

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eighth  
Legislature***

OF THE

STATE OF MAINE

**Volume I**

**January 5, 1977 to May 25, 1977**

KJ PRINTING  
AUGUSTA, MAINE

SENATE

Tuesday, April 19, 1977

Senate called to Order by the President.

Prayer by the Honorable Roland D. Martin of Frenchville.

Mr. MARTIN:

Almighty God,

We thank thee for our inheritance in the nation of which we are citizens. We praise Thee with ever grateful hearts, for the land we love, for the privileges of this republic, for our laws and liberties, and ideals of justice and benevolence.

Lord, forgive us when we fail to reach the mark of highest principles, but keep us always pressing on. Take away our selfishness, our masking pride, our prejudice of race and creed, our thoughtlessness of human need. Inspire us today with the same ideals of love for freedom, based on respect for each individual person.

AMEN

Reading of the Journal of yesterday.

(Off record remarks.)

**Papers From The House  
Non-concurrent Matter**

Bill, An Act Relating to Corporal Punishment. (H. P. 517) (L. D. 635)

In the House April 11, 1977 the Minority Report Read and Accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (H-121).

In the Senate April 13, 1977 the Majority Ought Not to Pass Report Read and Accepted, in non-concurrence.

Comes from the House, that Body having Insisted.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move we adhere.

The PRESIDENT: The Senator from Kennebec, Senator Katz, now moves the Senate adhere.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate, I think we really had a very useful debate on this subject the other day, and I am not going to prolong it today.

I would like to just make one further point, and that is I find it rather incongruous that this Body has passed corporal punishment bill for private schools twice, through two readings under the hammer, without debate, and the only argument that I have heard is that this is because parents sign a written contract.

It seems to me the contract is not the important issue, it is whether or not we feel the private school teachers are going to abuse children. I for one do not think they are. On the other hand, if we do not feel private school teachers are, then how do we get to the point where we feel public school teachers are. I can understand voting against both of them, or for both of them, but I really do not understand voting for one and not the other.

I think perhaps the briefest and the most significant argument that we heard the other day was that of Senator Katz, who made the point that the real thrust of this Bill is whether or not we want to give teachers a tool, and I think that is the main issue here.

I would move that we recede and concur, and ask that when the vote be taken, it be taken by the yeas and nays.

The PRESIDENT: A roll call has been requested.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. Mangan: Mr. President, on this matter I have in the space of the last few days received probably four phone calls from concerned parents, and I would ask the Chair, most of these parents were those who were concerned

about the possibilities of excluding from the provisions of this Bill those children who were handicapped, either physically or mentally, particularly those students in special education classes in the State of Maine. Now I have not had the opportunity to, but I would ask the Chair if it would be possible to table this matter for one legislative day to provide some sort of an Amendment to the Bill, to amend the Bill to exclude those provisions from the mentally and physically handicapped students of the State of Maine.

The PRESIDENT: The Chair would advise the Senator that a tabling Motion is always in order.

Mr. MANGAN: Mr. President, I would ask that this matter be tabled for one legislative day.

The PRESIDENT: The Chair would advise the Senator that he has been debating the tabling motion. His motion is, therefore, out of order.

The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President, I would ask that this matter be tabled for one legislative day.

The PRESIDENT: The Senator from Kennebec, Senator Pierce, now moves that the Senate table LD 635 for one legislative day, pending the motion to recede and concur.

The Chair recognizes the Senator from Oxford, Senator O'Leary.

Mr. O'LEARY: Mr. President, I would ask for a Division.

The PRESIDENT: A Division has been requested on the tabling Motion.

Will all those Senators in favor of tabling this item for one legislative day please rise in their places to be counted.

Will all those Senators opposed to tabling this item for one legislative day please rise in their places to be counted.

19 Senators having voted in the affirmative, and 9 Senators in the negative, the Motion to Table does prevail.

On Motion of Mr. Pierce of Kennebec, Tabled for one legislative day, Pending the motion to recede and concur.

**Joint Orders**

An Expression of Legislative Sentiment recognizing that:

Windham High School has won the Math League Contest for the southwest section of Maine, the Middle School Division, (H. P. 1414)

Comes from the House, Read and Passed. Which was Read and Passed, in concurrence.

Bills and Resolve received from the House requiring reference to Committee were acted upon in concurrence.

**Communications**

House of Representatives

April 14, 1977

Honorable May M. Ross

Secretary of the Senate

108th Legislature

Augusta, Maine

Dear Madam Secretary:

The House today voted to Insist and Join in a Committee of Conference on Bill "An Act Pertaining to License Fees for the Regulation of Certain Amusements" (H. P. 577) (L. D. 701)

Respectfully,

Edwin H. Pert

Clerk of the House

Which was Read and Ordered Placed on File.

**House of Representatives**

April 14, 1977

The Honorable May M. Ross

Secretary of the Senate

108th Legislature

Augusta, Maine

Dear Madam Secretary:

The House voted today to Adhere to its former action whereby it Indefinitely Postponed bill "An Act Concerning the Rules and Regulations of the Board of Construction Safety Rules and Regulations" (H. P. 434) (L. D. 541)

The House also voted today to Adhere to its former action whereby it Indefinitely Postponed Bill "An Act to Regulate the Circulating of Initiative or Referendum Petitions" (H. P. 223) (L. D. 287)

Respectively,

Edwin H. Pert

Clerk of the House

Which was Read and Ordered Placed on File.

**Committee On Veterans And Retirement**

April 14, 1977

The Honorable Joseph Sewall

President of the Senate of Maine

State House

Augusta, Maine 04333

Dear President Sewall:

In accordance with M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Maine Legislature, the Joint Standing Committee on Veterans and Retirement has had under consideration the nomination of Llewellyn W. Jensen to the Board of Trustees of the Maine State Retirement System.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion that this nomination be confirmed. The vote was taken by the yeas and nays. The Committee Assistant called the roll with the following result:

YEAS: SENATOR — O'Leary of Oxford.

REPRESENTATIVES— Theriault of Rumford — MacEachern of Lincoln — Clark of Freeport — Hickey of Augusta — Nelson of Machias — Bunker of Ashville — Austin of Bingham.

NAYS: NONE.

ABSENT: SENATORS: Collins of Knox — Lovell of York.

REPRESENTATIVES — Laffin of Westbrook — Lougee of Island Falls.

Eight members of the Committee having voted the affirmative and none in the negative, it was the vote of the Committee that the nomination of Llewellyn W. Jensen to the Board of Trustees of the Maine State Retirement System be confirmed.

Sincerely,

Rep. Albert Theriault

House Chairman

Which was Read and Ordered Placed on File.

The PRESIDENT: The Joint Standing Committee on Veterans and Retirement has recommended that the nomination of Llewellyn W. Jensen be confirmed.

The pending question before the Senate is: Shall the recommendation of the Committee on Veterans and Retirement be overridden? In accordance with 3 M.R.S.A., Chapter 6, section 151, and with Joint Rule 37 of the 108th Legislature, the vote will be taken by the yeas and nays. A vote of YES will be in favor of overriding the recommendation of the Committee. A vote of NO will be in favor of sustaining the recommendation of the Committee. Is the Senate ready for the question? The Secretary will call the roll.

YEAS — None.

NAYS — Carpenter, Chapman, Collins, D.; Collins, S.; Conley, Cummings, Curtis, Danton, Farley, Greeley, Hichens, Huber, Jackson, Katz, Levine, Lovell, Mangan, Martin, McNally, Merrill, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Sewall.

ABSENT — Hewes, Minkowsky, Wyman.

None having voted in the affirmative and 30 Senators in the negative, with 3 Senators being absent, it is the vote of the Senate that the Com-

mittee's recommendation be accepted. The nomination of Llewellyn W. Jensen is confirmed.

#### Senate Papers

Mr. USHER of Cumberland presented, Bill, An Act Concerning Excise Tax on Boats and Motors. (S. P. 463)

Which was referred to the Committee on Taxation and Ordered Printed.  
Sent down for concurrence.

#### Study Report — State Government

The Committee on State Government to which was referred to the study relative to legislative review of administrative rules and regulations of state departments and agencies, pursuant to S. P. 710 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Resolution, Proposing an Amendment to the Constitution to Permit the Legislature to Delegate to a Joint Standing Committee of the Legislature the Power to Stay Rules and Proposed Rules of State Executive Agencies Found not to be within the Intent of the Authorizing Legislation Until the Legislature has had an Opportunity to Act. (S. P. 461) (L. D. 1586) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Which Report was Read and Accepted and the Bill referred to the Committee on State Government.

Sent down for concurrence.

#### Study Report — Select Committee on State Property Tax Valuation

The Select Committee on State Property Tax Valuation to which was referred the study relative to State Property Tax Valuation, pursuant to S. P. 610 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, An Act to Make Possible Property Tax Valuation Assistance to Local Officials (S. P. 464) (L. D. 1607) be referred to the Joint Standing Committee on Taxation for public hearing and printed pursuant to Joint Rule 17.

Which Report was Read and Accepted and the Bill referred to the Committee on Taxation.

Sent down for concurrence.

#### Study Report — Select Committee on State Property Tax Valuation

The Select Committee on State Property Tax Valuation to which was referred the study relative to State Property Tax Valuation, pursuant to S. P. 610 of the 107th Legislature, have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill, An Act to Establish the 1977 State Valuation Omnibus Reform Act (S. P. 465) (L. D. 1608) be referred to the Joint Standing Committee on Taxation for public hearing and printed pursuant to Joint Rule 17.

Which Report was Read and Accepted and the Bill referred to the Committee on Taxation.

Sent down for concurrence.

#### Orders

An Expression of Legislative Sentiment recognizing that:

The University of Maine "Bears" have won the State Class "A" Women's Challenge Basketball Finals championship for 1977, (S. P. 457)

Presented by Senator Curtis of Penobscot.

Which was Read and Passed.

Sent down for concurrence.

On motion by Mr. PIERCE of Kennebec, (Cosponsor: Mrs. CLARK of Freeport)

WHEREAS, the impact of variable rate mortgages on Maine families is an issue subject to considerable debate; and

WHEREAS, Maine statutes neither specifically authorize nor prohibit variable rate mortgages; and

WHEREAS, a steady supply of mortgage money at a reasonable cost is absolutely vital to the economy of Maine; and

WHEREAS, there is therefore a need for an impartial evaluation of this form of mortgage to insure that the best interests of the people of the State of Maine are protected; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Business Legislation shall examine the subject of variable rate mortgages; and be it further

ORDERED, that the State Bureau of Banks and Banking and the State Bureau of Consumer Protection be respectfully directed to cooperate with the committee and provide such technical and other assistance as the committee deems necessary; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, 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. (S. P. 456)

Which was Read.

On Motion of Mr. Speers of Kennebec,

Tabled pending passage.

#### Committee Reports

##### House

##### Leave to Withdraw

The Committee on Education on, Bill, An Act Relating to the Spending Ceiling for Education Purposes. (Emergency) (H. P. 968) (L. D. 1165)

Reported that the same be granted Leave to Withdraw.

Comes from the House, recommitted to the Committee on Education.

Which was read.

On Motion of Mr. Katz of Kennebec,

Tabled one legislative day, pending acceptance of Committee Report.

##### Ought to Pass

The Committee on Marine Resources on, Bill, An Act to Permit the Taking of Halibut under Certain Conditions without a Commercial License. (H. P. 461) (L. D. 566)

Reported that the same Ought to Pass.  
Comes from the House, the Bill Passed to be Engrossed.

Which Report was Read and Accepted in concurrence, and the Bill Read Once and Tomorrow Assigned for Second Reading.

##### Ought to Pass — As Amended

The Committee on State Government on, Bill, An Act to Transfer Regulations Regarding the Security of Certain Parks, Grounds, Buildings and Appurtenances Maintained by the State from the Department of Finance and Administration to the Department of Public Safety. (H. P. 204) (L. D. 264)

Reported that the same Ought to Pass as amended by Committee Amendment "A" (H. 153).

Comes from the House, the Bill Passed to be Engrossed as amended by Committee Amendment "A".

Which Report was Read and Accepted in concurrence, and the Bill Read Once. Committee Amendment "A" was Read and Adopted in concurrence, and the Bill, as amended Tomorrow Assigned for Second Reading.

##### Ought to Pass in New Draft

The Committee on Natural Resources on, Bill, An Act Amending the Great Ponds Alteration Statute. (H. P. 201) (L. D. 261)

Reported that the same Ought to Pass in New

Draft under same title. (H. P. 1334) (L. D. 1504)

Comes from the House, the Bill, in New Draft, Passed to be Engrossed.

Which Report was Read and Accepted in concurrence, and the Bill, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### Senate

##### Ought to Pass

Mr. PIERCE for the Committee on Business Legislation on, Bill, An Act Relating to the Fair Trade Act. (S. P. 188) (L. D. 585)

Reported that the same Ought to Pass.

Which Report was Read and Accepted and the Bill Read Once and Tomorrow Assigned for Second Reading.

##### Ought to Pass in New Draft

Mr. JACKSON for the Committee on Local and County Government on, Bill, An Act to Increase the Salaries of Certain County Officials of Waldo County. (S. P. 226) (L. D. 688)

Reported that the same Ought to Pass in New Draft under New Title: Bill, An Act to Correct the County Officers Salary Act. (S. P. 459) (L. D. 1582)

Mrs. SNOWE for the Committee on Health and Institutional Services on,

Bill, An Act to Provide Civil and Criminal Immunity for Persons Participating in Administering Medications. (S. P. 159) (L. D. 436)

Reported that the same Ought to Pass in New Draft under New Title: Bill, An Act to Provide Civil Immunity for Persons Participating in Administering Immunizing Agents. (S. P. 460) (L. D. 1583)

Mr. KATZ for the Committee on Education on,

Bill, An Act to Revise the Maine Regional Library System Law. (S. P. 140) (L. D. 381)

Reported that the same Ought to Pass in New Draft under New Title: "An Act in Support of Regional Library Systems" (S. P. 462) (L. D. 1585)

Which Reports were Read and Accepted, and the Bills, in New Draft, Read Once and Tomorrow Assigned for Second Reading.

#### Second Readers

The Committee on Bills in the Second Reading reported the following:

##### House

Bill, An Act Relating to Responsibility of Parents to Provide Medical Care Coverage for Minor Children. (H. P. 1257) (L. D. 1414)

Bill, An Act to Establish the Salary Level for the Superintendent of the Bureau of Consumer Protection. (H. P. 238) (L. D. 301)

RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Office of Justice of Peace as a Constitutional Office. (H. P. 655) (L. D. 798)

Which were Read a Second Time and Passed to be Engrossed, in concurrence.

##### House — As Amended

Bill, An Act to Standardize the Provision of Copies of Medical Records to Patients of Hospitals. (H. P. 424) (L. D. 529)

Bill, An Act Concerning Revocation of Certain Inland Fisheries and Wildlife Licenses. (H. P. 262) (L. D. 330)

Bill, An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1978 and June 30, 1979. (Emergency) (H. P. 266) (L. D. 334)

Bill, An Act Permitting Reciprocity with States that Issue Complimentary Hunting and Fishing Licenses to a Person who is Suffering from Paraplegia or who is Suffering from Loss of or the Loss of the use of Both Lower Extremities. (H. P. 260) (L. D. 328)

Which were Read a Second Time and Passed to be Engrossed, As Amended, in concurrence.

**Senate**

Bill, An Act to Extend the Effective Date of Sections of the School Finance Act of 1976 Allowing Local Administration Units to Raise and Expend Additional Funds and to Exclude Such Funds From Computation made pursuant to That Act. (Emergency) (S. P. 204) (L. D. 602)

Which was Read a Second Time.  
On Motion of Mr. Katz of Kennebec,  
Tabled for one legislative day,  
Pending passage to be engrossed.

**Senate — As Amended**

Bill, An Act to Revise the Maine Regional Library System. (S. P. 74) (L. D. 183)

Which was Read a Second Time and Passed to be Engrossed, As Amended.  
Sent down for concurrence.

**Enactors**

The Committee on Engrossed Bills reports as truly and strictly engrossed the following:

Bill, An Act Relating to Payment of Expenses for Examination of Crime Victims. (H. P. 329) (L. D. 420)

Bill, An Act to Clarify the Law as to Fraud by a Guest or Customer in a Hotel, Inn, Boarding House or Eating House. (S. P. 255) (L. D. 780)

Bill, An Act Concerning the Number of Jurors Serving on Civil Trial Juries. (H. P. 574) (L. D. 698)

Bill, An Act Relating to Description of Recorded Mortgages. (H. P. 590) (L. D. 717)

Which were Passed to be Enacted and having been signed by the President, were by the Secretary presented to the Governor for his approval.

**Orders of the Day**

The President laid before the Senate:

Bill, "An Act to Provide for Local Hearings by the Public Employees Labor Relations Board." (S. P. 27) (L. D. 40)

Tabled — April 12, 1977 by Senator Speers of Kennebec

Pending — Consideration

On Motion of Mr. Collins of Knox, the Senate voted to insist and ask for a Committee of Conference.

The President laid before the Senate:

Bill, "An Act to Clarify the Marking of Ballots." (H. P. 1235) (L. D. 1388)

Tabled — April 13, 1977 by Senator Katz of Kennebec

Pending — Passage to be Engrossed

On Motion of Mr. Katz of Kennebec, Retabled for one legislative day.

The President laid before the Senate:

Bill, "An Act to Define "North American Indians residing in Maine" for Purposes of the North American Indian Scholarships." (H. P. 324) (L. D. 415)

Tabled — April 13, 1977 by Senator Hichens of York

Pending — Passage to be Engrossed.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, I would present an Amendment and move its passage, and I would like to speak to my Amendment.

Senate Amendment "A", (S-56) Read.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, in the Committee hearings I heard this Bill, as did the other Members of the Committee, and I was constantly bothered by the fact that this Bill presents a classic case of discrimination.

The initial Bill itself, L. D. 415, as is before this Body this morning, states that as used in this Chapter, "North American Indians residing in Maine shall be deemed to include those persons whose names are included on the

current tribal census of either the Passamaquoddy or Penobscot Tribes of Indians or who are members of the Malacite or Micmac Tribes who can prove one-quarter Indian blood and who have resided in the State of Maine during the five consecutive years next preceding their application for a scholarship." The question that I have here and that bothers me so much is that I have seen several people in the State of Maine who are a quarter or a half Indian blood and who are not of either the four Tribes that are listed in L. D. 415.

A note of interest is that my mother has a quarter Indian blood, but it is Iroquois blood. As I brought this up in the Committee hearing, the Chief of the Penobscots stated something to the effect, "Well, we are not too worried about the Iroquois because we chased them out of the State of Maine many, many times."

However, he went on to indicate that the Iroquois were primarily a Canadian Tribe and that their primary location was in Quebec Province. Well, it would seem to me that of the four Tribes listed in the Bill, The Malacites and Micmacs, both of those Tribes are primarily centered in New Brunswick and PEI, the Province of Prince Edward Island and the eastern provinces of Canada. So I really cannot see why this Bill would attempt to discriminate between Iroquois on one side and the Micmacs on the other side.

Now if we stretch this point further, I have in the great City of Lewiston several friends who are Indians, one of them is a half-blood Blackfoot Indian; I have, as I had mentioned in the Committee Hearing, a very close friend who is one-half Arapaho; and that these people, although they may have been born in this State of Maine, cannot make any application for any scholarship at all because they are not any of the four Tribes that are mentioned in the Bill. Now it would seem to me with all the problems that we have had over the past 15 or 20 years that certainly we would not want to discriminate against anyone, and I would be shaken if the Indians certainly themselves who have been discriminated so much by so many people for so many years, would want to discriminate against any other Indians in the State of Maine.

Now it is my understanding that there are well over 20 Tribes represented in the State of Maine, and what the Legislature would do with this Bill is to eliminate approximately 16 of those Tribes even though they may be full-blooded Indians and maybe they are living in the State of Maine for five years, or may have been born in the State of Maine, from ever applying for a scholarship. Therefore, I would ask that the Senate seriously consider passage of this Amendment to exclude the discriminatory portions of this Act and allow any Indian in the State of Maine who can prove one-quarter Indian blood to make application for a scholarship. There are not that many Indians in the State of Maine with one-quarter Indian blood.

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, as Chairman of this Committee, this Bill came out of the Committee unanimously Ought To Pass. The idea was the clarification of the North American Indian. Now that is a pretty broad term, North American Indian. That covers the whole United States. So the Indian Tribes, the Governors and Lieutenant Governors along with the officials, in fact, George Mitchell, the then head of the Indian Tribes appointed by the Governor, went along with this Bill. Actually, this is simply to clarify North American Indians from the Passamaquoddy and the Penobscot Tribes. Now the Malacite and Micmac Tribes was really, actually a Canadian Tribe, but many of them came down into United States and married and worked in United States, and married Indians

from the Passamaquoddy and Penobscot Tribes; and some even married American citizens — the normal person, so it cut them down to maybe to a half-Indian.

Now they have complete listings in the various tribal offices in Old Town, so forth, of all the Indians that are a quarter percent or half percent or full-blooded Indian, which qualify for these scholarships. So consequently, we felt that in describing the North American Indian, and since I talked with the good Senator, Senator Mangan, I have found out from the sponsor of the Bill that, for example, many different Indians throughout the United States have their own scholarships in their own states. This is simply describing the Maine scholarships.

So consequently, in Florida the Seminole Indians have their scholarships; now the Iroquois Indians who are down in New York State, New York State furnishes them a scholarship; but for the Tribes of the four Tribes that are listed in Maine, it is just about impossible for them to keep track of all of the Indians around the State to see whether they are a quarter percent Indian or not.

So, regretfully, I have to move indefinite postponement of the Amendment and hope we can have passage of the Bill without the Amendment.

**THE PRESIDENT:** The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: I would almost have to, relating to this Bill, raise the Constitutional question as to whether, for example, the University of Maine having accepted a land grant university can actually deny any Indian who proves his Indian blood from actually receiving a scholarship or attending that University.

A second question comes in here is that the Micmacs are spread over, oh God, at least four provinces of Canada, New Brunswick and Nova Scotia, Prince Edward Island and Newfoundland. I believe Newfoundland does have scholarships for the Indians, as does Nova Scotia, but these would be specifically for the Micmac Tribes and, if that is the case, if we are going to really cut it down to what we have the aboriginal inhabitants of the State of Maine, we would only end up with two tribes, the Penobscots and Passamaquoddy, and, therefore, I think we are going to have a problem in actually describing which one will benefit most from this matter. But I would certainly want to exclude the Micmac and Malacites because they are not indigenous to the State of Maine, as are not the Iroquois, or the Blackfoot or the Cherokee or any of the other 20 Tribes represented in the State of Maine.

Thank you.

(Off record remarks)

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, I do not claim to be any expert on Indian affairs. I have heard they expect to take over a good portion of the State, and they probably will not need any scholarships if such a thing occurs. But, nevertheless, the Micmacs, the Malacites must have lived in the State of Maine at least five years and must have at least a quarter Indian blood, so they felt, that is the Passamaquoddy and the Penobscot Tribes felt that this was fair enough, living in Maine five years.

So consequently, there is no question about it, any person whether they are tenth Indian or quarter Indian can get a loan to get into the University of Maine or a government loan or some such thing as that, I do not question that. But I do think that we should not permit all of the various Indians from all over the country to come into Maine, particularly if the Indians own half of Maine later on, it would be rather a bad feature. So I still would have to go along

with indefinite postponement of the Amendment.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: It might be well to explain to the Senate what kind of money we are talking about. The rest of the Section of Title 20 says: That any student meeting the requirements that we have been discussing they apply for a grant not to exceed \$3,000.00 a year for the purpose of paying his tuition, room, board, books and other costs of attending. And Title 20 also says that any institution that accepts one or more of them may apply for a grant not to exceed \$1,000.00 to help support this student. So it is rather an expensive Amendment that you have in front of you.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Pierce.

Mr. PIERCE: Mr. President and Members of the Senate, it would appear to me that this Amendment would dilute the real intent of this Bill, and that is simply to provide as many Indian scholarships as possible to Maine Indians. I might note that last year there were several Indians, a considerable number, who were not able to get scholarships under the present system. So if we adopt this Amendment, there are even going to be fewer Indians who will be able to receive the money.

I would hope you will go along with indefinite postponement of this Amendment.

The PRESIDENT: Is the Senate ready for the question? The Pending question is the indefinite postponement of Senate Amendment "A". The Chair will order a Division.

Will all those Senators in favor of adopting Senate Amendment "A", please rise in their places to be counted.

Will all those Senators opposed to adopting Senate Amendment "A" please rise in their places to be counted.

The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: May I ask for a roll call.

The PRESIDENT: A roll call has been requested. In order for the Chair to order a roll call, it must be the expressed desire of one-fifth of those Senators present and voting. Will all those Senators in favor of the roll call, please rise in their places to be counted.

One fifth having arisen, a roll call is ordered.

The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President, I have to admit that I do not understand what the effect of this Bill is. I think I understand the effect of the Amendment. I think some clarification would be helpful if we are going to have a recorded vote on this.

As I understand the effect of the Amendment, it would open this program up to any Indian who can show one-quarter blood and who has resided in Maine five years. I think I understand that.

While I lay the proposed legislation next to the existing Section 2206, I do not have the knowledge to understand the distinction. The wording in the proposed change is pretty much the same until you get to the last phrase, in which one requires that the proposed change would require that the Malacites and the Micmacs show one-quarter Indian blood and they have resided in Maine for five years. And the present law, they would have to show they resided in Maine for five years, which I guess is the same, and at least one of whose parents or grandparents was included in the Passamaquoddy or Penobscot Tribes or held a band number of the Malacites or the Micmacs. I guess the distinction, because if you have one grandparent, obviously I guess that figures out you would be one-quarter blood. So the distinction, I guess, comes in the fact between being a member of the Tribe, one of your grandparents or holding a band number.

Would somebody explain what the effect of the change in the law would be?

The PRESIDENT: The Senator from Cumberland, Senator Merrill has posed a question through the Chair of any Senator who may care to answer.

The Chair recognizes the Senator from York, Senator Lovell.

Mr. LOVELL: Mr. President, actually this Bill which was presented by a member of the other Body, who represents the Penobscot Tribe, felt that in the present law that the definition of a North American Indian residing in Maine, the definition was not in the law, was not in the law in the proper manner. So consequently under Section 2206, and I did not quite hear the senator from Cumberland, Senator Merrill, on one or two points, but it definitely spells out who is to receive this scholarship money.

And I might say at the hearing on the various notes that I took, it is only a matter of \$65,000.00 and they tried to get it raised higher, but naturally they have been unable to, and it really, to me, is a rather inconsequential Bill and not hardly worth going into the complete testimony of the various Governors and chiefs, but I think the Bill without the Amendment spells out what a North American Indian is that resides in Maine. I do not know if I have answered Senator Merrill's question properly or not.

The PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Mangan.

Mr. MANGAN: Mr. President, again I have to rise to the opposition. The question we have here is initially under the old law, if I recall correctly, the band number indicated the relationship to a member of a Passamaquoddy or Penobscot Tribe. The Legislature initially recognized that these were the only two Tribes that really represented the State of Maine as far as our indigenous Indian Tribes.

Now if we had a grandchild of a Penobscot or some other Tribe — the Penobscots or Passamaquoddy that were intermarried and that child could trace the ancestry back to the Penobscot or Passamaquoddy with a quarter Indian blood, of the Passamaquoddy or Penobscot Indian blood, that is, could they then qualify for the scholarship. Under the 415 as we have it without the Amendment, what this would do is eliminate all of the relationship requirements of the Passamaquoddy and Penobscots and just open up to scholarship another segment of the Indian Tribes, both to the Malacites and the Micmacs.

Now the other thing that bothers me very seriously is that you do have in this State of Maine third-generation Iroquois, third-generation Cherokee, third-generation Blackfoot, who have been here, not only born here, their parents were not only born here, but their great-grandparents moved here back in the early 1800's and they, although they have a quarter Indian blood or maybe full Indian blood cannot get any scholarship even though the Micmacs can move here from Newfoundland and five years later apply for a scholarship.

Basically the Amendment does not really dilute anything. The Amendment just says that we are willing to give scholarships and to qualify anybody with a quarter Indian blood. Let us not discriminate. Anybody who has a quarter Indian blood and lived here for five years, should be able to apply for that scholarship and receive that scholarship. If they come from Nova Scotia and they are Micmacs, and they come into the State of Maine, live there for five years, they can now apply for a scholarship, but if they are Iroquois and they come in from Quebec, live here for five years, they cannot. This is just a pure, classic case of discrimination.

If we are going to change the law at all, it should be amended with the Amendment that has been presented to allow anybody who has lived here for five years and has a quarter In-

dian blood to apply for a scholarship. Thank you.

The PRESIDENT: Is the Senate ready for the question? The pending question before the Senate is the Motion by the Senator from York, Senator Lovell, that this Amendment be indefinitely postponed. A roll call has been ordered.

A yes vote will be in favor of indefinite postponement. A nay vote will be opposed. The Secretary will call the roll.

YEA — Carpenter, Chapman, Collins, D.; Collins, S.; Cummings, Curtis, Greeley, Hichens, Huber, Jackson, Katz, Lovell, Martin, McNally, Morrell, O'Leary, Pierce, Pray, Redmond, Snowe, Speers, Trotzky, Usher, Wyman.  
NAY — Conley, Danton, Farley, Levine, Mangan, Merrill.

ABSENT — Hewes, Minkowsky.

The PRESIDENT: 24 Senators having voted in the affirmative and 6 Senators in the negative, with 2 Senators being absent, the Motion to indefinitely postpone does prevail.

Bill passed to be engrossed, in concurrence.

The President laid before the Senate: Bill, "An Act Relating to Representation of State Employees under the State Employees Labor Relations Act." (S, P. 149) (L. D. 391)

Tabled — April 14, 1977 by Senator McNally of Hancock

Pending — Passage to be Engrossed  
On Motion of Mr. Redmond of Somerset,  
Retabled for one legislative day.

The President laid before the Senate:

House Reports — from the Committee on Education — Bill, "An Act to Provide Voluntary Teacher Certification." (H. P. 745) (L. D. 950) Majority Report — Ought to pass as Amended by Committee Amendment "A" (H-145); Minority Report — Ought not to Pass

Tabled — April 14, 1977 by Senator Pierce of Kennebec

Pending — Acceptance of Either Report  
On Motion of Mr. Katz of Kennebec, Majority Ought to Pass as Amended Report Accepted in non-concurrence.

The Bill Read Once. Committee Amendment "A" was Read and Adopted in non-concurrence, and the Bill, as amended, Tomorrow Assigned for Second Reading.

The President laid before the Senate:

House Reports — from the Committee on Education — Bill, "An Act to Amend the Duties of the Commissioner of Educational and Cultural Services Relating to the Teaching of Maine Studies." (H. P. 158) (L. D. 196) Report A — Ought to Pass as Amended by Committee Amendment "A" (H-122); Report B — Ought to Pass as Amended by Committee Amendment "B" (H-123); Report C — Ought not to Pass

Tabled — April 14, 1977 by Senator Conley of Cumberland

Pending — Acceptance of any Report  
On motion of Mr. Katz of Kennebec, Report A accepted in concurrence.

The Bill Read Once. Committee Amendment "A" was Read. House Amendment "A" to Committee Amendment "A" was Read.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I move indefinite postponement of House Amendment "A" to Committee Amendment "A", and I would like to explain to the Senate my reason for so moving.

The PRESIDENT: The Senator has the floor.

Mr. KATZ: Mr. President, this is not the most earth-shaking bill to come before this Session. Actually, it was a Bill that saw the benefit of Maine studies in our schools.

In the process of negotiating within the Committee, the words "free enterprise system" were introduced. A free enterprise system to



me, means management, labor, marketing and the whole gamut. I think it is all inclusive.

The House Amendment which I am asking you to indefinitely postpone adds the words "a history of the trade union movement" as an additional mandate for local school systems. That is the reason for my asking you to indefinitely postpone this.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate: I probably could not agree more heartily with the good Senator from Kennebec, Senator Katz, and I think that the Bill before us certainly is not one of the more important Bills before this Session, and I would now move that this Bill and all of its accompanying papers be indefinitely postponed.

The PRESIDENT: The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, it is my sense that the lobby in a desire to kill this Bill and the Amendment that I asked you to postpone is a vehicle to get it so confused that the only reasonable thing to do is kill it and not go along with the Motion to indefinitely postpone.

I would like to refer you to what the Bill does. The Bill deals with that section of Maine law which puts down basic things we expect the Maine kids to learn, such as Maine history, a little bit about the State of Maine and its culture and background, the free enterprise system which kids will grow up to live in.

The Bill warrants your attention, if not enthusiasm, and I hope you will vote against the Motion to indefinitely postpone and I request a Division.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate, I think that the previous Motion to indefinitely postpone the House Amendment, if there is sympathy for that in the Senate, it is not because we do not think that people should learn about the history of the trade union movement, because I think that is probably a good idea, but because we think that we should not mandate more for the local schools to have to do. We simply should leave more to them. And, as I understand this Bill and as it has been described by the Senator from Kennebec, one of the things that this Bill does is that it does mandate more to the local level. It mandates that there will be the teaching of the free enterprise system, which again I think is probably a good idea, but I do not think that we have to make a law in Augusta telling the school systems that that is something that they have to do between Grades 7 and 10, or whatever this Bill says specifically, and I think that the burden of proof ought to be to show that there is a need for us to tell the school systems that there is something else that they ought to have to do before we vote that they ought to do it, and I admit that this is not a major thing, you know, but these requirements build up collectively, and after a while we have required local school districts to do a lot of things that cost a significant amount of money.

I would support the Motion of the Minority Leader, and ask the Senate to indefinitely postpone this Bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President and Members of the Senate, again I would just state as to whether or not we, the Maine Senate or the Maine Legislature, want to dictate educational policy on the local level, and I think it is that simple and I do not think this is the type of vehicle we want to pass.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Mr. KATZ: Mr. President, I agree that is exactly the basis you should vote on this Bill. I should point out that the Committee struck out part of the mandate in the existing law. We felt that, for example, the phrase "the importance of voting" should be taken out of the mandate because citizenship involves the importance of voting. We also felt that some notion of Maine history should be of interest in the classroom, and the free enterprise system. It is a trade-off. If you don't vote for the trade-off, you vote for indefinite postponement. If you feel it important for the kids to know something about the system they are in, you will vote against indefinite postponement.

It is obvious I do not feel very strongly about this Bill, but let me share some of the things that the Committee heard. There is a complete lack of understanding on the part of Maine kids when they get out of school as to what the system is they are getting out into. I have heard this on the part of many, many people.

I hired a girl once and she was shocked after working for me for a while to find our store was ripping off the public by selling merchandise at a higher price than we were paying for it wholesale. Now it embarrasses me to discover that we have teachers who are just about as well informed.

Now the problem is this, and it is very possible the local school system can do a better job.

The fact is there was enough concern within the Committee that we decided to put it out as an issue to you so you can make up your own mind as to how you want to vote on this Jim Dandy of a Bill.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Morrell.

Mr. MORRELL: Mr. President and Members of the Senate: I think all too often we do mandate necessary action on a local level from Augusta; however, I guess I feel that this is one area in which we perhaps could well do that, and in response to those of you who say that the Bill perhaps merits attention but not enthusiasm, I would say that on my behalf, it has both my attention and my enthusiasm, and I think the free enterprise system as it pertains to all facets of it, whether it be labor, management, merchandising, whatever, ought to be something included in the curriculum in our schools. It has not been, and it desires and needs our action.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Merrill.

Mr. MERRILL: Mr. President and Members of the Senate: I suppose if we all pick out the things that we think are most important and mandate those to the schools, we will end up with the sort of hodge-podge that we are probably headed towards. I think that it is important that young people learn about the free enterprise system.

I think it is important that they learn about the importance of voting, and if the trade-off is the importance of voting and the free enterprise system, I will go with voting, I guess, if that is the description of the Bill.

Actually I would be happier if we took out the requirement that we teach the importance of voting, and I certainly cannot see that there is a justification, if we are going to teach about the free enterprise system, for not including a requirement that they specifically mention and talk about the trade union movement. All this goes to show, I think, is that if we sit up here and decide what is important for teachers to teach, we are going to have a statute book that is going to grow and grow, and there is going to be less and less control of educational policies at the local level.

I think that this Bill is unnecessary and as laudatory as the idea is when teaching students about how much money the Senator from Ken-

nebec makes in his jewelry store, and how he makes it, because that is what this system is about, and that is how people advance themselves in this system, and certainly people ought to understand and appreciate the profit motive and what it has done and the individual freedoms it brings about. I do not think we ought to require it in Augusta.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Farley.

Mr. FARLEY: Mr. President and Members of the Senate: I hope that you will go along and indefinitely postpone this Amendment. However, I think the Bill is a good Bill. I think anyone, any student of history in high school, after the Civil War Reconstruction Period gets a pretty good idea as to what the free enterprise system and the trades unions are all about.

However, there is a total lack of students in Maine as to what Maine history is. I have taken a college course in Maine history, and it is a fascinating course, it is a fascinating part of history, and I believe the children of the State of Maine in our education should reap the benefits of that.

I would suggest that we kill the Amendment, but keep the Bill.

The PRESIDENT: Is the Chair ready for the question? The pending question before the Senate is the Motion by the Senator from Cumberland, Senator Conley, that this Bill and all its accompanying papers be indefinitely postponed. A Division has been requested.

Will all those Senators in favor of Indefinite postponement of this Bill and its accompanying papers please rise in their places to be counted.

Will all those Senators opposed to the indefinite postponement of this Bill and its accompanying papers please rise in their places to be counted.

17 Senators having voted in the affirmative, and 13 Senators in the negative, the Motion to indefinitely postpone does prevail.

The Bill and accompanying papers indefinitely postponed in non-concurrence.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Mr. CONLEY: Mr. President, having voted on the prevailing side, I now move the Senate reconsider its action whereby this Bill was indefinitely postponed.

The PRESIDENT: The Senator from Cumberland, Senator Conley, now moves the Senate reconsider its action whereby it indefinitely postponed L. D. 196.

A viva voce vote being had,

The Motion to Reconsider does not prevail.  
Sent down for concurrence.

Out of Order and Under Suspension of the Rules,

On Motion of Mr. Wyman of Washington,  
Joint Order

WHEREAS, certain allegations of excesses in the training program conducted at the Maine Criminal Justice Academy have come to the attention of the Legislature; and

WHEREAS, the training of law enforcement officers should ensure a high degree of competency in those men and women without excessive strain on the physical abilities of those attending the academy; and

WHEREAS, it is in the best interests of the citizens of Maine that the training program at the Maine Criminal Justice Academy be studied to ensure that it will continue to provide the State with law enforcement officers of a high caliber; now, therefore, be it

ORDERED, the House concurring, that the Joint Standing Committee on Performance Audit shall study the current training program in force at the Maine Criminal Justice Academy to determine if that program is adequate to provide for the training of law enforcement officers and to determine if any excessive or ob-

jectionable practices are presently part of that program; and be it further

ORDERED, that the committee shall complete this study no later than December 1, 1977, 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. (S. P. 458)

Which was Read.

On Motion of Mr. Speers of Kennebec,  
Tabled pending passage.

(Off Record Remarks)

On Motion of Mr. Huber of Cumberland,  
Adjourned to 10:00 tomorrow morning.