

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

Volume I

January 5, 1977 to May 25, 1977

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Friday, May 6, 1977

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

Prayer by Father Robert Martel of St. Ambrose Catholic Church, Richmond.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Mrs. Ralph Herrick will be celebrating the 100th anniversary of her birth on May 15. (S. P. 487) Came from the Senate read and passed.

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

The following Joint Order, an Expression of Legislative Sentiment recognizing that: Sandra Strom of Oakland has been recognized at a testimonial dinner for her many years of dedicated service to the American Legion Auxiliary, including service as President of the Department of Maine, 4th District, during 1976-77 (S. P. 488)

Came from the Senate read and passed.

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

The following Joint Order, an expression of Legislative Sentiment recognizing that: Rebecca Knight has been Recognized for her Excellent Academic Record by Being Chosen Salutatorian of Westbrook High School (S. P. 485)

Came from the Senate read and passed.

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

The following Joint Order, an expression of Legislative Sentiment recognizing that: Jane Getchell has been Recognized for her Outstanding Academic Record by Being Chosen Valedictorian of Westbrook High School (S. P. 486)

Came from the Senate read and passed.

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

Non-Concurrent Matter

Bill "An Act to Require the Full Name of a Party Designation to be Spelled out on a Ballot" (H. P. 746) (L. D. 951) on which the Majority "Ought to Pass" Report of the Committee on Election Laws was read and accepted and the Bill passed to be engrossed in the House on May 4, 1977.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Election Laws read and accepted in non-concurrence.

In the House:

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

Mr. TIERNEY: Mr. Speaker, I move that the House insist and would speak to my motion.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that the House insist. The Chair recognizes the same gentleman.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to pose a question to one of the signers of the Minority "Ought Not to Pass" Report on this bill. As I understand it, all this bill does is require that the name of the party that we run under be spelled out in its entirety on the ballot. I am a Democrat, I have always been a Democrat, am kind of proud of the fact, and I personally see no reason why we shouldn't have our names spelled out in its entirety on the ballot and I would like one of the minority members to tell us why we shouldn't.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: It was the feeling of those in the minority on the committee that the Election Laws Committee itself is trying to pass the kind of laws that first of all get people to the polls, get people to make educated choices on the ballot. At present, we are in the process the squares, doing that type of thing, and we don't want to put the name of the party there, we don't want to make people vote for parties, we want to make them vote for people. But I think the biggest reason was, the present law says the Secretary of State 'may' spell out the party. The Secretary of State can do it now if he wants to, so we just felt that it wasn't necessary and if the Secretary of State wants to spell out the party on the ballot now, he can do that, the law says he may do it. We just felt this legislation wasn't needed.

Thereupon, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Prohibit the Washing of Domestic Animals in Sebago Lake" (H. P. 1125) (L. D. 1343) on which the Majority "Ought to Pass" Report of the Committee on Public Utilities was read and accepted and the Bill passed to be engrossed in the House on May 4, 1977.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Public Utilities read and accepted in non-concurrence.

In the House: On motion of Mr. Spencer of Standish, the House voted to insist.

Non-Concurrent Matter

Bill "An Act to Amend the Vocational Education Laws" (Emergency) (H. P. 1209) (L. D. 1329) which was passed to be engrossed as amended by House Amendment "C" (H-190) as amended by House Amendment "A" (H-204) thereto in the House on April 28, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-190) in non-concurrence.

In the House:

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

Mr. LYNCH: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that he Houser recede and concur.

The Chair recognizes the same gentleman.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This may be a little bit controversial. What we did in the House was to exempt Monhegan, Matinicus and Isle Au Haut from the vocational regions. The other body took that amendment off.

There is concern that to open the door up and leave any community outside vocational regions may be a step in the wrong direction and that next year we will have more coming in and then more and more. We are already beginning to see the breakup of community school districts and SAD's, and I wonder if we want to proceed much farther down this road?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I have to say this catches me as a bit of surprise because I thought that we had agreed that this particular amendment was at least acceptable to all members involved, but now I see that the gentleman has made a different motion.

What we did in this House, what the story is; there were at least two communities, I guess three communities, at the time the vocational education laws were drawn up that were not included in the vocational districts. One of those was Matinicus, another was Monhegan and I understand the third was Isle Au Haut.

When I came here a year and a half ago, I

called over to the Department of Education asking why those particular plantations had not been included in the vocational districts, and I was told by the Department of Education, I guess it was Asa Gordon at that time, that that was done on purpose, because they were plantations and did not have any high schools within their school districts, that they purposely left them out of the vocational districts.

Then along comes this new proposal this year including those three communities in vocational districts. The head of those vocational districts feel that those communities should not be included. The communities do not want to be included. The Department of Education supposedly said that they don't care whether they are or not and, for that reason, the House adopted an amendment saying that the law should remain the same, that those three communities should not now, after the law has been in effect for two years and those districts have been in effect for two years, that those communities should not now be included. I would question whether they could be, anyway, since a year or so ago in our vocational district we went through a bonding process where a building was purchased, communities were obligated to pay that bond on those buildings, I would very much question whether we could, after the fact, at this point, include by legislative action another community in that district and change the bonding without that district, especially if that community does not want to be included and the district doesn't really care whether they are or not.

I think in this particular instance, I don't know what the feeling is over in the other body or why the representative over there in that other body is not listening to these particular communities, I at least hope that in this case that this House would respect the wishes of the communities involved, respect the wishes of the district involved, leave the amendment on that this House put on and vote against the recede and concur motion so that we can adhere.

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

Mr. BURNS: Mr. Speaker, I notice that the cosponsor of this amendment is not here. Would somebody table this until later in today's session?

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

Mr. CONNOLLY: Mr. Speaker, I move that this item be tabled until later today.

Whereupon, Mr. Lynch of Livermore Falls requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that this matter be tabled pending the motion of Mr. Lynch of Livermore Falls to recede and concur and later today assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 50 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 Livermore Falls, Mr. Lynch, 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, Mrs. Post of Owls Head requested a roll call vote.

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

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

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

Mr. GREENLAW: Mr. Speaker, Men and Women of the House: I don't have a great deal to add to the remarks of the gentlewoman from Owls Head, Mrs. Post. I think I would just simply like to ask you to vote against the pending motion and would like to emphasize the fact that, as Mrs. Post indicated, these are three very, very small island communities.

I represent Isle Au Haut and they have a total of six students. It just doesn't seem reasonable to include these islands within the vocational ed region. I would submit that there are times when a situation changes, and I don't think there is anything in any way, shape or manner wrong with responding to those changes. I do hope that we vote against the pending motion.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Livermore Falls, Mr. Lynch, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bagley, Bennett, Biron, Birt, Boudreau, A.; Boudreau, P.; Carter, D.; Cunningham, Dexter, Dow, Fenlason, Garsoe, Kane, Kilcoyne, Laffin, Lewis, Littlefield, Locke, Lougee, Lynch, Mahany, Marshall, McPherson, Morton, Raymond, Rideout, Rollins, Stover, Stubbs, Teague, Torrey, Tozier, Truman.

NAY — Austin, Bachrach, Beaulieu, Benoit, Berry, Brenerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Byers, Carroll, Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Curran, Davies, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Flanagan, Fowlie, Gill, Gillis, Goodwin, H.; Gray, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kelleher, Kerry, Lunt, MacEachern, Mackel, Martin, A.; Masterman, Masterton; Maxwell, McHenry, McKean, McMahon, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Silsby, Smith, Spencer, Sprowl, Strout, Talbot, Tarbell, Tarr, Theriault, Tierney, Trafton, Twitchell, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Aloupis, Ault, Berube, Blodgett, Bunker, Carey, Carrier, Devoe, Gauthier, Goodwin, K.; Gould, Jacques, Jensen, Kany, LaPlante, LeBlanc, Lizotte, McBreairty, Moody, Peakes, Shute, Tyndale.

Yes, 33; No, 96; Absent, 22.

The SPEAKER: Thirty-three having voted in the affirmative and ninety-six in the negative, with twenty-two being absent, the motion does not prevail.

Thereupon, the House voted to adhere.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Repeal the Ban on Otter or Beam Trawls in Washington County Territorial Waters" (H. P. 626) (L. D. 767) on which the Minority "Ought Not to Pass" Report of the Committee on Marine Resources was read and accepted in the House on April 29, 1977.

Came from the Senate with the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-224) Report of the Committee on Marine Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-224) in non-concurrence.

In the House:

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

Mrs. POST: Mr. Speaker, Men and Women of the House: We have an amendment being

prepared that I think will bring all parties together on this particular bill, so I would ask that it be tabled until later in today's session.

Whereupon, on motion of Mr. Henderson of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Relating to Conservation Restrictions" (H. P. 775) (L. D. 964) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-210) Report of the Committee on Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-210) in the House on May 3, 1977.

Came from the Senate on which the Minority "Ought Not to Pass" Report of the Committee on Natural Resources was read and accepted in non-concurrence.

In the House: On motion of Mrs. Byers of Newcastle, the House voted to recede and concur.

Non-Concurrent Matter

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) which was passed to be engrossed in the House on May 3, 1977.

Came from the Senate with the Bill and papers indefinitely postponed in non-concurrence.

In the House:

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

Mr. LAFFIN: Mr. Speaker, I move we insist and ask for a Committee of Conference.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I know it has been a rough week for the gentleman from Westbrook, Mr. Laffin, so I move that the Houser recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Sanford, Mr. Nadeau, 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.

38 having voted in the affirmative and 63 having voted in the negative, the motion did not prevail.

Thereupon, the House voted to insist and ask for a Committee of Conference.

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Relating to the Payment of Fees for Certification of Educational Personnel" (Emergency) (H. P. 110) (L. D. 141) on which the Majority "Ought Not to Pass" Report of the Committee on Education was read and accepted in the House on May 2, 1977.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Education read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

Mr. Bagley of Winthrop moved that the House adhere.

(On motion of Mr. Lynch of Livermore Falls, tabled pending the motion of Mr. Bagley of Winthrop to adhere and specially assigned for Tuesday, May 10.)

Non-Concurrent Matter

Bill "An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628) which was enacted in the House on May 4, 1977.

Came from the Senate Indefinitely Postponed in non-concurrence.

In the House: On motion of Mr. Davies of

Orono, the House voted to insist and ask for a Committee of Conference. (Later Reconsidered)

Petitions, Bills and Resolves Requiring Reference

The following Resolve was received and referred to the following Committee:

Legal Affairs

RESOLVE, Designating Weskeag Marsh at Thomaston as the "R. Waldo Tyler Wilderness Area" (H. P. 1533) (Presented by Mrs. Post of Owls Head) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Armand LeBlanc of Van Buren be excused for the week of May 9th for personal reasons.

AND BE IT FURTHER ORDERED, that David Bustin of Augusta be excused May 9th, 10th and 11th for personal reasons.

House Reports of Committees Ought Not to Pass

Mr. Hobbins from the Committee on Judiciary on Bill "An Act to Deny Release Pending Trial to Certain Alleged Repeat Offenders" (H. P. 822) (L. D. 995) reporting "Ought Not to Pass"

Mr. Fenlason from the Committee on Education on Bill "An Act Repealing the Compulsory Physical Education Requirements in the Schools" (H. P. 935) (L. D. 1132) reporting "Ought Not to Pass"

Mrs. Mitchell from the Committee on Education on Bill "An Act Concerning the Issuing of School Teaching Certificates" (H. P. 1115) (L. D. 1333) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Norris from the Committee on Judiciary on Bill "An Act to Specify the Grounds for which a Forcible Entry and Detainer Process may be Brought" (H. P. 1421) (L. D. 1630) reporting "Leave to Withdraw"

Mr. Norris from the Committee on Judiciary on Bill "An Act to Amend the Mechanic's Lien Statutes so as to Abolish the Potential of Double Payment by Homeowners" (H. P. 1270) (L. D. 1498) reporting "Leave to Withdraw"

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Exempt Fuel Adjustment Charges from the Sales Tax" (H. P. 785) (L. D. 908) reporting "Leave to Withdraw"

Mr. Mackel from the Committee on Taxation on Bill "An Act to Provide Sales Tax Exemption to Agricultural Fairs" (H. P. 1251) (L. D. 1473) reporting "Leave to Withdraw"

Mr. Carey from the Committee on Taxation on Bill "An Act to Exempt the Brick Store Museum at Kennebunk from the Sales Tax" (H. P. 1096) (L. D. 1320) reporting "Leave to Withdraw"

Mr. Greenlaw from the Committee on Marine Resources on Bill "An Act to Require Depuration Companies to Obtain Authorization From Local Authorities Prior to Digging Clams and Other Shellfish in Closed Areas" (H. P. 1149) (L. D. 1393) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass

Pursuant to Joint Order H. P. 138

Mr. Henderson from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1977

(Emergency) (H. P. 1531) (L. D. 1757) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 138)

Report was read and accepted, the Resolve read once and assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Concerning Warrantless Arrests by a Law Officer" (H. P. 630) (L. D. 771)

Report was signed by the following members:

Messrs. CURTIS of Penobscot
MANGAN of Androscoggin
— of the Senate.

Messrs. SPENCER of Standish
BENNETT of Caribou
Mrs. BYERS of Newcastle
Messrs. HUGHES of Auburn
HOBBINS of Saco
TARBELL of Bangor
HENDERSON of Bangor
DEVOE of Orono
GAUTHIER of Sanford
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-271) on same Bill.

Report was signed by the following members:

Mr. COLLINS of Knox
— of the Senate.
Mr. NORRIS of Brewer
— of the House.

Reports were read.
(On motion of Mr. Spencer of Standish, tabled pending acceptance of either Report and specially assigned for Tuesday, May 10.)

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Authorize the Towns of Litchfield, Sabattus and Wales to form a new School Supervisory Union" (Emergency) (H. P. 611) (L. D. 748)

Report was signed by the following members:

Mr. PIERCE of Kennebec
— of the Senate.
Mr. BIRT of East Millinocket
Mrs. MITCHELL of Vassalboro
Messrs. FENLASON of Danforth
LYNCH of Livermore Falls
PLOURDE of Fort Kent
BAGLEY of Winthrop
CONNOLLY of Portland
WYMAN of Pittsfield
Mrs. BEAULIEU 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. USHER of Cumberland
KATZ of Kennebec
— of the Senate.

Mrs. LEWIS of Auburn
— of the House.

Reports were read.
On motion of Mr. Lynch of Livermore Falls, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Veterans and Retirement on Bill "An Act to Increase Retirement Benefits for Teachers who Taught Prior to July 1, 1942" (H. P. 344) (L. D. 434) reporting "Ought to Pass" in New Draft (H. P. 1530) (L. D. 1756)

Report was signed by the following members:

Messrs. COLLINS of Knox
LOVELL of York
— of the Senate.

Messrs. LAFFIN of Westbrook
BUNKER of Gouldsboro
AUSTIN of Bingham
MacEACHERN of Lincoln

Ms. CLARK of Freeport
Messrs. NELSON of Roque Bluffs
HICKEY of Augusta
LOUGEE of Island Falls
— 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. O'LEARY of Oxford
— of the Senate.
Mr. THERIAULT of Rumford
— of the House.

Reports were read.

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

Mr. THERIAULT: Mr. Speaker, I move we accept the Minority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Rumford, Mr. Theriault, moves that the House accept the Minority "Ought Not to Pass" Report.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we have before us today was very important for elderly, retired school teachers. We had a long hearing on this bill. This is a bill that we could get very emotional over. This bill is a good bill.

The elderly school teachers who retired prior to 1972 were more or less left out, so to speak. However, with inflation and the value of the dollar going down a little every year, many school teachers who are retired and living on that one pension and that one pension alone, many of them are getting less than a hundred dollars a month, and I say to you, if you could have been at that hearing that day, you would have known the problems and the hardships and the heartaches that existed in that room.

I know there is a big fiscal note on this, but that price is something that we have to pay. I cannot in good conscience let this bill slip by and play with it like the one I did when people have money in banks and they are not being insured. I am not completely satisfied that I did the right thing, I think we should have fought it to the end, but, nevertheless, this one I can't let slip by.

Today, when we talk about elderly people — we are not talking in a lot of cases on this type of a bill — where there is one person involved, mostly women who were never married, who were school teachers and who receive only that small pension. Many times we think about people living on pensions as living very good as individuals who have stocks and bonds and all kinds of high pensions and that is not what we are talking about today; we are talking about school teachers on a small pension.

I believe that if we have so many people in this House who are opposed to so many ideas that I have, I will accept that. I don't accept your judgment as being right, but I accept the fact that you have the right to that judgment. You have made a lot of mistakes in this House, because a lot of my bills were good whether you approved of them or whether you didn't, but this bill, don't let it slip by. This bill is very, very important. I am talking about elderly people in their eighties and high seventies who were at that hearing. There are many people who say, well, it costs money to the fund. Sure it costs money to the fund. Any time we do anything it costs money. It costs money to pay

our salaries up here, too, but we still pay it. There are those who will say we don't want to weaken the fund. I don't want to weaken the fund either. I am not asking that that money be drawn out and not put in. I am asking for justice and equality and the dignity that these people are entitled to by the members of this House. And if you don't want to give them that respect, then today you can show it.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: This is one of the bills that I am not particularly keen about opposing. This bill, I feel, if I didn't oppose it, I would be doublecrossing all those other people who came before us in the past asking for increased benefits and which were turned down.

I am not going to debate this very much because my heart is not in it, but I wish that you would accept the "ought not to pass" report.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: These people are all in their eighties and nineties. I don't think they have too many more years to draw their meager pensions. They came before the committee, some of them with canes, tears running down their cheeks, most of them drawing less than a hundred dollars a month. These people taught back in years when teachers went way beyond the call of duty in taking care of their duties. They taught many of us who are sitting here today, and if we can't give them this little bit in their declining years, it is an injustice. I hope that you vote against the motion before you.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: We can all get emotional about this, but I would look at it from the standpoint of just plain reason — justice. When this pension system was set up in the 1940's, all state employees at that time had been getting one-fiftieth for each year. They didn't have a system. What they did was simply come to the legislature after they had had 25 years and asked for half pay and they got it year after year after year. Finally, so many of them were doing it, it cost a lot of money and they set up a pension system which included the teachers eventually and the state employees. In order not to do anything harmful to the state employees who expected to get one fiftieth of their best five years, I guess it was then, one fiftieth of their best average, they grandfathered all the state employees in so they got one fiftieth of their final compensation for each year of service. The teachers were put in, it was a new system as far as the teachers were concerned, and they got only one seventieth of their final compensation for each year of service. A few years ago, that was changed to one-sixtieth for everyone, but the state employees who were in service before 1942 still have the benefit of the one fiftieth of the final compensation for each year of service. The teachers who were in service before 1942 still get only one sixtieth for each year that they were in service.

It seems only fair and just that anyone who is in the retirement system who was either in service with the state or who was teaching before 1942 should receive exactly the same pension for the same number of years from the same amount of money paid in.

I hope you will defeat this motion and favor the "ought to pass" report. It is simply justice.

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

Mr. SPROWL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to echo the sentiments of the other speakers. This was my bill. I think that most of the points have

been covered. I guess I would really like to get up and thank the eleven members of the thirteen members on this committee who saw fit to report it out with an "ought to pass" report, and I hope the House will continue that thinking today.

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

Mr. LYNCH: Mr. Speaker and Members of the House: I know this is a hard issue to debate and talk about. The only thing I would say, that if you vote for this bill, you must recognize that you are morally obligated to fund it, and the problem of funding it is going to come later. If you are not going to fund it, I think it is cruel to even let these people think they are going to get an increase in benefits.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have been up here so long and so often, that every time we pass a bill in this House we have to worry about where it is going to go, who is going to be opposed to it and what is going to happen to it. Well, if we vote on every issue in that manner, then we might as well stay home. We have got to vote our own conscience on each and every bill, and if they kill them down the hall, then so be it, but we can't anticipate what they are going to do. What we should do is what we feel is right. If you feel that this bill does not warrant any further action, then let's kill it today.

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

A vote of the House was taken.

10 having voted in the affirmative and 89 having voted in the negative, the motion did not prevail.

Whereupon, the Majority "Ought to pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-275) on Bill "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (L. D. 1273)

Report was signed by the following members:

Mr. PIERCE of Kennebec

— of the Senate.

Messrs. LYNCH of Livermore Falls

BAGLEY of Winthrop

PLOURDE of Fort Kent

FENLASON of Danforth

Mrs. BEAULIEU of Portland

Mr. CONNOLLY 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. KATZ of Kennebec

USHER of Cumberland

— of the Senate.

Mrs. LEWIS of Auburn

Mrs. MITCHELL of Vassalboro

Messrs. BIRT of East Millinocket

WYMAN of Pittsfield

— of the House.

Reports were read.

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

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

Whereupon, Mr. Palmer of Nobleboro requested a division.

The SPEAKER: All those in favor of ac-

cepting the Majority "Ought to pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Palmer of Nobleboro requested a roll call vote.

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

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am not too sure of my grounds on this bill, but I did read it casually and I just wanted perhaps a little bit more debate on this before we do take a vote.

It seems to me that this bill is another bill in which this legislature is mandating a certain fact. I believe that is that all students who live in towns that have no secondary schools shall provide transportation to the nearest secondary school or wherever these young people go. I just think in a case like this, we talk about the increasing cost of education in Maine and we see the budget ballooning every year and we wonder why and how we can control it. This is one area where I think we should at least address the topic before we go ahead and vote.

I believe there is a fiscal tag of quite a bit of money on this which would mandate in the future that these towns do indeed pay this. I recognize there are problems in some of the towns in the state, I have some in my own district. I think we should be aware, however, there are plenty of towns in which they do not transport their children to secondary schools, do not care to do it, but would have to after this law passes and increase the cost of education further by about \$120,000 or \$130,000. It may be a small matter, but it is just one more of those things where the state is mandating more and more what the towns shall do and what they shall not do.

Perhaps I am wrong in my interpretation. If I am, I would like to have somebody address it. I really am speaking here to get members of the Education Committee, both pro and con on this bill, to debate it and have a little bit of the philosophy behind it before we take a final vote.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the good gentleman from Nobleboro, Mr. Palmer, for bringing this up so we can have a little debate. I have to concur with his remarks and have to say that two of the towns that I represent in my district do not provide transportation for secondary pupils and they both voted at their town meetings this past March not to include it in their school budget. The citizens decided that they didn't want to take that added responsibility. Our towns are widespread. They have a choice of three or four different schools that they can attend and they would rather have it that way. I certainly believe that this is an imposition on localities of mandating what they have to do. I trust that we do not accept the "ought to pass" report.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that when the members of the Education Committee get up to speak on this they would address a concern of mine as I read this wherein it seems to require that all elementary children be transported. I think you will find in most towns that there is some type of local decision that mandates beyond a certain distance and below certain grades we do transport them, but this seems to

be all inclusive language. I would like to have my mind set at ease on this score.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think what you have to do is set things in order. You have about 2,745 secondary students that are not transported in the State of Maine. We also have about 3,000 dropouts each year. We have all sorts of programs trying to take care of dropouts. That is costing money. It is costing money on the local level, it is costing money on the state level. Isn't it better to approach the problem and solve it before it develops? Many of these dropouts are dropouts because they cannot get to secondary schools. That is the purpose that I have in supporting this bill — solve the problem before it develops.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I had some questions when I first saw this bill and I would like to pose a question through the Chair if I could. In the section which requires the provision of transportation for secondary schools, when students are tutored out, to and from the secondary school which enrolls the largest number of the students, I, as we just mentioned before, have at least one community in my district which does not have a high school. They are an island community. They have maybe six or seven students going to different schools and if two or three of those happen to go to a private school somewhere in Portland or Aroostook county, it seems to me that this bill is requiring that particular community to pay airfare off and on the island in transportation from the mainland to the school for each one of those students. I am sort of concerned about that. I would like to ask any member of the Education Committee if that, in fact, would be the case under this bill.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: That is a point that was not brought up but I think it is a very interesting point. It would be true, because if you look at the bill it says that they have to transport to the school where the largest number of children go. The airfare part wasn't one of the parts that I objected to, because I hadn't even considered that, but the fact that the transportation would go to just one school is one of the things that bothered me.

Along with the city of Auburn, which does transport all of its children, my district also includes a part of Minot. I have been to several Minot town meetings and the people spoke very loud and very clear that they did not want transportation for their secondary students. One of the reasons was that they really have the best of all worlds because they do not have a high school of their own and they can choose to send their children to Edward Little High School in Auburn, which is a very good high school, Oxford Hills in South Paris or Norway, I am not sure which, but in that area, which is also a good school, or Hebron Academy which is a fine school. The people can choose among those three schools and that is really the way they want it.

I feel also that this bill is mandating a state program upon local people who may or may not want it. That was an interesting statistic that the gentleman from Livermore Falls cited to us, but there isn't any real correlation between dropouts and whether or not children are transported to secondary schools.

I did ask at the hearing if one of the proponents would consider an amendment that might possibly say that if children are transported, then they couldn't use their cars. She said "oh yes, very definitely." But if you look in the Edward Little parking lot, you will see there

really is hardly room for a bicycle much less another car. Where they have transportation for the students, there still are all these students who are using cars.

I do think it is up to the local people and I hope that you will not accept this bill.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: As one of the signers of the "ought to pass" report, I just want to make a very simple statement. All of the students in school administrative districts, secondary schools, are transported as part of the school administrative district law. It seems hardly fair, simply because pupils live in a town that is not in an S.A.D., that they should have to walk or, in too many cases, drop out, while the students in school administrative districts, no matter how large geographically, are transported to the secondary schools. I hope you will vote to accept the majority "ought to pass" report.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: Down through my community school districts and S.A.D. districts, the transportation is furnished to the high school students but you will see a very large number of automobiles going with quite a few students within those vehicles. In places where they do not have secondary education, you will find that they are transported just like a car pool where three, four or five students get together and go in one automobile. I hope you do not accept the "ought to pass" report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the signers of the "ought to pass" report of this bill sponsored by the Representative from Limerick, Mr. Carroll. In response to the question raised by Mr. Garsoe from Cumberland, as far as elementary school students are concerned, it doesn't change the law at all in that regard and I would read to you from Section 4 of the bill as it's amended, that the school committee shall decide the minimum distance from a school which a pupil must live to be eligible for free transportation to schools. So I would submit that the school committee has the right to set the distance and that is taken care of.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I have just one or two little points of clarification. According to law, we transport all elementary students. This has been on the books for a long time. As Mr. Bagley said, in S.A.D.'s and community school districts, it is required that secondary students be transported. That leaves a section of students who live in school unions which are neither S.A.D.'s nor community school districts.

The common practice for many years in many towns has been to buy a bus big enough to transport all of the students. Before the S.A.D.'s, we were not required to transport secondary students. It seemed too bad not to do it, so most towns did it automatically. However, there do seem to be a few towns that refuse to transport secondary students.

I sincerely feel that we should do all we can to encourage and to help students wherever we can. I feel that the service of transporting secondary students to schools leaves very much to be desired.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't care to get involved in the debate of the thing, only in the financial part of it. I would like to ask two, possibly three questions. The first one would be,

how much does this mandate the towns participating in the cost of education over and above what they are participating in now? The second question would be, does the \$118,000 include the purchase of buses or is it simply the gas, tires, whatever, to maintain them and the actual transportation? That would be my second question, as to whether or not purchasing buses is included. Even if it is, won't the state have to eventually pay to replace those buses at a later date? If someone knows the answer, I would appreciate it.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer. The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I don't have the answer, but I can assure the gentleman that if we don't pay for transportation, we will pay in other ways a few years down the road.

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

Mr. WILFONG: Mr. Speaker and Members of the House: I would like to speak in favor of this bill as one person who experienced a town that did not provide bus transportation to high school. The high school that I went to is Fryeburg Academy, which was a regional high school for all of us, and I lived 15 miles away from Fryeburg. When I started Fryeburg, I was 13 years old and we didn't have any bus transportation to Fryeburg Academy; we had to hike. As I said, it is 15 miles one way. We had to thumb morning and night back and forth to school for four years. The reason for it was because the town had more people who didn't have children than people who did. A lot of older people felt that their taxes were going to go up and so they would narrowly defeat having the bus transportation paid every year by one or two votes. Consequently, we used to have to hike. If you'd ever like to get to school when it is 15 miles one way, and early in the morning, you have got to find people who are going to jobs that start at seven o'clock or six-thirty in the morning or something like that, and you have got to be out there whether the snow is blowing or it is raining or whatever, trying to get a ride. Up at Evans Notch, I can tell you, there aren't a lot of people, so if you missed it, you stood a chance of walking four or five miles and sometimes you were late for school. You used to have to stay after school for detention because of that and that made you miss all the people who were coming home from the mills at night, so you would wind up walking maybe another four or five miles. That is without any exaggeration.

More importantly, there were students who graduated from the eighth grade and didn't go any farther because they did not have any transportation and perhaps they just didn't want to try to make the 15 miles every morning and 15 miles home every night. The town was able to save some money because they didn't have to pay for not only the bus transportation but they didn't have to pay for their tuition as well to the high school. In that respect, they were able to save some money.

The transportation costs were \$100 a year per student. My folks couldn't afford the \$100 a year and there were three or four other kids in the town whose folks couldn't afford it. Even though the bus was housed maybe just a mile and a half from me, up above where I live, even though it was housed and it rumbled right on by the house every morning and would rumble right on by me as I was trying to get to school, and at night it would rumble right on by again and there would be only about two kids on the bus that lived up there whose folks could afford to send them on the bus, it would just go right on by and it wouldn't matter if it was raining or snowing.

I think that we ought to pass this bill, because I think that if you limit a person's opportunity to have transportation to get to school, it makes it much more difficult for them to do so, and if their folks can't afford it, then they don't go. I think that we ought to pass this bill with a good vote.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: This jewel that we're discussing is my bill. It was my bill 10 years ago and was defeated. For 10 years, I have known of children who have dropped out of school and have heard parents talk about how they are unable to afford to pay for their transportation.

I am proud and pleased to stand here today to say that my community back in the thirties transported high school students. We have come a long ways, Charlie Brown, we have come a long ways. I am ashamed to stand here in this House and hear some of the reasons given why this legislative document should not be passed. I am ashamed because we do not take into consideration the fact that there are people who do not have the connections in their community to be sure their son or daughter shall ride. But I would like to ask each one of you to examine your conscience and examine your pocketbook, if you want to measure it in dollars, because I think you are talking about dollars, not good old fashioned common sense where I come from. If you had a daughter 14 years old, would you want her standing at the roadside thumbing a ride? Would you, I ask you? No, you wouldn't. How do you know who would pick her up? How do you know they would take her to school?

I happen to know of a parent that spoke that her daughter didn't get taken to school one day. How can you measure that little incident in dollars and cents? I hear all this crying about dollars, dollars, dollar — money hungry America, where is your conscience today? I offer you an opportunity to right a wrong, and the wrong is where the wheelers and dealers in some communities control the town meeting. I have watched it operate in my community. I have also organized, and we have seen them go down in defeat when we had our belly full of it.

I heard a statement made here today of a community nearby where they have a wonderful deal. A member of the school committee calls up and makes arrangements for the children to ride. I question this wonderful deal because I asked how much insurance do these cars have on them that these children ride in? The answer I got was, that was none of our business how much insurance these cars had that this child shall ride in. How much does it cost if that car is in a fatal accident and that child lays in a hospital for the next 20 years and the state picks up the tab? How much does it cost if a child is molested and the girl winds up an A.D.C. case and we fund and pay the cost of supporting a family who instead of being an A.D.C. case, had this child had an opportunity to go on, become educated, she might have become an honorable citizen. I don't say all people who are on A.D.C. are not honorable, but I think some people look down on some people, but I don't. I consider people on A.D.C. as unfortunate people. Many of them did not have the opportunity in life that others of us have had.

I ask you today to give every child in the State of Maine equal opportunity. Don't say it is local option. This is what you talked to me 10 years ago and I have given you 10 years to right a wrong and you haven't righted it.

It is awful nice to stand up, throw your head in the air and declare how proud you are and say in our town we don't transport our secondary scholars, we have a deal. But I think it is awful nice to stand up and say that we do tran-

sport our secondary scholars, that we do provide them an opportunity to go to a good high school, we are proud to pay the additional cost of transportation. The state pays 90 cents of every dollar of the cost of transportation.

Ladies and gentlemen, we have had studies of dropouts. I heard the statement made here that there was very little correlation between dropouts and the transportation of secondary scholars. I challenge that statement. I say that is a statement that has no factual value.

I also will tell you again that we have come a long ways and we've just got a little ways to go. I urge you all here today to give this bill an "ought to pass" report, accept the majority report. I ask you to join with me in giving these young people an opportunity to ride to school.

One town voted to transport their secondary scholars and the school committee refused to do it. What do you do with this problem? That town still isn't transporting their secondary scholars. Where was the local option that time around?

I ask you, I plead with you and I urge you, for that mother whose daughter dropped out of high school because she had to hike to school and she says I have another daughter that will soon be going to high school, I don't have the money to pay for her transportation and she will be a dropout also, think about it, ladies and gentlemen. When you look in your pocketbook and you see a few greenbacks, think about that too.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I'll just call to your attention section two of the bill that deals with the appropriation with the committee amendment on. As it was originally drafted says that it would cost the state \$117,900 but that figure is in error. It was supposed to have been corrected by the committee amendment and it wasn't. That will be amended in second reading, when it gets to that point. The cost to the state is less than that. It is only \$93,600 and that is because if you refer to the statement of fact it said, this bill would affect 2,500 Maine children. In effect, it only affects 1,500 Maine children, the students in Millinocket and East Millinocket were considered in the bill and they should not have been.

The SPEAKER: The Chair recognizes the gentleman from Poland, Mr. Torrey.

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: In partial response to the good gentleman from Scarborough, Mr. Higgins about costs, in my hometown of Poland, at that town meeting last March, the superintendent reported that in the project study of transporting secondary pupils, by leasing buses, he was going to figure around \$60,000 additional appropriation for the school budget.

I would like to just respond briefly to that gentleman from Stow, Mr. Wilfong, that in my high school days, I only had to walk two and a half miles each way and rode the rest of the way on a trolley car so that kind of dates me a little.

I hardly concur with the gentleman from Limerick, Mr. Carroll. He and I have usually the same points of view and the same philosophies but I just have to differ a little here. I think that the towns, the municipalities, should have the final decision whether they want to go this route or not, whether they want to provide transportation. In our town meeting in Poland, the vote was two to one not to provide it. It certainly wasn't a majority of the people that didn't have pupils in those secondary schools. Many of them had high school pupils who were very satisfied with the system they had and a chance to go to a different school than might be provided if the bus was made available.

Again, I reiterate my statement that I oppose the "ought to pass" Report.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: When I just gave the statement about the reduced figure, I left out another part of that that I should have added. The local costs, that is transportation costs, are reimbursable on a nine and ten ratio, is only \$10,400 for the entire state. When you hear \$60,000 figures for one town, etc., the local cost of this particular bill is \$10,400.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I suppose that after the highly emotional remarks made by my good friend from Limerick that I should be ashamed to stand here and seemingly brow beat and do all I can to hurt young boys and girls and drive them to school and onto A.F.D.C. and all the other horrible things that happened to those of us who happen to live in areas where we do not have many secondary schools.

I want to make it clear that I come from a district, my district has seven towns, and six of those towns do not have secondary schools. They haven't had for years and years. They transport their students to places like Medomak Valley High School, Lincoln Academy, Wiscasset High School. They have done it for years and I challenge the good gentleman to prove to me that we have more dropouts in our area than they have in the other, more fortunate parts of the state where these things are happening day in and day out.

My only reason for bringing this to the attention of this legislature was very pure and simple. That is, that we say over and over again that we have no control over the burgeoning costs of education. Yet, we do, as a legislature, year in and year out, and this is a prime example, continue to mandate to towns and cities what they shall or shall not do in a "father knows best" attitude. I say simply to you that we do have fine young people in our area.

They are transported. All the girls aren't out in the morning hitchhiking. Some of the students even prefer to go the way they go rather than get on a bus at five thirty or six and travel for three hours to get to the closest secondary school by virtue of the modern bus transportation system. I want to say, in representing my district, that I have had one letter favorable to this bill. One letter, and I have had many, many in opposition to it, simply saying we have the opportunity today to do it if we want to, we are getting along fine and we don't need you to tell us that we have to do it tomorrow or next year. It is my only reason for bringing this out.

I don't think that the argument is valid at all that those of us who live in areas where this is taking place have more dropouts, more juvenile delinquency, more children on A.F.D.C. than they have in the more fortunate communities where buses are going by the streets by the hour, picking up young people to take them to secondary schools.

I do not sympathize too much with the good gentleman, my good friend from Stow, I had the privilege myself of having to provide my own transportation for years for five miles. It didn't hurt me too much and I think he looks rather healthy today for his experience. I didn't realize that there were so many problems in his area among young people who really are dropping out of school and having these problems that the good gentleman, Mr. Carroll, mentioned because of the school bus situation.

What I really am saying is: This is just one example of how we, in a legislature, know best and whether or not the towns want the system or want the service, we mandate that they give it and the next time that we talk about the cost of transportation, they are up another \$100,000, the costs of buses are up. I think the towns are

perfectly able and willing to make their own decisions and I think we ought to let them do it.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I would think that the gentleman from Nobleboro should be ashamed. I am not about to stand here and argue that we should deny transportation of children to school to get an education so that they can have an equal opportunity with the rest of the people in the state.

I have two towns in my district which do transport their children. One doesn't. There is only one town that I have complaints and calls from, from worried mothers, distraught fathers and that is obviously the town that does not transport the children. Admittedly, it is a poor town. As has been said before, the state does refund 90 percent on transportation. I think this bill deserves consideration. I think that there have been a lot of comments and complaints about lack of opportunity and education in the rural areas of this state, and we, at this time, have something to do about it. Let's do it.

The SPEAKER: A roll call has been ordered. 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.

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Boudreau, A.; Brenerman, Brown, K. C.; Burns, Bustin, Carroll, Clark, Connolly, Cox, Curran, Dexter, Diamond, Dow, Elias, Fenlaw, Flanagan, Fowlie, Goodwin, H.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Hughes, Immonen, Jalbert, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, Locke, Lunt, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBreairty, McHenry, McKean, Mills, Morton, Nadeau, Najarian, Nelson, M.; Peakes, Pearson, Peterson, Plourde, Prescott, Quinn, Rideout, Rollins, Spencer, Stubbs, Talbot, Theriault, Tierney, Truman, Twitchell, Wilfong, Wood, Wyman, The Speaker.

NAY — Ault, Austin, Berry, Biron, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Byers, Carter, D.; Carter, F.; Churchill, Conners, Cote, Cunningham, Davies, Drinkwater, Dudley, Durgin, Garsoe, Gauthier, Gill, Gillis, Gray, Green, Higgins, Huber, Hunter, Hutchings, Jackson, Lewis, Lougee, Mackel, Marshall, Masterman, Masterton, McMahon, McPherson, Mitchell, Moody, Nelson, N.; Norris, Palmer, Peltier, Perkins, Post, Raymond, Shute, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Tarr, Teague, Torrey, Tozier, Trafton, Valentine, Whitemore.

ABSENT — Aloupis, Carey, Carrier, Chonko, Devoe, Dutremble, Goodwin, K.; Gould, Jacques, LaPlante, LeBlanc, Lizotte, Tyndale.

Yes, 76; No, 62; Absent, 13.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-two in the negative with thirteen being absent, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-275) was read by the clerk and adopted. The Bill assigned for second reading Monday, May 9th.

Divided Report

Tabled and Assigned

Six Members of the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Undedicate the Highway Fund (H. P. 536) (L. D. 651) report in Report "A" that the same "Ought to Pass" in New Draft under New Title RESOLUTION, Proposing an Amendment to the Constitution to Permit the Highway Fund to be used for Public

Transportation Purposes (H. P. 1532) (L. D. 1758)

Report was signed by the following members:

- Mrs. LOCKE of Sebec
- Mrs. MASTERTON of Cape Elizabeth
- Mrs. BACHRACH of Brunswick
- Messrs. DIAMOND of Windham
- CURRAN of South Portland
- VALENTINE of York

— of the House.

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

Report was signed by the following members:

- Mrs. SNOWE of Androscoggin
- Messrs. COLLINS of Aroostook
- MARTIN of Aroostook

— of the Senate.

- Messrs. STUBBS of Hallowell
- SILSBY of Ellsworth
- CHURCHILL of Orland

— of the House.

One Member of the same Committee on same Resolution reports in Report "C" that the same "Ought to Pass"

Report was signed by the following member:

- Mrs. KANY of Waterville.

Reports were read.

On motion of Mr. Curran of South Portland, tabled pending acceptance of any Report and specially assigned for Tuesday, May 10.

Divided Report

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Establish a 12% Discount for State Agency Stores" (H. P. 828) (L. D. 1001)

Report was signed by the following members:

- Mr. LOVELL of York

— of the Senate.

- Messrs. MARSHALL of Millinocket
- RAYMOND of Lewiston
- IMMONEN of West Paris
- TWITCHELL of Norway
- GRAY of Rockland
- CONNERS of Franklin

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-276) on same Bill.

Report was signed by the following members:

- Messrs. LEVINE of Kennebec
- DANTON of York

— of the Senate.

- Messrs. NADEAU of Sanford
- MAXWELL of Jay
- JACQUES of Lewiston
- LIZOTTE of Biddeford

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, I move that we accept the Minority "Ought to Pass" Report with Committee Amendment "A".

The SPEAKER: The Chair recognizes the gentleman from West Paris, Mr. Immonen.

Mr. IMMONEN: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, the agency store concept was approved to provide easier access for liquor stores in isolated areas where it was not profitable for the state to set up state stores and also into areas where the state stores did not have a very large profitable volume of business. The director requested and we agreed to a 10 percent margin of profit. The handling of liquor is a business and business is for profit. But this bill has a heading of increase in the profit margin from 10 to 12 percent but the amendment has increased it to 14 percent profit margin. In my arithmetic, that is a 40 percent increase. The director has been able to

find licensees who are willing to take on these liquors to dispense. He also has those who wish to apply for licenses on their stores in other areas. What is the need of this bill? The financial note of this amendment means a considerable loss of revenue. We thought that in allowing agency stores that there would be increase of revenue to the state. By this bill or the amendment, there is no gain, there is a loss. I request a division.

The SPEAKER: The Chair recognizes the gentleman from Jay, Mr. Maxwell.

Mr. MAXWELL: Mr. Speaker, Ladies and Gentlemen of the House: The original bill, two years ago, said 10 percent to the agency store operators. By the time the federal government got through fooling around with their tax, actually the agency stores are getting approximately 8 percent.

I have looked at the books in two different agency stores and they are not making any money. We felt that if we could give them 12 percent, perhaps they could and keep operating, but in checking with the department, we amended it in committee to read 11 percent. In checking with the department, we found that this was.

The SPEAKER: The Chair interrupts the gentleman from Jay, Mr. Maxwell for just a moment. The gentleman may proceed.

Mr. MAXWELL: We found that the 11 percent was only going to give the agency store owners about 9 percent. So we amended the bill to read 14 percent which will give them the 11 percent that we want. It is about that simple.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: I did not go along with the bill which would give the agency stores an additional discount for several reasons. One of them being that many of the large stores took on hard liquor as a leader. Any other product they have in the store which does not generate a reasonable profit, they take off the shelves and put another product on. They have the right to do this with the hard liquor. It also should be brought out that this would be a loss of revenue according to this amendment. There would be a loss of revenue of \$112,000. I think this should be taken into consideration before we extend a further discount to the agency stores. It was also pointed out to us that there is a moratorium now on agency stores and there is quite a backlog of people who are interested in getting these franchises. I am sure that it wouldn't be very good business on the part of the state to further discount a product that is already selling well.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to know if any member of the Liquor Control Committee can tell me how many agency stores have given up their agency and gone out of that part of the business recently because of lack of profit?

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

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

Mr. RAYMOND: Mr. Speaker, Ladies and Gentlemen of the House: There has been just one up to date and I understand there may be another one soon. However, the one that will be going out shortly when they did give him the agency store, it was almost known at that time that it would not survive because his place of business was too small in the first place.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to

belabor this issue too much but the state has been in the liquor business quite awhile. They get out of it in some places because their operating costs are more than 8 percent. These agency stores have been doing a favor to the state and we have been making money through them. All I am asking is to give them a favor for once and give them a decent profit on their sales, that is all. We are making out like bandits on this. Let's give them a little profit anyway.

The SPEAKER: The pending question before the House is the motion of the gentleman from Jay, Mr. Maxwell, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 52 in the negative, the motion did not prevail.

Whereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 463) (L. D. 568) Bill "An Act to Repeal the Designation of Emergency Interim Successors to Legislators" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-274)

(H. P. 1113) (L. D. 1372) Bill "An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve Northern Oxford County" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-273)

(H. P. 1027) (L. D. 1276) Bill "An Act Relating to the Establishment of a Revolving Account for Local Educational Assessment" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-272)

(H. P. 1484) (L. D. 1701) Bill "An Act Relating to the Payment to Provide for Waste Disposal at Mt. Ararat High School" (Emergency) — Committee on Education reporting "Ought to Pass"

(H. P. 1112) (L. D. 1365) Bill "An Act to Validate Proceedings Authorizing the Issuance of Bonds or Notes by Region 5 Vocational Region" (Emergency) — Committee on Education reporting "Ought to Pass"

(S. P. 311) (L. D. 1031) Bill "An Act to Provide Certified Interpreter Service for the Hearing Impaired" — Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-113)

(S. P. 139) (L. D. 380) Bill "An Act Relating to the Examiner and Director, Economics and Finance of the Public Utilities Commission" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-114)

(S. P. 338) (L. D. 1123) Bill "An Act Appropriating Funds to Provide Services to Older Blind Persons to Assist them in Remaining in their own Homes and in Caring for Themselves" — Committee on Human Resources reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 9, 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. 1190) (L. D. 1450) Bill "An Act to Clarify Certain Liquor Laws" (C. "A" H-264)

(H. P. 1191) (L. D. 1439) Bill "An Act to

Amend the Charter of the Winter Harbor Utilities District" (Emergency)

(H. P. 924) (L. D. 1423) Bill "An Act Concerning Absentee Ballots for Maine Citizens Overseas"

(S. P. 347) (L. D. 1175) Bill "An Act Granting the Industrial Accident Commission the Power to Correct Clerical Errors in Certain of its Documents" (C. "A" S-110)

(S. P. 103) (L. D. 232) Bill "An Act Concerning the Definition of Full-time Local Law Enforcement Officer" (C. "A" S-111)

(S. P. 227) (L. D. 705) Bill "An Act Appropriating Funds for increased Staff and Changing Certain Provisions Relating to the Appointment of the Executive Director of the Maine Labor Relations Board"

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

Second Reader

Tabled and Assigned

Bill "An Act to Establish 4-Year Motor Vehicle Licenses" (S. P. 481) (L. D. 1743)

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

(On motion of Mrs. Boudreau of Portland, tabled pending passage to be engrossed and specially assigned for Monday, May 9.)

Passed to Be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1977 (Emergency) (H. P. 1528) (L. D. 1754)

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

Second Reader

Tabled and Assigned

Bill "An Act to Permit 17 Year Olds to Donate Blood Without Parental Consent" (S. P. 289) (L. D. 915) (C. "A" S-108)

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

(On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed as amended and specially assigned for Monday, May 9.)

Bill "An Act Relating to Appointment, Duties, Salary and Expenses of Court Reporters" (S. P. 25) (L. D. 38) (H. "A" H-268 to C. "A" S-104)

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

Passed to Be Enacted

Emergency Measure

"An Act Relating to the Payment of Special Education Tuition and Board for the Fiscal Year 1977" (H. P. 220) (L. D. 284)

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. 112 voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

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

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. 109 voted in favor of same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1977 (H. P. 1490) (L. D. 1703) (H. "A" H-229)

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. 113 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1977 (H. P. 1494) (L. D. 1713)

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. 113 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1977 (H. P. 1495) (L. D. 1714)

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. 111 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1977 (H. P. 1497) (L. D. 1715)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-third vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1977 (H. P. 1498) (L. D. 1716)

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. 112 voted in favor of same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1977 (H. P. 1499) (L. D. 1717)

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. 113 voted in favor of same and none against and accordingly the

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

Passed to Be Enacted

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

"An Act to Provide for Rules and Regulations to be adopted by the Real Estate Commission" (H. P. 151) (L. D. 181) (C. "A" H-187)

"An Act to Increase the Penalties for Violation of State Antitrust Laws" (H. P. 273) (L. D. 347) (H. "A" H-194 to C. "A" H-163)

"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) (S. "A" S-99 to C. "A" H-169)

"An Act to Clarify the Marking of Ballots" (H. P. 1235) (L. D. 1388) (S. "A" S-103)

"An Act Establishing an Experimental Open Season on Moose" (H. P. 1298) (L. D. 1495) (Later Reconsidered)

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.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action of earlier in the day whereby it voted to insist and ask for a Committee of Conference on Bill "An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628).

On further motion of the same gentleman, tabled pending the motion of Mr. Davies of Orono to insist and ask for a Committee of Conference and specially assigned for Tuesday, May 10.

Orders of the Day

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

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

Tabled — May 4, 1977 by Mrs. Post of Owls Head.

Pending — Passage to be Engrossed.

On motion of Mr. Goodwin of South Berwick, retabled pending passage to be engrossed and specially assigned for Tuesday, May 10.

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

Bill, "An Act to Change the Date of the Primary Election to the First Thursday after Labor Day" (H. P. 1511) (L. D. 1732)

Tabled — May 4, 1977 by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed. (Roll Call Ordered)

On motion of Mr. Kelleher of Bangor, retabled pending passage to be engrossed and specially assigned for Tuesday, May 10.

The Chair laid before the House the third 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) — In House, Majority "Ought Not to Pass" Report Accepted on May 3 (Acceptance of Majority Report Reconsidered May 4)

Tabled — May 4, 1977 by Mr. Gray of Rockland.

Pending — Acceptance of 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: I would urge that we vote against the pending motion so that this bill may have its first reading. This will allow me to offer for your consideration an amendment. If the amendment is not acceptable, you will have the opportunity then to defeat the entire bill. I would urge you to please vote against the pending motion at the present time.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: I don't want this to go any further if it can be helped. I can see now that I made an error Tuesday when I didn't move for reconsideration on this bill. My biggest mistake was agreeing to table for two days at the request of the sponsor last Friday. This means that we have to go through the whole procedure that we did last Tuesday. If we could have taken care of this Wednesday when we were finishing the calendar at 11 o'clock, we still could have disposed of this bill in one way or another before 12 noon, be that as it may, here we are back in square one. My feelings have not changed and I hope that those of you who voted with me Tuesday are with me on "Ought Not to Pass".

Each one of these types of bills is either to raise some group to the level of the group getting better benefits or to top all benefits. When will this stop? When will this stop, I ask you? One group breaks the ground and the others, one by one, reap the harvest. Who is ahead, the forest rangers or the prison guards? Can the state police get ahead again? It sounds like a fun game. But ladies and gentlemen, this is anything but a fun game. We are dealing with people here, and I am talking about the people that are under the retirement system and not any special group.

We are deciding whether the Maine State Retirement System will continue in a good, fiscal position or are we going to continue to weaken the system? Can't you see that if this continuous increase in benefits is bound to weaken it? It can get to the point where these people are trying so hard for added benefits, they end up by having no benefits at all.

Many of you may vote to pass this bill with the idea that the fiscal note will cause it to die on the Appropriations Table. I submit to you that doing this gives all groups a false impression that any demand they make will be approved and only the lack of money will prevent the legislature from giving them all they want. With all this in mind, I hope, again, you will vote to accept the "Ought Not to Pass" report. Mr. Speaker, when the vote is taken, I would like to have it taken by the yeas and nays.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: The bill that is before us today that we are trying to keep alive is a good bill. This bill, I know it has a big price tag and it kind of scares us when we talk about it, but this is a good bill, it is a bill for people who work in our institutions, it is a bill that we can be proud to support.

I don't agree with my chairman from the Veterans and Retirement Committee. The fund is sound, the fund is solid. A very good friend of mine who once was the trustee of the Maine Retirement System said that he wished he had a lot of funds like that. It is good, it is solid, and we are going to keep it solid. We don't want the fund to be hurt, nobody does, especially when we are talking about people's retirement and their benefits. I don't believe there is anyone in this House that truthfully and honestly wants to hurt anyone on their benefits for retirement. They have worked all their lives and they can't get any more, the majority of them, once they retire.

This is a retirement fund, it is a good bill, and I would certainly urge the members of this body to keep it alive today.

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 disagree with the former speaker more. I feel this is a bad bill. I feel this is irresponsible legislation. This whole retirement pension, to me, is getting out of hand. Fifteen years ago, the City of Bath didn't have a pension, Sagadahoc County didn't have a pension system, but today, I can name right in the City of Bath alone where we have got four retired fire chiefs plus the one that is working. We have retired police chiefs and I don't know how many of the rank and file which don't stand out. It seems as though this is just the tip of the iceberg. This thing has mushroomed and it is going to kill us, it is going to kill the whole system, there will be nothing for anyone.

They tell about there is a big price tag to this, and money has been a big issue in this particular session, as probably it is in every session, and I can't help but think about the elderly people who come last on this bill.

I associate with a lot of elderly people. I was in a home just last night and the lady asked me to cash her check for her, her sole income for the whole month — \$225.10. She is trying to maintain a home, trying to pay her bills. She tells me she has to pay for medicine out of that, clothing, which of course she hopes relatives will give her for presents.

I was in another home, an elderly couple in their eighties. The lady had a bed set up in the living room. I asked her how she was feeling. She said, at last I have got so I can walk back and forth to the bathroom, but my big worry is that my check is going less and less distance every month that we get it. I think these are the people we are talking about, they are on retirement and these old people are not able to work. I feel nobody should draw a pension until he is at least 60 years old. Name this any other way you want to call it; it is nothing but another form of welfare when you get something for nothing.

These people are not being dealt out of their pension; they can get it when they are 60 if they want it. Anytime after 10 years they can freeze it. If they want to go and do something else, that is their prerogative, and I sincerely hope that you defeat this bill.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: The only thing that the gentleman from Rockland is asking is one day to put an amendment before us. The merits of the bill can then be discussed. All he is asking for is one day. I think we should give him that one legislative day so he then can present before us that amendment. Please keep that in mind.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: We have been giving the gentleman from Rockland a whole week. First we tabled it for two days, last Friday. Next, we tabled it again over my objections last Wednesday, and I feel that he has had all the time he needs. No matter what he does to the bill, it is not going to change it as far as the benefits are concerned. I don't want to have it tabled and I don't want to have any amendments put on it. I want it to be killed right now.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Like the previous speaker, I think until that amendment arrives on my desk, I am going to vote to keep

this open. I don't believe in discussing the amendment to the bill, we don't have it before us, and I dislike the argument and the line of discussion that has gone on up to this point. I think that we should listen to the Representative from Windham, Mr. Diamond. I agree, I am very worried about that price tag, but until I see the amendment and see the effects of the amendment on the original bill, then I will extend that courtesy to Mr. Gray.

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

Mr. GRAY: Mr. Speaker and Members of the House: I just wanted to point out that I am not purposely trying to prolong this or delay it. The reason why the amendment is taking so long is that it does require a fiscal note and it takes considerable research by the retirement office. This is what is causing the delay.

In response to the remarks that were made about people retiring at the age of 45, you have to remember that those who work in law enforcement and those who work in correctional fields are not at their best in dealing and wrestling with prisoners and the like after they reach 45 years old. This is why I see fit to retire the people in this field earlier.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this bill, but there was a statement made, if I understood it correctly, that many retirees, after 20 years, and of course that includes many, many people in the service that would be tantamount to be taking welfare, and I take exception to that. I feel that anybody who has gone and worked under any retirement system, after the prescribed number of years, he is entitled to the retirement that they get and certainly it shouldn't be considered as folks getting something for nothing.

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

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

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

Mr. McMAHON: Mr. Speaker, I wish to pair my vote with the gentleman from Caribou, Mr. Bennett. If he were here, he would be voting no on the motion and I would be voting yes.

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, pairs his vote with the gentleman from Caribou, Mr. Bennett. If Mr. Bennett from Caribou were present, he would be voting nay and the gentleman from Kennebunk, Mr. McMahon would be voting yea.

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

Mr. BERRY: Mr. Speaker, I would like to pair my vote with the gentleman from Mapleton, Mr. Rideout. If he were present, he would be voting yes and I will vote no.

The SPEAKER: The gentleman from Buxton, Mr. Berry, wishes to pair his vote with the gentleman from Mapleton, Mr. Rideout. If the gentleman from Mapleton, Mr. Rideout, were here, he would be voting yea, and if the gentleman from Buxton, Mr. Berry, were voting, he would be voting nay.

The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that the Majority "Ought not to pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bagley, Biron, Brown, K. C.; Bunker, Byers, Carter, D.; Clark, Cote, Cun-

ningham, Fenlason, Garsoe, Gauthier, Gillis, Green, Hall, Hickey, Huber, Hutchings, Jackson, Jensen, Kany, Lewis, Lunt, Lynch, Mackel, Mahany, Masterman, Masterton, Maxwell, McBreairty, McHenry, Moody, Morton, Nadeau, Najarian, Nelson, N.; Palmer, Peltier, Raymond, Smith, Stover, Teague, Theriault, Torrey, Truman, Whittemore.

NAY — Ault, Bachrach, Beaulieu, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Burns, Bustin, Carroll, Carter, F.; Churchill, Conners, Connolly, Cox, Curran, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Elias, Flanagan, Fowle, Gill, Goodwin, H.; Gray, Greenlaw, Henderson, Higgins, Howe, Hughes, Hunter, Immonen, Jalbert, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Littlefield, Locke, Lougee, MacEachern, Marshall, Martin, A.; McKean, McPherson, Mills, Mitchell, Nelson, M.; Norris, Peakes, Pearson, Perkins, Peterson, Post, Prescott, Quinn, Rollins, Shute, Silsby, Spencer, Sprowl, Talbot, Tarbell, Tierney, Tozier, Trafton, Twitchell, Valentine, Wilfong, Wood, Wyman.

ABSENT — Aloupis, Carey, Carrier, Chonko, Davies, Devoe, Dutremble, Goodwin, K.; Gould, Hobbins, Jacques, LaPlante, LeBlanc, Lizotte, Plourde, Strout, Stubbs, Tarr, Tyndale.

PAIRED — Bennett, Berry, McMahan, Rideout.

Yes, 47; No, 80; Absent, 19; Paired, 4.

The **SPEAKER**: Forty-seven having voted in the affirmative and eighty in the negative, with nineteen being absent and four paired, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

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

Mr. **MACEachern**: Mr. Speaker, having voted on the prevailing side on An Act Establishing an Experimental Open Season on Moose, House Paper 1298, L. D. 1495, I now move that we reconsider our action and hope you all vote against me.

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 Chair recognizes the gentleman from Kennebunk, Mr. McMahan.

Mr. **McMAHON**: Mr. Speaker, I would like to pair with the gentleman from Caribou, Mr. Bennett. If he were here, he would be voting against the motion and I am voting for it.

The **SPEAKER**: The gentleman from Kennebunk, Mr. McMahan, wishes to pair his vote with the gentleman from Caribou, Mr. Bennett. If the gentleman from Caribou, Mr. Bennett, were here, he would be voting in the negative and Mr. McMahan from Kennebunk would be voting in the affirmative.

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

Mr. **BERRY**: Mr. Speaker, I would like to pair my vote with the gentleman from Mapleton, Mr. Rideout. If he were present, he would vote no and I would be voting yes.

The **SPEAKER**: The gentleman from Buxton, Mr. Berry, wishes to pair his vote with the gentleman from Mapleton, Mr. Rideout. If Mr. Rideout were here, he would be voting nay, and if the gentleman from Buxton, Mr. Berry, were voting, he would be voting yea.

The pending question is on the motion of the

gentleman from Lincoln, Mr. MacEachern, that the House reconsider its action of earlier in the day where" L. D. 1495 was passed to be enacted. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Benoit, Berube, Brennerman, Bunker, Burns, Bustin, Carter, F.; Connolly, Curran, Diamond, Durgin, Fowle, Gray, Green, Henderson, Hickey, Howe, Huber, Hughes, Hunter, Jackson, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, Mackel, Mitchell, Moody, Najarian, Nelson, M.; Norris, Peakes, Post, Prescott, Raymond, Shute, Sprowl, Stover, Talbot, Tierney, Valentine, Wood, Wyman.

NAY — Ault, Austin, Bagley, Beaulieu, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. C.; Byers, Carroll, Carter, D.; Churchill, Clark, Conners, Cote, Cox, Cunningham, Dexter, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Greenlaw, Hall, Higgins, Hutchings, Immonen, Jalbert, Jensen, Joyce, Lewis, Lougee, Lunt, Lynch, MacEachern, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Quinn, Rollins, Silsby, Smith, Spencer, Strout, Teague, Theriault, Torrey, Tozier, Trafton, Truman, Twitchell, Whittemore, Wilfong, The Speaker.

ABSENT — Aloupis, Brown, K. L.; Carey, Carrier, Chonko, Davies, Devoe, Dutremble, Goodwin, K.; Gould, Hobbins, Jacques, LaPlante, LeBlanc, Littlefield, Lizotte, Martin, A.; Plourde, Stubbs, Tarbell, Tarr, Tyndale.

PAIRED — Bennett, Berry, McMahan, Rideout.

Yes, 47; No, 78; Absent, 22; Paired, 4.

The **SPEAKER**: Forty-seven having voted in the affirmative and seventy-eight in the negative, with twenty-two being absent and four paired, the motion does not prevail.

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

Bill, "An Act to Revise the Measure of Damages under the Unfair Trade Practices Act" (H. P. 277) (L. D. 341) — In House, Passed to be Engrossed on May 3. — In Senate, Indefinitely postponed.

Tabled — May 5, 1977 by Mrs. Gill of South Portland.

Pending — Motion of Mr. Sprowl of Hope to Recede and Concur.

The **SPEAKER**: The Chair recognizes the gentlewoman from South Portland, Mrs. Gill.

Mrs. **GILL**: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge you to vote against the recede and concur motion and would like to briefly tell you my reasons why.

I presented this bill before the Committee on Business Legislation. It is a small bill. It is not an anti-business bill. All it does is allow the Attorney General the prerogative that he already has. In a suit, he can now bring an injunction against anybody who commits a fraudulent act or sells fraudulent goods. What it will do, it will still allow him to bring an injunction, it will allow him to recover for the damaged article itself, which he already can do, but it also will protect the consumer in that it will allow the Attorney General to recover damages that might have been suffered by the consumer in purchasing the article he did.

I have an example or two, and I would like to share them with you just to explain what I mean. One of our Representatives has a constituent who happened to have a snowmobile and his snowmobile needed repair. He had a bad clutch, and he brought the snowmobile to a car repair garage which held themselves out to be capable of repairing snowmobiles. The garage,

as it turned out, had neither the expertise nor the proper tools to repair the snowmobile and in repairing the clutch, which I am told cost probably around \$5 to repair, he managed to ruin the crank shaft. I am not familiar with snowmobiles or equipment, but I am sure that some of you around here know what I am talking about. I am told that the crankshaft would cost about \$200 to repair. This man, under the existing law, cannot recover for the expense of the \$200 that he had to put out to get the crankshaft repaired at some other garage. Under this bill, they would be able to recover those damages for him.

Also, in the Augusta area here, we have a well-drilling company, and on more than one occasion, this company charges for drilling the well to a particular depth, and we will use an example, say 150 feet down, but has only drilled 60 feet, for a variety of reasons, might be running into ledge or whatever, but the short drilling has required that a pump that is there to get the water up has not worked properly and the pump has failed, and this would require the people who had the well drilled in the first place to replace the pump and repair it. Under this act that now exists in our statutes, they could not recover for that.

There are many reasons. I don't want to go into them, I don't want to belabor the point, but I would hope that you would vote against the motion of Mr. Sprowl to recede and concur so that I make a motion to insist.

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

Mr. **SPROWL**: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this debate. I have another job to go to this afternoon.

I guess I would take issue with the gentlelady from South Portland, Mrs. Gill, when she says that this is a small matter. It really isn't a small matter. This bill will ultimately cost the consumer more for every product that they buy. This bill will ultimately cost the taxpayers of the State of Maine more money through an increase of the bureaucracy of the Attorney General's Office.

I just take issue with her when she says that it is a small matter. I hope you will vote to recede and concur.

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

Mr. **HOWE**: Mr. Speaker and Members of the House: I sit on the Business Legislation Committee. This is one of the few bills that was put in by the Consumer Fraud Division that I voted for. Six months ago, if somebody told me I would be voting against a number of consumer bills, I probably would have thought they were crazy, but I did for one or two reasons. I either thought they didn't accomplish anything that couldn't be accomplished through some other area of the law or else I wasn't quite convinced they were really needed for some other reason.

If you look at L. D. 341, I believe that the only new words in Section 209 of Title 5 are the last six words "any other damage caused thereby." This bill is not going to enlarge the bureaucracy, it probably won't even cause the Attorney General to bring any more cases. It will permit the Attorney General to sue and ask a court to grant, on behalf of the consumer, damages beyond merely the item sold, which may have been sold in a manner that violated the unfair trade practices act.

It doesn't make a lot of new things illegal. I really don't see any way it is going to require more lawyers in the Attorney General's Office. Although I won't say this for certain, I believe that there was some question asked of an attorney who was a lobbyist at the hearing as to whether this would require more product liability insurance, and I won't swear to it, but I believe that the answer was no, and perhaps the

gentleman from Hope would correct me on that.

I distinguished in my thinking on this bill in committee between this and other types of legislation which regulate business in that I did not see this as a bill to expand the bureaucracy or its powers. The Attorney General does not award anybody damages. The Attorney General acts on behalf of somebody else and asks the court to award damages. The court makes this decision, not the Attorney General's Office.

Therefore, I urge defeat of the "ought not to pass" report, if that is what the motion is. Anyway, I am for the bill.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I want to point out a point of information that I think Mr. Sprowl did say that I think might be correct. This isn't a small matter.

Consider for a minute you are building a house and buying some bags of cement from what you thought was a reputable cement seller, turns out not to be so reputable, you build your house and put a \$30,000 house on top of it and it caves in because the consistency is not right, and under the present law he is not going to reimburse you for that cement and meanwhile you are stuck with a \$30,000 house down in the ditch.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Men and Women of the House: I would oppose this bill and I think the intent of the bill might be very good, but we have run into the same sort of snafu that we ran into on the anti-trust bill. Whenever the Attorney General has reason to believe that any person is using or is about to use any method, act or practice, he may then put out a restraining order.

I don't see that there has been an amendment added to correct this, and I wonder if this question has been addressed?

The SPEAKER: The gentlewoman from Newcastle, Mrs. Byers has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I would like to take a moment to perhaps explain this bill and I think in doing so, I will answer the good gentlelady's question and perhaps rectify a few of the errors which have been made by the previous speakers, mostly in good faith.

There is nothing wrong with this bill. Where the good gentleman from Millinocket, Mr. Marshall, errs is when he says if someone sells you today bad cement and you have a \$30,000 loss, you can't collect for it. That is not true. That is a breach of contract, it violates the Uniform Commercial Code, and you can go through the legal process to sue that particular individual in order to attempt to collect the damages, but where the gentleman from Millinocket, Mr. Marshall, is correct, ultimately, is that it is very, very difficult to collect damages in that type of a situation because most of the people who commit unfair trade practices are the type of people who are here today and gone tomorrow.

What this bill does, and what is good about it, is that it allows the Attorney General to go into court and ask for an injunction when he finds out that the particular person, to continue with this example, is selling bad concrete. If the Attorney General receives information that bad cement, bad concrete has been sold to at least one person and he knows that this traveling concrete salesman continues to sweep through the state selling his concrete to everyone in sight, there is nothing in the present law which allows

the Attorney General to go into court to get an injunction to stop the sale of this improper material. All it does, it means, that if people continue to buy the improper material, then they will have to sue and it will go through the courts for years. This allows the Attorney General to go into court to get an injunction to stop the sale.

Where the good gentlelady from Newcastle is wrong is that the Attorney General does not issue injunctions, that would be a very unique system of justice which would allow the attorney general to issue injunctions. Injunctions are issued by judges and they are only issued by judges after both parties have the opportunity to come and present a hearing and then the judge can make his decision whether or not to stop the sale, to stop the unfair trade practice before more people are hurt.

The gentlelady from South Portland, Mrs. Gill, and the gentleman from Millinocket, Mr. Marshall, are absolutely correct, this is a good bill, it is one of the few bills that have come out of the department that I have been able to support, and I certainly hope that we don't let it die in this body and I hope we do keep this bill alive.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to any of the legal experts who would be willing to answer.

If I buy a new automobile and I decide that it is a lemon, can I go to the Attorney General and have him, on my behalf, seek an injunction to prevent the sale of any more of those lemons?

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: The good gentleman, just as any citizen of this state, is allowed to go to the Attorney General and ask the Attorney General any question he wants. I would imagine that in that case, unless he has substantial evidence that a true unfair trade practice has occurred as opposed to a breach of warranty of merchantability, then I would imagine that the gentleman would have to keep his lemon and drink the juices which would perhaps come from the particular lemon.

The SPEAKER: The Chair recognizes the gentlewoman from Newcastle, Mrs. Byers.

Mrs. BYERS: Mr. Speaker, Members of the House: I would like to direct a question through the Chair to anyone who may care to answer. I am reading from the bill and I am quoting, and this is the part I would like to direct the whole thing. "Whenever the Attorney General has reason to believe that any person is using or is about to use any method, act or practice declared by Section 207 to be unlawful and that proceedings would be in the public interest" — and this is the part I would like to direct perhaps to Mr. Tierney — "he may bring an action in the name of the state against any such person to restrain by temporary or permanent injunction the use of such method, act or practice and the court may make such other orders or judgments as may be deemed necessary to restore any person who has suffered," etc.

I believe that it says there that he may, in the name of the state, order a temporary or permanent injunction.

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

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

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: It is a pleasure to answer my friend from Newcastle, Mrs. Byers. I would ask that you look at L.D. 341 and I would refer you to what actually is a printing error.

The bill, as presented in this L.D., appears in bold type. The only addition to the current law are the words "and any other damages caused thereby." That is the issue before us. Everything prior to those words which I just said already exist in law under the Unfair Trade Practices Act of the State of Maine, so what Mrs. Byers has referred to is, in fact, current law.

I would remind you people that this bill does not expand the authority of the Department of the Attorney General; it simply seeks to enlarge the amount of remedy that the Office of the Attorney General can ask the courts to grant. Then it will be our judicial system who will make the final determination.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Hope, Mr. Sprowl, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 80 in the negative, the motion did not prevail.

Whereupon, on the motion of Mrs. Gill of South Portland, the House voted to insist.

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

HOUSE DIVIDED REPORT — Majority (8) "Ought to Pass" as Amended by Committee Amendment "A" (H-269) — Minority (5) "Ought Not to Pass" — Committee on Labor on Bill "An Act Concerning the Payment of Workmen's Compensation Pending an Appeal to the Supreme Judicial Court" (H. P. 281) (L. D. 375)

Tabled — May 5, 1977 by Mr. Bustin of Augusta.

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

On motion of Mr. Bustin of Augusta, tabled pending the motion of the same gentleman to accept the Majority "Ought to Pass" Report and specially assigned for Tuesday, May 10.

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

Bill "An Act Requiring the Public Utilities Commission to Order a Community of Interest 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" (H. P. 650) (L. D. 794) (C. "A" H-254)

Tabled — May 5, 1977 by Mr. Quinn of Gorham.

Pending — Passage to be Engrossed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: With reluctance, I signed this bill out of the Public Utilities Committee and I have some problems with it simply because right now I don't think the PUC is capable of handling any type of a study because of personnel and financial problems. There should have been an appropriation put on this bill, in my opinion, when it hit the floor of the House in second reader, which wasn't.

I had another amendment which I was going to put on the bill to make it somewhat more compatible with my own thoughts, but the more I look at the bill, I don't think really that the bill should go any further than it is going right now, so I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: Though I heartily concur with Mr. Kelleher's direction but because the sponsor of the bill is absent today, I would like it tabled for one legislative day.

On motion of Mr. Kelleher of Bangor, tabled

pending passage to be engrossed and specially assigned for Monday, May 9.

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

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

Tabled — May 5, 1977 by Mr. Birt of East Millinocket.

Pending — Passage to be Enacted.

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

On further motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-270) was read by the Clerk.

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

Mr. HENDERSON: Mr. Speaker, I would hope that someone would explain to me the significance of the amendment.

The SPEAKER: The gentleman from Bangor, Mr. Henderson, has posed a question through the Chair to the sponsor, who may answer if he so desires.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: The House Amendment to the Committee Amendment clarifies a couple of points in the original amendment. The major thing that it does, it indicates the tuition revenue received by the vocational technical institute between July 1st and the time that the bill goes into effect, will be transferred to a revolving fund.

What this actually does is allow the tuition money to be put into a revolving fund under the direction of the commissioner to be used either by the particular institute which receives the tuition or, if there is extra money left over, it can be transferred from one institution to the other.

At the present time, the vocational-technical institutes do not have a great deal of flexibility in their operation. This is a measure that is supported by all of them and I think it probably will help them in additional programming or improving the programs. It also allows them to receive grants from companies or agencies who might want to develop programs within the area and train people and allow them to receive equipment, funding or various other donations which might enhance the development of the program.

I think it is a real worthwhile bill to improve the operation of the vocational-technical institutes.

Whereupon, House Amendment "A" to Committee Amendment "A" was adopted.

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

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

Mrs. POST: Mr. Speaker, is the House in possession of L.D. 1748?

The SPEAKER: The House is in possession of L.D. 1748, Bill "An Act Amending the Ambulance Service Law."

On motion of Mrs. Post of Owl's Head, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same gentlelady, tabled pending passage to be engrossed and specially assigned for Tuesday, May 10.

The Chair laid before the House the following matter:

Bill "An Act to Repeal the Ban on Otter or Beam Trawls in Washington County Territorial Waters" (H. P. 626) (L. D. 767) which was tabled earlier in the day and later today assigned, pending further consideration.

On motion of Mrs. Post of Owl's Head, the House voted to recede from its action whereby the Minority "Ought Not to Pass" Report was accepted.

On motion of the same gentlewoman, the Majority "Ought to Pass" Report was accepted.

The Bill was read once. Committee Amendment "A" (H-224) was read by the Clerk.

Mrs. Post of Owl's Head offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-278) was read by the Clerk.

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

Mr. POST: Mr. Speaker, Men and Women of the House: What this bill does is to allow the use of either otter or beam trawls in the St. Croix River, which is primarily the area in which those who are fishing in that manner wish to do so and the areas which border with where the Canadians are already fishing with that type of gear and it is not in conflict with lobstermen fishing in other areas of the coast.

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

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of the Washington County delegation, this is an arbitration which we accept. I would like to commend Representative Post for the tremendous amount of time and work she has put into this.

Whereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading the next legislative day.

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

Mrs. POST: Mr. Speaker, having voted on the prevailing side on Bill "An Act to Amend the Vocational-Education Laws" (H. P. 1209) (L. D. 1329) I move that the House reconsider its action whereby it voted to adhere and hope you all vote against me.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post having voted on the prevailing side moves that the House reconsider its action on L. D. 1329 whereby the House voted to adhere. Those in favor will say yes; those opposed will say no.

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

Mr. Tierney of Lisbon Falls was granted unanimous consent to address the House.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Two years before I was born, there was a very young and non-controversial gentleman from my home county who received sufficient support from the people of the City of Lewiston to place him as a member of this House. That good gentleman is still sitting with us today and I would ask the members of this House to stand and recognize Mr. Louie Jalbert on his 67th birthday. (Applause, the members rising). Thereupon, the Sergeant-at-Arms present Mr. Jalbert with a birthday cake. (Applause).

Mr. Jalbert of Lewiston was granted unanimous consent to address the House.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: As the youngest of a large family, my birthday, regardless of the fact that it adds one year, has always meant a great deal to me. As a matter of fact, it means more to me than the big holidays.

Frankly, I have been interviewed recently and anytime anyone, big or small, is interviewed, there is always something that does or should leak out of it, and I have, among other things, discussed the leadership, because I can remember my friend, Lin, on my left, we served together in the late 40's and then he went out and made a million dollars and came back, my young friend on my right, he is still walking around with one pair of shoes, but being a good member of the legal fraternity, I guarantee you, with his ability that will correct itself.

When I first got here this year, and I will be very honest with you, I was not all that happy. As a matter of fact, I discussed with one of my students, Ed Pert, that I was kind of sorry that I had run, but in the last few weeks, you know, the momentum stepped up and things happened so that you get even with this one and they get even with you and things that do happen in this House, which, incidentally, is the best behaved House that I have ever been a member of, and the attendance, as I told the member of the press who interviewed me, the attendance is fantastic. I am sure that some of the old timers that are here with me will attest to the fact that on a Friday afternoon at four o'clock, we would not have a quorum, we made a quorum, but we would not have one.

There are serious things that happen, I have gotten myself involved in Room 228, the Appropriations Room, we are having money troubles, I love it, we are moaning, what are we going to do? We only have 42 more days, then we have five more and then we have five more, but I guarantee you this, we will make it and you better believe it. We will make it with decorum, we will make it with dignity. There are things that happen which make you sometimes feel good.

You know the Speaker has a little habit once in awhile of — I have a good spot here from Seat 68, I can observe many things — he likes to tuck it too a little bit, and once in awhile you have a chance to get even, you know.

Yesterday, I think, for me, was the most pleasurable day in the world. I was sorry for Tuffy. I know how much he worked and I am sure if the people voted for Tuffy Laffin and not for the bill, the vote would have been astounding, believe me.

Then there was a bill when we first started out concerning the public lands, and I saw Tom Perkins get up and speak, so I started to spread the word around, even to the lady from Portland, via Eagle Lake, let's give Tom a vote. I knew that he was interested. The word spread around and before you knew it, it spread this way and that way. The vote was taken and we waited and we waited and we waited, and I looked up and I could see the eyes getting blacker all the time, so I finally wrote him a note and I said, what the heck are you waiting for? This is worst then the Tunney-Dempsey long count. We have got to leave. The eyes got blacker, the vote was finally given after being changed from one to the other, and then I started to write a note to Tom, See you later alligator when I saw him get off the rostrum to change our minds. He scared me — I changed my vote.

These are the things, really, that make you, even though you may be tired sometimes, even though things might displease you, they make you feel really that you are part of the ballgame and that this is really and truly the greatest House in the whole 50 states and all the members are all swell gals and swell guys. I love you all and thank you very, very much. I will cut a piece of the cake and, as usual, I will give the first piece to the Speaker, then I will have mine and you all can move in after I get the second piece. Thank you very, very kindly. (Applause).

The SPEAKER: Louie, I want you to open this before you leave. It is a gift from the Speaker to you, I am getting even.

Mr. JALBERT: This is a nice pen and pencil set. I write John about 20 notes, I guess, a week. This is a pen and pencil set which says: "The Dean" and I will treasure it and cherish it all my life, John. Thank you very kindly. (Applause)

(Off Record Remarks)

On motion of Ms. Clark of Freeport,
Adjourned until Monday, May 9, at eleven
o'clock morning.