

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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Senate Confirmation Session

June 14, 1978

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First Special Session

September 6, 1978 — September 15, 1978

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December 6, 1978

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APPENDIX

HOUSE

Thursday, March 2, 1978

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

Prayer by the Reverend E. Millett Cummings, Retired Methodist Minister of Norway.

Reverend CUMMINGS: Almighty God, our Heavenly Father, who alone gives wisdom and understanding, inspire this day and every day of this legislative body, the hearts and minds of those who have been entrusted by the people of our great State of Maine with the responsibility of political leadership. Endow them we beseech Thee, with a vision of truth and justice, that out of their deliberations and debate may come legislation and laws that will be of lasting benefit to all the citizens of our state. Lift their eyes beyond the selfishness of party and factions to the greater good of every Maine citizen, young or old, rich or poor, or of whatever station in life they may be. In this spirit, our Heavenly Father, we lift our prayer to Thee at the opening of today's session of the House of Representatives. In this same spirit, we humbly ask Thy blessings upon our Governor, the Speaker of the House and upon each member of this House. May their legislation and action of this day be according to Thy will so that they may be worthy of Thy blessings and merit Thy commendation at the end of this day, well done, thou good and faithful servant. We lift up this prayer in the name of, and for the sake of, Thy Son, Our Lord, Jesus Christ Himself. Amen.

The journal of yesterday was read and approved.

Orders

An Expression of Legislative Sentiment (H. P. 2163) recognizing that:

The Farmers of Maine joined by the Department of Agriculture and their attractive reigning queens have presented a truly outstanding Agriculture Day for the 108th Maine Legislature.

Presented by Mr. Smith of Mars Hill. (Coadjutor: Mr. Birt of East Millinocket).

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

An Expression of Legislative Sentiment (H. P. 2165) recognizing that: The Jonesport-Beals Royal Boys' Basketball Team has won the Eastern Maine Class D Championship for the 8th time.

Presented by Mr. Nelson of Roque Bluffs.

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

An Expression of Legislative Sentiment (H. P. 2166) recognizing that: Mrs. Ethel M. Haskell, of Mt. Desert, has been named 1978 Merit Mother.

Presented by Mr. Perkins of Blue Hill.

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

An Expression of Legislative Sentiment (H. P. 2167) recognizing that: The Hawks of Hodgdon High School, coached by Roger Sherman, have won the Eastern Maine Class C School Girl Basketball Championship for the academic year 1978.

Presented by Mr. Lougee of Island Falls (Coadjutor: Senator Carpenter of Aroostook)

Second Reader

Later Today Assigned

Bill "An Act to Revise the Laws Concerning Marine Resources" (H. P. 2146) (L. D. 2166)

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

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

Mrs. POST: Mr. Speaker, Men and Women of the House: We have some amendments coming to this bill that I hope will be ready this af-

ternoon, so I would ask that somebody table it until later in today's session.

Thereupon, on motion of Mr. Davies of Orono, tabled pending passage to be engrossed and later today assigned.

Amended Bill

Bill "An Act to Encourage Early Resolution of Discrimination Complaints and to Clarify the Subpoena Power of the Maine Human Rights Commission" (S. P. 703) (L. D. 2150) (S. "A" S-478)

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

Passed to Be Enacted

Emergency Measure

"An Act to Authorize the Town of Lincolnville to Withdraw from the Appleton-Hope-Lincolnville Community School District" (H. P. 2066) (L. D. 2129) (C. "A" H-1085)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and one against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1978 (H. P. 2127) (L. D. 2154)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1978 (H. P. 2122) (L. D. 2152)

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

Passed to Be Enacted

"An Act to Provide a \$250,000 Grant to the New England College of Osteopathic Medicine" (S. P. 667) (L. D. 2055)

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call.

I have already told you my objections to this particular bill. I do feel that it is wrong for the legislature to be appropriating a quarter million dollar grant to a private college at this particular time when the voters of this state have turned down referendum items for capitol construction and improvement for three of our university campuses. I do not believe that the taxpayers of this state, had they had an opportunity to vote on a quarter of a million dollar grant to this college, would have approved it, although I don't want to second-guess the judgment of the people of the state.

In the name of fiscal responsibility, I would hope that you would defeat the motion to accept this particular bill.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin. Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I would hope that you would pass this particular bill. There are several reasons that I have for supporting this bill, but I think mainly it is a fact, and I think those of you who have been in legislature for a while remember that a couple years ago we killed a proposal for state-supported medical school which would have cost us millions of dollars over the course of several years. One of the reasons I voted against that was the fact that I knew that this osteopathic school was coming down the line and felt that this is the way we should go instead of running our own programs, that we should try to provide slots for Maine people in a variety of medical schools around New England, and we have a chance here to really improve a local school's medical program, the only one in the state.

Also, if you will take a look at the medical needs of this state, you will find that the vast majority of areas of this state need general practitioners. I think you will also find that about 90 percent of your osteopathic physicians in the state are general practitioners. I can think of no better investment for the medical future of this state than to invest in a school to provide for osteopathic physicians for the state.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to concur with the good gentleman from Pittsfield, Mr. Wyman. The legislation that you have before you expends approximately a quarter of a million dollars from state revenue for a private college.

The argument that you hear from those who are in favor of this legislation is that an osteopathic school in the state of Maine would provide better medical care for our rural communities. Well, I say to you that I think they are misleading us in thinking that because there is a school in the State of Maine, better medical care will be provided to the rural communities. Yet, I will submit to you that today in the state of Maine we have more physicians than we have had before, and the reason that we have more physicians is because of the nature of our state, the beauty of our state and the fact that these physicians are leaving the larger metropolitan areas and are coming into the state of Maine. If we are to increase medical care in this state, and I believe that we will, we will be doing it simply because of the nature of our state, not because we allocate \$250,000 of state funds for a private medical school.

Again, Mr. Wyman's argument is correct when he says that if the voters had an opportunity to vote on this question, I doubt very much if they would have supported it, because when they had the opportunity to vote on the University of Maine, as I think it was clear to most of you here, they did not support that. This is more or less using a back door in circumventing the wishes of the voters in allocating these dollars. I see many of you shaking your heads, but I wonder, and I mean this sincerely, I wonder how any of you can stand here today and say to the people of Maine or to this legislature that the allocation of \$250,000 to a private school is going to improve medical care in this state. There is no proof, there never has been any proof in any state where they have put in a medical school that better medical care in this state. There is no proof, there never has been any proof in any state where they have put in a medical school that better medical care for the rural communities has taken place, and before you expend these funds, I sincerely hope that you consider what you are doing.

As I said earlier, there are more physicians in the State of Maine now than there have ever been before. The reason is that these physicians are leaving the larger metropolitan areas and they are coming into a state like the State

of Maine simply because of the nature of the state, not because we have a medical school. Those who graduate from the medical school, let me guarantee you, they will be looking to go to the places where they can make the most money. Yet, the physicians that are coming here now are those who have already the training, those who have been in the field and those people who are ready to retire or spend their life in one area; yet, those who will graduate from school will not stay in the State of Maine. They will go for monetary reasons if nothing else. They will want to go some place where they can make the most money to pay off those loans that they have incurred going to school.

Anyone who argues with us that this medical school is going to provide better medical care for the people of Maine, I think are misleading us. Better medical care for the people of Maine is going to come simply because of the nature of our state and the fact that the physicians want to come here. That is a fact and it is happening now, not because we expend \$250,000 of taxpayers' dollars, and let no one mislead you.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The statements made by the gentleman from Lewiston, Mr. Biron, do not hold water. I will qualify that statement by the very fact that we lost our medical school from Bowdoin College way back in 1920 and 1919 and many of our rural communities, throughout the State of Maine, had anywhere from one to three doctors and all of these doctors were doctors who graduated from Bowdoin Medical School. For the lack of participation in the State of Maine in the funding of this private medical school for \$50,000 we lost a medical school in the State of Maine. That was the greatest catastrophe that has ever hit this state. You talk about the great forest fire of 1974, you can talk about hurricanes, you can talk about earthquakes, but the greatest deterioration in the rural area of the State of Maine took place when we lost our medical school at Bowdoin College.

Governor Baxter is remembered by many people for Baxter State Park. I remember Governor Baxter as the Governor who vetoed the money for the Bowdoin private college, which was \$50,000. Had we kept that facility in existence, today we would have had many, many doctors throughout rural Maine.

You all saw the lovely Apple Queen that was up her, who spoke to us and she did an outstanding job. Her father is Dr. Lowell Barnes, an osteopathic doctor in the town of Hiram. The young lady said that she was planning on becoming an osteopathic general practitioner to serve the rural areas. She has had first-hand experience seeing her Daddy provide for the needs of the people in rural Maine.

I am a little bit alarmed when I hear a man who lives in the City of Lewiston tell us how many doctors we have in rural Maine, because I just happened to think that you haven't been beyond the boundaries of Lewiston if you make that statement. We had two doctors and two dentists in the town of Limerick. We now have no doctors and one dentist.

I propose to you and I assure you that had the medical school approval gone out to referendum, the people in Maine would have supported a medical school for Maine. It never went out to referendum and that unit that was planning to set up a medical school in Maine is now in West Virginia and West Virginia has two medical schools. People think of West Virginia as Appalachia. They have two medical schools; the State of Maine has zero. We have a zero balance in our checkbooks when it comes to medically trained people. I think it is a catastrophe worse than the forest fire of 1947, it is worse than having an earthquake or a hurricane, because I come from rural Maine and I know that my people are lacking in medical care because the State of Maine has never participated in

funding medical facilities in the State of Maine.

The hour is late. We have a private college, St. Francis College in Biddeford, Maine, and they are the people that are going to work with the osteopathic people in developing this medical school. They have assured us that their program is going to be geared to general practitioners for rural Maine. I assure you all that this money is going to be well spent.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: If I may respond to Mr. Carroll's remarks in reference to the fact that I have never left the City of Lewiston, let me assure you that I have and I have traveled the State of Maine. Let me also agree with you Mr. Carroll, that the physician care in the rural communities is not good, it is atrocious and it should be better. Let me also assure you that the spending of \$250,000 of state funds will not rectify that situation.

You pointed out in your argument the State of West Virginia and the fact that they have two medical schools. Well, let me say to you, Mr. Carroll and other members of this House, that there is no place in the country that has worse medical care in its rural areas than West Virginia, where they have two medical schools. What happens to your arguments then? They have two medical schools and their rural areas have no proper medical care. That comes from a documentary that I saw on television no more than a couple of months ago based on medical care in rural America. They talked about West Virginia. Does that mean that the expending of dollars by a state is going to improve rural medical care? No, it will not.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I figure that it is only fair to point out that the remarks of the gentleman from Limerick might be misconstrued. It is not exactly correct to say that the State of Maine is not putting money into the recruitment and encouragement of the medical profession, because I am sure you all know that we participate to the tune of quite a few dollars in the compact to make sure that students have slots in medical schools in Vermont and Tufts and that program is under consideration for expansion right now. We also have dollars in the loan fund program for the osteopathic students, no matter where they may attend school.

There is some question as to how to best promote the increase of physicians into rural Maine, practicing in rural Maine, and it is not exactly correct to say, either, as the gentleman from Lewiston did, that medicine in rural Maine is atrocious, because there are some areas of rural Maine which have developed programs that are exactly as good as those in more urban areas, considering the size. Physician recruitment has been successful in these areas because the programs were modern and up-to-date.

I am sure that the State of Maine is definitely backing increased availability of physicians in many ways and it needs to be done in many ways. There is no one single way that is the best way, and I am not sure that this \$250,000 could not be better spent in some of the other programs, including preceptorships, residency programs, for both allopathic and osteopathic physicians, than in putting it in one shot into a medical school in addition to the philosophical argument that the gentleman from Pittsfield has presented that, under the circumstances today, it would not seem to be the will of the people of the State of Maine to put capital funds into private institutions, or public ones for that matter.

So, I would hope that you would consider it this morning, I am coming down on the side of the gentleman from Pittsfield, because I think these dollars can be better spent in other ways to provide medical care in rural Maine.

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

Mr. HUGHES: Mr. Speaker, Members of the House: I, too, would like to join the gentleman from Pittsfield in his sentiments opposing this appropriation.

Like the gentleman from Limerick, Mr. Carroll, I fought very hard for a medical school several years ago. It passed this legislature and was vetoed by the Governor and that veto was sustained. I felt then, and still feel, that we need a medical school in the State of Maine, but I think we are getting a medical school through the backdoor approach. I think we need to be aware of that and aware of it early in the game. What we are seeing here is what I think is the first of a number of requests from this medical school for state appropriations, appropriations which I would not oppose in principle except for the fact that with them goes no public accountability, and that is the difference between this medical school and what would have been the medical school at the University of Maine.

There are no public trustees of this medical school accountable to the people of the State of Maine. We have no control over the admission policies of this Medical School in order to make accountable to the people and the wishes of the people in the State of Maine. We have no control over the curriculum, we have no control over the hiring of doctors to teach these students and yet, we have been asked for a \$250,000 grant to help build the facilities necessary.

There is another bill, L. D. 1993, which I have before me, which asks for \$42,000 per year to purchase slots in this medical school, and I suspect that is only a beginning if that bill passes. That is \$7,000 per student. So, I think we see the beginning of what may be a very expensive program and we need to face the issue early in the game, that if we are going to begin appropriating large sums of money to a private school, then there needs to be some kind of accountability for that.

One of the methods which occurred to me in the last few days, was at least some members of the Board of Trustees of this school be public members. I went down to the Legislative Research Office to try to find a way to bring that about through amendment, and you ought to see the trouble that we had down there trying to figure out who runs St. Francis College. It was finally figured out that it was run by the Franciscan Fathers of Maine, and that is all the law says. Whoever they may be and however they are appointed and however they are confirmed, they are the body that controls this medical school two which we are giving \$250,000. I just simply couldn't figure out a way to get some public members to that Board of Trustees to make sure that our public funds are being well spent, so I dropped that effort. I see no way, until the school itself gives us some mechanism for some kind of public accountability, to back the expenditure of large sums of funds for private schools.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I am really surprised at the good gentleman from Auburn, Mr. Hughes, where he can get up and talk about accountability — I would like to ask him how much accountability he really imagined we would have had over a state-supported medical school, how much accountability we have over the University of Maine Law School, how much accountability we even have over the University of Maine, period, if you want to talk about accountability to the legislature. How much accountability do we have over the medical school, like Tufts and the University of Vermont where we buy slots? It is very, very little.

The gentleman from Farmington, Mr. Morton, was very correct in saying that we are trying to provide good medical care for this state, especially in rural areas, through a variety of ways. We have a good program going on

right now up in the Farmington area. I think we are the leaders in the country in developing new forms delivering health care services in the rural areas. But the backbone of medical care services in the rural area is the general practitioner. You can try a variety of things, you can try nurse practitioners; you can try physician extenders, you can try facilities such as we have like ambulatory care centers, you can try a variety of things, but you need that general practitioner out there.

Approximately, 90 percent of your DO's are general practitioners. The backbone of rural health care in this country are osteopaths. We have more physicians right now in this state that we need, but they are all within 20 miles of the Maine turnpike and I-95 and most of them are specialists. You go through the list of MD's in Portland and it is as long as your arm, but most of them are specialists, working with the Maine Medical Center. You get 20 miles away from the turnpike and we really have a need, and the need for that rural medical care is the general practitioner. The best people that you are going to get for GP work, I feel, are the osteopathic physicians. They go to school expecting that. They don't come out of medical school expecting the world, as a lot of MD's do.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: Though I concur with the remarks of the gentleman from South Berwick but I would like for us to look for a moment at this bill in a different perspective.

I think this legislature is aware that we buy positions or slots for students who want to become osteopaths at schools in other states.

I am going to suggest that we look at this as a chance to support a coming non-polluting Maine industry. I say it for this reason. I attended a conference very recently of New England Legislators and everyone was lamenting the great exodus of industry from New England to the sunbelt where the climate was not so harsh and perhaps the wages were lower. But the speaker from the University of Vermont said, there is always one thing that the people in New England have always done better than the rest of the nation, and that was living by their wits. His suggestion was that the schools and the universities in New England are among the highest respected in this country and people flock to get into New England. It is my suggestion to you that by supporting the startup of this new non-polluting industry, instead of pouring money into osteopathic schools in Kansas, we will be importing students into the State of Maine who can study down in Biddeford and can increase employment, when we buy contract slots for our osteopaths, the money will be spent in Maine, so it is for this reason that I can support a one-time grant which would start this industry in southern Maine.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: The last speaker has just made one of the points that I wanted to make. There are two others. First of all, in regard to the argument of the gentleman from Auburn, that the religious group run St. Francis, it is in the works now to turn that into a university with two schools now and three in the fairly immediate future, with a distinct board of directors who will not be members of the church or who will not be members of the order. There will be members from various groups. That is already in the works and it is going to happen fairly soon. As soon as this school gets underway, they will have two schools, and as I said, a third one of general medical services is now in the works. That will prepare paramedics, etc., nurses, to continue the work of medical service delivery.

As far as osteopaths in the rural areas are concerned, I come originally from northern Waldo County, and you don't get much more

rural than that. In that area, for years the only physicians we had were osteopaths. I was superintendent of schools for 10 years in southern Aroostook, we had no medical doctor in that whole area, the rest of the doctors and we had three and four at a time, changing individuals, but the fairly constant numbers and they were all osteopaths.

A friend of mine in southern Aroostook, who was an osteopath, passed away recently. When he passed away, he was chief of staff in a hospital in Houlton. He was the only osteopath on the staff and yet he was chief of staff, so the osteopaths certainly get into rural areas and they are certainly competent, and it seems to me this is an opportunity to really do a good turn for the people of the State of Maine.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I wish to respond to some of the comments that were made here this morning. I support this bill wholeheartedly. I have a communication, because I have been doing my homework as to what this money is going to be used for and what the purposes are to be. I would like to respond to Representative Hughes by quoting from a communication as to the status of the school. St. Francis was once a Franciscan Catholic Liberal Arts College. It is now a legally designated, non-sectarian institution operated by a lay board of trustees, so I think our Legislative Research Department had better get a little bit up to date.

The mission of this school is to develop a small university devoted to human studies on health care. The school isn't even open yet and they are reviewing 186 deposited applications from which to select next fall's first class of 36 students, and 25 of the applicants are Maine residents. I think that is something quite unusual for a school whose doors have not been opened yet.

When Representative Mitchell said that Maine is known for living by its wits, let me remind you what has been happening just to get this school off the ground. They have raised over \$540,000 in cash and pledges from New England Osteopathic doctors, other osteopathic hospitals, businesses and friends and have closed a loan financing an additional \$350,000 so the fund drive initiated by them is very successful. They plan to get more money and I assure you they will get more.

The \$250,000 state grant that they are asking for is to complete the development of the educational program. It is not for the bricks and mortar, it is the educational program. If they can get this money, they will be ready to start their first class next fall.

Employment at the university in two years will exceed a 125, compared to about 85 people now. What that means is money into that particular area, earned and spent in that area. It will attract imported students who also will be spending their dollars here. Maybe the time has come for us to stop spending our dollars out of state, keeping our kids here and educating them here.

I think it is also imperative, and I hope Representative Birt will stand and speak to this, this is not the first time in the history of this state where grants of this kind have been given to what we call private institutions.

I certainly urge you to support the bill. The Education Committee did a lot of research and homework and a lot of soul-searching before we put out this report to you. I think the time has come for us to look at our own state, and for our students.

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: I, first of all, want to respond to Representative Carroll of Limerick when he mentioned the Apple Queen said she was going to study medicine, and I, at that

point, was almost persuaded to change my opinion on this particular bill, but I caught myself just in time and came to my senses, but I will say I was almost persuaded.

I think it is unfortunate that this particular debate on this bill has been couched in terms support for osteopathic medicine or opposition to osteopathic medicine, because I don't believe that this was ever the issue. I don't think it is the issue now.

I have supported all legislation that has come before the Education Committee to help students attend private schools, private medical schools, also supported the bill that was sponsored by the chairman of our committee to have 80 percent of student loans forgiven if the student, after he has finished his medical education, comes back to the State of Maine to practice, so I support that concept and that is why I supported the legislation, and I will continue to support student assistance directed to the students themselves.

Representative Beaulieu has said that this was not a grant for bricks and mortar. That was not my understanding, because there was a slide presentation that was given by the school at the public hearing and all that I saw in the slide presentation was an unfinished building. I don't know in the bill if it stipulates that this money is going to go to the educational program. I don't think that this grant has anything attached to it. I think they can use the quarter of a million dollars for whatever they want to use it on. I don't think that the state is telling them what they have to use the money for.

I know and the other members of the committee also know that they have an unfinished building, and I expect that at least part of this money is going to be used to finish that capital construction. So this is, to a degree, going to be a grant for bricks and mortar.

I would hope, ladies and gentlemen, that you would not vote on this bill on the basis of how you feel about medical education, because I think we all realize it is important. I think we all realize we need to attract students who have finished medical school to this state to practice medicine. I think we all realize the need to have more doctors in rural areas — I certainly do in the area that I represent. That is not the issue. The issue is whether we are going to appropriate a quarter of a million dollar grant for bricks and mortar to a private school, whether it is a medical school or any other kind of school.

Those of you who serve on the Appropriations Committee know full well that when any institution or any school or any association or any group that is formally organized and formally lobbying comes to make a presentation before the Committee on Appropriations, they always present the most dire situation that they could possibly present in order to secure the funding, always ask for more than they expect to get, and I would expect that in this particular case, St. Francis did the same thing.

I am willing to stand before you and go on record as saying that I do not believe personally that St. Francis is going to close its doors if they do not get this quarter of a million dollar grant, and I hope that none of you would be under this impression.

I wonder where we are going to draw the line. I think we all have reached the point that we realize that \$250,000 out of the General Fund for one program or one school means \$250,000 away from some other programs. We have heard a lot and I have heard a lot about setting priorities, setting budgetary priorities, setting priorities in our appropriation, we have heard a lot about it. We all believe in it, we all realize we need to do it, so I think this is the place to start. It may not be popular, and I don't think what I am saying is popular with those who support medical education, because regardless of what I say, I am sure my position and the position of others is going to be construed as op-

position to medical education. We, somehow and sometime, have got to set priorities, spending priorities. You know, next year in the 109th, maybe Bates or Bowdoin or Colby or some other school is going to come in saying, we need a quarter of a million dollar grant, or we need a grant for \$15,000 to complete this program or for this program or this building. What are we going to say to them when they say that last year you appropriated a quarter of a million dollars to St. Francis, which is a private school, and we feel that our needs are at least as great as theirs? What are we going to say to them?

We may have set a precedent, but it seems to me that we cannot support, ladies and gentlemen, two systems of higher education. We cannot support as we ought to the University of Maine and at the same time support private schools.

I appreciate the remarks that Representative Carroll has made and I trust that he and the others will not construe anything that any of the rest of us have said as being in opposition to rural medical care because that is certainly not the case.

Mr. Speaker, I would reluctantly, but feeling it is right, move indefinite postponement of this Bill and all its accompanying papers and ask for the yeas and nays.

The SPEAKER: the Gentleman from Pittsfield, Mr. Wyman, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentlewoman from Brunswick, Mrs. Bachrach.

Mrs. BACHRACH: Mr. Speaker, Men and Women of the House: I would just like to correct a misconception included in Mr. Wyman's speech, and that is that Maine medical students who return to practice in Maine are forgiven 80 percent of the cost of their slot being provided, and I wish this were so. In fact, the House and Senate voted in favor of this, but in the appropriations bill last year, that was entirely changed so that it now requires that anyone coming from Maine who receives capitation must repay 80 percent, even if they do return to practice in Maine. I was under the impression that this was going to be changed, but I see in the Errors and Inconsistency Bill a reiteration of this same position on page 10 of 2132, if you care to check it.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: There is a bill coming out as the result of an ad hoc committee that was formed by three legislative committees that will do exactly that, rebate 100 percent of the loan if they practice in Maine four years as a general practitioner, surgical specialist would be rebated 50 percent, and that will be forthcoming almost immediately.

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

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: In regard to the use of this quarter of a million dollars, I think it makes very little difference, but we have been assured by the president of St. Francis that the contracts for all the building, actual construction, are given and the money is in the bank and none of this money will be used for bricks and mortar. We have also been assured that this is a one-shot deal, signed by the president, a statement that they will not be back in future legislatures for more grants at that time. This money is to be used for so-called start-up purposes, to be used for equipment, it will be used for preliminary salaries and so forth, matters that will be covered by tuition as soon as the school gets started.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: There is very little to add to this debate. I wish that everybody would look

at the bill; it is a very very short bill. The statement of fact is an accurate statement.

It is a one-shot deal, as several of the speakers have said. As I understand it, it is not for bricks and mortar, it is to complete preparations for its first class. And if you will read the statement, the college also plans clinical training programs in a system of osteopathic physicians, offices and rural health centers in the region, which is something I understand they need very badly.

This New England College of Osteopathic Medicine is requesting similar capital support from other New England states, and if we in Maine deny that support, I would think their chances would not be as great. I think we who are going to have the school in our state, and as Representative Mitchell said, create a non-polluting industry, certainly we ought to lead the way and make it a little easier for these people to get support from the other New England states.

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

Mrs. NAJARIAN: Mr. Speaker and Members of the House: I was just talking to the lobbyist for the osteopathic school, who said the money would be used for capital construction and not as Mr. Bagley just said, so I am a little confused about what they are going to spend it for.

However, I just want to point out that I have here a Maine Sunday Telegram article from 1975 when the osteopathic school was first publicized, or the proposed osteopathic school was first publicized. It says, "The New England Foundation of Osteopathic Medicine may well be able to raise that kind of money it needs. It is seeking \$1,000 annually from the 600 osteopathic physicians in New England, and the goal is \$600,000 just from the doctors. If the school does become a viable operation, other medical people think it will inevitably be traveling to the Maine Legislature or the New England Board of Higher Education for funding."

"New England Foundation of Osteopathic Medicine officials they won't seek state funds for the regional school serving six New England states."

That was in 1975; that was their position then. Here we are in 1978 and they are asking for a quarter of a million dollars and saying that this is one-shot deal. I just ask you to take that into consideration based on their past statements.

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

Mr. BAGLEY: Mr. Speaker and Members of the House: In regard to that, we have the assurance that capital does not include anything on the building. Equipment is counted as capital, and some of that money, perhaps most of it, will be used for equipment, and in that sense, I suppose it is capital.

Mr. Goodwin of South Berwick was granted permission to speak a third time.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I just ran out and talked with the lobbyist for the osteopathic hospital as well. I think Representative Najarian was mistaken. The wing that is being built right now I think is costing roughly \$510,000. The school has \$540,000 in loans for this from the bank. The \$250,000, as Mr. Bagley has stated, it is a capital grant. It will be used to help defray some of the initial start-up salaries, purchasing equipment and things like X-ray machines and other things that they need, scalpels and whatever you need to get that initial start. It is not for the wing that is being built and almost completed now. That is taken care of in their long-term capital loan program they have.

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

Mrs. BEAULIEU: Mr. Speaker and Members of the House: As I indicated before when Mrs. Najarian was out of the room, I have a communication dated February 21 in front of me which states very clearly that "we need the

proposed \$250,000 state grant to complete development of the educational program and be ready to enter our first class next fall."

Also, if Representative Wyman had attended the work session following up this bill when Dr. Ketchum and Mr. Johnson came back to reassure us that this was not a brick and mortar bill, I think he would have a better understanding of what the dollars are going to be used for.

May I also say that it was a pleasure to have this group come before our committee not pleading dire necessity for dollars, but came to us with a positive proposal on a positive note. We don't see that too often at committee hearings. Usually they come in crying "We are not going to open our doors if you don't help." These people came in and said, we have something going that will benefit the state and its students. We need some assistance. If you can find a way to help us, we would appreciate it, and gave us the reasons why they needed the dollars.

And as for any other group or any other school coming before any committee in this legislature pleading that we set a precedent by giving dollars to this particular cause, I am sure and I would trust that any committee would look at that request or any kind of request like that with as much sincerity, concern and proper evaluation. That is what we did when this request came before us. And as for any other future groups coming forward, I think that they would be denied or granted their request based on the merits.

I feel that this is a meritable, and if they come back, we always have the prerogative of saying no.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: I would hope that you would not follow the suggestion of the good gentleman from from Pittsfield, Mr. Wyman, today and indefinitely postpone this bill, certainly not because of the arguments that he has presented.

I think that \$250,000 is a small investment to make when you consider the amount of money that the State of Maine spends every year to provide medical care costs to through the Medicaid program. That cost last year was \$100 million. In 1964, the cost was \$1.5 million. I would suggest that to some degree part of the reason the medical costs have risen so astronomically is because there aren't enough doctors, and as you and I well know, with the free market system, the more people providing a service, the cheaper the price of the service is going to be.

I don't see this as being fiscally irresponsible at all in voting for this measure. It has been said before, in 1975 we had a bill in here to establish a medical school and they wanted a million dollars for start-up costs — \$1 million. We are being asked today for \$225,000 to be given to a school that is not just a Maine medical school but a regional osteopathic medical school. That means there is going to be participation from other states within New England, and it is going to bring many students in. I agree with Representative Mitchell, that it is certainly a very clean industry to bring into the state.

I would also suggest to you that we provide money for private schools all the time. As a matter of fact, we have done it twice this year already — excuse me, one time it was defeated. But we have done it with textbooks for private and parochial schools because, and the arguments are very good, that if we don't do something to help them, we will have them on the public rolls, in the public educational system, and by doing this it will at least help us save money in that respect. I supported both of those. I supported the transportation, 90 percent, that Representative Kelleher had, and I supported textbooks. I find it very hard to imagine that somebody who might support money being given to a private school for textbooks and for transportation would not find it in

their hearts to supply \$250,000 for a medical school.

In addition to that, we passed a bill yesterday, the school funding law, that may have as much as a \$5 million surplus. I would suggest to you that maybe \$250,000 of that \$5 million surplus could have well been spent in helping this osteopathic medical school get started. It seems to me that \$250,000 is not a lot to ask for taking a very positive step in providing better health care in the State of Maine, especially in the rural areas. And as you know, I represent rural areas in the State of Maine.

I would ask you not to go along with the suggestion that we indefinitely postpone this bill but to vote to pass this bill, send it on its way with a good majority and let's provide a little better health care for the citizens of the State of Maine, not just the citizens who qualify for whatever type of relief program that we have but for everybody in the State of Maine. This is a step in that direction, and I would hope that we would take that step today.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that at the last meeting that the Education Committee had with the school officials, we were told that they were asking for up to \$250,000 to be matched dollar-for-dollar from other sources.

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

Mr. CUNNINGHAM: Mr. Speaker and Members of the House: I am glad that the lobbyists are available to us to help clarify some of the issues when we have a debate of such importance as this. However, I came here to represent the people and what I perceive as the needs of the people in the State of Maine.

The gentleman from Pittsfield doesn't think that the needs of the people regarding the medical care in the rural areas is the main issue. However, if it is a side issue, and if I agree with him, I think it is a very important side issue that we must consider.

If the main issue, on the other hand, is whether or not we support a public school or a private school, I would suggest to you that unless we have far more people switching their positions today, that if you go back to four days ago and look at the roll call in support of private schools, there were 110 people supporting private schools the other day. Now, three of those people have defected to the other side, I have seen in the debate so far. That would mean we have got at least 107 people who are in favor of the main issue, private schools. It seems a little bit inconsistent, the way I view it, that the people who were in favor of supporting private schools the other day are the same people who are today speaking against the support of this grant.

The only difference between the issue the other day and the issue today is that we have an exact dollar amount in today's debate, we know how much we are going to spend. The other day we didn't know, but we do know today. I think just because we know the amount, that shouldn't be reason for changing our positions.

I must confess that the side issue is important to me. The side issue of the medical needs of the people in rural Maine is important to me, it is important enough to me so that I must change my position as opposed to that roll call the other day. I must change my position, instead of being against the support of private schools to one of supporting the development of the Osteopathic College in the State of Maine.

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

Mr. CAREY: Mr. Speaker, Ladies and Gentlemen of the House: I have supported the creation of this college from the beginning; I intend to continue supporting it, but I think there may have been somewhat of an injustice

created her this morning and I would ask a question of the good gentleman from New Gloucester, Mr. Cunningham, when he throws up the smoke screen about the lobby and everything. I would certainly hope that he doesn't question the integrity of the gentleman from Pittsfield, Mr. Wyman.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: Indeed, I did not intend that that be considered a smoke screen. I did not intend that that be considered a question of the integrity of any member of this body. The only thing that I was mentioning is that during the debate this morning, it was mentioned that the lobbyists were available to help clarify the issue. I am glad they are. I am not questioning that at all. I am glad they are, but for me the main issue is the need for medical services. This is a need at the people's level, not here at our level, but at the people's level, and that is the reason that I chose to change my position of the particular issue of whether or not we should support this grant.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I think there are quite a few things that have been said this morning that I would like to at least make a few comments on. Interestingly enough, to discuss a little bit of the comments of the gentleman from Limerick, Mr. Carroll, the school in West Virginia is being headed up by the dean of the proposed school in Maine and the money that was supposed to have gone to Maine is being used in that school.

This is a one-time proposal, they indicated quite clearly that it was. I think the major issue I would like to particularly point out is the fact that this has been done for private schools quite a few times. It has been done for schools such as Ricker and Higgins. As I pointed out the other day, I think the most interesting one that I have run into on it was when they appropriated exactly the same amount of money, \$250,000, to buy dialysis equipment for the Maine Medical Center. As an outgrowth of that investment, the Maine Medical Center has done a good many kidney transplants today. There are many people in the State of Maine who are alive today who might not be alive if it was not for the investment that the State of Maine made to buy renal dialysis equipment for the Maine Medical Center so that they can give dialysis to keep these people alive until matching kidneys can be found. I happen to have a couple of good friends who fall into that category.

Maine does have one of the very unique situation, unfortunately, of being one of only six states in the United States that does not have any form of medical education at all within its own borders. They have to send any of the students outside. I think this is unfortunate, the experience is shown, an analysis of all of the information will clearly indicate that the states who do not have some form of medical education have the lowest percentage of doctors per number of people. The one state that it has been compared to is New Mexico, which started a medical school some eight or ten years ago, or fifteen years ago, and since then the ratio has started to drop, the full effect of it hasn't come in, but it is starting to be felt in New Mexico. I think the same thing will happen here.

This school is for primary care training. I think this is the one area that is badly needed. It is true, there are doctors coming into the state, but most of them all are specialists as has been pointed out. They are moving in close to where the large hospitals are, close to the interstate or the large cities. But the rural areas, and my own — I have one good example where I represent a couple or three towns of about 5-

000 people, the medical care in that area is being handled largely by a couple of paramedics and their telephone calls through to Houlton.

Dollars do go into the state, it is a good investment. The \$250,000, I am sure, will be returned a good many times in tax dollars when they get up to the full number of students. They expect to have 240 students in four years. The Maine Medical Center situation, there was no public accountability. I agree that the same thing is happened here but we have many many times in the history of the Maine Legislature, probably gone back to 1820, have found times when we made grants to private facilities, whether its schools or what. I hope this morning you will give serious consideration to the values that might accrue to the State of Maine and you do not indefinitely postpone this bill.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: With only 14 legislative days remaining, I move the question.

The SPEAKER: For the Chair to entertain a motion for the previous question, it must have the consent of one third of the members present and voting. All those in favor of the Chair entertaining a motion for the previous question will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one third of the members present having expressed a desire for the previous question, the motion for the previous question was entertained.

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable for five minutes by any one member.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the members of the House would give an opportunity to myself and possibly other members of this body who have information or have some feelings on this legislation that maybe haven't been brought to you at this point, and that we do not move the question at this point and give everyone ample opportunity to debate this question. It is a serious question. It represents \$250,000. I think that there are some arguments that have been brought up by Mr. Cunningham, for example, that should be talked about and refuted. I hope you do not move the question at this time.

The SPEAKER: The pending question now before the House is, shall the main question be put now? All in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon Mr. Biron of Lewiston requested a roll call vote.

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

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

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

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I am one who does not intend to speak again on this issue, but I do think as we do get toward the end of the session, we ought to be a little careful about closing debate through this motion. We have done it twice in just the last couple of days. I think when people have things to say, they ought to have a chance to say them. I have never voted to close debate on any motion so far in the four years I have been here, and I don't expect to change that policy.

The SPEAKER: The pending question is on the motion of the gentleman from Portland,

Mr. Joyce, that the main question be put now. All in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bagley, Berry, Birt, Boudreau, P.; Bunker, Burns, Carey, Carter, F.; Conners, Cote, Curran, Dexter, Dow, Drinkwater, Dudley, Durgin, Elias, Fenalson, Flanagan, Gillis, Goodwin, H.; Gray, Hickey, Higgins, Hunter, Jackson, Joyce, LaPlante, Littlefield, Lizotte, Lougee, Lunt, MacEachern, Masterman, Masterton, McMahon, McPherson, Moody, Nelson, N.; Peltier, Rollins, Teague, Torrey, Tozier, Twitchell, Valentine, Whittemore.

NAY — Aloupis, Ault, Bachrach, Beaulieu, Bennett, Benoit, Berube, Biron, Boudreau, A.; Brenerman, Brown, K.L.; Brown, K.C.; Bustin, Carrier, Carroll, Carter, D.; Chonko, Clark, Connolly, Cox, Cunningham, Davies, Devoe, Diamond, Fowlie, Garsoe, Gill, Goodwin, K.; Gould, Green, Greenlaw, Hall, Hobbs, Howe, Hughes, Hutchings, Immonen, Jacques, Jensen, Kany, Kilcoyne, Laffin, Lewis, Mackel, Mahany, Marshall, Martin, A.; McBreairty, McHenry, McKean, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Norris, Paul, Pearson, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Shute, Silsby, Smith, Spencer, Sprowl, Stover, Stubbs, Talbot, Tarbell, Tarr, Trafton, Truman, Violette, Wilfon, Wood, Wyman, The Speaker.

ABSENT — Blodgett, Churchill, Dutremble, Henderson, Huber, Jalbert, Kane, Kelleher, Kerry, Locke, Lynch, Mills, Palmer, Peakes, Plourde, Strout, Theriault, Tierney, Tyndale.

Yes, 49; No, 83; Absent, 19.

The SPEAKER: Forty-nine having voted in the affirmative and eight-three in the negative, with nineteen being absent, the main question is not ordered.

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

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: Let me assure you I will be brief on this question and I doubt very much there will be very much debate. However, the good gentleman, Mr. Cunningham, in his debate said that the main issue in his heart and in his mind is rural medical care. I think that many of you who are in support of this legislation that you have before you today have that same feeling, and let me assure you, I do as well. Again, let me emphasize the point that the expenditure of these dollars for a medical school, will not guarantee proper medical care in the rural communities. Let me submit to you, ladies and gentlemen, that if we were to take a quarter of a million dollars in the State of Maine and put it in a fund, which could be made available to doctors who locate in a rural community of three year grants of \$5,000 a year, that would guarantee rural medical care. Don't be misled by thinking that these dollars will guarantee rural medical care. If you want to do that, and I am seriously concerned about that problem, let's approach it the right way. Let's not allocate dollars for something that you are really interested in and will not happen, that has been proven.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to say to Mr. Biron when he talks about the State of Maine taking a chance, Mr. Biron, you are a gambler, I mean \$250,000 to get good rural medical care, come on, that is not too much to ask, is it?

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope the majority of the House was listening 20 minutes or so ago when the gentleman from Livermore Falls got up and pointed out that there is a bill coming along which will deal with many of the other

factors which influence where a person practices medicine.

Now, the Committee on Rural Health and Medical Education of this legislature that has been meeting has drafted a bill and it does include many of the areas which tend to bring positions to rural Maine. I won't go into them now, but the point is that there are others besides this one and this is only a one-shot proposition. The others are a long and continuing one and have actually, in my opinion, more influence on getting physicians to rural Maine. I hope you were listening when the gentleman from Livermore Falls pointed out that this bill is coming along.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out to you that the purpose of this legislation is to encourage a clean, non-polluting industry that will be educating many, many, many of our Maine people who have grass roots in the State of Maine, who will stay in the State of Maine. This, I feel, is a very important question.

I would like to point out to you that this money is not going to be used to generate money to send a swimming team to Florida, a baseball team to train in the warm climate and all the other affiliated programs that the University of Maine in Orono and the University of Maine throughout the state has generated. They received over \$13 million in federal funds two years ago and I asked for accountability and I waited almost two years and never received accountability of the funds.

I had some inside information from some people up at that college that some of those funds were not being spent properly. That was the purpose in asking for it.

This is a private college that has had a very good history, and I am sure that if you will educate Maine people to become Maine doctors, that you will provide the medical needs in the rural community. That is what we are talking about today, general practitioners in the rural area. I can assure you from first-hand experience, I have a daughter-in-law that works as an assistant to a doctor and she receives calls many hours into the night to go to a home, not as a doctor but as a person trained work with a doctor because the doctor is not available in the rural area. She goes and has to make all the decisions right there. If this person needs immediate care, she calls and makes the arrangements, calls the doctor and finally gets the doctor to agree to meet them at the hospital to provide this service. We have been lucky so far. There has always been a little time space where these people's lives have been saved, but we have also lost some. The doctor was not right there and the facilities in that local area were not available.

This is what we are talking about, medical care in the rural areas. I am sure if I lived in the city, perhaps I wouldn't be as concerned as I am today. But I have first-hand experience in the rural area. I represent seven communities in the rural area of Maine, and I urge you all here today to get behind us rural folks, give us a little something to help our people, give us some general practitioners in the rural area and I can assure you that one dollar invested will bring you back hundreds of dollars in the future, because the rural areas, we have a great character building society. Our young people develop certain characters that many people wish they could develop in the residential and city areas, and because we develop, we have them on the farms, they come out and they see nature first hand, and when they work out there, they learn to be good workers and they learn many, many things that helps develop the rounded out character.

So let's not sell the rural areas of Maine short. Let's get behind the rural areas today, it is only \$250,000 and it is a one-shot deal. I urge

you all to support this legislation.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Since I am known as the gentlewoman from Portland via Eagle Lake, let me say to you that I support wholeheartedly what Mr. Carroll is saying to you, but I would be very remiss if I didn't speak up for my own city which happens to house a very fine institution known as the Osteopathic Hospital of Maine. I expect that this school will also bring great benefits to the urban areas as well as the rural areas.

The key factor right now is, are we willing to support the establishment of a College of Osteopathy in the State of Maine to educate our own young people within the confines of the borders of our state? So I ask you to please not to put the motion before you and to vote overwhelmingly to let this bill go on its way.

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

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

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: At one time I thought I knew which way I was going to vote. I have listened to the debate and I have changed my mind about three times. All the arguments are very good, but I would like to give you an experience that I have had.

About two years ago, and I come from a very rural area, believe me, we were in the recruiting business for a doctor. We weren't really picky, we would take any doctor. We needed a professional individual. In two years' time, with all of the paper work that we sent forth, and I was in the Chamber of Commerce at that time, we went through two local hospitals, through their recruiting programs, through our own recruiting programs, through our rotary club, plus a committee that we formed to recruit doctors. As a result of our recruiting efforts, we were able to come up with one doctor, a doctor who was of Chinese descent, an elderly man; he stayed eight months. He left, then we were back in the same recruiting business again. Again we spent about six months trying to come up with a doctor. This time we came up with another elderly gentleman, a very good gentleman, a good doctor; but this pointed something to me, that with all the recruiting material that was sent out, with all of the offers that we made, not one young doctor applied—not one. This brings up three questions in my mind and if I could get a satisfactory answer to all three, believe, me, I would support the bill.

One, what type of indication, what type of an estimate has been made as to the amount of young doctors coming out of this school would be retained in Maine, in the rural areas of Maine? Do we have a 5 percent figure, a 10 percent figure, what are we going to get for the money that we are expending? What value?

Two, what type of recruiting effort is being made for the young doctors that come out of this particular school if we grant this money?

Three, well, I will get the answer to the third question as time goes on, but if I could get an answer to what type of an estimate do we have of these young doctors that they are going to stay in the State of Maine?

One other thing on the application procedures for this particular school. Is there any discriminatory information on it? Do you have to have a certain name? Do you have to be of a certain religious belief? Is there any type — because this hasn't been brought up, I don't think

— any type of discrimination in the application procedures for this particular school? Is there out-of-state people going to this school or is this strictly an in-state school?

If I could get the answers to these questions, I am going to be happy.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: The direct answer to the first question of Representative McKean, I don't think anybody can give you an exact figure of how many people are going to be coming into Maine or how many doctors will locate in Maine as a result of this school, but I can give you an idea. Through the several sessions that I have been here and working on The Health and Institutional Services Committee, we have dealt with a lot of doctors and I have gotten a lot of material and a lot of things from studies that have been done on locating in rural areas in trying to improve medical care, and one of the things that have been pointed out is the fact that it is, granted, that we have some out-of-state people coming to Maine to settle because they like the area, but what has happened is, unless they are able to locate right near a major medical facility or a major city in Maine, these people usually don't stay very long. We are beginning to get some data back and it is only in exceptional areas that they do.

The people that relocate in the past few years, from the statistics and the studies that I have been able to read, that do locate in Maine in the rural areas are Maine people. Okay? Young people who grow up in Maine, in small towns, tend to return to those small towns or those areas.

I think that if you take a look at some of the material that we have gotten from St. Francis, that out of their first 36 people, 25 of them are from Maine. I think you can get a pretty good idea that these people are going to want to stay in Maine. These are Maine people, they know what to expect, they have grown up here, and from I have been able to read in my studies and all the things that I have gotten over the past couple of years, this is the type of people who are generally favorable to locating in Maine.

Most of the out-of-state students that come like to stay right near the major urban areas because that is what they are used to. We have had some very bad experiences where we brought in doctors, young doctors from out of state, especially from cities, they stay one or two years and they just can't take it or their wives don't like it, or they want to be near an urban area and they just leave after awhile. From the things I have been able to read, if you can Maine young people, they will come back and locate near their home towns. That is the best I can do.

The SPEAKER: The Chair recognizes the gentleman from Danforth, Mr. Fenlason.

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: I think I have a fairly good answer for the gentleman from Limestone, Mr. McKean. If we establish this medical school in Maine, I am sure that more Maine students will stay in Maine, whether rural or urban, and there will be students who come into Maine from other states.

It is my understanding that we are going to have students from other states in this medical school. I have enough confidence in this great state, that anytime we expose people from anywhere to the State of Maine, they will become very much in favor of our state. If I could get some of those students down to East Grand Lake, I could almost get a new doctor in Danforth.

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

Mrs. GILL: Mr. Speaker, Ladies and Gentlemen of the House: To answer Mr. McKean's question, in the last 10 years, of the interns that have interned at the Osteopathic Hospital, there were 72 interns that interned there and of

those, 47 of those entered practice in the state; 38 of them have remained in practice in the state and are practicing there. That leaves a 53 percent retention of the interns that came in.

I think under their program at the college, one part of their training is the preceptorship program, and this brings these medical students into the towns working with the osteopathic physicians in those towns. It puts them in a position where they are living and working in the town. They are not just coming in there to put in time; they are really getting into the community and dealing with the people along with their counterparts.

I think the important thing is that in rural Maine, we all realize there is a problem and we need them, and they are going to establish the clinics, so there will be these osteopathic interns coming up and interning in rural Maine. So I would suggest that we go along with the bill.

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

Mr. GREENLAW: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here, he would be voting no and I would be voting yes.

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

Mr. HUGHES: Mr. Speaker, I would like to pair my vote with the gentleman from Lisbon Falls, Mr. Tierney. If Mr. Tierney were here, he would be voting no and I would be voting yes.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that this Bill and all of its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

YEA — Alopis, Austin, Bachrach, Benoit, Berry, Biron, Brown, K. L.; Bunker, Carrier, Carter, D.; Diamond, Fowlie, Goodwin, K.; Gray, Green, Kane, Lougee, Lunt, Mackel, Marshall, McBreairey, Morton, Najarian, Pearson, Post, Silsby, Smith, Stover, Stubbs, Talbot, Tarr, Torrey, Wyman.

NAY — Ault, Bagley, Beaulieu, Bennett, Berube, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, F.; Chonko, Churchill, Clark, Connors, Connolly, Cote, Cox, Cunningham, Curran, Davies, Devoe, Dexter, Dow, Drinkwater, Dudley, Durgin, Elias, Fenalason, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hunter, Hutchings, Immonen, Jackson, Jacques, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, Lewis, Littlefield, Lizotte, MacEachern, Mahany, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McKean, McMahon, McPherson, Mitchell, Moody, Nadeau, Nelson, M.; Nelson, N.; Norris, Paul, Peakes, Peltier, Perkins, Peterson, Prescott, Quinn, Raymond, Rideout, Rollins, Sewall, Shute, Spencer, Sprowl, Tarbell, Teague, Tozier, Trafton, Truman, Valentine, Violette, Whittemore, Wilfong, Wood, The Speaker.

ABSENT — Dutremble, Henderson, Kelleher, Kerry, Locke, Lynch, Mills, Palmer, Plourde, Strout, Theriault, Tyndale.

PAIRED — Greenlaw, Hughes, Jalbert, Tierney.

Yes, 34; No, 101; Absent, 12, Paired, 4.

The SPEAKER: Thirty-four having voted in the affirmative and one hundred and one in the negative, with twelve being absent and four paired, the motion does not prevail.

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

"An Act to Establish Training Requirements for Corrections Officers" (H. P. 2039) (L. D. 2104) (C. "A" H-1057)

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 Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability" (H. P. 1900) (L. D. 1957)

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

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: First, I would request a roll call. I would like to pose some questions through the Chair to anyone on the committee.

Under the terms of this bill, what would be considered a violation that might draw disciplinary action? Two, what types of discipline are we taking about — fines, censure, reprimand, involuntary retirement? Three, who would be sitting in judgment of these judges? Four, who would appoint this commission and what qualifies a person to serve on this commission. Finally, as we all know, judges are institutional officers, whose terms are provisions for removal are contained in the Maine Constitution. I am aware that there is a companion bill to make the necessary constitutional changes, but I don't recall it being enacted by this House and until it is, are we being asked to enact an unconstitutional bill?

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

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe I got a complete list of the questions, but with regard to question one, under the terms of this bill what would be considered a violation that might draw disciplinary action — the bill authorizes the court to establish a committee on judicial discipline by rule, and under the rule which has been proposed by the court, a violation of a crime by the judge or any violation of the code of Judicial Ethics would be the basis for disciplinary action. The Code of Judicial Ethics is a comprehensive set of standards governing the conduct of judges which prohibits conflict of interest, it prohibits the judge from sitting on any case where for any reason he might have an interest; it requires him to maintain the decorum of the courtroom; it requires him to decide the case in accordance with the law as he understands it, and there is a very extensive set of other standards.

Question two, what type of discipline are we talking about? Under this proposal, the court would have the authority to establish a committee to discipline judges, and the discipline could range anywhere from a private censure to public censure, to recommendations for the legislature that the judge be removed from office. If the constitutional amendment passes, then it would also be possible for the Maine Supreme Court to remove a judge in accordance with its rules. But in the absence of the constitutional amendment, the committee would be able to recommend the removal to the legislature under the established constitutional procedures.

Question three — who would be sitting in judgment of the judges? Under a letter which was submitted to the committee by Chief Justice McKusick, the composition of the committee would be composed of three public members who were not lawyers or judges, two lawyers and two judges. The Supreme Judicial Court would appoint the public and lawyer members from nominations submitted by the Governor, so the Governor would make the nominations and then they would formally be appointed by the courts. Question four — who appoints the commission? The two judges would be chosen by the Maine Supreme Court. The public members and the lawyer members would actually be appointed by the courts from

names that were submitted by the Governor.

Then finally, what qualifies a person to serve on the commission? The qualifications would be determined by the Governor in making his nominations, and although they are not spelled out, I think he would try to find people of judgment and balance who could carry out the responsibilities.

When this bill basically does is to authorize the court to establish a committee on judicial discipline so that there is a mechanism short of impeachment that can be used to discipline a judge who is guilty of misconduct in office. As I said, the court has written a letter as their intent and the committee would be composed of three public members, two lawyers and two judges, with the lawyers and the public members being appointed from nominations submitted by the Governor.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: All that has been proposed by the gentleman from Standish, Mr. Spencer, is not, and I repeat, not contained in the bill before us.

I would urge you all to read this bill carefully. It says: "The Supreme Judicial Court shall have the power and authority to prescribe, repeal, add to, amend or modify rules relating to a committee to receive complaints, make investigations and make recommendations to the Supreme Judicial Court in regard to discipline, disability, retirement or removal of judges." Nothing is specific. In other words, it puts it all in the hands of the judges judging judges.

There are three major defects contained in this bill, and for these reasons, I cannot in good conscience support this bill.

First, the bill before us now is merely enabling legislation, giving the Supreme Court the authority to set up such a committee. It gives the court authority to set up the commission and promulgate its areas of responsibility. Since the powers to remove judges by impeachment or address is vested in the legislature by the State Constitution, the constitutional farmers intended that the legislature should exercise control over judicial conduct as part of our system of checks and balances.

L. D. 1957 gives the Supreme Court the right to establish the commission and the right to repeal, add to, amend and modify any rules pertaining to this commission.

Although there is a proposed draft of rules suggested by the legislative committee, this bill, in fact would be turning all authority to the court. This could very well preclude any changes the legislature might want to make in the future unless the courts chose to accept it or the legislature repealed the enabling legislation and started it all over again.

Another point to consider concerns the public attitude toward the legal system. There has been and still is much criticism of professional groups who monitor themselves. It would seem that under the proposed draft of rules, what we are being asked to enact here would do little if anything at all, to inspire public confidence.

I can't help but feel that it would be a disservice to the Maine Judiciary to establish a system whereby legal professionals are judging themselves with the sanction of the legislature. Judges judging judges could very well open the door to charges of conflict of interest.

The third area of concern is that of citizen participation. The proposed rules drafted by the committee call for merely two citizens out of seven members. As it is presently written, there is no control over the representation on the commission. The legislature cannot be petitioned to change the numbers, because there are no numbers in the bill.

It would seem that if we are going to establish a commission to deal with matters as important as judicial complaints and discipline, that we should have specific guidelines for such a commission. This bill is much too vague. It di-

lutes both the constitutional provisions and the legislative authority over the judicial system and places it in the hands of the judges themselves, and for this reason, I move indefinite postponement and ask for a roll call.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: For many years, I have stood before this same microphone and been against this House or this body of government delegating their authority any further. To me, this is another step in the direction of this House delegating that authority to some other place.

I think the people of our districts sent us here to represent them and the State of Maine. This duty I am willing to accept as long as I am here, try to do the best possible job. I would go along with the committee of the House, a joint committee that has been elected by the people, but I will never go along with any bill or any type of legislation that delegates the authority of this House any further than we already have in these department heads and other places. Our Constitution and the original thoughts of our forefathers was that we do that. We were elected by the people; we are agents of the people or representatives of the people to do this very thing and this I want to do as long as I can get here on my own power, even if I come with a cane, I intend to do it. I hope you people feel that same way and we can defeat a motion like this.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose two additional questions to a member of the Judiciary Committee.

The issue seems to be coming down as to whether or not we should delegate our authority or give away some authority that we now have. The two questions are designed to dwell on that argument.

The first question is, how are judgments made now about judges? What is the procedure that is used to determine whether a judge has violated the law now?

Secondly, does the passage of this bill that we are debating require the passage of the constitutional amendment or can the two bills function independent of one another?

The SPEAKER: The gentleman from Kennebunk, Mr. McMahon, has posed two questions through the Chair to any member of the Judiciary Committee, who may respond if they so desire.

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

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: The current procedures for discipline of judges do not exist. There are no procedures. There is no system established for judicial discipline except by impeachment or address of both Houses of the legislature. There is no system for discipline short of removal by the legislature and that removal by the legislature very rarely occurs. Across the country, states have found that the constitutional mechanisms have not been sufficient so that this legislation is aimed at establishing a method for disciplining judges short of removal by the legislature.

The second question is whether we need the constitutional amendment in order to adopt this statute, and the answer is no, that the statute and the proposed rule can stand by themselves with the provision that the court could not remove a judge without a constitutional amendment, but if this bill is passed, the court could establish a committee on judicial discipline which could recommend discipline against judges short of actual removal. If a situation came up where the committee in the court felt that a judge should be removed, without the constitutional amendment, all they could do would be to recommend to the legislature that impeachment proceedings be undertaken.

The SPEAKER: The Chair recognizes the gentleman from Kennebec, Mr. McMahon.

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I thank the gentleman for his explanation. Very briefly I would just say that because of that explanation, I feel that the arguments that are being advanced by the good gentleman from Enfield, should be advanced against the other bill, because we are not delegating anything if we pass this bill. The other bill, however, that might be a valid issue.

I do hope that you will pass this bill.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Last week, we debated a companion bill dealing with this subject, and the House chose to go along with the unanimous report of the Judiciary Committee and passed both of them.

As I have stated before, I was honored to serve on the subcommittee of the Judiciary that was created by the passage of an order in the last session of the legislature. These two bills were very well and very thoroughly studied, and as I have stated before, this can be a very emotional issue but it should not be.

The statement is being made this morning that we are giving away our authority as legislators. I submit to you that this is not the case. The Constitution currently states that the Supreme Court has the power to oversee operations of all courts and an argument therefore, can be made that the courts now have the authority to oversee their own branch. However, this has never been tested.

Passage of this legislation will insure that the average citizens will have an opportunity to file his complaints, have his complaint heard and not be embroiled, for example, if a situation came up now and we tried to impeach a judge or a justice, it would have to go through a Democratic House and then a Republican Senate. I submit to you that that might be a difficult chore. Here it could be an impartial group, a group dominated by lay people, which, incidentally, would join 38 other states who have similar commissions, but Maine would be the only one in the country that would have more lay people than judges or lawyers. Passage of this bill would mean that Maine would join 38 other states who have similar commissions, but Maine would be the only one with more lay people than professional people. I submit to you that this is a very good reason to pass this piece of legislation. I would hope that you would hold firm and vote to allow this bill to become law.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I am kind of caught up with this bill. This is the one I tried to present an amendment to last week or two weeks ago. The intention that I had and what this bill would presently do is basically in the same direction.

This bill allows a proceeding to take place, defined by the legal profession and its proceedings completely determined by the judges and judicial officers. What I had wished to do is basically the same thing, set up a commissioner, but I wanted to set up that commission by Maine statute where it is clearly defined what the rights of the judges are, what the course of the proceedings would entail. I think we need a commission of this nature, a commission similar to what is being proposed here, but I think that that commission should be defined by public statute, out in the open where the public can see it and not be determined by judges behind closed doors. I don't think we should put the fox in charge of the chicken coop.

I think the intention here is good but I believe that if we are going to take this step, and this is landmark legislation, but if we are going to take that step, we should have what might be called sunshine law on a commission of this nature, have it out in view, in the public's eye.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not a lawyer, I am not a member of the Judiciary Committee, but I have taken quite a lot of interest in this particular legislation and I have folks from my area who have taken an interest in it from the lay standpoint, some of whom won't necessarily agree with what I may have to say here this morning.

Some of the gentlemen who have spoken mentioned that the legislature might have to repeal this and go to something else sometime, and I completely agree with that. That is the legislature's prerogative; the legislature can always change its opinion, but I don't submit that that is any reason why we shouldn't go ahead with this plan which has the support of so many people who have studied it very carefully. If they don't do what this legislature in its wisdom sees as the proper thing in the future, then the legislature can take action.

I have a real concern this morning about remarks that have been made which would lead an erosion of public confidence in the judiciary here in the State of Maine. The alternatives that are not before us but which have been presented, and I am sure you are all aware of them, leaves serious questions about constitutionally. After all, the judiciary branch is a separate and distinct branch. It has operated very successfully for 150 years in the state with a tradition of excellence that I don't think is exceeded by any other judicial branch in the United States. If we went beyond what this bill calls for, it would be a gross departure from that tradition.

You all heard the Chief Justice of the Maine Supreme Court when he addressed this legislature the other day. I think it is grossly improper to even so much as contemplate the idea that the judiciary, the Supreme Court, could be characterized as foxes in a chicken house.

If anyone has any doubt about the sincerity of the Chief Justice in his support of this legislation and his feeling that it is needed to provide a mechanism in the Constitution for the judiciary to be disciplined, then I doubt if you heard him the other morning. I think sincerity is there. The judiciary in the State of Maine is capable of policing itself and doing it very well. If we allow them to continue to do it, we are taking no chances of breaching the Constitution and the separation of powers, and I urge you, very strongly, to defeat the motion to indefinitely postpone.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: To that two-point argument, let me say that the proposal that was originally offered, or actually it was never offered by this body, it was an amendment, did have constitutional problems. And if you recall, I had attempted to introduce an amendment which would have removed any constitutional objection of a commission set up under the manner which I just described.

Secondly, if I feel that if a commission — perhaps I should say it this way — that the proceedings presently prescribed under this current bill may, in fact, not result in any undue tactical maneuvers by the judiciary, but if it was described by Maine statute, it would never have that possibility.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: In response to some of the statements made here today on the floor that this particular bill, which is enabling legislation, enables the Supreme Judicial Court to promulgate rules to set up this commission, but is vague and ambiguous because it has no meat to it and no standards. We are concerned with that on the Judiciary Committee and the

Supreme Judicial Court, actually it was the Judicial Council with whom a Subcommittee of the Judiciary studied this measure all summer and fall, received an appendix which sets forth provisions that would be promulgated and adopted by the Supreme Judicial Court once we pass the enabling legislation. For any members of the House who would like to see or question what those specifics would be, each member of the Judiciary Committee has them for you to look at and review.

Once the Supreme Judicial Court promulgates the rule to set up the commission with all its provisions, we could then, I think, codify that rule in state statute, put it on the public books for everyone to see. These would not be proceedings and this would not be a commission with provisions that were secret, concealed and a myth to the Maine people. We do this with the Criminal and Civil Rules of Procedure and we do it with our Rules of Evidence in the State of Maine. The Supreme Judicial Court promulgates these rules under its rule making authority; we codify them and place them in our statute books for all of the Maine public to see.

The other point I would like to make it that we are giving, with this enabling legislation, the first opportunity to the Judicial Branch, the third branch of our government, we are giving them the opportunity to adopt these rules to discipline and conduct themselves in an internal housekeeping measure. The judicial branch is going to know particularly in light of the cautious skepticism that has been advanced here on the floor of the House today, the judicial branch will know that we are watching. They will know that we can intervene at any time and amend these particular provisions in this enabling legislation. I think with that idea of a check and balance in mind, they are going to be very circumspect, very honorable, and very forthright in the procedures under this proposed legislation.

I would urge you to vote against the motion indefinitely postpone this so we can pass this enabling legislation and get on with a very important piece of legislation.

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

Mr. HICKEY: Mr. Speaker, I would like to pose a question to any member on the Judiciary Committee. At the public hearing, was there an expression from Judge McKusick or any of his staff relative to this legislation?

The SPEAKER: The gentleman from Augusta, Mr. Hickey, has posed a question through the Chair to any member of the Judiciary Committee who may care to answer.

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

Mr. SPENCER: Mr. Speaker, members of the House: The court and Chief Justice McKusick are very much in support of this legislation. I have a letter from the court saying that the court supports the proposal and spells out in detail the composition of the committee. I don't recall specifically whether Chief Justice McKusick was at the hearing, but the proposal was developed with the Judicial Council, which includes members of the judiciary and the judiciary is very much in support of the proposal. The Chief Justice feels very strongly that there is a need to establish an orderly procedure for handling complaints against judges. At my request, the court has agreed to include three public members on this committee and also to have the nominations come the Governor.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: I would think that the Supreme Court Judges certainly would be in favor of this. They are answerable to nobody under this.

In response to the gentleman from Farmington, Mr. Morton, I would like to read a couple of sentences from Judge McKusick's State of the Judiciary that he made before this body.

"The separate and co-equal branches must support and compliment each other in numerous essential ways. You, by statute, decide questions of court structure, court jurisdiction and venue, court facilities, court operating budgets and judicial salaries." Certainly, we don't turn that over to the Supreme Court. For one who has been so meticulous on details, it would seem to me that the gentleman from Standish, Mr. Spencer, is willing to leave an awful lot to chance.

The legislature has been criticized in the past for legislating away our responsibility to department heads under the term of promulgating. This bill would have us turn over to the Supreme Court the authority to establish a committee on judicial responsibility and disability by court rule.

According to their proposed draft that Mr. Tarbell refers to, they have limited it to two provisions under which a judge may be disciplined: (1) Commission of a felony, which, thank goodness, is not a problem in this state and (2) Violation of the judicial code of ethics. What about mental disability, which would reflect on his performance on the bench? Failure to perform judicial duties? Incompetence? A refusal to try certain violations of the law that he doesn't happen to agree with?

One other point that I would like to make. It was pointed out that the bill before us now did not need a constitutional change. I would point out that under Article VI, Section 4, it stipulates the tenure of judicial officers and the provisions of removing them either by impeachment or addressed by the legislature.

Let's go back to the bill before us now, L. D. 1957, which says that Supreme Judicial court shall have the power and authority to discipline disability retirement or removal of judges. Under the present constitutional provisions, there is nothing in there that gives the Supreme Court the right to remove judges.

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

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

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of words. The gentleman from Rockland did me a good favor, because he read the remarks of the Chief Justice, and I would submit that how one reads something depends a lot on how it is interpreted. The words "separate and co-equal," I would like to emphasize, as did Judge McKusick, we are talking about a separate and co-equal branch, not some department heads within the state government.

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

YEA — Austin, Berube, Blodgett, Bunker, Carrier, Connolly, Cote, Davies, Dexter, Drinkwater, Dudley, Fenlason, Fowlie, Goodwin, K.; Gray, Green, Hunter, Jacques, Laffin, Lougee, Marshall, Martin, A.; McHenry, Moody, Najarian, Post, Raymond, Rollins, Shute, Smith, Sprawl, Stover, Talbot, Tarr, Torrey, Tozier, Whittemore, Wilfong, Wood.

NAY — Aloupis, Ault, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Birt, Boudreau, A.; Boudreau, P.; Brennerman, Brown, K. L.; Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Carter, F.; Chonko, Churchill, Clark, Connors, Cox, Cunningham, Curran, Devoe, Diamond, Dow, Durgin, Flanagan, Garsoe, Gill, Gillis, Goodwin, H.; Gould, Greenlaw, Hall, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hutchings, Immonen,

Jackson, Jensen, Joyce, Kane, Kany, Kilcoyne, LaPlante, Lewis, Littlefield, Lizotte, Lunt, MacFachern, Mackel, Machany, Masterman, Masterton, Maxwell, Mcbreairty, McKean, McMahan, McPherson, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Norris, Paul, Pearson, Peltier, Perkins, Peterson, Prescott, Quinn, Sewall, Spencer, Stubbs, Tarbell, Teague, Trafton, Truman, Twitchell, Valentine, Violette, Wyman, The Speaker.

ABSENT — Dutremble, Elias, Henderson, Jalbert, Kelleher, Kerry, Locke, Lynch, Mills, Pamer, Peakes, Plourde, Rideout, Silsby, Strout, Theriault, Tierney, Tyndale.

Yes, 39; No, 94; Absent, 18.

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

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

"An Act to Provide for Specific Liability for Persons or Corporations Contributing to a Public Nuisance" (S. P. 658) (L. D. 2035) (H. "A" H-1084 to C. "A" S-464)

"An Act to Prohibit Child Pornography" (H. P. 2106) (L. D. 2141) (H. "D" H-1064; H. "E" H-1076)

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

"An Act to Amend the Statutes Relating to Airmobiles" (H. P. 2126) (L. D. 2153)

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

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

Mr. GREEN: Mr. Speaker, Members of the House: I now move that this bill be recommended to the Committee on Natural Resources for the purpose of public hearing.

When I came to work this morning, and walked down the hall of the State House, there was a gentleman there from an organization that we are all familiar with called Common Cause, Mr. Lance Tapley, I believe his name is, and he has been lobbying quite hard this morning, as I am sure every member of this body is well aware of. If they have not been approached personally, they have been at least approached by fellow colleagues that have been lobbied. If they have not been approached personally, they have been at least approached by fellow colleagues that have been lobbied. It is Mr. Tapley's contention that he would like to see this bill be committed to the Committee on Natural Resources for the purpose of public hearing.

Th organization of Common Cause has some real problems with this bill. As a member of the Natural Resources Committee, we dealt with it last year and had a public hearing. The bill is now before us to be enacted, and Mr. Tapley and I, through various conversations this morning, he looked at me and said, "Well, would you be willing to make a motion to commit this bill to the Committee on Natural Resources for the purpose of public hearing for the record?" I said, "Yes, I would." So, Mr. Speaker, for the record, I am now moving that this bill be committed to the Committee on Natural Resources.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose this motion that the bill should be recommended to the Natural Resources Committee, and I would like to give just a short explanation of the posture of the bill or how we have come to this point where we are at the present time.

As Mr. Green indicated, a public hearing was held late in the last session. There was no strong opposition to this bill, except from the

President of the State Snowmobile Association, and his opposition was that the rules were geared to the snowmobiles and he felt that they belonged to the snowmobilers and should not apply in any way or used in any way for any other type of watercraft or vehicle. So the committee was concerned with the airmobiles and the possible detrimental effect on the environment. In this light, we wanted to check it out before the bill was put on the floor for debate. This couldn't be done before the end of the session, and for this reason, we had a resolve passed to conduct the study before we would report the bill out. This was done with BMR, DEP and Inland Fisheries and Game.

After tests were done, we received a letter from Commissioner Look, and I would like to report to the House the findings as the letter states. This is from Commissioner Vinal Look.

"I have designated a test area and have caused experimental testing of airmobiles, which included the examination of mechanical performance, safety, noise and environmental impact." He goes on the say, "The results of this test showed no significant adverse environmental impact. The mechanical performance and safety aspects were satisfactory." He finishes up with, "It was the consensus of the airmobile committee members and the departments that represented the airmobiles that they should be allowed in the State of Maine." For this reason, we carried it on. Earlier this session the bill was agreed to in that it was a licensed watercraft, it would be regulated as watercraft, and there is a provision to enable the development of regulations.

In Section 5, there is a statement there, regulations restricting the operation of airmobiles in fish and wildlife preserves, conservation areas or other areas where the operation may be harmful to the natural environment. So I would say to you, ladies and gentlemen, that this gives protection for those people who are concerned with the operation in various areas of the state.

With these provisions, the bill was passed out, accepted and proceeded along through both houses and is now in the enactment stage. At this late point, a couple of groups, the Common Cause and Natural Resources Council, have finally decided they don't like the idea of having airmobiles, so they want a new hearing so they can bring in their people to oppose it.

I might add that several responsible parties have expressed an interest in this machine. The Department of Marine Resources felt it would be very useful for their department. The Portland Jetport felt that this machine might be very useful as an emergency vehicle to be used along the end of the airstrip for safety and for pulling someone who was in trouble. Therefore, I would urge the House to vote no on the recommitment and then proceed along to have it enacted.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I will endeavor to keep my remarks on the motion as stated by Representative Green. I am not speaking for the record or for any particular group. I do speak this morning, however, as a member of the Committee on Natural Resources. I feel strongly that the committee, perhaps because it did not pay enough attention to what was going on, was not fully aware of what this bill contained when it agreed under pressure from leadership to bring it to the floor. For that reason, I do support Representative Green's motion.

I would further go ahead and again, strictly talking on procedural aspects, mention that there were a number of questions raised in the first hearing a year ago which I do not feel that this draft adequately addresses. Among them are the capacity for handling of this machine, i. e. whether it can be controlled by the driver, which was a very definite question that was

raised at the hearing last year, and secondly, the Department of Transportation's question on the same aspect of the machine and their desire to see that resolved before they permitted it to use the right of way or cross the right of way. For these reasons, I would ask that the bill be recommitted.

The SPEAKER: The pending question is on the motion of the gentleman from Auburn, Mr. Green, that this Bill be recommitted to the Committee on Natural Resources. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 41 having voted in the affirmative and 60 having voted in the negative, the motion did not prevail.

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

On motion of Mrs. Post of Owls Head, the House reconsidered its action of yesterday whereby Bill "An Act to Incorporate the Vinalhaven Water District" (Emergency) (H. P. 2164) was passed to be engrossed.

On motion of the same gentleman, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side on An Act to Authorize the Supreme Judicial Court to Establish by Rule a Committee on Judicial Responsibility and Disability, (H. P. 1900) (L. D. 1957), I now move reconsideration and hope you all vote against me.

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

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

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

Mr. BLODGETT: Mr. Speaker, having voted on the prevailing side on An Act to Amend the Statutes Relating to Airmobiles, House Paper 2126, (L. D. 2153), I move we reconsider our action and hope you vote against me.

The SPEAKER: The gentleman from Waldoboro, Mr. Blodgett, moves that the House reconsider its action whereby L. D. 2153 was passed to be enacted.

The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker and Members of the House: I would ask for a division.

This bill looks very harmless, but I think some of the questions the committee addressed last year and have not reconsidered and which have not been brought to the floor of this House or the other body are real questions about the effect this machine will have not just on the environment but also on habitation, if you will, in the State of Maine.

The good gentleman from Waldoboro mentioned that there wasn't much opposition except from the snowmobilers who didn't want their statutes used to control another vehicle. I would respectfully disagree with that.

A member of the original study committee, and Assistant Attorney General, I believe, spoke very much in opposition to permitting the licensing of these machines. He was the one who had observed them, none of us had, and he mentioned the real question about whether they were able to be handled and whether they were safe.

There was further testimony by others who stated that there was a great potential danger of these machines and that, in fact, enough research hasn't been done. In fact, this was the

problem. I believe this was the original intent of the bill, to try and get these machines into a situation where they weren't prohibited but could be tested. I think this bill goes far beyond that original intent.

Finally, I think basically we have a situation where we have a recreational vehicle which might have its place in a search and rescue situation. This was also brought up in the testimony, but now, according to this particular document, L. D. 2153, it will be available for anyone who wants to pay several thousand dollars and take them out rolling around the countryside. Perhaps this is what we want; perhaps it isn't. But I would maintain that this bill goes far beyond the original intent of the committee, and I would hope that you would vote to reconsider.

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

Mr. QUINN: Mr. Speaker and Members of the House: I can speak just briefly to a couple of doubts raised by the previous speaker. I am qualified to operate one and I can qualify most anyone here who can operate an automobile in about 45 minutes.

Safety is not really a factor in them in the sense in which it is being implied here. Anytime you are in a machine, if you are in an automobile, there is a safety factor and you can kill yourself. With an airmobile or hovercraft, however you want to term it, is not inherently an unsafe or difficult vehicle to operate, and as far as several thousand dollars, you can build them in kit form for about sixteen or seventeen hundred.

Finally, she used the term "recreational." I would suggest that they have a very real work applications for people who have to get to remote areas. I have three letters in my file from friends of mine. I live on an island off the coast in the summer, and these people have occasion to get from island to island and some of them like to dig clams. They were anxious to see this machine and they feel that they are being unduly spoken against. They are not anxious for more hearings. They find it very difficult to take the time from their work to come here to Augusta.

This machine is allowed in a great many states. It is, incidentally, one of the chief rapid methods for crossing the channel between France and England today on large scales. It is a modern piece of equipment. Once allowed in general use, it certainly may require some reasonable application and some safety rules, but simply to find questions that cannot conceivably be answered is not the method to handle it now.

I would suggest that this subject has had a great deal of thought and debate over what amounts to a three-year period now, and it is perfectly reasonable to permit the people to use this equipment. If we discover that it will need special regulation or special handling, that can vary easily and quickly be put on under the provisions of the present bill.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker and Members of the House: I rise to support the gentlewoman from Falmouth on sheer principle. Yes, new information comes along every six months or a year and we should be ready to listen to information and the citizens' opinions of a bill.

First, even more important, as a member of the implementation committee on the Steve Lakis report on improving our legislature, I want to say that in our discussions we have discussed the good points and the bad points about the Maine Legislature, and one thing that we can be very proud of in this body and the other body is our joint legislative committees and our rule and tradition and belief in hearing every bill and allowing citizens to give us their views and feelings on our legislation. This is

the tradition that I hope we always uphold.

I hope that we do vote to reconsider and go against our recent vote.

The SPEAKER: The Chair recognizes the gentleman from Clinton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker and Members of the House: The two ladies that just spoke and I haven't been agreeing too well lately, but I have to agree with them on this one.

This bill has gone through without a hearing and we have people out here who would like to testify on it. As a member of the committee, I would be willing to sit down and listen to them. I think they should have that right.

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

Mr. BLODGETT: Mr. Speaker, Ladies and Gentlemen of the House: I couldn't agree more, that we should have public hearings on the bills, and this is precisely what we have done. We have gone through that public hearing process, and the only thing we have done which some of the opponents of the bill now have found that we haven't had a public hearing on are the changes made from the original.

I would put before you, do we have public hearings after every bill is modified in committee? Do we have a public hearing every time? Of course we don't. And this is simply a way to throw up a roadblock here and to kill this bill.

I would urge you not to reconsider.

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

Mrs. KANY: Mr. Speaker and members of the House: Some of us don't know all that much about this topic, I don't. I don't know anything at all about it. If there is new information that might be available to some of us who are in this position, I would hope that it could be made available to us and I certainly do hope that we do reconsider our previous vote and do commit it to committee for that public hearing. Some of our committees have chosen, even on a holdover bill, to have public hearings, and I would hope, particularly when there is a request, that we could have a public hearing on a bill such as this.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the House reconsider its action of earlier in the day whereby L. D. 2153 was passed to be enacted. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Masterton of Cape Elizabeth requested a roll call vote.

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

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

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I, too, am in favor of reconsideration, more or less because of one remark made, and that was regarding airmobiles. I heard about airmobiles and I heard about hovercrafts, but when we talk about a craft that goes across the channel, and I have been a passenger in one up on the St. Lawrence River, they also call it a hovercraft, but that was not an airmobile, it was an airboat, so maybe we do need some more information.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I rise to support my good chairman. This bill had a public hearing, and if we are going to keep recommending bills, I can think of about 50 that I would like to get recommended because I got beat every single time. I would be more than happy. I hope you support

the good gentleman from Waldoboro.

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

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: Primarily for the record, I had indicated to the gentleman in the lobby that I would favor recommitment, but after hearing our Mr. Blodgett and Mr. Dexter, I am going to go against the rehearing on this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Waldoboro, Mr. Blodgett, that the House reconsider its action whereby this Bill was passed to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Birt, Boudreau, P.; Brown, K. L.; Carter, D.; Clark, Connolly, Cox, Cunningham, Devow, Diamond, Durgin, Fenlason, Fowlie, Gill, Gillis, Green, Greenlaw, Higgins, Howe, Huber, Hughes, Hunter, Hutchings, Jackson, Jensen, Kane, Kany, Kilcoyne, Laffin, Lewis, Littlefield, Martin, A.; Masterman, Masterton, McMahon, Nadeau, Najarian, Nelson, M.; Nelson, N.; Paul, Peltier, Sewall, Smith, Spencer, Sprowl, Stubbs, Talbot, Tarbell, Tarr, Teague, Torrey, Trafton, Twitchell, Violette, Wyman.

NAY—Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Brenerman, Brown, K. C.; Bunker, Burns, Bustin, Carey, Carrier, Carroll, Carter, F.; Chonko, Connors, Cote, Curran, Davies, Dexter, Dow, Drinkwater, Elias, Flanagan, Garsoe, Goodwin, H.; Goodwin, K.; Gould, Gray, Hall, Hobbins, Immonen, Joyce, LaPlante, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, McBrearty, McHenry, McKean, McPherson, Mitchell, Morton, Norris, Pearson, Perkins, Peterson, Post, Prescott, Quinn, Raymond, Rollins, Shute, Stover, Tierney, Truman, Valentine, Whittemore, Wilfong.

ABSENT—Ault, Bagley, Biron, Churchill, Dudley, Dutremble, Henderson, Hickey, Jacques, Jalbert, Kelleher, Kerry, Locke, Maxwell, Mills, Moody, Palmer, Peakes, Plourde, rideout, Silsby, Strout, Theriault, Tozier, Tyndale.

Yes, 58; No, 67; Absent, 26.

The SPEAKER: Fifty-eight having voted in the affirmative and sixty-seven in the negative, with twenty-six being absent, the motion does not prevail.

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

The following Joint Order, an expression of Legislative Sentiment recognizing that: the Greenville High School Girls' Basketball Team has won the Eastern Maine Class D Championship for 1978 (S. P. 723)

Came from the Senate read and passed.

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

Bill "An Act Creating a State Capitol Commission" (S. P. 722) (L. D. 2172) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

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

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

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw on Bill "An Act to Provide for Continued Accreditation of Bangor Mental Institute" (emergency) (S. P. 632) (L. D. 1991)

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 Clarify the Investigation Powers of the Department of Environmental Protection under the Oil Conveyance Program" (H. P. 1959) (L. D. 2041) which was passed to be engrossed as amended by House Amendment "A" (H-1093) in the House on February 27, 1978.

Came from the Senate with the Bill and Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Huber of Falmouth, the House voted to adhere.

By unanimous consent, ordered sent forth with to the Senate.

On motion of Mr. Carter of Winslow, the following Joint Order: (H. P. 2168)

WHEREAS, the Legislature has been involved in the improvement of law enforcement at the county level through Public Law 1977, chapter 431; and

WHEREAS, there are 13 county jails in the State of Maine; and

WHEREAS, each of these jails is administered in a separate county; and

WHEREAS, program standards and administrative efficiency, as well as client load and client characteristics vary greatly from county to county; and

WHEREAS, it is in the interest of the State of Maine to make the best possible use of all of its resources and to deliver quality correctional and detention services at the county level; now, therefore, be it

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Institutional Services shall study the county jail system to determine the appropriateness and feasibility of a regional county jail system; and, be it further

ORDERED, that the County Sheriffs Association, the Department of Mental Health and Corrections, and the Maine Criminal Justice Planning and Assistance Agency are requested to provide all possible technical assistance in completing this study; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1978, and submit to the Legislative Council within the same time period its findings and recommendations, including copies of any recommended legislation in final draft form; and be it further

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

The Order was read.

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

Mr. CARTER: Mr. Speaker and Members of the House: This order calls for the Joint Standing Committee on Health and Institutional Services to study the feasibility of a regional jail system. I think it is high time that this type of a study be initiated.

I had the opportunity while going through the county budgets to put my hands on a county jail inspection report and let me cite to you what is happening just in Kennebec County. The Kennebec County jailhouse is set up to accommodate a maximum of 80 inmates; 62 males 6 females and 12 male juveniles. Currently, the females may not be lodged in the jail and neither may the juveniles because of conditions not meeting the required standards. The report cites numerous renovations that should be done to the system to correct this. However, there is one area dealing specifically with plumbing. I will read through the report, it says, "There is no plumbing in the individual cells. If an officer is not readily available at night to let an inmate out to go to the general toilet area, the inmate must use a can to relieve himself."

There is no way that the jail can be renovated to install plumbing without spending a tremendous amount of money and the jail would still

be antiquated. Perhaps a study of this sort would provide us with the information that we want for a regional jail system. I would hope that you would support its passage.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I have a generic abhorrence for study orders and occasionally I flair up and strike out at one. I just want you to know the depth of my displeasure with this one could be measured by fact that I would have the temerity to do it against the gentleman for whom I have the highest respect.

I, too, am reading this jail inspection report. The deficiencies that the gentleman has referred to are really under control right now. The statutes governing the conduct of jails makes the Commissioner of Mental Health and Corrections completely responsible for periodic inspections, at least twice a year, and any deficiencies noted are to be corrected per his order. He has the authority to move prisoners to another jail that are being kept under circumstances that would be less than proper.

I think this is a good candidate for a no vote. I am not going to move for indefinite postponement, I am just going to ask you to vote no.

This study is the one, I believe, that was cited to you by the gentleman from Winslow, is done every year by a qualified professional. Any problem that comes in that is discovered and corrected by the commissioner. It lists in here the changes and the renovations that are being made currently. I am not going to read them all to you, but Androscoggin, Cumberland, Knox, Oxford, Penobscot, Piscataquis Waldo, are all in the process of upgrading, renovating and improving their jails.

Now, if there is a problem that would require, as the study indicates, an approach to a regional concept, I submit that in the next legislature, with the basis of information that is here under our fingertips and the expertise that is present in the department, either Health and Institutions or Local and County Government would find adequate time to approach this problem and come to a resolution without the necessity of yet another study order. I hope you will vote no.

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

Mr. GREENLAW: Mr. Speaker and Members of the House: One of my favorite state agencies, and I use that term facetiously, the Maine Criminal Justice Agency, has funded over a long period of time substantial amounts of money into the renovation and the reconstruction of county jails. I think as the previous speaker, Mr. Garsoe, has indicated, it seems to me that many of the problems which Mr. Carter has cited as being problems are being addressed over a long haul.

I am not really sure that this order make a great deal of sense in terms of the fact that it appears to me, anyway, the problem is acknowledged and is being delt with. Perhaps Mr. Carter could respond to the comments of Mr. Garsoe and myself and indicate why he thinks that there is an overwhelming concern and need to have this done at this time. I, too, would be opposed to the passage of this order at this time.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the two previous gentlemen that have spoken on this order, I would like to state that I neglected to mention a very important point in my presentation. The Kennebec County Jail currently accommodates prisoners from five other different counties — York, Cumberland, Sagadahoc, Lincoln, and one more, I forget the name of it. It is my understanding that the numbers are not going to diminish and where Kennebec County is currently servicing five other counties, perhaps the concept for a re-

gional jail system has arrived. This study would determine whether this is feasible or not. This was my reason for introducing the order. I would hope that you would support it.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I can't help but agree with my good friend Mr. Garsoe this morning, because in studying, they studied that one of ours in Piscataquis County until we got the bill of \$130,000. So, I think they have done quite a good job in studying that one already.

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

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I think we are talking about two different things here. We are not talking about studying the conditions of our several county jails; we are talking about studying the feasibility of instituting regional jails instead of our county jails.

I submitted a study order into this legislature in the last session after four people died in our county jails, and you appropriately killed it. You didn't want to study it then.

As far as the gentleman from Cumberland, Mr. Garsoe, insofar as the report on our county jails, I don't buy that, because that report comes out every year. When I go around, and I have visited the county jails, the physical plant itself is in bad shape and has been in bad shape but this legislature doesn't want to do anything about it.

We are talking about two different things here. We are not talking about studying the physical plants of our county jails. This order relates, as I read it, to setting up regional jails within our state. That is what you are going to vote on.

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

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I think the last gentleman, Mr. Talbot, just hit the nail on the head. We are not talking about the conditions in the jails, we are talking about the feasibility of where our jail system is going to go in the next couple of years or the next decade or the next hundred years.

I just saw this order this morning and I initially questioned it. Then the more I thought about it, I am not sure if it is good or bad, but I would like to pass it today, give us a chance to think about it, maybe the leadership can talk about it and maybe by the end of the session we can come up with an idea, because what we do have right now, we do have 13 jails that are, for the most part, pretty old and in pretty bad shape. York County is building a new one, and I am not so sure that that was the best idea, although it was the only one we had at the time. I am not so sure that perhaps if we hadn't done that and committed a tremendous amount of money in the future for the York County taxpayers, we could have gone to some regional system with another county, or perhaps have the state take it over altogether.

The Department of Mental Health and Corrections has several studies sitting over there that the committee could take a look at relating to a regional jail concept and regional facilities run by the state that could perhaps replace the county jails. I think that maybe it is about time that someone in this legislature took a look at that. When you stop and take a look at what is happening to our jails right now, the State Prison, the Men's Correctional Center and the Youth Training Center, they are overcrowded, there are a lot of problems with them. We have got a lot of problems with our whole jail system, and I think it is time that this legislature began doing a little planning for the future and what is going to happen, and maybe this will be the vehicle to do it.

I would urge you not to kill this today and let's let this go through and we will see what we can work out.

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

Mr. TALBOT: Mr. Speaker and Members of the House: I am getting my dander up a little bit. I am going to vote against this order. If you bring an order in this House that deals with prevention of crime, I will vote for it and support it. But the statistics today say that the Criminal Justice System doesn't have the slightest idea how to stop crime, prevent crime, it doesn't. The law enforcement agencies in this country only know how to punish the criminal, it does not know how to prevent crime.

We spent, as I said on the floor of the House, \$22 billion last year on the prevention of crime and crime goes up 10 percent every year. It seems like kind of a waste to me. Bring an order in this House to study the prevention of crime and I will support it and I will vote for it and I will ask everybody else to support it and I will speak on it. The one thing that we have got to do in this House, and we have got some learning to do, is to deal with the root issue and stop putting a bandaid approach on all these issues. That is what is beginning to burn me up.

We all legislators put a bandaid approach on major operations and then we go home and tell constituents that we have done our job. We have not done the job and we are not going to do the job unless we get at the root cause of the issue. I am going to vote against this particular study order and I hope you follow me.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I hadn't seen this order until this morning, but I think you might want to be aware before you vote that this may have more significance than we think. There is federal legislation right now called the Griffin Bill which, if passed, contains about \$500 million for various states in the Union to use for their correctional facilities, including county jails. Maine's share of this in the first year will be about \$750,000. In the second year, it will be about \$1.7 million. I think that right now there is question whether or not we would even be eligible for these funds because of our training of our correctional people. Another thing to consider is whether or not we would be eligible, whether or not we have put enough study into our own existing county situations, our county institutions.

I think you probably should look at this a little more carefully. It has more merit, maybe more significance than what we all think. Had I not been involved in the correctional study, I would not have known about this bill.

I hope you at least pass it this morning and give yourselves time to check out the significance this will have on all of us.

The SPEAKER: The pending question is on passage of this Order. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Carter of Winslow requested a roll call vote.

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

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

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

Mr. HICKEY: Mr. Speaker and Members of the House: I would like to rise in support of Representative Carter's order. This jail situation in Augusta is very acute. Action has got to be taken in the immediate future relative to what we in Kennebec County are going to do. Our problem is, what are the other counties going to do? Without some guidance or direction from them, it makes it very difficult for

the Kennebec County people to make any decision relative to the future of our jail, which we badly need.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: The study that you are talking about, I find no problem with that, but I would like to assure you that this has been going on now for quite some time. As a matter of fact, when I first became involved in the renovation of the jail in Piscataquis County, this was started many years ago and I talked with many people who were in the jail and people who were on the panel at that time, and this is something that was being done all over the state. So if your jail isn't fixed up yet, it is going to be sooner or later.

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

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: Having some experience in attempting to get jails built, I can speak with some authority. I am in favor of this study order for one reason. There has to be a policy decision made and the place to make the policy decision is right here in the Maine Legislature. Are we going to maintain our county jails or are we going to erode the county a little more and go to regionalization in another area?

I would be against the regional jails, but I think it is something that has got to be decided here in the legislature. Therefore, I do favor this order. Let's get a study on it, look at it and come up with the answer and then we can plan in the future.

Incidentally, if you are thinking about building a county jail or a regional jail, I have a little plot of land you can use.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: It is rather odd that this study order should mention the fact that the legislature has been involved in county law enforcement. Under our study on county law enforcement, and I am speaking for the Local and County Government Committee, we visited every sheriff's office and every jail. The Local and County Government Committee is aware of the problems within the county jails. It is the Local and County Government committee that hears county budgets, capital expenditures and bills dealing with bonds to rebuild or renovate county jails. I can recall during the two sessions that I have served here, two in particular that we got through this legislature, one for Waldo County and one for Knox County, and unless the procedure is changed, any proposed legislation dealing with county jails would be heard before the Local and County Government Committee. Not only is this study not necessary, but I seem to feel that it is directed towards the wrong committee.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I happen to be in the position where I feel I should say a couple of words. I am chairman of the Eastern Maine Criminal Justice Advisory Board, and that consists of Knox County, Waldo County, Hancock County, Washington County, Penobscot County and Piscataquis County. I am of the opinion that we have a majority of our jails that either have been rebuilt in the last few years or they have been upgraded. We do have a meeting of this board tonight in Bangor, and I would be very glad if somebody did table this thing. I am not asking for it to be tabled, but if they did, I would be very glad to bring that up there.

During the time that we were looking for LEAA money and other funds to build new jails, such as in Waldo County, and to upgrade jails in other counties, we did quite a lot of studying on the thing and we did find that in a lot of instances, especially in Waldo County's incidence, there were a lot of things that came

into it, and one of the things that did come into it was transportation of prisoners, etc. So there has been some work done on this, considerable work done on it as far as those seven counties are concerned.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am against this order because whenever we regionalize government, we are eroding local government. I am against regionalizing government in any shape or form.

The SPEAKER: A roll call has been ordered. The pending question is on passage of the Joint Order, House Paper 2168. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Ault, Beaulieu, Bennett, Benoît, Berry, Birt, Blodgett, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. C.; Burns, Bustin, Carey, Carroll, Carter, D.; Chonko, Clark, Cox, Curran, Davies, Dexter, Diamond, Dow, Elias, Flanagan, Fowle, Gill, Goodwin, H.; Goodwin, K.; Green, Greenlaw, Hickey, Hobbins, Howe, Huber, Jensen, Joyce, Kany, Kilcoyne, Laffin, LaPlante, Lunt, Lynch, MacEachern, Mackel, Mahany, Masterton, McKean, Mitchell, Morton, Nadeau, Najarian, Nelson, M.; Paul, Pearson, Post, Prescott, Quinn, Rideout, Spencer, Teague, Tierney, Torrey, Tozier, Truman, Twitchell, Valentine, Violette, Wilfong, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Bachrach, Berube, Brown, K. L.; Bunker, Carrier, Carter, F.; Churchill, Connors, Connelly, Cote, Cunningham, Devoe, Drinkwater, Durgin, Fenlason, Garsoe, Gillis, Gould, Gray, Hall, Higgins, Hughes, Hutchings, Immonen, Jackson, Kane, Lewis, Littlefield, Lizotte, Lougee, Marshall, Martin, A.; Masterman, McBreairty, McHenry, McMahon, McPherson, Nelson, N.; Norris, Peltier, Perkins, Peterson, Raymond, Rollins, Sewall, Shute, Smith, Sprowl, Stover, Stubbs, Talbot, Tarr, Trafton.

ABSENT — Bagley, Biron, Dudley, Dutremble, Henderson, Hunter, Jacques, Jalbert, Kelleher, Kerry, Locke, Maxwell, Mills, Moody, Palmer, Peakes, Plourde, Silsby, Strout, Tarbell, Theriault, Tyndale, Whitemore.

Yes, 73; No, 55; Absent, 23.

The SPEAKER: Seventy-three having voted in the affirmative and fifty-five in the negative, with twenty-three being absent, the motion does prevail.

Sent up for concurrent.

(Off Record Remarks)

On motion of Mr. Talbot of Portland, Recessed until four o'clock in the afternoon.

After Recess 4:00 P.M.

The House was called to order by the Speaker.

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

After Recess 5:00 P.M.

The House was called to order by the Speaker.

The following Senate Paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-489) on Bill "An Act to Ensure the Safety of Minors Taking Canoe Trips while Attending Summer Camp" (S. P. 630) (L. D. 1989)

Report was signed by the following members:

Messrs. REDMOND of Somerset

USHER of Cumberland

— of the Senate

Messrs. PAUL of Sanford
MASTERMAN of Milo
ROLLINS of Dixfield
PETERSON of Caribou
GILLIS of Calais

— of the House

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-490) on same Bill. Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Messrs. McKEAN of Limestone
DOW of West Gardiner
MacEACHERN of Lincoln
TOZIER of Unity

— of the House.

Came from the Senate with the Bill and Papers Indefinitely Postponed.

In the House: Reports were read.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept Report "A", the Majority Report.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Elias.

Mr. ELIAS: Mr. Speaker, Ladies and Gentlemen of the House: I move that we indefinitely postpone this bill in concurrence.

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

Mr. BOUDREAU: Mr. Speaker, I would ask for a division.

Mr. Shute of Stockton Spring 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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you won't go along with this motion. This bill resulted from a very near tragedy at Mooselookmeguntic Lake, where several young people stayed in the water for about four hours as a result of an inexperienced leader who took them out across the lake with four-foot waves.

We spent a lot of time on it. We have had six work sessions on this bill and we came out with a Divided Report. I happened to sign the Minority Report and I favored that, but I am willing to compromise for the Majority Report.

The bill, at this stage of the game, regulates summer camps within the State of Maine and their trip counselors. I think it is a step in the direction of protecting the young people that go on these organized canoe trips.

At the present time, you can send in and get a trip leader's permit by paying \$5, and that is that. You don't have to qualify yourself, you don't have to have any experience with canoes or leading children, you can just take a group of any number of young people and go down the Allagash with them.

We had testimony before our committee about people drowning. Senator Pray cited several instances in the east branch of the Penobscot River below his camps where even the most inexperienced canoeists wouldn't even try to go down through this white water. These children were taken down through there, several of them were drowned. We are just attempting to get a this problem and this is one way of trying to approach the thing. I think that our young people are worth more to us than a \$5 fee to the Fish and Game Department and a license that means nothing. This is an attempt to

regulate these people and try to prevent tragedy from happening again and try to save some of our young people.

I hope you won't go along with the motion before you.

The SPEAKER: The Chair recognizes the gentleman from Caribou, Mr. Peterson.

Mr. PETERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to just take a moment to concur with Mr. MacEachern's remarks. I hope you won't indefinitely postpone this bill and go along with Mr. Dow's motion.

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

Mr. PAUL: Mr. Speaker and Members of the House: I rise at this time in opposition to the motion by the good gentleman to indefinitely postpone this matter.

As a member of the Fisheries and Wildlife Committee, I have spent approximately a month and a half with the other members of the committee working on this bill in trying to get a decent piece of legislation out.

Camping in the State of Maine, as many of you know, is big business. It is also incumbent for this business to be regulated for the protection of the people going to these camps. These committee reports, A and B, I will address myself to Committee Amendment "A", which is the Majority Report. This is the Maine Camp, Directors Association report or amendment; they support this. Primarily, they feel that this piece of legislation will clean their act up a little better and make the present existing law, which is inadequate, as Mr. MacEachern stated, it does not require the person applying for a permit to meet any standards or experience. Anybody can just make application to the department to get a permit and he does not have to describe any experience or justify issuance of a permit.

What we tried to do in the amendment is to specifically spell some criteria that these people must meet, specifically trained in first-aid and water safety including lifesaving techniques and it was the feeling, I think, of the people of the meeting that this issue should be addressed.

Again I would ask you to really look at this amendment, and I would appreciate it if you would take a minute to look it over and try to understand just what this is trying to do. This is for the safety of Maine's youth, Maine's youth that is attending the summer camps here in the state. So I would respectfully request you to vote no against indefinite postponement.

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

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think this is a very interesting development here this afternoon. As you have heard, we did spend many hours working on this. In fact, I couldn't believe that we couldn't come to some kind of agreement and I, myself, wanted the more strict amendment, which we are not talking about now, but that is the way I went first.

We had a very emotional hearing. A man by the name of Mitch Kerman was there, who, unfortunately, lost his son by drowning up on the west branch of the Penobscot River in one of the rapids where even an experienced guide portages around, and it seems that we do need something to protect these children. I think we are responsible to those people, those parents, who cried out to us to do something to see that people who took their children out on camping trips did have some training or were recognized to be an expert enough to be responsible for the welfare of those young people.

At a point in time, I had to depart from that statute because, all at once, we had certain ramifications that I couldn't live with, and I think that probably most of you would object to it who have children. You would find yourself in a situation that when you took out your child or children, and maybe three or four of your

neighbors children, that you wouldn't be able to do it without a permit. So I had to depart from that, but I go along with this Committee Amendment "A" and I hope that you don't indefinitely postpone it today because I think it is necessary to show those people that we do care.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: In looking this bill over, and the amendment, I guess probably the bill makes sense to me and I live in an area where some of these conditions have developed and there have been a couple of accidents. I guess what bothers me is why, oh why, everytime we pass some legislation, we have to set up a board, a commission and you have to have some people. Why can't we pass a simple piece of legislation without having to set up a whole bureaucracy to operate it?

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer the question of Mr. Birt, we are not setting up a new board. This board is now in existence. That is the reason why we went with this board. It is there, it has been active for the junior guides and so we are not setting up a new one, it is in existence now.

The SPEAKER: The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, Ladies and Gentlemen of the House: I would rise today to ask you to please support the motion to indefinitely postpone this piece of legislation.

A little history on the legislation. If you will look at Report B and if you look at the original report that the committee was talking about, it would attempt to establish that if you had wanted to take six of your neighbors out that were under 17 years of age on an overnight camping trip, you would have to have a Junior Maine Guide's license. That is changed in Minority Report B to the point where if you still wanted to take some Boy Scouts or Girl Scouts on an overnight trip up in back of your house a half a mile, you would have to have a guide's license.

They have toned it down in Report A and they are only getting at summer camps, but I suspect it has something to do with Boy Scouts, Brownies, Girl Scout type of trips as well, types of organizations that depend upon volunteer help from parents. I think it is going a little bit too far when the state starts sticking their nose into this type of business as well.

As you probably know, my voting record in this place has been one in opposition to these types of boards and rules and regulations that infringe upon the rights and responsibilities of the citizens of this state. It just seems to me that at some point we have got to let the parents take the responsibility for themselves to look out for their children's well being. If they don't know enough to send their kids out to a camp that is not going to take them down in white canoeing or take them on a hiking trip where they could be severely injured, then I am afraid there is not much we can do about it. We cannot always be sticking our noses into that type of thing and I think we ought to indefinitely postpone this bill. I don't think it is the type of legislation that we even ought to consider. I realize that it may not sound very popular, but at some point we have just got to take notice of this type of thing and do away with it.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I just feel obligated to reply to the gentleman who just spoke. First of all, the original bill was to do just what Report A suggests, and that is to protect people going on organized canoe trips.

We had a long hearing on this thing, we had a lot of testimony from people who were inter-

ested in things other than canoe trips. They were interested in overnight camping trips, overnight hikes, mountain climbing expeditions, and we had reports of serious injuries that were involved when trip leaders were inexperienced and led the young people into places where they shouldn't be and kept them there longer than they should have. That was the reason that we came up with Report B. Apparently, we went a little bit too far with Report B, and this is the reason that the committee chairman and myself are supporting Report A. We feel that this does exactly what the original bill called for and it is one means that we are trying to take to protect the young people in these camps.

Mr. Wilfong says that if a parent doesn't know any better than to send their child to a camp where they are going to be taken into a dangerous situation, they shouldn't be parents. I don't agree with that, because when they send them to a camp and spend a lot of money on them, it is their assumption that that camp is going to protect their children. Apparently, they haven't been doing this and this is what we are attempting to take care of. We are attempting to bring these camps into line so that when I as a parent send my child to that camp and he goes on a canoe trip, he will be led by someone who knows what he is doing and is going to be looking after the best interest of that child. This is the reason the bill is in the posture that it is now.

This is a very serious situation. We have something like 25,000 young people every year involved in these canoe trips. They come in from out of state, they come to our camps locally, and if we don't do something about it, we are going to have another tragedy on our hands. Leave it to your conscience how you vote on this bill.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I appeared before the Fish and Game Committee on this particular bill because I have had experience in summer camp business, having directed one the last five years, and I was concerned with the overall effect of this particular piece of legislation to the canoeing program, specifically at the Boy Scout Camp. I have a lot of questions about the bill. Some I have just noticed.

In our particular situation, passage of the bill at this point would mean no more canoeing for us. We could take our 27 canoes and sell them and get rid of them. In our particular situation, we have our own guidelines and rules and regulations that we follow. At the camp I operated, an 18 year old couldn't take a canoe trip out, you had to be 21. All of the children have physicals, physical rechecks, swimming tests, and so do the adults. If the adult can't swim, the adult doesn't get into a canoe. Our children do not have the life jackets in the canoe, they have them on when they are on a canoe trip. In our particular case, the people who take the children on a canoe trip are the scout masters, their assistants and the various Dad's.

Why would we have to do away with canoe trips? Because even though we submit our curriculum in a camp that has a weekly changeover where you have eight groups coming from eight different communities, arriving in camp, making out their programs deciding they are going to have an afternoon canoe trip or an overnight canoe trip, we could give the scout master, or the Dad that is going to take that particular group, the course sometime Sunday or Monday, but I really don't think we can get up here to Augusta and get that \$10 permit so that he can produce it when the game warden stops him on Crescent Lake. I am talking, in our particular case, over 64 different adults throughout an eight week season taking this course, paying the \$10 in order to take their children on a canoe trip, a summer camp that is going to hire one person or two people and

are going to charge \$1200 for the season and are going to have that staff man for that one particular purpose, they can probably meet that permit requirement, but when you have changeovers every week, I don't think we will be able to do that and still charge \$40 a week. If I have to start hiring additional staff to take out all of the canoe trips, it is going to cost us hundreds. In that case, I think what you are doing is saying, we are not going to have anymore canoe trips.

Unfortunately, what we are trying to do here is to legislate judgment, I think, in most cases, someone's poor judgment. We take our scout masters by speed boat to the site they are going to. We escort them, if necessary, with a motor launch. If there is any sign of a storm, I don't let them go; I have that authority as a camp director. I can remember many is the time in the middle of the night when storms came up, hiking through the woods to check on them. I have found that as hard as you try and as many rules as you want to make, that from time to time there are going to be individuals who are going to exercise less than appropriate judgment. I think that is what we are trying to do here and I don't think we can do it.

I notice the effective date of this particular act is June of next year, 1979. I realize the committee has worked very hard and I support what they are trying to do, but I think perhaps we haven't cleaned up all of the bug-a-boo's yet. We may not be protecting kids, but I think one thing we are doing is that our type of program now allowing them a canoeing experience in which we try to teach safety to children as well as adults. For that reason, with this particular committee amendment, I am going to have to vote "Ought Not to Pass".

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: We are not talking about the boy scouts and girl scouts in this bill, we are talking about boys' and girls' summer camps that are licensed by their definition from the Department of Human Services. It has nothing to do with the boy scouts and girls scouts.

We are also talking Committee Amendment "A", not Committee Amendment "B". The only thing this does is take care of the rules that the so-called summer camps are now working under and putting them in statute instead of in rules. It does add a couple things to it but nothing to cause all the alarm that has been going on in the House this afternoon. It will help the safety of these camps, and I certainly hope you vote against the indefinite postponement.

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

Mr. DEVOE: Mr. Speaker, Men and Women of the House: I share the views of the gentleman from South Portland, Mr. Curran. I have not had the extensive camping experience and camp direction experience that he has, but I think he has said it exactly right, that we are talking here about trying to legislate the exercise of prudence and good judgment on the part of people who are actually out on a lake or on an overnight trip. We can't do this in this House, as much as we would like to.

I was not present at any of the committee hearings, and I am sure that the hearing at which the parents of the deceased child who lost his life on a camping trip must have been a very emotional and trying experience for every committee member. I think I can sympathize with the committee members, having six children myself; however, we do have to face the fact that neither Committee Amendment "B," which we are presently discussing, or Committee Amendment "A" will be any guarantee that the trip leaders themselves will exercise good judgment. For that reason, I regretfully will vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the

gentleman from South Portland, Mr. Curran.

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to something that Representative Dow said, for the past five years that I have been director, and I have chosen not to back next summer, but I have paid \$22.50 to the State of Maine and the license from the Department of Human Services hangs over my desk. They come in and they inspect our camp. So, I do think it does pertain to us, perhaps not on a weekend thing from the home troop, but the camp itself is licensed. Maybe we should be making the camp directors take the course so they are a little more selective about who they hire. Maybe that is the direction to take.

I don't think that they would knowingly let people go who would not exercise the proper safety requirements that you need on a canoe trip. I know I have thrown scout masters out of camp and kept the kids because of that. I think most directors would approach it from that way. It would be a terrible thing on my conscience if anything ever happened to a child, and I would never permit individual scout master or a member of my staff to lead a trip if I thought they weren't going to be prudent in their judgment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: It seems to me that we have heard from a person who is a very responsible camp leader and has been for a number of years. I am sure that he and his camp have had rules imposed in their camp that would insure the safety of the children that attend those summer camps. I think that they probably have the rules and the necessary regulations to that if a parent sent a child to that camp, they could be sure that they were going to be safe. I think that is a commendable situation, and I remember that the gentleman from South Portland, Mr. Curran, kept saying "in our particular case, in our particular case." Unfortunately, I don't think all the camps in the state are run that way.

I would also like to respond to my good friend, Mr. Devoe from Orono, who purchased a cottage on Pushaw Pond from my brother-in-law several years ago, and I am sure, absolutely sure, that he would not put his six daughters in a canoe in front of his cottage at Pushaw Pond without life preservers. I don't think that is the question. The question is, should people be able to expect a reasonable degree of safety for their children when they send them to summer camp.

I would like to pose a question, if I may, to the gentleman from Madison, Mr. Elias, or the gentleman from Stow, Mr. Wilfong, whoever would care to answer. If this bill does not pass, is it not so that we will return to the same situation that we have now, and that is some camps operating with good regulations and some with none at all?

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to anyone who may care to answer it.

The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker and Members of the House: I guess I would have to answer that that is probably what would happen, for all I know, I am not sure.

I would just say that it is very difficult, we see it all the time in the federal government and we see it here in state government, it is very difficult when you try and throw a blanket over everybody, because we don't tailor things to fit every specific occasion and every instance. Since we can't do that, we throw this entire wet blanket over it and we make Mr. Curran, who runs a safe boy scout camp, have to jump through all kinds of hoops, and hoops not just for going canoeing but hoops for going

on an overnight camping trip. I say that this is just the start.

What we are talking about, incidentally, in this motion, both reports, because we are not just talking about Report A anymore, it is just the very beginning of trying to once again step in and interfere with the lives of the citizens of this state and I, for one, will not participate in that to any degree.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: In response to Mr. Devoe, the original motion here was on Report A. We are not talking about Report B, as far as I am concerned.

He mentioned legislating common sense. We are not trying to legislate common sense, we are just trying to assure that some of these people who are taking out these young people have enough training and background in what they are doing so that they can exercise their good sense. If they don't know what white water does, they can't very well use good sense in taking care of these kids. But if they have some training and some knowledge of what they might get involved with, they are quite apt to use good sense.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Shute.

Mr. SHUTE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Committee. I haven't read the whole amendment, but does the amendment also cover out-of-state children coming in for a camping trip, such as a YMCA coming in from New York with a leader with them or a neighborhood youth group from Massachusetts coming in? Does it also cover out-of-state children?

The SPEAKER: The gentleman from Stockton Springs, Mr. Shute, has posed a question through the chair to anyone who may care to answer.

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

Mr. DOW: Mr. Speaker, it doesn't regulate like Report B would have regulated all the groups. The only ones that are regulated are the ones that are licensed like our camps are now, so just the camps that are licensed would be regulated.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I have tried to rise quite a few times to clarify a point. I mentioned first that I couldn't go with amendment "B"; and Mr. Curran of Portland has said the same thing, and that was the one that I had to depart from. But if the gentleman would look at filing number S-489, which is what we are talking about now, I had to depart from amendment "B" because it was too stringent, it was exactly my problem. I am not that excited about what we have now it is watered down so very much, but I will be voting against indefinite postponement and I would ask each one of you to vote your conscience. Mine will be very clear.

Mr. Curran of South Portland was granted permission to speak a third time.

Mr. CURRAN: Mr. Speaker and Members of the House: I realize what we are talking about is Committee Amendment "A." My only real objection to Committee Amendment "A" is the permit. I don't think we would have any problem or any qualms about offering a curriculum; that is not the problem. Every scout leader who comes into the camp now gets a two-hour course on Sunday in, say, swim defense, on how to run a safe swimming program. It would be extremely easy to run an additional two- or three-hour course on how to do safe boating. The problem is, between offering the course and going to a canoe trip, you are going to have the camp director or somebody driving from the camp to Augusta getting permits so

that they can leave. That is the problem. They take the course and we all know how paperwork goes; they will be home before they ever get the permit to go on the trip.

If the camp were able to get a roster or certification of those people who took the course in the camp where the game warden could check and see that he had taken the course, that would solve this particular problem. A course is fine, once you have taken the course, getting that \$10 permit to put in the guy's shirt pocket so he can head down the river to Crescent Lake and the game warden stops them, he says, well, we mailed it to Augusta on Tuesday and it didn't get back this morning, that is our problem.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from South Portland speaks of a problem. We did have a problem on Mooselookmeguntic Lake last summer. I have fished on this lake and I know how rough it can be. I wasn't out there in a canoe either. These canoes that we are speaking of were out in the middle of that lake on a very rough day.

I hope you will vote against indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Madison, Mr. Elias, that this Bill and all its accompanying papers be indefinitely postponed in concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Ault, Benoit, Berry, Berube, Biron, Blodgett, Boudreau, P.; Brennerman, Brown, K. L.; Bunker, Burns, Carey, Carrier, Carroll, Carter, D.; Carter, F.; Chonko, Clark, Cummingham, Curan, Davies, Devoe, Diamond, Dudley, Elias, Flanagan, Fowle, Garsoe, Gill, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hickey, Higgins, Hobbins, Howe, Huber, Hutchings, Jackson, Jensen, Joyce, Kane, Kany, Kerry, LaPlante, Lewis, Marshall, Masterton, McHenry, Morton, Nadeau, Nelson, N.; Palmer, Perkins, Post, Prescott, Quinn, Raymond, Rideout, Sewall, Shute, Spencer, Sprawl, Talbot, Tarbell, Tierney, Trafton, Valentine, Violette, Wilfong, Wyman

NAY — Austin, Bachrach, Bagley, Beau lieu, Birt, Boudreau, A.; Brown, K. C.; Churchill, Connors, Connolly, Cox, Dexter, Dow, Durgin, Dutremble, Fenlason, Green, Hall, Hughes, Immonen, Laffin, Littlefield, Lizotte, Lougee, Lunt, Lynch, MacEachern, Mackel, Mahany, Martin, A.; Masterman, McBrearity, McKean, McPherson, Mitchell, Moody, Najarian, Nelson, M.; Paul, Pearson, Peltier, Peterson, Rollins, Smith, Stubbs, Tarr, Teague, Tozier, Truman, Twitchell, Whittemore, Wood

ABSENT — Bennett, Bustin, Cote, Drinkwater, Gillis, Henderson, Hunter, Jacques, Jalbert, Kelleher, Locke, McMahon, Mills, Norris, Peakes, Plourde, Silsby, Stover, Strout, Theriault, Torrey, Tyndale,

Yes, 75; No, 53; Absent, 22.

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

The Chair recognizes the gentleman from Stow, Mr. Wilfong.

Mr. WILFONG: Mr. Speaker, having voted on the prevailing side, I move reconsideration and ask that you all vote against me.

The SPEAKER: The gentleman from Stow, Mr. Wilfong, having voted on the prevailing side, now moves we reconsider our action whereby this bill was indefinitely postponed in concurrence. All those in favor will say yes; those opposed will say no.

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

The following papers appearing on Supplement

No. 3 were taken up out of order by unanimous consent:

Leave to withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill, "An Act Appropriating Funds to the Grant-Loan Scholarship Fund for Positions at the New England College of Osteopathic Medicine" (S. P. 634) (L. D. 1993)

Came from the Senate with the Report read and accepted. In the House, the Report was read and accepted in concurrence.

Ought to Pass in New Draft

Report of the Committee on Human Resources on Bill "An Act to Provide Interpreter Service for the Hearing Impaired" (S. P. 616) (L. D. 1904) reporting "Ought to Pass" in New Draft (S. P. 720) (L. D. 2169)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-510)

In the House, the Report was read and accepted in concurrence and the Bill read once. Senate Amendment "A" (S-510) was read by the Clerk.

On motion of Mr. Burns of Anson, Senate Amendment "A" was indefinitely postponed in non-concurrence.

The Bill was assigned for second reading tomorrow.

Ought to Pass with Committee Amendment

Committee on Local and County Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-493) on Bill "An Act to Clarify County Law Enforcement" (S. P. 671) (L. D. 2075)

Came from the Senate with the Report read and accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (S-493) as Amended by Senate Amendment "A" (S-502) thereto and Senate Amendment "A" (S-508)

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-493) was read by the Clerk and Adopted. Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted in concurrence.

Senate Amendment "A" (S-508) was read by the Clerk and adopted in concurrence and the bill assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Revise the Administration and Toll System of the Maine Turnpike" (H. P. 2132) (L. D. 2157) which was Passed to be Engrossed as Amended by House Amendment "F" (H-1096) in the House on February 27, 1978.

Came from the Senate Passed to be Engrossed as Amended by Senate Amendment "C" (S-511) and House Amendment "F" (H-1096) in non-concurrence.

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

By unanimous consent, ordered sent forthwith to Engrossing.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Albert Theriault of Rumford be excused for the duration of his illness.

Mr. Mahany from the Committee on Agriculture on Bill "An Act to Continue the Potato Tax at the Rate of \$.025 per Hundredweight" (Emergency) (H. P. 2033) (L. D. 2097) reporting "Ought to Pass"

Report was read and accepted and the Bill read once.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

Consent Calendar
First Day

In accordance with House Rule 49, the following items were ordered to appear on the Consent Calendar for the First Day:

(S. P. 638) (L. D. 1997) Bill "An Act Relating to Malpractice Insurance Companies" — Committee on Business Legislation reporting "Ought to Pass" As Amended by Committee Amendment "A" (S-500)

(S. P. 676) (L. D. 2094) Bill "An Act Relating to the Classification of Drug Offenses" Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-504)

No objections having been noted, the above items were ordered to appear on the consent calendar of March 3 under listing of the Second Day.

Passed to Be Enacted Emergency Measure

"An Act to Allow Intermediate care Facilities to be Reimbursed under the Medically Needy Program" (H. P. 1915) (L. D. 1976) (C. "A" H-1068)

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

Emergency Measure Tabled and Assigned

"An Act to Amend the Child Welfare Laws" (H. P. 1990) (L. D. 2065) (C. "A" H-1065)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. (On motion of Mr. Goodwin of South Berwick, tabled pending passage to be enacted and tomorrow assigned.)

Passed to Be Enacted

"An Act to Facilitate the Making of Decrees by the Industrial Accident Commission" (S. P. 643) (L. D. 2010) (C. "A" S-455; H. "A" H-1097 to S. "A" S-476)

"An Act Concerning the Catastrophic Illness and Medically Needy Programs" (H. P. 1911) (L. D. 1972) (H. "A" H-1063 to C. "A" H-1046)

"An Act to Clarify Procedures for Emergency Admission to Hospitals for Mentally Ill" (H. P. 1997) (L. D. 2078) (C. "A" H-1054)

"An Act Relating to Tuition Computation Charged by Private Schools under the Education of Exceptional Children Law" (H. P. 2028) (L. D. 2096) (C. "A" H-1071)

"An Act to Provide Municipalities with Standards for the Installation of Wood Stoves" (H. P. 2037) (L. D. 2101) (C. "A" H-1079)

"An Act to Reconstruct the Fuel Adjustment Clause" (H. P. 2092) (L. D. 2137) (S. "A" S-484)

Finally Passed

RESOLVE to Establish a Commission to Study the Continuation of Coverage under Certain Group Health Insurance Policies (H. P. 2131) (L. D. 2156)

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

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine (Emergency) (H. P. 2173) (Presented by Ms. Clark of Freeport) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 25)

Was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Orders of the Day

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

Bill, "An Act to Amend the Maine Juvenile Code" (Emergency) (H. P. 2142) (L. D. 2163) Tabled — March 1, 1978 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, I have some amendments on this bill and I am having an awful lot of trouble with them. It is late in the day, and I think there could be a great deal of discussion if we don't try and settle a few things beforehand. I would like to have this tabled until tomorrow, if that would be possible.

Whereupon, on motion of Mr. Garsoe of Cumberland, tabled pending passage to be engrossed and tomorrow assigned.

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

Bill, "An Act to Permit Law Enforcement Officers, Agencies and Associations to Make Limited Solicitations for Advertising in or Purchase of Certain Publications Published by Them" (H. P. 2153) (L. D. 2167)

Tabled — March 1, 1978 by Ms. Clark of Freeport

Pending — Passage to be Engrossed.

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

Mr. HOWE: Mr. Speaker and Members of the House: We sought of got stalled in low gear the other day on this bill and then it was tabled once or twice. The gentlewoman from Augusta had some concerns about some working in the bill. I think she and I worked that out so that she is persuaded that it said what the committee intended it should say.

However, in that process, I did discover another drafting error, so I would refer you to House Amendment "A", which is filing number (H-1104), which amends (L. D. 2167), which amendment becomes the bill. I will tell you what the present law does and I will run through this quickly.

The present law prohibits law enforcement officers, agencies or associations or people acting in their behalf from soliciting funds from the general public if they keep any or all of those funds, or it might be any other form of property. In fact, the term in the law is "property," not just cash.

There is a total exception to that for someone who is paying off a debt they incurred while running for public office, i.e., county sheriff. The Attorney General advised us that if we were to prohibit somebody from soliciting money to pay off their campaign debts, that we would clearly interfere with the constitutional right to run for office. That is in the present law; we have not changed it.

The present law also says, "A limited exception to this bar against solicitation," that law enforcement officers, agencies or associations can hold an event and sell tickets of admission, and they can advertise that those tickets are available through the radio, TV and the newspaper and they can have them available at normal ticket outlets, but they cannot call people up or go visit them or write them letters, thereby prohibiting the kind of personal contact that in the past has led to coercive arm twisting abuses, whatever, solicitation tactics.

The Maine State Troopers Association asked the Committee on Business Legislation if we would not consider permitting them to publish a newsletter, some kind of an in-house publication, make that available for sale through subscriptions and also make advertising space available for sale so that they could pay for the cost of producing this newsletter which is primarily intended for their own members, although anybody could subscribe. What we were faced with was trying to enable them to do this

without opening up the possibility of kind of arm twisting approach to asking for these funds that had been a problem in the past.

What we have done and what you will find on the back side of this amendment — the front side is current law, it is just that we have put it in a new section so that these two exceptions to the prohibition will be together — is that they can publish the thing and they can offer for sale both the subscription to it and advertising space in it, and they can make that offer 'for sale' available by running an ad on television, on the radio or in the newspaper. They can also have a printed form in the copies of this publication which sets forth the cost of the subscription and the cost of advertising space. But it says right in here, "provided that no person shall initiate contact with the general public in person, by telephone or by letter." And what the Committee on Business Legislation believes, and this is a unanimous report, is that we can safely permit them to produce this publication this way without opening up the kinds of solicitation tactics that were in fact abused in the past.

I think the State Police have learned quite a lot throughout this process. I think they have gotten their wrists slapped and they have kind of been backed into a corner, and I think they are going to be treading lightly from here on out. I think I would be the first one, for the sake of my own credibility, if you will, that if the State Police or any other police agency begin to abuse this little bit that we are giving them, to introduce a bill in the next session to close it off completely.

I hope that will inform you as to what the bill does and why I would urge you to support it.

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

House Amendment "A" (H-1104) was read by the Clerk.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I guess I raised more objection to the original bill than anybody the other day. I have since had an opportunity to review it with the Attorney General's Office. I have reviewed the new amendment, and I hope you vote for it.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Mrs. Kane.

Mrs. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I know the hour is late and we are all really tired, but there is just one point that I think should be made about the bill and I don't feel all that strongly about it. I know these policemen are anxious to have their publication, but I feel because of the things that have happened in the past, it is impossible for some of the people who receive this publication in the mail and have the opportunity to place advertisement in it, it will be impossible for them not to have hanging over their heads the possibility that it will be held against them if they don't place advertising in it. Because of the abuses in the past, I believe that wreckers, people who operating wrecking services and other people, even people who operate businesses and want to have the best attention possible from the police are going to have a doubt in their minds of whether it is going to be held against them by the police if they don't place an advertisement in the publication.

I realize this is really going far out and there is really nothing the police can do now about people who have questions about the integrity of the police, but I would feel very badly if some people spent their hard-earned money on advertising for their business when they did not feel it was the best deal for their money but only because they were in fear of retaliation or just lack of support and protection from law enforcement officials, and I do feel this is a consideration.

The SPEAKER: The Chair recognizes the

gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker and Members of the House: I can accept the clarification by the amendment, but I am still in question. The last paragraph in Section 3, it says "No person shall initiate contact with the general public, except ..." and it is my understanding that it still provides in Section 3 that they can make contact with the public.

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

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

Mr. HOWE: Mr. Speaker, the gentleman from Augusta is, I believe, looking at the bill, which was totally replaced by the amendment, so there isn't a Section 3. It was that Section 3 which caused some concern; however, it is simply not before us now.

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

Mr. HICKEY: Mr. Speaker, the way I see it, the amendment makes no reference to Section 3.

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

Mr. HOWE: Mr. Speaker, he is correct, but I would refer him to the first sentence in the text of the amendment, which says, "Amend the Bill by striking out everything after the enacting clause and inserting in its place the following." So there is no Section 3, I have withdrawn that proposal and put before you today just the amendment.

To add to that, in both the admission section and the advertising section are the following words: "Provided that no person shall initiate personal contact with the general public in person, by telephone or by letter."

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

On motion of Mr. Boudreau of Waterville,
Adjourned until nine-thirty tomorrow morning.