

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

Wednesday, May 11, 1977

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

Prayer by the Reverend Donald Wrigley of the Blessed Hope Advent Christian Church, Waterville.

The journal of yesterday was read and approved.

Papers from the Senate

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701) ask leave to report: that the Senate recede and concur with the House.

Signed:

Messrs. HEWES of Cumberland
CARPENTER of Aroostook
Mrs. CUMMINGS of Penobscot

— of the Senate.

Messrs. JOYCE of Portland
MOODY of Richmond
BURNS of Anson

— of the House.

Came from the Senate with the Conference Committee Report read and rejected and that Body insisting and asking for a Second Committee of Conference.

In the House, the Report was read.

On motion of Mr. Joyce of Portland, the Report was rejected and the House voted to insist and join in the second Committee of Conference.

Study Report

Committee on State Government

Report of the Committee on State Government to which was referred the study relative to administrative agencies and procedures, pursuant to S. P. 511 of the 107th Legislature have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Create the Maine Administration Procedure Act" (S. P. 493) (L. D. 1768) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

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

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

Reports of Committees

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Appropriate Moneys to the Maine State Housing Authority to Stimulate Housing Construction and Maintenance on Regional and Local Levels" (S. P. 352) (L. D. 1178)

Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Clarify the Powers of Regional Planning Commissions" (S. P. 221) (L. D. 685)

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

Refer to Committee

Local and County Government

Report of the Committee on State Government on Resolve, to Evaluate Substate Districts in Maine (S. P. 148) (L. D. 390) reporting that it be referred to the Committee on Local and County Government.

Came from the Senate with the Report read and accepted and the Bill referred to the Com-

mittee on Local and County Government.

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

Referred to Committee on Labor

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Temporary Compensation to Incapacitated Persons Pending Application for State or Federal Aid" (S. P. 403) (L. D. 1386) reporting that it be referred to the Committee on Labor.

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

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

Divided Report

Majority Report of the Committee on Education on Bill "An Act Concerning Postgraduate Education in the Field of Medicine, Dentistry and Veterinary Medicine" (Emergency) (S. P. 131) (L. D. 311) reporting "Ought to Pass" in New Draft (S. P. 490) (L. D. 1766)

Report was signed by the following members:

Messrs. PIERCE of Kennebec
KATZ of Kennebec

— of the Senate.

Messrs. WYMAN of Pittsfield
BAGLEY of Winthrop
FENLASON of Danforth
PLOURDE of Fort Kent
BIRT of East Millinocket

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (S. P. 491) (L. D. 1767) on same Bill.

Report was signed by the following members:

Mr. USHER of Cumberland

— of the Senate.

Mr. LYNCH of Livermore Falls
Mrs. LEWIS of Auburn
Mrs. BEAULIEU of Portland
Mr. CONNOLLY of Portland
Mrs. MITCHELL of Vassalboro

— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft Report read and accepted and the New Draft (S. P. 490) (L. D. 1766) passed to be engrossed.

In the House: Reports were read.

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

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

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

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was being discussed by the Committee on Education, I took the stand that I was going to have a minority report of one at least. As we debated the bill, I gained support. There are two reports. They are essentially the same thing, except the minority report includes students in optometry.

I think we have to take the time to reassess what we are doing in medical education instead of rubber-stamping a program automatically as it comes along.

This was primarily instituted for M.D. preparation, and if you will look at the bill, it says "Amount necessary to purchase up to 20 positions each year to a total of 80 at the University of Vermont College of Medicine and the same at Tufts University." If there was

money available, you would have 160 doctors in the pipeline. There hasn't been money available, so we don't have that many, but I think we have money enough for about 13 on the new contract.

The dental program, 10 positions each year to a total of 25 at Tufts School of Dental Medicine. Now, Tufts is going from a four-year program to a three-year program. I don't think we need as many slots, and for positions each year to a total of 16 at the University of Pennsylvania School of Veterinary Medicine or New York State College of Veterinary Medicine at Cornell University. This was instituted in the last legislature.

In this minority report, we have cut the medical students by two positions and we have reduced the dental student slots by two positions. The minority report allows four positions each year at the New England College of Optometry. Why do we need these slots? Because Maine students are being closed out of the field of optometry. Pennsylvania has a 500 limit, which excludes Maine students. New England College of Optometry, like all the other medical schools, is going to contract with states, which makes it very difficult for Maine students to get into a school of optometry in New England.

I think it is time that we stepped back and took a look at what we are putting into medical education. I know the Appropriations Committee is somewhat disturbed by the amount of money that is going in there. Are we achieving what we set out to do in medical education for M.D.'s? Those of you who come from rural areas, do you have the M.D.'s in your area as a result of what has been going on? If we continue this program, you have got seven years before you have a change between the M.D. student program and their post-graduate work.

We are opening up osteopathic medicine, the school that will start in Maine in 1978. The committee felt this was desirable to have 10 positions at the College of Osteopathic Medicine because osteopathic practitioners tend to move into the rural areas and it is felt that medical needs in the State of Maine might be better served by moving some slots to the osteopathic positions.

If you have the flier that I put on your desks today, that is only one sample of many of the letters that I have been receiving from young Maine students who cannot get into a college of optometry. I think you have to recognize that the optometrists are the first person that many people see. Ophthalmologists have the greater expertise but people do not see them unless they are severely affected. If we have four slots each year, at least it opens up an opportunity for young Maine students to get into the field of optometry and we wouldn't be so dependent upon outsiders coming into the State of Maine to practice.

I hope you support the Minority "Ought to Pass" Report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think the problem, as I see it today, is whether we are going to continually open up the purchase of slots to different medical fields. We did have, along with the optometrists, a request for a couple of slots for another profession, medical area, I believe they were foot doctors, podiatrists, I think is the terminology. I don't know how far we should go in this area. We did start out with medical and then we went into dental and osteopaths.

I think probably this has been a good move, but each one of these were individually sup-

ported by a bill on the floor and the debate was carried on as to whether we should go into this field, and the legislature made an individual decision, eventually they would become lumped into the major bill that we have before us today.

There is a bill to allow the purchase of slots or to support students attending schools of optometry. I believe that bill should stand on its own right and the decision be made on that individual bill, then if that is done in later sessions and the funding can be lumped together into one particular item within the budget and handled through the Department of Education, but to attempt to go in the direction we are going now, putting it into a bill that primarily affected medical education in the broad sense of general health care and including optometrists without at least making the decision whether optometrists should be included or not, I think is the wrong direction.

I would hope that you would defeat the Minority "Ought to Pass" and then we could accept the Majority "Ought to Pass" Report and then we can make the decision on optometrists and the support of the optometrical school on its own right.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to the gentleman from Livermore Falls, Mr. Lynch. There is an item on Page 10 of our calendar today, Item 6, Committee on Education, a bill to facilitate out-of-state post graduate education. If you look at that bill, it deals with optometrists. That bill has been tabled a few days now, and if the only difference between these two reports is the difference between the optometrists included in one and not in the other, I would simply pose a question to the gentleman from Livermore Falls as to what the situation is here with L. D. 502 as opposed to the situation we have here now before us?

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: The debate should take place on this bill. This is the area that we are concerned with. We ought to look M.D. slots, O.D. slots, veterinarian slots, dental slots, the whole program, not consider optometrists alone.

We have two schools preparing students for M.D.'s. One of them works fine; the other does not. Students coming back into Maine will come back if they have their clinical education in Maine. Experience has shown that where the students take their training in the hospitals, they are most apt to relocate for their practice in that same state.

Now, the University of Vermont is not inclined to have clinical education in the State of Maine because it may disrupt their program; Tufts has no problem. I don't think the University of Vermont is too much concerned whether they have Maine Students or not, because they have said that they will give the slots to New York State; New York will take all they can get.

I think this is the bill where the debate has to take place, not on optometry alone. I think you have to look at the broad picture of what we are doing in medical education.

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

Mr. BIRT: Mr. Speaker, I would request 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 expres-

sed a desire for a roll call, a roll call was ordered.

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

Mr. PERKINS: Mr. Speaker, I would pose a question through the Chair. Is this a grant or is this a repayable loan that the gentleman is proposing?

The SPEAKER: The gentleman from Blue Hill, Mr. Perkins, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Lynch, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. LYNCH: Mr. Speaker, in answer to the question, all of the positions in all of the fields of medical preparation are covered by the same agreement, that the student will sign a contract — this amount shall be paid in not more than 20 annual equal installments at 6 percent annual interest, and such installment payments shall commence at such time as the state contract student concludes his professional education under rules promulgated by the Commissioner. The agreement between the state contract student and the state shall provide that an amount equal to one-fourth of the indebtedness as determined in this subsection shall be forgiven for each year which the state contract student practices his profession within the state. That covers M.D.'s, O.D.'s, veterinarians, dental students and optometrists if you accept the minority report.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: L. D. 502, which has been tabled, is a unanimous "ought to pass" report. In that bill it says, it is the intent of the legislature to acquire at the greatest extent possible the admission of qualified Maine students to out-of-state educational institutions, providing programs of instruction leading to the acquisition of doctorate degrees in medicine, dentistry, optometry and veterinary medicine.

I can't see why we want to pass two bills dealing with optometry. The majority report includes just M.D.'s, we should get as many slots for M.D.'s and give the slots for the optometrists in the other bill we have before us today.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Mr. Boudreau is absolutely right. There was consensus on the committee that optometrists are a part of the full spectrum of health care. That bill is tabled to see what action we will take on this particular bill.

The minority report on this bill, I think we are pretty much realists. I think all of you know that optometrists standing alone are going to go the way of most things on the Appropriation Table. We think that the entire spectrum of health care is important, so this package presents the whole thing. If this bill dies, of course we all stand behind the optometrists and they will not be funded, I suspect.

I suggest that you support Mr. Lynch's report and support all of health care.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think the real hard decision that we are faced with today is whether we are going to reduce the number of slots that will be used for medical doctors and include optometrists within the funding of this bill. If we do include optometrists, we are going to reduce the number of medical doctors or people who will be attending medical school.

Where the greatest shortage in the State of Maine is, I don't know. There has been a good deal said about the shortage of dentists. Certainly in the northern and eastern parts of the

State of Maine there is a tremendous shortage of doctors. We have done a good job in attempting to beef this up to step it up, and I hope we will continue and then make the decision on the optometrists, who came in afterwards, and this was a separate request; they did come in at the time and ask for funding. I think we could pass this bill and then make the decision on the optometrists in their own right.

Mr. Lynch of Livermore Falls was granted permission to speak a third time.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This program started with the backing of M.D.'s. The off-shoots have been minor concessions to the other fields of medical education. It is strongly supported by the M.D.'s. They don't want it interfered with to any degree.

The dental program, I find confusing, as I think most of the health care service in the State of Maine is confused. Do we need as many dentists in the State of Maine? When you had a very prominent dentist talking about the denturist bill, he said there was no need for the denturists, the state has plenty of dentists at the present time and still we are allowing 25 slots for dental students.

My purpose in putting this in was to open this up for debate. Unfortunately, we don't have the information, and I don't think anybody has it, as to how successful we have been. We have educated a lot of M.D.'s and where are they? You can start down in the southern part of the state and you will find them congested in the major areas close to hospitals. You don't find them spreading out into the boondocks. How are you going to do it? You are going to educate enough doctors so that by sheer competition they are going to be forced out of the city areas. If that is your aim, it is going to take a lot more money and hundreds and hundreds of thousands of dollars than you are spending now to achieve that aim.

The money is in the budget, the Part I budget, even though the Appropriations Committee is disturbed by the size of what we are putting into medical education, and if they are disturbed by that, what chance does the other bill concerning optometrists have for funding?

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

ROLL CALL

YEA — Bachrach, Bagley, Beaulieu, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Byers, Carrier, Carroll, Carter, D.; Chonko, Churchill, Clark, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dow, Dutremble, Elias, Flanagan, Fowle, Gauthier, Gillis, Goodwin, H.; Goodwin, K.; Gould, Greenlaw, Hall, Henderson, Hickey, Hunter, Jackson, Jalbert, Jensen, Joyce, LaPlante, Lewis, Littlefield, Locke, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, Maxwell, McBrearty, McHenry, McKean, McPherson, Mills, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Peltier, Peterson, Post, Quinn, Rideout, Rollins, Shute, Sprowl, Strout, Talbot, Tarr, Theriault, Tierney, Torrey, Truman, Twitchell, Valentine, Whittemore, Wood.

NAY — Alopis, Birt, Boudreau, P.; Brown, K. L.; Burns, Carey, Carter, F.; Connors, Devoe, Drinkwater, Durgin, Fenlason, Garsoe, Gill, Green, Higgins, Hobbs, Hughes, Immonen, Kany, Kilcoyne, Lougee, Marshall, Najarian, Norris, Palmer, Pearson, Perkins, Plourde, Raymond, Silsby, Smith, Stubbs, Teague, Tozier, Wyman.

ABSENT — Ault, Austin, Bennett, Bunker, Bustin, Connolly, Dudley, Gray, Howe, Huber,

Hutchings, Jacques, Kane, Kelleher, Kerry, Laffin, LeBlanc, Lizotte, Masterton, McMahon, Moody, Morton, Peakes, Prescott, Spencer, Stover, Tarbell, Trafton, Tyndale, Wilfong.
Yes, 84; No, 36; Absent, 30.

The SPEAKER: Eighty-four having voted in the affirmative and thirty-six in the negative, with thirty being absent, the motion does prevail.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Exclude Sparklers from Prohibition against the Sale of Fireworks" (S. P. 379) (L. D. 1255)

Report was signed by the following members:

Mr. CARPENTER of Aroostook
Mrs. CUMMINGS of Penobscot
Mr. HEWES of Cumberland

— of the Senate.

Messrs. COTE of Lewiston
MOODY of Richmond
GOULD of Old Town
BIRON of Lewiston
SHUTE of Stockton Springs

— of the House.

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

Report was signed by the following members:

Messrs. BURNS of Anson
CARRIER of Westbrook
JOYCE of Portland
Mrs. DURGIN of Kittery
Mr. DUDLEY of Enfield

— of the House.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Legal Affairs read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

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

Non-Concurrent Matter

Bill "An Act to Remove the Manufacturer's Excise Tax on Tires from the Sales Tax" (H. P. 339) (L. D. 430) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-209) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-209) and House Amendment "A" (H-230) in the House on May 5, 1977.

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

In the House:

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

Mrs. MARTIN: Mr. Speaker, I move that we insist and I would speak to my motion.

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, moves that the House insist.

The gentlewoman may proceed.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If this bill is enacted January 1, 1979, the price tag will be down to \$72,000 for the second year of the biennium. The revenue loss for the first year of the biennium is nothing. It decreases the fund from \$300,000 to \$72,000, and the decreased revenue loss would be \$2,901. I can't see why they wouldn't pass this bill. The price tag is way down. I insist and I will ask for a roll call.

This comes from the Taxation Committee.

Change of the effective date would result in no loss of revenue for the first year of the biennium, an estimated loss of \$72,000 for the second year of the biennium; 96 percent of this is decreased revenue to the General Fund and 4 percent to the local fund. This is not a lot of decrease in money compared to what they gave me in the first one. The first one that they gave me was over \$300,000 that we were going to lose. All at once we are just going to lose \$72,000. I wish somebody would make the figures clear or I am somewhere on the wrong track.

Mr. Speaker, I withdraw my motion for a roll call vote.

Thereupon, the House voted to insist.

Non-Concurrent Matter

(Item 10) Bill "An Act in Support of Regional Library Systems" (S. P. 462) (L. D. 1585) which was Enacted in the House on April 28, 1977.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-122) in non-concurrence.

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

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249) which was passed to be engrossed as amended by House Amendment "A" (H-223), "B" (H-225) and "D" (H-228) in the House on April 29, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-223) as amended by Senate Amendment "C" (S-121) thereto and House Amendment "B" (H-225) in non-concurrence.

In the House: On motion of Mrs. Boudreau of Portland, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Prohibit Referendum Voting at Primary Elections (H. P. 1449) (L. D. 1675) which was Finally Passed in the House on May 9, 1977.

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

In the House: On motion of Mrs. Durgin of Kittery, the House voted to insist.

Orders

An Expression of Legislative Sentiment (H. P. 1548) recognizing that: Colette Sirois, daughter of Mr. and Mrs. Louis F. Sirois of Waterville, has been selected as a National Presidential Scholar for 1977 (Presented by Mrs. Kany of Waterville.) (Cosponsors: Mr. Carey of Waterville, Mr. Boudreau of Waterville, Senator Pierce of Kennebec)

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

An Expression of Legislative Sentiment (H. P. 1550) recognizing that: John Kittredge of the University of Maine, Portland-Gorham, who has assiduously and faithfully served as a legislative intern for the 108th Legislature, is finishing his service to the Legislature (Presented by Mr. Quinn of Gorham)

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

An Expression of Legislative Sentiment (H. P. 1551) recognizing that: Greg Johnsen of Gorham, a student at the University of Maine at Portland-Gorham, has been elected by the student body to serve as chairman of the Student Senate for 1977-78 (Presented by Mr. Quinn of Gorham)

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

Mr. Joyce of Portland presented the following Joint Order and moved its passage: (H. P. 1552) (Cosponsor: Mr. Burns of Anson)

WHEREAS, recent statistics show a disturbing increase in the annual number of assaults committed against police officers; and

WHEREAS, these statistics are largely compiled from reports from municipalities throughout the State; and

WHEREAS, there seems to be some doubt as to whether all the claimed incidents of assault are truly assaults or whether they should rather have been reported as incidents of disorderly conduct or creating a disturbance; and

WHEREAS, it is important to the Legislature, which helps to set the law enforcement policy of this State, to know whether or not there is really an increasing threat to the bodily safety of police officers working in Maine; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Legal Affairs shall study the reporting of assaults on police officers to see if the reporting is valid or should be modified to better reflect actual events, and to determine whether or not there is an increasing threat to the safety of the police officers of this State; and be it further

ORDERED that the committee shall complete this study no later than December 1, 1977, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

ORDERED upon passage in concurrence, that a suitable copy of this Order shall be forwarded to members of the committee.

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

House Reports of Committees Ought Not to Pass

Mr. Wood from the Committee on Agriculture on Bill "An Act Concerning the State Payment for Care of Abandoned Dogs" (H. P. 558) (L. D. 675) reporting "Ought Not to Pass"

Mr. Curran from the Committee on State Government on Bill "An Act to Prohibit Preference Given to State Employees in Civil Service Positions" (H. P. 1154) (L. D. 1379) reporting "Ought Not to Pass"

Mr. Spencer from the Committee on Judiciary on Bill "An Act to Increase the Penalty for Furnishing Marijuana" (H. P. 1204) (L. D. 1432) 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. Perkins from the Committee on Appropriations and Financial Affairs on Bill "An Act to Amend the State Supplemental Income for Blind, Disabled and Elderly People to Insure the Automatic Pass-along of Federal Supplemental Security Income Cost-of-Living Increases" (H. P. 292) (L. D. 349) reporting "Leave to Withdraw"

Mr. Theriault from the Committee on Veterans and Retirement on Bill "An Act Relating to Military Service Credits Under the Maine State Retirement System" (H. P. 1182) (L. D. 1409) reporting "Leave to Withdraw"

McMahon from the Committee on Election Laws on Bill "An Act to Require Nomination Petitions for State and County Officials to be Approved by the Board of Registration" (H. P. 863) (L. D. 1057) reporting "Leave to Withdraw"

Mr. Hughes from the Committee on Judiciary on Bill "An Act to Revise the Debtor - Creditor Laws to Facilitate the Legal Collection of

Debts" (H. P. 757) (L. D. 975) reporting "Leave to Withdraw"

Mr. Henderson from the Committee on Judiciary on Bill "An Act Limiting the Payment of Child Support in Certain Instances" (H. P. 1365) (L. D. 1598) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft New Draft Printed

Mr. Maxwell from the Committee on Liquor Control on Bill "An Act to Provide Malt Liquor Licenses for Caterers" (H. P. 1276) (L. D. 1516) reporting "Ought to Pass" in New Draft (H. P. 1549) (L. D. 1773)

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Repeal the Marijuana Decriminalization Statute" (H. P. 1272) (L. D. 1500)

Report was signed by the following members:

Messrs. CURTIS of Orono
COLLINS of Knox
— of the Senate.

Messrs. NORRIS of Brewer
SPENCER of Standish
HENDERSON of Bangor
HUGHES of Auburn
GAUTHIER of Sanford
TARBELL of Bangor

Mrs. BYERS of Newcastle
Mr. HOBBS of Saco
— of the House.

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

Report was signed by the following members:

Mr. MANGAN of Androscoggin
— of the Senate.

Mr. DEVOE of Orono
BENNETT of Caribou
— of the House.

Reports were read.

On motion of Mr. Hughes of Auburn, the Majority "Ought Not to Pass" Report was accepted.

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

Mr. DEVOE: Mr. Speaker, I move that we reconsider.

The SPEAKER: The gentleman from Orono, Mr. Devoe, moves that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted.

The gentleman may proceed.

Mr. DEVOE: Mr. Speaker, Members of the House: This debate and this bill represents an idea which among many members of this House and many members of the State of Maine is an unpopular idea. However, there are some things that deserve being said and I would like to address the members as briefly as possible this morning and put these ideas before you.

Unlike many bills that we debate day after day in this House, it is not the wording of this bill that we are really debating about, it is the idea behind the bill. It became apparent to me, reading the Legislative Record of a couple of years ago, that there is a broad, general impression throughout the state that the legislative action by which possession of marijuana was decriminalized, received broad, general debate on the floor of the House. This bill and this particular change in the criminal law two years ago was one of 55 or 60 amendments.

A review of the debate on June 9, June 10 and June 16 of two years ago indicates that the posture this bill was in was that members of the

Judiciary Committee were anxious to have their six months' work on their careful review of the entire criminal code ratified. The fear was expressed by many members of the House, many members of the committee, that if this House two years ago were to tinker with the 55 or 60 amendments that the Judiciary Committee had come up with, the result might be that the code would not be passed at all. It seems to me, from the debate, that begrudgingly the House did go along with the criminal code, which was a complete revision of the criminal laws for the first time in the history of the state.

There are, as I view it, three broad policy issues that we are talking about in this bill. First of all is, how best our society attempt to deal with the problem of marijuana and how would we try to discourage the use of it? I think a question that deserves to be answered by the opponents of this bill is, How do you achieve discouragement of youths by reducing the penalties?

I think in the criminal code as we have it today, there is somewhat of an inconsistency. If you examine the criminal code, you will note that very heavy penalties that are in the law presently for possession of more than an ounce and a half of marijuana. Implicit in that heavy penalty seems to be a recognition that at least for those who traffic in marijuana, there should be heavy penalties.

The general public sees this inconsistency and expresses it to police and to educators in the following manner, and this gets me to the second policy issue. Young people are telling their school officials and are telling policemen and other law enforcement officers, marijuana must be okay because I can't be arrested for it. This increasingly casual attitude to me is an alarming experience that is only going to get worse if we continue to keep the decriminalization law on the books.

Should people have a criminal record for possession of marijuana? This is probably the most emotional and I think the most difficult question to answer and I would like to address it as fairly as I can. It seems to me, if you take the point of view that the law should attempt to educate and set forth the ideals of society, then you are in a position, with the present law that we have, of on the one hand saying that marijuana is bad so far as those who traffic in it go and we are going to pounce on them and we are going to penalize them both with heavy fines and long jail sentences. Yet, for those who buy it from traffickers, we are going to go a little easier on them.

I submit to this legislature that the law has an educative process as well, and because of it, the young people who are coming along in the schools, who may be in the fifth, sixth, seventh, eighth grades and who are potential users within a few years, deserve to have a clear expression of legislative sentiment that the possession of an ounce and a half or less of marijuana is dangerous. The argument is made, youngsters presently in high school, youngsters presently in college, it is unfortunate for them to stand the risk of getting a criminal record for possession of marijuana. That may be, but I say that for every youngster presently in high school or college who might risk getting a criminal record, we cannot lose sight of the youngsters coming behind in the school system, who are further down the pipeline, and who deserve to have this legislature take a stand and make an expression of its sentiment clearly. Mr. Speaker, for that reason I move that the House reconsider its action.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I believe the previous speaker just laid out quite positively the reason why we should remain status quo as we are right now. We should not be encouraging the 14,

15 year olds to use marijuana nor do we. It is against the law now. It has been against the law for a considerable period of time. It is currently against the law in the State of Maine to possess any amount of marijuana and you are subject to a fine. You are also subject to a criminal charge under the federal law. Therefore, the people that are going around saying that marijuana is legal are dead wrong.

As to the group that has been pushing for the recrimination of marijuana, there is only one group that I know of, and this is the law enforcement officers. Let's just take a quick look at a law enforcement officer and see how he fits into the scheme of things. Number one, the legislative branch, this body here, two years ago declared that possession of less than an ounce and a half of marijuana would be a civil penalty. The judiciary enforces this law. Professionally, it is one of the law enforcement people's business as to what the fine is as far as possession of marijuana is concerned. It is their job to enforce the laws that the legislature puts on the books and up to the judiciary to hand out the penalty that is also incurred when the law is violated. I submit to you that the law is currently on the books that you cannot possess marijuana and if the law enforcement officers continue to do their job, which they are doing, if they continue to do their job, the penalty and the meaning of this law will come forth to the people.

I still maintain the position which I maintained in the 107th, that we cannot afford to be giving our young people criminal records just because peer influence is involved. It is not a decision that they are making fully themselves. It is the other people around them that are indicating them into this position. Therefore, I go along with the "ought not to pass" report and would 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: Here we go again. Today, with L.D. 1500, the Maine Legislature for the first time will have the opportunity to take a clear stand on the marijuana issue.

During the 107th session, this matter was handled in conjunction with the then new criminal code. The vote was on the code as a whole. Today, with L.D. 1500, the issue is clear.

Many studies have been made over the last 5,000 years as to the dangers or lack of dangers with this weed, some interesting studies. But the studies as to the bad effects and the good effects honestly are divided 50-50. There are some studies that scientists seem to all agree on. They all seem to agree that marijuana is the one weed, herb, or whatever you want to call it, that bugs won't go near. This might be the answer to the spruce budworm. Also, scientists in recent years seem to agree that if a male uses this continually, it will develop his breasts. This might be an economic factor — it might give a lift to the bra industry.

Governor Grasso, at the same time we debated this bill in the last session, our good lady from down there in Connecticut, she vetoed the same thing there. Vermont got the same criminal code from the same Professor Fox, but he didn't put in this decriminalizing of marijuana in Vermont. And I thought, you know, they have got a puritanical society such as we have. At the time, Professor Fox was up here and my question to him in the committee was, "Did you write the criminal code in Vermont and did Fanny Fox write the criminal code in Maine?" I have some problems with that.

What would it bring about when we decriminalize marijuana? That is a nice word. I found most kids can't spell the word when you get down to decriminalizing and when you talk to the kids around the school, they think that we legalized it. I think you should agree with me there, you have got to give a little on this.

Back in March of this year, I brought to your attention — and this really kind of upset me — when a federal agency who was in charge of the Federal Drug Enforcement Agency for the State of Maine said that at least a half dozen major wholesale importers quietly have taken up residence over the past three years in Maine. He went on to tell how this marijuana is bought for \$20 a pound over in the Bahamas, sold to the wholesalers for \$200 a pound. It eventually gets here to Maine and for a \$200,000 investment, they pick up a profit of \$1,800,000. He points out. Maine is 3,000 miles of coast, 1,400 offshore islands. I think the people from the coast that used to oppose me on some bills, I think they are going to support us on this one. I think today probably the appropriate phrase is to say, Look what it has got us so far, and I will sit down after I tell you — think about it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought not to pass" report on this bill, so I would hope that you would vote against reconsideration.

First of all, I would say that I would hope that no one smoked pot. I am not an advocate of people smoking pot. I think that it is a drug such as alcohol and many other drugs and it can certainly be harmful.

The testimony was long and a lot of us listened intently to the pros and cons of it and certainly I would admonish anyone not to smoke pot. By the same token, I don't feel it is proper to put people over 18 years of age in jail if they do smoke pot. I think that is wrong. I think it is wrong to make criminals out of young adults.

This bill, of course, in no way addresses juveniles, it has nothing to do with juveniles. We will be dealing with the juveniles when we discuss the juvenile code in a few days in the Judiciary Committee. This deals with young adults and adults. This deals from 18 up. From 18 down is another matter and I am sure we will have, again, many pros and cons on that.

Even though I am not an apostle of pot, my good friend from Portland kind of spoiled my speech this morning because he didn't use that phrase. I am not an apostle of pot, and I would say that there are many folks that appeared and told of the dangers the same as any chemical that is habit forming or addictive, such as alcohol or any number of things.

I would hope that you would vote against the reconsideration and at least not put folks in jail that do use it.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: As one of the cosponsors of the bill, I am going to take exception to some remarks made by the gentleman from Brewer. He states that we are not dealing with juveniles. He states that we do not want to make criminals out of our juveniles. Certainly we don't want to make criminals out of them. What we want to get are the individuals that are peddling the stuff out to the juveniles. If you take a look at your crime report that you have received here periodically through the session, you will find out that the majority of marijuana cases in the State of Maine is dealing with juveniles from age 16 down and from age 16 down, I mean down to the age of nine. Now, if that is not dealing with juveniles, I don't know what is. They are getting this stuff down into the grade schools and there are records of it going down into the elementary schools. If this is what you want, then you listen to this deal that we are not dealing with juveniles. We are dealing with juveniles. We don't want to make criminals out of them, but we want to stop the influx of this marijuana down to them.

The effects of a marijuana cigarette is

retained in the brain of an individual for up to 14 days. This is the effect of one cigarette, one marijuana cigarette. If you want some of the children in this state running around in a comatose condition, I guess you would call it, a coma of some sort, then vote against reconsideration. If you have any consideration for the children of this state at all, please support the reconsideration motion.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I just wanted to bring out a point, that it is not just the police officers who are supporting this bill, I believe that the committee is in possession of a petition with 2700 names on it, including grangers, Maine Christian League, etc., probably some police officers. I just wanted to bring that point out.

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 and having expressed a desire for a roll call, a roll call was ordered.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I hesitated to speak, but I think as chairman of our subcommittee on Drug Laws, a few facts would be useful in this debate.

Some of you are freshmen and were not here for the debate last time and I think may be misinformed by what has been said, that we didn't clearly consider the marijuana question in the last session. We did, indeed, have specific votes on the subject. There were three amendments offered. One of those amendments would have legalized marijuana for private use; another amendment would have had harsh criminal penalties returned and another amendment would have moderate criminal penalties returned. All three of those amendments were debated separately for up to an hour and a half and all three were defeated by fairly heavy votes. So, I certainly don't want to leave the impression that somehow this was buried in the criminal code. The newspapers took care of that. Every one of them discussed it at great length. Every major newspaper in the state endorsed marijuana decriminalization in the last session; none of them, to my knowledge, has changed their opinion.

The gentleman from Calais, Mr. Gillis, has said that we are indeed dealing with juveniles here. I think the point of the gentleman from Brewer, Mr. Norris, was that this bill does not speak to juvenile laws; we have a separate juvenile law against possession of marijuana and, incidentally, that law is still criminal. Of course juveniles are protected by their juvenile status from criminal records so that the effect is quite similar to the statute for adults, but actually the law proposed here today would not alter our juvenile law against possession of marijuana by anyone under the age of 18. The point he made, though, that we ought to get at the peddlers of marijuana, is a very real one. I would also point out that the gentleman from Orono earlier said that we do indeed have very heavy penalties for trafficking in marijuana, for possession of quantities over an ounce and half. So, I would question whether there is the need to have stronger penalties. If so, we certainly should address them.

We are talking now of possession of small quantities of marijuana, up to an ounce and a half, that is the area we are concerned about. For those of you who were not here last time and for those who may have forgotten, I will explain exactly what our law is presently. If you

possess a quantity of marijuana, indeed any quantity, you are subject to a civil fine of up to \$200. The typical fine before decriminalization went into effect, in Lewiston for example, was \$50; after it went into effect, the typical fine was still \$50, it didn't change a bit. No self-respecting judge was sending pot smokers of small quantities to jail. What they are doing though and could not avoid doing was to tag these people with criminal records for the rest of their life. This affected their employment opportunities, it kept them from being recruited by the Armed Services and had a number of effects far greater than the drug itself. So what we did in the legislature was to change the penalties to the extent that there is no longer a criminal record, and that is the basic difference between decriminalization and a civil offense.

We still have laws against it, it is still illegal. If people don't understand that, then we as legislators ought to get out and help them understand it. I, myself, have spoken to every senior class at the high school to explain our drug laws. I don't think there is a person in that class who thinks marijuana is legal now. We can all take time to do some of that.

The principal group behind changing this law is the police chiefs association, which took a vote about a year ago and was unanimous that the law ought to be changed. I am always suspicious of unanimous votes, and I think this one especially.

I have before me two communications. One is from the Police Chief of the town of Windham, for example. I would like to read just part of that. "I would like to express my opposition to L. D. 1500, An Act to Repeal the Decriminalization of Marijuana. My opposition to L. D. 1500 rests with three points. Initially, I have a philosophical problem with the bill. It is my contention that the appropriate role of government is to provide services to a population when it is clear that the services must be provided in a uniform, comprehensive manner and to enact measures that safeguard the population from clearly demonstrated hazards.

"The issue of marijuana as a health hazard to the individual and a hazard to the population at large is still unresolved. The competent literature to date presented by both sides of the issue is conflicting. In my opinion, the absence of a clearly defined hazard requires that no criminal sanction be imposed.

"Secondly, the imposition of criminal sanction should accomplish two purposes, to punish and/or to rehabilitate and to deter. It is evident to me that the imposition of criminal sanctions regarding the simple possession of marijuana has not acted as a deterrent to its growing use. In the pursuit of simple marijuana possession cases, law enforcement agencies have used scarce resources that would better be channeled toward reducing abuse of harder types of drugs where the hazard of their abuse is clearly demonstrated.

"Thirdly, we are embarking on an experiment regarding the decriminalization of marijuana. The approach is new and the final evaluation of the experiment is somewhere in the future. It does not seem appropriate to abandon a new approach before it can be adequately tested in favor of an approach that has been tried and found to be unsuccessful." That is the police chief of the smaller town of Windham.

The police chief in the City of Portland, which has the largest police department in the state, says this about L. D. 1500. "Portland has no trouble with the new law. Let's let the car run a little while longer and see what happens. It is too soon to tell." So, even among law enforcement authorities, there is no unanimity.

Maine was the third state to take this step with marijuana, to decriminalize. Since then, five others have done it. That was up until last year. About a month ago the radical/liberal state of

Mississippi decriminalized marijuana. When they did it, they had the support of the police chiefs association and the sheriffs association of the State of Mississippi.

The President of the United States, recently elected on a platform which included decriminalization of marijuana, has called for federal legislation to enact that same end. Indeed, Senator McLellan, hardly another radical liberal, has endorsed a proposal to remove all penalties for possession of up to about a third of an ounce. That is all penalties; in other words, to legalize at the federal level. So we are not among radical liberals when we take a stand that simply says that we have assessed the health hazards and we have assessed the penalties and we have adopted a penalty more in line with the real problem that exists and we are not going to give kids criminal records for the rest of their lives for doing what 54 percent of our people under the age of 25 are doing.

I would support the others who are opposed to L. D. 1500 and the motion to reconsider.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Orono, Mr. Devoe, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted on L. D. 1500. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Bunker, Carey, Carrier, Carroll, Carter, F.; Churchill, Connors, Devoe, Dow, Drinkwater, Durgin, Dutremble, Fenlason, Flanagan, Gill, Gillis, Gould, Gray, Hickey, Hunter, Hutchings, Immonen, Joyce, Lewis, Littlefield, Lougee, Lunt, Lynch, MacEachern, Mackel, McBreaity, McHenry, McPherson, Nelson, N.; Perkins, Peterson, Rideout, Shute, Silsby, Smith, Sprowl, Strout, Stubbs, Tarr, Teague, Theriault, Twitchell.

NAY — Bachrach, Beaulieu, Benoit, Berry, Berube, Biron, Brennerman, Burns, Byers, Carter, D.; Chonko, Clark, Connolly, Cote, Cox, Cunningham, Curran, Davies, Dexter, Diamond, Dudley, Elias, Fowle, Garsoe, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Henderson, Higgins, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, Jalbert, Jensen, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Locke, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McKean, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Norris, Palmer, Pearson, Peltier, Plourde, Post, Quinn, Raymond, Rollins, Spencer, Stover, Talbot, Tarbell, Tierney, Torrey, Tozier, Trafton, Truman, Valentine, Whittemore, Wilfong, Wood, Wyman, The Speaker.

ABSENT — Bennett, Bustin, Laffin, LeBlanc, Lizotte, McMahon, Mills, Moody, Peakes, Prescott, Tyndale.

Yes, 57; No, 83; Absent, 11.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-three in the negative, with eleven being absent, the motion does not prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Veterans and Retirement reporting "Ought Not to Pass" on Bill "An Act Relating to Adjustment of Retirement Allowance for Retirees of the State Police" (H. P. 152) (L. D. 182)

Report was signed by the following members:

Messrs. COLLINS of Knox
O'LEARY of Oxford
LOVELL of York

— of the Senate.

Messrs. THERIAULT of Rumford

LOUGEE of Island Falls
HICKEY of Augusta
Ms. CLARK of Freeport
Messrs. AUSTIN of Bingham
BUNKER of Gouldsboro
NELSON of Roque Bluffs

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-304) on same Bill.

Report was signed by the following members:

Messrs. LAFFIN of Westbrook
MacEACHERN of Lincoln

— of the House.

Reports were read.

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

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

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to vote for the "Ought Not to Pass" Report. At the present time, there is no way that any retired state police officer can get an increase in his pension. Any increase was predicated on a general salary increase, which we don't have anymore. The salary increases are determined through negotiation. This bill would provide that any future increase in active members' salaries would be reflected in the amount of money that the pensioners would receive.

I think it is a just bill and a fair bill and it is not going to cost an awful lot of money. I hope you vote against the motion before you.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: On the increase, the state police will be getting increases the same as all retirees. We have a bill now in the process of being passed and which we are working on in our committee that would give increases to all retirees, including the state police.

Mr. Speaker, Ladies and Gentlemen, this is another of these L. D.'s that would benefit the special interest groups, in this case, state police retirees. Believe me when I say this is anything but a labor of love for me. Many of these retirees were friends of mine from the days when I was a police officer. I hope that they still are at the end of this day. It certainly pains me not to be able to give them what they want.

I have to attack the whole idea of this L.D. As I stated at the beginning, this is a request for added benefits by a group that is already getting more and better benefits than any other group in the retirement system. Should we add to the inequities? I don't know what prompts this group to believe that they rate so much more than the rest of the state employees. It just doesn't make sense.

I want it understood that anything I say is not meant to belittle the state police. I believe that they are one of the best trained and efficient police departments in the country. As a police officer in a small department, I often had to call on them for help. They were always quick to respond and always went beyond the help I asked for. Their cooperation with us was a hundred percent, but I would like to make a few points clear today. Every other group that wants to bring up their benefits to the same level of the state police, they give us their reasons for requesting this that their job is as hazardous as the state police.

Ladies and gentlemen of the House, this may come as a surprise to most of you, but all these benefits that the state police got did not come to

them because of hazardous work. Most of these benefits came because of the working conditions. In the good old days, the state trooper was on duty 24 hours a day, seven days a week. They had a larger area to cover, and when I became a police officer in Rumford, we had one state trooper who covered about half of Oxford County. Their pay was very small, particularly when they were starting in, so the state tried to make this up to them by giving them a delayed compensation in the form of better retirement benefits. This no longer applies. The group has had days off, they have more time off to be with their families and there are about four times as many of them as there used to be. As far as I am concerned, the reasons for added benefits no longer exist.

It is more important to hold the line with this group than with any other, but being on top, all other groups will continue to try to get to their level. Adding benefits will only add to the desires of those in the lower level of benefits. I urge you to accept the Majority "Ought Not to Pass" Report.

Mr. MacEachern of Lincoln 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 themembers 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 the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Bagley, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brown, K.L.; Brown, K.C.; Bunker, Burns, Byers, Carey, Carroll, Carter, F.; Chonko, Clark, Cote, Cox, Cunningham, Curran, Devoe, Dexter, Dudley, Durgin, Dutremble, Fenlason, Flanagan, Fowle, Garsoe, Gill, Gillis, Goodwin, K.; Gray, Greenlaw, Hall, Henderson, Higgins, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, LaPlante, Lewis, Lizotte, Locke, Lougee, Lunt, Lynch, Mackel, Marshall, Martin, A.; Masterton, Maxwell, McBreaity, McHenry, McPherson, Mitchell, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peltier, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Spencer, Stover, Stubbs, Talbot, Tarbell, Tarr, Teague, Theriault, Torrey, Truman, Valentine, Whittemore, Wood.

NAY — Ault, Beaulieu, Boudreau, P.; Brennerman, Carrier, Carter, D.; Churchill, Connors, Connolly, Diamond, Dow, Drinkwater, Goodwin, H.; Gould, Hickey, Hobbins, Howe, Jacques, Kelleher, Kilcoyne, Littlefield, MacEachern, Masterman, McKean, Mills, Pearson, Perkins, Prescott, Silsby, Strout, Tierney, Tozier.

ABSENT — Bennett, Bustin, Davies, Elias, Gauthier, Green, Jalbert, Kerry, Laffin, LeBlanc, Mahany, McMahon, Moody, Nelson, M.; Peakes, Sprowl, Trafton, Twitchell, Tyndale, Wilfong, Wyman.

Yes, 97; No, 32; Absent, 21.

The SPEAKER: Ninety-seven having voted in the affirmative and thirty-two in the negative, with twenty-one being absent, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill

"An Act to Provide Statutory Procedures for Grievances against Attorneys" (H. P. 701) (L. D. 844)

Report was signed by the following members:

Messrs. COLLINS of Knox
MANGAN of Androscoggin
CURTIS of Penobscot

— of the Senate.

Messrs. TARBELL of Bangor
BENNETT of Caribou
Mrs. BYERS of Newcastle
Messrs. HENDERSON of Bangor
HOBBINS of Saco
HUGHES of Auburn
NORRIS of Brewer
SPENCER of Standish

— of the House.

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

Report was signed by the following Member:
Mr. GAUTHIER of Sanford

— of the House.

Reports were read.

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

Mr. SPENCER: Mr. Speaker, I move that we accept the Majority "Ought Not to Pass" Report and would speak briefly to my motion.

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

The gentleman may proceed.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: It is with some trepidation that I rise on this bill. What the bill would do would be to establish an independent board that would process grievances against attorneys practicing in the state.

At the hearing, there were a number of people who appeared who felt that they did have legitimate grievances against attorneys and that the existing procedures were inadequate. The committee heard testimony from the people on the present grievance board and it did appear that there was a problem with the existing procedure which was that the complaint in many cases was brought before the grievance board by a member of the board who had conducted an inquiry into the situation. The complainant really didn't have an opportunity to present the case and didn't feel as if he got a proper hearing. The committee, as a result of the hearing, wrote to the governing board and asked that the number of non-lawyers on the board be increased. The existing procedure is established by the chief justice of the court. As a result of the committee's efforts, there will be now two non-lawyer members of the grievance board. We also are requesting that they modify the procedure so that the complainant will have an opportunity to present the problem directly to the grievance board so that there isn't this feeling that the system is not responsive.

I think that the introduction of the bill has done a real service to the public and that these changes are necessary. I, as one member of the committee, felt that it was appropriate to see if the problems with the existing system could be corrected without establishing a whole new board at substantial expense to the taxpayers. That was the basis for my signing the "Ought Not to Pass" Report. I think that the introduction of the bill has resulted in substantial improvements in existing procedures.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped we could accept the "Ought to Pass" Report this morning in order that I might present an amendment which, of course, I can't talk about today.

I thank the gentleman from Standish for his explanation of what this problem is all about. This bill is not a result of any experience of

mine but rather an experience of a constituent of mine and I would like to briefly describe that experience to you and see what your reaction would have been. Presently, if you have a grievance against an attorney for any reason you feel that somehow you have been less than well-served, you do as the gentleman from Standish has indicated, make contact with the Maine Bar Association. If you make contact by a letter and that letter doesn't seem to impress anyone you might just get a response back that your grievance has no merit. But if you persist, you are interviewed by an attorney retained for that purpose and that ends your personal involvement in the matter. From that point on, you have no way of knowing how your case was presented to the grievance committee. You have no way of knowing, if at all, the attorney against whom you are grieving is brought in to discuss the matter. You have no knowledge of any rebuttal that that attorney may put up. If the grievance committee then concludes that your grievance has no merit, you get a letter back stating that bald fact.

I have had some consultation in this matter since the hearing and I have heard that this bill introduction has had a salutary effect on the Maine Bar Association. On inquiry, specifically and avoiding carefully any concept of negotiating over it or blackmailing the Maine Bar Association, in response to my direct inquiry, I find that the bulky changes that are being proposed in this procedure do not allow the individual who believes he has a grievance to be present at meetings to discuss it. This is the thrust of what I am trying to do in this piece of legislation is to insure that not only justice is being done, and I have no way of accusing the Maine Bar Association grievance procedure of not deciding every one of these cases in a perfectly fair manner but when justice can't be seen, I submit there is reasonable doubt that creeps in the mind, especially if someone in this position perhaps hasn't had justice. The only point that I am trying to put across and I regret having to set up a public board at public expense, but the only objective I have is that when I have a grievance, I have a right to be present at the time any meeting is called to discuss that grievance.

At the hearing, it was suggested that I was projecting the legislature into the judicial branch and possibly in an unconstitutional manner. I have run that one to earth and there is no merit in that argument. It is through legislative action that people are admitted to the bar under the statutes drawn up by this legislature. We have a procedure whereby the attorneys are admitted to the bar and under statutes drawn by this legislature, we have procedures whereby they are tried for any type of action that might constitute a reason for dismissal from the bar. I don't think that is a problem. Then there was a line of thought put across that wasn't I treating lawyers differently than anyone else requiring that a grievance procedure be set up to handle matters that might be raised against them? The implication was that if you had a grievance against a real estate broker, there was no avenue to pursue. Cosmeticians, barbers, we have run that one down and of the 15 agencies that I have looked into, in every case, any consumer, any grievant who persists will be given a hearing. So far from treating the attorneys differently, I think we are finding the attorneys being treated differently now. In fact, on drafting this imperfect piece of legislation, the first people I took it to was the Maine Bar Association. I took it to the president of the Maine Bar Association and invited his comment and anything he might do to help. I don't think I could characterize what he did as helping, but it was interesting that in a letter he sent to me, he insisted that the legal profession in Maine is and should be self-governing. They have a non-

attorney member on this grievance board, non-voting I believe. They have suggested that they would increase the number of non-attorneys on the board but none of the redrafts of their grievance procedure have I seen where the grievant will be allowed to be present at a meeting to discuss his grievance. I think this is critical and vital to any of us who might think we have a grievance to be able to live with the resolution of that grievance if we have had a chance to be present. It is interesting that we are looking at another piece of legislation coming down the pike dealing with malpractice for doctors. Here we see an elaborate procedure being set up where the individual feels he has been malpracticed against has the opportunity to be present or his attorney at any type of activity concerned with that malpractice intention. I hope I have described to you the reasons why I am pressing for action in this area, at least enough, ladies and gentlemen, to let this go, defeat the motion of the gentleman from Standish and let this go to second reader and see what you think of the amendment that I will be offering.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Garsoe, I think has pointed out some of the problems here. I would point out there is one other solution that is available to all of us. You can find an attorney and you can sue the attorney you have a problem with. There is one problem with this and that is finding an attorney who will sue another attorney. I think this should be kept alive.

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I ask you to reject the "Ought Not to Pass" Report. This is probably the best consumer bill of the session. At least, it is the best consumer bill that has been allowed to go to public hearing. Talk to your seatmates, your neighbors and your constituents. You will find many times that they are aggrieved and frustrated with services performed by the legal profession and they feel they have no recourse. L. D. 844 would set up a grievance board composed of attorneys and lay persons where the injured party could be heard by an impartial board and they would be listened to and their concerns would be addressed. As Representative Jackson just remarked, how many times have you heard of an attorney sue an attorney? Probably not one. If you ever did, I bet it was a personal affair and not aggrieved citizen issue. I am not the only person sharing this thought.

I would like to quote from a speech delivered May 21, 1974 to the opening session of the American Law Institute in Washington. This was by Chief Justice Warren Burger. "Most ideas in institutions that survive for centuries are likely to have a solid base, but the validity of the base does not guarantee that all of the traditions and trappings that grow up around them are eternally valid. Human institutions like ships need to be checked for barnacles periodically. The barnacles must be removed. Over the years, what were once relatively simple legal tasks have become encrusted with excess baggage that could complicate procedures and add unreasonably to the cost". Then he goes on to list the problem areas. Let us consider our constituents and give them a fighting chance with an impartial board. That, hopefully can assist in removing some of the barnacles. Recently on T.V., I have seen a member of the other body representing a committee I believe it is called "For Better Government" asking citizens for opinions on legislation of great importance. I am sure if we accept the "Ought to Pass" report in this body,

this would be an ideal issue to ask the constituents for their opinion. I am sure the report would be so overwhelming in support of this legislation that it would have no trouble whatsoever passing it in the other body.

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

Mr. HOWE: Mr. Speaker, Members of the House: The grandlady of consumerism has spoken and there is not a great deal any of us can add to that. I don't want to turn this into anti-lawyer day because some of my best friends are lawyers.

I do see in the majority report from the Judiciary Committee that resistance perhaps among members of the profession who write most of the laws and regulations under which most of us have to live do resist some regulation themselves. I have worked in and around the legal profession for about five years in military and civilian life although I am not an attorney. I think it is time to bring a little more fresh air into a profession which has far too long been laden with the mystique. Although the bar association may have begun to respond a bit to this bill, I would like to give them a little more time to respond. I would like to keep this bill alive a little longer and show them that we mean business in this people's house. I hope you will defeat the current motion and support the good gentleman from Cumberland and permit him to add whatever amendment he has in mind at second reading.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Being a non-lawyer on the Committee on Judiciary, I feel that I should speak this morning. We had a good hearing, the gentleman, Mr. Garsoe presented this bill and he had some folks there to testify for it. Most of them were folks who had cases in court who had lost. They were upset with their attorneys because they had lost the case. All of their grievances had been taken before the bar and as it was explained to us, the matter has to come in in writing and Mr. Slosberg who was here for many many years as the director of legislative research is now the gentleman that handles this. It goes before a subcommittee of the grievance committee and they peruse it for any legal wrong. If there is no legal wrong, as far as the application of the law in the attorney's work, then they certainly notify the people that they have no case. Because of this bill, the grievance committee, the law court sets down the rules by which this committee will operate. They have recommended that another member of the non-professional lawyer go on the board and be a voting member. If you will look at all of your professional boards that that is from real estate brokers to hairdressers to barbers to anything that you want to go into, professional engineers, anybody, there is now on every one of those boards, one non-professional member. Within a few days or a few weeks, there will be two non-professional members on the grievance committee of the bar association. That will be expanding it much more greatly than any other board. I would suggest, however, that if this House is concerned in consumerism and I signed the "Ought Not to Pass" Report because I felt that we should probably use attorneys the same as we do doctors and lawyers and Indian chiefs and hairdressers and what have you, if there is a feeling in this house that we want to get in this area and right now, this is paid for by the lawyers just the same as the real estate brokers where their fees pay for their board and the hairdressers pay for their boards, if this house wants to do this, then I suggest that you do let it go along and I will get an amendment prepared that we set up a big overboard. That is what happened to the fellow when he fell out of the boat. I will set up an overboard to oversee every profession in the state. We will spend the

several hundreds of thousands of dollars need be. But let us not use the lawyers and I am not pro-lawyer by any manner or means but let's not use the lawyers any different than the real estate brokers or the pharmacists or any of the other professions in the state. If it goes along, you may be assured that I will have an amendment that sets up an overboard to oversee every profession in the state and we will do away with all of the professional boards.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: The present system sounds sort of like the old story of the fox guarding the chicken coop. The bandaids that Representative Spencer has suggested that be put on the system sounds like we are giving another chicken to the fox to help him guard the chicken coop. I think we should go along with the good gentleman from Cumberland and try to keep this bill alive and maybe we can come up with a little bit better system.

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

Mr. GAUTHIER: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "Ought to Pass" Report because when the bar association and lawyers came before our committee, when Mr. Garsoe put his bill in, I asked the president of the bar association if he thought it wasn't conflict of interest happy five to one. I do hope that Mr. Norris puts a bill in to make a big committee of everyone like he has mentioned a few minutes ago because that is the only fair thing to do.

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I know how hard it is to see over this side of the room. I will begin by saying I am not a lawyer and I just think we are going to see this bill passed at least at this stage. I have no illusions about that. It is fun to kick lawyers around. I thought it would be useful to make clear to you that the majority of the Judiciary Committee are not attorneys; indeed, only 6 of the 13 members are attorneys. If you take the House delegation of the Judiciary Committee, only 3 of 10 are attorneys. I think you ought to know that because we are going to have a lot of these kinds of issues, and if you see the Judiciary Committee as a bunch of vested interests protecting the things, then you have got the wrong view of the Judiciary Committee.

We honestly did try to address this problem. We think our suggestions to the Bar Association, which they have taken, are going to make a big difference. If you want to vote for this, that is certainly your prerogative, but I wanted you to know what kind of committee passed this 12 to 1 "Ought Not to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker, I would just like to pose a question to the committee, and the question is this. If I bring a grievance against my attorney, am I allowed to sit in while the subcommittee of the Maine Bar Association or the Grievance Committee, or whatever title it has, do I have the privilege to sit in and listen to the discussion?

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

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

Mr. SPENCER: Mr. Speaker and Members of the House: Under the current procedures, you do not in all cases, and that is, I think, a legitimate problem with the existing system. It is the source of a lot of ill feeling towards the existing system. I think one of the things that the committee feels ought to be adjusted in the

current procedure is the way those things are handled.

One point that hasn't come out in the debate, and I don't think we need to prolong this, is that in addition to the regular grievance procedure through the grievance committee, there is an alternate procedure which is to go directly to the Attorney General and the Attorney General does have independent authority to investigate any complaint against an attorney and to take whatever action may be necessary.

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Thereupon, Mrs. Boudreau of Portland requested a roll call vote.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I believe that everybody has certain limitations and certain abilities. I think I am as well informed about the doings of the Bar Association as anybody else in this House, and I challenge anybody to say different and to prove it.

I think this is a very good bill. It is a good bill after different sections of it have been corrected by amendments, and rather than get involved in the great makings of the Judiciary Committee, and get involved in any personal thing, I would rather, and I will this morning, unless I am pushed too far, stick to the bill, which is L. D. 844.

I don't put my glasses on because I don't know what I am talking about, I put them on because I am limited to see what I will talk about. Let's take the first section of the bill, and I will make it very brief, which says that seven people will be appointed to the board. One of the things about it, you will notice that the three persons to be attorneys will be appointed by the Attorney General. Now, this is cute, three other people of the board will be members of the general public to be appointed by the Governor. I think it should be in reverse.

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You go into the whole thing, you have to swear witnesses, the whole bill is written in favor of the lawyers. They have subpoena

power, the commission has subpoena power, and probably they should, but on the other hand, my chief objection is, why should people be judged by their own peers? This is what we have on the committee here. We have a Judiciary Committee report, which I don't challenge, because that is what it is, but we do have it based on lawyers. This is the type of bill they should send to the Legal Affairs Committee where we only have one or two lawyers. I also hope that they send the bills for the pay for the judges to the Legal Affairs Committee, or any other committee except Judiciary. I won't say there is a conflict of interest, but there definitely is some interest to some of these members.

The appropriation is very minimal, I don't know if they will even use that kind of money, but I think the Attorney General — as this bill is written, in essence I think the bill is very good, I think this gives the right to the people of this state to put in reasons to somebody that will listen and then won't judge somebody in their own profession. I think this would end up by being a protection for the lawyers, and I am kind of doubtful because when somebody says that we have this grievance procedure at present within the Bar Association, it is true, but how is it working when the Attorney General of this state has to bring action against the Bar Association on this advertising affair. If they control their own members, they should have done a better job.

I submit to you, ladies and gentlemen, this is a good bill. I hope you do not accept the "Ought Not to Pass" Report. I think by amendments there are a few things that can be straightened out. I am in favor of the bill and I hope that your good judgment prevails.

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 Standish, Mr. Spencer, that the Majority "Ought Not to Pass" Report be accepted. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Bachrach, Byers, Carter, F.; Gray, Hobbins, Hughes, Norris, Silsby, Spencer, Tarbell, Trafton, Whittemore.

NAY — Aloupis, Ault, Austin, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Biron, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Chonko, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Devoe, Dexter, Diamond, Dow, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Green, Greenlaw, Hall, Henderson, Hickey, Higgins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Locke, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Martin, A.; Masterman, Masterton, McBrearty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Theriault, Tierney, Torrey, Tozier, Truman, Twitchell, Valentine, Wood, Wyman, The Speaker.

ABSENT — Bustin, Churchill, Davies, Jalbert, Laffin, LeBlanc, Maxwell, McMahon, Morton, Najarian, Peakes, Tyndale, Wilfong.

Yes, 12; No, 126; Absent, 13.

The SPEAKER: Twelve having voted in the affirmative and one hundred twenty-six in the negative, with thirteen being absent, the motion does not prevail.

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

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

Mr. THERIAULT: Mr Speaker, having voted on the prevailing side on L.D. 182, I would 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 of earlier in the day whereby the Majority "Ought Not to Pass" Report was accepted on Bill "An Act Relating to Adjustment of Retirement Allowance for Retirees of the State Police," House Paper 152, L.D. 182. 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.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to Prenatal Scientific Determination of Sex" (H. P. 1075) (L. D. 1297)

Report was signed by the following members:

Messrs: COLLINS of Knox
CURTIS of Penobscot
— of the Senate.

Mr. HUGHES of Auburn
Mrs. BYERS of Newcastle
Messrs. DEVOE of Orono
NORRIS of Brewer
HENDERSON of Bangor
BENNETT of Caribou
HOBBS of Saco
TARBELL of Bangor
SPENCER of Standish

— of the House.

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

Report was signed by the following members:

Mr. MANGAN of Androscoggin
— of the Senate.
Mr. GAUTHIER of Sanford
— of the House.

Reports were read.

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

Mr. SPENCER: Mr. Speaker, I move the Majority "Ought Not to Pass" Report, and based on the previous vote, estimate that we will carry seven votes this time.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Liquor Control reporting "Ought Not to Pass" on Bill "An Act to Permit the Sale of Dessert Wine at Retail Stores" (H. P. 768) (L. D. 1019)

Report was signed by the following members:

Messrs. MARSHALL of Millinocket
GRAY of Rockland
RAYMOND of Lewiston
MAXWELL of Jay
IMMONEN of West Paris
JACQUES of Lewiston
CONNORS of Franklin
LIZOTTE of Biddeford

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-305) on same Bill.

Report was signed by the following members:

Messrs. DANTON of York
LEVINE of Kennebec
LOVELL of York

— of the Senate.

Messrs. NADEAU of Sanford
TWITCHELL of Norway

— of the House.

Reports were read.

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

Consent Calendar First Day

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

(H. P. 1212) (L. D. 1442) Bill "An Act Concerning a Standard Method of Tallying Ballots" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-301)

(H. P. 932) (L. D. 1129) Bill "An Act Concerning the Municipal Refund Claims for the Tree Growth Reimbursement" — Committee on Agriculture reporting "Ought to Pass"

(H. P. 309) (L. D. 400) Bill "An Act to Award Transitional Allowances to Permanent Full-Time and Limited Period Full-Time Unclassified Employees" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-292)

(H. P. 1001) (L. D. 1392) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with Diamond International Corporation — Committee on Natural Resources reporting "Ought to Pass"

(H. P. 1383) (L. D. 1683) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands, Oxford Paper Company — Committee on Natural Resources reporting "Ought to Pass"

(H. P. 1381) (L. D. 1687) RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands with the Dead River Group of Companies — Committee on Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-302)

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

Tabled and Assigned

(S. P. 213) (L. D. 662) Bill "An Act Relating to the Law Governing the Manufacturers, Distributors and Dealers of Beverage Containers" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-125)

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" (S-125) was read by the Clerk.

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

(H. P. 996) (L. D. 1185) Bill "An Act Concerning the Issue of Special Licenses by the Commissioner of Marine Resources" — Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-303)

No objection being noted, the above item was ordered to appear on the Consent Calendar of May 12, under listing of the Second Day.

Consent Calendar**Second Day**

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

(S. P. 128) (L. D. 312) Bill "An Act Relating to Foreign Trade Zones" (Emergency) (C. "A" S-120)

(S. P. 231) (L. D. 735) Bill "An Act Concerning Fees of the Board of Chiropractic Examiners" (C. "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" (C. "A" S-124)

(H. P. 837) (L. D. 1025) Bill "An Act to Increase and Clarify Borrowing Capacity of the Topsham Sewer District" (Emergency) (C. "A" H-291)

(H. P. 1091) (L. D. 1315) Bill "An Act to Amend and Repeal Certain Laws Relating to Public Utilities" (C. "A" H-290)

(H. P. 68) (L. D. 98) Bill "An Act to Provide Accessible Polling Places for the Physically Handicapped and the Elderly" (C. "B" H-283)

(H. P. 692) (L. D. 874) Bill "An Act Concerning Damage to Cars Involved in Collision with Deer"

(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)

(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"

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

Passed to Be Engrossed

Bill "An Act Concerning the Disposition of Human Remains" (H. P. 1543) (L. D. 1771) Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed and sent up for concurrence.

**Second Reader
Tabled and Assigned**

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) (H. "A" H-299 to C. "A" H-279)

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

(On motion of Mrs. Prescott of Hampden, tabled pending passage to be engrossed as amended and tomorrow assigned.)

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

**Finally Passed
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1977 (H. P. 1516) (L. D. 1744)

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. 114 voted in favor of same and 6 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1977 (H. P. 1524) (L. D. 1751)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1977 (H. P. 1526) (L. D. 1753)

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

Enactor**Tabled and Assigned**

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

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

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

Passed to Be Enacted

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

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

"An Act to Raise the Christmas Tree Transportation Registration Fee" (H. P. 179) (L. D. 241) (C. "A" H-253)

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 Unassigned**

"An Act to Amend the State Tuition Equalization Fund" (H. P. 258) (L. D. 327)

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

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

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

"An Act Relating to Guardianship of Incapacitated Adults in Need of Protective Services" (H. P. 327) (L. D. 418)

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 Exempt the Literacy Volunteers of the Pine Tree State from the Sales Tax" (H. P. 537) (L. D. 652) (C. "A" H-258)

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

(On motion of Mr. Carey of Waterville, tabled pending passage to be enacted and specially assigned for Friday, May 13.)

"An Act to Expedite the Collection of Sales Tax on the Rental of Automobiles" (H. P. 600) (L. D. 725) (H. "A" H-267)

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.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

**After Recess
12:00 Noon**

The House was called to order by the Speaker.

Orders of the Day

The third tabled and today assigned matter was taken up out of order by unanimous consent:

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

Tabled — May 10, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Adoption of Committee Amendment "A" (H-277)

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

Mr. LYNCH: Mr. Speaker, I move that we indefinitely postpone Committee Amendment "A". If I read the mood of the legislature, I think this is the procedure that we ought to follow, to indefinitely postpone the amendment and then table the bill for an amendment to be prepared that would make the bill as it is, 122, effective one year later. That would give time for proper funding considerations.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: While I support the motion to indefinitely postpone Committee Amendment "A", I would just like to point out to people sort of what is happening.

On April 15th, we were told that we had to get the final figures in because it was crucial that our school district at that point in time be able to set their school budgets and plan for the year. Here we are, May 11th, and the Education Committee has come out with a proposal which would deal with changing some of the most basic funding procedures in the School Finance Act, that of vocational schools and that of the basic costs for elementary and secondary education students, almost a month from the time when we "had" to make that decision.

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

Mr. LYNCH: Mr. Speaker, in answer to the comments that were just made, I think in fairness to the entire Education Committee, it ought to be pointed out that this funding of public school education is one of the most complex situations that the legislature has to deal with and it is not only a troublesome area in Maine, all of the states in the United States are having the same problem. It is not going to be easily solved and it won't be solved the next time around or the next time or the next time. It is a matter of refining this and living within our means.

Thereupon, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

The ninth tabled and today assigned matter was taken up out of order by unanimous consent:

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

Tabled — May 9, 1977 by Mr. Tierney of Lisbon Falls.

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

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

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1977 (Emergency) (H. P. 1531) (L. D. 1757)

Tabled — May 9, 1977 by Mr. Henderson of Bangor.

Pending — Passage to be Engrossed.

On motion of Mr. Goodwin of South Berwick, retabled pending passage to be engrossed and specially assigned for Friday, May 13.

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

Bill "An Act to Authorize the Towns of Litchfield, Sabattus and Wales to form a new School Supervisory Union" (Emergency) (H. P. 611) (L. D. 748)

Tabled — May 9, 1977 by Mr. Moody of Richmond.

Pending — Passage to be Engrossed.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: To most of you in this legislature, this bill doesn't mean very much to you, but to me it does. It involves part of the district that I represent. It involves school union 43. Briefly, let me explain to you where school union 43 now stands. School union 43, currently consists of the towns of Richmond, it goes over to Litchfield, Wales, Monmouth and the town of Sabattus. Currently, all schools within those towns, with the exception of one, are involved within that school union. There is one exception and that is the Sabattus Elementary School.

During the past year, the town of Sabattus built a new high school, Oak Hill High School. At that time it was intercepted in school union 43; thus, that left the town of Sabattus in an awkward situation. The elementary school was in a different school union than was their high school. The members of the board of school union 43 have voted unanimously several times to let that elementary school into our union. As a matter of fact, let me address you with a letter that was addressed to members of the 108th Legislature.

"Dear Honorable Members of the 108th Legislature: The Richmond School Committee, at their March 30, 1977 meeting, voted unanimously to oppose L.D. 748. The Richmond School Committee has voted consistently this past year to allow the Sabattus Elementary School to be accepted into school union 43 without dissolving the union. The Richmond School Committee sees no educational reason for the division, but on the contrary recognizes the split will increase our administrative costs.

The following figures will indicate cost comparisons between the present five unit towns and the proposed two administrative unions — 1976-77 union 43 budget for the central superintendent's office, personnel was approximately \$65,500; office expenses, fixed charges, etc., amounted to about \$18,200; thus, a total of \$83,630. Richmond's share of the budget for the fiscal year 1977 will be 28 percent of the total cost. The fiscal year 1977 total budget for the town of Richmond will be some \$732,684.10. Therefore, the additional administrative costs and hardships that L. D. 748 would create, there is only one place that that could come from and that would be the 100 account." the 100 account, for the people not on the Education Committee is the instructional pupil account, so the extra hardships that this bill is going to derive from the people of the town of Richmond is going to come directly from the instructional account and there is only one group of people who are

going to lose and that is the students themselves.

"The central office of school union 43 currently has one superintendent; one co-ordinator of special services; one co-ordinator of buildings, grounds and transportation; one administrative assistant and three secretary-bookkeepers. If the union is divided, as L. D. 748 proposes, that would leave just the towns of Richmond and Monmouth left and they would have one superintendent and two secretaries if it would be split. The end result is that the superintendent would be spending most of his time on buildings, transportation, finances, payrolls, special ed and just keeping the store open. It would also provide for a skeleton office of three and supplies would be operated in the \$50,000 range. However, extra transitional costs for the first year could cost an increase of another \$5,000. Hence, because of this bill, the additional costs on Richmond would be in the area of approximately \$60,000. Therefore, the added costs that we have mentioned, along with a reduction of central office assistants, coupled with increasing enrollment, are factors affecting the school committee's decision to oppose L. D. 748. The committee will respectfully request you, the members of the 108th Legislature, in disapproving L. D. 748."

I would like to move for the indefinite postponement and all accompanying papers of L. D. 748 and when the vote is taken I would ask for the yeas and nays.

For the first time in history, because of the help that the legislature has brought the town of Richmond up to over the past few years with the bills that you have provided us with, for the first time last year in the entire history in the town of Richmond, we have been able to finally get on the state average and finally provide our pupils with a decent education. If you approve L. D. 748, that is going to knock us right back off the state average and down below that again. I ask you, please, vote for the indefinite postponement L.D. 748.

As a matter of fact, I might point out that two years ago we were in such a position that we had to come to the legislature under a special appropriation of some \$22,000, just to keep the Richmond school district operating. So, therefore, you can just see the unbearable hardships that the breakup of our union is going to cost. Per student cost for pupils, alone, if this bill were to pass, it would take some \$44 away from each student's education for the coming fiscal year. You couple that with an unemployment compensation bill that was sponsored by the M.M.A. which is forthcoming in this legislature, increases in cost of gasoline, fuel oil, books and everything else and you can see that this is going to knock us down below par.

In talking to some members of this body and some residents of the other towns that would like to see the union split up, there are two major reasons that I can see why they want this union broken up. One, it is bare fact, members of the other school committees have told me this themselves, because they dislike the superintendent — that is no reason to break up the school district and provide us with these extra hardships. The second reason is for convenience. The town of Sabattus wants the elementary school and the high school in one union. As I mentioned before, they have already voted unanimously many, many times, to intercept them into the high school in union 43, but they won't go along with that, they want to be independent.

I noticed early in the session that there were other bills brought before us to break up different school unions. Among them, I believe, was one for Wiscasset. That bill was withdrawn, I believe. I can't understand these other bills — I am really surprised that this bill here has gotten this far.

In the interest of the town and people of Richmond, and these additional costs are going to have to come from property tax and we all know the burden that property tax produces when it comes for the vote. I urge and I beg you for the indefinite postponement for the people's good in my district.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I can understand the dilemma of the gentleman from Richmond, Mr. Moody. I just think he got a little confused and probably overly excited in doing his job properly for his constituents.

There is a problem in how he relates the Sabattus elementary along with the community school district. This started many years ago. In the 60's, Richmond had an opportunity to join other districts, join other towns to form a school district and they refused, they would rather be on their own. Later on, during that time, the town of Litchfield and Sabattus had a high school. Sabattus had a four-room high school and Litchfield had an academy of about 6 or 7 rooms. Due to the changes in federal requirements and state requirements, they could no longer afford to participate in all the programs that were mandated to them in the small, enclosed areas that they had, so at that time they closed their two high schools and sent their pupils mostly to Monmouth and to various other independent schools, private schools and such, looking for a place for their children. So in 1969, Sabattus finally closed theirs, sent their children to Monmouth, and during the course of that time, overtures were made to Monmouth to form a school administrative district or a community school district and I believe at that time, back in 1969, I am not quite sure, that community school districts were not popular and they weren't sure that they wanted to belong to this. It went along divisively with the town of Monmouth and Litchfield, Sabattus and Wales with their students — Monmouth did not wish to enter into a four-town unit.

Fortunately, through the good benefits of the legislature, the funding was available so that the three towns who took certain action, made overtures to Monmouth to be in a four-town unit, decided that they would give it a try on their own and they were laughed at because nobody thought that three small communities who probably really never had anything in common would ever do anything for their youth such as take a chance on building a high school. To the dismay of many people, these three towns did take the initiative, did care for their youth, and entered into a community school district for the secondary students.

In the course of all these applications, somehow, something was missed, they were not immediately brought into their own union, probably through a fault of the school committees not knowing the legal procedures, maybe they were not informed by their superintendent, many things, but they chose at least to form this community school district. This started back in 1973 and then the procedures began in 1974. During that time, they made application to the State School Board to form a community school district for the secondary pupils and they were approved. During that time, there was some talk of forming their own supervisory units, but they chose at this time that it would not be to their benefit to split up at that time while building construction was going on, trying to train a new superintendent, and taking many problems into consideration, they chose to remain, divided as they were, Sabattus remained in union 30; Litchfield, and Wales remained in union 43 until the building was completed. This shows this as their philosophy. Once the building was built, everything was taken care of, their students were now into their own

school, then they would decide to petition for their own supervisory unit. While we allowed this to take place, we built our high school and then we petitioned the State School Board to have our own union as the philosophy was intended way in the beginning. We were told many things. Because of a back-door approach, some people decided that they were able to squash this. Many of the people are quite upset about this because the intentions were there at that time that this would happen and everyone was in agreement and the superintendent knew this.

We wrote to the Department of Education and we got back some correspondence that didn't really seem to make much sense. We played patiently with this. The following year we made another application. Finally, in March of 1976, there was a letter sent to the superintendent of our school from the Commissioner of Education. Some of the comments on there are: "It is very clear that the intent of the board was to reorganize as a supervisory unit including the towns of Litchfield, Monmouth, Richmond, Wales and everything else. Yet, if one were to go back to the records, this was not so, so we were getting the run around. Again, we asked all towns in their school unit to take another vote to show the State Department of Education what the intentions were. Richmond did vote to allow Sabattus in. Monmouth voted not to allow Sabattus in. It is continuous divisiveness that we have. We still petitioned the commissioner under the law to allow this group, this community school district, these three towns who did take that initiative for their youth to have their own superintendent to avoid all this divisiveness because the children are being hurt when all of this is going on. I think this is very different than many of the school bills that were proposed or the split school district supervisory units proposed to the Department of Education and the education committee whereas the philosophy was established many years ago. The reasoning was there many years ago. Everyone knew this. I think you can't really compare that with the same problem. Again, in 1976 in October, we requested some more information from the Department of Education and finally, they started to agree that the votes taken in the individual towns were correct. Sabattus did vote to have their own supervisory unit. Wales did vote to have a supervisory unit. So did Litchfield and so did the community school district board. Monmouth voted not to allow Sabattus in but to allow the other two towns to separate. Richmond voted to allow Sabattus in and have all six towns as a community school district or a complete unit. Again, the divisiveness leaving everything in dilemma.

In the proceedings, I had the good fortune of being elected to this body and I started checking into the laws. In one letter, the commissioner advised us that we had to have the maximum of 75 teachers in order to have our own supervisory unit, which is false. You have to have between 35 and 75 and then the commissioner can allow you to have your own school administrative district. When I approached him in January, after being elected, he stated that the law wasn't quite clear and we really should write up a bill to separate the two units. He wrote me up some information to write a couple of L.D.s. It would have been pretty bad for me to tell the town of Richmond and Monmouth to be in their own supervisory unit along with another bill that would have allowed what 748 is doing. I chose to write my own bill which is L. D. 748 which allowed Richmond and Monmouth just to be together if they wished to be together but at least follow through with the philosophy of these three communities and a new community school district that their wishes from

the last seven or eight years would be complied with. It seems a problem at this time that the gentleman from Richmond, Mr. Moody and myself are opposite parties because it looks as though it is a partisan issue. I am sure many of the mothers and fathers of these youth in these three communities would be very upset if it was to be this because all parties concerned in here are involved. They are concerned for their community. I have been asked to draft this. I have crossed Representative boundaries to allow this to happen because I happen to be on the school board and I was asked to do this. I am speaking twofold. I have been on the school board for four years and I know the workings of it. I know the reasoning behind it. It is not, again, the same as the other communities who just decided they didn't like each other and decided to pull out of the community school district. There is a lot more involved. I could cite all the applications, all the overtures that we have made in the last five years to the towns, to the Department of Education and it could take hours and hours. I gave all of this information to the Education Committee. They saw fit to hold it as long as they could because they really had to decide on this because some of the other splits really left a bad taste in their mouth. Some of them got defeated in the committee, some of them were asked leave to withdraw. But they saw fit to pass this one because they know the philosophy was there way back. It is not the same as the others and I would really urge you to defeat the indefinite postponement.

On Title 20, section 359, just specify that the superintendent of a community school shall be selected by the community school committee. It is in law that we actually could go out and hire a superintendent by law but we don't want to do this because this would only hire a superintendent for the community school itself and yet, the towns of Sabattus, Wales and Litchfield would each have their own superintendent and be a costly figure to the state. So we chose to be together as we should be. The expenses on a superintendent which was proposed to us in the December 3rd meeting goes much further than what the good gentleman from Richmond expressed. What the superintendent would like to have and it is really something unusual is to have a superintendent, an assistant superintendent, a director of supportive services, and this, I am told is a valve checker, a curriculum co-ordinator, administrative assistant, an executive secretary, an accounts clerk, another account clerk, a special service secretary and, of course, under the federal funding we have a special service co-ordinator. Now, if you don't think that is going to cost the state some money, it is going to cost the state a lot of money. What the people feel in the small communities that we are trying to put together is that we have first-hand information and that we don't go through seven people when we want an answer to help the educational process for the youth of these communities. Just visualize the chain of commands involved in here. The percentages here proposed for these communities breaks down quite easily into the community school district, 15 percent; Litchfield, 12 percent; Sabattus, 17 percent; Wales, six percent; Monmouth, 27 percent; Richmond 23 percent. It is a 50-50 split so we are not incurring any large costs. Will there be a cost in placing a new office for a new superintendent? Yes, there might be. It would be a one-time cost. Still, if we are going to make it inexpensive for the educational process of any community, it is not to have a long chain of command. It is to have an immediate process that your school committees can talk to your superintendent, not to an assistant clerk, then to a clerk, then to a director of supportive services, then an assistant superintendent, then a

superintendent and then try to get through to the principal and the school committee. It does not work.

I really urge you to defeat the indefinite postponement of this bill.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I represent the town of Litchfield. As Mr. LaPlante has said, the committee out there has tried for a long time to keep this union all under one supervisory unit.

I urge passage of this bill as every person that has contacted me in their town and every person that I have contacted is in favor of this bill to be passed.

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

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Sabattus says, this is not a unanimous report. It was a divided report when it came out of committee. I was going to debate this last Friday but Mr. LaPlante from Sabattus was not here. The superintendent of schools of union 43 himself testified at the hearing. I have letters from him that he himself is opposed to this split because of two things. Number one: It is going to lower the education per pupil in Richmond. The second thing is: as Mr. LaPlante said, you and I both know that one superintendent is a lot cheaper than two to fund and they are not one-time costs. You are not going to have a superintendent for one year, then do away with him. These are regular costs. Sure, the office may be a one-time cost of moving desks into another office are one-time costs, but these costs will be continuously with us. Another problem with this bill, and we all know this from dealing with the educational funding bill that was enacted by this legislature, if this bill passes this legislative body in this legislature as a whole, it will become effective July 1, 1977. Do you really think that is going to give the town of Richmond and possibly the other towns an opportunity to set up a budget? We all know we have to have our budgets enacted by June 14th or 15th of next month. We all know this. All I ask you to do is leave us alone. We are not happiest the way we are, but we are a heck of a lot better than we would be if you divided us up. If this bill passes, another thing that it is going to provide for, because of the extra administrative cost and so forth, I realize that this isn't really important to people across the state, but it is to the people of Richmond, you can provide a three or four mill increase just because of this legislative act alone.

Therefore, I beg you for the indefinite postponement of this bill.

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

Mr. DOW: Would the clerk read the report for me please?

Report was read by the Clerk.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: It is true that the superintendent from Union 43 did oppose it at the committee hearing and also that the superintendent from union 30 for Sabattus was a proponent of this because he felt that this, educationally is probably the best thing that could happen for these communities. If someone were to ask the superintendent from union 43, he would also and he has told our community school committee and I am not saying anything in back of him at this time, that he

feels also that it would be to the benefit of the children in that community. He opposes it for many reasons. Some are personal because he has been involved with these towns for so many years, that he doesn't like to lose those towns and I can fully agree with that but you have to understand that he is also retiring in about 14 months. He has also already planned for that. If a new superintendent were to be trained under the five towns and six school supervisory committees, I don't think any superintendent would stand the stress because I have talked to many superintendents and they said they would not like to be in that position. In school administrative districts, they have a lot of schools that have one committee. In our situation, a superintendent would have a school committee in Richmond, Monmouth, Wales, Litchfield, Sabattus and a school committee for the community school district. You just envision how much work this man will do. If he thinks he is going to do a lot with just two towns, just thing what he is going to do with five towns and six school boards. The proposal for this 1977 is \$88,000. By the time he retires, it will probably be close to \$100,000. We really feel that for \$50,000 in each community or each district that would be split up could be a fantastic cost if a superintendent had very few students to work with. If it is split up, we would have 72 teachers in each supervisory unit and we would have approximately 1,200 students in each community district. Our area, if anyone is not familiar with the growth increase in the State of Maine, that we are in a triangle of one of the fastest population growing areas in the state. So the 1,200 students you are looking at now will not be 1,200 students five years from now. Seeing that the superintendent will retire, a new superintendent would have to take care of this. You really have to take this into consideration along with the other things. We really feel that dealing first hand with a superintendent without three or four assistants is going to cost the state in the long run a lot less money and effectively for the students in both these communities would be much much better.

I really urge you to defeat indefinite postponement.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than 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 obviously more than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to add some information that whether it passes under the emergency clause or not, we have already asked the superintendent to submit a six month projection in the union cost budget and a one year program in the union cost budget. No matter whether it passes now or not, we are going until January 1st regardless.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Richmond, Mr. Moody, that this bill be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, I would like to pair with the gentleman from Buxton, Mr. Berry. If Mr. Berry were here, he would be voting no and I would be voting yes.

The SPEAKER: The gentleman from Saco, Mr. Hobbins wishes to pair his vote with the gentleman from Buxton, Mr. Berry. If Mr. Berry were here, he would be voting no and Mr. Hobbins would be voting yes.

ROLL CALL

YEA — Alopis, Ault, Austin, Bachrach, Bagley, Bennett, Blodgett, Brown, K.L.; Brown, K.C.; Bunker, Byers, Carey, Carrier, Carter, F.; Chonko, Churchill, Connors, Cote, Cox, Cunningham, Dexter, Drinkwater, Durgin, Dutremble, Fenlason, Fowle, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Grady, Green, Hickey, Higgins, Huber, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kelleher, Kerry, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, Mackel, Marshall, Martin, A.; Masterman, Masterton, McBreaity, McMahon, McPherson, Mills, Moody, Morton, Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Theriault, Torrey, Valentine, Whitemore.

NAY — Beaulieu, Benoit, Berube, Biron, Birt, Brennerman, Burns, Carroll, Carter, D.; Clark, Connolly, Curran, Diamond, Dow, Elias, Flanagan, Greenlaw, Hall, Henderson, Howe, Hughes, Jacques, Jalbert, Kany, Kilcoyne, LaPlante, Locke, Lynch, MacEachern, Mahany, McHenry, McKean, Mitchell, Nadeau, Post, Prescott, Quinn, Raymond, Spencer, Talbot, Tierney, Tozier, Trafton, Truman, Twitichell, Wilfong, Wood, Wyman.

ABSENT — Boudreau, A.; Boudreau, P.; Bustin, Davies, Devoe, Dudley, LeBlanc, Maxwell, Najarian, Nelson, M.; Peakes, Tyndale.

PAIRED — Berry, Hobbins.

Yes, 88; No, 48; Absent, 12; Paired, 2.

The SPEAKER: Eighty-eight having voted in the affirmative and forty-eight in the negative, with twelve being absent and two paired, the motion does prevail.

The Chair recognizes the gentleman from Richmond, Mr. Moody.

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

The SPEAKER: The gentleman from Richmond, Mr. Moody, having voted on the prevailing side now moves 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 fourth tabled and today assigned matter:

Bill, "An Act to Provide Certified Interpreter Service for the Hearing Impaired" (S. P. 311) (L. D. 1031) (C. "A" S-13)

Tabled — May 10, 1977 by Mr. Talbot of Portland.

Pending — Passage to be Engrossed.

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

House Amendment "A" (H-294) was read by the Clerk.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: What House Amendment "A" does is it deletes in the first page of the bill, Section C, which is directory, which means a listing of all qualified interpreters in

the state and just reclassifies A, B, C, D and E.

On Page 2 of the same bill, it deletes the last sentence in Paragraph 2 which deals with the same thing.

Thereupon, House Amendment "A" was adopted.

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

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

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

Tabled — May 10, 1977 by Mr. Spencer of Standish.

Pending — Passage to be Enacted.

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

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

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

House Amendment "A" to Committee Amendment "A" (H-310) was read by the Clerk.

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

Mr. BURNS: Mr. Speaker, I would like to call for an explanation of this and also pose a question. In that an individual was sentenced on two counts, would he be barred from serving if the sentence was greater than one year in the county jail?

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

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

Mr. SPENCER: Mr. Speaker, the answer to the question is yes. The bill would establish a one-year limit on county jail sentences; then there would be a five-year limit provision under this bill, but under other legislation, a five-year limit on the Men's Correctional Center and then sentences longer than five years would be served at Thomaston.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This is the bill yesterday where I said they had better make some corrections or I wanted to at least have a crack at it.

I am satisfied with Committee Amendment "A". The reason why I objected to this bill before unless they changed it I was going to try to get rid of it somehow. The thing is, this bill actually didn't put a period of one year in sending the people to the county jail. They could have stayed there forever as far as this bill was concerned. But what really got me upset about this bill was the fact that we were entering into a new trend of things here which suggests that we should give the prisoners a chance for him to decide where he is going to go. Well, this is what I truly object to. I am not ready to accept in this House or anywhere else the fact that they are going to tell us where they are going to go. I think the judges can do that.

The amendment, as you will notice, also corrects some things that were left out in the criminal code, where they didn't state in there that the imprisonment in the county jail would be for a period not in excess of one year. Then it also takes off this provision where this bill would have given the inmate, or whatever he is, the choice of whether he was going to stay there or not. This is what I strictly objected to. I hope

that you adopt House Amendment "A" and then I think you will have a good bill.

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

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

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

Tabled — May 10, 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 specially assigned for Friday, May 13.

The Chair laid before the House the seventh 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 9, 1977 by Mr. Spencer of Standish.

Pending — Acceptance of either Report.

On motion of Mr. Spencer of Standish, the Bill was recommitted to the Committee on Judiciary and sent up for concurrence.

The Chair laid before the House the eighth 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 9, 1977 by Mr. Curran of South Portland.

Pending — Acceptance of any Report.

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

Mr. CURRAN: Mr. Speaker, the hour is late and I know of seven people who wish to debate this bill; therefore, I would suggest that we table this one more day in hopes that maybe it is earlier in the day when it is before the floor.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending acceptance of any Report and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Establish a Presidential Primary in the State of Maine" (H. P. 187) (L. D. 249) which was tabled earlier in the day and later today-assigned pending further consideration.

Mrs. Kany of Waterville moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The SPEAKER: For the Chair to order a roll

call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. TIERNEY: Mr. Speaker, I would like to pose a question to the sponsor of this bill or anyone else who may care to answer. I would like them to explain the exact status of this bill at the present time and exactly what sort of presidential primary would be proposed were we to recede and concur with the other body.

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

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

Mrs. KANY: Mr. Speaker and Members of the House: I will be happy to answer the gentleman's question. The bill before us in its present state calls for an opportunity for the citizens of Maine, those enrolled in a party, to help select their candidate. It presently is in the status in which that would be on the same date as our statewide primary. I personally preferred it at an earlier date in which we would have a New England regional primary, but I think this is a lot better than our present status in which only two or three percent of our enrolled citizens in the state of Maine are participating.

I hope that you will go along with this motion. I understand that there has been an effort as early as 1969 when Representative Goodwin of Bath introduced a presidential primary bill to get something on the books, and I hope that we could get this on the books. If we wanted to try during the next session to amend the bill so that we could have an earlier date, we could do that at that time.

This is a big improvement over the present situation, and I hope you will go along with the motion to recede and concur.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: The gentlelady from Waterville is correct to a point. It does give the citizens of Maine an opportunity to vote in a primary; however, the primary would not be binding. The delegates to the convention would not have to vote according to how the citizens of Maine voted in a primary. For that reason, I am against the motion to recede and concur and would urge you to vote against it so that we might insist and ask for a Committee of Conference and perhaps come to some sort of a compromise with the other body and in the end be able to have a good presidential primary.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in opposition to the recede and concur motion. I think the suggestion just made by Ms. Benoit of South Portland is a very good one. I think that the bill needs more adjustment.

It seems to me that when you deal with a bill of this type, that in this particular case at least, there are three things that we might consider in this order. The first is the benefits and the good for the people of Maine. The second is the benefits and the good, perhaps, for the presidential selection process. The third and last priority, which I do submit is valid, is the effect on our political party structure. I tend to think the political party structure is well worthy of our consideration as one of the last major, formal groupings that our society has left to develop, to articulate and to express public

policy. I think that anything that weakens our party structure tends to do a disservice to our democracy.

Taking this particular proposal in its original state, it had many things going for it. For the first of my criteria, that of how did it benefit the people of Maine, there can be no doubt that an early primary, February or March, would be of benefit to the people of Maine. It would not only bring us economic benefits, it would project Maine into a visible figure nationally and, as far as the second priority, that of its effect on the presidential process, it would also have some value because we could regionally thus make ourselves felt and hopefully be that much more meaningful in the process by which the eventual presidential candidates were selected. The third criteria, that of its effect on political parties, it would tend to weaken parties, but I would be willing to accept that loss of party strength to gain the two original goods.

However, the bill you have before you today no longer does that. The bill you have before you today simply says that a presidential primary will be conducted in joint conjunction with our other regular primaries the normal 18 or 20 percent of the people, party people who come out to vote will get to make an additional choice on the top of the ballot as to whom they thought the presidential candidate might be.

In this case, this does not benefit whatsoever for the people of Maine. In the second criteria, that of its effect on the national presidential process, it has no bearing, it is a simple personality kind of thing and the candidate who has the most money, who can buy the most TV time, wins. The third criteria, that of what it will do to our political parties, has very sharply changed. It will almost entirely emasculate the present conventions that both of our major political parties still have.

What kind of reason would there be for people who wish to support a minor or a splinter candidate to go out and work and round up the delegates to go to the convention and try and support that person when they realize that a personality contest which will be voted, as we all know, largely on the basis of TV, which will be occurring just a few weeks later, might well, through public pressure, nullify the original decisions they have made.

I agree with the thrust behind the bill. I would like to see the bill saved, and I think the way to save it is to reject this motion to recede and concur and then to insist and ask for another Committee of Conference and see if reasonable people between the two bodies can't come up with a bill that does satisfy my three criteria.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEAS — Alopous, Ault, Austin, Bachrach, Bagley, Berube, Biron, Birt, Brennerman, Bunker, Carey, Carter, D.; Carter, F.; Chonko, Connors, Cunningham, Curran, Devoe, Dexter, Dow, Durgin, Garsoe, Gill, Goodwin, K.; Gould, Green, Higgins, Hobbins, Huber, Jacques, Jensen, Kane, Kany, Laffin, Littlefield, Lizotte, Locke, Lougee, Lunt, Mackel, Marshall, Martin, A.; Masterman, McBreaity, McMahon, Mills, Mitchell, Moody, Morton, Nadeau, Norris, Palmer, Peltier, Perkins, Peterson, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Torrey, Trafton, Truman, Twitchell, Valentine, Wilfong.

NAYS — Beaulieu, Bennett, Benoit, Blodgett, Brown, K. L.; Brown, K. C.; Burns, Byers, Carrier, Carroll, Churchill, Clark, Connolly, Cote, Cox, Davies, Diamond, Drinkwater, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Gauthier, Gillis, Goodwin, H.; Gray,

Greenlaw, Hall, Henderson, Hickey, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jalbert, Joyce, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Lynch, MacEachern, Mahany, Masterton, McHenry, McKean, McPherson, Nelson, M.; Nelson, N.; Pearson, Plourde, Post, Prescott, Quinn, Raymond, Spencer, Strout, Teague, Theriault, Tierney, Tozier, Whittemore, Wood, Wyman, The Speaker.

ABSENT — Berry, Boudreau, A.; Boudreau, P.; Bustin, LeBlanc, Maxwell, Najarian, Peakes, Tyndale.

Yes, 72; No, 70; Absent, 9.

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

(Off Record Remarks)

Mrs. Nelson of Portland was granted unanimous consent to address the House.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I know it is late, but I will be brief. Portland and its evening activities and its reputation has been questioned from time to time on the floor of the House and I feel that I must rise today to enter on the Record a recent report, a report whose findings are not surprising to those of us who are fortunate enough to live in Portland. Maine's largest city is highly patriotic, commercial and forward-looking, says a group of student sociologists who critiqued the city this winter. Thirteen Boston University graduate students reported in a 200-page study entitled "Portland, Maine Upbeat Downeast." The students say Portland inspires loyalty and confidence in its residents and social and civic responsibilities is strong.

I hope I speak for the entire delegation when I say that I am proud of Portland and I am proud to represent it and its varied interests here in Augusta.

(Off Record Remarks)

On motion of Mr. Diamond of Windham,
Adjourned until nine o'clock tomorrow morning.