

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

Tuesday, May 1, 1979

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

Prayer by the Reverend Reginald Couture of the Union Congregational Church, Ellsworth.

Rev. COUTURE: O God, our Heavenly Father, we ask thy particular blessing on this legislative body this day. On the outside, as some of us have traveled through fog, we ask, O God, that at this early hour in the day you penetrate the fog that exists in the minds of many of us and let the sun shine so that the legislative works of this day may be for the blessings of many people within the State of Maine. We ask thy particular guidance so that our leaders may have the wisdom and the special knowledge that is necessary for the workings and the legislative documents that they consider. We ask thy continued blessing through thy Son, Jesus Christ, our risen Lord. Amen.

The journal of yesterday was read and approved.

## Papers from the Senate

The following communication:

## THE SENATE OF MAINE

Augusta

April 30, 1979

The Honorable Edwin H. Pert  
Clerk of the House  
109th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "An Act to Provide Restitution to Innocent Victims of Crimes," (H. P. 644) (L. D. 798).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

## THE SENATE OF MAINE

Augusta

April 30, 1979

The Honorable Edwin H. Pert  
Clerk of the House  
109th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the 'Ought Not to Pass' Report of the Committee on Bill, "An Act Relating to Penalty Provisions Under the Maine Labor Laws," (H. P. 247) (L. D. 292).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

## THE SENATE OF MAINE

Augusta

April 30, 1979

The Honorable Edwin H. Pert  
Clerk of the House  
109th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the 'Ought Not to Pass' Report of the Committee on Bill, "An Act to Establish a Deadline for Removal of Ice Fishing Shacks," (H. P. 432) (L. D. 549).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:

## THE SENATE OF MAINE

Augusta

April 30, 1979

The Honorable Edwin H. Pert  
Clerk of the House  
109th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed, Bill, "An Act Concerning the Issuance of Work Permits and Charging of Fees," (H. P. 670) (L. D. 830)

Respectfully,

S/ MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

## Reports of Committees

## Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Clarify the Law Relating to Liability of Relatives for Support" (S. P. 103) (L. D. 206)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Prevent the Biological Parents of Adopted Children from Taking These Children After They Have Been Adopted" (S. P. 41) (L. D. 27)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Permit Forfeiture of Property Used to Conceal, Store or Transport Stolen Goods" (S. P. 105) (L. D. 211)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Rename the Bureau of Consumer Protection to the Bureau of Consumer Credit Protection" (S. P. 460) (L. D. 1420)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

## Messages and Documents

The following Communication: (S. P. 526)

Senate Chamber

PRESIDENT'S OFFICE

Augusta, Maine 04333

April 27, 1979

Honorable James McBreairty  
Honorable William Blodgett  
Chairmen, Energy & Natural  
Resources Committee  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Richard E. Barringer of Hallowell for reappointment as Commissioner of Conservation.

Pursuant to Title 12, MRSA, Section 5011, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate Read and Referred to the Committee on Energy and Natural Resources.

The Communication was Read and referred to the Committee on Energy and Natural Resources in concurrence.

The following Communication (S. P. 527)

State of Maine

SENATE CHAMBER

President's Office

Augusta, Maine

April 27, 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 is nominating Robert W. Clifford of Lewiston to be a Superior Court Justice.

Pursuant to Title 4, MRSA, Section 101, this nomination will require review by the Joint Standing Committee on the Judiciary and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

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

The Communication was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S. P. 528)

State of Maine

SENATE CHAMBER

President's Office

Augusta, Maine

April 27, 1979

Honorable Howard Trotzky  
Honorable Laurence Connolly  
Chairmen, Education Committee  
State House  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Francis A. Brown of Calais for reappointment to the Board of Trustees of the University of Maine.

Pursuant to Title 20, MRSA, Section 2251, this nomination will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

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

The Communication was read and referred to the Committee on Education in concurrence.

The following Communication: (S. P. 529)

State of Maine

SENATE CHAMBER

President's Office

Augusta, Maine

April 26, 1979

Honorable Roland L. Sutton  
Honorable Jasper S. Wyman  
Chairmen, Labor Committee  
State House  
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is withdrawing his nomination of Gary F. Thorne of Old Town to serve as the public alternate member of the Maine Labor Relations Board.

This nomination is presently pending before the Joint Standing Committee on Labor.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN MARTIN

Speaker of the House

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

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

The following Communication:

State of Maine

DEPARTMENT OF TRANSPORTATION

Transportation Building

Augusta, Maine

May 1, 1979

Governor Joseph E. Brennan and  
Members of the 109th Legislature

Transmitted herewith is a copy of the Town Way Bridge Improvement Program for Fiscal Years 1979 through 1981.

The Town Way Bridge Improvement Program includes projects which the Department has determined to be the priority items that should be authorized for improvement. Pro-

jects in the program are dependent upon an available legislative allocation of \$350,000 of State funds as well as on Legislative approval of the current MDOT request of \$500,000 for Fiscal Year 1980 and \$700,000 for Fiscal Year 1981.

We trust that this material will be of interest and will provide information and clarification regarding the Department's efforts to assist in the improvement of Town Way Bridges.

Very truly yours,  
S/ROGER L. MALLAR  
Commissioner

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

#### Petitions, Bills and Resolves Requiring Reference

The following Bill was received and referred to the following Committee:

#### Energy and Natural Resources

Bill "An Act to Require the Reporting of Petroleum Inventories and Deliveries to the Office of Energy Resources" (Emergency) (H. P. 1355) (L. D. 1591) (Presented by Mr. Blodgett of Waldoboro)

(Ordered Printed)

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Orders

An Expression of Legislative Sentiment (H. P. 1351) recognizing that:

Gari Gayle Snow of Scarborough has been named the state's new Mrs. Maine

Presented by Mr. Higgins of Scarborough (Cosponsor: Ms. Benoit of South Portland)

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

#### House Reports of Committees Leave to Withdraw

Mr. Violette from the Committee on Legal Affairs on RESOLVE, Authorizing Lyman F. Gray, Celia M. Gray and Bernard L. Gray to bring Civil Action Against the State of Maine (H. P. 399) (L. D. 506) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill, "An Act Pertaining to Motor Vehicles Passing Stopped School Buses" (H. P. 1041) (L. D. 1278)

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
USHER of Cumberland  
— of the Senate.

Messrs. JACQUES of Lewiston  
HUNTER of Benton  
Mrs. HUTCHINGS of Lincolnville

Messrs. McKEAN of Limestone  
McPHERSON of Eliot  
STROUT of Corinth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Mr. EMERSON of Penobscot

— of the Senate.

Messrs. BROWN of Mexico  
LOUGEE of Island Falls  
ELIAS of Madison  
CARROLL of Limerick

— of the House.

Reports were read.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Minority "Ought to Pass" Report.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill has some merit; however, there is also a measure of risk in this bill. What the bill proposes is that a school bus driver or anyone who sees an automobile passing a school bus while it is discharging children or taking children on report that particular license number and as a result of that report, the owner of that particular vehicle could have his registration suspended for, I think, a period of up to three months.

Now, I see a great risk in this because of a problem of identification. Right now, the problem is that you can't identify the driver so, therefore, getting a conviction on these is practically impossible. If you were to use a license plate as a measure of identification, what if they happen to make a mistake in the number and you happen to be the owner of that automobile and you happen to have been home that day with that car in the garage? It is up to you to prove that you weren't there. If you were home and nobody was home with you, how are you going to prove this? A lot of license plates, for instance, have a lot of mud on them, they have been banged up, beaten up by snow banks and so forth, and it sometimes is very hard to discern the proper number on that plate.

I see a real problem when this thing goes to the courts. If it gets into the courts it is going to be a problem of identification. If they do rule in your favor, then you have gone to court for nothing, lost a day's work. If they don't rule in your favor and you happen to have not been there at that time, what if you had lent your car to a friend of yours and inadvertently they passed a school bus, you lose your automobile for a period of three months. This worries me. I think perhaps an amendment could be put on this bill, but until it is amended to the point where it is not an identification problem, I just can't go along with the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Brewer Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: This bill addresses a real problem. When automobiles pass a parked school bus, which is against the law, it is very difficult for the driver of the school bus or witness to identify the driver of the car. I think most of us have always assumed that if someone took your registration down that you passed a school bus, you would be in trouble. As I understand it, the State Police will not even bring anyone into court now unless the bus driver or some witness will say "I can identify the driver of that car as John Jones." Apparently, the word has gotten around, because one example that was brought out in the hearing was of a school bus driver who meets this same car every morning. He doesn't know the driver, and usually there is no problem with this car, but one morning, the traffic was stopped both ways and this driver apparently was in a hurry to get to work or something and he passed cars that were already stopped and went by the school bus. Now, in this case, the driver of the bus could have identified not only the driver but the automobile itself because he was familiar with it. Yet, there was not a thing they could do about it because he could not identify the driver.

Of course, children come to expect that cars are going to stop for school buses, especially when they come out of their house and the bus is stopped and traffic is stopped both ways, they don't expect a car to come passing those stopped cars, but it happens. In fact, former Senator Curtis reported to me an incident where a car not only passed a stopped school bus, it passed it on the right with apparently a couple of wheels in the ditch. So, we have a real problem.

I appreciate the problems that have been raised by the gentleman from Limestone that there are some weaknesses in the bill about the exact procedure for identifying the car. What I

would like is to have the House accept the "Ought to Pass" Report and we will try, at second reading, to put on an amendment that we hope will answer as nearly as possible the objections of some of the members of the committee.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that the House accept the Minority "Ought to Pass" Report. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 33 voted in the negative, the motion did prevail.

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

#### Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Limit the Use of State Funds for the Advocacy of Homosexual Practices" (H. P. 744) (L. D. 930)

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin  
Mr. COLLINS of Knox  
Mr. DEVOLLE of Penobscot  
— of the Senate.

Messrs. HUGHES of Auburn  
HOBBINS of Saco  
Mrs. SEWALL of Newcastle  
Messrs. SILSBY of Ellsworth  
JOYCE of Portland  
GRAY of Rockland  
SIMON of Lewiston  
STETSON of Wiscasset  
CARRIER of Westbrook

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:

Mr. LAFFIN of Westbrook

— of the House.

Reports were Read.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I apologize this morning that this is on the calendar. I had given my word to several members of this House that the other bill pertaining to the same subject, if that was defeated, that I would not bring this bill out of committee. Consequently, Judiciary, you remember, has an awful lot of bills and the clerk and the attorney general forgot that we were holding it. They sent it out, but I do want to apologize to the members that I gave my word to that I would not bring this bill out of committee. Therefore, Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

Thereupon, on motion of Mr. Laffin of Westbrook, the bill and all accompanying papers were indefinitely postponed.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill, "An Act to Permit Use of the Municipal Securities Approval Act for Development of Low and Middle Income Housing" (H. P. 911) (L. D. 1137)

Report was signed by the following members:

Messrs. REDMOND of Somerset  
EMERSON of Penobscot  
COTE of Androscoggin  
— of the Senate.

Messrs. DRINKWATER of Belfast  
NELSON of Roque Bluffs  
BORDEAUX of Mount Desert  
STOVER of West Bath  
LaPLANTE of Sabattus  
BROWN of Livermore Falls  
McMAHON of Kennebunk

Mrs WENTWORTH of Wells  
— of the House.  
Minority Report of the same Committee reporting "Ought to Pass" on same Bill.  
Report was signed by the following members:  
Messrs. McHENRY of Madawaska  
L. DUTREMBLE of Biddeford  
— of the House.

Reports were read.  
The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.  
Mr. LaPLANTE: Mr. Speaker, I move that the Majority "Ought Not to Pass" Report be accepted.

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

Mmr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I would like to talk about it for just a minute or two.

This is a bill that I sponsored on behalf of the city manager and city council of the city of Old Town. It was an attempt by them to be able to use the good name of the city in securing securities for building of middle-income houses in the city of Old Town or any town in Maine that so desired.

When the hearing was held, many of the banks of Maine and the Maine State Housing Authority opposed the bill. The Maine State Housing Authority claimed that they were neither for nor against but it was very, very apparent that they were against the bill. The banks of the state did a dance in the committee that was really kind of an interesting thing to see. They felt threatened.

I can see, however, the handwriting on the wall as far as this bill is concerned, looking at the report, and perhaps another year I could re-submit this, so I move that this bill be indefinitely postponed.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Before this bill is indefinitely postponed, I was thinking of asking the law courts if the Attorney General recommended that we address a particular question which arises in this bill and in the next one which we will be addressing, and that is under Maine Case Law, low income housing and the use of our bonds and the name of the State of Maine or the municipalities. It has been deemed a public purpose to help encourage the construction of low income housing, but the courts have not yet deemed it a public purpose to encourage either middle income or upper income housing or rental facilities.

I, personally, kind of like this bill and the next one, but I think that we should, before we do enact something like this either this year or next, make sure that we are within the realm of a public purpose. Consequently, I was hoping that either one of the two bills could still be before us for a while in case we wanted to ask the law court for a certain opinion.

I have asked the Attorney General's Office for an opinion on this topic and I have not yet received their opinion, so I don't know if you want to go ahead and indefinitely postpone this, but if so, I wonder if we could have the next bill tabled for a period of time.

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

Mr. KELLEHER: Mr. Speaker and Members of the House: I will support Mr. Pearson's motion this morning, but just listening partially to the comments made concerning the Maine Housing Authority, I have always had some reservations with that group of individuals, particularly with the director of it, because in my humble opinion, unless any words of wisdom or direct thoughts come from the di-

rector herself, she is not about to adhere to the advice and consent of this legislative House or the other body.

I have a bill before the State Government Committee, and I can appreciate the frustrations of the good gentleman from Old Town, because like himself, the Housing Authority appeared neither for nor against but attempted to massacre my L. D. and I am sure Mrs. Gelder attempted to do the same thing to yours, Mr. Pearson. It is just a forethought or announcement that there will be other bills coming along and unless that outstanding state servant initiated the legislation herself, it usually comes under the announcement from her in getting the deep six. So, I can appreciate your frustrations and perhaps another time we will be able to do what the good gentleman would like to, even without her assistance.

Thereupon, on motion of Mr. LaPlante of Sabattus, tabled pending the motion of Mr. Pearson of Old Town to indefinitely postpone and specially assigned for Thursday, May 3.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Local and County Government reporting "Ought Not to Pass" on Bill "An Act to Authorize Rental Housing to be Financed by the Issuance of Revenue Obligation Facilities under the Municipal Securities Approval Act" (H. P. 754) (L. D. 960)

Report was signed by the following members:

Messrs. EMERSON of Penobscot  
COTE of Androscoggin  
REDMOND of Somerset  
— of the Senate.

Mr. DRINKWATER of Belfast  
Mrs. WENTWORTH of Wells  
Messrs. STOVER of West Bath  
NELSON of Roque Bluffs

BORDEAUX of Mount Desert  
LaPLANTE of Sabattus  
BROWN of Livermore Falls  
McMAHON of Kennebunk  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same bill.

Report was signed by the following members:

Messrs. McHENRY of Madawaska  
L. DUTREMBLE of Biddeford  
— of the House.

Reports were read.

Mr. LaPlante of Sabattus moved that the Majority "Ought Not to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report and specially assigned for Thursday, May 3.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Provide that a Person's Picture shall Appear on His Driver's License and to Provide for a Photographic Identification for Nondrivers" (H. P. 940) (L. D. 1164)

Report was signed by the following members:

Messrs. EMERSON of Penobscot  
USHER of Cumberland  
O'LEARY of Oxford  
— of the Senate.

Mr. STROUT of Corinth  
Mrs. HUTCHINGS of Lincolnville  
Messrs. LOUGEE of Island Falls  
HUNTER of Benton  
CARROLL of Limerick  
BROWN of Mexico  
JACQUES of Lewiston  
McPHERSON of Eliot  
— of the House.

Minority report of the same Committee re-

porting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. McKEAN of Limestone  
ELIAS of Madison  
— of the House.

Reports were read.

Mr. McKean of Limestone moved that the Minority "Ought to Pass" Report be accepted.

On motion of the same gentleman, tabled pending his motion to accept the Minority Report and tomorrow assigned.

#### Divided Report Tabled and Assigned

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Appropriate Funds for the Nursing Home Ombudsman Program" (H. P. 1074) (L. D. 1328)

Report was signed by the following members:

Mr. HUBER of Cumberland  
— of the Senate.

Messrs. MORTON of Farmington  
SMITH of Mars Hills  
BOUDREAU of Waterville  
JALBERT of Lewiston  
HIGGINS of Scarborough  
KELLEHER of Bangor  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-301) on same Bill.

Report was signed by the following members:

Mrs. NAJARIAN of Cumberland  
Mr. PERKINS of Hancock  
— of the Senate.

Mrs. CHONKO of Topsham  
Messrs. DIAMOND of Windham  
PEARSON of Old Town  
CARTER of Winslow  
— of the House.

Reports were read.

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

Mr. PEARSON: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report.

The SPEAKER: The Gentleman from Old Town, Mr. Pearson, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. PEARSON: Mr. Speaker and Members of the House: Because the sponsor of this bill has a family emergency and is not able to be here today, I would ask somebody to table it for one legislative day.

Whereupon, on motion of Mr. Diamond of Windham, tabled pending the motion of Mr. Pearson of Old Town to accept the Minority Report and tomorrow assigned.

#### Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act Providing for the Registration and Regulation of Off-road Vehicles" (H. P. 766) (L. D. 971)

Report was signed by the following members:

Messrs. REDMOND of Somerset  
PIERCE of Kennebec  
— of the Senate.

Messrs. PETERSON of Caribou  
PAUL of Sanford  
MASTERMAN of Milo  
VOSE of Eastport  
JACQUES of Waterville  
DOW of West Gardiner  
TOZIER of Unity  
MacEACHERN of Lincoln  
CHURCHILL of Orland  
GILLIS of Calais  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-289) on same Bill.

Report was signed by the following member:  
Mr. USHER of Cumberland  
— of the Senate.

Reports were read.

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

Mr. MORTON: Mr. Speaker, I move acceptance of the Minority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Farmington, Mr. Morton, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. MORTON: Mr. Speaker and Members of the House: I want to thank the Chairman of the committee for the courtesy of making this motion this morning. I know it is unusual with a majority report of this size, but, frankly, I am somewhat at a loss to understand the actions of the committee. I am sure if you looked at the bill, you can see that it is my bill.

I would report that there was a good hearing and there was almost no opposition to the bill, and that was on a very general basis, they were opposed to more regulation. I think that is somewhat ironic, because the bill was put in for people who run off-road vehicles and who want to be regulated. The operators of these vehicles are asking for the regulation, they are willing to pay a fee, they are willing to be registered and have that registration number on their vehicles.

This law, for the benefit of those who haven't looked at it, will parallel the snowmobile law and give road crossing privileges, which is the basic concern of the operators of these vehicles. There are collateral benefits, though. Registration numbers will provide identification in the rare instance where any unwanted trespass might occur, which identification, incidentally, is not available at the present time.

The state departments concerned were present at the hearings and voiced no objections. Indeed, when pressed, they thought it was a good idea.

I would hope that you would let this bill go through, accept the committee amendment, which is nothing but a clean-up amendment of some details, and let the bill go through to second reading and on for engrossment.

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

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Fisheries Committee, I think I should clear up the statement that Mr. Morton made as to his puzzlement as to why we signed this report out the way we did.

We did have a good hearing and it was the almost unanimous feeling of the committee that this bill was just one of those bills that was unnecessary. There are very, very few of these vehicles in the state. They are posing no problem to the landowners and certainly there is no need to start registering these vehicles.

There will be a cost involved in this bill, that is not included in the amendment, so I would hope that you would go along and vote against the minority report. There is approximately a net cost of \$3,000 on this bill and we just think this is a bill that is going to be regulating something that is unnecessary to be regulated.

The Maine Farm Bureau opposes this bill, very strongly. They see this measure as another bill that will be infringing the rights of farmers to use their own vehicles.

I would hope this morning that you would join with the committee and vote against the motion to accept the minority report.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Farmington, Mr. Morton, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-295) on Bill "An Act to Require the Purse Seine Season in Washington County to Close on September 15th" (H. P. 321) (L. D. 425)

Report was signed by the following members:

Messrs. SHUTE of Waldo  
SILVERMAN of Washington  
CHAPMAN of Sagadahoc  
— of the Senate.

Messrs. KIESMAN of Fryeburg  
HANSON of Kennebunkport  
BUNKER of Gouldsboro

Mrs. POST of Owl's Head  
Mr. FOWLIE of Rockland  
Mr. BOWDEN of Brookline  
Ms. SMALL of Bath  
Mr. BLODGETT of Waldoboro  
Mr. NELSON of Roque Bluffs  
— 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. JACKSON of Yarmouth  
— of the House.

Reports were read.

On motion of the gentleman from Rockland, Mr. Fowlie, the House accepted the Majority "Ought to Pass" Report and the Bill was read once.

Committee Amendment "A" (H-295) was read by the Clerk and adopted and the bill assigned for second reading tomorrow.

#### Divided Report

Majority Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act to Provide Information Assistance Under the Public Utilities Law" (H. P. 1064) (L. D. 1318)

Report was signed by the following members:

Mr. DEVOE of Penobscot  
Mrs. TRAFTON of Androscoggin  
Mr. COLLINS of Knox  
— of the Senate.

Messrs. DAVIES of Orono  
REEVES of Newport  
BERRY of Buxton  
CUNNINGHAM of New Gloucester  
VOSE of Eastport  
LOWE of Winterport

Mrs. BROWN of Livermore Falls  
Miss NELSON of Portland  
Miss GAVETT of Orono  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:  
Mr. McKEAN of Limestone  
— of the House.

Reports were read.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I move that we accept the Majority "Ought Not to Pass" Report.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: As I look at the report on this, it kind of scares me away. If you would bear with me just a few moments, I would like each and every one of you, if you would please, put a dollar in an envelope and send it to me. Would you do that? If you would, then ladies and gentlemen of the House, you are a sucker, because I am not going to give you anything for it, I just want your dollar.

This is the same feeling I get on this bill. It is like going down to the local hamburger joint

and you order a hamburger and the guy hands you a bill. You never did get your hamburger but he wants you to pay for it.

It seems unreasonable to me that everytime we have a bill on public utilities, they always have so much technology that they pick out mistakes in your bill, the computer can do everything in the world on behalf of the utility, but what does it do on your behalf and what does it do on behalf of the people that you represent? It is impossible, we just can't do this. This is the word that we get all the time.

If it is on the side of the utility—oh, it is possible because of the technological advances. If it is on the side of the consumer, it is impossible, we just can't do it.

All I think I am asking is this—give us a fair shake. We are not saying that if you can give us a number that we need when we ask for assistance that we wouldn't pay you for that 11th call, we would be glad to, that is no problem. We are being fair, but if you cannot perform the service that we request why should we have to pay for it?

I think it is as simple as that. They say, well, someone is going to have to pick up the tab for this. That is great, but they fail to say that you still have to go through the PUC for a rate raise. The amount of money involved here is not enough to cause a rate raise. They didn't tell you that. There is so much they don't tell you. I think that is what perturbs me the most.

On behalf of those people that are tired of paying for something they are not getting, I would hope that you would not accept the "Ought Not to Pass" Report and accept the "Ought to Pass" Report.

If anyone wants to kill a good consumer bill like this—gosh, let's not do it here.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I couldn't agree more. After the hearing, I was all set to say "Ought to Pass" on this bill. As a matter of fact, I did sign it "Ought to Pass" and then changed my mind, because coming down the road right behind this bill is another one, 1402. It does the very same thing except it requires that the Public Utilities Commission do this very thing. I was concerned.

You know, if you move into a town after the date that a telephone company, in its infinite wisdom from time to time, does make a mistake and doesn't put your name in the directory, if anyone wishes to call you, particularly if you are a business, it costs more money for them.

Now, I know everyone has 10 calls free, the first 10 calls, but why should you be forced to pay for a mistake made by the telephone company? They did not put your name in the registry because of a mistake or if you moved in after the date. Now, I am in thorough agreement with this first bill. However, the next bill, 1402, does it and does it better. That is why I say "Ought Not to Pass" on this one and let's talk about 1402 in a couple of weeks when it comes out of committee, probably unanimous "Ought to Pass".

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am looking at L. D. 1402. I have no assurance that that bill is going to come out of that committee "Ought to Pass" unanimous. I wish I did but I do not have that assurance.

Another thing, this bill tells me nothing about how I don't have to pay or a service that I am not getting. This is the basic idea in the bill we are debating now. I don't want to pay for something that I am not getting. I don't think you do and I don't think the people at home do either. So, again, I must argue, let's send this bill out "Ought to Pass", let's not kill it at this end.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to get into the debate, but since I am the sponsor of 1402, I think that the committee is in error—1402 does not deal with the same problems that 1318 does. 1318 deals with the problem of directory assistance that is being billed for a number that doesn't exist. You have to call to get that number and it seems to me that if it is not readily available to us in the telephone book, we shouldn't be charged for it, it is impossible for us to get that number unless we call the telephone company to get that number. 1402 takes care of the problem of the customer that is simply not listed and says that the telephone company has to have a supplemental directory for the people that are not listed. So, to me, 1402 is more of an individual customer bill, whereas 1318 takes care of the problem of directory assistance. I agree with Representative McKean. I think that 1318 is a good bill.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question through the Chair?

The SPEAKER: The gentleman may pose his question.

Mr. TARBELL: With respect to this bill we have before us on directory assistance telephone calls, I think that the point that was just made by Representative Wood about some numbers are not readily available in the telephone books and therefore you must have to call the directory assistance in order to get them.

Does this bill distinguish between those calls that are in the book and those that are not in the book? Is there any way to distinguish that or take care of that?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: The bill only deals with numbers that are not listed in the phone book or numbers that have come out since the book was printed. There was a bill earlier in the session, which was killed in committee, which would have covered all directory assistance requests from the public. This one deals with only the numbers that are not published.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: If I could pose just one more question.

How is that discrimination made? Is it made by a computer that the phone company would have or how do they actually segregate out those that were unnecessary as opposed to those that are necessary because the numbers were not in the phone book? Does the bill address that?

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed additional questions through the Chair to any member who cares to answer.

The Chair recognizes the gentleman from Auburn, Mr. Michael.

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: The bill itself doesn't address that issue. However, I know that whenever I call the operator, they seem to know everything. I am sure it would be a minor problem to figure out who is in the book or who isn't in the book, just by when you contact that operator.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I just thought maybe you might want to see the difference in the two bills by simply reading the differences in the Statement of Fact of both bills. 1318 says that

the purpose of this bill—that is the bill that we have before us that we are voting on now—is to prohibit telephone companies from charging for directory assistance and locating newly listed telephones.

The other bill, which is 1402, states, "The purpose of this bill is to require the Public Utilities Commission to promulgate rules and regulations dealing with telephone directories, including therein a provision for publication of names, addresses and phone numbers of telephone service customers whose directory listing is omitted or erroneously listed." It seems to me, and I am neither sponsor of either bill, and I must admit I am quite vocal on my feelings about the telephone company and the irritation of being charged when you call for information and even "Information" doesn't have the information, I just feel that 1402 is a much more reasonable bill and the way to approach it in a more encompassing way rather than 1318.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mrs. Nelson, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken. 22 having voted in the affirmative and 75 having voted in the negative, the motion did not prevail.

Thereupon the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

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.

#### Divided Report

Eight Members of the Committee on Aging, Retirement, and Veterans on Bill "An Act to Improve Survivor Benefits under the Maine State Retirement System" (H. P. 260) (L. D. 341) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-299)

Report was signed by the following members:

Messrs. CHURCHILL of Orland  
THERIAULT of Rumford  
Mrs. NELSON of Portland  
Messrs. PAUL of Sanford  
DELLERT of Gardiner  
LOWE of Wintport  
STUDLEY of Berwick  
HICKEY of Augusta

— of the House.

Four Members of the same Committee on same Bill reports in Report "B" that the same "Ought Not to Pass"

Report was signed by the following members:

Messrs. TEAGUE of Somerset  
LOVELL of York

— of the Senate.

Messrs. HANSON of Kennebunkport  
REEVES of Newport

— of the House.

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-300)

Report was signed by the following members:

Mr. SILVERMAN of Washington

— of the Senate.

Reports were read.

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

Mrs. NELSON: Mr. Speaker, I move that we accept the "Ought to Pass" Committee Report

with Amendment "A".

The SPEAKER pro tem: The gentleman from Portland, Mrs. Nelson, moves that Report "A" be accepted.

The gentleman may proceed.

Mrs. NELSON: Mr. Speaker and Members of the House: Virtually every benefit portion of the Maine State Retirement System has been changed since the beginning of the 1970's in order that benefits reflect more accurately and equitably the cost of living requirements of this decade. This bill only attempts to adjust this portion of the law relating to survivors of members and their benefits which have not been changed since 1965.

Committee Amendment "A" is different from the bill that you have and I hope you will read Committee Amendment "A." It merely raises the bottom level, the floor, from \$100 to \$125 a month. If you will follow along with Committee Amendment "A," it says that the bottom level is raised \$25 no matter what. With one child, will be paid not \$200 a month but \$125. Three children or more shall be paid \$200 and we have changed it to \$250 a month.

You all know, I am sure, what it is like to live on a fixed income. These are people who have paid into the system and who have died and have given their benefits to their wife or spouse and their children. Some people are living on \$100 a month. We, in our infinite wisdom, part of us on the committee, felt the right way to go is to say to the people, we understand, you can't live on a hundred dollars a month, and \$125 is a beginning. It is not perfect, it is not a lot of money, perhaps for some it is too little, but we felt that it is the right way to go. We are raising it \$25 a month at the bottom level, the minimum amount of money for survivor benefits. I do hope that you will go along with this report.

Thereupon, on motion of Mrs. Nelson of Portland, Report A was accepted and the bill read once. Committee Amendment "A" (H-299) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

#### Consent Calendar

##### First Day

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

(S. P. 376) (L. D. 1156) Bill "An Act Relating to the Plumbing and Subsurface Disposal Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-122)

(H. P. 863) (L. D. 1062) Bill "An Act to Provide for Voter Approval of School Construction Projects" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-303)

No objections being noted, the above items were ordered to appear on the Consent Calendar of May 2, under listing of Second Day.

#### Consent Calendar

##### Second Day

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

(H. P. 164) (L. D. 196) Bill "An Act Relating to Action by the Public Utilities Commission on Petitions by Electrical Companies for Certificates of Public Convenience and Necessity" (C. "A" H-298)

(H. P. 755) (L. D. 937) Bill "An Act to Permit Depuration Facilities to Operate during Red Tide" (C. "A" H-296)

(H. P. 1133) (L. D. 1401) Bill "An Act Concerning Warning Signs Posted at Certain Railroad Grade Crossings under the Public Utilities Commission" (C. "A" H-290)

(H. P. 1129) (L. D. 1398) Bill "An Act to Increase Fees Charged by Bail Commissioners" (C. "A" H-293)

No objections having been noted at the end of the Second Legislative Day, the House Papers



were passed to be engrossed and sent up for concurrence.

(H. P. 1139) (L. D. 1518) Bill "An Act to Merge the Septage and Hazardous Waste Law into the Solid Waste Law and to Conform them with the Requirements of the Federal Resource Recovery and Conservation Act"

On the objection of Mr. Blodgett of Waldoboro, was removed from the Consent Calendar.

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

(H. P. 1256) (L. D. 1510) Bill "An Act to Provide for Ancillary Complaints in Second Offense Operating under the Influence Cases" (C. "A" H-294)

(H. P. 701) (L. D. 861) Bill "An Act to Amend the Alternative Method of Support Enforcement" (C. "A" H-292) (Later Reconsidered)

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

#### Passed to Be Engrossed

Bill "An Act Concerning the Liability of Landowners for Recreational or Harvesting Activities on their Land" (H. P. 1350) (L. D. 1588)

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

#### Amended Bills

Bill "An Act to Prohibit a School District from Offering Driver Education Course for a Fee to a Student when a Duly Licensed Commercial School is Available" (H. P. 237) (L. D. 283) (C. "A" H-274)

Bill, "An Act to Revise the Qualifications for Burial in the Veterans Memorial Cemetery" (H. P. 923) (L. D. 1138) (C. "A" H-264)

Bill "An Act Concerning Access by Physically Disabled Persons to Certain Public Facilities" (H. P. 707) (L. D. 891) (H. "A" H-297 to C. "A" H-283)

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

#### Bond Issue

##### Passed to Be Enacted

An Act to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for Local Government Buildings and Public Care Institutions (H. P. 908) (L. D. 1132)

Was reported by the Committee on Engrossed Bills as truly and strictly Engrossed. In accordance with the Provisions of Section 14 of Article IX of the Constitution and a two-thirds vote of the House being necessary, a total was taken. 109 voted in favor of same and 7 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate

#### Failed of Enactment Emergency Measure

An Act to Provide for Consistent Hours of Operation by State Retail and Agency Liquor Stores (S. P. 293) (L. D. 854) (C. "A" S-117)

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

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

Mr. PEARSON: Mr. Speaker, I would like to pose a question through the Chair to anybody who may care to answer, and that is, does this mean that agency stores will be open the same time as state-operated liquor stores? Would they all be open the same amount of time? Just exactly what does this do?

The SPEAKER pro tem: The gentleman

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

The Chair recognizes the gentleman from Van Buren, Mr. Violette.

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does, it gives the commission the flexibility to allow stores which have agency stores, it allows the commission to allow those stores to be able to operate the agency part of the store concurrent with the same hours that they have under the malt beverages. While they can sell malt beverages now, they can't open up the liquor part of the store because the hours are nonconcurrent, as the law exists now, and all we want to do is straighten that problem out. So, if the store is open at eight o'clock and they're selling beer and wine, the liquor part of the store can also be open. As it is now, it can't be opened. All this would do is make the hours consistent with the sales of the malt beverage part of the store. It doesn't affect state hours at all, it would be agency stores.

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

Mr. MARSHALL: Mr. Speaker, I would request the Clerk to read the Committee Report, please.

Whereupon, the Report was read by the Clerk.

The SPEAKER pro tem: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the house was taken.

Mr. Violette of Van Buren 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. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER pro tem: The pending question before the House is on passage to be enacted as an emergency measure. Those in favor will vote yes; those opposed will vote no.

YEA — Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Bordeaux, Boudreau, Brannigan, Brennerman, Brown, D.; Brown, K.C.; Bunker, Call, Carroll, Carter, D.; Cloutier, Conary, Connolly, Cunningham, Dellert, Dow, Drinkwater, Dudley, Dutremble, D.; Dutremble, L.; Elias, Garsoe, Gavett, Gould, Gwadosky, Hickey, Hobbins, Huber, Hutchings, Jackson, Jacques, E.; Jacques, P.; Kane, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lowe, MacEachern, Masterman, Matthews, Maxwell, McKean, McSweeney, Michael, Nadeau, Nelson, M.; Norris, Paradis, Paul, Payne, Reeves, J.; Rolde, Rollins, Roope, Sewall, Simon, Small, Soulas, Stetson, Studley, Theriault, Tozier, Tuttle, Twitchell, Violette, Wentworth, Whittemore, Wood.

NAY — Aloupis, Berube, Birt, Blodgett, Brodeur, Brown, A.; Brown, K.L.; Chonko, Churchill, Cox, Curtis, Damren, Davis, Dexter, Fenlason, Fillmore, Fowle, Gillis, Gowen, Hall, Hanson, Higgins, Howe, Hughes, Hunter, Immonen, Joyce, Kany, Laffin, Locke, Lougee, MacBride, Mahany Marshall, Martin, A.; Masterton, McHenry, Mitchell, Morton, Nelson, A.; Pearson, Peltier, Peterson, Post, Reeves, P.; Sherburne, Silsby, Smith, Sprowl, Stover, Tarbell, Tierney, Torrey, Vincent, Wyman.

ABSENT — Bowden, Carrier, Carter, P.; Davies, Diamond, Doukas, Gray, Jalbert, Kelleher, Leonard, Lizotte, Lund, McMahon, McPherson, Nelson, N.; Prescott, Strout, Vose, The Speaker.

Yes. 77; No. 55; Absent. 18.

The SPEAKER pro tem: Seventy-seven having voted in the affirmative and fifty-five in the negative, with eighteen being absent, the Bill fails of enactment.

Sent to the Senate.

#### Passed to be Enacted Emergency Measure

An Act to Assist in the Use of Foreign Trade Zones (H. P. 944) (L. D. 1174)

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

#### Finally Passed Emergency Measure

RESOLVE, Providing for a Study to Determine the Need for and Location of an Additional River Crossing Between the City of Bath and the Town of Woolwich (H. P. 920) (L. D. 1128) (C. "A" H-247)

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

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

Mr. PEARSON: Mr. Speaker, I notice in the amendment on this particular bill that the appropriation has been changed from Bath to Woolwich, and that is, has either one of those towns or both of those towns indicated any desire to also help fund the study for this river crossing?

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

The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker, Ladies and Gentlemen of the House: the answer is that the question has never been brought up, so I couldn't give you an affirmative. I can just tell you that there is a concern in the area that we do need a bridge now, at least we feel we do. It has been unanimous, I have absolutely no opposition to the bill.

We amended it down from \$50,000 because all we want to do is simply get the wheels in motion, determine exactly what the need is for a bridge and, obviously, there is not enough money in the State of Maine to fund the bridge and with this study, hopefully we can impress upon the federal government that there is a need and eventually have them come to our rescue.

The SPEAKER pro tem: The pending question is on final passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

111 having voted in the affirmative and four having voted in the negative, the Resolve was finally passed.

Signed by the Speaker and sent to the Senate.

#### Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1979 (H. P. 1320) (L. D. 1568)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all members elected to the House being necessary, a total was taken.

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



**Passed to Be Enacted**

An Act Concerning Unemployment Compensation Benefits for Employees Formerly Working for a Bankrupt Employer (S. P. 92) (L. D. 178) (C. "A" S-115)

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

**Enactor****Tabled and Assigned**

An Act to Simplify the Requirements for Licensing Certain Clergymen to Perform Marriages (S. P. 287) (L. D. 847) (C. "A" S-116)

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

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

Mr. WYMAN: Mr. Speaker, I would like to pose a question through the Chair. I was just wondering if someone could simply explain what this bill does. I was a little bit curious by the title as to exactly what the effects of it are.

The SPEAKER pro tem: The chair recognizes the gentleman from Farmington, Mr. Morton.

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from Pittsfield had not risen, I was going to rise and ask the same question.

I have looked at the bill, which is a committee redraft, and I find that for some reason or other the sponsor or the committee feels that it is necessary to exempt from the necessity of becoming licensed for the purpose of performing marriages, clergymen who represent sects or denominations that have been in business for over 50 years. I just don't understand this, but I am not sure I like the implications of it. It disturbs me a little bit that anybody can be performing marriages without being properly licensed by the state. Therefore, I would like a little more explanation of why we need this at all.

The SPEAKER pro tem: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: If I am correct, there is a Committee Amendment, if you will check on that, Committee Amendment "A", and the purpose of the amendment was to remove the so-called 50 year existence of any church or organization because we do have many churches that are being formed today that wouldn't meet the criteria.

Now, the reason this bill was introduced in the first place is that a state license is required to simply perform, the marriage is no problem, but to get it recorded in the State of Maine a license is required.

I was hoping not to speak on this today but I will do the best I can to try to relate what has happened. Many churches have had visiting priests come to the church and have performed marriages. It happens, many times, on the Canadian border and it also happens near the Portland area. The priest comes in and he performs a ceremony and if he is not licensed by the State of Maine, the ceremony is not recorded in the State of Maine. So, consequently, in the eyes of the church, you are married, but in the eyes of the state, you are not married. Now, the foreign countries avoid this and they perform two ceremonies. They have a civil ceremony and they also have a church ceremony.

What this act is trying to do is give a blanket coverage to a church and the church will have the license and then if you do get a visiting priest, all he has to do is put in his name and then he is indirectly being licensed, so that when he does perform the wedding, it can then be recorded by the state. I hope this answers your question.

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

On motion of Mr. Marshall of Millinocket, tabled pending passage to be enacted and tomorrow assigned.

An Act to Clarify Motor Vehicle Registration and Operator Licensing Requirements of Non-residents (H. P. 198) (L. D. 247) (C. "A" H-246)

An Act to Establish Physical Boundaries for Deer Hunting Zones (H. P. 299) (L. D. 394) (C. "A" H-233)

An Act to Provide for a Junior Archery License (H. P. 493) (L. D. 619) (C. "A" H-248)

An Act to Require Lobstermen to Use Only One Buoy Color Combination (H. P. 512) (L. D. 628) (C. "A" H-253)

An Act to Require the Disclosure of Relevant Information in Workers' Compensation Rate Filing Proceedings (H. P. 605) (L. D. 760) (C. "A" H-254)

An Act to Require that Certain Information be Provided by Insulation Installers (H. P. 698) (L. D. 909)

An Act Prohibiting any Person from Selling or Offering for Sale or Exchange to a Minor any Product which Seeks to Imitate an Alcoholic Beverage by Looks, Taste and Smell (H. P. 826) (L. D. 1024)

An Act to Provide Ferry Service to Matinicus Plantation (H. P. 984) (L. D. 1193) (C. "A" H-256)

An Act Relating to Mining on State Lands (H. P. 1001) (L. D. 1247)

An Act to Clarify Transfers from County Jails to the Correctional Facilities (H. P. 1123) (L. D. 1393)

An Act to Conform the Health Maintenance Organization Act of 1975 to the Maine Certificate of Need Act of 1978 (H. P. 1142) (L. D. 1395)

An Act to Remove the Limitation on Outside Earnings of Disability Retirement Allowance Recipients (H. P. 1137) (L. D. 1403)

An Act Relating to the Division of Probation and Parole (H. P. 1165) (L. D. 1430)

An Act to Clarify the Uniform Act for Out-of-state Parolee Supervision (H. P. 1164) (L. D. 1438)

An Act Relating to the Transfer of Prisoners to Federal Penal Institutions (H. P. 1166) (L. D. 1441)

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

**Orders of the Day**

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" — Committee on Education on Bill, "An Act to Extend the National School Breakfast Program Availability to Maine School Children" (H. P. 660) (L. D. 820)

Tabled—April 27, 1979 by Mr. Connolly of Portland.

Pending—Motion of Mr. Fenlason of Danforth to Indefinitely Postpone Bill and all accompanying papers.

(Roll Call Requested)

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: First, Mr. Speaker, has a roll call been requested on this?

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would hope that you would oppose the motion to indefinitely postpone this bill.

The arguments that the opponents to this legislation gave the other day when the motion for indefinite postponement was made, they used the principal idea of local control and it was

said, at that time, that if this bill were to pass, all schools, all communities in the State of Maine would be required to set up a school breakfast program in their community. The bill that is before us does not mandate that at all. The bill would only require communities to set up a breakfast program, where 50 percent or more of the students that are enrolled in that particular school, have been determined to be especially needy. Especially needy is a term dreamed up by the federal government that means that students are entitled to a free or reduced price lunch because of the income of their family.

It has been demonstrated, it seems to me, time and time again, the value of the breakfast program and children who go to school hungry don't learn. There was testimony that was presented to the committee, at the time of the hearing, that spoke of a recent survey that was undertaken in Franklin County that said over 50 percent of the children that go to school in Franklin County had inadequate breakfasts. Of those 50 percent, almost 60 percent of those children had gotten their own breakfast. The reasons that the opponents to this legislation would have you believe that such a program as this is necessary is that parents are neglectful and that the schools shouldn't be required to step in and act as a substitute parent.

While I won't disagree that there are some parents in this state, who are neglectful in terms of providing their children with a breakfast before they go to school, that isn't the principal reason why children go to school hungry. There are a lot of different reasons. Most of it centers around bad nutritional habits that many of our families, particularly our lower income families have.

During the last session of the legislature, we had a bill before us that was essentially the same as this particular one. The Committee and the Legislature decided, at that time, they would pass that legislation, but instead, through the Department of Education, a program to encourage schools in the state to set up a breakfast program would be initiated. For the last year, year and a half, the Department of Education has been going around the state informing schools what the breakfast program is all about, the fact that it doesn't cost them any money, that all the costs would be reimbursed to them by the federal government through the Department of Education. As a result of that program in the Department of Education, not one school in the State of Maine set up a breakfast program. That program of encouragement was a total failure.

The argument is made that this is a decision that should be left up to the local communities, the local school boards. But in evidence that was presented before the committee, and was also supported by the lobbyist for the Maine School Board Association, who was opposed to the bill, it seems that in many of our communities where most of the people who serve on school boards come from middle class backgrounds, there is deep seated philosophical reasons for opposing this kind of legislation. They don't understand why it is that children go to school hungry, they can't comprehend the fact that such a program as this would be necessary.

It amazes me that this legislature can support mandation of a school lunch program but, at the same time, would leave the question of a breakfast program optional.

I would hope that you would oppose the motion of indefinite postponement so that we might get this bill passed.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: As the gentleman from Portland, Mr. Connolly stated, this bill, or essentially this bill, was before us last session and we voted not to pass it. I still insist

that this bill is an extreme violation of local control.

At the present time, any school system in the State of Maine can have a breakfast program if they so desire. There is nothing to stop them. We do have localities, particularly in the rural areas, where the implementation of a breakfast program would cause all kinds of problems. There are great problems with scheduling buses, where you have them coming in from long distances. Incidentally, where those buses come in from long distances, I am sure you will find that the children eat before they leave home. This is the reason that some towns, who have put in programs, have taken them out again, for lack of participation.

I realize that particularly in the cities, this bill or this idea, not the bill, but in the cities I am sure that the city councils or the city school boards can mandate a breakfast program if they want to. I will repeat what I said the other day, we don't need it in the rural areas, to be mandated and I trust you will vote to indefinitely postpone this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I do hope you will support the motion for indefinite postponement. The only area in which I agree with Representative Connolly is that I, too, am amazed that we mandated school lunch programs on local communities but we did that and now we are talking about mandating school breakfast programs in local communities wherever, under federal guidelines, 50 percent of the people are needy.

I think those federal guidelines are quite liberal and could amount to a severe mandation. Where are we going with all this? What will be next? In the course of two weeks, we have talked about breakfast and lunch, what comes next, supper? After that, what do we do, keep the children there at night to sleep at the school and not let them go home because they might not have good care at home. There is some risk to being a free man in a free society.

I would point out to those that are fearful about full bellies in the morning, that it doesn't always revolve around economics. I didn't have any breakfast this morning myself and it amounted to just plain self-neglect.

I would also refer you to the thermos bottle, an invention that was made by a renown Harrison native, the brown bag, it was Throckmorton Brown.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how you can begin to top the former speaker.

I think there is something vitally important here to remember and that is the cities are participating. We are concerned about the rural areas. When the bill was before us in the last session, and I will repeat what Representative Connolly has told you, the Education Committee took a back-off position and we asked the Department of Education to work closely with school systems, throughout the state, urging them to adopt a program. Not one school system since has adopted a program. The reasons are varied, mostly on philosophical grounds.

The program is totally self-supporting, at no cost to any school system. The department even has dollars available to help schools with whatever upfront costs they may be able to dream up.

What is happening is that schools fear the programs as they did the lunch program. I say, this is sad. I, personally, prefer a strong breakfast program over a lunch program.

Now, we on the committee who are supporting the middle maintain that if nothing happens with this program, our children are the losers. When kids are on buses for hours before they

get to their schools, we have statistics to support that a majority of them have had no breakfast given at home. So, if, in effect, they have gone to bed at seven or eight o'clock the night before, after a five o'clock dinner, you have got a fourteen hour gap before they get a chance to get a school lunch. I really think that the statistics from the health professionals, who tell us that a child who is hungry is not learning very well, are indeed right on line.

I would also note that once we adopt the policy of the school breakfast program statewide that the waiver provisions that are already in place for the lunch program will be in effect so that a school system, although we have said that we set the policy that we should have breakfast programs in our schools, need not be implemented because the waiver provisions for the lunch program certainly would apply. So, if a community says we have no need, the parents do not desire it, they can get out. They do not have to have the program. I think once a system starts the program, sees the value, the change in the students themselves, they will never let it go. Unfortunately, it is not being done voluntarily, and I say the time has come to make a decision, as we did with the lunch program. It was unpopular then. We do unpopular things up here, but in the long run, we find out they have a heck of a lot more value than we anticipated.

If we really believe in proper nutrition, if we subscribe to the thought that a child learns effectively, if he is not hungry in the classroom, if we subscribe to the fact that there are children who are not being attended to in their homes, does that mean we have to force it on all of them?

The key words in the bill are vitally important, "where pupils are identified as more than 50 percent needy." That will certainly tell a lot of school systems they do not have to even entertain the thoughts of having a breakfast program. So, I would urge you not to indefinitely postpone.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I hope you do go along and indefinitely postpone this bill. I would like to tell you a reason why.

I have lived in the same community for 59 years and I have seen more and more of us trying to erode the family's place as they should be in the home taking care of the children to begin with in the first part of the day.

Don't think because we live in the country that I don't have people in my district that work nights in the woolen mill, because I have plenty of them that work the second or third shift, but I guess it is a way of life. With many of people, they are there in the morning to see that the kids eat. Before long, if we are not careful, we aren't going to be feeding them their supper and then who is going to be there to look after the kids?

The SPEAKER pro tem: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: One of the things that we are faced with today is the large amount of people who live in poverty who don't have an opportunity to reap the benefits of our society. If we are going to help those children from families who are living in poverty, who live in situations that prevent them from succeeding in life, then one of the best opportunities for those children is that we provide them with an equal education, an opportunity to learn. If we have hungry children in our schools, and I have had them in my classroom, those children don't learn and if we have a large amount of children in our society who don't learn, then our society suffers.

I would like to address the issue that was presented that this is an overwhelming task. I don't think it is too difficult to provide a fruit juice, milk, bread or cereal, that is all that is

required of the school breakfast program. The evidence that breakfast will help students learn is overwhelming, and it is quite clear to me that there are many children who are hungry, who come to school hungry.

One of the side effects of this program is that some of the \$8 million that is not being used, of federal funds that may be used, that would help our economic situation in the State of Maine.

People speak about philosophies and the philosophy from which this bill was presented and I will address you my philosophy. I think it is a philosophy of a man that I try to follow. I would like to read a little bit from what this man said. "The King will say to those in the right hand, come you, who my Father has blessed, take for your heritage the kingdom prepared for you since the foundation of the world, for I was hungry and you gave me food; I was thirsty and you gave me drink; I was a stranger and you made me welcome; naked and you clothed me; sick and you visited me; in prison and you came to see me." The virtuous will say to him in reply: "Lord, when did we see you hungry and feed you or thirsty and give you drink; when do we see you as a stranger and make you welcome; naked and clothed you; sick or in prison and go to see you," and the King will answer: "I tell you solemnly, insofar as you did this to one of the least of my brothers, you did it to me."

Next he will say to those in his left hand, "Go away from me with your curse upon you to the eternal fire prepared for the devil and his angels; for I was hungry and you never gave me food; I was thirsty and you never gave me anything to drink; I was a stranger and you never made me welcome; naked and you never clothed me; sick and in prison and you never visited me." I think that philosophy is one that I believe in.

I think it is difficult and I am a little saddened by those who are not supporting this bill, not so much of how it is going to negatively affect the children but for their own point of view, their own personal philosophy, what is most important? I would hope that when we have children who are there and we see that they are hungry, that we will, in our own purpose, in our compassion and our own caring, that we will feed those children.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair would thank the gentleman from Windham, Mr. Diamond, for presiding as Speaker pro tem.

Thereupon, the Sergeant-at-Arms escorted Mr. Diamond to his seat on the floor, amid the applause of the House, and Speaker Martin resumed the Chair.

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

Mr. FENLASON: Mr. Speaker, Ladies and Gentlemen of the House: It seems that there are a few more points which have to be covered. Initially, I am getting a little tired of being told that there is federal money and we ought to reach out our grubby paws and grab it before somebody else does, even if we don't need it.

I want to tell you a little bit about my part of the country. It is a long way away from here but we do have electricity and we do have great big white boxes which are known as deep freezers, and in those deep freezers, we have things like quarter or a half a deer, we also have some salmon, we have some togue, we have some perch, and down in the corner of the kitchen we have a barrel of potatoes. Besides that, the backwoods people have a knowledge of how to make cream of tarter biscuits. If you haven't had cream of tarter biscuits made by a good woods cook, you haven't lived.

With all of these assets, I am sure that our children get fed in the morning. As a matter of fact, I have made survey. I went to many of my

people and described this thing and the almost universal reply was, "Harold, you mean we are not feeding our kids in the morning?" Believe me, we 'ain't' that stupid.

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

Mr. BROWN: Mr. Speaker, Men and Women of the House: One of the former speakers, the good Representative from Portland, Mrs. Beaulieu, I think hit the nail right on the head when she described many of the social problems facing our society. She said that the city was addressing many of these problems and that they were concerned about those of us, those of us who are unfortunate individuals that live in the country, those rural folks who don't know how to take care of themselves. I would reply to the good lady, that I don't adopt that philosophy. I think the good rural folks of Maine know very well how to take care of themselves, as the previous speaker, Mr. Fenlason, very aptly pointed out.

Mrs. Beaulieu also touched on an item that concerns me very much and that is good nutrition. While the hot lunch program may meet the minimum standards, minimum federal standards that are required as far as good nutrition is concerned, I don't believe they exceed those requirements by very much. I think if we get into this breakfast program, I think we are going to see our children having fruit loops, sugar frosted flakes, chocolate milk, and if that doesn't all add up to the caloric requirement of the federal government, they may even throw in a blueberry muffin and, believe you me, the children will be awake from then until noon.

I suggest that we give this bill the burial that it deserves, and I urge you all to vote for indefinite postponement.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the arguments of Representative Hall and Representative Fenlason, if it can be demonstrated to the satisfaction of the Department of Education that even though the communities in which you live have more than 50 percent of their children that are designated especially needy, if it can be demonstrated to the Commissioner that there is no need for the program in a particular school because the kids already eat at home, then that school can be granted an exemption.

In response to the remarks to the last speaker, I would just like to read to you one paragraph from a statement that was presented to the committee that deals with the survey in Franklin County and Franklin County, it seems to me, is not an urban area, it is a rural area.

In Maine, a study of 200 third and fourth graders in rural Franklin County found approximately 50 percent have inadequate breakfasts. Another study of 148 rural school children, grades four through eight, showed and 27 percent had no breakfast at all. It is a problem that affects the rural areas as well as the urban areas. It just so happens that it is the urban areas that right now have seen fit to address the problem for the most part. But to portray this as a problem that only affects the urban areas is inaccurate.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to respond to Mr. Brown by saying that I am the gentlelady from Portland via Eagle Lake, very proud of it, too.

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

Mr. TARBELL: Mr. Speaker, I would like to pose a question through the Chair.

Is it not possible under the currently available federal program that any local communities throughout the state that might fit within these guidelines of poverty could apply and could be reimbursed by federal funds? I think the testimony in the speeches on the floor of

the House indicate that, and if there are such communities throughout the state, why have not communities availed themselves of this? Is there no local concern for this?

It just seems implausible to me that we have got such a dire problem in various pockets, in places throughout the state, that there are not communities that are really addressing this on a local level. Rather than us passing a law which is going to mandate and blanket as a general rule that where these 50 percent poverty facts exist we have to have the program unless you can move out from underneath it with an exception or a waiver from the Department of Education. I think it is a difference in emphasis, whether or not it is going to be addressed by a local basis or whether or not we are going to have a blanket policy unless you can carve out an exception by a waiver. I think that that is the thing that concerns me the most and I wish we would have some more speech on that.

The SPEAKER: The gentleman from Bangor, Mr. Tarbell, has posed a question through the Chair to anyone who may answer if they so desire.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: To answer your question, at the hearing that we had on this bill both last year and again this year, we had people who came before us and told us the problem is not the concern over the mandation, it is a matter of philosophy at the board levels who make the decisions as to what will be adopted for school programs or not. One school member at this last hearing stood up and she said, "I am one of a board of seven or eight. I am the only one on the board that is in favor of this bill. The others don't want it because they refuse to see that we have the problems in our community. They refuse to believe that there are low income, middle income, and children coming from well-to-do families who are not getting breakfast at home. She said, I can fight until I am blue in the face, but I am not going to make it because I am only one vote, and she says, until the state takes the initiative to say "you shall" with the option of not having to through the waiver, nothing will ever be done. We heard this last time, we heard it again this time.

Representative Connolly hit the nail right on the head when he said those who are sitting at the board levels tend to be people who don't know what it is like to go hungry or they are people who do take care of their own families, but too often they refuse to recognize what is going on with their neighbors.

It is a matter of philosophy, and you heard some of it here today. So I say, let's take the initiative, let's put the policy in place. We found the guts to do that with the school lunch program and most communities that have it wouldn't do without it now.

There is a waiver provision that they can get out if they don't want to adopt it, but until we take the bull by the horns, we are going to be left with an awful lot of disenfranchised young people.

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

Mr. TARBELL: Mr. Speaker, one brief point. I understand the explanation and I appreciate it, but it seems to me that school board members are elected individuals, elected representatives on the local level, and if you have got a community that is 50 percent poverty level, it would seem to me that the school board should at least be responsive to the plight of the people and the pleadings of the people, particularly if you have got 50 percent poverty level back home on the local level.

We have got local democracy now. Is the testimony, the statements here today that local democracy on the local level with the school board and the people simply being unheeded?

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly. This bill has been before us several times and every time I have made this statement—the only way that you can help a hungry kid is to feed him. You can talk about local control, you can talk about state control, you can talk about federal control, but the only way that you can help those kids, and I hope to God they are in the minority in this state, but you can help those that don't have it by feeding them.

Bite the bullet this morning and vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mrs. Gowen.

Mrs. GOWEN: Mr. Speaker, Ladies and Gentlemen of the House: I come from a rural area, I guess you would call it, some people call it the bedroom of Portland. We have a breakfast program, and I believe we have had it since 1974, when it was a national act. We have the largest breakfast program in the state. I don't think we are an especially poor area, but we found these kids, and it may be a small percentage, but we have got them and every school in my district, and there are eleven schools that have a hot breakfast—most of it is hot breakfast because they have the equipment in place for the lunch.

I talked to our superintendent last night. We didn't always get along when I served on the school board, but last night I said, give me some advice, give me some information—how does the breakfast program work? He said, if I had to give up one, breakfast or lunch, I would give up the lunch. I think it is very effective, it is very good.

There are hungry children in the State of Maine and there are hungry adults in the State of Maine. The State of Maine is the third poorest state in the nation, and I think we had better face it. We have got nutrition problems, we have got hunger problems, we have got both parents working. More women are abandoned in the State of Maine per capita, left with their children, than any other state in the nation.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Danforth, Mr. Fenlason, 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 Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I would like to pair my vote with the gentleman from Portland, Mr. Doukas. If he were here, he would be voting nay and I would be voting yea.

#### ROLL CALL

YEA — Aloupis, Austin, Berube, Birt, Blodgett, Bordeaux, Boudreau Bowden, Brown, D.; Brown, K. L.; Brown, K.C.; Bunker, Call, Carrier, Carter, D.; Carter, F.; Chonko, Churchill, Conary, Cunningham, Curtis, Damren, Davis, Dexter, Diamond, Drinkwater, Dudley, Du Tremble, L.; Elias, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Huber, Hunter, Hutchings Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Locke, Lougee, Lowe, Lund, MacBride, MacEachen, Masterman, Masterton, Matthews, Maxwell, McKean, McSweeney Nelson, A.; Paul, Payne, Pearson, Peltier, Peterson, Post, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Studley, Tar

bell, Theriault, Torrey, Tozier, Twitchell, Wentworth, Whittemore, Wood.

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Brown, A.; Carroll, Cloutier, Connolly, Cox, Dellert, Dow, Dutremble, D.; Fowlie, Gowen, Hobbins, Hughes, Kany, Laffin, Lizotte Mahany, Martin, A.; McHenry, Michael, Nadeau, Nelson, M.; Norris, Paradis, Reeves, P.; Rolde, Simon, Soulas, Tierney, Tuttle, Vincent, Violette, Wyman.

ABSENT — Berry, Davies, Howe, Jalbert, Kelleher, Leonard, McMahon, McPherson, Morton, Nelson, N., Prescott, Smith, Strout, Vose.

PAIRED — Doukas-Marshall

Yes. 93: No. 41: Absent, 14: Paired, 2.

The SPEAKER: Ninety-three having voted in the affirmative and forty-one in the negative, with fourteen being absent and two paired, the motion does prevail.

Sent up for concurrence.

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

Bill, "An Act to Clarify and Correct Laws Related to Real Estate Brokers and Salesmen" (S. P. 391) (L. D. 1202) — In House, Passed to be Engrossed as Amended by House Amendment "A" (H-261) on April 25, 1979; — In Senate, Senate Adhered to Passage to be Engrossed on April 27.

Tabled—April 30, 1979 by Mr. Vincent of Portland.

Pending—Further Consideration.

On motion of Mr. Vincent of Portland, retabled pending further consideration and tomorrow assigned.

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

Bill, "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the Age of 14 may be Asexualized" (H. P. 816) (L. D. 1018) — In House, Indefinitely Postponed on April 18, 1979.

(New Draft ruled "Not Germane") — In Senate, Majority "Ought to Pass" in New Draft (H. P. 1310) (L. D. 1564) Report accepted and New Draft Passed to Be Engrossed on April 27, 1979.

Tabled—April 30, 1979 by Mr. Garsoe of Cumberland.

Pending—Further Consideration.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering if it would be possible to recommit this bill to the committee to ask the committee to come out with a redraft that the Chair could find germane.

I have had quite a few conversations with people lately, and I know the situation is very serious in our state. There are many, many children who are being molested and we are not helping them at all.

I have a report from Carolyn McTeague in the Child Protective Services, and she told me that there were 189 cases reported last year, and that is just the tip of the iceberg, everybody says, it is really much more serious than that.

I think if any of you talked to teachers who teach in elementary schools, they will tell you that children are coming to their schools who they know are being molested.

We do know that there is a possible way to alleviate this human misery, I would have to call it, and I realize that there is a study order that has been tabled unassigned in this body, but we can't attend to that until the closing day of the legislature and then hope for the appropriation.

I think most of you are aware that we have appropriated \$24,000 and this money is waiting, it actually has been appropriated to work on the excavation where the Viking Coin was found. I support that, I think it is important,

but I think we ought to consider our priorities and I don't see how anybody could consider that a Viking Coin excavation is more important than trying to alleviate the misery of these children in our state. I wonder if this is something that we could do, to recommit the bill to the committee, ask the committee to come out with a draft that the Speaker of this body could find germane, and then we could act upon it? And I hope we could put an emergency clause on it so we could act upon it immediately.

Thank you, Mr. Speaker, and would you give me a ruling on that, please?

The SPEAKER: The Chair would advise the gentleman that the motion she wishes to make is not proper at this time. This is a non-concurrent matter.

Mrs. LEWIS: I wonder if you would advise me what parliamentary procedure I should use in order to arrive at the point where it could be recommitment.

The SPEAKER: The Chair would suggest one possible alternative, and that would be to insist and ask for a Committee of Conference.

Mrs. LEWIS: Mr. Speaker, I move that we insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Auburn, Mrs. Lewis, moves that the House insist and ask for a Committee of Conference.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I can see from the expression on the Speaker's face that this matter probably, in his estimation, should go to a committee of conference. I would like to make a few comments, though, on this particular issue.

The Judiciary Committee was presented a bill the first of the session, which we had a hearing on. The bill was asexualization; known in lay terms as castration. At that particular public hearing, the gentlelady from Auburn, Mrs. Lewis, presented a person from John Hopkins Medical School, Dr. John Money. At that time, Dr. John Money mentioned that drug treatment was a possibility as a cure or as a vehicle to impede that activity, either psychological or physical activity, which causes individuals to commit those types of crimes.

At that time, the Judiciary Committee felt that some type of order addressing this and many other problems should be looked at. It was the feeling of most people on the committee that this should not be addressed in bill form.

As you probably realize, during the course of our debate and during the course of the life of this bill, many snickers and comments were made. I would like to relate to you one example which was somewhat embarrassing to me. I was in Washington attending a Legislative Conference as a member of the subcommittee of the National Conference of State Legislatures. At that time, a legislator from the State of Iowa came over to me and saw my name tag and said, what kind of state have you got up in Maine? I understand you have got a bill to castrate people and then you have got a town in Maine that wants to pass a Proposition 13 without a surplus. In both instances, he was referring to my committee, where the bill was, and the City of Saco, which, as you know, passed a Proposition 13 without a surplus.

I think this issue has been around a long time and there have been a lot of somewhat embarrassing moments before our committee and comments from individuals throughout the state.

The good gentlelady from Auburn, Mrs. Lewis, attempted to bring in a person with an alternative remedy besides asexualization to this particular problem. He had some credibility, all members of the committee thought so, and it was thought that in some way this area could be addressed. There is a legislative order, which is a study order, which is on the table tabled unassigned. I think that is how we

should deal with this matter if we are going to deal with it in that fashion.

Mr. Speaker, I would ask for a division on this motion for a Committee of Conference. As you know, we have 20 legislative days ahead. Our committee has extensive work. Before the Judiciary Committee, we have a Probate Code, which is over 200 pages long, and we have many other bills and many other issues to address in the coming weeks.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: We know how a Committee of Conference works. It is not going to take that much time. I would hope we could give the gentlelady from Auburn, Mrs. Lewis, the courtesy to allow an insist vote and not defeat her intentions on a mere technicality.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to publicly apologize to everybody here if I have, through my efforts embarrassed people. That certainly was the last thing I wanted to do, is bring embarrassment upon this legislature or upon the State of Maine.

My purpose was really to try to help the serious situation of children being molested. I feel very badly that all the attention was put on the penalty that was in the original bill rather than on the very serious sickness that we have in our state. Please accept my apology.

The SPEAKER: A vote has been requested. The pending question is on the motion of the gentleman from Auburn, Mrs. Lewis, that the House insist and ask for a Committee of Conference. All those in favor will vote yes; those opposed no.

A vote of the House was taken.

80 having voted in the affirmative and 19 having voted in the negative, the motion did prevail.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act Authorizing the State to Contract with Tufts University School of Veterinary Medicine" (H. P. 411) (L. D. 528)

Tabled—April 30, 1979 by Mr. Connolly of Portland.

Pending—Adoption of Committee Amendment "A" (H-291).

On motion of Mr. Connolly of Portland, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

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

Bill, "An Act Relating to the Term of Membership on the Inland Fisheries and Wildlife Advisory Council" (H. P. 803) (L. D. 1006)

Tabled—April 30, 1979 by Mr. McHenry of Madawaska.

Pending—Adoption of Committee Amendment "A" (H-287)

Mr. McHenry of Madawaska offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-305) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading tomorrow.

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

Bill, "An Act to Provide for Lifeline Electrical Service" (H. P. 840) (L. D. 1043)

Tabled—April 30, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

Mr. Brenerman of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-304) was read by the Clerk.

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: I might as well explain this before Mr. Marshall asks me what it says.

This amendment does four things. First, it clears up language dealing with residency requirements so as to avoid statutory and constitutional conflicts.

Secondly, it redefines eligible customers as those in a household whose total income does not exceed \$6,500.

Thirdly, it allows the Public Utilities Commission to obtain assistance from other departments and agencies in determining eligibility of elderly applicants and in administration of the program. In that way, the departments of Human Services or Community Services, for example, could cooperate in implementing the lifeline program.

Finally, the amendment corrects the appropriation. When I had the bill drafted, Legislative Research used the \$1 million appropriation from the original bill of two years ago. I have since researched the issue and have found that the amended \$750,000 figure, while it may also be too high, more accurately reflects the cost considering the income and kilowatts guidelines on the bill.

I hope the House will adopt this amendment.

Thereupon, House Amendment "A" was adopted.

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

On motion of Mrs. Bachrach of Brunswick, the House reconsidered its action of earlier in the day whereby Bill "An Act to Amend the Alternative Method of Support Enforcement," House Paper 701, L. D. 861, was passed to be engrossed as amended by Committee Amendment "A" (H-292) pursuant to Consent Calendar rules.

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

Mrs. BACHRACH: Mr. Speaker, I observed that this is a unanimous committee report and I dare say I can't get into this legislation, but I would just like to have the members of the House know that this bill originally was intended to make the administrative process of support enforcement available to non AFDC mothers if they paid a small fee. The intent was to make this process available for people on very low incomes, in which case receiving the support payment from the fathers would make the difference between barely getting along and having to go on AFDC themselves.

I regret that the committee elected to completely remove this process and simply make a few changes in the law as it stands now, conforming it to the Administrative Procedures Law. I feel that this type of relief should be made available to low income people who would have trouble collecting money from absent fathers, and I regret that the committee has seen fit to remove this provision from the bill.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-292) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

On motion of Mrs. Mitchell, the House voted to take from the table the first tabled and unsigned matter:

An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition (Emergency) (H. P. 901) (L. D. 1117) — In House, Passed to be Enacted on March 27, 1979; — In Senate, Failed of Passage to be En-

acted on March 28, 1979.

Tabled—March 29, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mr. Tuttle of Sanford, the House voted to recede from its action whereby the bill was passed to be enacted.

On further motion of the same gentleman, the House voted to recede from its action whereby the Bill was passed to be engrossed.

On further motion of the same gentleman, the House receded from its action whereby Committee Amendment "A" was adopted.

Mr. Tuttle of Sanford offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-143) was read by the Clerk.

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

Mr. GARSOE: Mr. Speaker, I would pose a question to the House Chairman of the Education Committee, the Representative from Portland, Mr. Connolly. I had understood that in response to other action taken by this body, this bill was being held for the purpose only of being killed.

The SPEAKER: The gentleman from Cumberland, Mr. Garsoe, has posed a question through the Chair to the gentleman from Portland, Mr. Connolly, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CONNOLLY: Mr. Speaker and Members of the House: In response to the question, it was my understanding when the question was posed during the original debate on this bill that the bill would be killed. I think that was an assumption that a lot of us made based on what we thought the decision was going to be at the most recent meeting of the State Principals Association. However, we were informed earlier this week that the State Principals Association, by a vote of, I believe, 38 to 35, voted to sustain their position, that they would not allow Maine schools to participate in New England tournaments. Consequently, it was the feeling of the sponsor that he wanted to continue with the legislation and it was my feeling, since the State Principals Association stood fast to their position, that I concurred on that.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended in non-concurrence and was sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Carter of Winslow, adjourned until eight o'clock tomorrow morning.