

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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June 14, 1978

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APPENDIX

HOUSE

Friday, February 17, 1978

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

Prayer by the Reverend Victor P. Musk, Rector, Methodist Minister of Augusta.

Reverend MUSK: O God, Our Father, let Thy blessing be upon this session the House and upon these men and women freely elected to fashion the laws of this state we love. Grant to them true wisdom to know the times and to understand what they are called to do. O Thou who has crowned our lives with blessings manifold, grant, we beseech Thee, to all who hold elected office the courage to resist and refuse all evil, to strive that virtue may prevail and that Thy will may be done. And to Thy name shall we give all the glory. World without end. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication: (S. P. 699)

State of Maine
Office of the Governor
Augusta, Maine

February 15, 1978

Honorable Joseph Sewall
President of the Senate
and

Honorable John Martin
Speaker of the House
Dear Joe and John:

I am today nominating Paul D. Emery of Auburn and Edward H. Keith of Bangor to serve as members of the Maine Labor Relations Board. I am also nominating Mr. Keith to serve as Chairman of the Board.

Mr. Emery will be replacing Robert Curley who recently resigned from the Board and Mr. Keith will be replacing Walter Corey whose term on the Board recently expired.

Pursuant to M.R.S.A. Title 26, Section 968 these nominations will require confirmation by the Joint Standing Committee on Labor and Confirmation by the Senate.

Thank you for your assistance.

Sincerely yours,

Signed:

JAMES B. LONGLEY
Governor

Came from the Senate, read and referred to the Committee on Labor.

In the House, The Communication was read and referred to the Committee on Labor in concurrence.

Reports of Committees

Leave to Withdraw

Report of the Committee on Public Utilities reporting "Leave to Withdraw" on Bill "An Act Relating to the Responsibilities of the Chairman of the Public Utilities Commission" (S. P. 640) (L. D. 2007)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Provide for Alternative Election Procedures for School Budgets on a Local Basis" (H. P. 1909) (L. D. 1970) which was Passed to be Engrossed as Amended by House Amendment "A" (H-1035) in the House on February 14, 1978.

Came from the Senate, with that Body having insisted on its former action whereby it accepted the Majority "Ought Not to Pass" Report of the Committee on Education in non-concurrence and asked for a Committee of Conference.

In the House: On motion of Mr. Wood of Sanford, the House voted to insist and join in the Committee of Conference.

Non-Concurrent Matter

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 Enacted in the House on February 15, 1978 (Having previously been passed to be engrossed as amended by Committee Amendment "A" (H-986) as amended by Senate Amendment "A" (S-452) thereto)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-986) as amended by Senate Amendment "B" (S-446) thereto in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to recede and concur.

Orders

An Expression of Legislative Sentiment (H. P. 2117) recognizing that: Pascal Jandreau, ninety-two, and Sarah Jandreau, eighty-seven, of St. Francis, having been married on February 27, 1908, are now celebrating the seventieth anniversary of their wedding

Presented by Mr. Martin of Eagle Lake.

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

An Expression of Legislative Sentiment (H. P. 2119) recognizing that: Harry Crooker of Brunswick, is a self-made man who has proved through his commitment to hard work, good judgment and a willingness to back his judgment with action that the State of Maine is still the land of opportunity.

Presented by Mr. Stover of West Bath. (Cosponsor: Senator Morrell of Cumberland)

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

On motion of Mr. Plourde of Fort Kent, the following Joint Resolution: (H. P. 2118) (Cosponsors: Mr. McHenry of Madawaska, Mr. Violette of Van Buren, Senator Martin of Aroostook)

Joint Resolution

Joining the
University of Maine at
Fort Kent in

the Celebration of its Centennial

WHEREAS, one of the treasures of our State, as well as our Nation, is its many and diverse cultures, all of which reflect the rich historical experience and deep-felt expressions of our varied citizenry; and

WHEREAS, these cultures perhaps find their most profuse flowering in institutions of higher learning where scholars and teachers develop their traditions and hand down their learning to future generations; and

WHEREAS, the State of Maine is blessed in its northern part with citizens of Acadian descent whose history embodies a unique and precious form of French culture flavored by long experience in North America; and

WHEREAS, by "An Act to Provide for the Training of Teachers in Madawaska Territory," approved on February 21, 1878, the Legislature of this State, recognizing Maine's good fortune in having a strong Acadian tradition within its borders, provided for an institution of higher learning to serve the citizens of the Madawaska Territory; and

WHEREAS, the trustees of the school, aware of the unique advantages of the Town of Fort Kent, subsequently funded this institution in the midst of handsomely forested hills on the scenic Fish River; and

WHEREAS, during the 100 years since its founding, and under the names of Madawaska Training School, Fort Kent Normal School, Fort Kent State Teachers College, Fort Kent State College, and finally the University of Maine at Fort Kent, this institution has continued to grow and to flourish; and

WHEREAS, the University of Maine at Fort Kent now is firmly established as one of the brightest stars in the constellation of the University of Maine, offering a blend of the rich Acadian tradition and five superlative degree programs to a multifaceted student body from both Maine and our entire country; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature assembled in second regular session, hereby publicly declare our recognition of the irreplaceable benefit which the University of Maine at Fort Kent, together with all of those men and women who have served it, has conferred upon our Acadian tradition and upon our State during the past century, and further hereby express our encouragement and wishes that it may continue far into the future the success which it has had during the past 100 years; and be it further

RESOLVED: That a duly authenticated copy of this Joint Resolution, signed by the Speaker of the House and the President of the Senate, be prepared and presented to the Chancellor and the President as an expression of our feeling on this historic occasion.

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

By unanimous consent, order sent forthwith to the Senate.

On motion of Mr. Kerry of Old Orchard Beach, the following Joint Resolution: (H. P. 2123)

Joint Resolution requesting the members of the Maine Delegation to the Congress of the United States to urge the President of the United States to approve the application of Governor Longley for a Presidential Declaration that a disaster exists in Maine because of severe winter storms suffered in January and February, 1978

WHEREAS, during January 8 to 10, 1978, the State of Maine suffered an extremely severe and widespread winter storm which, because of widespread flooding and extensive beach erosion, caused great damage to public and private coastal property; and

WHEREAS, the Governor of this State, the Honorable James B. Longley, applied, on January 18, 1978, to the President of the United States, requesting that he declare that a major disaster exists in the State of Maine under the provisions of the Disaster Relief Act of 1974, Public Law 288, 93rd Congress; and

WHEREAS, the Governor was informed that this declaration would not be forthcoming; and

WHEREAS, on February 7 and 8, 1978, the State of Maine again was struck by an extremely severe winter storm, accompanied by heavy snowfall, winds up to hurricane force, and record tides and surf; and

WHEREAS, this additional storm increased the widespread damage already suffered by the State, causing enormous monetary loss and great human misery, and leaving Maine's coastal storm defenses so damaged that another severe storm can be expected to greatly add to the present destruction along Maine's coast; and

WHEREAS, the Governor of Maine, on February 15, 1978, again wrote to the President of the United States requesting him to consider the storms of January 8th to 10th and of February 7th and 8th, as one incident and again requesting him to declare that a major disaster exists in Maine under the Disaster Relief Act Amendment of 1974; and

WHEREAS, in view of the fact that the damage caused by these two storms occurring in quick succession amounts to over \$47,550,000, and in view of the fact that the State of Maine urgently needs immediate federal assistance to reinforce Maine's efforts to both overcome the human suffering and property damage already suffered and to prepare for the possibility of more damaging storms this winter, it is vital that Maine receive federal di-

saster assistance available only after a presidential declaration that a disaster exists in Maine; now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature, assembled in the Second Regular Session, do hereby request and urge the Congressional Delegation of Maine to the Congress of the United States to use all resources within their power to persuade the President of the United States, the Honorable Jimmy Carter, to approve Governor Longley's application of February 15, 1978, and to declare that a major disaster exists in the State of Maine under the provisions of the Disaster Relief Act Amendment of 1974, Public Law 288, 93rd Congress; and be it further

RESOLVED: That upon passage in concurrence, the Clerk of the House prepare suitable copies of this joint resolution for immediate transmittal to each member of the Maine Congressional Delegation and to the Governor of Maine, the Honorable James B. Longley.

The Resolution was read.

The **SPEAKER:** The Chair recognizes the gentleman from Old Orchard Beach, Mr. Kerry.

Mr. **KERRY:** Mr. Speaker, Ladies and Gentlemen of the House: We are all very well aware of the extensive damage done to the southern Maine coast due to this last storm. The previous disaster relief request was denied by the President even though it was of \$20 million stature.

This particular storm, and being it very propitious, I surmise, that President Carter will be here in Maine, I thought that it would be important for us here in the legislature to support Governor Longley's proposal for disaster relief to encourage our Congressional delegation to act forthwith and have the Governor and the President declare it a disaster area, the main reason being is for one thing only, that a Presidential area does receive far more extensive support economically in grants that will assist the people in my area in particular and in southern Maine. I don't do it only for my area, obviously, I do it for all the people in the fishing and tourist industry that have received over almost \$50 million worth of damage.

I would appreciate your support on this and I request you adopt it.

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

Mr. **PALMER:** Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the order of the gentleman from Old Orchard Beach, Mr. Kerry.

The recent rejection of Maine's request for disaster relief as a result of the January 9th and February 7th storms is discouraging and disappointing.

Federal officials have claimed that repair of the damages totaling \$46 million from both storms "was within the financial capability of the state and local government." This severe winter storm has caused, and will continue to cause, an inordinate expenditure of public funds at all levels, in a state in which many governmental units are already burdened by overcommitments in budgetary allocations.

Governor Longley has done an admirable job in trying to persuade the Carter Administration to provide disaster assistance to the businesses and home owners victimized by the ravages of these storms.

It is appalling that our federal government can believe that a state in which the per capita income is \$5,366 per year, and which ranks 43rd among the fifty states in per capita income, can bear the burden of these costs. Many of those most severely affected were fishermen and lobstermen. Their homes have been destroyed their traps destroyed but their livelihoods have been severely disrupted.

I would ask the Carter Administration to reconsider their rejection. I would have hoped that Maine, despite its geographic isolation from Washington, would have received more

equitable treatment. These storms have had a severe economic impact on our state, and will continue to place a financial burden on the taxpayers and individual victims if disaster relief is not forthcoming. Perhaps during President Carter's weekend visit to Maine, he will have the opportunity to view the destruction firsthand and will seriously reconsider his rejection.

There are some who have suggested in recent weeks that Maine is continually on the "short end of the stick" where the federal government is concerned. I can only hope that the Carter Administration will prove them wrong.

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

Mr. **TIERNEY:** Mr. Speaker and Members of the House: I rise to join with good Minority Leader in supporting this extremely important motion. I know it has been the subject of great debate and there will probably be many of you deciding on how you should vote, but I do hope that you do vote for it, although I don't have a written, prepared speech, as my good colleague from Nobleboro does, but I would like to inform each and every one of you that our entire Congressional delegation is aware of the problem. Both Senator Muskie and Senator Hathaway, our two Congressmen, who shall remain nameless, are all working on the problem. It seems there has been some problem with the way the particular application was filed. There are certain federal regulations dealing with whether or not we are able to join two storms together in one disaster. I was in communication with the Governor's Office just this morning on this subject, and they feel the subject is very sensitive and they hope a decision will be made today.

I certainly hope that we do join with my good friend from Nobleboro and my good friend from Old Beach and support this resolution this morning.

Thereupon, the Resolution was adopted and sent up for concurrence.

A Joint Resolution (H. P. 2124) in memory of Vincent A. LaVallee, a dedicated public servant of the Community of Gardiner.

Presented by Mr. Kilcoyne of Gardiner.

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

House Reports of Committees Ought to Pass

Pursuant to Joint Order H. P. 1986

Mr. Drinkwater from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1978 (Emergency) (H. P. 2120) (L. D. 2148) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1986)

Mr. Drinkwater from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1978 (Emergency) (H. P. 2121) (L. D. 2149) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 1986)

Reports were read and accepted, the Resolves read once and assigned for second reading Wednesday, February 22.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1050) on Bill "An Act to Provide Funding for Programs to Aid School Administrative Units to Identify and Provide Special Educational Programs for Gifted and Talented Children" (H. P. 1934) (L. D. 2005)

Report was signed by the following members:

Messrs. **PIERCE** of Kennebec
USHER of Cumberland
KATZ of Kennebec

— of the Senate.

Mrs. **BEAULIEU** of Portland
BAGLEY of Winthrop
LYNCH of Livermore Falls
FENLASON of Danforth
Mrs. **MITCHELL** of Vassalboro
Mr. **BIRT** of East Millinocket
Mrs. **BEAULIEU** of Portland
Messrs. **WYMAN** of Pittsfield
CONNOLLY of Portland

— of the House.

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

Report was signed by the following member:
Mrs. **LEWIS** of Auburn

— of the House.

Reports were read.

The **SPEAKER:** The Chair recognizes the gentleman from Livermore Falls, Mr. Lynch.
Mr. **LYNCH:** Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

The **SPEAKER:** The gentleman from Livermore Falls, Mr. Lynch, moves that the House accept the Majority "Ought to Pass" Report.

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

Mrs. **LEWIS:** Mr. Speaker, Ladies and Gentlemen of the House: I am not going to ask for a division on this report because it is really pointless since it is a 12 to 1 report, but I just thought some people might be interested to know a little bit about the bill and it does have an appropriation of \$122,000 on it and it does virtually nothing. It doesn't do anything bad, but it doesn't do anything particularly good either.

What it requires is that a teacher be able to recognize a talented or gifted child in a classroom and then ask for a grant from this \$122,000 appropriation to help to promote the cause of that child. I certainly am very interested in education and very interested in doing everything I can for every child, and I do recognize that these gifted and talented children are the future leaders of our nation and certainly I would hope that they would be recognized and helped. However, it depends upon the sensitivity of the teacher, and I personally feel that most of the teachers, and all of the teachers that I know in this state, are sensitive people who do recognize the qualities of every child in a classroom. If the teacher is so insensitive that she doesn't recognize those qualities, then she is not going to know enough to ask for this grant for this child anyway, so it really defeats the purpose. If the teacher is sensitive, the child is going to be well served, and if the teacher is insensitive, the teacher isn't going to ask for the grant anyway.

As I said, it is a \$122,000 that I think could have been spent for — we have so very many important programs, especially in education, and I realize this will take its place on the Appropriation Table and perhaps won't go very far, but even so, I thought you might like to know why I couldn't agree with the majority report.

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

Mr. **BAGLEY:** Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether any of you read Ann Landers or not, but I do and I would like to read a note. "Please tell the 26-year-old genius" — and this is in regard to a previous letter in which a man 26 years old said he was a genius and he succeeded in spite of it — "Please tell the 26-year-old genius he was very lucky. At least he was able to finish college. I am a 19-year-old genius who may have to drop out of school because I don't want to put a lot of D's and F's on my transcript. The problem is that everyone was so impressed with my brains, I didn't bother to learn how to exercise self-control. I mastered every subject so easily, I soon became bored. By the time I reached high school I didn't have the self-discipline to do the hum-drum stuff. I failed one subject three times because I couldn't keep my mind on it. I barely got out of high school and

now I have the same problem in college. Please tell the parents of gifted children not to let them get mentally lazy. And while you are at it, tell the so-called educators of America to give us bright ones a challenge instead of the standard things they are dishing out." She goes on to say that it is unfortunate if teachers don't catch those things.

Today, I bought a pair of bowling shoes and I thought I was all through bowling last year but my teammates urged me to keep on. My shoes were worn out so I bought a new pair. The man I bought them from knew that I was in education and had been for years and we got to talking. He said that his next door neighbor has a boy who is in the fifth grade and he is so smart that he gets through his work in just a few minutes, he gets bored, he is a loner, he doesn't get any attention from anybody, and the man told me that his son who is in the same grade is afraid the kid will get completely discouraged and drop out of school just as soon as he can. I can repeat that any number of times.

I had 46 years in the field of education and I saw those kids year after year. It is our hope, 12 of us on the Education Committee, that this grant will call teachers' attention to the fact that there are kids who need this special thing. It isn't very much money — \$1,000. We give this in grants of \$50, \$100, to enable these bright students who are going to be our future leaders to get an extra book, to have a trip to the State Library, some little thing that will give them recognition, will make them realize that they are good, that their ability is not something to be looked down upon.

I hope that this thing will not die on the Appropriation Table.

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

Mrs. KANY: Mr. Speaker and Members of the House: I have a question I would like to pose through the Chair, and that is, why could these functions not be chosen to be performed from the local school boards? Why could not an appropriation be included for the Department of Education and Cultural Services and that department and commissioner choose to spend some of the funds in this manner? Why do we need a special bill for this?

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mrs. Kany. I agree with you; I don't think we need a special appropriation. These requests from the communities are going to be very small. In talking to some superintendents, one of them said there may be a \$30 book or a \$50 trip to a museum or such, and most P.T.A.'s — I spoke to a P.T.A. meeting last night and they gave their treasurer's report and they had \$900, so I know they could afford to buy a book and let some children go to the museum. It could be done locally very easily.

I couldn't agree with Mr. Bagley more. I do feel that talented people should be helped, but I feel that other children should be helped too, and I would question which children would go to the museum, would it be just a few gifted, talented children? Why wouldn't every child in the class enjoy a trip to the museum.

One of my children was involved with a class that was held in Auburn at one time for gifted and talented children, and I can tell you, it really didn't work very well. Those children, you might just as well have given them badges that said, "Look, I am gifted and I am talented, I am a little bit smarter than anybody else." I don't really approve of that. I think that all children should be treated equally and should be encouraged to the best of their ability. I never really thought that it was a handicap for a person to be gifted or talented. I always felt they were pretty lucky.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-1050) was

read and the Clerk and adopted and the bill assigned for second reading tomorrow.

Consent Calendar

First Day

In accordance with the House Rule 49, the following item appeared on the Consent Calendar for the first day:

(S. P. 684) (L. D. 2106) Bill "An Act Concerning Pilot Projects for more Effective and Efficient Delivery of Services to Pre-school Handicapped Children" (Emergency) — Committee on Education reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-465)

No objection being noted, the above item was ordered to appear on the Consent Calendar of February 22, under listing of the Second Day.

Consent Calendar

Second Day

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

(H. P. 1998) (L. D. 2079) Bill "An Act to Establish Standards to Protect Maine Consumers Against Unsafe and Improperly Manufactured Cellulose Fiber Insulation" (Emergency) (C. "A" H-1045)

(H. P. 2036) (L. D. 2100) Bill "An Act to Provide for the Sale of Electricity to Public Utilities" (C. "A" H-1047)

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

Tabled and Assigned

(H. P. 1999) (L. D. 2080) Bill "An Act to Make Trafficking in Five Pounds or More of Marijuana a Class C Crime under the Maine Criminal Code" (C. "A" H-1048)

On objection of Mr. Connolly of Portland, was removed from the Consent Calendar.

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

Mr. CONNOLLY: Mr. Speaker, I would like to offer an amendment to this bill, but since it has not been prepared yet, I would appreciate it very much if someone would table this for one day.

Thereupon, on motion of Mrs. Najarian of Portland, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, February 22.

(H. P. 1991) (L. D. 2064) Bill "An Act to Provide for Limited Guardianship" (C. "A" H-1049)

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

Passed to be Engrossed

Bill "An Act to Revise the Brownville Junction Water District Charter" (Emergency) (H. P. 2115) (L. D. 2147)

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

Amended Bills

Bill "An Act to Provide for Specific Liability for Persons or Corporations Contributing to a Public Nuisance" (S. P. 658) (L. D. 2035) (S. "A" S-467 to C. "A" S-464)

Bill "An Act to Clarify Certain Definitions under the Subdivision Law and to Set out the Intent of the Legislature in Enacting that Law" (H. P. 1935) (L. D. 2006) (H. "A" H-1053 to C. "A" H-1032)

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.

Passed to be Enacted

"An Act to Amend Foreclosure Proceedings by Civil Action" (H. P. 1977) (L. D. 2062) (C. "A" H-1024)

"An Act to Set Off a Portion of Land from the Town of Wales and Annex the Same to the Town of Sabattus" (H. P. 2058) (L. D. 2116)

"An Act to Reconstruct the Fuel Adjustment Clause" (H. P. 2092) (L. D. 2137)

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.

Orders of the Day

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

House Divided Report — Majority (7) "Ought to Pass" in New Draft under New Title Resolve, Authorizing Certain Employees of the State of Maine to Request an Extension of Employment After Their Mandatory Retirement Age, years of Service Requirement or Age and years of Service Requirement (Emergency) (H. P. 2101) (L. D. 2140) — Minority (6) "Ought Not to Pass" — Committee on Human Resources on Bill, "An Act to Revise the Effective Date of the Act which Prohibits the Practice of Mandatory Retirement Age" (Emergency) (H. P. 1985) (L. D. 2068)

Tabled — February 15, 1978 by Mr. Tierney of Lisbon Falls.

Pending — Motion of Mr. Talbot of Portland to Accept the Minority "Ought Not to Pass" Report. (Roll Call Ordered)

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

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I feel as if I am part of a rerun from last Wednesday when I stand before you today and I realize that I am not going to change very many votes. You heard the testimony last Wednesday, you have been lobbied by both sides, and if I have not lobbied you personally, then I am doing that now.

As forcefully as possible, I want to stress that this is not L. D. 2068 which you are voting on now. It is a Resolve, L. D. 2140, which the majority of seven of the Human Resources Committee found should pass. This Resolve would allow one individual to continue to work. He has been to a doctor and had a physical and is in good physical condition, he is 60 years old, he has worked as a game warden for 40 years and he just asked to continue his employment. This does not affect anyone else. There is not anyone else there who wants to continue to work after they have come to the retirement age so I will just ask you to vote, no, on the pending motion.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: It has always been tradition in this House to pass legislation to make grandfather clauses and we have always had room for exceptions and I hope we do make this exception. I hope if you people yourselves have a bill of this nature, we will consider it on its merits and vote on it accordingly. I probably would support your cause the same as I support this gentleman's. I think it is a worthy cause and that we should extend him the courtesy of this man having a try. We do not say to the Fish and Game Department that they must hire this man, it says they "may." I think that that is very plain and very fair and we should do it.

The SPEAKER: A roll call has been ordered. The pending question is on motion of the gentleman from Portland, Mr. Talbot, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. NADEAU: Mr. Speaker, I wish to pair

my vote with the gentleman from Stow, Mr. Wilfong. If Mr. Wilfong were present, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, I wish to pair my vote with Representative Higgins from Scarborough. If he were present and voting, he would be voting no; if I were voting, I would be voting yes.

ROLL CALL

YEA — Aloupis, Benoit, Berry, Biron, Birt, Blodgett, Brenerman, Brown, K. C.; Burns, Bustin, Carter, D.; Chonko, Clark, Conners, Connolly, Cox, Curran, Dow, Gillis, Goodwin, K.; Green, Greenlaw, Howe, Hughes, Jensen, Kany, Laffin, Locke, Lougee, Lynch, MacEachern, Masterman, Mitchell, Moody, Najarian, Nelson, M.; Nelson, N.; Paul, Peakes, Prescott, Quinn, Raymond, Rideout, Smith, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine

NAY — Ault, Austin, Bachrach, Bagley, Bennett, Berube, Boudreau, P.; Brown, K. L.; Bunker, Carey, Carrier, Carroll, Carter, F.; Churchill, Cote, Cunningham, Davies, Devoe, Dexter, Diamond, Drinkwater, Dudley, Durgin, Dutremble, Elias, Fenlason, Fowle, Garsoe, Gill, Goodwin, H.; Gray, Hall, Hickey, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Kane, Kelleher, Kerry, Kilcoyne, LaPlante, Lewis, Lizotte, Mackel, Mahany, Marshall, Martin, A.; Masterton, McHenry, McMahon, McPherson; Norris, Palmer, Pearson, Peltier, Perkins, Peterson, Plourde, Post, Rollins, Sewall, Shute, Silsby, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Violette, Whittemore, Wood, The Speaker

ABSENT — Beaulieu, Boudreau, A.; Flanagan, Gould, Henderson, Hobbins, Jalbert, Joyce, Littlefield, Lunt, Maxwell, McBreairty, McKean, Mills, Morton, Tyndale

PAIRED — Higgins, Nadeau, Wilfong, Wyman

Yes, 53; No, 78; Absent, 16; Paired, 4.

The SPEAKER: Fifth-three having voted in the affirmative and seventy-eight in the negative, with sixteen being absent and four paired, the motion does not prevail.

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

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

Bill, "An Act to Prohibit Child Pornography" (H. P. 2106) (L. D. 2141)

Tabled — February 15, 1978 by Mr. Quinn of Gorham.

Pending — Adoption of House Amendment "A" (H-1043)

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. Wyman.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: An amendment is being prepared for circulation today. It has not yet been distributed. I don't know when it will be distributed, but I would like to have someone table it until later in the session.

Whereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of House Amendment "A" and later today assigned.

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

Bill, "An Act Providing Allocations from the Unappropriated Highway Fund Surplus for Fiscal Year Ending June 30, 1979" (Emergency) (S. P. 694) (L. D. 2135)

Tabled — February 15, 1978 by Mr. Carroll of Limerick.

Pending — Motion of Mr. Jensen of Portland to Reconsider Passage to be Engrossed.

Whereupon, Mr. Jensen of Portland requested permission to withdraw his motion to reconsider, which was granted.

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

Bill, "An Act Concerning the Catastrophic Illness and Medically Needy Programs" (H. P. 1911) (L. D. 1972)

Tabled — February 16, 1978 by Mr. Goodwin of South Berwick.

Pending — Adoption of Committee Amendment "A" (H-1046)

On motion of Mr. Goodwin of South Berwick, retabled pending adoption of Committee Amendment "A" and specially assigned for Wednesday, February 22.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1978 (Emergency) (H. P. 2105) (L. D. 2142)

Tabled — February 16, 1978 by Mr. Quinn of Gorham.

Pending — Adoption of House Amendment "A" (H-1051)

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

Mr. THERIAULT: Mr. Speaker and Members of the House: After this bill was tabled yesterday, I asked the secretary of the Oxford County delegation to call a meeting of the delegation, without expecting anyone to change their minds. After all, we can't expect them to keep shifting from one side to the other, but I felt that if we did not meet, we would be at a disadvantage when the matter appeared before us today.

We did meet. Matters have not changed and the same situation still exists. The request is for a sum of money, over \$5,000, as part of the regular operating budget for item when it had been given to them last year to cover an overdrawn account in the past.

I hope you will go along with me and adopt the amendment.

The SPEAKER: The Chair recognizes the gentleman from Dixfield, Mr. Rollins.

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I ask for the indefinite postponement of this amendment.

I guess this just boils down to whether you like the county extension in your county or whether you don't. In Rumford, perhaps it doesn't do much good, but in the rural towns of Oxford County, I think you will find it does have a great deal of influence. I believe very strongly in the people who run this project. They are good, solid citizens of our county and I think we should vote for indefinite postponement of this amendment.

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

Mr. THERIAULT: Mr. Speaker and Members of the House: There is one matter that all of you being members of different county delegations have experienced, not only as county delegation members but as legislators. When you are working on a county budget or any other legislative matters, you have to consider when you vote on a given item how your vote will affect the other member's vote on something you want. Therefore, you are very careful how you vote. But when all matters have been disposed of and you know that whatever you are interested in is no longer in question, you could care less about how you sign a paper that will change some item in the county budget and possibly vote on an amendment that would change the entire meaning of a bill. I do not mean by this that those members of the Oxford County delegation followed this procedure, but certainly this procedure of making a change in the county budget by getting a given number of signatures is not exactly proper.

As I said yesterday, who can say no to anybody who is asking for your signature and is face to face with you and no one from the opposition is around to argue their case. Again, ladies and gentlemen, I hope you will permit

the adoption of this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Dixfield, Mr. Rollins, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 72 having voted in the affirmative and 25 having voted in the negative, the motion did prevail.

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

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

RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office (H. P. 1886) (L. D. 1943)

Tabled — February 16, 1978 by Mr. Palmer of Nobleboro.

Pending — Appeal of the Ruling of the Chair on Germaneness of House Amendment "A" (H-950)

Mr. Gray of Rockland withdrew his appeal on the ruling of the Chair.

The SPEAKER: The pending question is on passage to be engrossed.

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

Mr. MARSHALL: Mr. Speaker, I move this lie on the table one legislative day.

Whereupon, Mr. Carter of Winslow requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Marshall, that this matter be tabled for one legislative day pending passage to be engrossed as amended. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Marshall of Millinocket requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Millinocket, Mr. Marshall, that this matter be tabled for one legislative day pending passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Ault, Austin, Bagley, Birt, Blodgett, Boudreau, P.; Brown, K. L.; Bunker, Carter, F.; Churchill, Clark, Conners, Cunningham, Dexter, Drinkwater, Dudley, Durgin, Garsoe, Gould, Gray, Howe, Huber, Hunter, Immonen, Jacques, Kane, Laffin, Lewis, Lougee, Mackel, Marshall, Martin, A.; Masterton, McMahon, McPherson, Morton, Palmer, Peltier, Perkins, Peterson, Raymond, Rollins, Shute, Smith, Sprowl, Stover, Strout, Stubbs, Tarbell, Tarr, Teague, Torrey, Whittemore.

NAY — Bachrach, Bennett, Benoit, Berry, Berube, Biron, Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carrier, Carroll, Carter, D.; Connolly, Cote, Cox, Curran, Davies, Devoe, Diamond, Dow, Dutremble, Elias, Fenlason, Fowle, Gill, Gillis, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Hickey, Hughes, Hutchings, Jackson, Jensen, Kelleher, Kerry, Kilcoyne, LaPlante, Lizotte, Locke, Lynch, MacEachern, Mahany, Masterman, Maxwell, McHenry, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Norris, Paul, Peakes, Pearson, Plourde, Prescott, Quinn, Rideout, Sewall, Spencer, Talbot, Theriault, Tierney, Tozier, Trafton, Truman, Twitchell, Valentine, Violette, Wood, Wyman, The Speaker.

ABSENT — Beaulieu, Boudreau, A.; Chonko,

Flanagan, Green, Henderson, Higgins, Hobbins, Jalbert, Joyce, Kany, Littlefield, Lunt, McBreairty, McKean, Mills, Najarian, Post, Silsby, Tyndale, Wilfong.

Yes, 54; No, 76; Absent, 21.

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: What we have before us, I believe, is landmark legislation for the citizens of Maine. This bill, L. D. 1943, is a companion bill to L. D. 1957, which is your next item on the calendar.

As some of you may recall, in the last session, I introduced a piece of legislation calling for a commission on judicial tenure and disabilities, which was thoroughly debated at a public hearing and then following deliberations by the Judiciary Committee, they asked and I agreed to withdraw my legislative document for further consideration. In that end, an order was introduced calling for a study on this particular question and a subcommittee of the Judiciary Committee, along with the Judicial Council of the State of Maine, joined together and conducted extensive research into this question.

I agree that the issue involved here can tend to be very emotional with some people, but it should not be emotional. It is a question that should deal exclusively with tenure and disability and nothing else.

There appears to be a group that are unhappy with the current legislation before us. As some of you probably remember, a similar bill, a companion bill that was before us yesterday was tabled until next week, and the reason it was tabled is because I obtained an opinion from the Attorney General's Office which ruled the proposed amendment unconstitutional. I choose not to circulate the opinion, but that is the reason behind tabling for two days.

I understand that there was a move afoot to table this one to attempt to amend it again. We are dealing in an area which is very critical, as it deals with separation of powers guaranteed by the Constitution and we have to be extremely careful how this type of legislation is drawn up. In the bill that we have before us today and the one that will appear before us next week meet the requirements of the Constitution, and I do not believe any attempt should be made to amend these documents. They should fly as they are, and if time proves that we were wrong, then another attempt should be made.

I would hope you would go along and allow this bill to go on its merry way.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: Because of an Attorney General's ruling yesterday declaring that a judge's ability to serve on a judicial qualifications commission, under an amendment which I have yet to offer to another bill, would be precluded from serving on that commission because of the constitutional objection.

The main amendment which I am offering deals with L. D. 1957. Although it does deal with L. D. 1957, it appropriately should be attached to L. D. 1943.

I agree and concur with the comments from the gentleman, Mr. Carter. I think this is landmark legislation and I do not think that the amendment which I am preparing will change that in any way. It will simply allow a judge who presently may only serve as a justice of the peace or on the judicial committee another option to serve on a judicial qualifications commission. It is in no way intended to change the substance or direction of L. D. 1943, but it is mandatory that I pass this amendment on this particular bill in order to present my main amendment tomorrow which will deal with L. D. 1957.

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

Mr. MARSHALL: Mr. Speaker, I move this be tabled for two legislative days.

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

Mr. TIERNEY: Mr. Speaker, I would request a Division on the tabling motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Millinocket, Mr. Marshall, that this be tabled for two legislative days. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

37 having voted in the affirmative and 66 in the negative, the motion did not prevail.

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

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

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

The SPEAKER: The gentleman from Winslow, Mr. Carter, having voted on the prevailing side now moves that the House reconsider its action whereby the Bill was passed to be engrossed. Those in favor will say yes; those opposed will say no.

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

The following paper from the Senate was taken up out of order by unanimous consent:

From the Senate: The following Order:

ORDERED, the House concurring, that when the House and Senate adjourn, the House adjourns to ten o'clock in the morning and the Senate adjourns to eleven o'clock in the morning on Wednesday, February 22, 1978. (S. P. 704)

Came from the Senate read and passed.

In the House: The Order was read and passed in concurrence.

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

The following Joint Resolution: (S. P. 705)
Joint Resolution Welcoming the President of the United States, the Honorable Jimmy Carter, on His Visit to Maine

WHEREAS, the President of the United States, the Honorable Jimmy Carter, will be visiting Bangor, Maine, on Friday, February 17, 1978; and

WHEREAS, during his visit he will be meeting and conversing with many of Maine's citizens, exchanging ideas, and enjoying the friendly generosity of Maine's "Queen City;" now, therefore, be it

RESOLVED: That we, the members of the 108th Legislature assembled in second regular session, do hereby extend a cordial welcome to the Honorable Jimmy Carter, President of the United States, and hope that he will thoroughly enjoy Maine's warm hospitality during his winter visit.

Came from the Senate read and adopted.

In the House: The Joint Resolution was read.

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

Mr. TIERNEY: Mr. Speaker, Members of the House: I seem to be speaking on Resolutions today, but it gives me particular pride and pleasure to speak in favor of this one.

I was significantly touched to note that this Resolution was offered in the spirit of non-partisanship and was sponsored by four members of the Penobscot Delegation, Senator Curtis, Senator Trotsky, Representative Devoe and Representative Tarbell and with that spirit of non-partisan, by-partisan welcome to our President, I am sure we are all pleased.

There is one issue of importance, however, I would like to comment upon and that is the issue of Loring Air Force Base. As we know,

there has been a proposed closing of Loring Air Force Base. The lives of 10,000 Maine residents are going to be greatly affected by the passage or the rejection of the Loring Air Force Base. The payroll is \$35 million, which generates an additional \$135 million to our economy. I can assure the members of this House that no member need fear that the President is not aware of these facts and figures. If you ever thought he had been, you will be happy to know that the President is staying this evening in the home with the in-laws of the Chairman of the Save Loring Committee. I can assure you that if he is unaware of these facts, he will be informed of these facts this evening during his stay in the City of Bangor. I do hope we pass this Resolution forthwith.

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

Mr. DEVOE: Mr. Speaker, Ladies and Gentlemen of the House: Noting the absence in today's printed calendar of both the House and the Senate of a Resolution welcoming the President to this state, the cosponsors and I believed it to be very appropriate that we prepare and have presented to us on a supplement this Joint Resolution.

President Carter is going to arrive here and visit in Maine today. I think it is appropriate that we, as the elected representatives of all the people of this state, pay respect to the office of the President and extend our cordial greetings to him upon his arrival in Maine.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: As another Representative from the City of Bangor and the County of Penobscot, I think it is indeed an honor for the citizens of Bangor and Penobscot County to welcome our Honorable President Carter to our humble and relatively impoverished state. During these troubled times for our state, it is very reassuring and encouraging for the people of Maine to know that our President, who comes from a more prospering and developing region of the country, possesses the courage, the goodwill and the resolve to respond fairly and appropriately to the needs and problems of all our people throughout the nation, regardless of geographic location or political consideration.

I hope that President Carter, during his visit over the course of the next day and a half, finds our Maine, downeast hospitality to rival that even of his own home state.

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

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: It is with a great deal of pleasure that I rise to second the words of the Majority Leader across the way, and I am speaking now without a prepared text. I am very happy as Minority Leader of this House to welcome the President of the United States to Maine this weekend, and, indeed, as he has a chance to talk with the Save Loring Committee, I would only say one more thing, I hope he also has a chance to see the coast of Maine.

Thereupon, the Resolution was adopted in concurrence.

(Off Record Remarks)

On motion of Mrs. Huber of Falmouth,
Adjourned until Wednesday, February 22, at ten o'clock in the morning.