

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

Thursday, February 1, 1979

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

Prayer by the Reverend Julian Hall of the Old Congregational Church, Hallowell.

Reverend HALL: Let us unite and center our hearts and thoughts in prayer. Eternal God, who is the ground of our being, even though we are hours into this day, we pause, we ponder and we pray. A pompous and a proud people we often are, arrogant and aimless we find ourselves to be. We admit and acknowledge publicly our failures in the past, our frustrations with the present and our fear of the future. Forgive us for steering off the course you have set before us. Free us from our own personal captivity and forge in our hearts and minds the presence and the power of your spirit that we can more fully frame our lives to be and to live as beings created in your image, we pray. Amen.

The journal of yesterday was read and approved.

(Off Record Remarks)

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Windham, Mr. Diamond, to the rostrum for the purpose of acting as Speaker pro tem.

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

Papers from the Senate

Bill "An Act Pertaining to Absentee Voting" (S. P. 121) (L. D. 230)

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

In the House, was referred to the Committee on Election Laws in concurrence.

Bill "An Act to Remove the Sunset Provision on the Tort Claims Act" (S. P. 119) (L. D. 228)

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

In the House, on motion of Mrs. Berube of Lewiston, the Bill was referred to the Committee on Audit and Program Review in non-concurrence and sent up for concurrence.

Bill "An Act Concerning Dismissal of Municipal Police Chiefs" (S. P. 122) (L. D. 231)

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

In the House, was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Increase the Compensation for Atlantic Sea Run Salmon Commission Members to \$50 a Day" (S. P. 120) (L. D. 229)

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

In the House, was referred to the Committee on Marine Resources in concurrence.

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Require that Trees Cut Along Highways or Public Ways be Cut at Ground Level or that the Stumps be Removed" (S. P. 32) (L. D. 20)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

**Non-Concurrent Matter
Tabled and Assigned**

Joint Order (H. P. 75) Relative to Study of Correctional Systems which was read and

passed in the House on January 10, 1979.

Came from the Senate indefinitely postponed in non-concurrence.

In the House, on motion of Mrs. Prescott of Hampden, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication:

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

January 31, 1979

TO: Edwin Pert, Clerk of the House
May Ross, Secretary of the Senate
Otto Siebert, State Budget Office

FROM: H. Sawin Millett, Jr., Commissioner
RE: Recommendation for 1979-1980 Funding
Level for Adult Education

Pursuant to the provision of Title 20, M.R.S.A., Chapter 308A, Section 2385, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding levels for the various program categories in Adult Education.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION
All Other Category 6300,

1979-1980

Grants to Cities and Towns
Administration: \$631,107 x 70%.....\$ 441,775

Instruction: \$889,718 x 75%.....667,289

General Evening
School and
Adult Vocational

Supplies: \$511,273 x 50%.....255,636

SUB-TOTAL \$1,364,700

A.B.E. Match: 13,000

TOTAL \$1,377,700

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

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

Aging, Veterans and Retirement

Bill "An Act Concerning State Retirement Benefits for Police Officers and Firefighters" (Emergency) (H. P. 205) (Presented by Mr. Vincent of Portland)

(Ordered Printed)

Sent up for concurrence.

Agriculture

Bill "An Act to Amend the Law Relating to the Maine Milk Tax Committee" (H. P. 206) (Presented by Mr. Torrey of Poland) (Cosponsor: Mr. Sherburne of Dexter)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Appropriating Funds to Purchase 500 Copies of 'The History of Current Maine Newspapers' by Alan R. Miller" (H. P. 207) (Presented by Mr. Tierney of Lisbon Falls)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning the Maine Property Insurance Cancellation Control Act" (H. P. 208) (Presented by Mr. Carroll of Limerick)

Bill "An Act to Clarify the Powers and Authority of Nonprofit Hospital Associations to Give or Deny Participating Hospital Status Under their Hospitalization Plans" (H. P. 209) (Presented by Mr. Masterman of Milo) (Cosponsors: Mr. Stetson of Wiscasset, Mr. Wood of Sanford, and Mr. Michael of Auburn)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Amend the Mandatory Shoreland Zoning Act" (H. P. 210) (Presented by Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Provide That There Shall be an Open Season on Deer During the Entire Month of November" (H. P. 211) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Increase the Personal Needs Allowance for Recipients of State Supplemental Income Residing in Adult Foster Homes and Boarding Homes" (H. P. 212) (Presented by Mrs. Prescott of Hampden)

Bill "An Act Concerning Prisoner Participation in Public Works Projects" (H. P. 213) (Presented by Mrs. Prescott of Hampden)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to the Liability of Landowners Permitting the Use of their Land Without Charge" (H. P. 214) (Presented by Mr. Maxwell of Jay)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Expand Eligibility for Unemployment Compensation Benefits if a Worker has a Serious Personal Emergency" (H. P. 215) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Clarify Unit Clarification Procedures under the Municipal Labor Relations Act" (H. P. 216) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act to provide that any Work Over 8 Hours in One Day shall be Compensated by 1½ Pay" (H. P. 217) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Jacques of Waterville and Mr. Birt of East Millinockett)

Bill "An Act to Clarify Issues under the Municipal Public Employees Labor Relations Statutes" (H. P. 218) (Presented by Mr. Wyman of Pittsfield)

Bill "An Act to Adjust Unemployment Benefits for Employees on Layoff who are Temporarily Recalled to Work by their Regular Employer" (H. P. 219) (Presented by Mr. Boudreau of Waterville) (Cosponsors: Mrs. MacBride of Presque Isle, Mr. Diamond of Windham, and Mr. Wyman of Pittsfield)

Bill "An Act to Require that Certain Employers Provide Regular Physical Examinations for their Employees to Detect Carcinogenic and Pulmonary Disorders" (H. P. 220) (Presented by Mrs. Martin of Brunswick)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Permit Sellers of Alcoholic Beverages to Remain Open to 2 a.m." (H. P. 221) (Presented by Mr. Dexter of Kingfield) (By Request)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Relating to Special Entertainment Permits" (H. P. 222) (Presented by Mr. Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Increase the Surplus Account of the Kennebec Sanitary Treatment District" (H. P. 223) (Presented by Mr. Boudreau of Wa-

terville) (Cosponsors: Mr. Gwadosky of Fairfield and Mr. Jacques of Waterville)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Require that Alternates on the Maine Labor Relations Board Fill Unexpired Terms when Vacancies Occur" (H. P. 224) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act Relating to Training, Counseling, and Managerial Service Programs in Maine State Government" (H. P. 225) (Presented by Mr. Kane of South Portland) (Cosponsors: Mrs. Masterton of Cape Elizabeth, Ms. Lund of Augusta, and Mr. Paradis of Augusta)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Remove the Sales Tax from Residential Electricity" (H. P. 226) (Presented by Mr. Maxwell of Jay)

Bill "An Act to Provide for Trade-in Allowance under the Tax Statutes on Self-contained Well Drilling Machines" (H. P. 227) (Presented by Mrs. Prescott of Hampden) (Cosponsor: Mr. Reeves of Newport)

(Ordered Printed)

Sent up for concurrence.

Orders

A Joint Resolution (H. P. 202) in memory of Nelson A. Rockefeller, former Vice-President of the United States and Maine Native.

Presented by Mr. Bordeaux of Mount Desert. (Cosponsors: Mr. Bunker of Gouldsboro and Mr. Perkins of Hancock)

The Resolution was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mount Desert, Mr. Bordeaux.

Mr. BORDEAUX: Mr. Speaker, Men and Women of the House: Nelson Rockefeller was one of 20th Century's most influential men. He served New York as governor for 15 years and two years as Vice President. He supported many great philanthropists and was extremely generous to church, civic and local projects. He practiced magnificent obsession to do a lot of good for people and not publicize it to any great extent.

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

A Joint Resolution (H. P. 203) in memory of Honorable Charles K. Savage of Mt. Desert.

Presented by Mr. Bordeaux of Mount Desert. (Cosponsor: Mr. Perkins of Hancock)

The Resolution was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mount Desert, Mr. Bordeaux.

Mr. BORDEAUX: Mr. Speaker and Members of the House: Mr. Savage served two terms here in this honorable body. I believe he served on every town and local committee at one time or another. In fact, he was on municipal business when he was so suddenly stricken. His death will be a great loss to the locality.

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

Tabled and Assigned

On motion of Mr. Paul of Sanford, the following Joint Order: (H. P. 204)

WHEREAS, the Pittston Company of New York is continuing plans to construct an oil refinery at Eastport, despite the recent denial of a pollution permit by the United States Environmental Protection Agency; and

WHEREAS, the United States Fish and Wildlife Service has concluded that construction of an oil refinery at Eastport would have significant adverse impact on Maine's bald eagle population and its habitat as a result of oil spills, air pollution and the impact of refinery con-

struction and operations; and

WHEREAS, pursuant to the Maine Revised Statutes, Title 12, section 3201, the 107th Maine Legislature found the bald eagle to be of aesthetic, ecological, educational, historical, recreational and scientific value to the people of the State of Maine; and

WHEREAS, the 107th Maine Legislature declared that it be a policy of this State to conserve the bald eagle, according such protection as is necessary to maintain and enhance its existence, including protection of the ecosystems on which they depend; and

WHEREAS, the bald eagle has been declared an endangered species; and

WHEREAS, Title 12, section 3203, empowers the Commissioner of Inland Fisheries and Wildlife, to conduct informative investigations to determine the status and requirements for survival of an endangered species; and

WHEREAS, Title 12, section 3205, empowers the Commissioner of Inland Fisheries and Wildlife to establish any necessary programs including the acquisition of land or habitat to preserve any endangered species; now, therefore, be it

ORDERED, the Senate concurring, that the Commissioner of Inland Fisheries and Wildlife conduct an investigation into the potential impact an oil refinery at Eastport would have on the bald eagle population presently in existence at the proposed refinery site and surrounding area; and be it further

ORDERED, that the Commissioner shall report his findings and make recommendations to this 109th Legislature on or before March 1, 1979.

The Order was read.

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

Mr. PAUL: Mr. Speaker and Members of the House: In 1782, right after the Continental Congress, the bald eagle was declared to be our national emblem. Since that time, the eagle has fought for its survival from various things, from bounties to the use of DDT.

As most of you, I am sure, are aware, on December 26, 1978, the U. S. Fish and Wildlife Service issued a biological opinion and the opinion concluded two things: (1) The proposed refinery at Eastport would have negligible impact on the habitat of the paragon falcon and unlikely to jeopardize the continued existence of the bald eagle. It is on this basis, ladies and gentlemen, that I present this joint order and hope that you will allow our Fish and Game Commissioner to conduct an informative investigation of the eagle situation in Eastport.

The Commissioner has the statutory authority as an agent to represent the Fish and Wildlife of this state to conduct such an investigation. However, I think it would be extremely appropriate for this legislature to make this request of the commissioner so he may fulfill his obligations under Title 12 of the Maine Statutes.

I would hope that you would adopt this order.

The SPEAKER pro tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I move this lie on the table two legislative days pending adoption.

Whereupon, Mr. Paul of Sanford requested a vote.

Mr. Wood of Sanford requested a roll call vote.

The SPEAKER pro tem: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 pro tem: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this matter be

tabled pending passage and specially assigned for Tuesday, February 6. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Baker, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brannigan, Brennerman, Brown, A.; Brown, D.; Brown, K. C., Bunker, Carrier, Carter, D.; Carter, F., Chonko, Churchill, Cloutier, Conary, Connolly, Cunningham, Curtis, Dexter, Doukas, Dow, Dudley, Dutremble, D.; Dutremble, L., Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gray, Hall, Hickey, Howe, Huber, Hunter, Hutchings, Immonen, Jacques, E.; Jacques, P., Joyce, Kane, Kany, Kelleher, Laffin, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, MacBride, MacEachern, Marshall, Masterton, Matthews, Maxwell, McHenry, McKean, McSweeney, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N., Norris, Paul, Payne, Pearson, Peltier, Post, Prescott, Reeves, J., Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Soulas, Sprowl, Stover, Strout, Studley, Tarbell, Theriault, Twitchell, Vincent, Vose, Whittmore.

NAY — Bachrach, Berry, Bowden, Brodeur, Brown, K. L., Call, Carroll, Cox, Damren, Davies, Davis, Dellert, Drinkwater, Garsoe, Gowen, Gwadosky, Hanson, Higgins, Hughes, Jackson, Kiesman, Lancaster, Lund, Mahany, Martin, A., Masterman, McMahon, McPherson, Michael, Morton, Paradis, Peterson, Rolde, Stetson, Torrey, Tozier, Tuttle, Violette, Wentworth, Wood, Wyman.

ABSENT — Austin, Diamond, Hobbins, Jalbert, Reeves, P., Sewall, Tierney.

Yes, 102; No, 41; Absent, 7.

The SPEAKER pro tem: One hundred two having voted in the affirmative and forty-one in the negative, with seven being absent, the motion does prevail.

Second Reading

Later Today Assigned

Bill "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227)

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

On motion of Mr. LaPlante of Sabattus, tabled pending passage to be engrossed and later today assigned.

Passed to Be Engrossed

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

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

Orders of the Day

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

Joint Order — Relative to 800 Watts Line (S. P. 118) — In Senate, Read and passed January 30.

Tabled—January 31, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage in concurrence.

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage in concurrence and specially assigned for Tuesday, February 6.

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

Mr. DRINKWATER: Mr. Speaker, is the Chair in possession of House Paper 190, Bill "An Act to Increase the Salaries of Elected Officials of Waldo County by 7 Per Cent"?

The SPEAKER pro tem: The Chair would answer in the affirmative.

Thereupon, on motion of Mr. Drinkwater of Belfast, the Bill was indefinitely postponed and

sent up for concurrence.

The following Bill returned from the Committee on Transportation: Fiscal Note added:

Bill "An Act to Clarify the Requirements Relating to Identification of School Buses" (H. P. 7) (L. D. 13) — In House, bill read second time January 31, 1979.

Pending—Motion of Mrs. Beaulieu of Portland to Indefinitely Postpone Bill and all accompanying papers

Mr. Howe of South Portland requested that the Clerk read the Fiscal Note.

Whereupon, the note was read by the Clerk. The SPEAKER pro tem: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. It was my understanding yesterday that this bill was to be referred to the Committee on Transportation. It would be sent back to the committee and we would have a chance to look at this and come out with a fiscal note. That was not done; therefore, Mr. Speaker, I would hope that somebody would table this for one day.

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

Mr. CARROLL: Mr. Speaker and Members of the House: The bill was held by the Speaker at the request of the House Chairman. There was no need of this bill going back to committee. The fiscal note was in the process of being added. The fiscal note is present. It is a debatable issue and we will debate it on the floor of the House.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would like to thank the gentleman from Windham, Mr. Diamond, for acting as Speaker pro tem, and would also advise the members of the House that he will be Speaker pro tem for tomorrow's session as well.

Thereupon, Speaker Martin resumed the Chair and Mr. Diamond of Windham returned to his seat on the floor.

The SPEAKER: The Chair would like to respond to the question posed by the gentleman from Corinth, Mr. Strout, in reference to the bill in its present posture.

The joint rules dealing with fiscal notes, which is Joint Rule 28, indicates that the fiscal note is not to be added by the committee. The fiscal note is one that is added by the Finance Office, and it is that portion of the rule which the Chair used to hold the bill pursuant to Joint Rule 28. Therefore, the bill is back in its posture which it left us yesterday, with the motion of the gentleman from Portland, Mrs. Beaulieu, that the bill and all its accompanying papers be indefinitely postponed, the fiscal note, or lack thereof, having been properly imposed on the bill by the Legislative Finance Office. The pending question as the result of that is indefinite postponement and that motion is, of course, debatable.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: For one reason, if the fiscal note had been on it in committee when I had to vote on it, it might have made a difference whether I voted in favor or against. That is one reason why I feel it should have gone back to committee.

I do have some questions on whether the \$600,000 is accurate. I think that is a one-time charge that is going to be reimbursed by the state, but I think when you come out with a fiscal impact note here, you have got to agree with me that over a long-range period of time, that at the present time in the cities of Portland and South Portland, the cost per pupil for transportation, the figure that I have been given is \$128. The state average is between \$88

and \$90. If we look at a long-range plan on this, is it going to cost the state more dollars or will it save dollars, and I think that it will save dollars.

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

Mr. HOWE: Mr. Speaker and Members of the House: The fiscal note essentially says what we believed the impact of this bill would be, and that is if it is not passed, it will cost the state somewhere around two thirds of a million dollars. The fiscal note appears to include only the cost of the buses and not operation and maintenance which our school committees have calculated about another \$87,000.

Representative Strout indicates the average for our cities is about \$128 per student. If it is in the hundred and twenties, I think it is a little bit lower than that. Mr. Pineo from the Department of Education told the committee at the workshop on Wednesday morning that the state average was \$105. That is what I wrote down and that is what I remember him saying. These are averages and I suspect there is enough of a fudge factor in these that that cost isn't going to be greatly different for transporting the children one way or the other, but what is important is buying these buses outright, which could be quite an expense on the state.

The department, as this fiscal note indicates, has got a \$4 million budget set aside for school buses for the State of Maine, and they have put up right at the top "if this bill doesn't pass," because we will obviously need them. It is not a question of replacing old ones, it would be a question of not having any school buses at that point because we can't use the ones we have got. If the bill is passed, that means that there are 31 buses that would be available for perhaps your community and some other communities. It means that we won't be taking those 31 buses right off the top and we don't want to.

We went over safety questions and a number of other things yesterday. I would be glad to respond to any questions, should there be any, but I won't belabor the point any further. I think the bill is, from the point of view of fiscal responsibility and safety of the children, a very good one.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: As a representative from Portland, I feel that Portland parents owe Representative Beaulieu gratitude for what she accomplished on our busing problems in 1973 and 1974.

The question before us today is quite different. There is no great parental uproar. This bill is very simply a common sense solution to being caught in a vice between federal and state laws, and I would vote against indefinite postponement.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: To pursue the question of longevity, I was informed by the Department of Education that the life of a bus is five years. I am little shocked to think that buses that used to cost eight and nine thousand dollars now cost twenty and twenty one and twenty two thousand. The life of a school bus should be set at 10 years. Proper maintenance should give them a life of 10 years, and I feel that until the department gets a handle on the life of a bus and continued maintenance of a bus to give us back a good investment on money invested by the State of Maine, that we should continue to hire private industry to transport scholars.

I will repeat that this transit authority has a very good safety record in the transporting of scholars in the City of Portland and South Portland and those areas.

I would also like to point out to you in the rural areas that we have a false sense of security because our children are taught that be-

cause of that flashing red light, automobiles, trucks and vehicles and any on-coming traffic will stop. It will only stop if you apply the brakes and the brakes work. What do you do if the brakes don't work? The child walks out, and we are going to have it happen. I have asked the Department of Transportation and the Highway Safety Committee to look into the funding of educational films and to instruct the Education Department that they are to show these films throughout this state instructing children on the hazards of depending solely on the flashing red light to stop on-coming traffic.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: As a person who traveled for four years on those buses in Portland and am here to tell the tale, I find that safety is not an issue with the people in my district, and the children in my district travel on a bus probably further than anybody else in the city.

I have received no calls to defeat this bill, and I urge you to defeat the motion for indefinite postponement. Safety is not an issue as I see it, and it would seem to me that the cost to you individually and to your towns is so great that for no other reason than cost savings, you should think that to free up \$687,000 for your towns for priorities for education would be the sole reason to vote against indefinite postponement of this bill.

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

Mr. CONNOLLY: Mr. Speaker, and Members of the House: I would like to pose a question to the sponsor of the bill or to a member of the majority position in the committee.

As I understand the amendment, the amendment says that when a bus is used from the transit district to take kids back and forth to school, when it unloads or loads kids on the bus, it should use the flashing lights. If it stops and the flashing lights are on and a car approaches the bus from either direction and it doesn't stop but continues on and passes the bus, would that constitute a violation of any law?

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Howe, who may answer the question.

Mr. HOWE: Mr. Speaker, my belief is that the proper response would be yes, because the bus we are talking about would still be legally defined as 'school bus,' as it is now. It was the feeling of the Transportation Committee, those 12 members in the majority of that 13 member committee, that the lights ought to stay on just as one added safety factor.

I would remind you that our transit district drivers are not attempting to cross children in front of that bus to the other side of the street. So should someone fail to stop, there is not nearly the risk to the child involved as there would be in the typical kind of procedure with the yellow school buses.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am probably one of the ones who questioned the use of the red lights on the school bus. I am also one of the ones who asked for the amendment that the red lights be maintained on the school bus, the red lights not so much as a deterrent to stop automobiles, although under the information I received from the Maine State Police, any vehicle transporting children as a bus is considered a school bus and a violation could be made. However, this is not the reason I would like to see the lights on the bus.

There are so many reasons why a bus will stop—railroad crossings, an emergency situation ahead of them, and I would like to know that the drivers behind them have an indication that there is a dangerous situation ahead. Although the lights may not stop a vehicle behind them, the fact that you have a flashing red light will tend to slow a vehicle down. Not only that,

a lot of your lights, even on your yellow school buses, are lower to the ground than the flashing red lights up on top. In snow conditions, the snow comes up from the rear wheels, gets on the bottom set of lights. This is an additional safety factor for any bus, whether it be a school bus or anything else, because it allows those high lights to stay clear where they can be easily observed. True enough, a vehicle may not come to a complete stop, but he will realize there is a dangerous situation ahead of him.

I am probably the one who pushed for the red lights more than anything else, and that is the reason I pushed for them, to warn people behind that there is a dangerous situation.

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

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

Mr. WYMAN: Mr. Speaker, I would respectfully request permission to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If Mr. Jalbert were here today, he would be voting no and I would be voting yes.

ROLL CALL

YEA—Beaulieu, Bordeaux, Doukas, Dow, Gillis, Hall, Laffin, Martin, A., McHenry, Silsby, Strout, Theriault.

NAY—Aloupis, Austin, Bachrach, Baker, Barry, Benoit, Berry, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A., Brown, D., Brown, K. L., Brown, K. C., Bunker, Call, Carrier, Carroll, Carter, D., Carter, F., Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Drinkwater, Dudley, Dutremble, D., Dutremble, L., Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gould, Gowen, Gray, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E., Jacques, P., Joyce, Kane, Kany, Kelleher, Kiesman, Lancaster, LaPlante, Leighton, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A., Nelson, M., Nelson, N., Norris, Paradis, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J., Reeves, P., Rolde, Rollins, Roope, Sewall, Sherburne, Simon, Small, Smith, Soulas, Sprowl, Stetson, Stover, Studley, Tarbell, Torrey, Tozier, Tuttle, Twitcheil, Vincent, Violette, Vose, Wentworth, Whittemore, Wood.

ABSENT—Birt, Peltier, Post, Tierney.

PAIRED—Jalbert-Wyman.

Yes, 12; No, 132; Absent, 4; Paired, 2.

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

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Increase Salaries of County Officers" (H. P. 201) (L. D. 227) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Mr. LaPlante of Sabattus, the Bill was recommitted to the Committee on Local and County Government and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Laffin of Westbrook,
Adjourned until twelve o'clock noon tomorrow.