

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

INDEX

Senate Confirmation Session

June 14, 1978

INDEX

First Special Session

September 6, 1978 — September 15, 1978

INDEX

Second Special Session

October 18, 1978

INDEX

Third Special Session

December 6, 1978

INDEX

APPENDIX

HOUSE

Monday, February 6, 1978

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

Prayer by the Reverend Howard O. Washburn of the Winter Street Baptist Church, Gardiner.

Reverend WASHBURN: I am proud to be an American this morning. I recognize very seriously that it is due to the governmental process that I am free to be a Christian and that I am free to be a spokesman for Christ. I have been in the State of Maine for 12 years by choice, and I would like to commend you for your service to our state and thank you for representing us, the people.

Let's pray together. O God, Our Father, you have given us this day, you have given us our own lives, you have given us this world and you have given us the responsibilities as well as the joy and pleasure of all that we have, and we would just pause a moment to recognize that Thou art God and that you still are sovereign over all. On behalf of those who need to do your work here, I would ask that you would give them some kind of special strength to deal with the pressures that come to them on a daily basis, that you would give them very clear thinking process to be able to understand and resolve the issues of the day and that you would give them some kind of remembrance of the trust that the people have placed in them and help them to represent them fairly. We really need you to do these things, Father, and would ask for that kind of help. Also, remember their families whom they left this morning and we ask your goodness for them. May this day be a good one where they would uphold righteousness and make decisions that would be the best for our state. In the name of Jesus Christ we ask. Amen.

The members stood at attention during the playing of the National Anthem by the Medomak Valley High School Band.

The Journal of the previous session was read and approved.

**Papers from the Senate
Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for all Persons over 40" (Emergency) (H. P. 1884) (L. D. 1938) which was Passed to be Engrossed in the House on February 1.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "B" (S-451) in non-concurrence.

In the House:

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

Mr. MACEACHERN: Mr. Speaker: I move that we recede.

Whereupon, Mr. Jenson of Portland requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House recede from its action whereby the Bill was passed to be engrossed. 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 40 having voted in the negative, the motion did prevail.

Senate Amendment "B" (S-451) was read by the Clerk.

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

Mr. MACEACHERN: Mr. Speaker, I have an amendment that is being passed out now, and I would like to have this tabled until later.

Whereupon, on motion of Mr. Quinn of Gorham, tabled pending the adoption of Senate Amendment "B" in concurrence and later

today assigned.

**Non-Concurrent Matter
Tabled and Assigned**

Bill "An Act to Clarify the Law Concerning the Posting of Bonds by Electric Companies with the Department of Environmental Protection for Certain Licenses or Permits" (H. P. 1925) (L. D. 1986) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-986) in the House on January 31.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-986) as amended by Senate Amendment "A" (S-452) thereto in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, tabled pending further consideration and tomorrow assigned.

Non-Concurrent Matter

Bill "An Act to Increase the Amount which Qualifies a Financial Institution for Exemption from Insurance of Deposits on Accounts" (Emergency) (H. P. 1862) (L. D. 1920) which was Passed to be Enacted in the House on February 3.

Came from the Senate, Failing of Passage to be Enacted in non-concurrence.

In the House:

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

Ms. CLARK: Mr. Speaker, I move that the House recede.

Whereupon, Mr. Jackson of Yarmouth requested a vote.

The SPEAKER: The pending question is on the motion of the gentlewoman from Freeport, Ms. Clark, that the House recede. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

84 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

Ms. Clark of Freeport offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1013) was read by the Clerk and adopted.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would again point out the problems with this bill. We are singling out a single financial institution for a set of rules that don't apply to any of the other financial institutions of the state. They have been in before. They have always made the claim that they are a small bank and should be treated as such, and now they are going to be a larger bank and yet want to carry on their special exemption as a small bank. I think this is wrong. With the position we are in now, I guess I could ask for a division and that would be sufficient. I don't think we should pass this amended or otherwise.

The SPEAKER: The pending question is on passage to be engrossed as amended in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 2080) recognizing that: Mrs. SHERRI BAISIN has been chosen outstanding young woman of the year by the Sanford — Springvale Jaycees

Presented by Mr. Wood of Sanford. (Cosponsors: Mr. Nadeau of Sanford, Mr. Paul of Sanford, Senator of Lovell of York)

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

An Expression of Legislative Sentiment (H. P.

2082) recognizing that: DONALD R. TURNER, Jr. of Sanford has been chosen outstanding young man of 1977 by the Sanford — Springvale Jaycees

Presented by Mr. Wood of Sanford. (Cosponsors: Mr. Nadeau of Sanford, Mr. Paul of Sanford, Senator of Lovell of York)

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

An Expression of Legislative Sentiment (H. P. 2081) recognizing that: the Weston Homestead, which was built in Madison in 1817 and which is famed for its excellent Federal style domestic architecture, has been entered on the National Register of Historic Places

Presented by Mr. Elias of Madison

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

Indefinitely Postponed

On motion of Mr. Laffin of Westbrook, the following Joint Order: (H. P. 2083)

Ordered, the Senate concurring, that the Joint Rules shall be suspended and that the Joint Standing Committee on the Judiciary shall report out a bill which establishes a death penalty for certain crimes and which provides that the bill shall be voted on by the electorate at the next general election.

The Order was read.

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

Mr. TIERNEY: Mr. Speaker, I move this order be indefinitely postponed.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that this Order be indefinitely postponed.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I realize that when we get onto this subject many of you like to kind of turn the page and go on to something else. I realize that the time has come then this legislature has got to take action and take action fast.

The streets of Maine are nothing more now than a shooting gallery, and we as individuals in this legislature, whether we like it or whether we don't, the facts are there.

Several years ago, we had in this state one murder for every 11 days, and that was bad enough. Today, there is one murder in every six days. I think this legislature, by continuously, session after session after session, ignoring this matter is not in the best interest of the people of this state. The majority of the people of this state, by a large number, expect this legislature to be responsible not only in tax matters, not only in human service matters but in matters that pertain to the living. When vicious, heinous crimes are committed in this state, we should take action.

I realize that many of you feel that the Governor of this State is a dummy. Well, I have news for the members of this House who think that — he is not, he is far from it. He has 80 percent — I do not say fully, but I say 80 percent — endorsed the death penalty for drug pushers. I know that we like to think that we are right and he is wrong.

The SPEAKER: The Chair would like to make two points of parliamentary procedure known at this point. The Chair apologizes and perhaps should have done it at the beginning of the remarks or prior to the remarks. First, the pending question before this body is on suspension of the rules to allow a matter which has been defeated in a prior session of the same legislature to be reintroduced. The matter before us is not on the subject matter; therefore, the debate has to be restricted on why it is an emergency in such a way that the rules, at this point, be suspended.

Secondly, the Chair would suggest that he make no reference as to the Chief Executive in whatever manner. We are a separate body of

government and would appreciate it if he would confirm his remarks to the pending question before us.

The gentleman may proceed.

Mr. LAFFIN: Thank you, Mr. Speaker. I will abide by the ruling of the Chair. I certainly will abide by the ruling of this legislature, even though when other certain members get up to talk about certain things, they are permitted to do so, but I will go by the ruling of the Chair.

I feel that today we must be responsive. It has kind of upset my thinking and my planning. Apparently I planned all weekend for nothing. But I do feel that regardless of what we do, we owe an obligation when an important matter arises, to come before this legislature and try to do what we can to correct that. Apparently, where I was restricted by saying things pertaining to the Governor, I am sure that I will be equally refrained from saying things about the Guy Gannett newspapers editorial department, so I will not mention them this morning.

However, I feel that the opinion of the people is far more important, and when an emergency measure comes before this House, I feel that we have an obligation to present that to the people. If, for example, a major catastrophe happened, I am sure that the legislature would be in session to take care of that problem. I am sure that if we, this morning, are going to completely ignore where heinous crimes are being committed in this state — and I don't mean to say that we are going to have executions every week, I think there is only one that we can remember, so I don't think that with 601 people on death row there is going to be any mass execution, I think they are all smarter than that, but the Judiciary Committee, being an intelligent group made up of nine members of this body, certainly knows the Supreme Court's ruling and the guidelines. The Supreme Court's rulings and guidelines are very specific in their statements as to the procedure that we shall follow, and I feel that the Judiciary Committee has an obligation to this legislature, to this body, and also to the people on the streets.

I am sure that when we go out and tell the people that we are not letting them vote on an issue that is as important as this, I am sure you all have good reasons. I don't want to get into the reasons because I don't want to get off the subject which is contained in my order, but I sincerely believe, ladies and gentlemen, the day is coming, whether you want to be a part of it or not, the day is coming when the death penalty, the only logical deterrent for murders, raping of young girls, will be the only deterrent that this state and any of the other 35 states have.

We are not in this for an eye for an eye. I can forgive as well as anyone. I forgive certain members of this House, I forgive them for enacting a fishermen's law that was detrimental to them so they could not get unemployment compensation — I forgive you; I don't know whether they will or not, but I will stay on the subject.

I feel that we definitely have an obligation this morning to let the people decide this issue. The issue that is before us is certainly far more important than some that you have let the people vote on. So if you have no fear of this, why not let the people decide? If you have fear, then you know that they will vote against it, then it will be dead for generations. You will never hear me speak on it again, or anyone else. Maine will be the only state in the union in ten years that won't have the death penalty. You have got your choice and decision. I am willing to bank on my knowledge, what I know about it, which is very small, but I am also willing to bank on my knowledge of what the people of this state want. Are you willing to do the same thing? Are you willing to let this go out to the people? If you are, you may be a winner. I am willing to gamble that this morning. I am willing to either bury it or enact it. I am willing to let the people decide on my motion, and if we

do that today, ladies and gentlemen, you will have done one of the greatest favors, the greatest lifesaving favors that you could do for the people of this state, and I know that each and every one of you, as myself, deplore murders, but you are not educated in this field. You have education in many other fields, but you are not educated in this field.

Dr. Isaacman, the attorneys general from Florida to Missouri, from all over, are knowledgeable people on this, and I have letters from them stating that the death penalty is definitely a deterrent, and that is the purpose of it. The death penalty is a deterrent to save people's lives. But I can realize that you don't understand that; you never have understood it because you don't want to understand it. You don't want to get up and say that if it would save one person's life I would be in favor of it, but you don't know that for sure. If you knew in your hearts that it would save one person's life, you would sweep through this like Grant took Richmond. It would be a big step in the right direction.

Whether it is done this time or not and whether I am here or not, I am sure that in time to come you are going to be voting on this year after year after year. If you want the shooting gallery out on the streets of Maine to continue, then ignore me this morning, but remember, people will take your place and my place and people will come up here and see the true meaning.

We are not talking about poor people being railroaded, we are not talking about black people being railroaded, we are talking about justice and equality for the living people; that is what we are talking about. The guidelines laid down by the Supreme court plainly state how it shall be done, there is no question — two trials. They are all going to get a fair shake, but at least you might save someone's life. And if the members of this House are so concerned about saving people's lives, then I would urge the passage of this.

Mr. Speaker, when the vote is taken, I would ask for the yeas and nays.

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

Mr. HENDERSON: Mr. Speaker and Members of the House: I would like to speak on the question of why we should not report out this bill, and the reasons are that nothing has changed since the last time we discussed this last year, let alone several years ago when we discussed this. Many of you may remember at that time that I did do a lot of homework, as Mr. Laffin may recall, and that I distributed a lot of information having to do with the homicide rates in various states of this country and or their experiences both before and after death penalties were effective in those states. There were various graphs which indicated the increases over time and the rates in states which did and did not have the death penalty. I would be glad to dredge those up again if someone is interested, but the conclusions in those cases were that, first of all, states which did have the death penalty had a higher, not a lower, but a higher rate of homicide than states which did not. It also indicated that states which reinstated the death penalty when it became possible through changes in Supreme Court decisions, that homicide rates did not decline in those states. In fact, there is an argument that the official use of violence by the states in executions fosters an atmosphere that at least in some cases death is justified and other people take that to mean, in their own particular cases, their own view of justice, and sometimes that leads to more death and violence and not less.

Regardless of what Representative Laffin indicates, it is my judgment that another element that has not changed since the last time we discussed this is the underlying tone of vengeance, vengeance because of the description of crimes, the horrendous crimes, and that

blood feeling that we ought to do something about that, we ought to hurt those people who did it. I think we all feel that, I feel that when I see those kinds of circumstances and want to thrash out at the people who have done that, but I think we have to look at what we in those cases feel and maybe what the general public does in fact feel about that and then look at what our own judgments are based on studies that we have done and our own reflections in a calmer atmosphere. I don't think that vengeance is the role of the state, and according to some people, it is not the role of people on this earth, but it ought to be to do what is right for the community at large to try to protect and save lives. I think we have to look very carefully to see whether the death penalty, in fact, is one that will save lives.

As I am sure you know from studies that have been done about homicide, most, in fact an overwhelming proportion, of murders are done by members of the same family, by friends and acquaintances, by neighbors upon each other. Very few, although there are some, are done on a cold-blooded, calculated basis, for pay or by some premeditated basis. It is questionable whether even in those cases the death penalty would have any kind of effect.

There is the obvious point that in the past, and we find that in the news from time to time, even since our previous discussions of this, people have been discovered not, in fact, to have committed murders for which they were sent for many years to prison and only later to be found not guilty of those crimes.

I think if we really were going to do this with a straight face, and this is not just a joke but is something that has been brought up in the past, if this is really a deterrent, then we would have this execution be a most public act on television, in a crowd, by the guillotine.

The SPEAKER: The Chair would inquire for what purpose the gentleman from Westbrook, Mr. Laffin, rises?

Mr. LAFFIN: Mr. Speaker, for a point of order, that he is not talking about the motion.

I object on the same grounds that you objected to, that he is not speaking on the motion but simply on something that could happen where he has gone out of state, and this pertains only to the State of Maine.

The SPEAKER: The Chair thanks the gentleman from Westbrook, Mr. Laffin, for his point.

The gentleman from Bangor, Mr. Henderson, may continue.

Mr. HENDERSON: Mr. Speaker, I apologize for getting somewhat into the merits, except the point was that we had discussed that option in the past. We had considered that, and I think this legislature was repulsed at the notion, that we really couldn't stand to do that. When we think about that, we think about the fact that we don't want to be associated with that kind of thing, and that was a point that had been made.

So I think for all those reasons, both the moral issue of whether we ought to take a life, that we have discussed, the notion of vengeance, which we have to question whether it is our role, and thirdly, the question of deterrence, which I think previous studies have shown this legislature that he death penalty is not an effective deterrent. Therefore, I would hope that we would not pass the order.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I can't let this bypass without saying a couple of words on it.

I would hope that you would defeat this particular joint order and I would sincerely hope that you would go along with the motion to indefinitely postpone, because as many of you know, this bill did come to this House in the last regular session and we did defeat it after a lengthy debate.

I would also like to say that I agree with the

gentleman from Westbrook; but not totally. I agree with the fact that I think the legislators should be penalized for always getting up on the floor of the House and espousing on the expanding of our jails and upping the jail terms and supporting the death penalty when I am sure that these particular legislators have not looked at the reasons why. I am just as concerned with what is taking place not only in the State of Maine but what is taking place across the country as he is, but I sincerely hope that the gentleman looks beyond the death penalty insofar as the lost hope and lost faith of the people of this country, insofar as their legislative system is concerned, insofar as society is concerned, our rising costs of health, our unemployment. I think these are the kinds of things we should be looking at instead of trying to enlarge our jails, boosting our jail terms and asking for the death penalty.

I would ask the gentleman from Westbrook a question. That is, does he realize that his country spends \$22 billion a year on crime? Crime goes up each year 10 percent, which should show him and show us as a legislative body that money is not the answer to crime.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Before anymore debate on this subject, I would respectfully ask the Speaker to differentiate between what he wanted Mr. Laffin to do and what the others have done.

The SPEAKER: The Chair thanks the gentleman from Nobleboro, Mr. Palmer. It appears to be a rather difficult thing to define the difference between the two. The Chair would again point out that the pending question is on why this bill should be reintroduced in this session in violation of the rules or under suspension of the rules as to why it constitutes an emergency. The Chair has allowed the gentleman from Westbrook, Mr. Laffin, and the gentleman from Bangor, Mr. Henderson, in rebuttal to his comments, to deal with issues beyond that question but from this point on, the Chair will ask you to refrain from any other discussion of the subject except as to why the rules should be violated to allow this matter back in at this session of the legislature.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Westbrook puts me in a rather embarrassing position this morning. Repeatedly, or when my good friend, Representative Kelleher, wanted to suspend the rules the other day to put a bill in, I voted with him, and when my good friend, Mr. Mahany, from up in Aroostook County wanted to suspend the rules the other day, in fairness I voted with him. Even though I disagree with Mr. Laffin's philosophy, I shall, in turn, afford him the same respect that I did the other two gentlemen and vote to let his bill in. But I am a little chagrined, because he was on his feet the other day when Mr. Kelleher had a bill, telling Mr. Kelleher that he should abide by the rules, that he shouldn't come in here after the leadership had made the rules, and he would follow them. So you put me in a very embarrassing situation.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that Joint Order (H. P. 2083) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Alopous, Ault, Bachrach, Bagley, Beau-
lieu, Benoit, Berube, Biron, Blodgett, Bou-
dreau, A.; Boudreau, P.; Brenerman, Brown,
K. C.; Brown, K. L.; Bunker, Burns, Carey,
Carter, F.; Chonko, Churchill, Clark, Connolly,
Cote, Cox, Cunningham, Curran, Davies,
Devoe, Diamond, Dow, Drinkwater, Elias,
Penlason, Flanagan, Fowle, Garsoe, Gill,
Goodwin, H.; Goodwin, K.; Gray, Green,
Greenlaw, Henderson, Hickey, Higgins, Hob-
bins, Howe, Huber, Hughes, Hunter, Hutch-
ings, Jackson, Jacques, Jensen, Joyce, Kane,
Kany, Kilcoyne, LaPlante, Lewis, Locke, Lunt,
Lynch, Mackel, Mahany, Martin, A.; Master-
man, Masterton, Maxwell, McBairty, McMa-
hon, McPherson, Mitchell, Moody, Morton,
Nadeau, Najarian, Nelson, M.; Palmer, Paul,
Peakes, Pearson, Peltier, Perkins, Plourde,
Post, Quinn, Raymond, Sewall, Shute, Silsby,
Spencer, Sprowl, Stover, Tabbot, Tarbell, Tarr,
Teague, Theriault, Tierney, Trafton, Twit-
chell, Valentine, Violette, Whittemore, Wil-
fong, Wood, The Speaker

NAYS: Bennett, Birt, Carrier, Carter, D.;
Connors, Dexter, Dudley, Durgin, Dutmehle,
Gillis, Gould, Hall, Immonen, Jalbert, Kelle-
her, Laffin, Littlefield, Lizotte, Lougee, MacEa-
chern, Marshall, McHenry, McKean, Nelson,
N.; Norris, Rideout, Rollins, Smith, Strout,
Stubbs, Torrey, Tozier, Truman

ABSENT: Austin, Berry, Bustin, Carroll,
Kerry, Mills, Peterson, Prescott, Tyndale,
Wyman

Yes, 108; No, 33; Absent, 10.

The SPEAKER: One hundred eight having
voted in the affirmative and thirty-three in the
negative, with ten being absent, the motion
does prevail.

A Joint Resolution (H. P. 2078) in memory of
WALTER REEVES, one of the oldest and dea-
rest citizens of Windham.

Presented by Mr. Diamond of Windham.

The Resolution was read and adopted and
sent up for concurrence.

On motion of Mr. Nadeau of Sanford, it was
ORDERED, that Norman W. Nelson of Roque
Bluffs be excused February 2 due to medical
reasons.

House Reports of Committees Leave to Withdraw

Mr. Lynch from the Committee on Education
on RESOLVE, to Provide for a Regional Spe-
cial Education Compact in Southern Penobscot
County" (Emergency) (H. P. 1965) (L. D. 2046)
reporting "Leave to Withdraw"

Report was read and accepted and sent up
for concurrence.

Consent Calendar

First Day

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

(H. P. 2012) (L. D. 2087) Bill, "An Act to In-
crease the Authorized Indebtedness of the
Kennebunk Sewer District and to Limit the Use
of that Increase" — Committee on Public Utili-
ties reporting "Ought to Pass" as amended by
Committee Amendment "A" (H-1011)

(H. P. 1967) (L. D. 2048) Bill, "An Act to
Amend the Charter of the Gray Water Dis-
trict" (Emergency) — Committee on Public
Utilities reporting "Ought to Pass"

(S. P. 673) (L. D. 2018) Bill, "An Act to
Revise the Sanford Sewerage District Charter"
— Committee on Public Utilities reporting
"Ought to Pass"

No objections being noted, the above items
were ordered to appear on the Consent Calen-
dar of February 7, under listing of Second Day.

Consent Calendar

Second Day

In accordance with House Rule 49, the fol-

lowing items appeared on the Consent Calendar
for the Second Day:

(S. P. 645) (L. D. 2012) Bill, "An Act to Sim-
plify Notice Procedures Required in Work-
men's Compensation Cases."

(S. P. 641) (L. D. 2008) Bill, "An Act to
Change the Name of the Industrial Accident
Commission to Workers' Compensation Com-
mission."

(H. P. 2011) (L. D. 2086) RESOLVE, to
Appeal the Decision of the State Claims Board
Regarding Property Loss Suffered by Henry E.
Ripley of Augusta Because of Theft at the Au-
gusta Mental Health Institute. (C. "A" H-1009)

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

Passed to Be Engrossed

Amended Bill

Bill, "An Act Relating to Preventive Disci-
pline in the Schools" (H. P. 1866) (L. D. 1916)
(H. "A" H-1010 to C. "A" H-1001)

Was 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.

Orders of the Day

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

SENATE REPORT — "Ought to Pass" as
Amended by Committee Amendment "A" (S-
444) — Committee on Legal Affairs on Bill,
"An Act to Amend the Crime of Assault on a
Law Enforcement Officer" (S. P. 661) (L. D.
2032)

(In Senate, referred to the Committee on Ju-
diciary)

Tabled — February 2, 1978 by Mr. Cote of Le-
wiston.

Pending — Acceptance of the Committee
Report.

On motion of Mr. Cote of Lewiston, the
Report was accepted in concurrence and the
Bill read once. Committee Amendment "A"
(S-444) was read by the Clerk and adopted in
concurrence and the Bill assigned for second
reading tomorrow.

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

Bill, "An Act to Establish and Apply a Policy
on the Classification of Major Policy-influenc-
ing Positions Below the Head of State Depart-
ment and Agencies." (H. P. 2051) (L. D. 2111)
(H. "A" H-995) (H. "B" H-1002)

Tabled — February 2, 1978 by Mr. Curran of
South Portland.

Pending — Passage to be Engrossed.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gen-
tlemen of the House: I had distributed this
morning a six-page document which tries to ex-
plain what this bill does. It is rather lengthy
and may even be complex in sections. I think
the members of the House could use a day to
take a look at it and to approach members of
the State Government Committee to pose ques-
tions. So I would request that it be tabled for
one day.

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

Mr. TIERNEY: Mr. Speaker and Members
of the House: Before I ask my seatmate, the
good gentleman from Gorham, Mr. Quinn, to
table this bill for one legislative day, I would
call it to everyone's attention. It is a very im-
portant bill. It is a bill which was studied at
length by the State Government Committee of
the 107th Legislature which reported out a
unanimous report to the 108th Legislature
which was studied during the regular session
by the current State Government Committee of
the 108th Legislature, and was put out to study

again during last summer and is now reported again to us. It has been setting here on the table for two or three days, amendments are beginning to surface and the only comment I would like to make, I guess, as someone who tries to keep things flowing along here, is that I really do not want to table this thing here again. We have had ample opportunity for everyone to examine what is in this bill and to study it. The good chairman of the State Government Committee has passed out something for all of us to study overnight, and I certainly hope that we will be able tomorrow to run with this bill with all its various and assorted and sundry amendments. Please, let's not have to table this bill again.

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

Mr. QUINN: Mr. Speaker, with pride I rise to request that this be tabled for one additional day.

The SPEAKER: The gentleman has debated the tabling motion.

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

The Chair laid before the House the following matter:

Bill, "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for all Persons over 40. (H. P. 1884) (L. D. 1938) which was tabled earlier in the day and later assigned pending adoption of Senate Amendment "B" (S-451).

Mr. MacEachern of Lincoln offered House Amendment "A" to Senate Amendment "B" and moved its adoption.

House Amendment "A" to Senate Amendment "B" (H-1014) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, could I pose an inquiry, please? Since this House Amendment "A" to Senate Amendment "B" is essentially the same thing as House Amendment "A" to the bill, and I wonder if this amendment is appropriate before the body?

The SPEAKER: The Chair would advise the gentleman from Scarborough, Mr. Higgins, that the amendment is, in fact, germane. The Chair would point out that Senate Amendment "B" contains the repeal of the clause dealing with the emergency section. The gentleman from Lincoln, Mr. MacEachern, is merely deleting part of Senate Amendment "B". Therefore, the amendment is properly before us at this time.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I hope that we do not accept the amendment now before us. Really, it is getting back to something we had here the other day. I think Amendment "B" that this amendment is amending is a reasonable amendment and I would like to see us not accept the amendment presently before us so we could continue to accept Senate Amendment "B". If we do not stop fooling around with this bill, we are going to lose everything. Senate Amendment "B" makes it a very workable bill and I hope that we will have a chance to vote on that only.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: Senate Amendment "B" puts the legislation in approximately the same position that it is in at the present time under the law. The original intent of my bill was to repeal the law that we passed the last time. The Senate Amendment is an end around to try to keep the bill. The only difference is that there is no emergency clause on Senate Amendment "B". My amendment simply retains the portion of Senate Amendment "B" which repeals the emergency clause

and puts the bill back where it belongs, where I intended to have it in the first place.

As far as fooling around with this bill, the opponents of the bill are the ones who are doing the fooling around.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the signers of the majority report, which I would like to remind you was an 11 to 2 report, and I would like to tell you a few of the reasons why I signed like I did.

Being a legislator, I think I have tried to find a need, a true need for a piece of legislation. During the past session, when the 40 year old eye bill, as it was called, came before us, I then tried to find a need. I looked at statistics, I listened to my testimony, and as yet, I have not found that particular need. I have nothing on record that states that accidents were caused by people failing to see. There are all kinds of statistics on drunken driving, speeding, failure to observe different infractions, regulations, rules, but nothing, nothing on visual acuity, refraction and the various other phrases of vision testing.

The next thing I did was take a look at the State of Maine map, and I find that the majority of this vast state is rural, a rural type of community, so I said to myself, now, who am I helping? Am I helping the people in the rural communities that have to travel 50, 60, 30 or 40 miles to a branch office to have their eyes tested? Of course, people came back and said, this was great, when they have their physical exam by their family doctor, they can have their eyes tested. Well, I do not know about a lot of your communities but I will tell you how mine is. We are not the wealthiest people in the world and there are a lot of people who cannot even afford a family doctor much less the eye test that goes with it. So, they have to take time off from work, they have to drive to Caribou, which is our nearest station. There are people in Allagash who are woodcutters, farmers and they all have to take time off to drive into the branch office to have their eyes tested, so we didn't help them. I said to myself — great, there is another way that we can help. This is through insurance premium rates. Perhaps, if we pass this bill this last session, it will show up on our insurance premium rates. Well, I can tell you how I helped myself. Just a week ago, I got my my premium rate and it is \$18 higher than it was the time before. So I sure as heck didn't help myself there.

You want to help the people of this state? I can tell you what you can do. Go to the Health and Institutional Services, put in a bill for free eye tests, free Pap smears for women in their forties and above, free EKG's for everybody over 40 years. You want to do some service. You do not service them by inconveniencing them, you provide them something, and we have not provided them anything with the 40-year-old eye test bill, believe me.

Therefore, I would hope that you would go along with Mr. MacEachern, and the House Amendment.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say a few words to you this morning for those of you especially who received the Portland Press Herald. Please read the editorial this morning. It was also in the Sunday Telegram. Part of it is that we as legislators would be remiss to remove the eye test law. One reason they gave, it has not been given a chance to work. So please think it over before you go along with Mr. MacEachern.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I really wonder whether or not there would be so much popular

opposition throughout the citizens of the State of Maine to this particular eye test piece of legislation we passed last year if the facts of the law had been clearly represented and explained to the people of the State of Maine.

If we defeated the motion to adopt this particular amendment before us so we may have the opportunity to recede and concur with the Senate Amendment, I think the Senate Amendment makes some of the ambiguous elements in the current law that is on the books quite clear.

If you are not yet 40, the Senate Amendment says that upon reaching your 40th birthday, you would have to take the test. If you happen to be in between age 40 and age 52, you wait until you reach age 52, before you have to take a test. If you are in between age 50 and 65, you wait until you hit the 65 milestone before you take the test. So it is clearly stated once and for all that you get to wait until the next milestone, whether it is 40, 52 or 65.

I think one of the popular objections to the bill is that the people in our state thought that each year they had to renew their driver's license, they had to take a test, and they objected to that strenuously. I think this amendment clarifies once and for all that it was milestone years that we intended to pass last year in this particular bill.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the members of the Transportation Committee who signed the bill out "Ought Not to Pass." I think the current law that we have on the books ought to be allowed to stay there, remain on, be effective and then see how it works perhaps a year from now.

I would like to read to you a letter that I received from Dr. Gerald Metz from Bangor in regard to this bill. "I am writing because I am concerned about attempts being made to abolish the recently enacted law regarding periodic vision tests of drivers over age 40. Those opposed to the new law have stated that they are unaware of any connection between poor vision and automobile accidents. As long as the state does not test the vision of both drivers of accidents, there is no way that the appropriate statistics could be gathered. It would be more correct for those who oppose vision tests to simply admit that they do not know of any connection between poor vision and auto accidents and they don't know because they have not looked, and that is a very different situation from being able to say that there is no cause and effect relationship. I am quite sure that lowered vision does not help a driver.

"Over the past few months, since I have gotten interested in this issue, I have made note of some of the drivers who come into my office. One 24 year old man has 2200, legally blind, in both eyes and is not only driving his car but has a new four wheel drive snowplow. I shutter to think of his backing out onto oncoming traffic in a snowstorm with 2200 vision. It is hard enough with 20-20. A 53 year old man wondered vaguely if he could pass his test next March. He could not see the chart at all with his right eye; with his left, he saw 2200 vision. A woman in late middle age drove into the office with 2200 vision in each eye and was upset to hear that she needed glasses for driving. Some people just do not know how poor their vision actually is.

"Please do not assume that simply because I am an eye specialist I have any financial interest in the law. I do not sell glasses. I do not take on new patients except by referral from other doctors, and I do not charge my patients for filling out the motor vehicle form. In fact, the added paper work is a pain in the neck, but I am a driver in addition to being a doctor, and sometimes it scares me to think of the blind people that are on the road and I want to do my part to keep them from hurting themselves and other

innocent people — maybe me.”

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Jensen from Portland, cited a number of examples that a doctor had cited to him in a letter. All of those people who had vision problems came to an eye specialist and I suspect that most people who have vision problems do that. It seems to me that the bottom line of this bill is that the people do not want it and they don't want it, it should not be imposed upon them.

The further away you get from an auto registration bureau, Bangor, Portland or wherever it may be, the more people do not want it. I think is reasonable that they do not want to be, as Mr. McKean said from Limestone, deprived of pay for a days work to go have their eyes tested at some auto bureau ought to have to pay an eye specialist and I suspect many of them would charge to have their eyes examined to fill out the form, so I urge you to support Mr. McEachern of Lincoln.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As the House Chairman on the Committee on Transportation, I would like to point out to you again that nowhere in the amendment from the body next door is there any financial remuneration, any help to buy a mobile unit to travel throughout this state to serve the constituents who live in the rural areas. This is the big problem with this legislation.

I had a man who came to me yesterday. He received a notice that he had to have an eye test. It took him two weeks. He said he drove at least 10 days without a license, never knowing when he might have an accident but he just had to get back and forth to work. He has to support a family, he has to get back and forth and so he proceeded to travel with extreme caution. They charged him \$96 for a new pair of glasses. This is a great game they have got going; don't you think it isn't, ladies and gentlemen. How much does a pair of glasses cost? One bow on my pair of glasses cost me \$14, which is worth about \$2. If you don't think the doctors are not ripping off the public in the State of Maine on eye glasses and eye lenses and eye frames, you have another think coming. If you have four or five children, you ought to go and buy glasses for them and find out what it costs.

Let me get back to the subject. This received a 10-2 "Ought Not to Pass" Report. I was assured that the Lion's Clubs and all of these various agencies were going to provide these services to my constituents, so I bowed my head and let this law go on to the statutes. It took a very short time when I was ashamed for bowing my head and letting this law go on to the statutes. I should have stood up and gone down swinging, because I am telling you now, this is just one foot in the door. Pretty soon they are going to tell you have to have your throat checked before you can drink water, and then you will have to do something else before you can do something. So here we go; it is a merry-go-round.

I realize the city folks have a good profession and they live in the city and they have everything going for them. They have a civic center and they have everything and the rural towns help to pay for it and that is wonderful. But here you are now, you have an opportunity to correct an iniquity in the law and everyone says they got a letter from a doctor and he doesn't want us doing anything about it, he does not want to take on new patients unless they have been referred to him. You know, back where I come from, it used to be if you had a doctor and he was an eye doctor, you could see him anytime, seven days a week. Now they have special offices, special hours, they go skiing weekends and go skiing in the middle of the week. Where I come from, they work seven

days a week. They work Saturdays Sundays, daylight to dark. I haven't time to run here and run there. Nobody else has time in the rural areas either. The high cost of gasoline, high cost of fuel oil, all of these added expenses, a man has a family and goes to the corner grocery store, we have to pay additional fees to get our groceries out there because of the high cost of transportation, if you want to do something, let us put a mobile unit on, start them right up there in the rural areas first and let them cover the whole state giving everybody free eye test. Once they have completed this, then we will come down and pass a law that says everybody has to have an eye test — first things first. Let's provide a free service to the taxpayers of the State of Maine. Every time we turn around, we are sending them to see somebody who wants to get a fee out of them.

I urge all of you here today to go along with us. We are trying to correct something we did wrong the first time.

Mr. MacEachern of Lincoln requested a roll call vote.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to try to follow the gentleman from Limerick, Mr. Carroll, but I would like to make a couple of points about what we are discussing here. The corrections in the law he says, well, I would like it to be known that what we are talking about is the amendment offered by the good gentleman from Lincoln. I feel that if we don't offer the amendment and adopt it, then what we are trying to do is patch up a law that has been passed. You can already see that the proponents of last year are finding problems; that is why the amendment was offered in the other body. I would like to see us get back in a position where we were with the original bill, and I think the only way we can do that is by adopting the amendment that is before us.

I agree with the remarks that were made by the gentleman from Limestone, Mr. McKean. I think this morning he spoke very eloquently. I think we should follow his path. Our only solution for the people of the State of Maine is to adopt the amendment before us and then it will put us back where we were before we started last year.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think the gentleman from Old Town, Mr. Pearson, put it adequately, the bottom line, and I would like to think that I am here not to force something on people but I am here to do what they want me to do. Maybe that has contributed to my longevity here. But I can tell you, more people have come to me about this piece of legislation than any major legislation that has been before us, and I am confident that they don't want it. Whether the bill is good or bad, they don't want it. So I feel it my duty to stand firm to accept this amendment, and I hope you do too, because this is what is making the people in this land so distasteful about government, because we continuously meef in this big house and try to force legislation down their throats that they don't like. If we continue to do this, we are continuing to make people have disregard for government. You find it on the streets everywhere, and it is getting worse instead of better, so let's not continue this same path. Let's try to make these people think that we are trying to do something for the people. We are supposed to be for the people and by the people — let's do it. Accept the amendment, please.

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

Mr. HIGGINS: Mr. Speaker and Members of the House: I disagree to some extent with the good gentleman from Corinth, Mr. Strout, when he says we are trying to patch the law. I don't think we are trying to patch it and I don't

think anyone here believes that for a minute. We are not talking about patching a law, we are talking about repealing it. Senate Amendment "A", however, does do some patching and some clarification.

Mr. Carroll from Limerick has said that it is some sort of a scheme by the proponents. I don't think it is any scheme by us to give any abundant profits to people who are optometrists. I think the issue here is safety on the highway. If he would read the editorial that was handed out this morning, we are not looking to seriously jeopardize people's jobs or anything like that who live in the rural areas. Part of the editorial does say that factory workers could be tested right on the job by a company nurse, personnel staff or any designated individual. Tests can be given in bank lobbies, supermarkets, homes, offices, shops, anywhere. Progress was well under way to have volunteers go into rural areas or plants to do the testing, but when the matter became a political football, sponsoring organizations backed away. I think that is the key to the whole repeal effort on this bill, that it did become a political football, and groups that are civic minded decided that they had better back off at least until the football season was over. I think today we have the opportunity to make that football season come to an end.

House Amendment "A" to Senate Amendment "B" essentially does what we voted on and killed the other day. It puts the repeal bill back in front of us and takes the emergency clause off it. Senate Amendment "B"; on the other hand, is a clarification of the existing law, and I think a much better clarification, much better than the bill that we have today.

I think part of the important facts on Senate Amendment "B" is on Page 2 when it starts talking about doctor's certificates. This has been part of the problem that we have had with this, and I think it sets forth right in the law that any person required to pass a vision examination under this section may submit an acceptable certificate signed by a doctor, optometrist, registered nurse or other person approved by the Secretary of State, which certificate sets forth the person's visual acuity in each eye, etc. This at least makes it into the law that the Secretary of State can go around and designate people in rural areas to give these tests.

There is also in here a clarification or a transitional period and explains what it is supposed to be. One of the other problems that apparently the Secretary of State had in implementing this law was understanding it. This, in fact, states that his feeling was, anyway, that everyone over age 40 had to pass this test or take the test within a four-year period. That was not the intent of the law and I don't really think it says that in there, but this Senate Amendment makes it perfectly clear that it does not say it in there and it uses specific dates, in other words, 40 and 52, those particular age groups, and that is all we are talking about, which will significantly cut back on the number of people who will have to be tested, at least during the first four years. That was the intent of the original law, but for some reason along the way, it was changed.

I hope today you will vote against the pending motion to adopt House Amendment "A" and give this bill a chance to work by accepting Senate Amendment "B". Then if the law doesn't work and we still have trouble, if the Secretary of State refuses to go along and implement this law, then maybe we will have to do something about that, but I think if implementation is tried, and tried on a reasonable basis and is given some sort of a chance to work, utilizing all the people in this state that are concerned about highway safety, we will have a much better law. So I hope you vote against the pending motion.

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

Mrs. TARR: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair to the good gentleman from Limerick, Mr. Carroll. I understand that at 65 you take the vision test, so if it is so right at 65, why is it so wrong at 40 or 50?

The SPEAKER: The gentlewoman from Bridgton, Mrs. Tarr, has posed a question through the Chair to the gentleman from Limerick, Mr. Carroll, who may answer if he so desires.

The Chair recognizes the gentleman from Orland, Mr. Churchill.

Mr. CHURCHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am like many other people here, I had no intention of speaking on this bill but it was brought to my attention this past weekend by a lady who went for her eye examination to renew her driver's license, and I said, well, what are you complaining about, you have always worn glasses? She said, I know I have, but now it is on my license under A that it is necessary for corrective lens. If for some reason she broke her glasses and drove to the optometrist without them and was picked up, she would be in violation because she is restricted to corrective lenses. I am the same, I can drive without glasses because I can see off a ways without any problem at all, but I still would be in violation if for some reason I left my glasses home, and there would be a penalty. Everyone else is the same way. I think you should take this into consideration.

I certainly hope you support Mr. MacEachern's amendment.

The SPEAKER: The Chair recognizes the gentleman from Limestone, Mr. McKean.

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I may add a note to the question that Mrs. Tarr had. People 65 years of age or older are normally not working, so it doesn't put them in a position where they have to get out of work, lose a day's work, in order to go to the branch office.

One other small item. When you tell me that because I am 40 years of age that I don't have the sense to know that I am losing my sight, I think it is pretty poor principle. That is what we are telling our people — you don't have the sense to know when you are losing your sight, you don't have the sense to go to a doctor. Well, I am going to tell my people back home that I think if they are 40 years old or older that they have good sense. That is why when you see that green light, I am telling them, you have got good sense, I believe in you.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with the gentleman when he says people don't work after they are 65. He should look around here and he will see there are people over 65 and more. I am one of them, that is why I went for that eye test, and she still didn't put me in glasses.

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

Mr. JACKSON: Mr. Speaker and Members of the House: The thing that I am concerned with here is not the person who has to take the eye test but the person he may run into and kill. We may not have the statistics, maybe we don't have them because we don't test people before. The person who has gone through a windshield, it may be very hard to find out if they can see properly.

Also, there is the problem about the person who lives in the rural areas. We take rights away for other things driving a car. If you go out and drink a bottle of whiskey, you are losing your right to drive a car, you are not supposed to do it because you may kill somebody. We are turning around and saying, well, they have to get to work, they have to get home; therefore, it is justifiable that they shall be driving blind.

This is a good law. I think the question about

the people not liking it, I really wonder here, is it the people who don't like it or the Secretary of State who doesn't like it?

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

Mr. WHITTEMORE: Mr. Speaker, Ladies and Gentlemen of the House: I don't feel guilty taking this time because I have not taken much of your time on the floor, but I have heard this debate now for quite awhile and you are always talking about mandating to people. I know many people who will not wear glasses that should be wearing glasses because they are afraid it spoils their looks. I can give many names of people like this. They have a law that when you go hunting you have to wear a certain color to protect yourself. This is not to protect the other fellow, and you went along with that. Here is a law to protect the other person. If it was just to protect me, I would say no, but when you are driving a car and say you can see and you can't see, you get in an accident, they don't check your eyes to see if that is the reason or not.

I think you should give this very serious thought. This is not taking anyone's rights, so to speak, away from them, it is protecting other people. I am not the least bit sorry to have this law repealed, because I think possibly a lot of people are going to be saved through this.

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker and Members of the House: Very briefly, I think we are confusing convenience with highway safety. I wonder if the members of this House realize that twenty-two hundred vision is legally blind. I have twenty-two hundred vision. I have to wear contact lenses and I have for the last 20 years. I can't make it around my house hardly with twenty-two hundred vision. Can you imagine 200 people driving to a doctor with twenty-two hundred vision? It also doesn't come on very suddenly. People usually become this blind, and it is legally blind, slowly, so they have been driving for a while. Please remember this, there are legally blind people driving on the highway without glasses and without licenses that specify they need glasses.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: If we are so concerned with safety in regard to this law, I say that the Senate Amendment doesn't go far enough. It requires that you have an eye test at age 40, and it gives you 12 years from age 40, which will bring you to 52 years old, the time that your eyes start to deteriorate during this period of time. If we are so concerned with safety, let's require an eye test every time we get a driver's license. I think that might accomplish what people are trying to do, but obviously people won't accept something like that, and my people don't accept this law. This is the reason that my bill is in here. I urge you to vote to adopt my amendment.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: This past weekend I fortified myself with several bills that I thought were of great importance to the people I represent, especially the school funding bill and the posture it is in at the present time. Not one of the bills that I had with me were ever mentioned, but the piece of legislation that is before us right now seemed to be the one that everybody was thinking about, at least up in the northern part of Piscataquis County.

I thought, even though I have been against the bill from the start, I voted against it all last year and I have been with Representative MacEachern on this effort that he is making now since he started, but I thought I would explain the bill to the people. I didn't think that they understood that they weren't going to have to do

it every time they went for a renewal, but I didn't have to explain it, they understood this. They said, why in the world do you attack a certain group of people, namely, people in their forties? It seems to me, and this is the way they were talking to me, you would have made more sense, you would have been more reasonable, there would have been more credibility in it if you had said when a person goes for his license, whether he be 16 years old or 18 years old, or whatever, and then every 12 years, that probably would make sense. So I guess I am just one more in the hall of the House this morning asking you to support Representative MacEachern in his effort.

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

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

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be a member of the Transportation Committee, and no one has said anything today about what this lady from the Automobile Registration Bureau in Lewiston, the biggest one in the state, had said in our committee hearing. We have had this in effect now for a least six months, and not one of them has been refused a driver's license — not one. So what does that prove to you? That the test is not doing much.

The other day there was a lady who came down from the Rangeley Lakes area with 35 licenses and she had to go back home with 13 of them that she couldn't get because these people had to come back to Lewiston to get their licenses themselves and take the eye test. I don't know what it proves, but I am just telling you so you can consider this amendment at this time.

The SPEAKER: A roll call has been ordered. The pending question is on the adoption of House Amendment "A" to Senate Amendment "B". All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Ault, Bennett, Berube, Biron, Birt, Blodgett, Brown, K. C.; Bunker, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Cote, Cunningham, Dexter, Dow, Dudley, Durgin, Dutremble, Elias, Fowlie, Goodwin, K.; Gould, Gray, Green Greenlaw, Hall, Hickey, Hobbins, Hunter, Immonen, Jacques, Jalbert, Kany, Kelleher, Laffin, Lewis, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Mackel, Mahany, Masterman, Maxwell, McBreairty, McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Nelson, N.; Palmer, Paul, Peakes, Pearson, Peltier, Plourde, Post, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Strout, Stubbs, Theriault, Tozier, Traffon, Truman, Twitchell, Violette, Wilfong

NAYS: Alopous, Austin, Bachrach, Bagley, Beaulieu, Benoit, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Brown, K. L.; Burns, Carter, F.; Clark, Conners, Connolly, Cox, Curran, Davies, Devoe, Diamond, Drinkwater, Fenlason, Flanagan, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Higgins, Howe, Huber, Hughes, Hutchings, Jackson, Jensen, Joyce, Kane, Kilcoyne, LaPlante, Locke, Lynch, Marshall, Martin, A.; Masterton, McPherson, Morton, Najarian, Nelson, M.; Norris, Perkins, Rollins, Sewall, Talbot, Tarbell, Tarr, Teague, Tierney, Torrey, Valentine, Whittemore, Wood

ABSENT: Berry, Bustin, Gillis, Kerry, Mills, Peterson, Prescott, Tyndale, Wyman
Yes, 81; No, 60; Absent, 9.

The SPEAKER: Eighty-one having voted in

the affirmative and sixty in the negative, with nine being absent, the motion does prevail.

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

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

The SPEAKER: The gentleman from Lincoln, Mr. MacEachern, moves that the House reconsider its action whereby House Amendment "A" to Senate Amendment "B" was adopted. All those in favor will say yes; those opposed will say no.

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

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

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

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

**Passed to Be Enacted
Emergency Measure**

"An Act Relating to Certificate of Need" (S. P. 652) (L. D. 2013) (S. "B" S-433; S. "F" S-448)

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. 124 voted in favor of same and 5 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Reorganize Certain Boards and Commissions and to Affiliate Certain Boards and Commissions with Departments of Maine State Government" (H. P. 1907) (L. D. 1968) (C. "A" H-982)

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

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I tried to read through this bill. It is the first time it has caught my eye and it is 21 pages long. I wonder if someone could explain what this bill does.

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

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: This particular L. D. takes and does some streamlining in the reporting process of the various boards in the state. It affects a great many, the dental examiners, cosmetology, barbers, nurses, doctors, dentists, podiatrists, right down the line. What the bill does, it takes 26 reporting agencies and it places them under a department like the Department of Human Services for reporting purposes. Instead of the 26 agencies putting their separate budgets into the Budget Office, the Governor, they would submit it to the department that they have been aligned with.

Specifically in the bill and something that has concerned a number of the boards, it is spelled out that the Commissioner may not interfere, alter, revise, change or tamper in any way with their budgets or any of their discretionary regulatory powers that the boards have. In addition to that, there have been a number of sections that have been deleted in the bill which dealt with the Interstate Boundary Commission, the sections on the group accident and health insurance have been deleted, the section on the Education Advisory Leave Board was deleted. The section that retailed the blueberry

boards and advisory boards was deleted and it is not in the committee amendment. You also have the deletion of a couple of boards that no longer exist; for example, the State Military Defense Commission, which was the old state militia. That is no longer there and it transfers the duties and powers of that particular commission to the Adjutant General. So it is a streamlining, it is a housekeeping, it does not tamper with the powers or duties of the various boards and commissions but tries, for reporting purposes and communications, to streamline it.

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

"An Act Relating to Incinerator Particulate Emission Standard for Wood Waste Teepee Burners" (H. P. 2053) (L. D. 2112)

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

"An Act to Permit Self-contained Breath Testing Equipment" (H. P. 2054) (L. D. 2113)

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

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to have a brief explanation as to what we are doing here and particularly how this affects the implied consent laws and whether or not there will be any problems with that?

The SPEAKER: The gentleman from Anson, Mr. Burns, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: In answer to Mr. Burn's question, as far as our staff could tell, this would not affect the implied consent law at all. What the bill does is to allow the State Police and the Department of Transportation to buy or to use this new type of breath testing equipment, which gives an immediate readout rather than having to send the breath sample to the laboratory and therefore, take a couple of days. The other benefit of this is that eventually, once enough of these get in place, that you will see a substantial savings in the cost of this even though it is all federal money but that money could be used for other highway safety programs as we have made our intent known in the bill. You will not have the expense of the laboratory fees and the expense of having to have a chemist, which is something like \$50 a day, come to any of the court cases, which are challenged by the defendant.

What we have done, though, is to make sure that we have allowed the State Police and the local police departments to use this new type of breath testing equipment but we have also made out intent clear that they should continue allowing the local police departments the use of the other type of equipment until enough of these are in place.

One of the problems that the State Police and the Department of Transportation through the Highway Safety Committee has been told is that the federal government, which is funding our whole present breath testing program, wants the states to go to this new type of equipment because in the long run it is going to be a lot cheaper. So if we did not allow under the law for this type of equipment to be used, in the next year or two, we may find that our federal department of transportation, through the Highway Safety Act, would be withdrawing some of their support for the present breath testing.

As far as the implied consent law goes, it should not according to our staff, affect it at

all.

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

(Off Record Remarks)

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: I just received this little sheet of paper distributed by Representative Moody of Richmond. I want to make a comment or two. I thought this might be coming today because it is one of the very few times Representative Moody has been in his seat since his defection, so obviously we knew something great was going to happen.

I am just going to speak very briefly and say one thing. I resent very highly seeing one cent of ten cents of the taxpayers' money being spent in this House for reproducing this little bit. I assume that the taxpayers have paid for this and each one of us are now having a big joke and whether it is \$5 or \$10, this is in the legislative budget and I want it clarified in the future as to just what should be used in distributing trash like this to members of this legislature.

I care less whether Mr. Moody is a Republican or Democrat or Mr. Dodge is Mr. Chrichley is.

As a candidate for Governor for this state, I have traveled around it quite a lot in the last few months and I know quite a few Democrats who have changed and become Republicans to support me. Now, if you want me to continue this thing, I will bring in every day a little list of people and little letters and have the state pay for it showing you how these wonderful people have changed from one party to another.

I just didn't want this to get by without going on record that I think the time has come when trash like this should not be distributed at the taxpayers' expense. If you want to play politics, play it in the Democratic caucus and have Mr. Moody pay for it.

Mr. Moody of Richmond was granted unanimous consent to address the House.

Mr. MOODY: Mr. Speaker, Ladies and Gentlemen of the House: There was one reason and one reason in particular why I had that distributed. If you will recall Mr. Palmer, you will remember that on January 30, Mr. Rollins had a letter distributed that was in the Lewiston Journal. This letter that was distributed today was no more trash than that letter that a Republican member of this House had distributed last week. I repeat that that was the sole reason why I had that distributed and don't forget it.

Mr. Carroll of Limerick was granted unanimous consent to address the House.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I represent the Town of Hollis and I represent Mr. Dodge and any other citizen in the town of Hollis who cares to write a letter to the voice of the people. I shall defend Mr. Dodge anytime, anyplace, anywhere, in any public forum, be it in the Maine House or elsewhere. I feel that Mr. Dodge had a perfect right to write a letter to the editor and any member in this House has a perfect right to reproduce that letter and have it sent around for distribution, just as the Gannett Press was quoted in other areas and letters were distributed here today and in the past. I know Mr. Dodge. He is a man of the highest ethical standards and I have a great deal of respect for him, whether he be a Democrat or a Republican. I do not take a man to task because of his party affiliation when he is quoted in the press, and I think Mr. Dodge is a man of high intellectual character and I have always had a great deal of respect for him, even while he

was a Republican, and I have a great deal of respect for him now that he has joined my party.

(Off Record Remarks)

On motion of Mr. Moody of Richmond,
Adjourned until nine-thirty tomorrow morning.