

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Wednesday, January 31, 1979

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

Prayer by the Reverend Truman Bray of the Westbrook Baptist Church.

Reverend BRAY: Eternal God, Our Father, we begin these sessions asking for your presence and your help, and we pray that we might not ignore that presence or that help as these sessions continue. We are beginning to understand that the things wrong with our world are but the sum total of the things that are wrong with each one of us as individuals, for Thou hast made us in Thine image and our hearts cannot rest until they rest in Thee. Make us humble in this place of leadership and service to which you have called us. We are too christian to enjoy our sinning and too fond of our sinning to enjoy our christianity. Most of us, Father, know what we ought to do; our trouble is that we do not want to do it. So grant today Thy presence and Thy help will fill this place and our lives individually, that justice and righteousness may flow down like the waters. Bless those who are in leadership who have made some sacrifice to be here, that indeed the issues before us today may be decided in the light of that larger context of Thine eternal Kingdom, in the name of Christ, Jesus, Our Lord. Amen.

The journal of yesterday was read and approved.

Papers from the Senate Tabled and Assigned

From the Senate: The following Joint Order: (S. P. 118)

WHEREAS, the legislative constituency should be better able to reach their Senators and Representatives during sessions; and

WHEREAS, this constituent service could be provided through the purchase of a single toll-free watts line; and

WHEREAS, the Information Office is ideally situated to provide this constituent service in a nonpartisan manner to both Senators and Representatives; and

WHEREAS, Legislators are frequently in a position where they cannot be reached but would welcome receipt of names and numbers of calls which they can return when more convenient; now therefore, be it

ORDERED, the House concurring, that a toll-free watts line be installed and operated in the Legislative Information Office for the remainder of the session on a test basis for the purposes of developing a name and number answering service between Legislators and their constituents; and be it further ORDERED, that all costs incurred in carrying out this order shall be expended from the Legislative Account.

Came from the Senate read and passed.

In the House, the Order was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage in concurrence and tomorrow assigned.

Bill "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen, Local District Employees, Sheriffs and Full-time Deputy Sheriffs" (S. P. 115) (L. D. 200)

Bill "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System" (S. P. 108) (L. D. 213)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Require Life Insurers to Furnish Specified Disclosure Information to

Purchasers of Life Insurance" (S. P. 116) (L. D. 216)

Bill "An Act Concerning the Period of Liability of a financial Institution on a Written Instrument Under the Abandoned Property Statute" (S. P. 114) (L. D. 204)

Came from the Senate referred to the Committee on Business Legislation and ordered printed.

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Decrease from 18 Inches to 16 Inches the Length limit on Togue which may be Taken from Moosehead lake" (S. P. 111) (L. D. 203)

Came from the Senate referred to the Committee on Fisheries and Wildlife and ordered printed.

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Clarify the Law Relating to Liability of Relatives for Support" (S. P. 103) (L. D. 206)

Bill "an Act Relating to Filing Abstracts of Divorce Decrees with Registry of Deeds" (S. P. 104) (L. D. 201)

Bill "An Act to Permit Forfeiture of Property Used to Conceal, Store or Transport Stolen Goods" (S. P. 105) (L. D. 211)

Bill "An Act Authorizing the City of Portland to Lease to the State its Central Fire Station Presently Located on land Known as Lincoln Park Extension for Court use and for the Administration of a Court System" (S. P. 110) (L. D. 214)

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

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act to prohibit a Manufacturer of Wholesaler of Alcoholic Beverages to Hold a Retail License" (S. P. 109) (L. D. 202)

Came from the Senate referred to the Committee on Legal Affairs and ordered printed.

In the House, referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Restrict the Placing of Hazardous Objects on Utility Poles" (S. P. 107) (L. D. 212)

Bill "An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Contract Carrier Permits" (S. P. 112) (L. D. 215)

Bill "An Act Authorizing the Public Utilities Commission to use a Modified Procedure in Uncontested Cases Relating to the Assignment and Transfer of Special or Charter Bus Licenses" (S. P. 113) (L. D. 207)

Came from the Senate referred to the Committee on Public Utilities and ordered printed.

In the House, referred to the Committee on Public Utilities in concurrence.

Bill "An Act Relating to Compensation of the Public Utilities Commissioners" (S. P. 106) (L. D. 205)

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

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

Messages and Documents

The following Communication:

State of Maine
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES
Augusta, Maine

January 29, 1979

To: Edwin Pert, Clerk of the House
To: May Ross, Secretary of the Senate
From: H. Sawin Millett, Jr., Commissioner
Re: Report on Actions Taken Regarding the

Education for Habitual Truants

I am pleased to transmit herein my report of the number of habitual truants identified during the past school year along with the actions that have been taken regarding alternative education programs and other referrals actions at the local level:

	AGE	AGE
State Totals	7-13	14-16
1. Number of Truants Identified	209	1,210
A. Resolved administratively at the local level	140	568
B. Referred to alternative program within the school system	15	148
C. Referred to alternative program offered by another school system	2	14
D. Referred to alternative program offered by an existing agency external to the school system	5	62
E. Not resolved or referred to date	30	171
2. Number Referred to School Board	17	247
A. Parents instructed of legal responsibility	8	71
B. Compulsory education waived		113
C. Special work permit issued		17
3. Number of Parents Referred to Court Action	7	22
A. Number of parents fined or confined	2	3
B. Number of parents referred to counseling		21
Continuing Programs which are Permanent — 24		
Continuing Programs which are not Permanent — 7		
Programs new this year which are Permanent — 84		
Programs new this year which are not Permanent — 25		

Additional information regarding the above statistics as well as more detailed information describing some of the alternative programs being offered may be obtained by contacting the Division of Curriculum Resources (289-2033).

The Communication was read and ordered placed on file.

The following Communication:
State of Maine
EXECUTIVE DEPARTMENT
State Planning Office
184 State Street
Augusta

January 30, 1979

Ed Pert
Clerk of the House
State House
Augusta, Maine 04333
Dear Mr. Pert:

Transmitted for distribution to the House of Representatives is the attached document entitled "The Status of Housing in Maine," prepared by the State Planning Office pursuant to 5 M.R.S.A. §3306-A.

Sincerely,

Signed: ALLEN PEASE
Director
State Planning Office
The Communication was read and with accompanying papers ordered placed on file.

The following Communication: (S. P. 117)
State of Maine
SENATE CHAMBER
President's Office
Augusta, Maine

January 26, 1979

Honorable Samuel W. Collins, Jr.
Honorable Barry J. Hobbins
Chairmen, Judiciary Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan on January 26, 1979 nominated Joseph M. Jabar, Sr. of Waterville to serve as a Commissioner of the Workers' Compensation Commission.

Pursuant to MRSA, Title 39, Section 91, this appointment is subject to review by the Joint Standing Committee on Judiciary.

Sincerely,

Signed:

JOSEPH SEWALL
President of the Senate

Signed:

JOHN MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Judiciary.

In the House, the Communication was read and referred to the Joint Standing Committee on Judiciary in concurrence.

The following Communication:

State of Maine
HOUSE OF REPRESENTATIVES
Speaker's Office
Augusta, Maine

January 30, 1979

Hon. Edwin H. Pert
Clerk of the House
Maine House of Representatives
State House
Augusta, Maine 04333
Dear Clerk Pert:

This is to notify you that I am appointing Rep. Walter L. Bunker of Gouldsboro to the House Committee on Ways and Means. He is replacing Rep. Kenneth L. Matthews of Caribou.

Sincerely,

Signed:

JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered placed on file.

The following Communication:

State of Maine
DEPARTMENT OF FINANCE
AND ADMINISTRATION
Bureau of Accounts and Control
State House
Augusta, Maine

December 20, 1978

Governor James B. Longley,
Governor-Elect Joseph E. Brennan
Members of the Legislature
and Other Citizens of Maine

The accompanying statements present the financial position of the various funds of our State Government at June 30, 1978, and their resources and expenditures for the fiscal year then ended. Prior year information, budgetary data and footnote disclosures have been included where appropriate to promote a better understanding of the State's finances.

In compliance with statutory requirements, the State's accounting records covering the four year period ended June 30, 1978, have been audited by Coopers & Lybrand, independent public accountants. Their report on the Combined Balance Sheet is contained on the following page.

We believe this annual report provides a basis for comprehensive analysis of the State's operations and financial position. Requests for supplementary information, suggestions for improvement of the method of presentation, or general comments are always welcome.

Respectfully submitted,

Signed:

RICHARD A. DIEFFENBACH

State Controller

The Communication was read and with accompanying report ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolution were received and referred to the following Committees:

Education

Bill "An Act to Amend the Duties of the Commissioner of Education Relating to Bilingual Education" (H. P. 182) (Presented by Mr. Rolde of York)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act to Make the Attorney General's Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters" (H. P. 183) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Garsoe of Cumberland, Mr. Diamond of Windham and Mrs. Nelson of Portland)

Bill "An Act to Reimburse Municipalities for the Cost of Conducting State Elections" (H. P. 184) (Presented by Mrs. Wentworth of Wells) (Cosponsors: Mr. Dutremble of Biddeford, Mr. McMahon of Kennebunk and Mr. Wood of Sanford)

(Ordered Printed)
Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Raccoon Damage to Crops and Livestock" (H. P. 185) (Presented by Mr. Bowden of Brooklin)

(Ordered Printed)
Sent up for concurrence.

Labor

Bill "an Act to Extend Collective Bargaining Rights to County Employees" (H. P. 186) (Presented by Mr. Rolde of York)

Bill "An Act to Revise the Occupational Safety and Health Law to Conform with Federal Requirements" (H. P. 187) (Presented by Mr. MacEachern of Lincoln)

(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Authorize the Town of Dennysville to Vote on Certain Local Option Questions Concerning the Sale of Liquor" (Emergency) (H. P. 188) (Presented by Mr. Vose of Eastport)

Bill "An Act to Specifically Define what Constitutes a Law Enforcement Officer's Signal to a Motorist to Stop" (H. P. 189) (Presented by Mr. Strout of Corinth)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act to Increase the Salaries of Elected Officials of Waldo County by 7 Per Cent" (H. P. 190) (Presented by Mr. Drinkwater of Belfast)

Committee on Local and County Government was suggested.

On motion of Mr. Drinkwater, tabled pending reference and later today assigned.

Local and County Government

Bill "An Act to Provide More Adequate Compensation to Municipal Clerks and Municipalities for Certain Duties Performed for the State" (H. P. 191) (Presented by Mrs. Wentworth of Wells) (Cosponsor: Mrs. Prescott of Hampden)

(Ordered Printed)
Sent up for concurrence.

Marine Resources

Bill "An Act to Establish a Two-inch Mini-

mum Size for Soft-shell Clams" (H. P. 192) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mrs. Hutchings of Lincolnville, Mr. Bowden of Brooklin and Mr. Leonard of Woolwich)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Authorize the Public Utilities Commission to Prescribe or Adopt Safety Standards for the Storage and Transportation of Liquefied Petroleum and other Gas by Pipeline" (H. P. 193) (Presented by Mr. Wood of Sanford)

(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Amend the Laws Relating to the Maine Historic Preservation Commission" (H. P. 194) (Presented by Mr. Rolde of York)

Bill "an Act to Require that Heads of State Agencies Report to the State Auditor any Suspected Improper or Illegal Financial Activity in their Agency" (H. P. 195) (Presented by Mrs. Berube of Lewiston)

Bill "An Act to Permit the State Auditor to Report Certain Suspected Improper Transactions to the Attorney General's Office" (H. P. 196) (Presented by Mrs. Berube of Lewiston)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Offices of Judges of Probate and Registers of probate as Constitutional Offices" (H. P. 197) (Presented by Mrs. Kany of Waterville)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "an Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Nonresidents" (H. P. 198) (Presented by Mr. Strout of Corinth)

Bill "An Act Providing Additional Funds to Acquire Land for a Passenger Terminal, Transfer Bridge and a Parking Area for the Casco Bay Ferry Service in Portland and to Provide Funds for their Construction" (H. P. 199) (Presented by Mrs. Beaulieu of Portland) (Cosponsor: Mr. Brenerman of Portland)

(Ordered Printed)
Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 200) recognizing that:

On Sunday, January 28, 1979, David Harrison of Kennebunk, Maine, did exhibit great courage and initiative and in doing so did save the life of Scott Carney of Kennebunk Beach, Maine,

Presented by Mr. McMahon of Kennebunk.
The Order was read.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: This is an example of an action that deserves recognition, and I appreciate being given the opportunity to present this to you now.

On Sunday last, David Harrison, who is an 18-year-old student at Kennebunk High School, did rescue 11-year-old Scott Carney from an ice flow which was rapidly heading out to sea from the Mousam River in Kennebunk. The action of David was quite exemplary. He swam out to the ice flow and literally retrieved the youth off it and assisted in the saving of a second boy who was on his way to shore.

For that reason, I am pleased to submit this order for recognition.

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Richard McKean of Lime-

stone be excused January 31 for legislative business.

AND BE IT FURTHER ORDERED, that Joyce Lewis of Auburn be excused January 30 for personal reasons.

House Reports of Committees Ought to Pass

Pursuant to Joint Order H. P. 135

Mr. LaPlante from the Committee on Local and County Government on Bill, "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 135)

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

Divided Report

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-12) on Bill "an Act to Clarify the Requirements Relating to Identification of School Buses" (H. P. 7) (L. D. 13)

Report was signed by the following members:

Messrs. EMERSON of Penobscot
USHER of Cumberland
O'LEARY of Oxford

— of the Senate.

Messrs. JACQUES of Lewiston
McKEAN of Limestone
LOUGEE of Island Falls
HUNTER of Benton
Mrs. HUTCHINGS of Lincolnville
Messrs. CARROLL of Limerick
ELIAS of Madison
BROWN of Mexico
McPHERSON of Eliot

— of the House.

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

Report was signed by the following member:
Mr. STROUT of Corinth

— of the House.

Reports were read.

The Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-12) was read by the Clerk and adopted. Under suspension of the rules, the Bill was read the second time.

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

Mrs. BEAULIEU: Mr. Speaker, advice from you, please. I wish to oppose this Committee Report.

The SPEAKER: The motion for the gentleman to make at this time would be to indefinitely postpone the Bill and all its accompanying papers.

Mrs. BEAULIEU: Mr. Speaker, I so move and I wish to speak to that motion.

The SPEAKER: The gentleman from Portland, Mrs. Beaulieu, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This is a crucial issue that involves my community, particularly the city of Portland. Seven years ago, I came to this building and pleaded a case to the Transportation Committee asking that the Transit District be made to come under most of the school bus laws and gave details of the parental uproar in the cities of Portland and South Portland that had sent me here. The end result was after a long, two-year effort. We were able to secure most of the school bus safety laws, such as mandatory seating, state police inspections of the equipment, bus driver qualifications and training, posting of the buses as school buses and the flashing lights that stop motorists from passing those buses.

Since most schools in Portland are located on heavily travelled arterials, the posting and flashing lights were vitally important. Since

that law has passed, there is no doubt about it, our transportation system has improved tremendously. We don't want to have to go back to those horrendous situations of 60 children on a bus that seats 54. We don't want adults and students on those bus runs, and if you approve this bill, that is what you will be subscribing to. Who would get a seat, ladies and gentlemen, if both are allowed on the same vehicle, the senior citizen or the third grader, the high schooler or the first grader? We must have traffic stop, and I am witness to the fact that it has not created bottlenecks and I have the Portland Police Department to substantiate that fact.

Economically, it calls for the up-front costs of the bus purchases, because literally this bill does indicate that there is a problem with UMTA, that funds part of the transit district operation and UMTA says that they will not support having their vehicles transport school children exclusively. Therefore, it does, indeed, mean we would have to purchase our own yellow school buses. The up-front costs to the city of Portland at this point in time would be \$40,000, and then the reimbursement process begins.

Portland and South Portland taxpayers have paid for years for school bus purchases for the rest of the state and they never objected, and I see no reason why the constituencies, yours and mine, would not want to do it for us.

Portland's cost right now, as I indicated, would be about \$450,000, and the Department of Education has already set aside for this purpose within the school bus purchase account for this year, an account that all other communities draw from for new and replacement buses, and the account that is dedicated to some degree for school bus purchases cannot exceed a certain figure. So it is not like we have to go out looking for dollars immediately.

I maintain, and have been at it long enough now, to say that it will be far cheaper to make the investment in our communities. Busing cost for student transport is about \$122 per child per year, while most of you, in your school systems, pay between \$80 and \$90 per child. That is about \$30 more for student transport in my city and it is dollars accruing to the transit district, which, by the way, is autonomous, which is under the auspices of three communities now in our area and most of our city councillors, believe it or not, also serve on the board of directors of the transit district and they are the ones that came to this hearing pleading for this bill.

Not only are our costs high, but we also pay \$47,500 to the Brunswick Transportation outfit for further busing, and we pay our own special education busing for field trips and sports also, and now the transit district plans an additional 5 cent fare hike. That means another additional \$36,500 that the state is going to be handing out to this transit district. The grand total bill for the state will be \$296,440. That is a lot of money going to an autonomous busing firm.

The insult in this bill, to me and to the children and the parents I represent, not the city officials, is the fact that the transit district wants yours and my dollars, no strings attached, such as nationally and statewide recognized school bus safety rules and regulations.

Further compounding the problem is that UMTA has now become the transit district's apparent primary bus. They are going to dictate to them what kind of busing we are going to have in our city, and your state dollars are going to subsidize them. They now control how this company will transport people, not the state and not the local school boards. The rules that I stated as the major problem here were passed in 1976 by UMTA and this transit district told the school departments of both cities, five weeks before school started in September of 1978 — it wasn't until five days before school started that the announcement was made that a waiver had been secured. The result — a lot

of upset parents, kids and school department people who were trying to beg, borrow and steal buses just in case the answer was no.

I contend that we, the parents, the taxpayers of both cities, school officials and children can no longer and ever again be held hostage like this every time a bureau in Washington comes up with a new rule.

Eliminating signing and flashing lights guts out, in my opinion, the heart of the school bus laws. Why must the kids in Portland and South Portland be the only kids in our state not to have safety regulations every other child in this state has. I ask you, in the name of safety and economics, to vote against this bill and, Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Roques Bluff, Mr. Nelson.

Mr. NELSON: Mr. Speaker and Members of the House: I, too, have a problem with this bill but for quite a different reason than the gentleman from Portland.

Under the exemptions, I notice two words in there that are very important to me, and that is "emergency door". I realize that most buses are built with emergency doors in them, but if you put this exemption in there, this leaves sort of a loophole that the driver perhaps does not have to check to see that that door is operating. If you have an accident and that front door is blocked in any way and no emergency door, they say kick out the window. Well, sometimes those windows come out darn hard, believe me, I know.

This is the reason that I do hope that you will vote to indefinitely postpone this bill.

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

Mr. HOWE: Mr. Speaker and Members of the House: I wish that everybody, including the gentleman from Roques Bluff, would take out this pink piece of paper, which is labeled Committee Amendment "A", filing number H-12 to L. D. 13, that is what we have before us, and I will address briefly Representative Nelson's concerns inasmuch as emergency door, language which is not being changed.

An exception to an emergency door provision in a school bus law is already in existence, and we are not changing that in any way, shape or form. The transit district buses don't have an emergency door in the back of the bus but they have two doors on one side of the bus and, furthermore, every window on the bus on each side is constructed in such a manner that it is easily pushed out as an emergency exit should the bus tip on its side.

Let me back up a little now, you are being fed some bad information as well as some inflammatory and emotional rhetoric, and I would like to straighten a little of that out.

I sponsored this bill not merely at the request of but at the request of officials in not only Representative Beaulieu's city of Portland but my city of South Portland, and I have come to the point where I am not merely sponsoring it but I wholeheartedly support and am convinced that it is the right way to go. I appreciate the fact that after considerable deliberations under time pressures, the Committee on Transportation has given this a favorable 12 to 1 report, and I want to thank those committee members, many of whom are from rural areas of the state, for understanding and appreciating some of the differences between rural and urban school transportation.

The situation is this. For the last 30 or 40 years or more, school children in our cities have been transported by a transit district bus. Up until 5 or 6 years ago, that was a private company which gradually over the years went down hill for financial reasons. The transit district is not a company, as Representative Beaulieu will use that term, it is a quasi-public agency created by the municipalities in that area. It is not autonomous by any means; it is controlled primarily by elected officials from South Portland, Portland and Westbrook. It is

not autonomous and it doesn't want anything. It is simply doing the job that it is told to do by the board of directors, which primarily is the three cities involved.

We transport our children on these buses, and I want to point out to you that the slightly scandalous set of headlines that has been sent around to you this morning all date six and seven years ago, largely prior to the inception of the transit district and a new fleet of 64 or 68 buses — I forget the figure — which cost in the vicinity of \$40,000 apiece. Without the passage of this bill, we won't be able to use that set of very substantial, well-made buses to transport our school children any longer, buses which are paid for by the taxpayers, but the taxpayers will then be required to buy another set of buses for the same purpose which 24 of those 64 or 68 buses are being used now.

If it were simply a question of whether the buses were yellow or whether they were silver and maroon, which is the case now, I would say, let's make them yellow, they show up better. But if we go to the same kind of school bus system the rest of the state uses, I think we lose out on some advantages that we happen to have in our cities. I think among those advantages is the training that goes into the transit district bus drivers. Before they can be hired, they must possess a Class I or class II driver's license. Most of us here have a Class III, which permits us to drive an automobile, but the large majority of those drivers have a Class I license even before they come on board, that means they can drive anything except an airplane, perhaps.

The moment they are hired, they are required to go through the training and pass the examination for a school bus driver's license. So at that point, they considerably exceed the skills and licensing level of your average school bus driver throughout the state, which is intended in no way to demean rural school bus drivers. Those buses are all equipped with two-way radios, and I have been on one of those buses when somebody bumped into the back of one. It didn't do any damage to the bus, I guess it rumbled up the car behind us a little, and the driver was able to call the garage and the police department right away. Had that bus been transporting school children, they could have called whatever authorities were necessary immediately, which I think is not the kind of capability which most yellow school buses in this state have.

The buses are stronger. If my child were in a bus, I would much rather have it, if it got hit by something else, a bus that we use in the transit district than the yellow school buses which simply aren't as substantial. Those buses are good buses, they follow some pretty strict safety guidelines, but they are not as substantial as the buses we use.

The crux of the bill is, and the total cost of failing to pass this bill will be between two thirds and three quarters of a million dollars, and what is at issue is one small aspect of the safety regulations in the school bus law, and that is a sign that says "school bus" on the front and back of the bus with eight-inch letters about two or two and a half feet across. The question is whether that sign buys our children two-thirds of a million dollars worth of safety. This time of year with all the grime and salt and so forth on the buses, the signs don't show up very well anyway.

There is another important difference besides the training of the driver, the quality of the buses that distinguishes the transporting of our school children in the cities from some other cities and rural and suburban areas, and that is that when the buses stop, the red flashers go on, as they do on buses anyway, and those, under this bill, must stay on the buses and be used. The bus drivers do not attempt to cross children from one side of the street to the other in front of the bus with traffic waiting in either direction. As Representative Carroll,

the chairman of this committee, indicated at the committee hearing, and I totally concur, that practice, which is prevalent throughout the state, and I can understand there are good reasons for it, at the same time develops a false sense of security in the minds of our children. For that reason and the reason that urban children I think are trained, particularly by Officer Friendly, who is continuing to come around to all of the schools, to go to the curb of a sidewalk from the right side of the bus, wait for the bus to leave and then proceed from there as that child would under any other circumstances as a pedestrian. That is an important difference. We don't try to block traffic in order to cross our children from one side of the street to the other.

I think the kinds of regulations that are imposed upon school buses in most parts of the state need not apply to our cities in view of the fact that the taxpayers of this country and the state and our cities have already spent a lot of money on nearly 70 very fine buses, all of which, if not all very nearly all of which were purchased since these headlines were published in the Portland paper.

The bill will not mean we go back to the situation of 100 students on a 60-seat bus, because that part of the school bus law will still apply in our cities. The question of adults riding on the bus doesn't change. Adults may get on those buses now, but they usually do it only once — I have convinced somebody already; I had better be quiet.

I want to tell you why, if I may, we are in this position. We are in a Catch-22. Nobody is going to weasel out from under anything. The cities are caught in a jam between federal regulations and state law, and we have got to get out one way or the other or we simply tell the kids to walk.

We went to the federal government almost immediately upon finding we were in violation of a regulation which says you can't use these federally paid for buses exclusively to transport school children and we got a waiver. Then we got a second waiver, but they have said 'no more.' By the time the next school year comes around, you have got to have those signs on there or else they have got to walk. So now we are here in the legislature trying to make a small amendment in the state law so the taxpayers aren't forced to buy a second fleet of buses for our cities. We are asking, the cities of Portland and South Portland, and, by the way, out of five elected bodies of officials in both those cities, about 35 to 40 people, only two on one body were opposed to this measure — we are asking you not to spend money on us today.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this this morning, but after hearing some of the comments from the gentlemen from South Portland, Mr. Howe, I feel maybe I should explain why I signed the "ought not to pass." My reason is not like the gentleman from Roques Bluff, Mr. Nelson, and I would like to comment on that to tell him that it is already the law concerning the emergency door. This is one of the exemptions that they received a few years ago, and I think this is just an attempt to continue to give the Portland Transit District some more exemptions that I can't go along with in providing safety for the school children in the State of Maine.

My big reason for opposing this bill is that I think they should be required to keep the school bus marking on to comply across the state and have uniformity.

One of the problems I have with this is that living in a rural area, or anyone who might go into the Portland area that is used to following school buses, I must say, I guess, that they are accustomed to stopping when they see a school bus with the markings and with the lights. That is one of the big reasons that I oppose it.

I would just like to make a comment for the gentlewoman from Portland, Mrs. Beaulieu, that in the amendment it has been deleted concerning the flashing red lights. We have made a requirement that they will have to continue with the flashing red lights. So all the amendment really does now is say that the school bus marking signs must come off. This concerns me. I have always voted this way and I intend to continue to vote to require that all buses that transport school children shall be marked with 'school bus' on the buses.

I would like to make a comment on the flier that the gentleman from South Portland, Mr. Howe, put out, and he had at the bottom, it says, "Note, without garages." There is going to be an added expense if we should vote to kill this bill that they will have to provide garages for these school buses.

You know, I ask all of you here, how many school districts in the State of Maine today have garages for their school buses? I know our area doesn't; most of them set outdoors.

The Department of Education, as I understand, has funds available to make this transfer. I think the time is now. One of your big problems here is that down the road three or four years from now you are going to be faced, and I say this for the record, you are going to be faced with a bill coming back to do this anyway. I think the cities of Portland and South Portland are going to have to come in here and get funds to purchase buses, and looking at it in that light, I think now is the time, without getting into any more expense for the cost of buses, I think we should do it now; therefore, I would support the indefinite postponement.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I will not speak again and hope we can get to the vote, but I think there are some responses that I need to make. If there is such a difference between urban and rural transportation and it is to be looked at as not a factor, then will the same apply to Bangor, Lewiston, Auburn, Biddeford and Saco, equally large cities who also use yellow school buses? If this bill, with this amendment, goes through, tell me, please, what will happen when a driver who sees only flashing lights, sees no signs that it is a school bus, passes it and strikes a child — what is his accountability going to be? How is he going to be charged — passing a school bus? No way; it is not posted as a school bus.

The drivers are licensed and you have to meet requirements because our school bus laws of this state mandate that they do before they drive a school bus. The false sense of security argument was used seven years ago; yet, we have had no accidents in our community. Apparently the kids follow the rules pretty well.

I think a lot of you should know that while the school committees and the city councils voted to support this bill, parent groups are not supporting it. The Citizens' Advisory Committee to the Portland School Board are not supporting it. The first vote taken on this bill by the Portland School Committee was 6 to 3 not to support it and two weeks later, ladies and gentlemen, it was 5 to 3 to support it. Please understand that our school budget is dependent upon city council approval, that is for the record and I am not ashamed to say that because I, too, was a member of the Portland School Committee.

No one at the hearing, no one at discussions at the local level, ever asked if these buses could be purchased half this time and half another time. You know, UMTA may be a tough group to work with, but they have already granted two waivers. What would be wrong with trying to go for a third if they knew that within a two-year period or two fiscal budget periods the school buses would be purchased?

I get very concerned. I feel that I am here to

represent the parents of the city that I have worked for and with for 16 years in school safety matters. I have an obligation to fight for them; that is what I am doing now. I hope you will help me make them win for a change.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I think this is a question of safety, but I also think it is a question of economics. As far as the question of safety is concerned, I teach in Portland and live in South Portland, so I do have a concern for the children of both towns. The children in Portland and South Portland do not cross the street in front of these buses like they do with yellow school buses. The bus does not drive up and the lights flash and the children get out and cross the street. They are let off where there is a crosswalk. They are taught to stand there and wait until the bus has departed and then they cross the street.

Quoting from an article in the Portland paper, "School children have ridden these buses 3 million times in the past 5 years with only 11 minor injuries, all of which occurred on the bus, not in the streets." I think the argument of having a school bus sign on is perhaps not valid, because when you live in Portland or South Portland, you are so accustomed to seeing the transit district buses that they are just like any other bus whether they have the school bus sign on them or not.

We will be retaining the flashing red lights. I was particularly concerned about that, because I think it does at least caution people that there is a bus there and the bus is stopped. Whether it is school children or just regular citizens travelling on the bus, people should be cautioned when a bus has stopped.

The question of money, I think, is one that we should talk about. Everyone knows that property taxes are rising all the time. We talk about granting property tax relief all the time. We just granted property tax relief in the special session. Now you would be asking the people of South Portland and Portland to increase their property taxes simply because they would have to put this money up front to pay for this new fleet of buses. Granted, we will be reimbursed, but as I understand it, that reimbursement will not come for two years. That is going to cost the taxpayers of South Portland and Portland a lot of money and in the end, it is going to cost the state a lot of money, because you will be reimbursing us.

I would ask you to please vote against the motion to indefinitely postpone.

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

Mr. CLOUTIER: Mr. Speaker, ladies and Gentlemen of the House: I am not going to bore you with a lot of rhetoric. This is an economic bill, and I will say it is an economic bill because in the light of safety, being a student from the South Portland school system in my elementary years and also travelling on a transit district bus from Portland to Cheverus High School in the amount of four years, we were under the most impeccable leadership as far as safety rules and regulations of the transit district were concerned.

What we are talking about now, ladies and gentlemen, is, in fact, and I repeat, an economic bill. To teach children today to get off a school bus and to walk across the street without looking in either direction is a travesty. It is a travesty if we support children to walk across any street without knowing what the ramifications can be.

We all have children and we are all very concerned about our children. I have run a number of youth organizations and I am very close to youth, and I for one would give my right arm rather than see a young child hurt.

We are talking of economics; we are talking of saving the citizens of Portland and South Portland three quarters of a million dollars, al-

leviating the tax burden on the State of Maine and providing a transit district which has for the past 30 to 40 years had an impeccable safety record.

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

Mr. PEARSON: Mr. Speaker, a question to the Chair. Should this bill require a fiscal note?

The SPEAKER: The Chair will rule, pursuant to the gentleman's request from Old Town, Mr. Pearson, for those of you who do not remember Joint Rule 28, would remind you that it says, "every bill or resolve affecting revenue or appropriations which has a committee recommendation other than 'Ought Not to Pass' shall include a fiscal impact statement. This statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Finance shall have sole responsibility for preparing those fiscal notes." This bill is in violation of Joint Rule 28. The Chair would rule that this bill shall be returned to the Committee on Transportation for imposing a fiscal note as required by the Joint Rules. The matter is no longer before the body.

Consent Calendar

First Day

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

(H. P. 56) (L. D. 65) Bill "An Act to Increase the Limitation on Contracts which the County Commissioners may Enter into for Purchases and Constructions without Competitive Bidding" — Committee on Local and County Government reporting "Ought to pass"

On the request of Mr. Wood of Sanford, was removed from the Consent Calendar.

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

Orders of the Day

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made from Undedicated Revenues without Voter Approval (S. P. 96) (L. D. 182) — In Senate, referred to the Committee on Appropriations and Financial Affairs.

Tabled — January 30, 1979 by Mrs. Kany of Waterville

Pending — Reference in concurrence.

Thereupon, the Bill was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

RESOLVE, Authorizing the Sale of Certain Public Reserved Lands to Cobb's Bosebuck Mountain Camps (S. P. 85) (L. D. 176) — In Senate, referred to Committee on State Government.

Tabled — January 30, 1979 by Mr. Blodgett of Waldoboro.

Pending — Reference in Concurrence.

On motion of Mrs. Mitchell of Vassalboro, the Resolve was referred to the Committee on Energy and Natural Resources in non-concurrence and sent up for concurrence.

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

Bill "An Act Concerning the Crime of Prostitution" (H. P. 65) (L. D. 73)

Tabled — January 30, 1979 by Mr. Hobbins of Saco.

Pending — Passage to be Engrossed.

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

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

Bill "An Act to Strengthen Regional Library

Systems" (S. P. 77) (L. D. 166) — In Senate, referred to Committee on Education.

Tabled — January 30, 1979 by Mr. Pearson of Old Town.

Pending — Reference in concurrence.

Thereupon, the Bill was referred to the Committee on Education in concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Increase the Salaries of Elected Officials of Waldo County by 7 per cent" (H. P. 190) which was tabled earlier in the day and later today assigned pending reference.

Thereupon, the Bill was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. LaPlante of Sabattus, Adjourned until ten o'clock tomorrow morning.