

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

Tuesday, May 10, 1977

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

Prayer by the Reverend Bruce Meyers of the Prince of Peace Church, Augusta.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
AUGUSTA

May 9, 1977

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

The Senate today Adhered to its action where-by it Indefinitely Postponed Bill, "An Act to Ex-empt Store Owners from Criminal Liability where a Minor Purchases Alcoholic Beverages using a False Identification Card" (H. P. 1042) (L. D. 1283).

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

May 9, 1977

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

The Senate today Adhered to its action where-by it accepted the Minority 'Ought Not to Pass' Report on Bill, "An Act to Prohibit the Washing of Domestic Animals in Sebago Lake" (H. P. 1125) (L. D. 1343).

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
AUGUSTA

May 9, 1977

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

The Senate today Adhered to its action where-by it accepted the Minority 'Ought Not to Pass' Report on Bill, "An Act to Require the Full Name of a Party Designation to be Spelled out on a Ballot" (H. P. 746) (L. D. 951).

Respectfully,

Signed:

MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees
Leave to Withdraw**

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Provide Traveling Expenses for the County Commissioners of Washington County" (S. P. 71) (L. D. 150)

Came from the Senate with the Report read and accepted.

In the House the Report was read and accepted in concurrence.

Non-Concurrent Matter

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1977 (H. P. 1499) (L. D. 1717) which was Finally Passed in the House on May 6, 1977.

Came from the Senate Failing of Final Passage in non-concurrence.

In the House: The House voted to insist.

**Petitions, Bills and Resolves
Requiring Reference**

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

State Government

Bill "An Act Relating to Training, Counseling and Managerial Service Programs in State Government" (H. P. 1547) (Presented by Mr. Birt of East Millinocket) (Cosponsor: Mr. Wilfong of Stow)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 1544) recognizing that: Madeline Chapman of Damariscotta is retiring after 35 years of dedicated service to the people of Damariscotta and Miles Memorial Hospital.

Presented by Mr. Blodgett of Waldoboro.

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

An Expression of Legislative Sentiment (H. P. 1546) recognizing that: Chief of Police Leo J. Rafferty has retired after 36 years of devoted service to the citizens of Yarmouth.

Presented by Mr. Jackson of Yarmouth.

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

Mr. Talbot of Portland presented the following Joint Order and moved its passage: (H. P. 1545)

WHEREAS, through the course of each day, many visitors, employees and Legislators pass through this Capitol and its huge complex; and

WHEREAS, the domestic and custodial staff at the State House does an extremely thorough job at keeping this complex free of dust, dirt, its marble shining and its brass brightly polished; and

WHEREAS, carpenters, electricians and countless others go beyond the demands of their regular duties to aid in the comfort and convenience of the Legislature; now, therefore, be it

ORDERED, that the Senate concurring, that the Members of the 108th Legislature join in this expression of thanks to each of you within the several bureaus and agencies who service the Legislature, for your outstanding effort and our continued appreciation for the service you have so cheerfully rendered; and be it further.

ORDERED, that suitable couples of this Order be prepared and presented to members of this dedicated work force to convey the sentiment expressed herein.

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Mary Kane of Augusta be excused for the duration of her illness.

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

Ms. Goodwin from the Committee on Appropriations and Financial Affairs on Bill "An Act Concerning the State Revenue Sharing Funds" (H. P. 855) (L. D. 1045) reporting Ought Not to Pass.

Mr. McBreairty from the Committee on Appropriations and Financial Affairs on Bill "An Act Appropriating Funds for the Adult Dental Clinic in Bangor" (H. P. 1108) (L. D. 1362) reporting Ought Not to Pass.

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Reimbursement of Certain Expenses Incurred by a Maine Band Selected to Participate at the Inauguration Ceremonies of a President of the United States" (H. P. 1069) (L. D. 1261) reporting "Ought Not to Pass."

Mr. Perkins from the Committee on Appropriations and Financial Affairs on RESOLVE, to appropriate \$3,000 for the Kingman Fire Department in Kingman Plantation (H. P. 957) (L. D. 1249) reporting "Ought Not to Pass."

Mr. Masterman from the Committee on Fisheries and Wildlife on Bill "An Act to Permit Trout Fishing on All Brooks and Streams until September 15th" (H. P. 751) (L. D. 900) reporting "Ought Not to Pass"

Mr. Morton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds to the Metropolitan Leadership Development Camp" (H. P. 1341) (L. D. 1591) reporting "Ought Not to Pass"

Mr. Boudreau from the Committee on Election Laws on Bill "An Act Pertaining to Corrected Tabulations of Ballots in a Disputed Election" (H. P. 815) (L. D. 988) 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. Tozier from the Committee on Agriculture on Bill "An Act to Place Running Horse Racing under the Jurisdiction of the Department of Agriculture" (H. P. 510) (L. D. 629) reporting "Leave to Withdraw"

Mrs. Beaulieu from the Committee on Education on Bill "An Act to Establish the Maine Student Incentive Scholarship Program" (Emergency) (H. P. 475) (L. D. 581) reporting "Leave to Withdraw"

Mr. Birt from the Committee on Education on Bill "An Act to Clarify the Responsibility of the State to Educate Children under State Care" (H. P. 317) (L. D. 408) reporting "Leave to Withdraw"

Mr. Peterson from the Committee on Fisheries and Wildlife on Bill "An Act to Provide Uniform Open Water Seasons on Lakes, Ponds, Brooks and Streams" (H. P. 190) (L. D. 252) reporting "Leave to Withdraw"

Mr. Gillis from the Committee on Fisheries and Wildlife on Bill "An Act to Require Trappers to Check Their Traps Every 24 Hours in Unorganized Places" (H. P. 693) (L. D. 875) reporting "Leave to Withdraw"

Ms. Benoit from the Committee on Natural Resources on Bill "An Act to Redefine the Storm and Sanitary Sewer Purposes Affected by Municipal Debt Limitations" (H. P. 649) (L. D. 793) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

**Ought to Pass in New Draft
New Draft Printed**

Mr. Howe from the Committee on Business Legislation on Bill "An Act Concerning the Disposition of Human Remains" (H. P. 352) (L. D. 445) reporting "Ought to Pass" in New Draft (H. P. 1543) (L. D. 1771)

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Concerning Ice Fishing for Bass" (H. P. 1030) (L. D. 1251)

Report was signed by the following members:

Messrs. PRAY of Penobscot
USHER of Cumberland

REDMOND of Somerset

— of the Senate.

Messrs. MacEACHERN of Lincoln
MASTERMAN of Milo
ROLLINS of Dixfield
PETERSON of Caribou
MILLS of Eastport
TOZIER of Unity
DOW of West Gardiner
PEARSON of Old Town

— of the House.

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

Report was signed by the following members:

Messrs. McKEAN of Limestone
GILLIS of Calais

— of the House.

Reports were read.

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Resolution, Proposing an Amendment to the Constitution to Provide for the Selection and Bonding of the Treasurer of State in Accordance with Statutory Provisions (H. P. 595) (L. D. 721)

Report was signed by the following members:

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

— of the Senate.

Messrs. VALENTINE of York
DIAMOND of Windham
Mrs. BACHRACH of Brunswick
Mr. CHURCHILL of Orland
Mrs. LOCKE of Sebec
Mrs. KANY of Waterville
Messrs. STUBBS of Hallowell
SILSBY of Ellsworth

Mrs. MASTERTON of Cape Elizabeth

— of the House.

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

Report was signed by the following member:
Mr. CURRAN of South Portland

— of the House.

Reports were read.

On motion of Mr. Diamond of Windham, 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:

(S. P. 128) (L. D. 312) Bill "An Act Relating to Foreign Trade Zones" (Emergency) — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-120)

(S. P. 231) (L. D. 735) Bill "An Act Concerning Fees of the Board of Chiropractic Examiners" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-123)

(S. P. 362) (L. D. 1216) Bill "An Act Relating to Training Municipal Fire Departments, Incorporated Volunteer Fire Departments and Fire Brigades" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-124)

(H. P. 837) (L. D. 1025) Bill "An Act to Increase and Clarify Borrowing Capacity of the Topsham Sewer District" (Emergency) — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-291)

(H. P. 1091) (L. D. 1315) Bill "An Act to Amend and Repeal Certain Laws Relating to Public Utilities" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-290)

(H. P. 68) (L. D. 98) Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "B" (H-283)

(H. P. 692) (L. D. 874) Bill "An Act Concerning Damage to Cars Involved in Collision with Deer" — Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 564) (L. D. 689) Bill "An Act Appropriating Funds for Current Services of the Maine Human Services Council for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 949) (L. D. 1143) Bill "An Act Relating to a Single State Contact Agency for Matters Dealing with the Federal Fire Prevention and Control Act of 1974" — Committee on State Government reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 11, 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. 503) (L. D. 622) Bill "An Act Concerning Gubernatorial Appointments to the Board of Commissioners of the Profession of Pharmacy" (C. "A" H-281)

(H. P. 903) (L. D. 1103) Bill "An Act to Correct the Used Car Information Law"

(H. P. 313) (L. D. 404) Bill "An Act Relating to Processing Certificates of Authority, Annual Statement Fees and Continuation of Broker and Adjusters' Licenses under the Insurance Law"

(H. P. 401) (L. D. 511) Bill "An Act Relating to Acquisition of Interest in Financial Institutions"

(H. P. 189) (L. D. 251) Bill "An Act to Establish an Annual Procedure for Updating Open Water and Ice Fishing Regulations"

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

Tabled and Assigned

(H. P. 98) (L. D. 122) Bill "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions" (Emergency) (C. "A" H-277)

On the objection of Mr. Tierney of Lisbon Falls, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-277) was read by the Clerk.

On motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

(H. P. 1145) (L. D. 1374) Bill "An Act to Require that Androscoggin County Commissioners Live within the District from which they are Elected"

(H. P. 829) (L. D. 1002) Bill "An Act to Provide that Hancock County Commissioners Shall be Elected by Districts"

(H. P. 794) (L. D. 906) Bill "An Act to Appropriate Money for Revolutionary War Veterans Grave Markers"

(H. P. 962) (L. D. 1159) Bill "An Act to Repeal Certain Laws Relating to Occupations and Professions" (C. "A" H-280)

No objections having been noted at the end of

the Second Legislative Day, the House Papers were passed to be engrossed and sent up for concurrence.

Passed to Be Engrossed

Bill "An Act to Repeal Certain Laws Relating to Defense and Veterans Services" (H. P. 1542) (L. D. 1764)

Bill "An Act to Provide for the Purchase of Certain Town Histories" (H. P. 1534) (L. D. 1759)

Bill "An Act Relating to the Possession of Firearms by Persons Convicted of Certain Crimes" (H. P. 1536) (L. D. 1761)

Bill "An Act to Enable the Transfer of all Assets and Liabilities, Except Bonds and Notes, of the Lincoln Sanitary District to the Town of Lincoln and the Dissolution of the Lincoln Sanitary District" (H. P. 1538) (L. D. 1763)

Bill "An Act to Authorize Certain School Debt Service Payments to be Off-set by Increased Payments to the Treasurer of State" (Emergency) (H. P. 975) (L. D. 1172)

Bill "An Act to Authorize a Bond Issue in the Amount of \$2,950,000, for a Fine Arts Classroom Building at the University of Maine at Portland-Gorham" (H. P. 1116) (L. D. 1334)

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

Bill "An Act Relating to Public Compensation to the Victims of Crime" (H. P. 1535) (L. D. 1760)

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

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think this bill deserves some attention here today. Other states have tried this concept out and there are conflicting reports as to whether or not it is working.

I looked at the bill yesterday and I have a few problems with it. On page 2, the definition of a crime, they talk here in Section 3 at the top of the page about intentionally inflicted injuries in motor vehicles. It is going to be very difficult, I think, to decide in the case of a motor vehicle accident whether the injury was intentional or not. If somebody runs into you head first, is that intentional or was the person's car out of control or what was the problem?

On page 5, in determining the amount of the award, the board shall determine whether because of his conduct the victim of that crime contributed to the infliction of his injury. I would really like someone to explain that to me.

I think, basically, we are creating some expectation with a bill like this in the public, and I think to allocate \$31,000 for this kind of program is a joke to me. I would really like someone on the Judiciary Committee to provide me with some information here. I think the concept itself has some merit; yet, I really see some problems with this bill and I would like someone to explain the bill and the reasons for it.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: The reason for it, let's start there, is that obviously many people are victims of crime and get injured in some way or another and the criminal is either, number one, never caught, or, number two, is just unable to make any kind of compensation to that person. If the state and community has some obligation to try to reduce crime, then there is at least a certain degree of obligation to try to compensate people who are victims of crime, which crime we are not able to adequately control.

With respect to the particular objections

mentioned on page 2, that no act involving a motor vehicle shall constitute a crime unless it was intentionally inflicted, that is, as I understand it, the current situation in the criminal code, that if you unintentionally run into somebody, that is one kind of an offense, but if you run them down, that is an assault, an attempted murder or something like that. I think that distinction already exists and this is just trying to clarify the fact that the intention is not to compensate people for injuries as a result of traffic infractions but rather as a result of criminal acts which involves the notion of intentionally injuring someone.

If you can remind me of what your second point was, I would be able to better respond to it.

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

Mr. BOUDREAU: Mr. Speaker, I referred to page 5, determination of the amount of the award, and while I am standing, I would simply like to say that I think this bill assumes that the state has an obligation to the victims of crime. I think that is what we should be discussing here. Does the state have an obligation? Should we use our tax dollars to compensate a victim of crime in Waterville or anywhere else? I think that is an important question that we have to talk about here today.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: In further response to the question about determining the compensation, obviously the board would like to take into consideration whether a person in fact incited a fight, or an assault, let's say, where they ended up with a broken arm or something. In that case, I think the board would want to husband its resources more than if the person was an innocent victim of a violent crime. That is the kind of thing that we are talking about.

I think we are not necessarily saying that the state is obligated, we are saying that we may, by our decision, want to try to compensate people who have really no other defense other than the fact that they have been the victim of some irresponsible people and whether the burden of that injury and that cost should be borne solely by that individual? That is one choice, or whether that burden ought to be spread throughout the community by all of us because this is an action which affects us all and we are all part of the same community. I think that is the basic issue and I think that the latter alternative is the one we ought to pursue today.

The amount on this L. D. is modest and it is an experimental situation to find out just what is the nature of this situation in Maine and how well will it work. We may find out that it is not appropriate, we may find out that it is too difficult, but I think in terms of the basic intent, I think it is something we ought to pursue.

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

Mr. DEVOE: Mr. Speaker, Men and Women of the House: I voted against this bill in committee. I believe if you look at Section 4210, which is the amount of emergency compensation, I don't think it unreasonable to contemplate that if today this law is passed, either two years or four years from now, the 109th or 110th Legislature will be looking at a possible amendment to Section 4210, Subparagraph one, and will be discussing whether or not the sum of \$500 as the limit on emergency compensation ought not to be increased.

It is my recollection that the fiscal note on Page 7 of the bill of \$31,600 is really a best effort. Granted, the effective date of this act is not going to be until July 1, 1978, but I submit that if this House passes this bill today and it becomes effective July 1, 1978, it is not going to take some member of the House long in the future to come back in and say let's boost the

amount of emergency compensation to \$750 to \$1,000 to \$1,500. But apart from whether or not future Houses are going to increase the amount of emergency compensation, I think each one of us has to ask himself whether or not the tax dollars of each citizen of this state should be used to pay a relatively few people who are victims of crime. This is the broad, social issue that we are talking about. Should tax dollars of people in Aroostook County be used to pay somebody in Kittery or Rumford or Rockland when a person in those communities may be assaulted? That is the issue that we're talking about here today.

I think, of the many pieces of legislation, this may have some desirable points in that it does exhibit a concern for victims of crime. Whether this is the time for this concept to be put into law is another question.

Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Orono, Mr. Devoe moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would be remiss if I didn't rise to defend this bill, it is my bill. Incidentally, it is almost identical to the bill that was passed by the 107th, enacted into law but vetoed by the Governor. The reason the bill was vetoed by the Governor was because he felt that the appropriation was not sufficient. Following this action by the Governor, his veto was sustained.

I turned to L.E.A.A. for help in trying to come up with statistics that might give us a handle on just what such a law might cost the state in terms of money. The L.E.A.A. conducted a survey of all police and sheriff departments in the state reporting under the uniform crime reporting program during the month of November in 1975. Now it is interesting to note that the monies provided for on the original bill, vetoed in the 107th, were not that far apart. Of approximately 3,854 total crimes committed in that period, only 167, or 4.3 percent, were crimes against person. Of this number, only 69 victims incurred personal injuries. Of the 69 injured, 20 responded and, surprisingly, the results essentially showed the average unreimbursable, out-of-pocket expenses for loss of wages at \$42.06 per person, and medical bills at \$24.67 per person. Projecting these figures for the entire year at the maximum level, which of course is not really a valid assumption because it is only based on one month's experience, the maximum figure for out-of-pocket expenses for the year would amount to \$55,252.44. Based on this, this bill is not that far out on the appropriation.

As far as stating that it is a question of using the taxpayers' dollars for this type of activity, first of all, I would like to remind you that this bill contains a subrogation clause which means that the state can proceed against the person who commits the crime for recovery. Interestingly enough, an item appeared in the Bangor Daily News on May 7, 1977, somewhat along this line which states that 19 states have such a program of compensation.

A special panel of the House Judiciary Committee has approved pending legislation to compensate victims of violent crimes for up to \$50,000 per person on a 50 percent basis. The article goes on to say that the Senate approved this type of measure several times before and this is the first time that the House has moved this far and it looks like it is a pretty sure thing that this type of legislation will be enacted by the federal government to help the states out.

I would hope that you would vote against the motion to indefinitely postpone.

The SPEAKER: 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 is a good bill. It is a small appropriation. It is a bill similar to the one that we had in the last session and it helps the victims of crime. Why I support this bill so much is, as I probably have said many times around these halls, when an elderly woman from the city of Westbrook's home was burglarized, they ruined her porch and they ruined a lot of her shrubberies and things of this nature, she figured that it would have cost \$90 to fix up her porch and the damage that was done. Do you know, she didn't have \$90. She was living on a fixed income and she couldn't scrape up \$90 to fix up her home. That is a pitiful thing when we have people living in our society that can't even raise \$90 to fix up what victims have done to their property.

People have no consideration whatsoever for other people's property today. These are the type of people that we could care less about but yet, how many times have we protected those people? We go that extra mile to see that their rights are defended, and yet an elderly woman, I think she was around 77 or 78 years old, she couldn't even raise \$90 to have her property fixed up. She came to me and I got her the money through some social clubs in Westbrook — thanks to the social clubs, the Lions helped out, the Kiwanis helped out and a couple of the churches and that was done. But if we hadn't had those types of organizations to help this elderly woman, her property would have been run down because she couldn't dig up \$90.

I support this bill and I ask that the members of this House also support this piece of legislation.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I rise to support this bill and the remarks of the good gentleman from Winslow, Mr. Carter, and my good friend from Westbrook, Mr. Laffin. I think that maybe we ought to stop for a minute and try to put the resources that we spend on law enforcement and on the pursuit of justice in some kind of perspective.

There is no question that this bill costs money and if it passes will go to the Appropriations Table and have its fate — we know that. Let's just stop and think a minute about what we are doing. Let's take the example that Mr. Carter used, the average person who gets mugged on his way to work, he loses one day's work and he has to go to the hospital for a few stitches, maybe he loses \$100. Let's take a look at what happens to that criminal, the person who did it. First of all, we have him arrested by a police officer that we are paying somewhere between \$8,000 and \$15,000 a year. Then the person is brought down to a magistrate who, again, we are paying \$5,000 to \$10,000 a year for and a police station that our local property taxes are trying to keep open. Then, if eventually the person ever gets to court, he is heard by a judge who is getting in excess of \$20,000 a year, and he is the lowest paid judge in the country, and he is prosecuted by a prosecutor who is making a minimum of \$15,000 a year, and because the criminal is an indigent, he is defended by a lawyer and the defense lawyer's fees are paid by the taxpayer. Then let's suppose that this person doesn't get a suspended sentence, most of them do, but let's say that perhaps they actually convict this fellow and he goes to jail, then we end up spending Lord knows how much money to keep him in jail, the figures are very high, as our friends from the Health and Institutions Committee keep telling us, so we spend all of this money, but what about the guy way back at the beginning? What about the poor guy who lost a day's pay and had to go to the doctor for some medical bill? I think it is about time that

this legislature in this state go on record in favor of the fundamental concept of what this bill says, and that is public compensation for the victims of crime.

Mr. Boudreau was only correct in one thing when he spoke, and the one thing he is correct in is that is the issue we should address. Do we owe an obligation to the victims of crime? I say yes. I say let's go on record and, Mr. Speaker, I ask for a roll call.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I think that is the question. I cited an example last week, last Tuesday, the Boston Globe had a major front-page article on their public compensation program in that state. After an appropriation in the last few years of something like \$3 million, their fund now has \$31 in it and there is a backlog of about 500 cases. All I want to say here today is, if we decide that the state has an obligation to compensate the victims of crime, we better be ready in the next three, four, five years to see that \$30,000 appropriation go to \$500,000, \$700,000, \$900,000.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I am not too well qualified to speak on this type of an issue, coming from the town which has the lowest crime rate in the state of Maine; however, I think one of the basic issues that we should be concerned with is who is responsible for the criminal's activity. Is the taxpayer of New Gloucester going to be responsible for the criminal regardless of where he commits his crime?

I have to concur with the gentleman from Orono to indefinitely postpone this, because I believe that the criminal himself should be responsible for his actions. I could see if we had some kind of a state fund available for the crime victim, as long as the criminal would be sentenced to a work repayment into that fund to keep that fund a soluble fund, that is so that it wouldn't go into debt the way the rest of the government programs seem to go. I think that the criminal should be sentenced to a long enough work time to make complete restitution not only to the victim of the crime but to the several other people that are involved in this high cost of apprehending a criminal.

I wish I had the eloquence to be able to go into — the eloquence of our majority floor leader — who very clearly explained the multiple costs that are involved that a taxpayer must burden himself with in order to apprehend a criminal and bring the criminal to justice, and now as a solution to this or as an additional cost to the taxpayer, we are going to add the cost of paying off the criminal's responsibility. I think this is just one more insult to the taxpayer and, I might say, to the law-abiding taxpayer.

Therefore, I feel that this particular piece of legislation doesn't really do the job that we would like to have done. We should indefinitely postpone it and come up with some kind of a restitution type bill rather than just a payoff for irresponsible acts. Let's make the criminal responsible, financially responsible, make him work and earn back the cost that he has imposed upon society.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I have several problems with this bill, but one in particular. On Page 3, Section 4205, down about the fifth line, "Non-medical remedial care and treatment rendered in accordance with a recognized religious method of healing." I would like to have somebody explain that to me and outline the methods.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to several points that have been raised and I will start with the last one first — that is a phrase which has been put in many pieces of legislation and has to do with Christian Science healing, shall we say, that whenever there is in our insurance laws and other areas where there is a reference to medical care, they have suggested and the House has traditionally accepted the notion that the Christian Science method of healing also be considered for those people who would not ask for medical care per se.

I would like to make a couple of comments with respect to the responsibility. The notion that the criminal ought to be obligated to pay in the first instance is one that I share completely and unequivocally. That is why this bill has in it, as Representative Carter pointed out, a subrogation clause, which is a fancy word for meaning that if the criminal doesn't have it on the spot, the state will pay it and the state will get it out of that criminal. That is what the bill says.

Number two: There are several bills proposed increasing the incentive for restitution by criminals and guiding the court more to order restitution, and I think that is an important item and it is one that I would support completely. The problem with that is, in some instances you can't get blood out of a turnip. Some of these people just don't happen to have the cash to begin with. Agreeing that the criminal ought to pay, if the criminal is unable to pay, where does that leave the victim?

The argument about regionalism, I hope, doesn't really have too great an impact, because in anything that we do in this body, someone from one area is going to benefit and someone from another area is going to pay. That overlaps in all variety of areas that we have talked about during this session. I don't think that is unique to this particular area at all.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to some of the objections that have been raised against this, especially on the question of whether society should be responsible for reimbursing the victims of crime. I would suspect that sometime in antiquity, possible pre-history, the same arguments were probably raised against using tax money to support police, in which a person says, well, I may not be a victim of crime or I may not be threatened by a criminal, so why should I pay taxes to support the police?

We have also had the problem raised of possible vast increase in the expenses of this. Now, I would submit that in order for this to happen, we would have to also have a vast increase in violent crime in this state, which I feel, considering the type of people we have in this state, that we will probably not get this vast increase in violent crime in this state.

I think this is a good bill. It really seems to be a modest approach. We have to start somewhere, and I would oppose the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: This bill here would probably financially support me better than any bill that has been before the House, because for the last few years, I have had several break-ins and damages to my property and they have always run at least \$5,000 a year, sometimes close to \$10,000. I think it is a good bill but I am against it. I hope the House votes against it. I stand to gain more from this bill, probably, than anyone else in here, because my breaks at my place seem to be fairly consistent, so I certainly

would be entitled to some restitution under this bill, so in that respect, it is a good bill, but I don't think the state can afford it at this time. There are a lot of people like me. I would rather bear the burden, which I have been able to bear down through the years, than have the public bear my burdens. I think the state can ill-afford an expensive piece of legislation like this.

I can see many more worthy causes that will be before us before this session adjourns, so I do hope this bill gets indefinitely postponed.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I just want to clarify a situation for Mr. Dudley, and I am sorry to disappoint him, but this does not deal with property; this only deals with personal injury.

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 pending question is on the motion of the gentleman from Orono, Mr. Devoe, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Berry, Birt, Boudreau, P.; Byers, Carey, Carrier, Carter, F.; Conners, Cunningham, Devoe, Drinkwater, Dudley, Dutremble, Fenlason, Garsoe, Gill, Gray, Green, Higgins, Hutchings, Jackson, Lizotte, Lougee, Lunt, Mackel, Marshall, Masterman, Masterton, McMahon, Morton, Nelson, N.; Palmer, Peltier, Perkins, Peterson, Raymond, Shute, Silsby, Smith, Stover, Tarbell, Torrey, Tozier, Whittemore, Wilfong.

NAY — Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carroll, Carter, D.; Chonko, Churchill, Clark, Connolly, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kany, Kelleher, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Locke, Lynch, MacEachern, Mahany, Martin, A.; Maxwell, McBreairty, McHenry, McKean, McPherson, Mills, Mitchell, Nadeau, Najarian, Nelson, M.; Norris, Pearson, Plourde, Post, Prescott, Quinn, Rideout, Rollins, Spencer, Sprowl, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Trafton, Truman, Twitchell, Valentine, Wood, Wyman, The Speaker.

ABSENT — Bustin, Durgin, Gillis, Kane, Kerry, LeBlanc, Moody, Peakes, Tyndale.
Yes, 47; No, 95; Absent, 9.

The SPEAKER: Forty-seven having voted in the affirmative and ninety-five in the negative, with nine being absent, the motion does not prevail.

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

Bill "An Act to Modify the Grounds for Divorce and the Proceedings to Obtain a Divorce" (H. P. 1537) (L. D. 1762)

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

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I think the committee did a commendable job in putting this together.

I have a couple questions and possibly there are some other questions involved in the L. D., 1762, two questions to be exact. One is the term resident referred to in 2-B, C and D. Going through the laws, there are several different ways of coming up with a residence; one in fish and game and the other in election laws, so what are we referring to here?

My second question is, is there any change in where this may be filed? Must it also be filed either in the county in which the plaintiff or the county in which the defendant resides?

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: With respect to Representative Burns' first question, on page 2 of the new draft of the bill, L. D. 1762, the jurisdictional clause, which is Section 2, I would state that the jurisdictional basis for obtaining divorce in the State of Maine has not been altered, has not been tinkered one bit by this proposed bill. This bill does not change any jurisdictional bases whatsoever.

There is no requirement under existing law that the action be brought in the county, it may be brought in the state, and this is also a jurisdictional question and that has not been tinkered with by this bill.

What this bill essentially does and what the heart of the bill is about, it is about irreconcilable differences as a ground for divorce. As members of the House know, four years ago, in 1973, the legislature passed irreconcilable differences as an independent ground for divorce. At that time, it was the feeling in our state, in our legislature, that there was a need for marriage counseling before parties or before spouses pursued a divorce on the grounds of irreconcilable difference. Therefore, to insure that there was some attempt to reconcile the marital differences, a requirement, a mandatory requirement of marriage counseling was placed in the bill. It was hoped that this would promote reconciliation of marital differences and that this would promote marriage counseling.

In practice in the last four years, just the contrary has been the case. Spouses fear, one spouse may fear going to a marriage counsellor for fear of walking into a legal trap, so there is a fear against marriage counseling, so quite the contrary has been the case. This bill changes that requirement in a very modest way. It says that in an uncontested case, brought on the grounds of irreconcilable differences, there is no mandatory requirement of marriage counseling. The parties may go to counseling and it is hoped that this will promote counseling by removing the fears of walking into legal traps, but they need not go to counseling in order to pursue in an uncontested case.

In a contested case, however, either party may petition the court, or the court on its own motion may decide and may order the parties to go to a marriage counsellor to seek counseling to reconcile the differences and to report back to the court. If the contesting party in that instance then refuses to go to a marriage counsellor, that raises presumptive evidence that the marital differences are indeed irreconcilable.

This bill, I think, brings the court, for the first time, in a contested case into the act, it brings them into the marital differences. The judge becomes aware and apparent and can take an active participation in the marital difficulties, order that the parties go to counseling and report back to the court. That is the essential change in the irreconcilable differences ground.

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

Mr. BURNS: Mr. Speaker, I don't believe I received an answer as to what the residential requirements are.

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

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

Mr. TARBELL: Mr. Speaker, I apologize, I was unable to hear Representative Burns the first time around to the precise questions that he posed.

The jurisdictional basis, on page 2, Section 2, they remain the same; they have not been changed. The superior court or district court and the State of Maine will have jurisdiction for divorce action if (A) The plaintiff has resided in our state for at least six months prior to the commencement of new action. That would give the court an independent basis of jurisdiction. (B) The plaintiff is a resident of this state and the parties were married in this state. In another words, you can live in another state, still regard Maine as your home state, still be regarded legally as domiciled and a resident of this state, and if the parties were married in this state, if one party comes back to the states and is here for one week, not six months but one week, he is still a resident of this state because he regards Maine as his or her home state, the court would have jurisdiction to hear the case. (C) If the plaintiff is a resident of the state and the parties have resided in the state when the cause of divorce accrued, the same explanation applies. If you are a resident of the state, although you are not actually living in the State of Maine but you are a legal resident and you were living here at the time when your cause of divorce accrued, in other words, when the cause of action to pursue a divorce action accrued, and if one party moved out of the state but was still a resident, the cause of action accrued here in the state, he came back, would still have jurisdiction.

I hope I haven't confused you on this.

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

Mr. BURNS: Mr. Speaker, it seems we are getting waltzed around. What I would like to know very simply is, what is the resident requirement for divorce? Under the election laws, if you are here in town one day, you are eligible and called a resident if you intend to remain. Under the fish and wildlife laws, I believe you have to be here for three months. When we say resident here, how long do we mean the individual has to reside here?

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The term resident as used here would be, the term as defined in the cases would be that you were present in the state with an intention to permanently remain in the state—one day or one week. That alone isn't enough to give jurisdiction to the court. If the only basis on which you are trying to get a divorce in Maine is your residency, then you have to stay here six months. But if you were married here before or you meet some of the other tests, then you could get the divorce in Maine.

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

Second Reader

Tabled and Assigned

Bill "An Act to Provide Certified Interpreter Service for the Hearing Impaired" (S. P. 311) (L. D. 1031) (C. "A" S-113)

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

(On motion of Mr. Talbot of Portland, tabled pending passage to be engrossed as amended in concurrence and tomorrow assigned.)

Passed to Be Enacted Emergency Measure

"An Act to Resolve Certain Conflicts between the Statutes and the Maine Rules of Evidence" (S. P. 478) (L. D. 1719)

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. 116 voted in favor of same and one 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 Motor Vehicle Registrations of Handicapped Persons" (H. P. 735) (L. D. 834) (C. "A" H-235)

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

Passed to Be Enacted

"An Act Relating to Employee Workmen's Compensation Law" (S. P. 94) (L. D. 218) (C. "A" S-105)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enactor

Tabled and Assigned

"An Act to Limit the Duration of Sentences to

County Jails" (H. P. 1078) (L. D. 1302) (C. "A" H-232)

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

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I have objections to this bill. My first thought was to indefinitely postpone the bill, but I consulted with the Chairman of the Judiciary Committee who told me that by amendment this would be straightened out. Well, I haven't seen any amendment and I was wondering what he intended to do about it. If he doesn't, well, I would like to have a good crack at this one this morning.

On motion of Mr. Spencer of Standish, tabled pending passage to be enacted and tomorrow assigned.

"An Act Authorizing Intermittent Service of Sentences of Confinement" (H. P. 1080) (L. D. 1304)

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

Orders of the Day

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

House Divided Report — Majority (10) "Ought Not to Pass" — Minority (2) "Ought to Pass" — Committee on Veterans and Retirement on Resolve, to Increase the Retirement Benefits of Helen B. Pearson (H. P. 1057) (L. D. 1287)

Tabled — May 5, 1977 by Mr. Gray of Rockland.

Pending — Motion of Mr. Theriault of Rumford to accept the Majority "Ought Not to Pass" Report.

On motion of Mr. Theriault of Rumford, retabled pending his motion to accept the Majority Report and specially assigned for Thursday, May 12.

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

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

Tabled — May 5, 1977 by Mr. Lynch of Livermore Falls.

Pending — Acceptance of the Committee Report.

On motion of Mr. Lynch of Livermore Falls, retabled pending acceptance of the Committee Report and tomorrow assigned.

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

"An Act Concerning the Crime of Prostitution" (H. P. 629) (L. D. 770) — In House, Passed to be Enacted on May 2. — In Senate, Indefinitely Postponed.

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

Pending — Further Consideration.

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

Mr. HOWE: Mr. Speaker, I move that we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from South Portland, Mr. Howe, moves that the House recede and concur.

The gentleman may proceed.

Mr. HOWE: Mr. Speaker and Members of the House: I believe the affirmative vote in this House the other day on this bill involved two

groups having entirely different motives. The first group is typified by the sponsor of the bill, the gentleman from Portland, Mr. Joyce. His vote, and that of many others, I believe, was motivated by a sincere desire to end, by use of the criminal sanction, what he believes to be a problem. Although I strongly differ with that view, I believe it is sincerely motivated. He believes that sex for hire is something which the state should try to curb through the use of the citizens' tax dollars.

The other group of voters is motivated rather differently, I believe. They are the liberals, if you will, who view the question in view of equality between the sexes. They say it is wrong to have laws that fall on the heads of the female and not on the heads of the male. Even though many of them agree that the state has no business getting involved in the sexual affairs of consenting adults, whether for love, for lust or for money, in this instance I feel that they fall into the semantic trap of sexism.

As a matter of fact, the current law does differ between the seller and the buyer but it makes absolutely no distinction between the male seller or the female seller, or the male buyer or the female buyer for that matter.

As the gentleman from Auburn, Mr. Hughes, pointed out the other day, distinctions in selling or buying already exist in areas such as the narcotics traffic. While it is obvious that the overwhelming percentage of buyers of sexual favors are males, that majority does not erase the basic equality of our already existing law.

I came very close to falling into this trap myself the other day, and I think that if I really believed the passage of this bill would erase sexism in America, I might vote for the bill, but that won't happen. This bill isn't going to end prostitution. The politicians, the judges, the businessmen on conventions aren't going to be touched by this bill. The long arm of the law will only harass the working-class person who gets hustled down on the streets. If the Portland police have a problem on their streets, I think they can use the public nuisance or disorderly conduct laws already on the books.

The issue, I submit, is not whether prostitution is right or wrong. There are many things in this world which are wrong but we don't always make up a law to prevent all of them, although we do use the criminal sanction perhaps more than any other nation in the world. The issue is whether we lawmakers believe it is proper and useful to spend the citizens' tax dollars to send young women acting as agents of the city or the state out onto the streets in gaudy, alluring attire in order to entice some normally law-abiding citizen into committing a sexual act which we have labeled as criminal. I think that is an improper use of tax dollars. It is just as improper to send a man out to solicit a woman as it is to send a woman out to entice a man and then bring the full force of the state down on their heads.

I don't care what legal niceties the courts try to use, that is entrapment. We, officials of the state, are using deception to entice our own citizens into breaking the laws which we have created. If anything is wrong in this question, that certainly is.

I have long been a civil libertarian when it comes to the matter of the personal, private conduct of individual citizens. Thanks to my brief tenure as a legislator on the Committee on Business Legislation, I am slowly coming to applying my libertarian principles to regulation of business, at least honest, truly competitive business, as most of it is.

I hope those of you in this House who have long believed in a minimum amount of regulation by the state over the affairs of commerce will today apply that very legitimate philosophy toward the regulation by the state over affairs

of personal conduct. Therefore, Mr. Speaker, I move the House recede and concur and I ask for the yeas and nays.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Let us defeat this motion to recede and concur and I will then offer the motion to insist and send this bill without delay to the other body where they may have the opportunity to redeem themselves.

I went home this weekend and I held my head rather high to be a member of this body after recalling the 99 votes we gave to this in order to send it down the narrow hallway last week. This bill received an overwhelming support in the House. We can be proud of the way we handled this matter.

As I told you last week, it will not be necessary to bring the debate into the gutter. We are reasonable people here. We understand the problem, and this, the next vote, will give you the chance to have your moment of truth, the moment to stand up and be counted. I urge you to defeat, overwhelmingly. I know some of you didn't listen to me last week, but several of you told me you did listen to the good wives at home this weekend, and I am going to look up on that board and I will expect more than 99 today.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I urge you to support Representative Howe's position. I voted for this bill last week, but since then, I have really thought about the consequences of it. I believe that if this bill is enacted into law, we would be putting one more law onto the books which is difficult to enforce, unless we do so in a way demeaning to all of us.

Every time we put a law on the books which is difficult to enforce, we chip away at the esteem in which the law is held, and I urge you strongly to try and keep our laws so important and easily enforced that they are respected by all of us. I think this is a very important matter, and I feel that we did ourselves an injustice by passing the law to raise the drinking age to 20 and that that will be very difficult to enforce. So I urge you to defeat this measure and to vote to recede and concur.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the motion to recede and concur for various reasons. Last week when we talked about this legislation here in the House, I talked about the problems that came with the legislation and the fact that the legislation was not addressing the problem of prostitution. Unfortunately, when the bill went to the other body, one of the reasons for defeating this legislation was the possibility of hurting convention business, which is the most ridiculous argument that could be given.

However, the reason this bill should be defeated is an obvious one. It is not legislation that deals with the problem; it is simply legislation which puts another law on the books which could not be enforced. And as I said last week, if the members of this body are seriously concerned with the problem of prostitution, there are ways to address this problem, not by putting another law on the books which, in my opinion, is not going to solve the problem. Possibly we might be able to employ a few more of the female sex in the Portland Police Department and others; however, the purpose of this legislation, as I understand it, is not an employment bill.

Let's put our priorities where they belong. I don't believe that when President Carter talked about employing more American citizens he was considering hiring professional police hookers. This is basically what this legislation

is doing, a bill, a piece of legislation, which, as interpreted by myself and other people, will be used to entrap, and I use the word entrap because that is what they will do, entrap citizens of this state and people visiting our state in the attempt to control the problem of prostitution. It is the saddest, and I am trying to use the proper language here, not get too emotional about this bill, but it is the saddest attempt that I have ever seen on behalf of reasonable men and women to solve a problem.

I urge you, I used it once before and I will use it once again, this bill deserves a deep six.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Valentine.

Mr. VALENTINE: Mr. Speaker and Members of the House: I rise to support the motion of the gentleman from South Portland, Mr. Howe, that the House recede and concur. As that gentleman pointed out, people chose sides on this issue for a variety of reasons. Those who had some moral reservations about the whole issue of prostitution found themselves sided with those whose principal concern was equality among the sexes.

I received some input and some grief about my position on this particular issue, primarily from friends of mine who are women, who are also feminists, who were concerned about what is good for the goose is good for the gander or, to put it another way, in this particular case, what is bad for the goose is bad for the gander. I could very easily, as could Mr. Howe, have been caught into the sexist semantics of this whole issue, but for me it boils down quite simply to whether or not I think state government or any other government has the right to be involved in the private affairs of consenting adults. I would much prefer to see that the legislation as it pertains to prostitution itself now be changed, and I find it very hard, very difficult, to add to something that I think is already not an area that belongs to government regulation added to, which is what this particular bill would propose to do.

I would also hope that many of the members would think about it from that point of view, about whether or not they in fact want government to be dealing with the private and personal conduct of adults and whether or not that is the sort of thing we want to continue to legislate. I would hope that maybe in a future legislative session we might go in the other direction. So I hope that the members here will also support Mr. Howe's motion to recede and concur.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would suggest that the quickest way to get prostitution off the books as a violation of the law is to have men begin to pay part of the penalty too, and then we will have it removed and maybe license the profession and take advantage of it.

I hesitate to speak on this bill extemporaneously because you can really get yourself in a lot of trouble, and I understand why the gentleman from South Portland had a written statement, but fair is fair, and if it is going to be a violation of the law for one party to this, then the other party ought to pay an equal penalty. I hope that we don't recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: I submit to you that if Portland does indeed have a problem with prostitution, that they should use their law enforcement officers to try and correct this crime in their particular area. I do believe that our citizens throughout the state are concerned with crime, and I wish that we would use our law enforcement officers to try and deal with the crime that we have upon our books now and not add one more to that list.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I would just like to point out that Portland's major problem with prostitution is 14 and 15 year old girls that run away from home. They cannot make a living any other way. The state provides no shelter for these runaways and they are forced to make their living by prostitution. It seems to me unfair that grown gentlemen, adult men, can take advantage of these young girls in this way.

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 Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Portland addressed the real problem of prostitution. This is what I talked about last week, that 14 and 15 year olds are going to our major communities, not only Portland but other major communities in the state, that have no place to go. We give them no alternative, and as I said earlier, if we are really concerned about the problem of prostitution, let's address it, let's not pass another piece of legislation that is simply going to put another law on the books that cannot be enforced. It is just not the answer to the problem. Mrs. Najarian realizes what the problem is, she has pointed it out to you; I realize what that problem is, I am concerned about those young girls, and to pass this legislation is not going to do anything to help those young girls, nothing at all.

I see no advantages in this legislation, and I urge you to support the motion 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 would like to respond to the two points raised by the gentleman from Portland, Mrs. Najarian. Her first contention is that passage of this bill might well bring about an end to criminal sanctions for prostitution generally. I think not, however.

I misplaced the article, but I cut out an article in the Portland paper the other day which quoted a Portland police lieutenant and a police sergeant, and they responded to the claim at the other end of the hall that this would damage convention business, and I would rather not even deal with that claim — their response, however, was that people coming to conventions, and this would apply to the more well-to-do buyers in this trade, are not going to be dealing with women on the streets, they are going to be dealing with call girls; therefore, I think that this bill would generally leave that class of clientele untouched, and those are the people who would bring about a political change in the law, the people with political power, if they were to be caught under this law, and I don't think they would.

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

ROLL CALL

YEA — Aloupis, Bachrach, Bagley, Berry, Biron, Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carey, Carroll, Carter, F.; Connolly, Cote, Cox, Cunningham, Davies, Dexter,

Diamond, Dow, Drinkwater, Dudley, Garsoe, Gill, Green, Hall, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, Jalbert, Kany, LaPlante, Louge, MacEachern, Mackel, Masterton, Maxwell, McBreairty, McHenry, McKean, McMahon, Nelson, M.; Norris, Pearson, Peltier, Perkins, Peterson, Quinn, Rideout, Rollins, Silsby, Smith, Sprowl, Talbot, Tarbell, Theriault, Torrey, Tozier, Truman, Valentine, Whittemore.

NAY — Ault, Austin, Beaulieu, Bennett, Benoit, Berube, Birt, Blodgett, Boudreau, A.; Brenerman, Burns, Byers, Carrier, Carter, D.; Chonko, Churchill, Clark, Conners, Curran, Dutremble, Elias, Fenlason, Flanagan, Fowle, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Henderson, Hickey, Higgins, Hunter, Jensen, Joyce, Kelleher, Kilcoyne, Laffin, Lewis, Lizotte, Locke, Lunt, Lynch, Mahany, Marshall, Martin, A.; Masterman, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Palmer, Plourde, Post, Prescott, Raymond, Shute, Spencer, Stover, Strout, Stubbs, Tarr, Teague, Tierney, Trafton, Twitchell, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bustin, Devoe, Durgin, Kane, Kerry, LeBlanc, Littlefield, Mills, Moody, Peakes, Tyndale.

Yes, 66; No, 74; Absent, 11.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-four in the negative, with eleven being absent, the motion does not prevail.

Thereupon, the House voted to insist.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1977 (Emergency) (H. P. 1483) (L. D. 1699) (H. "A" H-207)

Tabled — May 5, 1977 by Mr. Henderson of Bangor.

Pending — Final Passage.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I had this bill tabled due to some issues which came up in some of the towns that I represent on the potential use of airport funds. We had originally put money in the airport budget for the use of snowplowing equipment and then changed some language so that it could be used for apron improvements. Within this past week, some issues came up that the way that was worded, the money could also be used for runway expansion, which is a rather hot issue in Knox County. I think you probably have on your desks an amendment which I had circulated intending to try to put it on this Resolve. In the meantime, I have talked with the county commissioners and they have indicated to me that they will send me in writing the fact that they do not have any intention of using this money for expansion of the runways. Since this will save some time and mean that the bill would not have to go back for engrossment. I now move the final passage of this Resolve.

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

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

Tabled — May 6, 1977 by Mrs. Boudreau of Portland.

Pending — Passage to be Engrossed.

Mrs. Boudreau of Portland offered House

Amendment "A" and moved its adoption.

House Amendment "A" (H-288) was read by the Clerk.

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

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: In reading L. D. 1743, my interpretation is that this is a waiver on the eye test that has to be taken by 65 year olds every two years. Under this bill, it appears as though it would only be once every four years. I would like assurance from the sponsor?

The SPEAKER: The gentleman from Augusta, Mr. Hickey has posed a question through the Chair to the sponsor of the amendment who may answer if she so desires.

The Chair recognizes that gentelwoman.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: In reply to that question, my amendment would put it back that anyone over 65, their license would be renewed every two years, just as it is now.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the question of the gentleman from Augusta, Mr. Hickey, concerning the eye examination, in the bill, new draft, we eliminated the eye examination provision, so all we are dealing with here is just the four year license, we aren't dealing with the eye examination.

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

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

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

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

Pending — Passage to be Engrossed.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I wish to thank the leadership for tabling this for me Friday when I was not able to be here.

This is a bill of great concern to me and I think it should be of great concern to you. We are talking about L. D. 915. I think it is very important to quote a few facts.

My intention this morning is to kill this bill and I will give you my reasons for doing so. I also want you to note, if we don't kill it this morning, this bill carries an emergency clause and it is much easier for me to try to get 30 or 40 votes than it is to get a majority vote when it comes back for enactment.

That is not the point, my point is that I believe this is not a good bill. The title of the bill says it is a general provision relating to children. If you think you are helping the children that are 17 years old with this bill, I don't think you are.

I am very concerned about what young people will do, where the liability lies, and this bill here presents a great amount of legal complications which I think might have been overlooked. For one thing, I personally believe, and with no reflection on anyone, this bill was sent to the wrong committee, it was sent to the Health and Institutional Committee. I don't think that it is where it should have gone, I think it should have gone to Judiciary. Like I said, this involves a lot of legal complications, if you haven't thought about.

It did come out of committee, however, and you have to remember one of the great things of the court is that they always doing what is best for the interest of a child. This bill doesn't do what is best in the interest of a child.

As a solution to the bill, I submit to you that a

parent should have, as they have now, in this particular case, the right to control what their child will do at 17 years old. This bill says, as you know, that a child could consent to give blood at any time without the parents consent, if this passes. However, some of the things that I am bothered about is the fact that you actually put with this bill some responsibility on the child, which I think could be very serious, physical, legal complication could come out of this responsibility. I don't think a child is old enough at 17 years old to distinguish the physical part of it, let's say the physical part of it that might result from all of this.

I submit to you, in talking about liabilities, this is a question I have asked about and pondered over, if a child goes down, if this bill passes, he doesn't have to tell you, he can go down and give blood, and if there is no negligence, you are all right; if there is negligence, then the father can come and on behalf of the child, bring action because of negligence.

Let's take a very serious and true part of it. What if there is no negligence on the part of those who take the blood and you do have complications that actually come out of this, maybe the boy or girl is allergic to something or through some freak accident, the child does end up the hospital with a very serious sickness because of giving too much blood or too often, which could have been done by mistake, but on the other hand, with no negligence involved, this child can end up in the hospital for months or he could build up an awful bill as far as hospital bills are concerned and then what happens? Where is the parents recourse? The parents recourse is, as I understand it, if there is no negligence and let's say there is a \$4,000 or \$5,000 hospital bill, the hospital would go after the parents and they would have to pay — On the other hand, he has no recourse because there was no negligence and this is one of the bad things about the bill, not the money part of it but the physical pain and complications that a young child, not knowingly, would get himself involved by giving blood too often or by giving blood by accident.

Recourse is not present. If a parent refused to pay, I think he could be forced to pay, but if he did refuse to pay, then the institution can always come back against the child for payment. What 17 year old child could afford to pay?

It seems to me that we are moving into a very dangerous low point in the age limit by putting responsibilities to the kids. I am very concerned about this bill and I do give credit to whoever this bill belongs to, it does relate to children and they do call them children and that is what they are because they have not matured yet, they might think they have but they haven't, as we all know.

I know it is going to be said that we need blood real bad, etc., but I don't think that you should infringe on kids or take advantage of kids by them giving blood. I know that they are strong, healthy, they are energetic, but I do believe that at one time or other, somebody is going to get extremely hurt with this by giving too much blood at one time or too much blood too often within a certain period. People will say this does not happen; it does happen; it happens with grownups and it happens with others. You might have had some kind of sickness in between which will just aggravate it and be of great concern — I don't want to go too far on this, but I think somebody could be really sick from this.

For this reason, I move the indefinite postponement of this bill and when the vote is taken, I request a roll call.

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

Mr. GOODWIN: Mr. Speaker, Men and

Women of the House: This bill came out of the Health and Institutional Services Committee with a unanimous "ought to pass" and I will briefly explain it.

The bill simply states that any person of the age of 17 or over may consent to donating blood in any voluntary and non-compensatory blood program without obtaining parental consent. The bill came before us — I guess the Red Cross Chapter in Bangor asked to have it put in. The individual came before us and testified and stated that there were roughly, to his knowledge, about 35 states in the country now allow 17 year olds to give blood without parental consent.

In the State of Maine, about 30 percent of all blood collected in Maine is collected in the high schools right now. The procedure that is used right now is that a slip is filled out by the parent giving the 16 year old the authority to donate blood. I guess the problem, as outlined by the Red Cross, was that many times the parents give permission, they go to the school and the slip is back in the headquarters or the slips have been provided earlier and the kids didn't take them home or forgot to bring them back and what basically happens is that a lot of kids 17 years old that would normally give blood can't because that slip is not there. This would smooth over the process. If it were not for the high schools, the 17 and 18 year olds, and the college students also, Maine would be in very, very serious trouble in terms of their supply of blood.

There is no place in Maine where the blood can be sold, so there is no black market in this. There is a very good screening process that people go through in terms of family history, samples are taken when you give blood, so that is tested. The experience of the Red Cross was stated to us that many parents consider it being hassled to have to keep signing these slips every time their kids want to give blood.

We also put an emergency on this because the Red Cross is projecting a very severe blood shortage for this summer and they want to plan to have a very intensive blood drive in the next couple of months before the high schools get out in order to stock up, or else this particular tourist season we could run into some very dangerous levels of blood supply. I think this is a very important bill to pass in terms of the health for the people in the State of Maine and the tourists that will be coming in this summer.

I asked the staff to check into all the questions they could about liability and problems that would develop from this, and the answer I got back was that this would not present any problems. If negligence did occur in the drawing of blood, the same liability would be enforced without this bill, so I think this would be a good bill. I would hope that the legislature today does pass this.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Westbrook, Mr. Carrier, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bagley, Beaulieu, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K. C.; Byers, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Connors, Cunningham, Dexter, Drinkwater, Dudley,

Dutremble, Fenlason, Flanagan, Garsoe, Gauthier, Gillis, Goodwin, K.: Gray, Hall, Henderson, Hickey, Higgins, Howe, Hunter, Immonen, Jacques, Jalbert, Jensen, Joyce, Kelleher, Laffin, LaPlante, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, McBreairty, McHenry, McKean, McMahon, McPherson, Mills, Mitchell, Nelson, N.; Palmer, Pearson, Perkins, Peterson, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Wood, Wyman.

NAY — Aloupis, Bachrach, Bennett, Berry, Brennerman, Bunker, Burns, Connolly, Cote, Cox, Curran, Davies, Diamond, Dow, Elias, Fowlie, Gill, Goodwin, H.; Gould, Green, Greenlaw, Hobbins, Huber, Hughes, Jackson, Kany, Kerry, Kilcoyne, Lewis, Littlefield, MacEachern, Masterton, Morton, Nadeau, Najarian, Nelson, M.; Peltier, Post, Prescott, Talbot, Torrey, Trafton, Wilfong.

ABSENT — Ault, Bustin, Churchill, Devoe, Durgin, Hutchings, Kane, LeBlanc, Maxwell, Moody, Norris, Peakes, Plourde, Tyndale, Valentine, Whittemore.

Yes, 91; No, 43; Absent, 16.

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

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

Mr. **BOUDREAU**: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and I hope you all vote against me.

The **SPEAKER**: The gentleman from Waterville, Mr. Boudreau, having voted on the prevailing side, now moves that the House reconsider its action whereby this Bill was indefinitely postponed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill, "An Act Requiring the Public Utilities Commission to Order a Community of Interest Study upon Petition by 10% of the Service Customers in a Telephone Exchange and to Promulgate Rules and Regulations Relating to the Establishment of Extended Area Service" (H. P. 650) (L. D. 794) (C. "A" H-254)

Tabled — May 6, 1977 by Mr. Kelleher of Bangor.

Pending — Motion of the same gentleman to Indefinitely Postpone Bill and all accompanying papers.

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

Mr. **WOOD**: Mr. Speaker, Members of the House: I would hope that we would vote against indefinite postponement and I would like to give you some reasons. This bill was heard before the public utilities committee, there were no opponents; in fact, the telephone company was there and they testified somewhat in favor of the bill. They did not go on record as being opposed to the bill. The bill came out of committee unanimous. All members signed the unanimous report, although at the time we signed the report, there were some problems with it. I think that those problems can be dealt with through an amendment and if we defeat the indefinite postponement motion, I will offer an amendment.

I think that the problem is when you have a town that is covered by two or three telephone companies, it is a burden on those citizens in that town. If they work in another part of the town and it is a toll call to call their place of business or if it is a toll call to call the doctor or if it is a toll call to call the florist or if it is a

toll call to call their friends, we are placing a burden on those people that live in that town.

People in another town might have the ability to call several different towns and they don't have that burden. It is a burden possibly if it is only 25 cents per call, that mounts up. You are cutting off in this day and age what I would consider an essential link. Communication within a town. I think that if those people in the town feel strongly enough about it, they should have the right to petition the P.U.C. for some remedy.

We are dealing with a monopoly. There has to be adequate safeguards for the consumer. I think this bill is a step in the right direction and I will be glad to offer an amendment but first, I hope that we will defeat the motion to indefinitely postpone.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: I had some objections to this bill in the committee and I reluctantly signed it out "ought to pass" and like the good gentleman from Sanford, Mr. Wood. I have an amendment that will take care of my objections.

I respectfully ask the house "leave to withdraw" on my motion to indefinitely postpone.

The **SPEAKER**: The gentleman from Bangor, Mr. Kelleher withdraws his motion to indefinitely postpone.

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

Mr. **LYNCH**: Mr. Speaker, Ladies and Gentlemen of the House: I support this. I would like to give you one example and that is my phone. Every time I pick up the telephone, I have a toll call. I have a leased line from New England within the Oxford County Telephone Company and you ought to see my phone bill.

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

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

House Amendment "B" to Committee Amendment "A" (H-287) was read by the Clerk.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: The amendment offered by Mr. Wood in the Statement of Fact the intent of this amendment is to remove the provision prohibiting a community of interest study more than once every three years. I think the house, if it is in fact going to accept this bill, would be doing the wrong thing in accepting this amendment. Right now, as we all know, the Public Utilities Commission does well if it is able to handle the business that is confronting it right at the present time. If, in fact, a community interest study is presented to that community interest study is presented to that commission, and the commission in its wisdom fails to accept its recommendations or fails to accept the study, then the community can turn around and automatically go back in and request, through the provisions of the law that this bill is intended to write an additional study. It was the opinion of the committee, which Mr. Wood is a member of, that this provision should be part of the bill as it comes out. So we could have a recurring item before the Public Utilities Commission which we know is dealing with major cases day in and day out. They would be confronted with the same issue over and over again if, in fact, those who petition the commission when they are not satisfied with its findings.

I think a three-year provision is reasonable. The committee, in its wisdom, thought it was reasonable. I would urge the house through my

motion to indefinitely postpone this amendment.

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

Mr. **WOODS**: Mr. Speaker and Members of the House: I hope that Representative Kelleher's Statement of Fact is the same as mine because he fails to read the reasoning in that Statement of Fact. The last sentence says, since some areas may be placed at an economic disadvantage by an existing exchange structure, a three-year provision could create an undue hardship.

I would like to clarify the record in terms of how that amendment came out of the committee. I did indeed vote for that amendment. When it was pointed out that there was a three year provision, I wasn't aware of that part of the amendment. I went back to several committee members and none of them were aware of the three year provision. I even asked the person that drafted the amendment and he said he didn't know where the three year provision came from. Under existing law, a public utility has the luxury of going every year before the P.U.C. to ask for a rate increase. I think it is only fair that consumers might have the ability to go often if they have a problem.

I would urge that this amendment be adopted.

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

Mr. **LaPLANTE**: Mr. Speaker, Ladies and Gentlemen of the House: This bill was not drafted as an off-the-cuff type of legislation. It is legislation that was submitted very similarly in the 107th. It rode along up until this point and then I was told the alligators came out of the walls.

Members, it happened at the time I was running for election the people in certain communities were circulating a petition. They did have a concern. They wanted some answers from the utility and they petitioned 850 service customers from the two small communities who petitioned the utilities. This is approximately 30 percent of the people, of the service customers in that area. That is family people, not just special interest groups. These are hard-working people. They were concerned and they asked a question. After petitioning, 850 signatures were submitted, they received something back from the utility like a one page letter saying sorry but we can't do anything for you.

I had a call from a different community that asked me to submit similar legislation to see if this problem could be alleviated, so I went to see Mr. Libby and two of his legal assistants in the Public Utility Commission and we sat down for over an hour and it took a lot of time to write this legislation, what would be fair for both the utility and the consumer. At one time the legislation that was recently presented read that some customers could petition the utility. I felt that was unfair. So I requested at least 20 percent of the customers in a certain area would have to petition. In other words, the people would have to show a concern. This is what is written in this legislation. I have talked to many people and they accepted the bill as written, without any amendments. The telephone company did not oppose this at a committee meeting. As it was stated, it is a unanimous report. The three year provision, we have not as yet been able to find out who added this to the amendment. No one will claim it. I spoke to the committee chairman. They don't know about it. The Senator didn't know about it.

I really hope that you accept Representative Wood's amendment and accept the bill right after.

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

Mr. **KELLEHER**: Mr. Speaker, Ladies and Gentlemen of the House: I would like to inform this House that most generally, the members of

the P.U.C. Committee are quite attentive. If Mr. Wood was in error and not realizing what was in the amendment, he either didn't attend the hearing or he didn't read the amendment. I read it. Any member of this house who is sitting on committees, they would be remiss if they were passing bills out without reading them themselves. This gentleman from Bangor is aware of the three year provision. I think many other members of that committee as well. I can sympathize with the gentleman from Sabattus's problems. I understand the problem that Mr. Wood has, but I also can sympathize and I hope this House does with the work that the Public Utilities Commission has to deal with now. There is nothing unreasonable about a three year limitation.

I would hope the House would support my motion to indefinitely postpone.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: I am sure that Mr. LaPlante at one point thought I was one of the alligators that came out of the walls because I indicated the last time this was discussed that I supported indefinite postponement. I did so because the Committee Amendment made more rigid and more inflexible the process whereby we people who are concerned about the problem of toll calls to everybody from town office to schools made it more difficult for us to petition the Public Utilities Commission.

Mr. Wood's amendment is a great improvement because it leaves that decision as to how often someone can petition for extended area service in the hands of the Public Utilities Commission. That is exactly where it belongs. I don't think there is anybody in this 151-member body who can predict what could happen in a three year period. Suppose a new industry moved into an area which would require a new look at the situation. I can see no reason for making it more difficult for constituents, for consumers, to petition the public utilities.

I ask you to vote against the indefinite postponement of this very good amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am a member of the P.U.C. Committee and I support Mr. Wood's amendment to this particular bill. I would urge you to vote against the indefinite postponement of it and I will tell you why.

We had an experience in the city of Old Town prior to my being elected to the legislature when Representative Binnette was still here in which the town was split. One quarter of the town was on one telephone system and another three quarters of the town was on Bell. With his good offices and with the testimony of some of the people in the City of Old Town, we were able to get the telephone so that you didn't have to make long-distance calls. But I can tell you this: If it hadn't succeeded the first year, we would have come back the next year and then we would have come back the year after that and we wouldn't have wanted to wait three years. I think that it is a perfectly legitimate amendment for Mr. Wood to offer and I am very disappointed in the Chairman of the P.U.C. Committee.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am familiar with the area that I think Representative Pearson's talking about. It is the Pea Cove area of Old Town if I remember correctly. I also know that Representative Gould of Old Town put a bill in the last session to correct that problem. The committee, in its wisdom at that time, through negotiations with Mr. Gould and the members of the Continental Telephone Company, the bill was killed in committee and the area up there,

the situation was corrected. If I am not mistaken now, companies that are in situations that Mr. LaPlante is talking about, if you are calling for ambulance service, if you are calling for fire service, if you are calling for police service, you are not charged for those calls. I feel bad and sorry for the gentleman because he doesn't have Ma Bell like some of us have that he has a small telephone company servicing it, but that happens to be the facts of life.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to the good gentleman from Bangor that we do have Ma Bell in three of the communities and only the Niece Bell in the other community. All we are doing with this bill is allowing citizens of this state, citizens of this country, the privilege that they now have under the constitution and that is to petition for something they want. Are we to say that they can petition their government and not a monopolistic corporation? Are we going to deny them that right that they have under a constitution? A democratic right? I think this is foolish.

The SPEAKER: The pending question before the House is the motion of the gentleman from Bangor, Mr. Kelleher that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

16 having voted in the affirmative and 70 in the negative, the motion did prevail.

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

Mr. Kelleher of Bangor offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-265) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Members of the House: This amendment puts one word into the Committee Amendment which says that it has to be "contiguous". One company next to another would have to be contiguous for this amendment to be law.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: I move indefinite postponement of the Amendment. When the representative from New England Telephone explained to me what he meant by contiguous, his definition of contiguous, they were concerned that this amendment be put on so that Presque Isle could never petition for extended area service to Portland. Well, that was a little suspicious to me because I have a feeling that no Public Utilities Commission would ever grant that in the first place. What it really means is that one of the communities which now wants to petition the public utilities, Litchfield, to be able to have extended area service with Augusta, could never do so because the town of Gardiner comes in between. There are existing areas now which are not contiguous which have extended area service. Those will be grandfathered in. They won't be touched.

I oppose this amendment on the same grounds that I opposed the other one. We are making it more difficult. We, as 151 Legislators, are trying to write into law, to be great crystal ball gazers, to say when something is going to work in the future. That is something we do not know. The Public Utilities Commission should be able to hear the facts with the telephone companies and then make that decision when all the facts are in.

This is a terrible amendment and I urge you to vote for the indefinite postponement.

The SPEAKER: The pending question before

the House is the motion of the gentleman from Vassalboro, Mrs. Mitchell, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 30 in the negative, the motion did prevail.

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

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

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

Bill, "An Act Relating to the Payment of Fees for Certification of Educational Personnel" (Emergency) (H. P. 110) (L. D. 141) — In House, Majority "Ought Not to Pass" Report Accepted on May 2. — In Senate, Minority "Ought to Pass" Report Accepted and Bill Passed to be Engrossed.

Tabled — May 6, 1977 by Mr. Lynch of Livermore Falls.

Pending — Motion of Mr. Bagley of Winthrop to Adhere.

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

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

The SPEAKER: The Chair would order a vote. The pending question before the House is recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Blodgett of Waldoboro requested a roll call.

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

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

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I think that this bill is slipping along without anyone taking much notice of what it is doing. If you take a look at L. D. 141, you can see in the Statement of Fact where the reason for establishing these fees is to defray the cost or help defray the cost for issuing certificates. In principle, I am not opposed to this but by facts presented by the department, this would generate income over and above what is needed to do this, that is, to cover the costs of handling these certificates. It would generate \$192,000 which could be used in the General Fund. It is only going to cost at the most \$125,000. These are based on 1976 estimates. If we start doing this, in this particular case, it would certainly go along with raising fees for other various groups and to be a good source of income. At this point, those fees are used just to cover the cost of their own operations. It is not a source of revenue. It hasn't been used in the past, up to this point, to raise money in the General Fund. I think it would establish a very poor precedent for us to start doing it here.

I would hope that we would vote against this.

The SPEAKER: 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 paper that the gentleman was quoting from but will he read what the rest of the money is used for?

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, has posed a question

through the Chair to the gentleman from Waldoboro, Mr. Blodgett.

The Chair recognizes that gentleman.

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In response to the gentleman from Livermore Falls, the figures given here for 1976 for teacher education \$39,395 for certification and placement \$85,723 for a total of \$125,118. On the other hand, based upon 8,041 certificates issued in 1976, it would generate revenue of \$192,655 dollars which is just a slightly bit over the cost of the operation. It is just going to go into the general revenue as a source of income. It is a lousy deal.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: There are several points to this particular bill. One of the figures that was just given in regard to the cost to the department includes the cost of placement. This body voted awhile ago that we should increase our charge for placement. That more or less takes care of itself anyway.

I want to go back a little in the history of this particular bill. It happens that my name is on it and I want to tell you why. When we first got together, the Education Committee, we got a batch of bills from the department. They wanted to know who would sponsor them. All the bills were picked up. I picked up one or two and everybody else did except this one. It was lying there. I made some remark that I didn't feel that the teacher should pay for their certificates unless they had some say on what goes into those certificates. Somebody said, "why don't you sponsor it and then you can say what you want to about it" so I said okay I will. My name is on it and my name is also on the "Ought Not to Pass" Report. The reason is that there seemed to be some problem in regard to certification. I wanted a study of certification to report back to the next session. There were so many studies in and so forth that that idea was kind of discouraged so I withdrew the certification bill which was to go along with this. Actually, there are a lot of reasons why this particular thing should not pass. One of them is the cost of renewing certificates. Many professional people get a certificate once and that is it. I am in the category of teachers with a life certificate. I got my life certificate back in 1936 or 1937 somewhere, so this doesn't affect me directly. If I happen to want to go back to teaching, if somebody wants anybody as old as I am, I can still teach on my old certificate. The younger people have to renew certificates every two years, every five years, every ten years, depending on the category they are in. It costs money to get these renewed already. They have to go to school, they have to take courses, they have to pay tuition, in many cases they have to pay board. It is an expensive operation to renew a certificate. I don't think we should add an extra five or ten dollars every time these certificates have to be renewed.

I hope you will defeat the motion and go along with the motion to adhere.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I am not at all an expert on this bill. When I hear statements made that this is a bum bill because it tends to raise the fee to some degree to meet the cost of the service, I have got to point out that this has been a trend in this state that I support, that I applaud. Any of you that have had water tested in the last few years have come to a startling realization that it is not a free service any longer. You are paying a fee that is commensurate with the cost of performing that service. I haven't done the research to determine that this is true across the board but I do know that real estate licenses have been put on a two year

basis and the fee brought up to more nearly meet the cost of the service provided. I bridle somewhat at hearing this called a bum bill because it seeks to collect a fee for a service.

I would respond to the gentleman from Winthrop, Mr. Bagley, that he is correct that there are certain educational requirements required, but I think if we were looking at the full picture, he might have reminded you that school boards are paying up to \$200 dollars for each six credit hours that a teacher is required to take and in some cases, we find substantial increments added to their salaries as they take these increments.

I think this is an even handed bill from what I have heard here today. I don't think it is a bum bill and I think that we should continue this approach of attempting to tie the costs for fees to the services performed.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: In response to the good gentleman, Mr. Garsoe, I would reiterate it is a lousy bill. Not because it charges a fee, I have no objection as a teacher to pay the fee for the cost of operating the certification program. As I said before, this does a great deal more than that. It is a revenue generating agent here in which our system costs is somewhere around \$125,000 and yet we are raising \$192,000. We are raising here somewhere around \$60,000 to \$70,000. If we could apply this to these other boards, let's take the real estate that was mentioned. Instead of paying \$30 for two years, why don't we pay \$40 and we could raise a little money here to make up for our shortage that we are going to have by the end of the session? Let's pay the cost, but let's not use a fee for revenue.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The money raised over and above the operation of the department for certification is used in teacher education. We were presented with a bill, I believe, the last session of the legislature, that would tax alcoholic beverages to raise money to teach teachers how to teach. They paid the dues to the M.T.A. That is a legitimate thing to do. They receive services for that money. In paying their certification fee, the department should use that excess money to provide services, educational services to the teachers. There are many areas in which they can benefit. I think they would benefit more from a good, well thought out program of teacher education by the department more than they will by the teacher institutions.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Members of the House: I am one of those members of this body who by profession call myself a teacher. I probably stand before you in that capacity this morning. I support the minority report and I support the remarks of the gentleman from Winthrop, Representative Bagley. I endorse the remarks of the gentleman from Waldoboro, Representative Blodgett. Teachers, should this majority report be accepted, would then have to pay for their teaching certificates. I would remind this body that teachers are the "only" class of employees, profession, trade, crafts, skill or what have you, who are required by law to recertify themselves periodically and above all, who have nothing to say about licensing, revocation, or qualifications for entry into the profession.

It is interesting that the gentleman from Cumberland, Representative Garsoe, gave us the example in analogy of real estate. I would remind you and many of you are real estate brokers, salesmen and realtors. that the real es-

tate commission has a majority, majority membership of the profession on the board which not only promulgates the rules and regulations, but enforces the rules and regulations and determines the course and the curriculum and who will take what and who is certified for what. Teachers don't have that privilege. If we don't have it then I suggest that we shouldn't have to pay for the certificates that the teachers of this state by law must have. And all the requirements for entry into the profession are promulgated by other than teachers.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think that there should be some response. There is a difference between the teaching profession and the realtors. Realtors do not have direct access to state dollars. Teachers, through their influence in the communities and their affect on local school committees, have direct access to state dollars, roughly, 50 percent of the cost of education, and there lies the difference.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I point out that neither do we require everyone in this state to attend the services of a real estate broker. I hope the day doesn't come, while I am around, where we turn over the requirements listed by the gentledady from Freeport to enable a union to begin dictating the requirements for admission, retention and dismissal. I hope we will keep that right where it is. I still say it is a reasonable thing that we see some return on the cost of the service that is offered. I would hope Mr. Blodgett, rather than urging the demise of this bill, would bring in an amendment that he would think would make it reasonable and proportional to the services that he feels are achieved.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: In relation to what Mr. Bagley said that he had wanted to put this whole question out to study, I think it would be an important area to study because I have begun to wonder since this is the only profession that requires certification periodically, whether or not it isn't just a device to perpetuate educational departments of universities and there is more benefit to them than it is to the teachers and the students.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak just briefly on this and point out that the poor, underpaid bus driver who drives the children to school must get a new license and adhere to certain health standards etc. periodically. He has to pay through the nose. He generally is paid much less than the teachers are. I would say that his money also comes from the public domain. As to where the money comes from, whether they are paid via property tax, through the town or the state or federal contribution is of little significance. What we want here is the right person doing the right job.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Having served on the Education Committee, having heard a bill before our committee pertaining to teacher certification, having heard people testify that playing in sandboxes and shuffling blocks around and taking courses that were ridiculous to attend and a waste of their effort when it could have been spent doing other things that would have had more benefit to children in education.

having a member of my family just complete four years of college in which she was advised by professional advisors to take certain courses, upon requesting certification, being told you must go back and take one more course, I am beginning to wonder. . . do they know what they are doing in the bureau of certification? If they do know what they are doing, why aren't they advising the colleges so the young people going to school, upon getting their degree are told they have to go back and take one more course to be certified? This isn't a game, this is costing people money. We should be addressing the subject matter. We also should have a study and we should demand that this study come up with some facts and we address the subject of certification. This has gone on for ten years now. I think ten years is too long to be playing around with this certification process. It is high time we address the whole problem of teacher certification and the whole problem as to what courses they shall take to continue that certification and if the courses they are being asked to take are ridiculous, then let's abolish them. Let us do a right job at the right time.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would concur with what the last speaker said that it is time for a study of the whole system of teacher education and teacher certification.

But I would like to remind the gentleman from Cumberland, Mr. Garsoe, he spoke about teachers being paid by the towns to take some of those courses that is a result of negotiation. It is perfectly possible that if this bill passes, the matter of who pays that teachers certification fee will be also subject for negotiation and the taxpayers will end up paying it.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, Ladies and Gentlemen of the House: I seem to be caught between a rock and a hard place here. I own and operate a real estate agency and my wife teaches school. I pay for my courses and the meetings that I attend to and I think that my wife makes enough to pay for hers and I don't think that we other people should pay for it.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: If anybody is in an odd position here today, it is me, as a school board member. I signed this bill out "Ought Not to Pass" for many of the reasons that Representative Clark has stated. I think we are getting a little far afield. I am hoping that everyone here will support Mr. Bagley. The time for a study has come. The problem is to get the Education Committee to ask for that study to take place.

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

Mr. BOUDREAU: Mr. Speaker, could the Committee Report be read?

Thereupon, the Report was Read by the Clerk.

The SPEAKER: A roll call has been requested. 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 — Alopis, Berry, Birt, Boudreau, A.; Boudreau, P.; Brown, K.L.; Brown, K.C.; Bunker, Byers, Carey, Carrier, Carter, D.; Carter, F.; Connors, Cunningham, Drinkwater, Garsoe, Gauthier, Gill, Green, Greenlaw, Higgins, Huber, Hunter, Hutchings, Immonen, Kany, LaPlante, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell,

McBreairty, McPherson, Mitchell, Nelson, M.; Nelson, N.; Palmer, Perkins, Peterson, Post, Rideout, Rollins, Silsby, Sprowl, Stover, Stubbs, Tarbell, Teague, Torrey, Tozier, Twitchell, Whittemore.

NAY — Ault, Austin, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berube, Biron, Blodgett, Brenerman, Burns, Carroll, Chonko, Churchill, Clark, Cote, Cox, Curran, Davies, Dexter, Diamond, Dow, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowle, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Jacques, Jalbert, Jensen, Joyce, Kane, Kelleher, Kerry, Kilcoyne, MacEachern, Martin, A.; McHenry, McKean, McMahan, Mills, Morton, Nadeau, Najarian, Norris, Peake, Pearson, Peltier, Plourde, Prescott, Quinn, Raymond, Shute, Smith, Spencer, Strout, Talbot, Tarr, Theriault, Tierney, Trafton, Truman, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bustin, Connolly, Devoe, Durgin, Laffin, LeBlanc, Locke, Moody, Tyndale.

Yes, 61; No, 81; Absent, 9.

The SPEAKER: Sixty-one having voted in the affirmative and eighty-one in the negative, with nine being absent, the motion does not prevail.

Thereupon, on motion of Mr. Bagley of Winthrop, the House voted to adhere.

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

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

The SPEAKER: The gentleman from Old Town, Mr. Pearson, now moves that we reconsider our action whereby we voted to adhere. All those in favor of reconsideration will say yes; those opposed will say no.

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

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

House Divided Report — Majority (11) "Ought Not to Pass" — Minority (2) "Ought to Pass" as Amended by Committee Amendment "A" (H-271) — Committee on Judiciary on Bill "An Act Concerning Warrantless Arrests by a Law Officer" (H. P. 630) (L. D. 771)

Tabled — May 6, 1977 by Mr. Spencer of Standish.

Pending — Acceptance of Either Report.
On motion of Mr. Spencer of Standish, retabled pending acceptance of either Report and tomorrow assigned.

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

House Divided Report — Report "A" (6) "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 "B" (6) "Ought Not to Pass" — Report "C" (1) "Ought to Pass" — Committee on State Government on Resolution, Proposing an Amendment to the Constitution to Undedicate the Highway Fund (H. P. 536) (L. D. 651)

Tabled — May 6, 1977 by Mr. Curran of South Portland.

Pending — Acceptance of any Report.
On motion of Mr. Curran of South Portland, retabled pending acceptance of any Report and tomorrow assigned.

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

Bill, "An Act to Equalize the Registration Fee on Dogs" (H. P. 509) (L. D. 628) (C. "A" H-182) — In House, Passed to be Enacted on May 4. — In Senate, Indefinitely Postponed.

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

Pending — Motion of Mr. Davies of Orono to insist and ask for a Committee of Conference.

On motion of Mr. Tierney of Lisbon Falls, retabled pending the motion of Mr. Davies of Orono to insist and ask for a Committee of Conference and especially assigned for Thursday, May 12.

The Chair laid before the House the fifth 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 6, 1977 by Mr. Goodwin of South Berwick.

Pending — Passage to be Engrossed.
On motion of Mrs. Trafton of Auburn, retabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the sixth 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 6, 1977 by Mr. Kelleher of Bangor.

Pending — Passage to be Engrossed (Roll Call Ordered)

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There is another primary bill over in the Senate that is on the unassigned table, and for me to have my day in court, I would like to keep this bill in this body at this time. So would some kind member again table it for two more days?

Whereupon, on motion of Mrs. Mitchell of Vassalboro, retabled pending passage to be engrossed and specially assigned for Thursday, May 12.

The Chair laid before the House the seventh 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 6, 1977 by Mr. Bustin of Augusta.

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

On motion of Mr. Quinn of Gorham, retabled pending the motion of Mr. Bustin of Augusta to accept the Majority Report and specially assigned for Thursday, May 12.

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

Bill, "An Act Amending the Ambulance Service Law" (H. P. 1523) (L. D. 1748) — In House, Passed to be Engrossed on May 5 (Reconsidered Passage to be Engrossed on May 6)

Tabled — May 6, 1977 by Mrs. Post of Owl's Head.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-298) was read by the Clerk.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: My concern with this bill was that while we license air ambulances, we didn't prohibit bush pilot type people from giving assistance in emergency situations. And while I think this was the intent of the committee and

the intent of the Department of Human Services, the bill didn't actually come out that way, and this amendment simply clarifies that fact and makes sure that people would not be prohibited from carrying the ill or injured persons in planes, as long as they did not hold themselves out to be an air ambulance service.

Thereupon, House Amendment "A" was adopted.

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

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

Bill, "An Act Relating to the Spending Ceiling for Education Purposes" (Emergency) (H. P. 968) (L. D. 1165)

Tabled — May 9, 1977 by Mr. Jackson of Yarmouth.

Pending — Adoption of Committee Amendment "A" (H-282)

On motion of Mr. Tierney of Lisbon Falls, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

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

Bill, "An Act Providing for Student and Faculty Members of the Board of Trustees of the University of Maine" (H. P. 1114) (L. D. 1332)

Tabled — May 9, 1977 by Mr. Hughes of Auburn.

Pending — Adoption of Committee Amendment "A" (H-279)

Mr. Hughes of Auburn offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-299) was read by the Clerk.

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

Mr. HUGHES: Mr. Speaker, Men and Women of the House: You will remember yesterday that we discussed this bill which adds to the board of trustees of the University of Maine an additional trustee to represent the faculty and an additional trustee to represent the interest of students. You will also remember my own reservations about the section that added a faculty representative. I have drawn up this amendment which would strike this section and add in the faculty representative but would read in slightly different wording but would not very different, but addition of a student member to the board of trustees. I think these are two very distinct issues.

In the last legislature, the 107th Legislature passed a bill to provide that consumer representatives be added to all the regulatory boards and commissions of the state. I think this amendment and the part of the bill which suggested this is aimed in the same direction, that when there are boards which spend most of their time regulating the laws, indeed professions and livings of a certain segment of our people, there ought to be at least one member of that board a consumer representative. That is why I strongly support the addition of a student to the board of trustees.

A former governor saw the wisdom of this idea long before the legislature and made an appointment of a student to the board. He was the first in the country to do that. He could have showed better judgment in the person he chose, but the idea, which was accepted by a unanimous all Republican Executive Council and proposed by a Democratic Governor, and an idea which spread around the country and indeed is now in effect in a great many states of the United States and in most private colleges, that idea ought to be preserved. It has been lost in Maine, ironically the state which began it.

It would seem to me that to add one student to that board would be a useful step toward consumer representation, toward recognizing that indeed students provide about 40 percent of the operating funds of that university for which they have no direct representation. I support that part of the bill. I did not support the part which would add a faculty member, and I won't repeat all of those reasons, but I don't think we can start carving up the board of trustees which is, after all, the public representation to represent every segment of employees of the university. If you add a faculty member only, you will leave off classified employees, you will leave off those professional employees who are not members of the faculty, which is another large group, it can go on and on carving the university up into constituencies. I think we ought not to do that, but I think representing a student would be a move forward, a move forward for most states, but I would say a move backward for Maine, which did it five years.

I urge this amendment, and just to make it clear, if you vote for this amendment, you will be changing the bill so that instead of a faculty and a student added, there would simply be a student added.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I certainly concur with the purposes of the amendment that the gentleman from Auburn has provided us with, and I have only concern with it and that is in section four of the third sentence. It says that one member shall be a student representative who shall be appointed by the Governor upon nomination by the recognized university-wide student government organization. On the face of it, it seems like a reasonable provision; yet, I am not sure how well organized these student government organizations are on the various campuses, and I am not quite sure how an individual student from say Fort Kent could be appraised properly by the student government in Orono and Gorham and Farmington and so forth. Hence, I do have some questions about this provision and I am not sure that we should tie the Governor's hands in appointing a student member of the board of trustees in this way. I hope the gentleman from Auburn could respond to this.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I would be happy to respond to the concern of the gentleman from Farmington, Mr. Morton. Actually, this amendment ties the Governor's hands slightly less than the original bill, in my opinion. It does provide that the student shall be nominated by the university-wide student government organization, but the Governor is free to turn down any number of nominations, so there is some flexibility on the Governor should this student organization not do a good job of providing that nomination to him.

My experience with the student-wide organization is that it is reasonably good. It is certainly not the perfect organization, very few are, but it does have as its membership two people from each of the campuses of the university and it meets frequently. It has had reasonably good leadership over the years that I have followed it. I think they are qualified to make the nomination and the Governor is, of course, free to turn down a nomination he feels is not adequate and ask for another one.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: I just wanted to say that I signed the "ought not to pass" report on this original bill because I felt that putting faculty members on the board of trustees would be the same as put-

ting a teacher on a school board in a town, but I heartily concur with this amendment.

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

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

The Bill was assigned for second reading tomorrow.

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

House Divided Report — Majority (12) "Ought Not to Pass" — Minority (1) "Ought to Pass" — Committee on State Government on Bill "An Act to Establish a Citizens' Service Center" (H. P. 597) (L. D. 723)

Tabled — May 9, 1977 by Mr. Curran of South Portland.

Pending — Acceptance of Either Report.

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

Mr. CURRAN: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from South Portland, Mr. Curran, moves that the Majority "Ought Not to Pass" Report be accepted.

The gentleman may proceed.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I think that this particular bill is going to get some debate and I did want to explain the committee's position. We are not against the idea that the good gentleman who sponsored this bill is trying to get at. We are opposed to this particular piece of legislation because we think that although his intent may be well founded, it is going to create more problems, it is going to add another layer in the bureaucracy for people to deal with.

I think that if the problem is going to be handled here, and what he is proposing is that we set up within the Secretary of State's Office a citizen center that will funnel through the questions that Maine citizens may have about regulations and permits and other needs, and we are just going to create that additional layer, and I think the problem is more directly addressed if we take a look at the specific rules and regulations within each of the departments. I look forward to the application of the gentleman's bill from Nobleboro which was passed earlier in this session and that is the sunset on rules and regulations and address some of the problems that people may be having with permits and the rules and regulations of this state. It does have a price tag; it is not an exorbitant price tag, but with money tight, that, too, is a consideration. It would cost some \$72,000 for the next biennium.

For those reasons and for others that I am sure members of the committee may wish to tell the House, we oppose this particular piece of legislation, and I urge support of the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, the sponsor of this measure is not in his seat at the moment. I wonder if someone would be courteous enough to table this measure until later in today's session.

I withdraw my request. The sponsor is now in his seat.

The bill calls for a one-spot, one-stop information center for Maine citizens seeking to comply with state requirements for permits, licenses, approvals and the applicable rules and regulations. The rules and regulations were what Representative Curran referred to in the bill that he spoke on — just called for a sunset on rules and regulations every five years.

I ask you to reject the Majority "Ought Not to Pass" Report and I will tell you why. Most people in Maine seem to believe a bureaucracy is one big maze. They don't know where to go and

what to do to comply with our state requirements and once they do wander into the right office or finally get ahold of the right office by phone, citizens often complain of red tape.

There has been an improvement in the last year or two in that there are now three departments of which I am aware which offer some telephone citizen information, the DEP, the Department of Human Services and the Division of Community Services, but these are fragmented. We need one centralized information center with a toll-free telephone number for those citizens who have a need to know whether it is for personal or business reasons. Let's in this small and simple way help eliminate the maze and serve those we represent as directly and inexpensively as possible and without delay. This small scale service placed within the Secretary of State's Office, where such records are supposed to be kept, could go a long way towards making our state government, our bureaucracy more responsive to the people it is supposed to serve.

So once again I ask you to reject the Majority "Ought Not to Pass" Report and approve this bill in the interests of our citizens.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Portland, Mr. Curran, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Henderson of Bangor requested a roll call.

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

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

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a few more comments on this bill before we make a final decision on it for several reasons. One, the citizen is one that is certainly aware of the red tape and the bureaucracy and one of the items that I had in a questionnaire which I recently circulated tried to explain this particular proposal and the response was by over a two to one margin in favor of this kind of an approach because they do find that very often when they call, they get the run around from the various state agencies. I have experienced it myself and maybe some of you have in trying to deal with constituent problems. It is easier for us on the scene to run those down and it is less costly.

Right now, if a constituent does call in to try to find out what is going on, he has a very difficult time and it also costs him money to begin with, so one of the features of this is to provide at least a toll free line to answer that kind of question. It is more than just a bit of information, this provides more of a service than exists now in the other three referral agencies, and I will discuss them briefly in a second.

What this proposes is that an individual would call the central information agency, explain the nature of their operation, what they are doing and what they are trying to do and find out several things: one, do they need any permits, because sometimes people don't even know and sometimes get into trouble because they may call someone who doesn't know and they say, oh yeah, go ahead, and they find out that they are stuck.

Two, if they do need permits or licenses or approvals, this office would also forward to them those particular documents so that they are getting it from a single source, the information

that they need in order to make a rational response.

Three, they may return it to that very same source or the particular agency at their option and that same source will assure that, in effect, the red tape is being cut, so that the person does not have to do it themselves.

There are several other agencies but they don't offer this kind of a service at all and the fact that there are several, low is the profile substantially, as even one person from the Department of Environmental Protection indicated, with respect to their hotline or whatever you want to call it, they indicated, yes, they had one and, yes, they were concerned that people were not aware of it. People are vaguely aware of that, people are vaguely aware of Tim Wilson's line, shall we call it, and I had an opportunity once or twice to call them and they do the best they can but what they often do is tell you what other phone numbers to call and then you still, at your own expense, have to make that call.

Another possibility is our own Legislative Information Office, and I talked with Mrs. Carry for a substantial period of time and she indicated that during the legislative session they are just overwhelmed with the kind of business that we are giving them and they are not able to adequately respond. They are not staffed adequately to respond and they are not given the background to deal with those kinds of problems although they try to do it.

It seems to me that what we ought to do is require these various sources to be put into a single place and cut down on some of these things. I don't think we are necessarily talking about a total addition but we are talking about putting them in one place and raising their visibility so that the citizens of Maine will have a place to go and a single source to lay the rap on if they are getting the run around from the big boondoggle in Augusta.

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Just a brief comment. We, on the State Government Committee, with the exception of one, the gentlewoman from Waterville, have looked at this bill very carefully, examined it very carefully and if you have done the same and I am sure that most of you have, you will see the idea is well taken. The gentleman from Bangor has done a fine job in thinking this process through and how it would help the people in the State of Maine. The problem is this bill, as written, will not do it. The concept is good but if you read through L. D. 723, you will see that it is going to have a lot of problems. We would like to support the concept but we cannot support this bill.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel like posing here and taking my hat off and having a moment of silence almost for things that have gone before. I have a note from Representative Rollins and also in listening to Representative Henderson, he practically was making a pitch for what I went through for two sessions with a number of other people here and I guess it has been here repeatedly and that was the concept of the ombudsman. We didn't put it in this year and every other year that it has been put in, it has always had its name changed to establish a citizens service center or something like that because Ombudsman sounded too foreign and hard to grasp possibly. I think it is something that is very needed in government and I think it would open government up. At this point, we have a number of semi-ombudsman concepts, here, phone lines that you could call in and get answers from particular departments but nowhere is it all drawn together. I would imagine if we took all of these and tied them into one, it probably would cost

less money and would solve the problem far better. This makes a step that way. I wish we could see them all tied together and I was in the minority when we voted and I am going to be in the minority again because I do believe the concept is good and I think Maine should do it.

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

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I, too, am on this committee and admire the concept of this bill but my reservation is that if people aren't aware of the telephone numbers to call for these various departmental information services; this number will equally become lost. It is the problem of communications and I think we all have it. I have made as many as five phone calls to find out who I should get in touch to find out something but this is not going to answer the questions. If it could do the job as well as would be hoped, it would cost more than is indicated on the L. D. I am sure.

The Secretary of State has indicated that a number of people call his department with requests for information as to how to get in touch with people. Perhaps there might be some way we could strengthen his capability to handle these problems.

The SPEAKER: The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: Everyone praises the concept and some people have some minor problems with this particular bill. I ask you to pass this today, to reject the "Ought Not to Pass" Report and if you wish to amend it, then please go ahead on second reading tomorrow. We all get complaints from our constituents as far as people not knowing how to go about dealing with the bureaucracy and this is one positive step in trying to bring together the fragmented services that do presently exist and I hope you did listen to Representative Henderson and Representative Jackson and please reject this "Ought Not to Pass" Report.

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

ROLL CALL

YEAS — Aloupis, Ault, Bachrach, Bagley, Bennett, Berry, Biron, Birt, Blodgett, Boudreau, A.; Bunker, Burns, Byers, Carey, Carter, D.; Carter, F.; Churchill, Conners, Cote, Cunningham, Curran, Devoe, Dexter, Diamond, Drinkwater, Dutremble, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Gray, Green, Higgins, Huber, Hunter, Hutchings, Immonen, Jacques, Jalbert, Jensen, Joyce, Kilcoyne, Laffin, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McKean, McPherson, Mills, Morton, Nadeau, Norris, Palmer, Peltier, Peterson, Raymond, Rideout, Rollins, Silsby, Smith, Sprowl, Stover, Stubbs, Tarbell, Tarr, Tierney, Torrey, Truman, Twitchell, Valentine, Wilfong.

NAYS — Austin, Beaulieu, Benoit, Berube, Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Carrier, Carroll, Chonko, Clark, Connolly, Davies, Dow, Fowle, Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Jackson, Kane, Kany, Kelleher, Kerry, MacEachern, Mitchell, Moody, Najarian, Nelson, M.; Nelson, N.; Peakes, Pearson, Plourde, Post, Prescott, Quinn, Shute, Spencer, Strout, Talbot, Teague, Theriault, Tozier, Trafton, Wood, Wyman.

ABSENT — Bustin, Dudley, Durgin, Elias, Fenlason, Gauthier, LaPlante, LeBlanc, Maxwell, McMahon, Perkins, Tyndale, Whittemore.

Yes, 85; No, 52; Absent, 13.

The SPEAKER: Eighty-five having voted in the affirmative and fifty-two in the negative, with thirteen being absent, the Majority "Ought Not to Pass" Report is accepted. Sent up for concurrence.

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

Bill, "An Act Concerning the Retirement Law Relating to Certain Employees of the Department of Mental Health and Corrections" (H. P. 1019) (L. D. 1073)

Tabled — May 9, 1977 by Mr. Theriault of Rumford.

Pending — Passage to be Engrossed.

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

Mr. THERIAULT: Mr. Speaker, I now move that this bill and all its accompanying papers be indefinitely postponed.

Mr. Howe of South Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-293) was read by the Clerk.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: Some of the opposition to L.D. 1073 over the last several days, I believe, was based on the fact that it would permit these employees of the Department of Mental Health and Corrections to retire at any age once they have put in 20 years. This amendment would require that they attain the age of 50 prior to their being able to retire.

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

Mr. LYNCH: Mr. Speaker, I would like to pose a question through the Chair. Will this require additional appropriations of \$400,000 or \$500,000 in 1979, 1980 and 1981?

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

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

Mr. HOWE: Mr. Speaker, Members of the House: I am advised that this will reduce the cost of the bill in its original form between \$500,000 and \$600,000.

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

Mr. THERIAULT: Mr. Speaker, I would like to pose a question through the Chair. I would like to know where the sponsor got these figures because it was my understanding that the retirement system wasn't able to come up with any figures on this.

The SPEAKER: The gentleman from Rumford, Mr. Theriault, has posed a question through the Chair to the sponsor who may respond if he so desires.

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

Mr. HOWE: Mr. Speaker, Members of the House: My information came from a representative from the Maine State Employees Association who told me that his information came from Mr. Blodgett of the retirement system.

Whereupon, House Amendment "A" was adopted.

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

Mr. THERIAULT: Mr. Speaker, Members of the House: I question those figures but regardless whether the amendment would go on or not, I still feel the same way that the bill should be indefinitely postponed.

Here we go again. This is like an old damaged record, where at a certain point on the record, it repeats itself and at each turn of the turn table it continues to repeat, repeat, and repeat and repeat until someone turns it off and puts it back on the right track. Every legislative session, we continue to have these

bills presented that would improve the benefits of the special interest group and I can visualize it going on and on until the retirement system gets to the point where it is no longer able to absorb the cost of these added benefits and the general fund, which even now as you very well know, has a very limited amount of money will not be able to put in the yearly appropriation to keep the fund solvent. At that point, it could very well be that those who are working so hard to get these added benefits will find that when it comes time to retire there will be no pensions.

How about getting back to basics? Why do we have a retirement system? What was its purpose when it was started? It was created to take care of the employees of the state when they were no longer able to work, making it possible for them to know that they would have something in their old age. As state employees were not under the Social Security system at that time, the system did for them what Social Security did for employees in the private sector, even doing a little more as their contributions were higher at that time than the contributions into the Social Security. I don't think that is true now. It was never intended that a person would retire under this system and immediately go to work on another job to earn a second pension.

In this statement, I would refer to the age of 41 as retirement but with the amendment now makes that they will have to work until they are 50 but it is still possible that at age 50, to get out and earn yourself another pension before you reach the retirement age that is compulsory in some sectors.

It has been said that in this particular L.D. the people involved would increase their contributions. Let me tell you something about contributions. The state police who seem to be ahead at this time, contributes 7½ percent but do any of you know what the state has to put into the system to give the state police all these wonderful benefits? The state pays 29 percent of the state police's payroll, that is 19 percent more than the state pays for the average other employee. \$715,429 for the last fiscal year ending in June, 1976, that is what the taxpayer of the State of Maine has to pay to make these added benefits.

I have no objections to this L.D. that the employees of the Mental Health and Corrections would be willing to pay the 29 percent contribution and let the overburdened taxpayer of Maine pick up the small end of the tab, that is, 7½ percent.

Ladies and gentlemen, remember, this retirement system is only a type of insurance. If you have an insurance policy, you don't expect to keep getting benefits every time you feel like it and have the insurance company absorb the added cost. If the insurance company did that, it would soon go broke. This is a point I'm trying to make. If you keep increasing benefits to every special interest group that asks, the system will go broke. I don't mean this one L.D. will do it, but this one and others coming along this session and the ones that will surely continue to come in future years.

I still move for indefinite postponement of this bill.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: My very good friend Mr. Theriault from Rumford, for whom I certainly have the greatest respect, serving with him on the Veterans and Retirement Committee, and I can certainly understand what he is trying to do. To a point, he is correct, but on the other point he is definitely wrong. He talks about the money of the fund. The fund is not in jeopardy. The fund is solid and sound and that is the way we're going to keep it. But yet my very good friend does not mention the fact that we

have in our system those that guard our prisoners and our correctional institutions. We have two classes of people — young men and old men. Some jobs, a man is young doing it at 75 years old. Some jobs, a man is old at 50. That is what we are talking about. Do we want old men to guard our prisoners, the majority of them being young, full of vim and vigor, that an old man could not handle, could not cope with? That is the problem, that is the question, that is what we're talking about today. A man who is a young man in these institutions has to be young to handle young men. We cannot have an elderly man in these positions because of the fact that it has taken years off their lives. Many of our guards have been threatened. Many of them have been bodily harmed, and old men cannot take this kind of pressure. If we are going to sit behind a desk, a man in his 70's and maybe possibly 80's, he is very capable to do this type of work, and fine and good, so be it. But we are not talking about that today, we are talking about guards who have devoted 20 years of service handling criminals, the undesirables that you and myself don't want to handle, so we hire other people to do it for us. That is what we're talking about.

The amendment is a good amendment. In fact, I wasn't too in favor of it because it raised the age to 50, but I will settle for it. I have learned up here to compromise. Sometimes when people want you to compromise, that means give up. That is what they believe is a compromise. I am willing to settle for the age of 50.

We had a good hearing on this bill. We had testimonies from guards and their experiences. I think that is the issue today. I urge the members of this House to not support Mr. Theriault and give the support to this amendment and this bill.

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

Mr. THERIAULT: Mr. Speaker, Ladies and Gentlemen of the House: We talk of inequities — okay, let's talk of inequities. We say it is not equitable for state police or others to get more benefits than this group, so we give this group everything they want. How equitable is that to all other groups that do not get these benefits? I submit to you that everytime we give added benefits to a special group, we are discriminating against all other groups.

We talk of hazardous work. What is hazardous work? Is the guy or gal who works on the state highway that is killed by some careless motorist who fails to see him or her, or by the motorist who loses control of his car because of some mechanical failure, is that state highway worker less dead than the guard in the prison that may be killed by some convict? I maintain that the guard in the prison has an advantage. He knows where the danger is and takes precaution to protect himself. The guy or gal — by the way, those of you who travel over the highways must know that we have some ladies working for the highway division, at least directing traffic, and I started to say, this guy or gal on the highway never knows what can happen.

To go even further on hazardous work, if you read this particular L.D. 1073, please look at who is included in this — wardens, deputy wardens, superintendents, deputy or assistant superintendents, and this one really floors me, the director and any deputy or assistant director of the State Division of Probation and Parole. This is really incredible. This is hazardous work? I can't believe that any of us are so gullible that we would believe this nonsense. Picture the director of Probation and Parole in his ivory tower where it is almost impossible for the ordinary person to get to see him, say nothing of anybody who wants to do him harm.

Let's go further on hazardous work. I maintain that it is impossible to say what job is more

hazardous than another. Even a school teacher whose job was considered one of the safest, no hazards there back in the good old days, but think of it now, however. Do you think it is a safe job? Talk to some of the teachers sometime. Think of the judges. Would you consider that a hazardous job? Talk to those judges whose homes have been damaged and whose children have been threatened because of some decisions they have made in court.

Finally, don't forget what I said when we debated this bill a few days ago in reference to hazards. No matter where they may be, this bill will not protect these people, not one bit. If it could be that it would protect them, I would be all for the bill.

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Laffin of Westbrook requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Rumford, Mr. Theriault, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Aloupis, Austin, Bachrach, Bagley, Berry, Berube, Biron, Birt, Brown, K. L.; Brown, K. C.; Bunker, Burns, Byers, Carey, Carter, D.; Carter, F.; Clark, Cote, Cunningham, Devoe, Dexter, Dutremble, Fenlason, Garsoe, Gillis, Gould, Green, Hall, Hickey, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Kany, Lewis, Littlefield, Lizotte, Lougee, Lunt, Lynch, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBreairty, McHenry, McPherson, Morton, Nadeau, Najarian, Nelson, M.; Palmer, Pearson, Peltier, Peterson, Raymond, Rideout, Rollins, Silsby, Smith, Stover, Talbot, Tarr, Teague, Theriault, Torrey, Trafton, Truman.

NAYS — Ault, Beaulieu, Bennett, Benoit, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Carrier, Carroll, Chonko, Connors, Connolly, Cox, Curran, Davies, Diamond, Dow, Drinkwater, Flanagan, Fowlie, Gill, Goodwin, H.; Goodwin, K.; Gray, Greenlaw, Henderson, Higgins, Hobbins, Howe, Hughes, Jacques, Joyce, Kane, Kelleher, Kerry, Kilcoyne, Laffin, Locke, MacEachern, Mitchell, Moody, Nelson, N.; Peakes, Plourde, Post, Prescott, Quinn, Shute, Spencer, Sprowl, Strout, Stubbs, Tarbell, Tierney, Twitchell, Valentine, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bustin, Churchill, Dudley, Durgin, Elias, Gauthier, Jalbert, LaPlante, LeBlanc, Maxwell, McKean, McMahon, Mills, Norris, Perkins, Tozier, Tyndale, Whittemore. Yes, 72; No, 61; Absent, 18.

The SPEAKER: Seventy-two having voted in the affirmative and sixty-one in the negative, with eighteen being absent, the motion does prevail.

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

Mr. THERIAULT: Mr. Speaker, having voted on the prevailing side, I now move for reconsideration and hope you all vote against me.

The SPEAKER: The gentleman from Rumford, Mr. Theriault, moves that the House

reconsider its action whereby the Bill and all accompanying papers were indefinitely postponed. All those in favor of reconsideration will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Bill, "An Act to Require Towns without Secondary Schools to Provide Transportation to Secondary Schools" (H. P. 1025) (L. D. 1273) (C. "A" H-275)

Tabled — May 9, 1977 by Mr. Connolly of Portland.

Pending — Passage to be Engrossed.

Mr. Connolly of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-295) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: As I mentioned yesterday, this portion of the amendment was inadvertently left off the Committee Amendment, and what it does is reduce the state cost to \$93,600. It is a savings of almost \$30,000, I believe. The amendment reduces the appropriation necessary.

Thereupon, House Amendment "A" was adopted.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. As I understand, a section of this bill allows board to be paid to the parents — at least \$25 worth of board to be paid to parents in lieu of daily transportation. My question is whether or not that board which can be paid is reimbursable the same way as transportation expenses under the school funding act?

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, it is my understanding that the \$25 is reimbursable but it doesn't represent a change in the current law. That is already the current law and it was included in this bill just because they changed the section of the law and wanted to make the language proper. So it doesn't change the law at all.

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

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

Mr. CURRAN: Mr. Speaker, having voted on the prevailing side on Bill "An Act to Establish a Citizens' Service Center, House Paper 597, L.D. 723, I now move we reconsider our action and hope you all vote against me.

The SPEAKER: The gentleman from South Portland, Mr. Curran, now moves that we reconsider our action of earlier in the day whereby the Majority "Ought Not to Pass" Report was accepted on L.D. 723. All those in favor of reconsideration will say yes; those opposed will say no.

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

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

Mr. GREENLAW: Mr. Speaker, is the House in possession of Bill "An Act to Clarify the

Powers of the Department of Inland Fisheries and Wildlife," House Paper 354, L.D. 447?

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

Mr. GREENLAW: Mr. Speaker, having voted on the prevailing side, I now move the House reconsider its action whereby it voted to adhere and further move that this bill be tabled for two legislative days.

Thereupon, on motion of Mr. Greenlaw of Stonington, tabled pending his motion to reconsider and specially assigned for Thursday, May 12.

The Chair laid before the House the following 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) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mrs. Trafton of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-300) was read by the Clerk and adopted.

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

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

Mr. HIGGINS: Mr. Speaker, is the House in possession of House Paper 266, L.D. 334, An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979?

The SPEAKER: The Chair would answer in the affirmative, having been held at the request of the gentleman from Scarborough, Mr. Higgins.

Thereupon, on motion of Mr. Higgins of Scarborough, the House reconsidered its action of yesterday whereby the Bill was passed to be enacted.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: I realize that talking about fisheries and wildlife is a dangerous subject at times, and from past experiences, I almost felt when I had this bill held that I might be found face down in reclaimed pond later if I did it. In fact, this morning when I looked in the Portland Press Herald, there was an obituary for Linwood F. Higgins and my heart skipped a beat and I thought perhaps that was a premonition. At any rate, the reason I had this bill held is, I wondered if someone, on the record, from Fisheries and Wildlife could explain or give us some information about — I had two questions, one was the percentage increase in the budget for the department and the second question would be if they have any preliminary cost figures on what they may expect fishing licenses and hunting licenses, etc., to be, percentage increase, if someone could answer that.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a series of questions through the Chair to any member who wishes to respond.

The Chair recognizes the gentleman from West Gardiner, Mr. Dow.

Mr. DOW: Mr. Speaker and Members of the House: I sent a note to Mr. Higgins when I saw it was held and asked him and he said he had a couple of questions, and had he told me what the two questions were, maybe I could have gotten him an answer. But he didn't come through with it, so I couldn't very well go look it up.

It is my understanding that the percentage is not an increase, it in fact is a little less than it was last time on the total budget. And as far as

the license fees coming in, last year we had a little more. There were some less licenses sold but there was a little bit more revenue. Their prediction is that this time there will be some more revenue but very, very little. I can't give you any more definite answer than that, but I can if you want me to check it out for you.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

A vote of the House was taken.

109 having voted in the affirmative and none having voted in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Mr. Green of Auburn,
Adjourned until eight-thirty tomorrow morning.