

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

**HOUSE**

Friday, May 20, 1977

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

Prayer by Father Rudolph Leveille of the Sacred Heart Catholic Church, Hallowell, and St. Dennis Catholic Church, North Whitefield.

The journal of yesterday was read and approved.

**Papers from the Senate**

Friday, May 20, 1977

The following Communication:

**The Senate of Maine  
Augusta**

May 19, 1977

The Honorable Edwin H. Pert  
Clerk of the House

108th Legislature  
Augusta, Maine 04333

Dear Clerk Pert:

The Governor having returned: Bill, "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act" (S. P. 149) (L. D. 391). Together with his objections to the same, the Senate proceeded to vote on the question, 'Shall the Bill become a law notwithstanding the objections of the Governor?'

According to the provisions of the Constitution, a yea and nay vote was taken. Eighteen Senators having voted in the affirmative and fifteen in the negative, the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,  
(Signed) MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

**The Senate of Maine  
Augusta**

May 19, 1977

The Honorable Edwin H. Pert  
Clerk of the House

108th Legislature  
Augusta, Maine 04333

Dear Clerk Pert:

The Senate today Adhered to its action whereby it indefinitely Postponed Bill, "An Act Concerning State Retirement Benefits for Police Officers and Firefighters" (Emergency) (H. P. 505) (L. D. 624).

The Senate today also Adhered to its action whereby it accepted the 'Ought Not to Pass' Report on Bill, "An Act to Prohibit the Assessment of Extra Charges Based on the Number of Occupants Living in a Mobile Home" (H. P. 1318) (L. D. 1549)

The Senate today also Adhered to its action whereby it indefinitely Postponed 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).

Respectfully,  
(Signed) MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Joint Order, an expression of Legislative Sentiment recognizing that: Denise Bradley of Farmington, Maine a member of the International Moot Court Team of the University of Maine School of Law was awarded first place for her memorial brief at the Nationals of the Phillip C. Jessup International Moot Court Competition held in 1977 at San Francisco, California, (S. P. 503)

Came from the Senate read and passed.

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

The following Joint Order, an expression of

Legislative Sentiment recognizing that: Maxwell Freeman, the son of Mr. and Mrs. William Freeman of Madison, Maine, a Junior at St. Joseph's College received the Xaverian award on May 3, 1977, for his outstanding academic excellence and service to the college, (S. P. 502)

Came from the Senate read and passed.

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

Bill "An Act Providing the Governor with the Authority to Reorganize a Department or Agency of State Government" (S. P. 500) (L. D. 1786)

Bill "An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government" (S. P. 501) (L. D. 1787)

Came from the Senate referred to the Committee on State Government and ordered printed.

In the House, referred to the Committee on State Government in concurrence.

**Reports of Committees**

**Ought Not to Pass**

Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act Requiring the Provision of Certain Information to Marriage Applicants by Municipal Officials" (S. P. 236) (L. D. 731)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Make Housing Advocacy Services a Priority Area in the Priority Social Services Program and to Appropriate Funds to Fund this new Priority Area" (S. P. 409) (L. D. 1417)

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

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Amend the Requirement for Public Notice of Public Proceedings under the Right to Know Law" (S. P. 426) (L. D. 1484)

Report was signed by the following members:

- Messrs. COTE of Lewiston
- GOULD of Old Town
- Mrs. DURGIN of Kittery
- Messrs. MOODY of Richmond
- SHUTE of Stockton Springs
- JOYCE of Portland
- DUDDLEY of Enfield
- BIRON of Lewiston
- BURNS of Anson
- CARRIER of Westbrook

—of the House

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

Report was signed by the following members:

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

—of the Senate

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.

Mr. Cote of Lewiston moved that the Majority "Ought Not to Pass" Report be accepted.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to the substance of this bill and maybe some members of the House, since it is unanimous on the House side of the committee, can indicate why this bill "ought not to pass." This is an attempt to try to plug one of the loopholes in our right-to-know law where often

agencies do not notify the news media because they feel it is impractical, which is one of the words that is in our law now. This would just merely say that the news media would be notified in the same way members of any committee or board would be notified. I can't see any harm in that and wondering who can see the harm.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the committee who signed this report "ought not to pass," I would like to give this body my reasoning.

The bill is one that would mandate that local municipalities and most local municipalities now, I would say all of them, do contact the media when there is an emergency meeting being held. However, there has been, supposedly, some instances where the media has not been contacted.

The legislation that you have before you uses the word "media." I signed the bill "ought not to pass" for that purpose, because it does not say to contact one person in the media, it says "media." When you use the word media, you have to concern yourself with television, you have to concern yourself with radio and also any newspaper which might cover your area. That is how the word "media" is used in this legislation. It says "a local correspondent." Oftentimes, the smaller communities in the state do not have a resident who lives in that area.

The meetings that are being talked about here are the emergency meetings. For an example, in Buxton — Hollis, using that as an example, there is a flood, the water is going over and the sandbags need to be put down and the selectmen of that community decide to have an emergency meeting to make those determinations. Under this law if it should pass, they cannot have this meeting until they contact the media. I can just see that if there is an emergency, a responsible local reporter should be on top of the story in the first place. It gets to a point here where you are abusing the right-to-know law, and I think that is what we are doing here with this legislation; that is why I signed it "ought not to pass."

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I guess I must agree with the gentleman from Bangor that this bill on its face seems to be a reasonable thing to ask. There is the potential for great abuse when you have clauses such as "whenever practical" in your right-to-know law. I think simply requiring them to go through the same notification process they will for the members of the body is not an unreasonable request.

The situation of an emergency meeting called after a flood is certainly a very unusual one. If such a thing ever does occur, then it simply is a matter of one or two or three more phone calls to representatives of the local media.

I think it is a good bill. I think the members of the other body who signed unanimously for it were right and we ought to give it a good hearing and I hope accept the "ought to pass" report.

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

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: This bill is not clarified enough. For one reason, the gentlelady from Kittery, who is a member of the committee brought out, there are four correspondents in their town from four different newspapers. Which one is going to be contacted? If one is contacted, the other three are not, it raises a question. If for some reason or other the four correspondents are somewhere else, again it raises a question. At the time when the bill was

passed "whenever practical" I think is right. You don't have that problem really in the large cities because there is always some reporter at city hall who is on top of everything. The trouble comes in the small towns. For that reason, I hope we don't accept the "ought to pass" report but accept my motion, "ought not to pass."

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: In reference to the comments made by the good gentleman from Auburn, Mr. Hughes, he used the terminology "great abuse." This law has been on the books now for several years and there has been no great abuse, the present legislation which this is addressing, there has been no great abuse and the media has an opportunity to do something if this is abused. They reach the people of that community. They can say that their elected officials are not responsible and therefore, putting the officials to task if the newspaper is not contacted. There is no need for this legislation.

The media, today influences the voters. Therefore, if the selectmen or whatever body it might be decides to have these secret meetings, and I disagree with the fact that they are having these secret meetings but if they should decide to have it, obviously the media will find out about it, even if they are not present, and they will attack those people and I don't know of any responsible elected official that wants to put himself in that position. There has been no great abuse and there is no need for this legislation.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: As my colleague from Brewer says — very briefly. With respect to the definition of who should be contacted, it is not the media that has to be contacted, as you indicate, the word is local representative of the media. So that doesn't mean that you have to call the Bangor or Portland T.V. station — the local person — and in the same manner as the members are informed. So if you leave a message at the member's house and you also leave a message at the house of the local reporter and the local reporter doesn't get the message, that is tough, because it is the same method. I don't see that is any harm.

Also, sometimes decisions can be made — it is true, responsible local officials wouldn't do this but we don't make laws for responsible local officials. The penalties would basically be that whatever decision was made in such a closed meeting would be able to stand because they could argue it was impractical, whereas if this law were in effect, there would be more than just embarrassment at stake. The basic decision itself would be at stake, which I think is a greater incentive to keep the eyes open. Of course, if the press doesn't know about these meetings and things of tight lip, then it would be very difficult to embarrass the local people into doing what is right. Mr. Speaker, when the vote is taken, I ask it be taken by the yeas and nays.

Mr. Biron of Lewiston was granted permission to speak a third time.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Again, the gentleman from Bangor, Mr. Henderson, is correct in saying that the word "local representative" is mentioned in the legislation. However, the problems that came to the committee were from communities that had no local representatives. There was no one who lived in the locality that had no local representative. So what becomes of the local representative in those cases? There isn't any, and that is the only problem that was brought up that caused this legislation. Yet, they write "local" and there is no local. That is why I am saying there is no need for the legislation.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the chair to the gentleman from the queen city, Mr. Henderson. That is, who would you contact in Grand Falls Plantation which has no telephone, which has no newspaper but which does have a plantation board of assessors?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Bangor, Mr. Henderson.

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

Mr. HENDERSON: Mr. Speaker, the answer is nobody. You don't have to. You certainly don't have to worry about that in those cases. It is only the cases where there is a local representative, so there shouldn't be any undue burden.

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.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Beaulieu, Bennett, Biron, Birt, Boudreau, A.; Brennerman, Brown, K.C.; Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Conners, Cote, Cunningham, Dexter, Dow, Drinkwater, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Goodwin, H.; Gray, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Locke, Lunt, Lynch, Mahany, Marshall, Masterman, Maxwell, McBreairey, McKean, McPherson, Mills, Morton, Najarian, Nelson, M.; Nelson, N.; Pearson, Peltier, Peterson, Plourde, Post, Quinn, Rideout, Rollins, Shute, Smith, Sprowl, Stubbs, Torrey, Tozier, Truman, Valentine, Wilfong, Wyman.

NAY — Bachrach, Benoit, Berube, Blodgett, Boudreau, P.; Bunker, Bustin, Chonko, Clark, Connolly, Cox, Curran, Davies, Diamond, Dutremble, Gill, Gillis, Goodwin, K.; Green, Greenlaw, Hall, Henderson, Hickey, Hobbins, Howe, Hughes, Kane, Kany, Mackel, Masterton, McHenry, McMahon, Mitchell, Nadeau, Palmer, Perkins, Prescott, Raymond, Silsby, Spencer, Stover, Strout, Talbot, Tarr, Teague, Tierney, Trafton, Whittemore, Wood.

ABSENT — Bagley, Berry, Brown, K.L.; Byers, Devoe, Dudley, Durgin, Gould, Higgins, Huber, Jalbert, LeBlanc, Lizotte, Lougee, MacEachern, Martin, A.; Moody, Norris, Peakes, Tarbell, Theriault, Tyndale.

Yes, 79; No, 49; Absent, 22.

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

Sent up for concurrence.

#### Non-Concurrent Matter

Joint Order Relative to Review of Wine Tax Structure reporting Bill repealing Tax Advantage (H. P. 1573) which was read and passed in the House on May 18, 1977.

Came from the Senate indefinitely postponed in non-concurrence.

In the House:

Mr. Kelleher of Bangor moved that the House insist and ask for a Committee of Conference.

Whereupon, Mr. Quinn of Gorham moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the

gentleman from Gorham, Mr. Quinn, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Kelleher of Bangor requested a roll call vote.

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

A vote of 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 Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge the House to object to the recede and concur motion. We all understand this order and what its intentions are. I think it is important that we keep this order alive. I would hope that we may prevail upon the other body if it is possible to join us in a Committee of Conference. There is a bill that is back and forth between both branches right now. There is a portion of the bill that some of us object to, there are other portions of the bill that others of you support and there are some portions of that bill that I support. I would urge the House to not support the recede and concur motion and then we could insist and ask for a Committee Conference.

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

Mr. QUINN: Mr. Speaker, Ladies and Gentlemen of the House: Again, as the Representative from District 30, I would take some exception to the recommendations of the gentleman from Bangor. I don't think for practical considerations of the flow material in these two houses, there is not a chance this thing can be kept alive. All we are doing is taking time for something that is inevitable.

As I said the other day, appearance in this line of work is very frequently reality. I think that the other body has very wisely seen this. To proceed on this course gives the appearance, no matter how good our intentions, of being vindictive, of being hasty and of trying to act for motives other than dealing with the actual purpose of the bill. I think it is beneath the dignity of this House and this Legislature and I urge you to support the motion to recede and concur.

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

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

Mr. GARSOE: Mr. Speaker, I wish to pair my vote with the gentleman from Scarborough, Mr. Higgins. If he were here, he would be voting no and I would be voting yes.

#### ROLL CALL

YEA — Aloupis, Ault, Austin, Benoit, Berube, Biron, Birt, Boudreau, P.; Brown, K.C.; Bunker, Carroll, Carter, F.; Churchill, Conners, Cote, Cunningham, Dow, Drinkwater, Dudley, Fenlason, Gill, Gillis, Gray, Henderson, Howe, Hunter, Hutchings, Immonen, Jacques, LaPlante, Lewis, Littlefield, Lunt, Mackel, Marshall, Masterton, Maxwell, McPherson, Nelson, M.; Nelson, N.; Palmer, Perkins, Peterson, Quinn, Raymond, Rideout, Rollins, Smith, Sprowl, Stover, Stubbs, Teague, Truman, Twitchell, Wyman.

NAY — Bachrach, Beaulieu, Bennett, Blodgett, Boudreau, A.; Brennerman, Burns, Bustin, Carey, Carrier, Carter, D.; Chonko, Clark, Connolly, Cox, Curran, Davies, Dexter, Diamond, Dutremble, Elias, Flanagan, Fowlie, Gauthier, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hall, Hickey, Hobbins, Huber,

Hughes, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, Locke, Lynch, Mahany, Masterman, McBreairty, McHenry, McKean, McMahon, Mills, Mitchell, Morton, Nadeau, Najarian, Pearson, Peltier, Plourde, Post, Prescott, Shute, Silsby, Spencer, Strout, Talbot, Tarr, Tierney, Torrey, Tozier, Trafton, Tyndale, Valentine, Whittemore, Wood.

ABSENT — Bagley, Berry, Brown, K.L.; Byers, Devoe, Durgin, Gould, Jalbert, LeBlanc, Lizotte, Lougee, MacEachern, Martin, A.; Moody, Norris, Peakes, Tarbell, Theriault, Tyndale, Wilfong.

PAIRED — Garsoe, Higgins.

Yes, 55; No, 73; Absent, 20; Paired, 2.

The SPEAKER: Fifty-five having voted in the affirmative and seventy-three in the negative, with twenty being absent and two paired, the motion does not prevail.

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

At this point, the rules were suspended to allow the members to remove their jackets.

#### Non-Concurrent Matter

Bill "An Act to Clarify Vocational Education Reimbursement in Vocational Centers and Vocational Regions" (Emergency) (H. P. 98) (L. D. 122) which was passed to be engrossed as amended by House Amendment "C" (H-328) in the House on May 16, 1977.

Came from the Senate passed to be engrossed as amended by House Amendment "C" (H-328) and Senate Amendment "A" (S-151) in non-concurrence.

In the House:

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

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

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

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This bill is in the same position it left the House, except for the additional Senate Amendment "A" (S-151). If you don't understand it, I would be glad to explain it.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, I would appreciate it if Mr. Lynch would explain it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That is what I fully expected. Anyone who has looked at the amendment will have some questions.

The first paragraph says Vocational Education — reimbursement for vocational education shall be limited to 90 percent of the estimated cost or 90 percent of the actual expenditures, whichever is less. Any vocational center shall have the authority to bill its member units for any reduction in vocational education subsidy in proportion to the number of students served on October 1 and April 1 of the year immediately prior to the year of allocation. That means this year or next year's allocation.

Any vocational region shall have the same authority to bill vocational centers for any students which they may send to the region. Any vocational center may bill its member units a per pupil tuition cost for the school year 1977-78 only. The allowable per pupil tuition rate for each center shall be computed and set by the commissioner in the following manner.

What the thrust of this is, it is an effort by the center and the region to capture subsidy dollars which are flowing at present to the sending unit

and the effort is to capture these dollars for the vocational center or vocational region.

Vocational regions shall be declared to be administrative units entitled to receive state aid. All subsidies earned by vocational regions, vocational centers or satellites shall be paid directly to the administrative unit which operates the region, center or satellite. Expenditures for the first six months and expenditure estimates for the next six months as submitted by vocational regions or other member units of those regions shall be used in computing transportation reimbursement to the region for the fiscal year 1978 and thereafter.

If you don't understand this, perhaps you ought to table it and go back and talk to your superintendents over the weekend.

Thereupon, the House voted to recede and concur.

#### Petitions, Bills and Resolves Requiring Reference

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

##### Education

Bill "An Act to Provide for Regional Special Education Compacts" (H. P. 1576) (Presented by Mr. Goodwin of South Berwick) (Cosponsors: Mr. Valentine of York, Mr. McPherson of Eliot, Mrs. Durgin of Kittery) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

(Ordered Printed)

Sent up for concurrence.

#### Orders

An Expression of Legislative Sentiment (H. P. 1577) recognizing that: Olivia Farnsworth of Jonesport, who has been a life-long resident of that community, will celebrate the 99th anniversary of her birth on May 22, 1977.

Presented by Mr. Nelson of Roque Bluffs.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 1579) recognizing that: Leonard Woodcock retired May 18th, 1977, as President of the United Auto Workers, after a career of service to the American worker spanning more than 3 decades.

Presented by Mr. Laffin of Westbrook.

The Order was read.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Leonard Woodcock, President of the United Auto Workers, was born in Providence, Rhode Island on February 15, 1911. He was a leader in civil rights movements, equal housing and equality for all. He served on the President's Commission of Employment of the Handicapped and many other wonderful committees too numerous to mention here today.

Mr. Woodcock fought for decent wages, working conditions and pension benefits for the workingmen and women of this Nation, along with the housing and equal rights for all. Mr. Woodcock brought dignity, respectability and pride to the people who most needed it. The working men and women of this Nation have truly lost a servant of the people.

Thereupon, the Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 1582) recognizing that: Sts. Cyril and Methodius Church of Lisbon Falls, which has served as the center of Slovak Heritage in Maine, is celebrating its 50th Jubilee

Presented by Mr. Tierney of Lisbon Falls

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

The following Enactor was taken up out of order by unanimous consent:

#### Passed to Be Enacted Emergency Measure

An Act to Amend the Charter of the Portland Water District (H. P. 1556) (L. D. 1775)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

Mr. Curran from the Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Election of Executive Officials (H. P. 1286) (L. D. 1519) reporting "Ought Not to Pass"

Mr. Conners from the Committee on Marine Resources on Bill "An Act to Prohibit Gill Netting in Spruce Creek, York County" (H. P. 647) (L. D. 791) 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. Hall from the Committee on Natural Resources on Bill "An Act to Prohibit the Importation of Nuclear Waste into the State of Maine" (H. P. 915) (L. D. 1111) reporting "Leave to Withdraw"

Mrs. Byers from the Committee on Judiciary on Bill "An Act to Amend Various Provisions of the Anti-Trust Laws" (H. P. 934) (L. D. 1131) Reporting "Leave to Withdraw"

Mr. Wood from the Committee on Public Utilities on Bill "An Act Providing for Transfer of Railway Safety Regulations to the Department of Transportation" (H. P. 497) (L. D. 616) reporting "Leave to Withdraw"

Mr. Kelleher from the Committee on Public Utilities on Bill "An Act to Create the Kennebec Utilities District" (H. P. 532) (L. D. 681) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

#### Ought to Pass in New Draft New Draft Printed

Mr. Green from the Committee on Natural Resources on Bill "An Act to Assign the Responsibilities of Sewage Disposal to the Department of Environmental Protection" (H. P. 529) (L. D. 680) reporting "Ought to Pass" in New Draft (H. P. 1578) (L. D. 1791)

Report was read and accepted, the New Draft read once and assigned for second reading Monday, May 23.

#### Majority Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-363) on Bill "An Act to Authorize a Bond Issue in the Amount of \$300,000 for the Renovation of Leavitt Hall at the Maine Maritime Academy" (H. P. 1346) (L. D. 1626)

Report was signed by the following members:

Messrs. KATZ of Kennebec  
USHER of Cumberland

—of the Senate.

Messrs. LYNCH of Livermore Falls  
PLOURDE of Fort Kent  
FENLASON of Danforth

CONNOLLY of Portland  
 Mrs. MITCHELL of Vassalboro  
 Mr. BAGLEY of Winthrop  
 Mrs. LEWIS of Auburn  
 Messrs. WYMAN of Pittsfield  
 Mrs. BEAULIEU of Portland  
 Mr. BIRT of East Millinocket

— of the House.

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

Report was signed by the following member:  
 Mr. PIERCE of Kennebec

— of the Senate.

Reports were read.

On motion of Mr. Lynch of Livermore Falls, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-363) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

#### Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-365) on Bill "An Act to Amend and Repeal Certain Laws Relating to Amusements and Sports" (H. P. 1111) (L. D. 1378)

Report was signed by the following members:

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

— of the Senate.

Messrs. COTE of Lewiston  
 GOULD of Old Town  
 Mrs. DURGIN of Kittery  
 Messrs. MOODY of Richmond  
 BIRON of Lewiston  
 BURNS of Anson  
 DUDLEY of Enfield

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-366) on same Bill.

Report was signed by the following members:

Messrs. SHUTE of Stockton Springs  
 JOYCE of Portland  
 CARRIER of Westbrook

— of the House.

Reports were read.

On motion of Mr. Joyce of Portland, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "B" (H-366) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

#### Consent Calendar

##### First Day

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

(H. P. 1288) (L. D. 1521) Bill "An Act Concerning Certain Powers of Joint Standing Committees Responsible for Acting on Gubernatorial Nominations" — Committee on State Government reporting "Ought to Pass"

(H. P. 1306) (L. D. 1543) Bill "An Act Concerning Admission of Certain Children into the First Grade" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-374)

(S. P. 97) (L. D. 226) Bill "An Act Relating to Conduct of Examinations" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-149)

(H. P. 1378) (L. D. 1571) Bill "An Act to Adjust the Civil Process Fees and Travel Allowances for Deputy Sheriffs" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-375)

(H. P. 1177) (L. D. 1405) Bill "An Act to Amend the Law Providing for Variances from Zoning Laws" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-376)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 23, 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. 105) (L. D. 234) Bill "An Act to Make Allocations from the Maine Coastal Protection Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979" (C. "A" S-145)

(H. P. 1206) (L. D. 1434) Bill "An Act to Repeal Certain Laws Relating to Alcoholic Beverages" (C. "A" H-364)

(H. P. 1320) (L. D. 1550) Bill "An Act Concerning Wharf and Piers under the Submerged Lands Law" (C. "A" H-367)

(S. P. 343) (L. D. 1127) Bill "An Act to Eliminate the Requirements that Registrars View Naturalization Papers of Naturalized Citizens"

(H. P. 1206) (L. D. 1434) Bill "An Act to Repeal Certain Laws Relating to Alcoholic Beverages" (C. "A" H-364)

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

(H. P. 1396) (L. D. 1635) Bill "An Act Relating to the Powers of Plantations and their Organization"

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

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

(S. P. 190) (L. D. 587) Bill "An Act Relating to Membership on the Maine Council on Alcohol and Drug Abuse Prevention and Treatment" (C. "A" S-144)

(S. P. 367) (L. D. 1217) Bill "An Act to Designate the Arnold Trail Highway" (C. "A" S-146)

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

#### Passed to Be Engrossed

Bill "An Act to Facilitate Out-of-State Post Graduate Education in Certain Professions" (H. P. 408) (L. D. 502)

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

Mr. Lynch of Livermore Falls offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-381) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: This may look familiar to you. We had a similar bill that came out in divided reports. We accepted one; the other body accepted the other. It looked as though we were heading into a stalemate.

This is a compromise measure. It does not reduce the number of student positions that the other body accepted. It does include four student positions for optometry which this body accepted, and I hope you will go along with this amended bill.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as

amended by House Amendment "A" and sent up for concurrence.

Bill "An Act to Provide for Exemption of Farm Supplies from the Sales Tax" (H. P. 538) (L. D. 653)

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

#### Amended Bills

Bill "An Act to Amend the Law Relating to Gas Tax Reimbursement" (H. P. 1219) (L. D. 1446) (C. "A" H-362)

Bill "An Act to Provide that Voter Registration Forms Include a Warning Concerning Knowingly Supplying False Information" (H. P. 747) (L. D. 952) (C. "A" H-352)

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.

#### Second Reader

##### Tabled and Assigned

Bill "An Act to Provide a Uniform Basis for Recognizing the Right of the University of Maine Employees, Maine Maritime Academy Employees, Vocational-Technical Institute Employees and State Schools for Practical Nursing Employees to Join Labor Organizations" (H. P. 1144) (L. D. 1391) (H. "A" H-368 to C. "A" H-350)

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

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to call your attention to item 5 on page 6 of your calendar, Bills in the Second Reading. This piece of legislation goes against the grain, the spirit and the letter and intent of our collective bargaining statute.

You must realize that in the original language, the intent was made very clear that we not get into the situation of excessive fragmentation and excessive number of bargaining units. It also identified the Governor as the employer of all state employees. During the period exceeding two years — it took over two years to establish the bargaining units that were finally settled on. Seven bargaining units were established for roughly 10,000 employees.

These results were obtained as the result of competing proposals being put forth by the state and by the employee organizations and resulted in seven units. During these competing concepts, there was a concept advanced that is embodied in this piece of legislation to set up a bargaining unit composed of the VTI people and the schools of public nursing. This was turned down, it was appealed, hearings were held on it and it was denied, and these people are now infiltrated into three or four other major size bargaining units.

This is an end-run after all the years of work that have gone into this by the Labor Board, an impartial unit, keeping in mind the best interest of the State of Maine as not being served by allowing fractionated, small units coming out.

I would like to ask you to support my motion of indefinite postponement of this Bill and all its accompanying papers.

On motion of Mr. Tierney of Lisbon Falls, tabled pending the motion of Mr. Garsoe of Cumberland to indefinitely postpone and specially assigned for Monday, May 23.

Bill "An Act to Provide Limited Immunity to aid in Arson Investigation" (H. P. 959) (L. D. 1151) (C. "A" H-356)

Bill "An Act to Prohibit the Use of Electronic Devices for the Purpose of Detecting Radar"

(S. P. 147) (L. D. 389) (S. "A" S-142 to C. "A" S-136)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence, and the House Paper was 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 York County for the Year 1977 (H. P. 1531) (L. D. 1757) (H. "A" H-321)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

Whereupon, Mr. Greenlaw of Stonington requested a roll call vote.

The SPEAKER: For this Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of 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: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed as an emergency measure will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Aloupis, Ault, Austin, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Birt, Blodgett, Boudreau, A.; Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carrier, Carroll, Carter, F.; Chonko, Clark, Conners, Connolly, Cote, Cox Cunningham, Curran, Davies, Dexter, Diamond, Dow, Drinkwater, Dudley, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gauthier, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gray Green, Greenlaw, Henderson, Hickey, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jensen, Joyce, Kane, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Littlefield, Locke, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBreaarty, McHenry, McKean, McPherson, Mills, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Shute, Silsby, Smith, Sprowl, Stover, Strout, Stubbs, Talbot, Tarr, Teague, Tierney, Torrey, Twitchell, Whittemore, Wood, Wyman, Mr. Speaker

NAY — Bustin, Dutremble, Lewis  
ABSENT — Bagley, Berry, Boudreau, P.; Brenerman, Byers, Carter, D.; Churchill, Devoe, Durgin, Gould, Hall, Higgins, Jacques, Jalbert, LeBlanc, Lizotte, Lougee, Martin, A.; McMahon, Peakes, Spencer, Tarbell, Theriault, Trafton, Truman, Tyndale, Valentine, Wilfong.

Yes, 120; No, 3; Absent, 28.

The SPEAKER: One hundred twenty having voted in the affirmative and three in the negative, with twenty-eight being absent, the motion does prevail. Signed by the Speaker and sent to the Senate.

**Passed to Be Enacted**

An Act Concerning Ritual Burial by Certain Religious Groups (S. P. 325) (L. D. 1085) (C. "A" S-132)

An Act to Amend the Charter of the Ocean Park Association (S. P. 443) (L. D. 1533)

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.

An Act to Establish Chester Greenwood Day (H. P. 1189) (L. D. 1425)

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

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: At the offset, let me congratulate the good gentleman from Farmington, Mr. Morton, on the job he has done in lobbying this piece of legislation. If I were not a member of this House and had to pick a gentleman to represent me, I would be proud to have Mr. Morton do it.

However, this legislation that he has lobbied, in my opinion, is not necessarily in the best interest of we, the people of the State of Maine. I have taken the liberty of checking into the archives of this state to find out other great men, other people who have invented things which we are recognizing the gentleman who invented earmuffs for. For an example, I believe Mr. Morton might have forgotten that from Farmington, his home community, we have a gentleman by the name of Leonard Atwood who invented the Atwood vertical railroad. For those of you who don't know what that is, that is the elevator. Doesn't he deserve a day?

I have a list here of 33 and I am not going to read each one, but we have some other gentlemen throughout the State of Maine who have invented other things such as — I am sorry Mr. Gould isn't here today, but we have a gentleman by the name of Stephen Gould, possibly his father or a close relative, who invented the process of making wool from skimmed milk. Doesn't he deserve a day?

We also have — and this is a good one — Francis Marston from Hallowell who invented the spring bed. That gentleman has brought comfort to millions, not even considering the enjoyment. Doesn't he deserve a day or a week or a month?

I have several more here and I would be happy to make the list available to any of you, because if we set this type of policy here in the State of Maine, in years to come, we could be spending the taxpayers' dollars every day here in the legislature giving people a day.

I fully admire the gentleman from Farmington, Mr. Morton, for putting in this kind of legislation, but honestly, ladies and gentlemen, in all seriousness, this is a local thing. The people of Farmington can well put out their day for Chester Greenwood, and I have no problem with that, but to pass a state law and not recognize other great people in this state — we have several, past governors, legislators, possibly Mr. Martin should deserve a day. After all, you now, there are great people in this state — the gentleman out back waving his hand, the gun control man. Possibly he deserves a day.

Let's be serious now and let's vote on this thing. Again, I appreciate what Mr. Morton has done, I think he has worked very hard for his constituents, but we cannot pass this kind of legislation in all seriousness.

True, the legislation has come back from the other body, but you fully have to realize that it was a very, very close vote, 14 to 15, and they have been given the same list; therefore, I hope that this House today — I will vote to indefinitely postpone this bill and all its accompanying papers and I ask for the yeas and nays.

The SPEAKER: The gentleman from Lewiston, Mr. Biron, moves that this Bill and all its accompanying papers be indefinitely postponed and requests a roll call vote.

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 Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am a little bit sorry that the gentleman from Lewiston has seen fit to create the atmosphere in this House that he has this afternoon, because I can assure the members of this House that I did not put this legislation in to be funny. I fully realize that there are people in the State of Maine, from the standpoint of what they have done, who are fully deserving of recognition, possibly some in this House.

I acknowledge that I have spoken to some members of this body about this bill and some members of the other body about this bill. Some I have been successful with and some I have not, but I will tell you this, ladies and gentlemen, this bill has lobbied itself. So I would hope that the gentleman from Lewiston, like the young swain who murmurs as he attempts to persuade his young lady love to accompany him down the primrose path, "to realize that this thing is bigger than the both of us."

Just the introduction of a bill to create December 21 as Chester Greenwood Day has tickled the fancy of folks in a way that I could never have believed, would that the idea had been original with me. From the Golden Gates to the Atlantic Island, fantastic, favorable publicity has been generated and the results keep rolling in. Who can put a dollar value on the newspaper lineage, the radio and TV time that Maine has already received, and it hasn't cost us a dime? Advertising executives lay awake nights trying to dream up something as effective as this has been demonstrated to be. We have been in the New York Times, the Washington Post, on the San Francisco TV, to name a few that I have actually heard from. Members of this House have been on national radio. Representative Gould and I even were on live from St. John, Newfoundland the other day when — by the way, the time, incidentally, in St. John is an hour and a half ahead of ours here in Augusta. The Star, a national news weekly produced in Canada flew a freelance photographer in here to Augusta the first of the week for some pictures of earmuffs. Have you ever heard of Carney, Nebraska? Well, Carney, Nebraska has heard of Maine and Farmington and Chester Greenwood and this bill. This morning, a letter even arrived from the Canal Zone.

The idea of Chester Greenwood and his earmuffs and a day set up by the state to commemorate that happening has captured the hearts and the minds of people all over this country. Chester Greenwood was a good and honorable man; his accomplishments were many, and we need have no fear in honoring him. But only he and Maine can be associated with earmuffs, and that, ladies and gentlemen of the House, is a magic combination, a priceless publicity commodity that will be self-perpetuating each year at the commencement of winter if you will only designate December 21 as Chester Greenwood Day. the proposition speaks for itself.

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

Mr. IBRON: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, the atmosphere the good gentleman from Farmington refers to as creating here in the House, he has created with this piece of legislation.

I talked on this bill very seriously the other day and I think I made a mistake when I talked on it seriously because some of you, the members of the House, might have felt that I attacked the principle, you know, Chester Greenwood and the great American soul that he was and that was not my intention. My intent

was that we, the Representatives of the citizens of this state and unfortunately I am up here debating something again which I am so much against, should not be spending the taxpayers money on bills such as this.

As I mentioned earlier, there are several inventors in this state who have done tremendous things to aid society. Some of these gentleman, if I might continue, one gentleman from Fort Kent, Robert Pelletier, invented the potato bagging machine, obviously, a tremendous boon to that part of the state, he should deserve a day. We have a gentleman by the name of Justin Picard from Augusta, you Augusta Representatives, listen, he invented the fly trap. What a tremendous thing he invented. We have many more, and as far as the publicity that Mr. Morton is talking about, that is exactly what I spoke on the other day. That is the kind of concern I had with this kind of legislation. Unfortunately, Mr. Morton, they are not laughing with us, they are laughing at us.

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

Mr. BUSTIN: Mr. Speaker, is this bill in a position for an amendment at this time?

The SPEAKER: The Chair would answer in the negative. The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Biron, that this Bill and all its accompanying papers be indefinitely postponed, a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Benoit, Biron, Birt, Blodgett, Brenerman, Bunker, Chonko Cox, Diamond, Gauthier, Goodwin, H.; Greenlaw, Hall, Henderson, Kane, Kany, LaPlante, MacEachern, McHenry, McMahan, Mitchell, Moody, Nelson, M.; Pearson, Post, Prescott, Raymond, Rideout, Shute, Silsby, Spencer, Sprowl, Stover, Teague, Tierney, Traf-ton, Valentine.

NAY — Aloupis, Ault, Austin, Beaulieu, Bennett, Berube, Boudreau, A.; Boudreau, P.; Brown, K. L.; Brown, K. C.; Burns, Bustin, Carrier, Carroll, Carter, D.; Carter, F.; Churchill, Clark, Conners, Connolly, Cote, Cunningham, Curran, Davies, Dexter, Dow, Drinkwater, Dudley, Dutremble, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, K.; Gray, Green, Hickey, Hobbs, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kelleher, Kerry, Kilcoyne, Laffin, Lewis, Littlefield, Locke, Lunt, Lynch, Mackel, Mahany, Marshall, Masterman, Masterton, Maxwell, McBrearty, McKean, McPherson, Mills, Morton, Nadeau, Najarian, Nelson, N.; Norris, Palmer, Peltier, Perkins, Peterson, Plourde, Quinn, Rollins, Smith, Strout, Stubbs, Talbot, Tarr, Torrey, Tozier, Twitchell, Whittemore, Wilfong, Wood, Wyman.

ABSENT — Bagley, Berry, Byers, Carey, Devoe, Durgin, Gould, Higgins, Jalbert, LeBlanc, Lizotte, Lougee, Martin, A.; Peakes, Tarbell, Theriault, Truman, Tyndale.

Yes, 38; No, 94; Absent, 18.

The SPEAKER: Thirty-eight having voted in the affirmative and ninety-four in the negative, with eighteen being absent, the motion does not prevail.

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

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

Mr. MORTON: Mr. Speaker, having voted on the prevailing side, I now move that we reconsider and hope you will vote against me.

The SPEAKER: The gentleman from Farmington, Mr. Morton, having voted on the prevailing side now moves that we reconsider our action whereby this bill was passed to be enacted. Those in favor will say yes; those opposed will say no.

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

"An Act to Exempt from the Sales Tax all Equipment and Supplies used to Diagnose or Treat Diabetes" (H. P. 1207) (L. D. 1435)

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

#### Orders of the Day

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

Bill "An Act Concerning the Powers of the Eagle Lake Water and Sewer District" (H. P. 1521) (L. D. 1747) — In House, Passed to be Enacted on May 12. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-148)

Tabled — May 18, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Further Consideration.

Thereupon, the House voted to recede and concur.

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

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

Tabled — May 18, 1977 by Mr. Theriault of Rumford.

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

On motion of Ms. Clark of Freeport, tabled pending the motion of the gentleman from Rumford, Mr. Theriault, that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, May 24.

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

"An Act to Dissolve Vocational Region 9 and to Establish a Vocational Center to Serve Northern Oxford County" (Emergency) (H. P. 1113) (L. D. 1372) (C. "A" H-273) — In House, Failed of Passage to be Enacted on May 17.

Tabled — May 18, 1977 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Lynch of Livermore Falls to Reconsider Failing of Passage to be Enacted.

Thereupon, the House reconsidered its action whereby it failed of passage to be enacted.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be enacted and specially assigned for Tuesday, May 24th.

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

Bill "An Act Relating to Application Fees for Official Inspection Stations" (H. P. 136) (L. D. 169)

Tabled — May 19, 1977 by Mr. Morton of Farmington.

Pending — Adoption of Committee Amendment "A" (H-332) as amended by House Amendment "B" (H-370) thereto.

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

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

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

Bill "An Act Concerning the Small Claims Laws" (S. P. 301) (L. D. 927) (C. "A" S-131)

Tabled — May 19, 1977 by Mr. Spencer of Standish.

Pending — Passage to be Engrossed.

On motion of Mr. Henderson of Bangor, retabled pending passage to be engrossed and specially assigned for Monday, May 23.

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

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

— In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-275) and House Amendment "A" (H-295) on May 10. — In Senate, Bill and Papers Indefinitely Postponed.

Tabled — May 19, 1977 by Mr. Carroll of Limerick.

Pending — Further Consideration.

On motion of Mr. Carroll of Limerick, the House voted to recede.

On further motion of the same gentleman, the House voted to reconsider 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-384) was read by the Clerk.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: At first reading of this House Amendment "A", it seemed quite acceptable to me, but as I look it over a little more carefully, I hesitate to grant unanimous approval.

I find problems with the word in paragraph 7 when it says "the commissioner with the approval of the board may grant a waiver" and I am sure that that is leaving too much authority to the commissioner. I would rather see the word "shall." Down under B, it says "the local units has, in the opinion of the commissioner," there again it is leaving quite a lot of authority and decision to the commissioner and then the word "documented." I question just what the word documented means — how much evidence or whether it is a legal vote in town meeting or just an opinion of a school committee or whatever, so I oppose the essence of this amendment for those reasons.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think it is far more important that we guarantee student access to the secondary schools than we provide them with a hot lunch.

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

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

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I spoke against this bill the first time it came before the House and even with the amendment which is now on it, I still oppose it for some very good reasons.

In the first place, I believe that the fiscal note is misleading. It does call for a fiscal note of \$93,600, which has been amended down from the original, I believe, \$117,000. This is based upon the fact that there would be 1600 school children involved in this particular process.

There are several things wrong with it and I speak because I come from Lincoln County, for one reason, where I believe most of the problems will arise. In Lincoln County, we have 16 towns and only four high schools. It means there are 12 towns we are going to mandate have hearings and perhaps transport school stu-



dents to the secondary schools, and that in itself wouldn't be so bad, but then we have some very great problems geographically. Many of our towns send to more than one school. These young people are given the opportunity to go to any school they want to in the area and the Committee Amendment reads that at a minimum they shall provide transportation to and from the secondary school which enrolls the largest number of students from the sending unit. I see nothing but trouble for many of our towns because when we start transporting to one, there is a very good possibility that we can be demanding transportation to any number of problems.

This bill does not recognize the fact also that there is going to be a tremendous investment in buses for these towns. These are rural areas, the buses that they have at the present time to transfer, transport elementary students could not be doubled up and used at the secondary level. Just the mere time alone involved would not permit that.

I also submit to you that I have had only one letter on this bill requesting that I support it. I have had numerous letters from those opposing it and also letters from superintendents questioning the effectiveness of it.

Our young people have for years had car pools, they have had no problems getting to secondary schools. We do not have, as was brought out in the first debate, an inordinate number of dropouts. As a matter of fact, I would wager that we have less probably in our area than any other area in the state.

Young people, if the buses were put on, would not utilize them. As a matter of fact, I would bet that the buses would go to the secondary schools not even quarter full. On top of that, I believe that this is just one more program where we as a legislature are mandating once more to towns in the State of Maine that they must do this, they must do that. Then the result is that we always come back the next time and we see the education budget growing growing and growing, and this will just add more to it.

It is a 90-10 proposition, that doesn't make any difference, it is still 100 percent taxpayers' money, whether it be local or state, it is still going to increase costs of the education budget. I see no great need for it. I see nothing but troubles in the future, and I would also remind this House that we have a \$3 million limit on the purchase of new buses each year and I checked with the Education Department and found that the passage of this bill could, indeed, present a problem in that area.

I hope that we will refuse to pass this bill to be engrossed. I ask for your support. I think it is going to be a burden on a number of small communities and I know that we have the opportunity now in our towns to do exactly what this bill would mandate that we do. Let us make our own decisions. Let us make up our own minds whether that needs to be done. If parents in these towns decide that they need this service, I am sure that they will receive, but they have not asked for it and I don't think the House of Representatives should demand that they do.

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

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I certainly concur with the gentleman from Nobleboro, Mr. Palmer, that we would be going in the wrong direction by passing this bill. The money would

have to come out of the instructional budget to pay for these buses. Right now, we are locked into teachers' salaries. We are going to be spending money for buildings and if we use the money for transportation too, there is only one place that can give and that is the instructional budget. Perhaps we will end up with buildings, buses and teachers but no materials to use, and right now, the amount of money that is in the budget for instructional material is dangerously low.

Mr. Palmer is correct, there is no correlation between dropouts and transporting students. That argument doesn't really hold up.

I think another thing that we should remember that the expenditure for the initial purchase of the buses and the cost in transporting children is the first year forever lost because it is reimbursed the following year so that that first year is never gained. It is too much of a burden really to put on these small localities which don't want it. Right now, there is every incentive to have transportation for school children because the state does encourage by purchasing the buses and by reimbursing for the transportation up to 90 percent and if they don't want to do it with that kind of an incentive, I think we are going too far to mandate it and say they have to do it.

I hope that we will indefinitely postpone this bill.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There would be no need for this bill if all communities took care of all their secondary students. They say that the parents can provide bus transportation if it is needed but I am wondering about the kid who is not part of the town, the kid who is of a low-income family, the kid who does not have any influence in town. Are we losing them and how many of them? What is it going to cost us down the road?

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I can't disagree more with the first two speakers who spoke against passage to be engrossed of this bill. The reason why I disagree is that we require SAD's to provide transportation for secondary students. The law says, "the superintendent of the school administrative district, with the approval of the school directors, shall procure the conveyance of all public school pupils residing in the district." We require the same as community school districts. Transportation shall be provided for secondary students the same as for elementary students. For these union school districts, we do not require them to. There are some few children, I don't know how many, those that are going in carpools to various high schools can still continue to go in carpools, but there are some students who want to finish high school who have no means of transportation to any high school. All we are asking them to do is to provide transportation for those students who want to finish high school. It doesn't have to be a school bus.

I can't tell you how many complicated bills have come out of the Education Committee to deal with dropouts setting up all kinds of pupil evaluation teams and this and that and the other. Here are some kids who are forced to drop out of school for one very simple reason — transportation. I don't know how many school districts are here — fifteen. Ten thousand dollars may be at the maximum spread over 15 school districts doesn't seem to me like an inordinate sum of money that is going to be called for in any one town. I ask you to pass this bill to be engrossed if that is the motion before the

floor and let us stop this silly debate.

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

Mr. TORREY: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree at all with the chance that we ought to be able to provide some incentives and provide the facilities to encourage children to go to school. My only objection is that this bill is a mandate to local municipalities and in two of the towns in my district that do not provide transportation to high schools, the children have their free choice to go to different area high schools, they provide their own transportation. It has been brought before the town meetings and the citizens have opposed a budget or any specific requirement that the superintendent implement a secondary bus transportation. This is the only reason that I can oppose it, because I don't think that we should be mandating to those towns when those citizens can meet together in their public municipal meetings and can decide at their own level just what they want to do.

It is not just a question of money, money enters into, of course, but in my home town of Poland, there are five area schools where children can go for their secondary education. Some of those parents and the children themselves have the choice to go to a school and they feel that is where they would like to go, and if this bill was implemented, it might be mandated that we provide transportation to go to one school or one direction and they couldn't go to that school unless they paid full tuition themselves. This is one of the reasons why they have opposed public transportation of secondary school children.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I want to correct a few comments that have been made so far. There most certainly is a correlation between dropouts and transportation. As a school board member in this state's largest city, I have to deal with the concerns over transportation and its importance and within city limits. So imagine how it is in the rural areas.

If any of you ever take the time to read some of the documents that come before us, especially the children at risk report where extensive studies were made in the rural areas of this state, you will find out how important and how vital it is to have transportation for secondary students. You will find out the kind of correlation between dropouts and the lack of transportation.

At the hearing we had on this bill, we had testimony about a town that voted, they literally voted to provide transportation but their school board said no and two members of the school board were there, one on one side and one on the other. Believe me, my sympathies went with the one who wanted the bus.

Something needs to be done. I assure you, when I was going to school in northern Aroostook County, I never would have gone to high school in Fort Kent because it was 18 miles away from Plaisted where I lived. We needed transportation and we got it. And if Eagle Lake and Plaisted could afford transportation, I am sure the smaller rural communities in this state can afford it too.

As for the \$3 million for new school bus purchases, I maintain that if some community doesn't get a new school bus next year so we can afford to pay for this, all to the good.

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

Mr. STUBBS: Mr. Speaker, Ladies and Gentlemen of the House: As I said before, if you vote against this bill, you are voting against

children. What you are voting to do is to force little children to walk to school. I am not saying just for short distances, for miles and miles. You are voting to create tomorrow's welfare cases which we will pay and pay many times over. There is no question about it, if there's any piece of legislation needed, it is this piece of legislation in the field of education.

We are here appropriating \$290 million to ensure that everybody in this state has an equal education. Yet, we won't even do something to get them there so they can have the education. I urge you strongly to vote for this bill. There are times when it is necessary to spend money in contrast to those when it isn't.

The question has been brought up that there's only \$3 million available to buy new school buses. I would suggest that if municipalities consider seriously doing what we do in my area, and that is just simply contract with a private contractor, to hire them, have them bus the children to school, it can be done. That is 90 percent reimbursable by the state, so there is no great tremendous burden on the community. We now mandate some communities to lug children to school. Why not have them all do it so that everybody can get an education?

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to correct a couple of statements. We are not talking about little children, remember, we are talking about high school students. The elementary children in the state are transported to school.

As far as the documentation for dropouts, I would really like to see it, because outside the city of Auburn there are three small towns, Poland, Mechanic Falls and Minot. Mechanic Falls does transport its students. Poland and Minot don't. There are more dropouts in Mechanic Falls than there are in those other two towns. So as far as I can see, there really isn't a correlation.

One thing that hasn't been mentioned at all, we have been talking about the children who live 17 miles from school or other great distances, but we haven't talked about the campus type high schools that we have. For example, the city of Lewiston has what they call a campus type high school where the children go at various hours. Whether that would mean they would have to do away with that campus type or whether they would have buses going every half hour or so, I don't know but I don't come from Lewiston, I haven't heard anyone from Lewiston speak on that subject. I think it could pose quite a serious problem for them.

I do want to repeat once more that remember, this money has got to come out of the operational, instructional budget because there isn't anything else that can give. If you think that transportation or buildings or teachers salaries are more important than the very materials that the children use to be educated with, then I suppose this bill is good, but I think this is one place that we could limit it, inasmuch as there is no hue and cry from any of the towns that they want this.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I will try to maintain my cool today. I want to assure you my patience is being tried to no end. I sat on a study committee on dropouts on which the gentlelady over to my left participated. I also have heard her make statements here there is no crying need. I want to tell you right now, carpools are not the answer to transportation of students to high school or any other school. A carpool is not a safe means of transportation and I speak from experience.

I received a call one afternoon while waiting for my son to arrive home. They told us to hurry, the ambulance was presently picking up our son, as well as four other children that had pooled together a ride home in a car when they were instructed not to. When we arrived at the scene of the accident, they waved us on and said get going, he won't be alive when you get there. Ladies and gentlemen, that was a carpool accident right there. He should have rode on the school bus as he had been instructed to but he did not. This may weaken my argument, it may not, but I want you to have the facts.

We arrived at Sanford Hospital. The doctor said, take your son in your arms and go to Maine Medical Center, he will never live until he gets there. I said, I prefer to wait for the ambulance. When we were going through the city of Biddeford with our lights going, my son sat up and started to talk and the attendant told me he does not have brain damage, he does have damage, I can assure you, but from my experience, he has got a fighting chance.

We arrived at Maine Medical Center — a lot of boys had head injuries, too, and the doctors went to work on these young men. After sitting three days and three nights watching them look into my son's eyes, it was a very trying experience. Finally, on the fifth day being told that our son was going to live and he would be all right. There were other children in there that had head injuries. They had to go in and scrape paint off their skulls, work on them for hours to prevent infection and this was because of a carpool transportation system. It was not approved of, but even if it had been approved of, they would have still had the accident. There was a question as to the liability of the State of Maine, but I chose not to sue my beloved state because they were dragging the side of the road in a cloud of dust and an out of state car passed a state truck in a cloud of dust and hit the car that my son was in head on. The car flipped over, went sailing down the road on its roof and he went through the back window almost out onto the highway. The spring in the back seat broke, lodged in his leg and kept him in the car. This was a heartbreaking experience. I have not gotten over it to this day and I do not think you can weigh anything in dollars and cents.

When you tell me the lame excuses — I put an amendment on to try to please people and he gets up and finds little bits of things that he can pick it apart for. If I gave them a gold chariot, they would tell me they wanted it plated in silver. I am a little put out today to no end.

Every person has the right to vote the way they desire and to vote their wishes, but I ask you not to look at your dollar bills and think about them, but think about the children involved.

I think of that mother that appeared before that committee and told about her daughter having to quit school because she could not get to school and another daughter arriving at the age of high school who was not even going to attempt to go to high school. How do you measure that in dollars and cents?

We are refunding 90 cents of every dollar in the field of transportation. We are doing everything possible to satisfy these towns. Yet, when I questioned a lady who said that she went to great effort and made arrangements privately for transportation, I said, what do you have for a method to check as to whether there is sufficient insurance on these cars and she said she didn't think insurance was anybody's business, the main thing was transportation.

Years ago, I knew of a man who lost his license for drunken driving. He always went out to the mailbox to get his mail. One day, he took the wheelbarrow and he started for the mailbox. I asked him where he was going and he said he was going to get the mail. He said, I cannot drive but I can push a wheelbarrow. We are

not living in the age of wheelbarrows, we are living in the age of modern transportation. What good is a million dollars or \$15 million or \$30 million dollar school building if that child from the low-income family, his seat is vacant three days out of five because he could not thumb a ride to school? I think we have beat around the mulberry bush. I try to respect every person's wishes.

Ten years ago in 1965 or a few years beyond that, I saw this same legislation go down the drain. This time, with a little more experience behind me and having seen my state come a long way in the field of education, I think we have every reason in the world to pass this legislative document. It is good legislation. I want to assure that this is just a smoke screen. No matter what you do, you are not going to please these people. They insist that this is wrong. Pretty soon they will be telling me that white is black and black is white if I follow them today.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I have no personal feelings about this bill, like the former speaker. I represent a lot of small towns that do not want it and I do not think it is a money matter with them, it is mainly that their children get to go to several different schools of their choice and it would be impossible for them to haul children to Lee Academy, to Houlton Academy and to the many schools that they go to and for this reason I think is the chief reason they oppose it, because they would have to have cars or buses running in lots of directions.

I live in school district 31. When my town joined the district, this was the biggest gripe we had. We had children going to Lee Academy and Higgins Classical Institute, Old Town, Lincoln. This is the big problem we get in. Now they have to go to the district 31 school whether they like it or not. This did not create a good feeling in my town, it is still a sore spot. I do not like to force this on other towns. For that reason, I feel obliged to vote against the passage of this type of bill, because the people that I represent are going to be very much opposed to it. This is what happened. This is not a money matter with me, it is not a personal thing with me, it just won't work in my area.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The remarks made by Representative Dudley are exactly why the last amendment we just adopted was put on. If indeed a community can prove that they do not need it or that it would cause handicaps in their community, then they can go to the commissioner and ask for a waiver.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: If this House feels today that they want to mandate to the towns that they are going to pick up and deliver all of the secondary education pupils, then why don't we at the same time have the state take over the entire thing? Let them purchase the buses, hire the bus drivers and see that those students get out and foot the bill 100 percent instead of mandating to the towns. I think the towns can take care of it and if we have an isolated problem with a student, I think that can be taken care of too. Let us quit mandating down to the small towns.

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

Mr. LYNCH: Mr. Speaker, Ladies and

Gentlemen of the House: We are not mandating anything. We are simply putting the local communities on notice. If there is a youngster in your town that cannot get to a secondary school, you had better take care of it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: The hour is late. I have heard debate all week on post-secondary education, giving money to the vocational schools unencumbered, letting them use the tuition they want to, reading in the newspapers additional monies for the University of Maine. For God's sake, let's educate every kid in secondary school before we spend these proliferating monies in post-secondary schools. If there is any child out there or any young adult out there who is mandated by law to go to high school, let's make sure this afternoon that they are able to get there and that is all this is talking about. You can falter on, you can talk about the cost to the state and the cost to the community but let's put our priorities where they belong. We are talking millions of dollars, post secondary but how in the world is that going to work or how in the world can we follow our conscience if we don't give every kid the right to get the secondary school and that is all this about and I hope you will all go along with Mr. Carroll this afternoon.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I am truly amazed at this debate. Most of the objection has come from examples in cities who know more about the problems that we have in rural Maine than we do ourselves.

I want to address a couple of remarks to my good friend, from Portland, Mrs. Najarian. I wish she were here. This is not a silly debate as she referred to it. I resent quite highly the fact that this same lady has been lobbying me all session to work for bills such as certificate of need to cut the costs of hospitalization, to put a ceiling on the spending limits on education and then stand because I resent the intrusion of telling us what we must or must not do, accusing me of trying to kill this silly bill or have a silly debate.

I think I have lived in my area quite a number of years. I think I know as much about it as the gentleman from Limerick or the gentleman from Livermore Falls or the gentleman from Brewer and the gentlady from Portland and I don't find that we are rich. As a matter of fact, we have poverty too and our poor students are finding a way. I am sorry that the gentleman from Limerick had problems of an emotional nature within his own family from an automobile accident but I don't think that has too much to do actually with this because we have had buses who have had accidents before too. Hundreds of children have been killed or maimed. I don't think it is a safety bill and I don't think I am being ornery either, I am just simply saying, I come from an area where we have this particular situation, it is addressed to our particular situation, we believe we are handling it well, we don't have great demands for this service and if we did, we would take care of it. All we are saying is, just leave us alone, we will find a way without this legislation telling us what we should or should not do.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I certainly don't want to make this issue a partisan one but I must rise to contest the remarks made by the good gentleman from Nobleboro, Mr. Palmer.

One of the two towns that I represent is the community of Durham. Students from that school go to four different communities to high school. The major problem that I have found with high school agers parents as I have gone around campaigning door to door as I always do, it is a fact that transportation is not available to their children. They have asked me time and time again and I rise, probably, because of the good gentleman's remarks saying that he is being urged by city people to pass this bill which hurts country people. I think the argument is just the opposite, I think this is a good bill, I think it helps our young people.

I request the yeas and nays.

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

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

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

#### ROLL CALL

YEA — Bachrach, Benoit, Biron, Breneman, Brown, K. C.; Burns, Bustin, Carrier, Carroll, Chonko, Clark, Connolly, Cox, Curran, Diamond, Dutremble, Elias, Flanagan, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Hickey, Hobbins, Hughes, Jensen, Joyce, Kany, Kelleher, Kerry, Kilcoyne, Laffin, LaPlante, Locke, Lynch, MacEachern, Mahany, McKean, Mills, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Norris, Pearson, Quinn, Rideout, Silsby, Spencer, Stubbs, Talbot, Tierney, Twitchell, Valentine, Wilfong, Wood, Wyman.

NAY — Aloupis, Ault, Austin, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Churchill, Connors, Cote, Cunningham, Dexter, Drinkwater, Dudley, Gauthier, Gill, Gillis, Gray, Green, Huber, Hunter, Hutchings, Jackson, Jacques, Lewis, Littlefield, Lunt, Mackel, Marshall, Masterman, Masterton, Maxwell, McBreairty, McHenry, McMahan, McPherson, Moody, Palmer, Peltier, Perkins, Peterson, Plourde, Post, Raymond, Rollins, Shute, Smith, Sprowl, Stover, Strout, Tarr, Teague, Torrey, Tozier, Trafton, Whittemore.

ABSENT — Bagley, Bennett, Berry, Boudreau, A.; Carey, Davies, Devoe, Dow, Durgin, Fenlason, Gould, Howe, Immonen, Jalbert, LeBlanc, Lizotte, Lougee, Martin, A.; Peakes, Tarbell, Theriault, Truman, Tyndale, The Speaker.

PAIRED — Beaulieu, Berube, Byers, Garsoe, Higgins, Kane, Nelson, N.; Prescott.

Yes, 60; No, 59; Absent, 24; Paired, 8.

The SPEAKER pro tem: Sixty having voted in the affirmative and fifty nine in the negative, with twenty-four being absent and eight paired, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

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

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

Mr. PALMER: Mr. Speaker, I request a Division.

The SPEAKER pro tem: The Chair will order a vote. The pending question before the House is

to reconsider. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. TIERNEY: Mr. Speaker, I move that we reconsider our action on Bill "An Act to Reorganize Certain Boards and Commissions and to affiliate Certain Boards and Commissions with Departments of Maine State Government" (S. P. 501) (L. D. 1787) to the Committee on State Government.

The SPEAKER pro tem: The gentleman from Lisbon Falls, Mr. Tierney moves that the House reconsider its action whereby this bill was referred to the Committee on State Government.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: Before people leave, I would like to share with you a very important communication I just received from the Governor of this state. It is to legislative leadership and it is from Governor James B. Longley. It begins as follows: "in the past few weeks, as more and more of my time has had to be devoted to reviewing and signing legislation, I have become increasingly grateful for the efforts already made by the legislature to try to reduce the number of bills considered in the session." He goes on to say: "in that regard I want each of you to know that as Governor I would be supportive of any further efforts on behalf of the legislature to limit the number of bills allowed into a session where it would make the process more effective."

Ladies and Gentlemen, introduced today, the 68th day of Legislative session, is a 16 page bill, which we have before us and which we referred to the State Government Committee sponsored by the good Senator from Penobscot, Senator Curtis.

While I haven't had the opportunity to review the bill in detail but in reviewing the Statement of Fact, it does to several important things. For example, it repeals the Mountain Resort Airport Authority and it does combine the Blueberry Industry Advisory Board with the Blackberry Industry Advisory Board into one new advisory board, the Blueberry Industry Advisory Board. There are other very important parts of this bill but I think in light of the message that was literally delivered to me after we referred the bill to State Government and I didn't have the benefit of the Governor's thinking on the entire process of slowing of the entire legislature down, I didn't have the wisdom which he imparted to me in this letter when we referred it, I moved to reconsider but I would further like the members of this House so that we don't vote in haste on whether we should send this Bill to State Government Committee, I would like you to have the weekend to think it over.

Whereupon, on motion of Mr. Quinn of Gorham, tabled pending the motion to reconsider assignment and specially assigned for Monday, May 23rd.

At this point, Speaker Martin returned to the rostrum.

SPEAKER MARTIN: The Chair would thank the gentleman from Stonington, Mr. Greenlaw, for presiding.

Thereupon, the Sergeant-at-Arms escorted Mr. Greenlaw to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

Mr. Palmer of Nobleboro was granted unanimous consent to address the House.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I really don't have too

much to disagree with as far as the remarks from my good friend, from Lisbon Falls, are concerned but it did bring to mind a problem which I have had in my mind for a long time and have been thinking about saying something about and now I guess perhaps this is the opportune moment.

I certainly do not appreciate any more than he does the fact that we are receiving bills at this late date from the executive. I also appreciate the fact that we do, in this legislature, for legislators, day in and day out, have before the Legislative Council some requests for bills to come in even at this date and I am sure we will have some more before the session is over. So, I don't think it is any different in a way for the Governor than it is for any member of this legislature. What it brings to mind is this, I think we are all increasingly concerned about the time frame that we are operating under. About the fact that here we are in late May and 700 or 800 bills are still in committee and work to be done and we all have our solutions to the problem but I think that one thing we have to recognize and I say this in a truly non-partisan manner, that we have forces at work in this legislature, in the state government, which, indeed, do make it very difficult. We have a Republican Senate, which in itself has no power except a negative power; it can pass nothing but it can kill something. The Democrats have a House and again, a very important part of government is a negative power because it can pass nothing but it can kill what it wants to kill and we have an executive on the second floor who belongs to neither party and who, you might as well say, can pass nothing but can certainly do a great deal toward killing a number of pieces of legislation.

It is of concern to me that we have this, it is a concern to me that we are languishing at this late date in May and I would just say, and this is in a spirit of cooperation with the good gentleman from Lisbon Falls, Mr. Tierney, I would just say that it seems to me at this hour in this day, we must recognize with those three negative influences at work in our government, is one of the reasons why we are here and it would demand of the leadership of the legislature, as well as every single member of the legislature, that we learn that singly we do not have the power to do what we want to do and therefore, we must in a spirit of compromise work together so that we do pass reasonably good pieces of legislation and hurry the process along. We gain nothing by waiting to think that we have the clout. None of us have the clout, we have the ability, however, to work together and that we must do or we will be here for a long, long, time.

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

"An Act to Revise the Application and Effective Date of the Administrative Court Law" (H. P. 1567) (L. D. 1783)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 4 against, and accordingly the Bill was assented to be enacted, signed by the Speaker and sent to the Senate.

Mr. Pearson of Old Town was granted unanimous consent to address the House:

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: In regard to Bill "An Act Providing the Governor with the Authority to Reorganize a Department or Agency of State Government" (S. P. 500) (L. D. 1786), Mr. Tierney pointed out to you a little while ago, he was concerned about legislation being introduced at this late date by the Governor. I had spoken

to Mr. Tierney earlier in the day and pointed out these two bills and this one in particular that I am very concerned about and I would ask you to look at it very carefully over the weekend also because this item I think has one of the biggest ramifications of any bill that is in this legislature and that is the possibility of simply by an order of the Governor after he has notified the Finance Office or the President of the Senate and the Speaker of the House and the Senate and House Chairmen of Joint Standing Committees on Appropriations and Financial Affairs and no others, that he re-organize government of the department of the state and that would include Fisheries and Wildlife into the super agency of the Department of Conservation, a battle which was fought some time ago.

I have asked you to be very, very careful with this bill and look it over very carefully because I don't think that a few people should be able to decide that big a question.

On motion of Mrs. Post of Owls Head, the House voted to reconsider its action whereby L. D. 653, Bill "An Act to Provide for Exemption of Farm Supplies from the Sales Tax," was passed to be engrossed.

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

House Amendment "A" (H-382) was read by the Clerk.

Mrs. POST: Mr. Speaker and Members of the House: This amendment was the one that was referred to a few days ago. It simply tightens up the exemptions, makes them enforceable and reduces the fiscal note by a considerable amount of money.

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

Mr. HENDERSON: Mr. Speaker, Ladies and Gentlemen of the House: It is late in the day but for various reasons I guess we have to consider this a bit and that is, if it reduces it by \$2 million, obviously, that means that farmers are getting \$2 million less of credit, number one, which concerns me a bit, and, number two, I am wondering, considering the low cash income of some farmers, what their income tax looks like. Is this going to be something that is really going to be helpful to them or is this sort of a paper credit? I wonder, if it is \$2 million less cost, how we can consider this to be helpful to the farmers?

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

Mrs. POST: Mr. Speaker, Men and Women of the House: While dealing with the issue in committee this summer, in the Taxation Committee, it became clear that you simply could not provide — if you have any intention of passing the bill, you simply cannot provide for a tax exemption for machinery and equipment used in agriculture, because then everyone can get a tax exemption on their rototiller or hoe or whatever. If you really intend to deal with the problem and see this as a bill that has a possibility of getting passed, then you have to provide for some kind of a credit on your income tax. That is exactly what this particular bill does and the credit can be used for up to seven years and can be applied to the total income tax rather than just their farm income. I think that just about any farmer — if a farmer doesn't make any money for over seven years running, it is very unlikely that they are going to be in business for that length of time.

But I think that this bill provides something that is workable and enforceable. The reason that the price tag was lowered is primarily because it does not deal with supplies but deals with farm machinery and equipment. That is essentially more in line with what we are already providing to other industries, such as our manufacturing and research. We do give sales tax exemptions to those industries for machinery and equipment and I think that ex-

tending the sales tax to supplies in the same instance would be providing farmers with much more than what the other business organizations in the state are presently getting.

The SPEAKER: The pending question is on the adoption of House Amendment "A". All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

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

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have something I have to do and it bothers me to no end. I don't usually apologize for anything, let alone to the New England Telephone Company.

The other day I showed you this card that we got and I saw on it "operator assistant" charges and right off the bat I took it for granted that they were charging for directory assistance. They are charging for this but not directory assistance, and there is a difference. We still have the bill held, it hasn't gone to the other body yet. I want to thank my good lady friend from South Portland who brought this to my attention and the two lobbyists from the telephone company. It is not funny, you know, but I do feel that to make the record straight, I was wrong and therefore I apologize to the telephone company for that mistake.

On motion of Mr. Diamond of Windham, Adjourned until Monday, May 23, at nine-thirty in the morning.