governmental body, we are hoping to put them together and cover all of the individual units that we desire to be governed by this.

The final authority is the individual or the group that has the final authority. That is quite self-explanatory. A committee or subcommittee usually does not have the final authority. They do the studying to recommend to the major group, and the major group then makes the decision.

I hope that you do not go along with the motion to indefinitely postpone and let's let this go forward and if there are any questions, maybe we can answer them later.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill out of

committee "ought to pass," but out of courtesy to the good gentleman from Kennebunk, the sponsor of this bill, I now support his motion to indefinitely postpone.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I really think that this is a very serious issue, it is not just one of clarifying but I think it is a great leap backward in many respects in the open public access law, and that is, I don't know if it has really been made clear, but this term "public proceedings" has been whacked out everywhere and replaced by the notion "meeting," which is much narrower and a lot of the basic decisions are made elsewhere. I hear somebody saying that that has been changed in the committee amendment, and if that is the case, that allays some of my fears, but I really don't think we ought to do anything that would in any way reduce the public access, even to almost any area both in terms of meetings with officials or their records themselves that has not been an overwhelming flood of individuals who are hanging around the foreman and the chief finding out what they have to say, but on the other hand, in those undefined times when people are interested in knowing what is going on, I don't see any harm and I have never experienced a situation where there would be any harm in that at all, so I certainly hope we go along with Representative McMahon's request.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I do not wish to restrain the public from having access to records, but I do wish to restrain individuals who, for no other purpose than for harassment and criticism of others, is out to get certain records. This bill, along with some other bills that we have, this was one of the objections to it, the proponents of the bill, they wanted to get into certain areas which they felt they have been held back on. I think they were held back properly. I don't think that anybody who goes to the University of Maine should have the right to get up and want access to these records why somebody or the leaders have appropriated so much money for one and not any for the other.

I submit to you that, if I recall right, the sponsor ask that the bill be withdrawn. The bill was not withdrawn because of the thought that it might be presented again, and that I went along with because I think we should either kill the bill or not allow it to be withdrawn so that it can come back in the next session. However, if for nothing else, if the sponsor wishes to do away with the bill, I think he should be given that consideration, and that is one of the reasons why I didn't go along with the bill.

In the first place, I think this right-to-know law might even be an infringement on my privacy or anybody else's privacy. I really don't know if I ever would have voted for it if I had been here in the last session. The bills that we had involving the right-to-know law were really ridiculous, the requests that we had were ridiculous. They were made by a few people who are frustrated, who have never contributed anything to this state in taxes or otherwise and who come down here and because they want to get in on labor negotiations, they want to know what goes on, well, that is not what the right-to-know law is for, I don't believe it is. I think it should have limitations. For that reason, I hope you support the motion to kill this bill.

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

Mr. BURNS: Mr. Speaker, I request this bill be tabled for two days.

Whereupon, Mr. Tierney of Lisbon Falls requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Anson, Mr.

Burns, that this matter be tabled pending the motion of Mr. McMahon of Kennebunk to indefinitely postpone the bill and accompanying papers and specially assigned for Thursday, May 5: All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

9 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

The SPEAKER: The pending question now before the House is on the motion of the gentleman from Kennebunk, Mr. McMahon, that this Bill and all its accompanying papers be indefinitely postponed. The Chair will order a vote. All those in favor of indefinite postponement will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-258) on Bill "An Act to Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax" (H. P. 537) (L. D. 652)

Report was signed by the following members:

Messrs. WYMAN of Washington  
JACKSON of Cumberland — of the Senate.

Messrs. MAXWELL of Jay  
COX of Brewer  
IMMONEN of West Paris  
TEAGUE of Fairfield  
Mrs. CHONKO of Topsham — of the House.

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

Report was signed by the following members:

Mr. MARTIN of Aroostook — of the Senate.

Messrs. CAREY of Waterville  
TWITCHELL of Norway  
MACKEL of Wells  
CARTER of Bangor  
Mrs. POST of Owls Head — of the House.

Reports were read.

On motion of Mr. Teague of Fairfield, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-258) was read by the Clerk and adopted and the Bill 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. 350) (L. D. 794) Bill "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-254)

(H. P. 836) (L. D. 1009) Bill "An Act Concerning the Operating Expenses of Public Utilities" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-255)

(H. P. 327) (L. D. 418) Bill "An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Services" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 299) (L. D. 355) Bill "An Act Concerning the Seeking of Competitive Bids by the

Treasurer of State" — Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 4, under listing of the Second Day.

**Consent Calendar**

**Second Day**

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

(H. P. 52) (L. D. 73) Bill "An Act Pertaining to Birth Records" (C. "B" H-219)

(H. P. 428) (L. D. 536) Bill "An Act Relating to Meals Provided for Employees of the Department of Mental Health and Corrections" (C. "A" H-231)

(H. P. 1078) (L. D. 1302) Bill "An Act to Limit the Duration of Sentence to County Jails" (C. "A" H-232)

(H. P. 572) (L. D. 696) Bill "An Act Concerning Damages in Wrongful Death Actions" (C. "A" H-233)

(H. P. 735) (L. D. 834) Bill "An Act Relating to Motor Vehicle Registrations of Handicapped Persons" (C. "A" H-235)

(H. P. 601) (L. D. 726) Bill "An Act to Require Red Reflectors on Certain Long Logs Hauled at Night" (C. "A" H-240)

(H. P. 494) (L. D. 613) Bill "An Act Repealing the Bay Point Village Corporation" (Emergency) (C. "A" H-239)

(H. P. 967) (L. D. 1164) Bill "An Act to Change the License Status of Maine Resident Military Optometrists"

(H. P. 609) (L. D. 746) Bill "An Act Concerning Fees of Board of Examiners of Psychologists"

(H. P. 378) (L. D. 467) Bill "An Act Pertaining to Employment Security Tax Liens" (C. "A" H-247)

(H. P. 906) (L. D. 1105) Bill "An Act Relating to Meeting to Reconsider Vote of a Prior Education District Meeting" (C. "A" H-248)

(H. P. 462) (L. D. 567) Bill "An Act to Permit the Use of Salmon Eggs for Fishing Bait" (C. "A" H-241)

No objections being noted, the above items were passed to be engrossed and sent up for concurrence.

**Later Today — Assigned**

(H. P. 694) (L. D. 876) "Bill "An Act to Authorize the Issuance of Free Fishing Permits to Patients in Regular Nursing Homes" (C. "A" H-242)

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

On motion of the same gentlewoman, tabled pending acceptance of the Committee report and later today assigned.

(H. P. 528) (L. D. 645) Bill "An Act to Grant Variances to Single Family Home Owners under the Water Pollution Abatement Program"

No objection being noted, the above item was passed to be engrossed and sent up for concurrence.

(H. P. 699) (L. D. 882) Bill "An Act to Create a Division of Public Health Nursing within the Bureau of Health, Department of Human Services"

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

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

**Passed to Be Engrossed**

Bill "An Act to Exempt Store Owners from Criminal Liability where a Minor Purchases Alcoholic Beverages using a False Identification Card" (H. P. 1042) (L. D. 1283)

Bill "An Act to Revise the Measure of

Damages Under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341)

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

#### Amended Bills

Bill "An Act to Provide Reimbursement for Snow Removal on Accepted Ways" (S. P. 170) (L. D. 487) (S. "A" S-100)

Bill "An Act to Establish More Convenient Hours to Permit Easier Access to Small Claims Court" (H. P. 431) (L. D. 538) (C. "A" H-234)

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 Concerning Bear Hunting with Dogs" (H. P. 34) (L. D. 51) (C. "A" H-245)

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

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

Mrs. MARTIN: Mr. Speaker and Members of the House: I am sorry I wasn't here yesterday and I am sorry I stood up before my partner, Ms. Bachrach, but this is one of my favorite things. I missed it a couple of weeks ago on the "ought not to pass" report, but I had been warned about this one and yesterday I wasn't here for personal reasons.

Mr. Speaker and ladies and gentlemen, I am about to repeat my spiel of last session and I have added more to it. I am perturbed with this bill. I hadn't paid much attention to it until this morning when I found a note on my desk explaining it. I have a few words to say on such hunting. Not being acquainted with methods of hunting, I was appalled in finding this a more cruel way of tormenting an animal. On my part, I wish this way of hunting would be abolished. I can't believe that we have human beings calling themselves acting worse than the animals that they chase.

I can't imagine any man in his right mind using this so-called method for relaxation and being thrilled in having the privilege of killing in such a manner. It is not only cruel to the bear, it is cruel to the dogs too.

Since my spiel of last session, I have heard more on this method of hunting. I watched an educational TV program not so long ago. The man being interviewed trained dogs to hunt such animals, and I am told that some of those dogs cost as much as \$2,000. He admitted that some of his dogs were mauled to death by bears that were being chased. He also admitted that there are very few of these bear, but when they do get riled up, it is because of a human being. The interviewer asked him about the bill that we had just defeated in the legislature. The man replied that we were all nincompoops and city folks who didn't know what we were talking about. Well, I have news for him, I am not a city girl, I was brought up on a farm and I know about living in the country and some of its wildlife. I don't accept the idea of so-called sportsmen killing just for the sake of killing. It is an evil thing in my eye and the eyes of many others.

Mr. Speaker, I ask for a roll call vote.

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

Mrs. TARR: Mr. Speaker, I would like to pose a question through the Chair. I think the original bill called for four dogs for hunting bear and this bill, I believe, puts it back up to six. Could somebody answer that?

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CONNORS: Mr. Speaker, Ladies and

Gentlemen of the House: This does put the number of dogs from four back to six, but with the committee amendment on it, it also requires a registered resident Maine guide with a party of bear hunters from out of state. In this way, we can take care of a number of the problems that we do run into, because we would never know where the bear is going, but we do know the local people and it will make for a much better feeling and they also need the six dogs, they need two to trail and two to tree and two to train. They need to be able to train two young dogs.

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

Mrs. MARTIN: Mr. Speaker, I have changed my mind. I want to indefinitely postpone the bill, please, and request a roll call.

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 Brunswick, Mrs. Martin, 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.

#### ROLL CALL

YEA — Aloupis, Ault, Bachrach, Benoit, Berry, Berube, Boudreau, A.; Brenerman, Brown, K.L.; Burns, Bustin, Carey, Carter, F.; Chonko, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dudley, Durgin, Dutremble, Flanagan, Fowlie, Gauthier, Gill, Goodwin, H.; Goodwin, K.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Jackson, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Littlefield, Lizotte, Lynch, Mackel, Mahany, Martin, A.; Masterton, Mitchell, Nadeau, Najarian, Norris, Pearson, Post, Raymond, Rideout, Shute, Spencer, Stover, Talbot, Tarr, Theriault, Tierney, Trafton, Valentine, Wood, Wyman.

NAY — Austin, Bagley, Beaulieu, Bennett, Blodgett, Boudreau, P.; Brown, K.C.; Bunker, Byers, Carrier, Carter, D.; Churchill, Conners, Cote, Cunningham, Dow, Drinkwater, Elias, Fenlason, Gillis, Gould, Higgins, Huber, Hunter, Hutchings, Immonen, Kerry, LeBlanc, Lewis, Lougee, MacEachern, Marshall, Masterman, Maxwell, McBreaity, McHenry, McKean, McMahon, Mills, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Plourde, Prescott, Quinn, Rollins, Silsby, Smith, Sprowl, Tarbell, Teague, Torrey, Tozier, Truman, Twitchell, Whittemore, Wilfong.

ABSENT — Biron, Birt, Carroll, Devoe, Garsoe, Hobbins, Jacques, Locke, Lunt, McPherson, Moody, Morton, Nelson, M.; Peakes, Strout, Stubbs, Tyndale.

Yes, 74; No, 59; Absent, 17.

The SPEAKER: Seventy-four having voted in the affirmative and fifty-nine in the negative, with seventeen being absent, the motion does prevail.

The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, now that I have voted on the prevailing side, I now move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, moves we reconsider our action whereby the Bill and accompanying papers were indefinitely postponed. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Bill "An Act Concerning Hunting and Fishing License Fees for Foreign Exchange Students" (H. P. 627) (L. D. 768) (C. "A" H-244)

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

#### Second Reader

##### Tabled and Assigned

Bill "An Act Authorizing the Commissioner of Public Safety to Appoint and Commission Railroad Policemen and Providing Regulations Pertaining Thereto" (H. P. 790) (L. D. 1014) (H. "A" H-251 to C. "A" H-236)

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am a little upset with this particular bill and all the niceties it contains. I am a member of the Legal Affairs Committee, my second session, and we are just now completing our study on private detectives and watchguards. In the present statute, it excludes public utility and railroad police from having to obtain a license.

I see this bill, 1014, as placing them under the Commissioner of Public Safety. This kind of disturbs me a little. We have many groups with the same problems that apparently are besetting the railroads as far as protection. We require these other groups to go under the watchguard and private detective statute, requiring them to be licensed, bonded. They still are under the direct authority of the Commissioner of Public Safety. I don't think we should really give anybody a free ride.

I have got no particular axe to grind with the railroad but I feel that this authority is really being placed in the wrong area of the law. If there is an agency in this state that has enough to do now, it is our state police; we seem to be throwing a lot of things their way.

This bill requires each police officer of the railroad to be sworn in by the commissioner of public safety. I think this would be quite a hassle in itself. It tells about persons being arrested, taken into the county jail or the local jail and goes into a lot of details. It is not very clear when it says "their powers." It says "each policeman shall have the authority in all cases in which the rights of the appointing railroads are involved." That is all right with me. But then it says, "including the power to arrest and carry firearms for reasonable purposes of his office." Then it goes on: "In addition to such powers, the railroad police are vested with the same powers throughout several counties of the state as a sheriff." I think it kind of spreads them out. I'm wondering if the next session and the following sessions we will have different groups come down and say look, we all want to be sworn in by the chief of police over there. I just wish, probably the best thing would be for somebody to table this for a couple of days. I would like to do a little bit more work on it rather than make a motion right now.

Whereupon, on motion of Mr. Tarbell of Bangor, tabled pending passage to be engrossed and specially assigned for Thursday, May 5.

Bill "An Act Relating to the Payment of Registration Fees for Motor Trucks and Truck Tractors" (H. P. 369) (L. D. 460) (C. "A" H-237)

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

#### Passed to Be Enacted Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County

for the Year 1977. (H. P. 1463) (L. D. 1688)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of same and none against and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Clarify the Banking Code (H. P. 97) (L. D. 121) (C. "A" H-186)

An Act Relating to a Consumer's Notice of Right to Cure under the Credit Code (H. P. 312) (L. D. 403)

An Act to Promote Consistency Between Certain Regulatory and Proprietary Decisions of the State (H. P. 338) (L. D. 429) (C. "A" H-162)

An Act Charging the Boiler Owner or Contractors for the Fees for Additional Inspections Required by the Code (H. P. 402) (L. D. 512)

An Act Relating to Motor Vehicle Sales Financing Under the Maine Consumer Credit Code (H. P. 405) (L. D. 515) (C. "A" H-188)

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.

#### Enactor

#### Tabled and Assigned

An Act to Expedite the Collection of Sales Tax on the Rental of Automobiles (H. P. 600) (L. D. 725)

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

(On motion of Mr. Carter of Bangor, tabled pending passage to be enacted and specifically assigned for Thursday, May 5.)

An Act to Change the Name of the Maine Boxing Commission to the Maine Athletic Commission (H. P. 682) (L. D. 864)

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 Authorizing Use of Subpoena Powers to Enforce Support Obligations (H. P. 702) (L. D. 883) (C. "A" H-192)

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

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

Mrs. BACHRACH: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any objection to this particular bill per se, but I would like you to be conscious of the fact that last year we passed legislation to enforce support obligations of absent parents. In order to do this, we added about 16 district attorneys in the Human Services Department. In addition to that, there is a bill regarding payments for health care for children of absent parents. In addition to that, as you see, they now have set up a system whereby there will be extra legal work concerning this support enforcement.

I expect that many of you are conscious of the difficulty of collecting money from runaway fathers or divorced fathers who get tired of supporting their children. In my view, we are adding one new employee on top of another in a fairly lost cause here. I approve of the idea that fathers should pay for the support of their children, whether they are living at home or not, but I have a feeling that in the long run this is all costing us a great deal more money than is ever collected from these people. I just wanted you to be aware of how much bureaucracy we are piling into this program, probably to get very little out of it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, we had this bill in the Judiciary Committee and it ties right in with the bill that we passed or heard and Performance Audit in the last session that my good friend Representative Bachrach mentions. This is just a tool to help the bureaucracy that we already have. This won't add any further bureaucracy. This will just allow them to get the records from the employers, banking institutions and so forth and so on on this parent if you will. I would hope you would let this go along and give them this tool to help the bureaucracy that we already have.

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 to be Enacted will vote yes; those opposed will vote no.

A vote of the House was taken. 79 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Signed by the Speaker and sent to the Senate.

An Act Relating to State Liquor Identification Cards (H. P. 769) (L. D. 960) (H. "A" H-197, C. "A" H-184)

An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act (H. P. 772) (L. D. 978)

An Act to Prohibit Hunting and Fishing on Property Belonging to the Unity Utilities District (H. P. 817) (L. D. 990) An Act to Revise the Law Pertaining to Guardian Release of a Ward's Interest in Real Estate (H. P. 820) (L. D. 993)

An Act Concerning the Criminal Penalty for the Crime of Deceptive Business Practices (H. P. 1038) (L. D. 1268) (C. "A" H-193)

An Act to Amend the Savings and Loan Association Law (H. P. 1458) (L. D. 1686)

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.

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

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

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

#### Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

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) In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-169) in concurrence on April 25. Recalled from Engrossing Department pursuant to Joint Order S.P. 474. In Senate, Passed to be Engrossed as Amended by Committee Amendment "A" (H-169) as Amended by Senate Amendment "A" (S-99) thereto.

Tabled — May 2, 1977 (Till Later Today) by Mr. Laplante of Sabattus.

Pending — Further Consideration.

Thereupon, the House voted to recede and concur.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act Concerning the Penalty for Sale

of Alcoholic Beverages to Minors" (S. P. 249) (L. D. 758)

Tabled — April 28, 1977 by Mr. Conners of Franklin.

Pending — Adoption of House Amendment "A" (H-214) to Committee Amendment "A" (S-84)

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: Just a question through the Chair to somebody that would care to answer. It states here in the first paragraph, "A person is guilty of endangering the welfare of a child if he knowingly permits a child under the age of 16 to enter or remain in a house of prostitution or he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such a child cigarettes, tobacco, air rifles, firearms or ammunition . . ." I wonder about this. My own son, if I wanted to give him a firearm that he could use for target shooting or for hunting, have I got to wait until he is 16 years of age before I can give him such a gift to begin to train him in the proper use of firearms? I would like this answered if I could.

The SPEAKER: The gentleman from Franklin, Mr. Conners, 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, Ladies and Gentlemen of the House: The gentleman's question is one which got asked yesterday at a working session of the Judiciary Committee. This is not a judiciary committee bill but we got talking about it. Indeed, what he is referring to is the original law, not this bill. This bill just preserves the same wording as is now law.

I think for hunting purposes, you will see an exception in the law that says "except for purposes of Title XII," which is the fish and game regulations, one may not provide a weapon to anyone under 16. So the answer we came up with in our conversations yesterday was that for hunting purposes you could probably give your own kid a gun under 16 but probably not for target practice, for example, or any other uses of a weapon. That law, indeed, as we looked at it, concerns a lot of us but we should, I think, understand that this bill does not change the law. It is a law on the books. I know that several of us have decided we need to take a look at that law to see whether it is still realistic. Whatever you do on this bill will not change the original wording of that law unless you try to amend the law through this bill.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: If the problems of the questions that the good gentleman from Franklin, Mr. Conners have are contained in the current law and because the title of this bill deals with the penalty for sale of alcoholic beverages to minors, would it be even germane or possible for the good gentleman to address his difficulties in the course of this legislation?

The SPEAKER: The Chair would advise the gentleman from Lisbon Falls that that is hypothetical and therefore the Chair is not in a position to rule on it. However, for the matter of giving some direction, the Chair would suggest that the gentleman's comments are accurate.

The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit concerned about this amendment that was referred to regarding giving of firearms and air rifles. It wasn't too many weeks ago when we recognized the Gray-New Gloucester High School rifle team for their state championship. Many of those youngsters are target shooting at age 14, 15 and much younger than 16. I am con-

cerned, if our school officials should give a target rifle to youngsters under the age of 16, then they might be in violation of this law if it were passed. I am not sure that I know what is going on here.

The SPEAKER: The Chair would advise the gentleman that the matter before us deals with alcoholic beverages. The question posed by the gentleman from Franklin, Mr. Conners, deals with the fish and game section and therefore should relate it to that particular section of the law.

Thereupon, Mr. Hughes of Auburn requested permission to withdraw House Amendment "A" to Committee Amendment "A", which was granted.

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

House Amendment "C" to Committee Amendment "A" (H-256) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker, Men and Women of the House: The differences between House Amendment "A", which I withdrew, and House Amendment "C", which I now offer, are very slight. They are the results of the classic process of compromise going on behind the scene.

In House Amendment "A", I attempted to withdraw from the effects of the bill that we are discussing those kinds of situations where one person furnishes, for no compensation, liquor to somebody under the age of 20, the situation, again, where the college roommate shares a beer with his roommate who may be under 20, that kind of thing; yet, I wanted to leave in the bill the stiffer penalties for those who sell liquor. A question then arose as to what I wanted to do with the procurement of liquor, that is where one goes out to get liquor for another person. I was amenable to the suggestion that that also remain under the stiffer criminal penalties.

That is the only change. In House Amendment "C" I have added the word "procure" under the criminal penalty section, and that is the only difference between that and House Amendment "A".

Now if I may talk generally upon what this amendment does in its new form, it would at least take from the effects of this bill which we are discussing, which provides very strict mandatory minimum sentences for people who sell liquor to minors, it would take from the effect of that situation the common situation where, for example, a person might have a wedding, might have guests at that wedding under the age of 20 who, in the process of the afternoon reception celebration, imbibe liquor and ought not, I think, to be subject to a minimum mandatory, nonsuspendable jail sentence, as this bill would call for. I think my amendment would make the bill less harsh, closer to where our people really are and avoid some of the hardships which I see coming.

I would urge that you adopt the amendment, at least, to make the bill more reasonable and then you may do what you wish as far as I am concerned with the bill itself.

There is another issue, of course, and that is that the bill itself amends a law which we were beginning to find out is in itself very harsh, and if you want to address that, I suggest you cannot do so through this bill or amendments to it, but join with some of us who will want to address it probably at the next session.

Thereupon, House Amendment "C" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "C" thereto was adopted.

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

Mr. JALBERT: Mr. Speaker, I discussed this bill with the good gentleman from Auburn, Mr. Hughes, and I have reservations on it and I don't want to speak for him, but I have a feeling that he probably shares my thinking and I think his very remarks indicate so. I think this thing could probably be given some more thought and we could probably come up with something more reasonable, more palatable when this law has been in effect, when the 20-year-old law has been in effect for a period of time, if it is to be in effect. For that reason, Mr. Speaker, I move the indefinite postponement of this bill and all of its accompanying papers.

Thereupon, the Bill and accompanying papers were indefinitely postponed and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

RESOLUTION, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 427) (L. D. 535) In House, Majority "Ought to Pass" in New Draft Report of the Committee on Election Laws was read and accepted and the New Draft (H. P. 1449) (L. D. 1675) Passed to be Engrossed on April 27. In Senate, Bill and accompanying papers Indefinitely Postponed.

Tabled — April 29, 1977 by Mr. Garsoe of Cumberland.

Pending — Further Consideration.

Mrs. Durgin of Kittery moved that the House insist.

Whereupon, Mr. Kelleher of Bangor, moved that the House recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker and Members of the House: There are several reasons why I think this bill should be passed. The prime reason is that it will increase voter participation in the referendum process by putting all the referenda on one ballot at either the special election or the general election. There is a cost saving, and this will eliminate errors that do happen in the primary elections. Many ballots are passed out to the independent voter through error, and this will eliminate that. I hope you will go along with the motion to insist.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill deals basically with the fact that so many people today are registering as Independents. We talked about this bill in committee and it was the feeling there that we really should give independents a chance to vote on many of these questions, and it is simply a fact that they will not come out in a primary where they can't vote. If they are not a member of either party and they can't vote in the primary, not too many people are going to go to the polls to vote on a referendum question. The feeling was that if you restrict referendum questions simply to the general election where the Independents can come and vote, you are going to get more people voting on important issues and in that way, when people do decide on whatever the referendum question might be, you are going to get some sampling of what the opinion in the population is.

I think it is a good idea and I really think that if you look at voting lists and if you look at people today who are registering to vote, 90 percent of the people registering to vote are registering as Independents. Maybe some people will say, well, let them vote in the party if they want to vote in the primary and on referendum questions, but I don't think you should tell a person they have to register in a party. This bill would simply allow referendum questions to be put on the general election ballot and I think there

would be more participation in that way, and I think it is a pretty good bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: It isn't a question of my position of trying to encourage people to register as Republicans or Democrats, I don't think that we should consider that at all here today. I think the important thing is what the referendum question is and how important it is to the voters.

I might remind my good friend from Waterville that perhaps people are registering in the Independent party because maybe they are not satisfied with those people who are running under party labels as Republicans or Democrats. I don't think we should be considering the fact that we might be encouraging Independents to go to the polls in the fall simply because there is a general election where they may have their choice dealing with political parties and candidates. I think the issue is dealing with referendum and situations may arise where a referendum question would be in important to a particular area or even, for that matter, important to the state in terms of time with the primary elections being available in June or September, whenever that may be, and allowing voters to participate. But to try to encourage voters to go to the polls simply because there are political parties having candidates at stake in the fall, I think is ridiculous. If people choose not to go to the polls because of referendum questions they may in fact be indicating their protest in that manner and fashion, but for us to mandate that the referendum votes should be made in the fall because of general elections, I think it is unfair to the voters of this state, particularly the Independents, because if in fact they are concerned about issues in their own localities and their own municipalities, or even at the state level. They can do that if they so wish in June as well as in November.

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

Mr. BOUDREAU: Mr. Speaker and Members of the House: I wasn't trying to say that we should encourage people to go to the polls because of the Republican or Democratic party, all I am saying is, it is a fact that in a primary election there aren't a whole lot of Independents who will go and enroll, for one thing. The second thing is, they won't go simply to vote on a referendum question unless it is something on some burning issue dealing with that town or that municipality or that area.

If you look at the number of people who go out in a primary, Democrats and Republicans, first of all, in a lot of places those two parties are the second and third largest parties and a lot of those people who make up those parties don't even go out to vote in the first place in a primary. So on some referendum questions, you might be getting 20 percent of the population voting on some issues, and I just think that percentage would increase in a general election because more people will come out and vote, that is all. I am just saying it would probably be a better sampling of opinion by allowing the question to be asked in the fall in the General Election rather than in the primary.

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mrs. Durgin.

Mrs. DURGIN: Mr. Speaker and Members of the House: I do not want to be redundant, but I would like to reiterate what I said the other day, that there are 1,100 Independent voters in my district and 10 out of that 1,100 voted on the Bigelow issue in the primary last June. I say this is not fair to an issue.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. 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 the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Beaulieu, Bennett, Benoit, Bunker, Burns, Bustin, Byers, Churchill, Clark, Connolly, Cote, Cox, Curran, Diamond, Drinkwater, Dudley, Dutremble, Elias, Gauthier, Goodwin, K.; Greenlaw, Hall, Huber, Hunter, Jackson, Jalbert, Kany, Kelleher, Kerry, Kilcoyne, LeBlanc, Lewis, Lynch, Mahany, Maxwell, McHenry, Mitchell, Nadeau, Najarian, Nelson, M.; Peltier, Prescott, Raymond, Rideout, Shute, Sprowl, Stubbs, Teague, Theriault, Wilfong, Wyman.

NAY — Bachrach, Bagley, Berry, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K.L.; Brown, K.C.; Carey, Carter, D.; Carter, F.; Chonko, Connors, Cunningham, Davies, Dexter, Dow, Durgin, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Henderson, Hickey, Higgins, Hughes, Hutchings, Immonen, Jensen, Joyce, Kane, Laffin, LaPlante, Lizotte, Lougee, Marshall, Martin, A.; Masterton, McKean, McMahon, Morton, Nelson, N.; Norris, Palmer, Pearson, Perkins, Quinn, Silsby, Smith, Spencer, Stover, Talbot, Tarbell, Tarr, Tierney, Torrey, Trafton, Truman, Twitchell, Valentine, Whittmore, Wood.

ABSENT — Berube, Biron, Birt, Blodgett, Carrier, Carroll, Devoe, Hobbins, Howe, Jacques, Littlefield, Locke, Lunt, MacEachern, Mackel, Masterman, McBreairty, McPherson, Mills, Moody, Peakes, Peterson, Plourde, Post, Rollins, Strout, Tozier, Tyndale.

Yes, 54; No, 68; Absent, 28.

The SPEAKER: Fifty-four having voted in the affirmative and sixty-eight in the negative, with twenty-eight being absent, the motion does not prevail.

Thereupon, on motion of Mrs. Durgin of Kittery, the House voted to insist.

The Chair laid before the House the fourth item of Unfinished Business:

An Act to Authorize a School Nursing Health Consultant in the Department of Educational and Cultural Services (H. P. 868) (L. D. 1061)

Tabled — April 29, 1977 by Mr. Lynch of Livermore Falls.

Pending — Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker and Members of the House: I am reluctant today to speak on this bill since it has sailed through both houses so easily with big wings. I am concerned with the Statement of Fact, that are the big wings on this bill, and I would just like to present some information of what could possibly happen with this bill, even though I don't oppose the bill, I think the bill has a good reason for being there and the sponsor has a very good reason for placing it in the statutes or requesting that it be placed in the statutes.

The idea, again, behind this bill is a very good one, but I don't believe that we should readily accept this bill with a \$20,000 price tag unless we review what this consultant will do. This person, as the bill reads, will serve as a liaison

between local school nursing personnel for health care and health education. The intent does not actually read that way, and you will please look at the intent.

This is fine if you have a local school nurse at this time. What if you don't? The reason for this bill, I assume, is because some do not have the proper nursing or health care personnel within their schools. Will this consultant request for department regulations that will require all schools to have a nursing personnel? If you do have a statewide program, it will have to be fair for all. If local school units are required to have a nursing personnel, will it be partial, part time or a full time personnel? Will local units have to provide space for this person? How many overcrowded schools will have to build space at an additional cost? Will the local units be required to purchase an audiometer for hearing aid, a machine for sight, taking sights, a weight scale with a height scale, a telephone, office equipment, such as files, typewriters, supplies? These will be needed to effectively implement this program.

Will this consultant visit the schools to see that these programs are implemented properly? If so, will this consultant visit one school per day per year? We have approximately 900 schools and 175 school days. This consultant will have to be one heck of a roadrunner.

To visit the schools one day per year, if this is even enough, it will take at least six people or more. For the sake of travel, one nursing consultant will have to be stationed in Presque Isle, Bangor, Augusta or Waterville, Lewiston-Auburn, Portland, one for the coastal areas and a supervisor in the Department of Education plus likely some office staff. This could take at least six vehicles at the expense of six vehicles.

If this becomes a statewide program, will the price tag on nursing personnel go up, such as supply and demand? It will no longer be voluntary for local units. Somewhere down the road I don't see \$20,000 but anywhere from five to ten million dollars.

When the education budget is discussed in the House, we will assume this responsibility and fund it without complaints? I doubt it. We will blame the local units for spending too much money.

I know this bill is good and its intents are good because it says that an ounce of prevention is worth a pound of cure. Also, an ounce of prevention in the proliferation of the education budget is worth an English pound in the budget.

We implemented a health preventative care of nursing personnel in our school and it started with \$450 and it is now \$2,300 and it will be \$3,000 this year, and in order to implement a proper program for 400 students, we are told that it would cost a minimum of \$6,000. So, multiply this by 900 schools or more.

We did find cases of scoliosis, kidney infections, diabetes and everything else that you can find under preventative health care. My objection, of course, against this bill, is that it will be funded through the Department of Education and another increase in the cost in that budget.

Let's implement laws that will fund the same type of program through the Department of Human Resources under the Bureau of Health, under Division of Public Health Care and Nursing Program. The public health nurse used to serve in this capacity back in the early 1900's. They slowly withdrew the service because of lack of funds, because of other demands through the society, but by establishing a possible mandatory program, it will proliferate the cost of education, and unless some of you who have been here a lot longer than I know that programs such as these do not proliferate, I would suggest that the public health program be removed from the cost of education and placed in the Department of Human Resources, reducing the cost of our education by millions, and

there would be no duplication of efforts, no duplication of regulations and knowing the gist of the legislature, we are more inclined to fund Human Resource than we are the Department of Education.

I would hope that we really take a look at this. The reason the sponsor put this in was because she is very concerned about these children in schools, and if she wasn't, she would not have put this bill in here. Also, the Department of Education, if you have a new office in there, in order to work with something, you have got to have rules and regulations, you have to have a program to work with, and I fear the proliferation of the cost of education beyond what this legislature is willing to accept. That is my concern. I would rather see this bill — I am not going to move for indefinite postponement, but I would like to see it rest in legislative files so that the good young lady from Auburn would review this later this summer when she is home and has more time to look at this bill, bring it back through the Department of Human Resources and really save the Department of Education a lot of cost and still accomplish the same purpose that she wishes on this bill.

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

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the strong support of the gentleman from Sabattus today, Mr. LaPlante, speaking on behalf of my bill and I would just hope that I don't have too many other advocates of that nature sitting here in the hall of the House with me today.

I wish to just clarify the intent of this bill, and although I appreciate his suggestion that maybe I could spend my whole summer reading it, it is a very short bill with a very specific intent. If you will look at the language, the purpose is to assist local educational agencies to comply with this subchapter and other school health responsibilities. This bill does not give the school health consultant the power to promulgate rules and regulations, the power to start any new programs. We are talking about existing services, coordination of those existing services.

To refresh our memories, this will not require any new nurses to be hired in the rural districts. Right now we have a split situation with the division of public nursing controlling the health services in many of the rural areas and school nurses hired by individual districts managing the health systems in those districts. This is an effort to coordinate what is happening in the cities and what is happening in the rural areas.

Again, in terms of money, I would just say that this \$20,000, if it can more effectively coordinate the existing health services that we are providing, it can improve the quality of those services, certainly \$20,000 spent now can save a great deal of money spent later through our Medicaid program and our program in the schools which provides for tutoring for those students who are not able to go to school because of ill health. I would urge enactment of this bill.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Education Committee, I absolutely want to support what Representative Trafton has said today. This bill has nothing to do whatsoever with making school districts set up additional or new nursing programs. The only function of this person is exactly what it says, consultant. She is to work with those people who are currently working in our schools. I feel there has been a gross misinterpretation of the bill and I hope you will support Mrs. Trafton.

Mr. LaPlante of Sabattus 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. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Boudreau, A.; Brennerman, Brown, K.C.; Burns, Bustin, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Durgin, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Henderson, Higgins, Howe, Huber, Hughes, Jensen, Joyce, Kane, Kany, Kerry, Laffin, LeBlanc, Lewis, Littlefield, Lizotte, Martin, A.; Masterton, Maxwell, McKean, McMahon, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Palmer, Perkins, Plourde, Post, Prescott, Quinn, Rideout, Silsby, Spencer, Talbot, Tarr, Teague, Theriault, Tierney, Trafton, Twitchell, Valentine, Whittemore, Wood, Wyman, The Speaker.

NAY — Aloupis, Ault, Austin, Berry, Biron, Blodgett, Boudreau, P.; Brown, K.L.; Bunker, Byers, Carrier, Carter, F.; Connors, Cote, Cunningham, Dudley, Dutremble, Fenlason, Garsoe, Gauthier, Gillis, Gray, Hall, Hickey, Hunter, Hutchings, Immonen, Jackson, Jalbert, Kelleher, Kilcoyne, LaPlante, Lougee, Lynch, Mackel, Mahany, Marshall, McHenry, Morton, Peltier, Peterson, Raymond, Shute, Smith, Sprowl, Stover, Stubbs, Tarbell, Torrey, Truman, Wilfong.

ABSENT — Berube, Birt, Carey, Devoe, Hobbins, Jacques, Locke, Lunt, MacEachern, Masterman, McBreaarty, McMahon, McPherson, Moody, Norris, Peakes, Pearson, Rollins, Strout, Tozier, Tyndale.

Yes, 79; No, 51; Absent, 21.

The SPEAKER: Seventy-nine having voted in the affirmative and fifty-one in the negative, with twenty-one being absent, the motion does prevail.

Signed by the Speaker and Sent to the Senate.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Veterans and Retirement on Bill "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections" (H. P. 1019) (L. D. 1073)

Tabled — April 29, 1977 by Mr. Theriault of Rumford.

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

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: As the saying goes, this was my bill; I would like to talk just briefly on it.

L.D. 1073 is a measure that will correct two longstanding inequities in the state retirement law for employees of the Bureau of Corrections of the Department of Mental Health and Corrections. At the present time, employees at the Maine State Prison are entitled to retirement benefits upon completion of 20 years service and attainment of age 50. Employees at the Maine Correctional Center, the Maine Youth Center, and the State Division of Probation and Parole are denied this benefit.

The 106th Legislature approved this benefit provision for the Maine state prison guards for three basic reasons, to lessen the high turnover

rate, to provide incentives for attracting a younger work force and to bring the benefit in line with other enforcement areas, such as law enforcement officers. This measure will extend to correctional personnel the same retirement program that the state police now enjoy. State police were granted this provision because they were considered to be a hazardous occupation. I don't have to tell you that prison guards and other correctional personnel are also in a hazardous occupation.

A related item in this measure is the elimination of the age 50 retirement for all correctional personnel. Only the state police enjoy this provision now. Employees in the correctional field who have put in 20 years are sometimes required to work five, six, possibly ten years for no additional increase in retirement benefits.

Historically, the federal government in now a majority of the states gives hazardous employment retirement benefits to those individuals working in the field of corrections as well as law enforcement personnel.

Maine has enacted special retirement benefit privileges for the state police and another program for certain Maine State Prison employees. L.D. 1073 would establish the same retirement program for all law enforcement and correctional personnel that are considered to be in a hazardous occupation. I would urge you to vote against the pending motion and to at least allow this bill to go to the Appropriations Table.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to the appropriation on this bill of \$1,496,846. We are considering a modification of the retirement plan when the retirement system has drained \$140 million out of the fund to supply noncontributory teachers with a pension and will pay out probably another \$50 million or \$60 million before the program is ended. I think it is irresponsible to modify the state retirement plan with this appropriation at a time when the fund is requesting \$12.2 million in this biennium.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Every time we have a good bill come before us, we have to stop and figure out how much it's going to cost. I sympathize with my very good friend Mr. Lynch. However, we have a situation here where these people, guards in our institutions, are handling the most undesirable trash of this state — murderers, rapists, people who have inflicted bodily harm to the citizens of this state.

I realize that every time we try to pass a bill that has a large appropriation on it, it is a long, hard road, but I think that sometime, money has got to be considered secondary. Good bills should not be shot down the tube for the simple reason that there is not money available to fund them. That is our job up here. We can fund programs and we have the power to raise taxes or to see that money is appropriated to support these programs.

I don't usually speak on the floor of the House on these kinds of bills, but being a member of the Veterans and Retirement Committee and listening to testimony, I wish you could have all been there. The prison guards in our institutions are threatened almost daily. I think that consideration should be given to those whose duty it is to keep the undesirables of this state locked in institutions. I think that many times people who handle these kind of people, their so-called environmental life that they are used to on the

outside compared to the inside is certainly a deplorable condition. Where individuals can be working outdoors in other types of jobs that are not hazardous is one thing, and I think that is fine, but we need prison guards and we need people to deal with this kind of people to keep them locked up.

I think the appropriation that is on this bill is justified. I would be willing to go back home and tell the people of Westbrook that I voted for a tax increase and tell them why. Many times I do not want to see taxes raised on many programs, but this one is certainly worthwhile. If I go home and tell the people of my city why I voted for a tax increase to fund this law, I can stand on my two feet and justify it. I won't be wishy-washy about it and I won't pass the buck on to my other good Representative from Westbrook. I will stand on my own two feet and say why I supported a tax increase for this kind of a bill.

I know we are going to get a lot of deaf ears on this bill this morning because of money. I hope that some day when a raise comes before this body for ourselves, I hope we then will also turn a deaf ear. We can always find money for programs that we want but we can never find money for worthwhile programs because it runs into the millions of dollars. I ask you today, when you vote on this, to not consider the fact that it is a large appropriation, but consider the fact of the men and women working in these institutions who have to deal with these kinds of people.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: I can understand the reason for this bill and I certainly sympathize with the employees in these institutions. There is no doubt that theirs is a hazardous occupation but we feel that this should be reflected in the salaries and not in their retirement benefits. In most bills of this type, the request is to bring the department making the requests up to the level of the state police. This bill would go further and be even ahead of the state police, thus setting another level for the departments or districts having lesser benefits to aim for and setting off another round of demands for better benefits.

On the matter of financing, the request is for \$1,496,846 for the biennium. This cost, of course, would be extended into future years. It is not only this amount, but in future years it would be a rate of possibly about \$855,341 each year in the future, not only this first amount of \$1,496,846. Now the reason for us not accepting this and wanting it not to pass, for those of you who were in the 107th know how much trouble we had to try to level off some of these benefits to try to get them at the right level and not be improving some special section. In other words, we want to have good retirement benefits for everyone, but not get better ones for some of the people at a cost to the other people.

This would definitely not be helpful to the system and I hope that you vote for the "ought not to pass."

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree with anyone more than the former speaker. I don't feel that by having these fringe benefits it entices anyone to go to work. That is, these young people just don't look that far ahead. I noticed, for instance, in my own country, so many of the deputy sheriffs there, they aren't in on the retirement program at all. I will say to them, "why not?" "Well, after all, I may die when I'm 59 or whatever." Mr. Theriault is right. If

they want to correct this, it should be on the salary level and not on this level. Also, when Mr. Laffin says that he can go back and tell his people he wants more taxes, I can't do that. I associate with people every day that make \$3 and \$3.50 an hour and taxes are a very important part of the whole picture. They just can't afford any more taxes. I think we have to take money into consideration, we have to take the whole thing into consideration and I hope we support Mr. Theriault on this.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: Before we finally act on this measure, I would like to point out to the House some of the inequities which now exist between the different groups of correctional personnel. I have a number of people in my district who work at the Youth Center, a number of people who work at the Men's Correctional Center in Windham, and their retirement plans are very different from both the State Police and also from the people at Thomaston.

I was at a meeting a few weeks ago with some people at Windham and one of the guards showed me a screwdriver which he had found in a car that he was using to transport prisoners after he had left the prisoners off and the end of the screwdriver had been filed down to a sharp point and the screwdriver was hidden under the seat so that had they decided to do it, the people he was transporting had the capability to plunge that thing into the back of his neck and he would be dead. They are subjected to the same kinds of risks as the people at the State Prison and yet they are treated very differently.

The prison guards, when we dealt with the Hay Plan, one of the things that came to my attention was that prison guards in the State of Maine were the lowest paid in the whole country. I think that there is a real morale problem developing in the staff of the state institutions, not only because of the level of pay but also because of the inequities between the various institutions, so that I would urge you to vote in favor of the Minority Report today so that this bill can get to second reading, and if there is a possibility of amending this to deal with some of these problems, I think we ought to act in this session to do that.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do not accept this report. What you are playing with is the soundness and the stability of the retirement fund. You cannot go on extending benefits to various agencies of various departments, building up an enormous amount of prior service that has to be funded, the unfunded liability has jumped from \$450 million, approximately, to over \$525 million. It is costing the state an enormous sum of money each year for its contributions towards active state employees, active teachers.

I sympathize with the people in the prisons and correctional institutions, but I think you have to pay them now, not take on a deferred payment plan which jeopardizes a state retirement system. You are heading in that direction, and the people who are going to be hurt are the retirees, they are the people who have completed their working years, they are the people who cannot adjust if the retirement system has to be corrected in any way for reduced benefits. Active employees, active teachers, for the most part, will have an opportunity to adjust to any change in benefits, but don't compound the troubles that have been brought upon the retirement fund by past legislative action.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Members of the House: It seems to me that we would be playing

with the soundness of the retirement fund if we were asking for this bill to be passed with no price tag. That is exactly why the large appropriation, why we are asking that the money has to be put into the fund to pay for the benefits that would be allowed under this particular piece of legislation.

I think there are many problems within the correctional system and I certainly would be in favor of increasing the salaries for prison guards, but that is just part of the problem. One of the reasons is, you give people 20-year retirement benefits for those people who are in tension producing situations, who are under stress over a period of time, it is those kinds of people who don't necessarily need only an increase in salary but need a shorter retirement time, because people can only work under those kinds of situations for limited periods of time and that is why the 20-year retirement.

I think there was a time in our state, and it wasn't necessarily that long ago, when perhaps we could justify a 20-year retirement for State Police and not have a 20-year retirement say for people working at the Maine State Prison because things were different at the prison then, but those times have changed.

We in the State of Maine have no longer been able to escape the kinds of situations that have plagued our prisons in other areas of this country. Guards that work in the prisons are under threat of their lives. We have had people held hostage, attempts made at people's lives, they are under a tremendous amount of abuse from prisoners and in many cases feel that they are unable to take any kind of action, and from my own experience in talking with people at the prison, it is not only an increase in salary, which we are not even dealing with at this point, but I think you can only expect people to work under those kinds of situations for a limited period of time and that is why we need the 20-year retirement without asking people to reach a certain age before they are able to retire.

I would ask you to support the "Ought to Pass" Report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that we in the State of Maine, it is the only state in the nation that places Bureau of Correction employees on a different plane than that from state police and other members working in comparable areas of employment. It is also my understanding that the State Police have been contributing out of their wages approximately 8.3 percent into the retirement fund, whereas the Bureau of Correction employees have only been contributing somewhere around 7.2 percent, one percent different into the retirement fund.

I am wondering whether or not the employees who are concerned underneath this bill, knowing that the bill could possibly well be killed and they would have no system whatsoever and no increased benefits whatsoever, I am wondering if the committee and the employees would be willing to take this bill back into committee and have the employees contribute more than 7.2 percent from their wages into the retirement fund so as to enable us to reduce the price tag of this bill from one and a half million dollars over the biennium so that we might be able to reach some compromise or some middle ground to make this bill fiscally responsible and fiscally feasible?

I would like to pose a question through the Chair to any member on the committee regarding the propriety of recommitting this for that purpose.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: There was a question

asked on the matter of the members and the deputy wardens of the state prison and other correctional centers having an increase in contributions. The bill specifies that it would be increased to 7.5, but this is just a small item. In reference to increased contributions, the State Police pay about 8 percent but, on the other hand, the state itself has to pay 29 percent of the salaries for their retirement. I don't feel that is justified; it isn't justified for the State Police and certainly I don't feel that anyone else should be brought up to that level.

As far as inequities, if we should pass this bill and have them so that the inequity wouldn't be there between them and the State Police, how about other people in lower categories? They would feel that there would be inequities between them. Where do you draw the line when you say hazardous work? Where is it hazardous and where isn't it? Any job has its hazards. I will grant you that they probably are very hazardous in the state prison, but I still feel that this bill should not pass.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: We were talking with Mr. Malaney in the Judiciary Committee yesterday and I think that this bill is very timely and I think that the situation is critical. We have antiquated buildings and the last escape was done with a can opener. The people took a hostage and got out and got all the way to Millinocket, as I understand, it was the first time that they have really ever gotten out of the area of the prison.

The thing that I want to impress upon you and he was trying to impress upon us yesterday is that these folks have nothing to lose. When they get out and when they go, they have nothing to lose, because the very worst thing that can happen to them is to go back in again. Some of them are there for one or two murders, so they have absolutely nothing to lose. He told us, and I was horrified, he still doesn't understand why there wasn't a blood trail left.

You are talking about people who have got to put their lives on the line every single day. You are talking about people who can be grabbed, held as hostage and in a situation where human life really doesn't have a great deal of value. The young gentleman from Bangor made a suggestion, I would implore you to move this bill along and let any amendments that could be presented, but the time has come that society is going to have to take the responsibility and this is one of the major areas — this is one of the major areas — so I would hope and pray that you would vote for this bill this morning.

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

Mr. CARRIER: Mr. Speaker, Members of the House: It is kind of hard for me to get up and speak on this bill because this is a bill which is very close to me. Back on February 1st of this year, I know of a party who was a guard in the Portland area and one of the clients or derelicts in there stabbed him seven times. I submit that this same thing can happen to the people at the Windham Center where the person who did this was sent to. I submit to you that this is not where the young man belongs. I think he belongs in a mental institution but the great justice who sent him over there prevailed and said that that was where he should go.

My point is this, that these guards in these institutions are dealing with very dangerous criminals. I hope that none of you will ever be exposed, or none of your family, to some of the things that these prisoners do. If you do, for those of you who know me, you know what my stands are as far as criminals are concerned and how it will be forever, and forever it will be because it will be stronger than ever. This gentleman who happened to get stabbed is my

son. I submit to you that if there is any way at all that I can help the guards, wherever they work, I will do so.

I have been a great opponent of taxes because in Westbrook, like everywhere else, I think everybody is struggling in their own way to make a decent living, but in the last legislature, when you people passed an increase in the income tax, I was strongly hit by the income tax and if I had anything to say about it, I would like to take part of that fund and the extra income tax that I have paid in order to protect these guards and also give them better retirement.

I recall when I was on the committee and we decided to give this to the state troopers, we had the same arguments about it, the costs and everything, but it seems to have worked. I think we should take the cost at the University of Maine in Portland, used by a group of Communists and Marxists, use that money that they use to put on their events, such as you can see in the paper today that the queers are going to put on a dance, use that money. Do away with these events, these immoral events. These types of events are not accepted by society. We should use that money and put it to help the people of this state and help the guards that subject their lives everyday. They can't turn around but these derelicts in there will stab them or kill them. I hope that it never happens to you, that you have anyone close to you get hurt by one of them. I offered to take care of that fellow but it was never accepted and I am thankful that it never was because I would be the one behind bars and I don't want that to happen.

When we talk about things close to the heart, this bill hits the heart. If you have relatives or anyone in there that ever got hurt by one of these people, you can't get back to these people because the law won't let you, but the least you can do is give them protection, give them extra money for extra protection at present and also at their retirement, if it is 20 years or whatever they decide on, I am telling you after 20 years of dealing with these people, you have had it.

I hope you do not accept the "Ought Not to Pass" Report and let the bill ride for what it is worth and if it must die, just keep it in your mind that maybe in some other way, somehow, we can help these people.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Just for the record, the people who did that kind of thing to his son and the wardens in the prison and others that he talks about are not Communists or Marxists, that is a political kind of thing and we are talking about criminals.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Rumford, Mr. Theriault, that the House 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.

Mr. Morton of Farmington 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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have very little to say about this, but I do feel as though this is a bad bill and I will tell you why.

I had the opportunity to serve on the Veterans and Retirement Committee during the previous session; prior to that I knew absolutely nothing

about the retirement fund or the retirement system. This is an attempt, as we have had many times in the past, to use the retirement system as a crutch to provide for proper pay for state employees in various categories. What you are asked to do here is to make a rather drastic policy change and you are asked to use the retirement system because it has not been the policy to pay the folks who work in correctional institutions at the level you feel they should be paid.

That is the only point I want to make today, that the retirement system is not the way to go about this. You put into the retirement system and you have it built in for all time. The proper way to face this is right out front and if these people aren't being properly compensated for the jobs they have, then face it there is the compensation plan, but don't attempt to do it with the retirement system. You do nothing but weaken the retirement system when you do this, you erode it. I certainly hope that you will vote to accept the "Ought Not to Pass" Report.

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

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I would remind you that Maine presently has three different retirement programs. This is very demoralizing to personnel and I think it is very incumbent upon us to correct this problem by equalizing the retirement program. As far as this being a drastic change, as I said before, the Maine State Police, presently, enjoy the provisions that are in this program, it simply brings the people in correctional institutions up to where the State Police are.

If they are concerned about the money issue and certainly I am too, we should do one of two things. I took the positive approach to correct the personnel problem by bringing correctional personnel up to the State Police. If they are really concerned about the money issue, maybe we should bring the state police down to where the guards are and the other correctional personnel up to where the prisons are and this would accomplish the same goal, but I didn't think this was fitting to do at this time. The continuous turnover in these institutions is also very expensive but it is difficult, of course, to put a price tag on that.

I would urge you to let this bill continue on to at least its first reading and if amendments are appropriate, I am sure that we will be open to any and all suggestions.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, to answer my good friend from Farmington, Mr. Morton, it is great to stand and say that we should grant them extra pay and after the great debate in the last session concerning the famous or infamous Hay report, I noticed that my good friend and several others weren't so disposed then and as I said before from the feedback that we got yesterday, there is a problem coming that this state cannot afford in human life, and I don't mean the life of the guards and life of the prisoners, I am talking about the life of the private citizens on the outside if what is forecast on the horizon comes to pass. It is going to be horrendous.

I submit that both the retirements should be changed and the wages should be increased because we are getting into a dangerous situation and, as I say, my information is fresh. It comes from the horse's mouth so to speak. It comes from the ex-warden of the prison. He had a long talk with the judiciary committee yesterday afternoon. Things are not good and it is time we started this morning to do something about them. I hope that you would maintain the stand that you have taken and vote no so that we can accept the minority report.

Mr. Theriault of Rumford was granted permission to speak a third time.

Mr. THERIAULT: Mr. Speaker, Members of the House: If by passing this bill we would stop all this violence, no prisoners would hurt wardens or guards, then I would be 100 percent for it, certainly it would be a safeguard. But by passing this bill doesn't mean that you are going to stop those prisoners from attacking the guards or the wardens. They will be in the same situation whether you pass this bill or not. It will only be a matter that if those that survive will get more money in retirement and get it sooner. It doesn't protect them from the prisoners one iota. Please, do not pass this bill.

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

Mr. FLANAGAN: Mr. Speaker, Ladies and Gentlemen of the House: This debate here this morning has certainly brought to light that we have a problem. Whose problem is it? These people are state workers. These people are carrying out the responsibility of the state. I hear them talking that the burden of this responsibility will fall on the retirement system. That should not be. I hear them saying here that the state hasn't any money. We haven't any money to pay out. Where does the state get their money? If they want these activities carried on, if they want to accept their responsibility and they haven't got the money the state has got to go get it. They have got to take care of these people if they are taking care of any of them at all, they have got to take care of all of them.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Rumford, Mr. Theriault, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Berry, Biron, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carter, D.; Carter, F.; Chonko, Clark, Connors, Cote, Cunningham, Dexter, Dudley, Fenlason, Garsoe, Gauthier, Gillis, Goodwin, K.; Gould, Green, Hall, Hickey, Huber, Hunter, Immonen, Jackson, Jalbert, Jensen, Kany, Kilcoyne, LeBlanc, Lewis, Littlefield, Lizotte, Lougee, Lynch, MacEachern, Mackel, Masterman, Masterton, McBrearty, McHenry, McMahon, Morton, Nadeau, Pearson, Peltier, Peterson, Plourde, Raymond, Rideout, Rollins, Silsby, Smith, Stover, Talbot, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Whittemore.

NAY — Bachrach, Beaulieu, Bennett, Benoit, Berube, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Bustin, Carey, Carrier, Carroll, Churchill, Connolly, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Goodwin, H.; Gray, Greenlaw, Henderson, Higgins, Howe, Hughes, Hutchings, Joyce, Kane, Kelleher, Kerry, Laffin, LaPlante, Mahany, Marshall, Martin, A.; McKean, Mills, Mitchell, Najarian, Nelson, M.; Nelson, N.; Norris, Perkins, Post, Prescott, Quinn, Shute, Spencer, Sprowl, Stubbs, Tarbell, Tierney, Trafton, Valentine, Wilfong, Wood, Wyman.

ABSENT — Birt, Devoe, Hobbins, Jacques, Locke, Lunt, Maxwell, McPherson, Moody, Palmer, Peakes, Strout, Tyndale.

Yes, 71; No, 66; Absent, 14.

The SPEAKER: Seventy-one having voted in the affirmative and sixty-six in the negative, with thirteen being absent, the Majority "Ought Not to Pass" Report is accepted.

Sent up for concurrence.

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Veterans and Retire-

ment on Resolve, to Increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (L. D. 1287)

Tabled — April 29, 1977 by Mr. Theriault of Rumford.

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

On motion of Mr. Theriault of Rumford, retabled pending the motion of the same gentleman to accept the Majority "Ought Not to Pass" Report and specially assigned for Thursday, May 5.

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

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)

Tabled — April 29, 1977 by Mr. MacEachern of Lincoln.

Pending — Passage to be Engrossed.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: We are presently waiting for some answers from the Pesticide Board and DEP in connection with some of the reports that they have, which is due very shortly and for this reason, I would ask someone to table this.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

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

Bill, "An Act Relating to Resident State Police Troopers" (Emergency) (H. P. 1493) (L. D. 1705)

Tabled — April 29, 1977 by Mr. Curran of South Portland.

Pending — Passage to be Engrossed.

On motion of Mr. Greenlaw of Stonington, retabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act Relating to Conservation Restrictions" (H. P. 775) (L. D. 964) (C. "A" H-210)

Tabled — April 29, 1977 by Mr. Garsoe of Cumberland.

Pending — Passage to be Engrossed.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to bring out a problem that I have had in one of my towns. One of my towns lost about \$700,000 to \$800,000 in taxable property through these conservation commissions. I was down last summer to go out on one of the points there and it is all chained off and has signs on it: "Department of Fish and Wildlife" and "No Trespassing" signs everywhere.

I noticed under this bill that it says for the public use and this is completely barred from any use by the public entirely and this is approximately \$700,000 or \$800,000 in valuation — that is taken out of the town of Steuben. They were reimbursed some of the taxes that they lost from the state but this is the taxpayers money that is going back to the town of Steuben to pay for this and yet, this is banned from public use.

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

Mr. GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the comments of the gentleman from Franklin, Mr. Connors. If I am not mistaken, he is referring to a gift that was made apparently

by some merchants of Steuben to the federal government for a piece of land and the name of the area escapes me.

I would suggest and I could be wrong that there are some reimbursements made not from the state government but from the federal government for the loss of taxes. I might further add that in the closing days of the last Congress there was a bill that was passed that would, in fact, reimburse communities for certain properties that were owned by the federal government that were, in fact, tax exempt. This has become a very important issue with Acadia the master plan in and around Hancock County.

The reason that I stand up to comment on this is I think both state and federal government are realizing that conservation easements do, in fact, impact upon local municipalities, and I think there are very definitely movements under way to reimburse towns for lost taxes as results of conservation gifts to certain state and federal agencies.

I see this bill as desirable and I hope that we do pass it to be engrossed today.

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

Mr. CONNORS: Mr. Speaker and Members of the House: My concern over this is that this land is being taken out of public use, that the public cannot use it. This is my concern and we are having more and more acres of this the same way.

Whereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

House Report — "Ought to Pass" as Amended by Committee Amendment "A" (H-159) — Committee on Education on Bill "An Act to Facilitate Out-of-state Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

Tabled — April 29, 1977 by Mr. Lynch of Livermore Falls

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, tabled pending acceptance of either Report and specially assigned for Thursday, May 5.

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

Bill "An Act to Provide County Commissioner Districts in Washington County" (H. P. 1225) (L. D. 1359) — In House, Passed to be Engrossed on April 12. — In Senate, Indefinitely Postponed.

Tabled — April 29, 1977 by Mr. Quinn of Gorham.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, retabled pending further consideration and specially assigned for Thursday, May 5.

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

Senate Report — "Ought to Pass" in New Draft under New Title: "An Act to Resolve Certain Conflicts between the Statutes and the Maine Rules of Evidence" (Emergency) (S. P. 478) (L. D. 1719) — Committee on Judiciary on Bill "An Act Relating to Privileged Communications for Clergymen" (S. P. 259) (L. D. 782) — In Senate, Rules Suspended, Read Twice and Passed to be Engrossed.

Tabled — May 2, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Tierney of Lisbon Falls, retabled pending acceptance of either Report and tomorrow assigned.

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

Bill "An Act Concerning Prosecution of Fish and Wildlife Law Violators Who are 16 Years of Age or Older" (H. P. 193) (L. D. 255) — In House, Bill and accompanying papers recommended to Committee on Fisheries and Wildlife on April 27. — In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-205)

Tabled — May 2, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending further consideration.

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

Bill, "An Act to Abolish the Mental Health and Mental Retardation Improvement Fund" (H. P. 1470) (L. D. 1727) — In House, Referred to Committee on Health and Institutional Services on April 27. — In Senate, Referred to Committee on Appropriations and Financial Affairs.

Tabled — May 2, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mrs. Najarian of Portland to Recede and Concur.

Thereupon, the House voted to recede and concur.

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

House Divided Report — Majority (10) "Ought to Pass" — Minority (3) "Ought Not to Pass" — Committee on Education on Bill "An Act to Amend the State Tuition Equalization Fund" (H. P. 258) (L. D. 327)

Tabled — May 2, 1977 by Mrs. Mitchell of Vassalboro.

Pending — Motion of Mr. Lynch of Livermore Falls to Accept the Majority "Ought to Pass" Report.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I rise to oppose the majority "ought to pass" report and I would like to explain my reasons. The step program which is referred to in this bill means the student tuition equalization plan. Under this program, monies from the state go directly to private colleges in the state of Maine, directly. They use the money, at their own discretion, to give tuition relief to Maine students.

Later in the session, we will be dealing with two proposals that concern student aid. Both of these proposals phase out this program. One replaces it with something else and one simply phases it out, but the consensus of opinion is that the step program, as it now exists, is not in the best interest of the state of Maine or its students.

This program is an expansion of a program that most people are committed to change. It makes no sense to me to expand a program which is facing its demise. The bill before you increases the income eligibility guidelines from \$13,000 a year to \$17,000 a year and I would like to give you some step statistics for 1976-77. There are 1,008 Maine students involved in this program. The gross income, average, \$8,644. Now, to serve this same group of students, we do not need to raise the eligibility guidelines. This is an expansion of a program. State dollars in this program have gone since the program started in 1972 from \$150,000 to \$440,000. It is an expansion of a program that is on its way out and I urge you to vote against the majority report and to vote with the minority.

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 gentlewoman from Portland, Mrs. Najarian.

Mrs. NAJARIAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to back up what Mrs. Mitchell has said because I have a bill in relation to this program. I have done quite a bit of research on it.

I have statements here from both the Pecon commission and the chancellor of the university which says that the 1976 education act — federal amendments prohibit the allocation of federal dollars to this program which, because it is not available to all non-profit institutions, this money now just goes to private institutions and the federal government will no longer match the state money unless it goes to all institutions.

The Chairman of the Education Committee told me that this step program has to be repealed and he himself has the bill in which phases out this program. It, as a matter of fact, had its hearing a couple of weeks ago.

I would just say in addition that there are 124,000 married joint returns filed for incomes up to \$13,000 and only 41,000 married joint returns filed for incomes between \$13,000 and \$17,000. What you are going to be doing if you expand the program is to make the present money less available to those who are really in need, below \$13,000 by including this higher income category.

I hope you will support the motion "Ought Not to Pass."

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I preface my remarks as we all do with "I didn't intend to speak on this subject" and I truly didn't, but some questions have been raised by the remarks of the gentlelady from Vassalboro and the gentlelady from Portland. It really is putting me in somewhat of a quandary. I don't know where the information comes from that this program is about to be phased out and I would like more information on that before voting. It has not been my understanding that this is the case.

I have been concerned as a citizen of Maine for a long time that we do not do enough to face the problem of our small private colleges, that we, indeed, do need to be doing things like this to improve their status, to encourage young people in Maine, not only to use the university system but to use the private colleges that we have available. Many of them do have difficulties and I can't see any sense in doing something which is going to be detrimental to them in their future growth.

It looks to me like you might be, by phasing out this program, actually increasing the capital expansion of the university systems and while at the same time having laboratories and dormitories and facilities in the state not being used, which truly they need to be to totally utilize the educational facility that we have in the state. I believe that the program is a good program. I don't know what the gentleladies intend to do to replace the step program but I do know of many, many young people in this state who take advantage of this, who find it very helpful and I think that the schools that they go to find it very helpful too. I just don't want to take a couple of words here to this program dying because I hadn't been invited to the funeral yet and I wanted to find out just when that is going to be held and why.

I guess now, I will wait for a response.

The SPEAKER pro tem: The gentleman from Nobleboro, Mr. Palmer, has posed a series of questions through the Chair to anyone who may care to answer if they so desire.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: I will attempt to answer. I don't want to invite you to any funeral because what I meant by that is that there are going to be two proposals before us. It does not mean that we have reached any decisions, as a legislature or a committee, as to how we want to aid our private schools. I believe that Mrs. Najarian pointed out that and my information here comes from the Department of Health, Education and Welfare and as you know, the recent amendment provides that beginning July 1, 1977, all non-profit institutions of higher education are eligible to participate in any state program. Since Maine's public institutions are currently ineligible to receive funds, SSG funds, the Maine Student Aid Program may be in jeopardy unless a technical amendment will carry us through for another year.

Senator Katz has a bill which would provide a comprehensive program. It says that the student can receive state and federal dollars and spend those dollars, both at private schools and at public schools and that would take care of federal requirement for receiving federal funds.

Mrs. Najarian's proposal would simply abolish aid to private schools in any way.

Both of these decisions you can make later. It is not to say that you have to cross that bridge now but the current debt program may jeopardize our entire Student Aid Program so both of those sponsors who are certainly diametrically opposed agree that the step program must be replaced with something else so don't come to the funeral yet but let's try to revise how we give the aid to the private schools, not necessarily through the step program which has been an outstanding program which I do not think can exist any longer without jeopardizing our federal funds.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: As long as we are talking about funerals, let's not bury the pallbearer, let's keep the bill around to see whether the other two bodies die first.

The SPEAKER pro tem: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular bill is not, I feel, being sponsored in the appropriate time. When we are considering a bill which is going to phase this program out entirely and when we are also considering two bills that are going to replace it with a broad program of comprehensive students assistance so that young people can attend both the University of Maine as well as the private colleges of their choice, this does not seem to me to be an appropriate time to be considering the expansion of the step program.

Under the bill, if you will notice the Statement of Facts or in the bill itself, the ceiling for eligibility, the income ceiling on that eligibility, is going to be raised from \$13,000 to \$17,000 and the individual grants that are going to be allowed under this program, the maximum grant, are going to be increased by \$900 which is the maximum now to \$1,000 per school year. If this does occur and if the bill does pass, what the effect is going to be, I fear, is that many lower income students, those with incomes under \$13,000 are going to have less available aid and assistance then they do now. It seems to me that we ought to be considering, not only this program but also our priorities.

This particular issue is private education versus public education, although I am sure that many would construe it in those terms. Those of us who are opposed to this bill and

want to reevaluate the step program are not opposed to private education. I think the private schools in this state perform a very useful function. They are a real credit to this state and they offer a kind of education, a quality education, that is distinct from that offered at the University of Maine but that is not really the issue.

The issue is, where are we going to establish our priorities? Just how are we going to reconcile increasing this program, expanding it, when there are three bills now before the legislature to phase it out, to replace it? How are we going to reconcile increasing this program at the same time that we have pressing needs at the university level?

I think the State Government and the state legislature must consider its obligations to the one institution, the one public institution of higher education.

I hope you would defeat this report, give us an opportunity on the Education Committee to consider these other pieces of legislation and then come up with a program that is consistent, not only with helping our young people, which ought to be our chief objective, but also toward establishing our priorities for higher education.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does one thing. It raises the ceiling for family income from \$13,000 to \$17,000. In my campaign, I talked to most of the people in my two towns and time after time, I got the same reaction. People said, the real poor people are taken care of by somebody, the rich people don't need to be taken of, but the middle income people are socked. The middle income people are a lot of the people between \$13,000 and \$17,000 and they find that when they want to send their children to college, they are not eligible for certain things, they find a lot of places where they are discriminated against.

I don't know whether the step program is going to be phased out or not, nobody knows yet, it hasn't had a hearing. Whether it does or not, as far as this particular bill is concerned, it seems to me that it is time we raised the ceiling to give the middle income people a little better break.

The SPEAKER pro tem: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think it is important that we do establish priorities. But I think when we establish our priorities, we have to keep all the alternatives open. I am just wondering if we kill this particular bill, then we will be sort of painting ourselves into a corner and we will only have two or three other alternatives. I would like to see this alternative kept alive as we consider our other alternatives so I don't know just how we keep it alive, whether we have to pass it or not but I want to keep this alternative alive to be considered along with the other alternatives and then out of the three or four choices, we would be able to establish our priorities from those.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This bill really addresses a fact of life with all of us and that is inflation. What it says is that a person who was earning \$13,000 doesn't have \$13,000 worth of buying power today so we are saying that a \$13,000 income several years ago, probably is equivalent and we know really that it isn't, that it should be even higher than \$17,000 but it is saying that we are raising it to \$17,000 just because of inflation and also if any of you have

priced private colleges lately, you will know they have gotten more expensive too. So, that \$900 isn't going as far as it once did so therefore, the bill says that we will get a \$1,000, that probably is about one fifth of the cost so it is not sending a student to a private college but it is giving a little help.

I think as long as the step program is in place, which it is at the present time, and even if we phase it out, we are going to take care of those people who are presently attending colleges. I think this only makes sense to go along with inflation and to allow the extra deductions.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to give you just one fact of life. Starting next year at Tufts University, it will cost a student \$17,000 a year.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to say that from the information that I have from the Pecon Committee, the private colleges in the State of Maine have more than \$14 million dollars of financial aid available for students. They identified 930 needy Maine students. What we are really doing by this step program is freeing up other financial dollars so that they can aid students from out-of-state.

I would say to the gentleman from New Gloucester, Mr. Cunningham, that Senator Katz's bill will be before this House and if you then want to expand the step program to \$17,000, you can amend his bill to do that. This isn't the last opportunity that you will have to debate this issue.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this bill has anything to do with whether or not the state is going to provide money to private colleges. We have the step program, we are going to keep the step program and if we should phase out the step program later on, that is a whole different issue. The only issue here now is, do we want to raise the ceiling from \$13,000 eligibility to \$17,000? That is the only issue.

I would like to comment on the comments of Mr. Bagley. I really think that when you look at the blue collar workers in the state, those people who work in the paper companies those who work driving trucks, railroading, whatever, their incomes are \$12,000 or \$15,000 and those are the people that need help. We are not talking here about the step program being saved or not, we have to debate that issue later. All we are saying now is, do we increase eligibility guidelines from \$13,000 to \$17,000? That is the only issue.

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

Mr. PALMER: Mr. Speaker, would the Clerk please read the Committee Report on this bill? Committee Report was read by the Clerk.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I submit to you that is fairly heavy timber for a bill which is about ready to have its demise. I think that 10 members of the Education Committee agree that this program has some strength to it and should be continued and I hope, regardless of what has been said here about this dying and two other bills doing a much better job, that you will at least keep this alive now by accepting the Majority Report, rejecting the Minority Report and nothing of great consequence can

happen as we see how these other magnificent pieces of legislation go through this body and how, indeed, they do solve the problems that we are experiencing today in this field.

I hope that we will vote against the Minority Report.

The SPEAKER pro tem: The pending question before the House is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 21 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once, and assigned for second reading tomorrow.

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

House Divided Report — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" in New Draft under New Title "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 1511) (L. D. 1732) Committee on Election Laws on Bill "An Act Changing the Date of Primary Election to the First Wednesday after Labor Day" (H. P. 4) (L. D. 7)

Tabled — May 2, 1977 by Mrs. Boudreau of Portland.

Pending — Acceptance of either Report  
On motion of Mrs. Boudreau of Portland, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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

"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)

Tabled — May 2, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Enacted.

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

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

Senate Divided Report — Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (S-52) — Minority (4) "Ought Not to Pass" — Committee on Education on Bill "An Act Permitting Corporal Punishment in Certain Private Schools" (S. P. 181) (L. D. 495)

Tabled — April 13, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Acceptance of Either Report.

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

Mr. LYNCH: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been lying on the table for several weeks now, the idea being that we should wait and see what would happen to the public school corporal punishment bill before we involved ourselves with this.

I don't think, in my opinion, at this point that there is much hope at all of killing this bill and I rise as an opponent of using corporal punishment as a form of discipline and I think the vote of this body before on the public school bill was an indication of how this branch, at least, felt about the issue of corporal punishment. I would like to remind you of a couple of things before we take a vote. First of all, there is already a law on the books that was on Enactors as part

of the Criminal Code in the last session of the legislature, that allows teachers to use a reasonable degree of force on a student in a classroom if that student is disrupting the classroom and the teacher can also remove that student from the classroom.

If we pass this particular bill, we are creating a dichotomy. This legislature has already said in the last two weeks that we would not endorse the concept of corporal punishment in public schools. If we pass this particular bill, we will be allowing corporal punishment to be used in private schools. We will be allowing a disciplinary procedure to be used in private schools that we have said we don't want to be allowed in public schools. Somehow, in my way of thinking, I think that is wrong. We either go with both for public and for private or we don't go with either one.

I have received more mail on this particular piece of legislation, this particular bill, than any other bill that has been before the Committee on Education this session and all the letters have come from the Bangor, Camden area and are a result, I suspect, of the campaign that has been conducted by the Reverend Buddy Franklin. It was he and his people who came to the committee and spoke before the committee for several hours on this issue and were the ones that endorsed the passage regardless of what happens to the issue of corporal punishment in public schools.

The Representative from Pittsfield, Mr. Wyman, has an amendment that I suspect he intends to offer if this bill ever reaches its second reading that would change the title of the bill from corporal punishment in private schools to corporal punishment, and the way the amendment reads is in so-called "christian schools".

The only people who are pushing for this legislation are the people from the christian school in Bangor. Letters that I have received, the testimony that I have heard and some phone calls that I have received on this particular issue have raised the question in my mind of what are we doing when we allow corporal punishment to be inflicted on children in a religious school? Some of those letters have bordered on, in my opinion, religious fanaticism. I think some of the testimony that was received by the committee and the letters that I've received bear that particular fact out.

Before I end I would just like to point out to you the statement that was made by the Representative from Livermore Falls, Mr. Lynch, when he placed this particular bill on the unassigned table. He said then that if the corporal punishment bill in public schools were to be defeated, he felt, at that time anyway, he said that this particular measure should also be defeated. I just would hope that on that ground, regardless of how you feel about corporal punishment, since this legislature has said we don't want corporal punishment in public schools, that we would also say we wouldn't allow corporal punishment in private schools.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't have an opportunity to check the legislative record. I would doubt very much if I said that because I signed the "ought to pass" report.

The arguments that are being heard and the letters that have been written are typical of the debate that took place in the United States Supreme Court. The statements made by some of the justices in opposition to corporal punishment were astounding. They are the extreme cases that you would never expect a justice of the Supreme Court to even mention.

The gentleman from Portland has said that there is a division — there certainly is. There is a division within this legislature on many issues

between those that are more liberally oriented and those that are more conservatively oriented. I think it shows up very clearly in the issue of corporal punishment. The issue has come about because of an opinion given by the Attorney General. It deals with subparagraph two which says, "A teacher or other person entrusted with the care or supervision of a person for special and limited purposes is justified in using a reasonable degree of force against any such person who creates a disturbance and when to the extent that he reasonably believes it necessary to control the disturbing behavior or to remove a person from the scene of such disturbance." When asked if this would allow a teacher to use corporal punishment, the Attorney General said no. Corporal punishment is forbidden under the Maine criminal code and, incidentally, one of the few states in the country that forbids corporal punishment. He did say that corporal touching was permissible.

Now, what is corporal touching? Does that mean that if a teacher brushes against a student, that's permissible, but if a teacher firmly takes a student by hand and sits the student in a chair, that is corporal punishment? That is the sort of situation that has disturbed the teachers in the state of Maine, they don't know what is what. What is corporal touching and what is corporal punishment? Do they expose themselves to suit? That is why we attempted to pass the other bill. It was passed by this body but rejected by the other.

Subparagraph two says "any such person who creates a disturbance." What is a disturbance? Is it a small riot or simply a student standing up? I think one of the greatest mistakes that the 107th Legislature made was to enact this part of the Maine Criminal Code without clarifying it. I hope you do pass this bill.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I think the previous speaker has also pointed out some of the dangers in the existing proposal. That is that he is concerned about not being able to make the dividing line between corporal touching and corporal punishment. The question is, what does corporal punishment mean and where is the dividing line between corporal punishment and something more severe? That, of course, is also ill-defined. Considering the fact that it is so, the only way to protect these children, I feel, is to make a clear-cut distinction, say no. That way, there is no question about the gray areas. Even if a teacher makes a mistake and goes to some heavy corporal touching, it is still not likely to do any particular damage to the student. That is one issue.

A second issue that I would like to address is not so much the child's immediate danger, if you will, but the basic underlying principle of what corporal punishment does as a teaching device. I have mentioned this before but I think it is just as important wherever it occurs. It is teaching people that a way to solve problems is by physical force, it is demonstrating that fact, that someone else with greater force can make you do something. If you want somebody else to do something in the future, physical force is a reasonable way to do it.

Those children who are in the private schools are going to be in the public realm at some point in their life. They are not going to keep that learning private and to themselves, they are going to bring that forth to children and adults in the rest of the community.

Thirdly, this is a very difficult area to bring up but it is something that I feel is a legitimate position. The christian schools and others who feel this is appropriate have a certain point of view. They have in the past or other similar in-

stitutions have in the past carried this too far, to be abusive. I am not saying that is the intent of these people to be abusive. What I am saying is the very nature of using corporal punishment and feeling that it is an integral part of teaching, I feel inevitably leads very easily to crossing that line which results in child abuse, not that people intend it, not that they realize it, not that they feel it was appropriate, but the door is so open and it is so ill-defined to go over that line that a zealous person may do so and really inflict very unfortunate injury on that child. For those reasons, I hope that we can dispose of this bill.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know where other committee members got their letters from. I received a letter from the Bangor area. I received three or four from the Portland area. I received several from down on the coast and I received one from Norridgewock. I think the important thing to remember about this bill is that it says "with permission of the parents." Now the people who came to our hearing told us very definitely that they have a form which the parents may fill out to permit corporal punishment within that particular school. Someone on the committee asked the question, what about the children of parents who refuse to sign that form? The answer was very immediate, no question at all, those children do not come to our school, which means that all the parents in the schools involved will have given permission for corporal punishment.

The letters were varied as far as content is concerned but they were entirely unanimous as far as the results that they were seeking. They were hoping that we would pass the bill whereby they could decide for themselves what type of punishment they wanted to be used on the children. I hope you will pass the bill.

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

Mr. HOWE: Mr. Speaker and Members of the House: It is no secret, I am sure, that I am an opponent of corporal punishment, but I don't rise this morning to debate the merits of the use of corporal punishment. I would like to talk about the present law in this bill in more of a legal sense. I went back to the Criminal Code, Section 106, Subsection 1, in the second sentence, read it, and it looked to me as though parents or other persons, foster parents, guardians or other reasonable person, already have the authority to give other persons the authority to do what this bill would permit them to do in private schools. So I asked the Attorney General's Office for sort of a quickie opinion on this question last night. I will read you the letter then I will go over it a little bit.

"This responds to your request for advice as to whether the provisions of 17-A, MRSA, Section 106, Subsection 1 relating to corporal punishment permits parents to delegate permission to use corporal punishment to school officials." Subsection 1 is quoted. "A parent, foster parent, guardian, or other similar person responsible for the long-term, general care and welfare of a person is justified in using a reasonable degree of force against such person when and to the extent that he reasonably believes it necessary to prevent or punish such person's misconduct." This is a section that provides for punishment, corporal punishment and it leaves out teachers, public or private. But then the second sentence goes on to say, "A person to whom such parent, foster parent, guardian or other responsible person has expressly delegated permission to so prevent or punish misconduct is similarly justified in using a reasonable degree of force." What this

sentence does is to permit parents, foster parents or guardians the right to delegate the authority to use corporal punishment to virtually anybody else. I believe that includes the right to delegate it to private school or public school officials for that matter.

The letter goes on to say, "It is our view that this section does permit a parent to expressly delegate permission to use corporal punishment to punish a person for misconduct to individual teachers or to a school. Such delegation must be in clear and specific terms.

"Enclosed for your interest is a letter sent by this office on August 2, 1976 which also addressed this question. That letter noted that there may be some agreements with private schools which now provide that delegation. We do not suggest approval of any form for such delegation by either that letter or this."

The letter that is referred to in yesterday's letter and, by the way, the letter of yesterday was signed by Donald Alexander, Deputy Attorney General. The August 2 letter is addressed to Ralph I. Yarnell Jr., who is the Executive Director of Northeastern Regional American Association of Christian Schools in Bangor. "Dear Mr. Yarnell: Your letter of July 16, 1976 to Senator Howard Trotzky is delivered to me by the Senator with the request that this office respond directly to you. You expressed concern about 'the possibility that corporal punishment will no longer be legal' in private christian schools. It is strongly recommended that you contact private counsel as to what leeway there is available for the use of physical force by your teachers under the Maine Criminal Code, specifically Title 17-A, Section 106, Subsections 1 and 2 of the statutes."

The Attorney General recommended they seek private counsel because it is not the job of the State Attorney General to give legal advice to private citizens or organizations. But the letter went on to say: "It may well be that your teachers ever receive the necessary authority from each of the student's parents so as to be able to use corporal punishment where necessary. Please refer to the second sentence of paragraph 1 of Section 106." That is the sentence I just read to you which Don Alexander, and I also confirmed this with Wally Buschmann this morning, and Mr. Buschmann is the gentleman in the AG's office who wrote the Attorney General's opinion of June of 1976. In that opinion, which the gentleman from Livermore Falls refers to, I think probably the key paragraph is the one in the middle of the second page which says, "The end result is that corporal punishment may no longer be inflicted upon a student by a teacher. A teacher who inflicts corporal punishment on a student after May 1, 1976 may no longer assert as a defense in a criminal proceeding that such punishment was justifiable because of the in loco parentis relationship between himself and the student."

The in loco parentis was the defense for use of corporal punishment up until the criminal code became effective. It is no longer there. In loco parentis is a legal concept that says by virtue of their office, teachers have the same responsibility and authority in this area that parents do. They no longer have that, but the second sentence of subsection 1 of Section 106 gives parents the right to specifically designate that authority to teachers or anybody else.

Therefore, I think that the bill attempts to do something that the parents already have the right to do. In fact, what passage of the bill may do is to limit the authority to so delegate under that sentence which right now is really quite broad. I, as a parent, it seems under that sentence, could delegate that authority to any person or organization, which is pretty broad.

A court, years from now looking at this bill if we pass it, they are going to look at the legislative intent and they may look at the



statute as limiting parents' right to delegate the right to use corporal punishment just to private schools or however we amend that word and not to anyone else, whereas I believe right now on the books parents have the right to delegate it to anyone.

I don't know just where that leaves us on the bill. I am still going to vote against the bill and I would move that we indefinitely postpone this bill and call for the yeas and nays.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask any authority or any member of any committee what the difference is between corporal punishment in a private school and corporal punishment in a public school?

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 Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that you raised that question, Mr. Jalbert, because I think that that is really the basic difference between this particular bill and the bill to allow corporal punishment in the public schools. It is an issue that hasn't been raised yet in this debate and I don't want to prolong the debate on corporal punishment. I am sure we all have very strong feelings either one way or the other for it or against it, but I really feel that in order for us to make an intelligent decision on this particular bill, we should raise the issue of the fact that this is a private school, it is not a school that has come to the state for any subsidies, it is not a school which the state is trying to have any direct control over.

I think our obligation as public officials is with the public school system but I really believe that this issue goes to the very heart of the separation of church and state. I don't feel that we really have the right or the responsibility to interfere with the process of a private school.

There is also another important difference. That is, in order for any parent to send their child to a private school, they have to sign a statement, at least to these christian schools they must sign a statement giving consent for corporal punishment if the teacher deems it necessary for the correction of the child. In the public school, that would be practically impossible. I think this was brought up perhaps at one time in an amendment because many parents would refuse to sign such a statement, but they still have to send their children to a public school, it is the law, but parents do not have to send their children to a private school.

Those who appeared before the committee shared with us the fact that they have had to sacrifice financially in order to send their child to a private school. They have done so because they have been concerned with the alternative education that a private christian school offers. They happen to believe in scriptural principles, that corporal punishment is an important part of education, that discipline is an important part of education and they happen to believe that corporal punishment is part of that discipline.

I am not sure that we have the right as the state to tell them that they have no right, with consent of the parent, the teachers and even the children in most cases, we have a right to step in and say no, we are not going to allow you to do this, because I really feel that it would be almost bordering on something that would be unconstitutional. I believe, and I am not a lawyer, and perhaps I shouldn't comment on it, but I almost feel that this would be an infringe-

ment on their freedom of religion. They happen to believe in this very strongly as a matter of moral principle. So if they want to use corporal punishment as a means of discipline in these private christian schools, then I see no reason why the state should interfere.

Our responsibility is with the public schools and not with the private schools. The parents still have the right to sue if there has been harm done to the child, and these private schools are aware of that. I am sure we are all aware of some of the scare tactics that have been used and the talk that some of these private schools have gone off the deep end and they have been engaging in corporal punishment when it was really child abuse, but I really think in this particular case that it is our responsibility simply to say to the private schools, you have your right, you have your freedom of religion and we are not going to interfere in it.

I hope that you will defeat the motion of the gentleman from South Portland to indefinitely postpone this so that we can pass this bill and give the private schools something which I believe is within their rights. I am not sure that that answers the gentleman's question, but I believe there is a distinct difference.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to perhaps a member of the Judiciary, while I think Representative Howe sort of alluded to the question, I am not sure that it was clear. Is it true now that with or without this bill a parent has the right under the present criminal code to delegate the authority to punish a child to a teacher, be it in a private school or a nonprivate school? If in fact that is true, is this bill necessary?

It is my understanding, from reading the code, that a parent may already delegate that authority to either a private school or a non-private school.

The SPEAKER pro tem: The gentlewoman from Owls Head, Mrs. Post, 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, in response to the question, I don't know what interpretations have been placed in this language by the Attorney General's office, but Section 106 of the code, which is entitled "Physical Force by Persons with Special Responsibilities" says that parents and similar people can use a reasonable degree of force against a person when and to the extent that he reasonably believes it necessary to prevent or punish such person's misconduct. So a parent, foster parent or guardian can use physical force to punish misconduct. The next sentence says "A person to whom such parent, foster parent or guardian has expressly delegated permission to so prevent or punish misconduct is similarly justified in using a reasonable degree of force." If the parent or the foster parent or the guardian or similar person delegates the authority to another person, that person, as I read the code, has the clear authority to punish misconduct through the use of corporal punishment.

I haven't, as I said, seen any Attorney General's opinion about this, but that certainly was the intent of the code when it was originally passed.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I speak as a school teacher of nine years. I didn't speak before on

the measure when it was dealing with public schools, but I feel that I must now, because in actual fact what the teachers of Maine have been told is, don't touch the kids. I believe that that is the result of an Attorney General's opinion saying to the teachers of Maine that if you do, you do it at your own peril.

I think that information should be used by you to make your mind up on this bill, and that is all I will say about it.

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

Mr. JALBERT: Mr. Speaker and Members of the House: My young friend from Pittsfield, I think, gave us a very good reason, several reasons why we should kill this bill.

Last week when I spoke on this bill, I made the statement where I compared assault and battery. I said if you threaten somebody, it is assault; if you touch somebody or you hit them, it is assault and battery. I was told that the new criminal code indicates that this has been simplified in that this would be termed now a threat and a touch or a slap, it would be termed simple assault. I would like to see that part of the criminal code get into the United States Supreme Court for a decision.

As far as I am concerned, I probably might not be construed as having been the most mild mannered man that has served in this House, but you know, as far as I am concerned, I feel that unjustifiable violence is not right. I have always felt that if you are going to get at somebody, you should pick on somebody your own size.

My very good friend from Lewiston, Representative Cote, just told me, you are in the same boat I am because you have no children either. That is true. That doesn't alter the feeling that I have for children.

I have talked to several teachers. As a matter of fact, within the last ten minutes I have talked with a teacher who is a member of this House and I asked this member, is corporal punishment the answer? The answer is no.

I don't believe in it today. You know, times have changed. I think all of us here have felt the sting of a slap in the face, I know I have, a pat on the fanny, I know I have, but not mutilation. There is nothing in this legislation that says what you are going to do. It allows corporal punishment.

There are probably those who wonder what I am doing on my feet on legislation like this. I am on my feet because I feel so strongly about this legislation. I am on my feet because of my feeling as far as children are concerned. I am on my feet because I am a good christian, and I am on my feet because if somebody is going to take a whack at me, if he is smaller than I am, I am going to walk away from him probably, but if he is my size, or even a little bigger, that is a challenge and I am going to let him have it right between the eyes, but I don't want anybody to pick on a nephew of mine, a neighbor's child, private school or public school. If he does and I find out, I am going to do it to him and suggest that he had better cut it out, and if he doesn't, I am going to punch him right on the nose.

This legislation, to me, is a horror show, it is disgraceful to have such legislation before us. I am delighted that the gentleman made a motion, the gentleman from South Portland made a motion that he wants to indefinitely postpone and called for a roll call. If he hadn't, I would have.

I can't explain to you how I feel about this bill. There are those who say that as far as the legislators are concerned I am a born computer up to a point that legislation like this comes before us. That is right. I not only ask you, I beg you people to defeat this horrible, horrible piece of legislation. Whether it is a child in school, whether it is a child out of school, I don't want

to bore you by telling you of my illnesses, but I had them, and I was brought into the hospital at all times of night and days sometimes, and I have been in hospitals and I have seen a child that has been cut up a little bit. I didn't think it was done in school or it was done out of school, and I guarantee you that any legislation that comes along to put away for a long time anybody who would do real harm to a youngster, I would go along with it.

As far as I am concerned, court or no court, jail or no jail, if I had ever known for a fact of an older person or know or see an older person strike or attack a younger person, he would have to do business with me. If he took off on me, he had better not miss, because I am bound to get one in.

I don't want to continue any further because there are two things that are going to happen, I am going to get very emotional and I don't want to, and I am going to get very, very angry, and I don't want to. I am not angry now, I am just boiling. This is a bad, bad, bad bill.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I rise myself up on this issue because I know what I am talking about. I have been at this game for 20 years. Some of you people get up and talk about the fond memories and what should be done in one school as opposed to another. Teaching is teaching and it doesn't make any difference whether it is a private school or a public school; it doesn't make one bit of difference.

If a teacher has to rely on beating the children in order to keep them in line, that teacher has got no business in the classroom, whether private or public. If a school has to have beating in order to maintain discipline, they have got no business being in the school business, whether public or private. These schools are to educate the youngsters and you can do it without beating. I can keep discipline in my classroom without having to take a club and beat any kid that steps out of line. Anyone who has to have a teacher in their system that has to have a club, that has to depend on corporal punishment, you had better get rid of him quick. He has got no business in it.

This is a bad bill, as the good gentleman from Lewiston pointed out, and I am telling you this from experience not from hearsay.

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

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

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: To repeat something that the gentleman from Lewiston said, times has changed. Times have changed. Subparagraph 2 was slipped in because it was felt that subparagraph 1 did not control the situation, so they put in paragraph 2 specifically naming teachers. Now I ask you, have times changed? Look around your cities and your towns. How about vandalism, how about vandalism in the schools, how about disrespect for the law, how about the growing juvenile problems? Why are we concerned about them? Why are we concerned about the guys at the correctional institutions who are threatened, whose lives are threatened by juveniles and young men? Because there has been a change since the gentleman from Lewiston went to school. Youngsters today, in too many homes,

are not taught self discipline, and if they are not going to get it in the homes, where can they get it? They have to get it in the early elementary grades. That is where it has to be learned. You cannot teach that at high school, and when they have left school, either before or after graduation, then you attempt to teach them self discipline in the correctional institutions.

There is a problem, and the people who have formed these Christian schools have recognized it. They discipline their children at home, they want to make sure that when they are in the classroom the same discipline that they have at home is maintained in the classroom.

Too many parents in this state think their children are model children but never recognize that they are little devils in the schoolroom, and putting subparagraph 2 into this Maine Criminal Code relieves any protection that the teachers in the State of Maine have, and in June the teachers in the Christian schools were told by the Attorney General, even if you have written permission from the parents, you cannot use corporal punishment because corporal punishment is outlawed by the Maine Criminal Code, but you can use corporal touching. That is next door to real permissiveness.

Here is a group of people in the State of Maine who want their children raised in self discipline and respect — why not give it to them even though you don't care about the rest of the kids in Maine.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: You all heard me the last time around fighting, arguing and begging you not to pass corporal punishment in public schools. A kid is a kid and a teacher is bigger no matter what kind of school he is in. My favorite question asked at both hearings on corporal punishment is, will it be used at the junior high and senior high school levels? The answer was no, discipline needs to begin when they are very young. At the elementary level is when the children need to be corrected.

I feared that there would be passage for corporal punishment in public school, but I fear this bill more than anything I have ever feared before because I am a product of the parochial school system: I was in high school and I didn't enjoy being slapped in the face by a Monsignor because we missed a note in music or by the Sisters, and I was in high school.

I ask all of you to remember the headlines of a few weeks ago concerning the Pine Point School. I wonder how many of you read the papers a year ago about two teenagers who were beaten to the point where the school was brought to court in Scarborough, Maine, a bible school.

I am sorry, ladies and gentlemen, I don't care whether you are Christian, Catholic or whatnot, what kind of school you operate under the auspices of being a private school, people are people.

I distinctly remember asking the people who came to the hearing, is it really that important to you? You have the criminal code to back you up. They all felt it was important. I got a lot of letters from Bangor too. I even got one letter that said that I needed to be prayed for because of the way I spoke and the way I dressed. Evidently there was something I said that they did not appreciate.

Children are children and they will be children. Undisciplined, they need to be taught, but there are ways of doing it without having to use corporal punishment. I ask you all to vote for indefinite postponement, and God willing, we will never have these bills before us again.

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 agree with the gentlelady from Portland, by the way of Eagle Lake, this is a mother's bill, a bad, bad mother's bill. I urge you to vote for indefinite postponement of this bill and all its accompanying papers.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I seldom disagree with the gentleman from Livermore Falls when it comes to education, but I am up here this morning, and it may surprise some of you to hear that I am going to be against him on this one. I am not concerned with the little difficulties, the confusions that might come about, the limitations, and you all know that I spoke in favor of the corporal punishment in the public schools bill and I believed in that because I felt that the privilege that they were asking for was one that would not be abused, but I am concerned about this bill. In that particular debate we talked about the parents and their willingness to discipline their children, and I certainly concur. The argument was made that this punishment should be allowed to the parents and hence they could delegate it and I submit that if parents want this kind of discipline in the private schools, they should take care of it themselves at home, just as we are expected to in the public schools. So let that same thinking carry forward as you vote on this bill.

The most thing that I am concerned with is the fact that I think the motives for this bill are completely different from the ones for the other one. Do you really want to relegate the children in the private schools, and I didn't bring up the word but it has been brought up in the debate, so-called Christian schools, to the administration of people who are so convinced they are right that the end justifies any means?

Passage of this bill is a license to abuse, because unlike teachers in the public sector, they are not constantly in the public eye. When I heard the word Christian connected with the word corporal punishment, it really kind of turns me off a little bit. We have had abuses in the name of Christianity from the days of the Inquisition down through the Salem witch trials.

I don't think I am going to say much more, ladies and gentlemen, you have heard the examples given by the gentlelady from Portland. Public school teachers in their request for this or the people who were for that corporal punishment bill were not asking for the privilege of doing the things that she described, but I think the folks who are asking for this bill are asking for the privilege of doing those things, creating punishment that you folks would never condone if they were perpetrated by public school teachers. Therefore, I think this bill deserves a resounding beating because the motives for it are all wrong. Let's keep the same rules for the public schools as we have for the private schools, or turn that around and let's keep the same rules for the private schools that you have already decided in the legislature as a whole, not in this body to be sure but in the legislature as a whole, that we shall not have corporal punishment in the public schools. That is the position I take this morning, and I support the motion to indefinitely postpone and I hope a great many other people who had the same position that I had on the other bill will switch and indefinitely postpone this one.

The SPEAKER pro tem: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I personally have very serious reservations about the usage of corporal punishment and that is why I opposed it for the public schools. However, I believe that we are

dealing with a different situation on this bill. I believe that we are dealing with the separation of church and state. And quite frankly, I find that the amendment from the other body was offered by the gentleman from Kennebec to take out the word "private" to so-called "christian." I find that repulsive. The term "Christian" means many different things to many different people. It makes no difference whether we are talking about private Christian schools or other private schools, whether they are Catholic or whatever denomination or religion they may be. We would have a very difficult time defining this term, and I don't understand why this amendment was put on, but I can assure you that if you will defeat this motion to indefinitely postpone, I have an amendment that is prepared that has a filing number of H-144 which will change and substitute so-called "Christian" to the word "religion," which I think gets more to the true intent of this bill.

I do believe that if I was a parent and wanted the kind of education, including the kind of discipline that I felt a private school, whether it was a Christian school or any other kind of private school offered, and I was willing to make the financial sacrifice, I would feel very much resentful that the state would interfere and say that I could not as a parent enter into a contract with the school, that they would have permission to discipline their children or my children as they saw fit within reasonable bounds. There is nothing in this bill that allows child abuse any more than there was anything in the public school bill that allowed child abuse.

I am a little bit disturbed by all these extreme statements that have been made. I opposed corporal punishment in the public schools because I believed that as a state official, elected official, that I have a right to have input into the kind of policies that are followed in the public schools. Public schools are supported by public tax dollars; private schools are not, they are private, and I believe they have the right even if I personally happen to disagree with some of their form of discipline.

Corporal punishment in the private schools can be very easily determined, because if a parent is not willing to sign the statement, then they are not allowed to send their child to the school. Also, I would remind you, ladies and gentlemen of the House, that a parent who sends their child to a private, if that is their choice and they make that decision, it does not preclude them from having the guarantees of protection for their child. They still may enter into a suit if they so desire if they feel that their child has been abused or has been mistreated in any way.

Mr. Speaker, I really am very saddened by the fact that the term "Christian" has been brought into this debate and I am very saddened by the fact that that word has been used in this amendment from the other body. I hope that you will defeat this effort to indefinitely postpone and I plead with you to consider the rights of these parents to send their child to a private school, and I hope that you will defeat this and if you do, at second reading I would like to offer, if I may, the other amendment.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to somebody on the committee who put this bill out. Do they know what the law was in Pennsylvania in regard to private schools, in regard to the Amish, people who went to the school there, what problems that the private sector had versus the public sector? I wonder if anybody in this group could inform me on that?

The SPEAKER pro tem: The gentleman from Sangerville, Mr. Hall, has posed a question

through the Chair to anyone who may care to answer.

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

Mr. GOULD: Mr. Speaker, Ladies and Gentlemen of the House: As an expert on this bill, I will say in reference to Mr. Hall's question, the Amish people in eastern Pennsylvania, they won a suit in the Supreme Court that their children didn't have to attend school after the sixth grade. Does that answer your question? Of course, they operate their own schools and they hit them over the head with an axe handle, I guess, or anything they want to.

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

Mrs. HUBER: Mr. Speaker and Members of the House: Very briefly, I would just remind the members of this House of what I read a couple of weeks ago pertaining to this bill. It said at that time, and it is still the same letter, the Maine Association of Independent Schools does not want this legislation. I hope you will vote to indefinitely postpone.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I can't help but reflect, after I have had a conversation with the chairman of the Judiciary Committee and several other people, that one of the reasons that I think we might find ourselves in this dilemma is that we probably have a sloppily done Attorney General's opinion on what can be done and what can't be done. If it had been done in the right manner in the first place, probably we wouldn't have had either one of these bills before us.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair thanks the gentleman from Stonington, Mr. Greenlaw, for acting as Speaker pro tem.

Thereupon, Mr. Greenlaw returned to his seat on the floor and Speaker Martin resumed the Chair.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, I would like to pair with the gentleman from Bangor, Mr. Kelleher. If he were here, he would be voting yes and I would be voting no.

The SPEAKER: The gentleman from Stockton Springs wishes to pair his vote with the gentleman from Bangor, Mr. Kelleher. If the gentleman from Bangor, Mr. Kelleher, were present, he would be voting yea and if the gentleman from Stockton Springs, Mr. Shute, were voting, he would be voting nay.

The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I would like to pair my vote with Mrs. Najarian of Portland. If she were here, she would be voting yes and I am voting no.

The SPEAKER: The gentleman from Millinocket, Mr. Marshall, wishes to pair his vote with the gentleman from Portland, Mrs. Najarian. If the gentleman from Portland, Mrs. Najarian, were voting, she would be voting yea and if the gentleman from Millinocket, Mr. Marshall, were voting, he would be voting nay.

The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, I would like to pair my vote with the gentlelady from Waterville, Mrs. Kany. I am voting nay and if she were present, she would be voting yea.

The SPEAKER: The gentleman from Ellsworth, Mr. Silsby, wishes to pair his vote

with the gentlewoman from Waterville, Mrs. Kany. If the gentlewoman from Waterville, Mrs. Kany, were here, she would be voting yea and if the gentleman from Ellsworth, Mr. Silsby, were voting, he would be voting nay.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Howe, 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.

#### ROLL CALL

YEA — Aloupis, Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Brenerman, Brown, K. C.; Bunker, Bustin, Byers, Carroll, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Diamond, Durgin, Dutremble, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Howe, Huber, Hughes, Jackson, Jalbert, Joyce, Kane, Kerry, Kilcoyne, LaPlante, Lizotte, MacEachern, Mahany, Martin, A.; Masterman, Masterton, McBrearty, McHenry, McMahan, Mills, Mitchell, Moody, Morton, Nadeau, Nelson, M.; Peltier, Peterson, Plourde, Post, Raymond, Smith, Spencer, Stover, Talbot, Tarbell, Teague, Theriault, Tierney, Trafton, Truman, Valentine, Wilfong, Wood, The Speaker.

NAY — Ault, Austin, Bagley, Bennett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Burns, Carey, Carrier, Carter, D.; Carter, F.; Churchill, Conners, Dexter, Dow, Drinkwater, Fenlason, Garsoe, Gould, Gray, Hickey, Higgins, Hunter, Hutchings, Immonen, Jensen, Laffin, LeBlanc, Lewis, Littlefield, Lynch, Mackel, Nelson, N.; Palmer, Pearson, Perkins, Prescott, Quinn, Rideout, Rollins, Sprowl, Stubbs, Torrey, Tozier, Twitchell, Wyman.

ABSENT — Birt, Chonko, Devoe, Dudley, Elias, Gauthier, Green, Hobbins, Jacques, Locke, Lougee, Lunt, Maxwell, McKean, McPherson, Norris, Peakes, Strout, Tarr, Tyndale, Whittemore.

PAIRED — Kany, Kelleher, Marshall, Najarian, Shute, Silsby.

Yes, 77; No, 47; Absent, 21; Paired, 6.

The SPEAKER: Seventy-seven having voted in the affirmative and forty-seven in the negative, with twenty-one being absent and six paired, the motion does prevail.

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

Mr. CONNOLLY: Mr. Speaker, having voted in the prevailing side, I now move that we reconsider and hope everybody votes against me.

The SPEAKER: The gentleman from Portland, Mr. Connolly, having voted on the prevailing side, now moves that we reconsider our action whereby this Bill was indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

#### (Off Record Remarks)

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

Resolve, to Apportion Multimember Districts of the House of Representatives into Single Member Districts (H. P. 1486) (L. D. 1723)

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

The Chair laid before the House the following matter:

Bill "An Act to Authorize the Issuance of Free Fishing Permits to Patients in Regular

Nursing Homes," (H. P. 694) (L. D. 876) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-242) was read by the Clerk.

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

House Amendment "B" to Committee Amendment "A" (H-160) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, if people would like an explanation, this has been sort of a complicated bill. Essentially what it does, presently the state is authorized to give free fishing licenses to all state institutions that are under the Department of Mental Health and Corrections. Primarily what this bill does that is different from the original bill as presented by Representative Mitchell, it limits the free fishing licenses to only youth correctional facilities. I think that in my own mind and representing an area that has a state prison in it, the fact of giving free fishing licenses to prison inmates just doesn't set well with the people in my area.

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

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

The Bill was assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mrs. Trafton of Auburn,  
Adjourned until nine o'clock tomorrow morning.