

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
**OF THE**  
***One Hundred and Ninth***  
***Legislature***

**OF THE**  
**STATE OF MAINE**

**Volume II**

**First Regular Session**

**May 7, 1979 to June 15, 1979**

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## HOUSE

Wednesday, June 6, 1979

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

Prayer by Pastor Michael Adams of the Lutheran Ministry of Sebago Lake, North Windham.

Pastor ADAMS: Let us pray. Almighty, everlasting God, we thank you for this day, for the warmth of the sun, for the promise of a new life that we see around us in this Spring. Weshank ybu for the rest of the past night, for an opportunity for some of us to be with our families, with our children, we thank you for our homes. We ask this day that you would help us, that you would help us to make those decisions and judgments that affect the lives of others. Help us to do the things that are needful that we might be sensitive to the needs of those people to whom we serve. Help these Representatives to improve the quality of life in this state. We ask this day also for patience, for patience with each other, patience with ourselves. We ask for forgiveness, forgiveness for those things that we have left undone and those things we have neglected and those things we have done wrong. So, O Lord, we ask that you would send your spirit to guide us and to help us this day. Increase in us our faith and our trust in you, knowing that with you and in you all things are possible.

Again, we thank you as we stand at the beginning of this day and of this session. In Jesus strong name we pray this. Amen.

The journal of yesterday was read and approved.

## Messages and Documents

The following Communication:

COMMITTEE ON STATE GOVERNMENT  
June 5, 1979

The Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Joint Standing Committee on State Government is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Legislature.

Bills received in Committee	104
Unanimous Reports	81
Ought to Pass	14
Ought to Pass as Amended	15
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Ought Not to Pass	7
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Divided Reports	23
Bills held in Committee	0

Respectfully yours,  
S/Representative JUDY C. KANY  
House Chairman

The Communication was read and ordered placed on file.

## Orders

The following Joint Order (H. P. 1490) an Expression of Legislative Sentiment recognizing that:

David A. Kriger, son of Mr. & Mrs. James S. Kriger of 13 Larchwood West, South Portland, is Valedictorian of the Class of 1979 at South Portland High School.

Presented by Mr. Cloutier of South Portland.  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1491) an Expression of Legislative Sentiment recognizing that:

David Rallis, son of Mr. & Mrs. Roy Rallis, 1651 Broadway, South Portland, is Salutatorian of the Class of 1979 at South Portland High School.

Presented by Mr. Cloutier of South Portland.  
The Order was read and passed and sent up

for concurrence.

The following Joint Order (H. P. 1492) an Expression of Legislative Sentiment recognizing that:

Kathy Chasse, of Damariscotta, has been selected Valedictorian of the Class of 1979 at Lincoln Academy.

Presented by Mr. Blodgett of Waldoboro.  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1493) an Expression of Legislative Sentiment recognizing that:

Christie Jacobs, of Damariscotta, has been selected Salutatorian of the Class of 1979 at Lincoln Academy.

Presented by Mr. Blodgett of Waldoboro.  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1494) an Expression of Legislative Sentiment recognizing that:

Judith Kierstead of Mapleton, is Valedictorian of the Class of 1979 at the University of Maine at Presque Isle.

Presented by Mrs. MacBride of Presque Isle (Cosponsor: Mr. Roope of Presque Isle).  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1495) an Expression of Legislative Sentiment recognizing that:

Robert MacCall of Presque Isle, is Salutatorian of the Class of 1979 at the University of Maine at Presque Isle.

Presented by Mrs. MacBride of Presque Isle (Cosponsor: Mr. Roope of Presque Isle).  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1496) an Expression of Legislative Sentiment recognizing that:

David S. Immel, son of Mr. & Mrs. Richard W. Immel of Winterport, is Salutatorian of the Class of 1979 at Hampden Academy.

Presented by Mrs. Prescott of Hampden (Cosponsor: Mr. Lowe of Winterport).  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1497) an Expression of Legislative Sentiment recognizing that:

Rebecca Lee Spang, daughter of Mr. & Mrs. David Spang of Hampden, is Valedictorian of the Class of 1979 at Hampden Academy.

Presented by Mrs. Prescott of Hampden.  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1498) an Expression of Legislative Sentiment recognizing that:

Miss Michelle Charland of Biddeford is a finalist for Outstanding Achievement in the United States Environmental Protection Agency's Elementary Education Ecology Poem and Poster Program.

Presented by Mr. Lizotte of Biddeford.  
The Order was read and passed and sent up for concurrence.

The following Joint Order (H. P. 1499) an Expression of Legislative Sentiment recognizing that:

Gerald K. Burns of Gray, Superintendent of Schools for Gray-New Gloucester MSAD 15, will enter retirement in June 1979, after 25 years of dedicated service in the field of education.

Presented by Mr. Cunningham of New Gloucester.

The Order was read and passed and sent up

for concurrence.

The following Joint Order (H. P. 1501) an Expression of Legislative Sentiment recognizing that:

Portland High School's track team is the State Class "A" Champion for 1979.

Presented by Mr. Brennerman of Portland (Cosponsors: Mrs. Beaulieu of Portland, Mr. Baker of Portland and Mrs. Nelson of Portland).

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

The following Joint Order (H. P. 1502) an Expression of Legislative Sentiment (H. P. 1502) recognizing that:

Cheverus High School's Track Team is the State Class "B" Champion for 1979.

Presented by Mr. Brennerman of Portland (Cosponsors: Mr. Brannigan of Portland, Mr. Connolly of Portland and Mr. Joyce of Portland).

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

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Charlotte Sewall of Newcastle be excused June 4 and 5, 1979 for personal reasons.

## House Reports of Committees

## Leave to Withdraw

Mr. Marshall from the Committee on Taxation on RESOLUTION, Proposing an Amendment to the Constitution of Maine Allowing the Legislature to Impose a Property Tax in Excess of the Cost of Services upon Properties in the Unorganized Territories' (H.P. 1040) (L. D. 1283) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

## Ought to Pass with Committee Amendment

Mr. Carter from the Committee on Taxation on Bill "An Act to Exempt Used Machinery from the Sales Tax" (H. P. 514) (L. D. 629) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-655)

Mr. Twitchell from the Committee on Taxation on Bill "An Act to Encourage Pilot Projects using Solid Waste for Energy Production" (H. P. 876) (L. D. 1081) reporting "Ought to Pass" as amended Committee Amendment "A" (H-654)

Mr. Kane from the Committee on Taxation on Bill "An Act to Exempt Purchased Meals for the Elderly Meals Program from the State Sales and Use Tax" (H. P. 357) (L. D. 452) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-652)

Mr. Cox from the Committee on Taxation on Bill "An Act to Exempt Nonprofit Medical Centers from Maine Sales Tax" (H. P. 289) (L. D. 365) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-646)

Reports were read and accepted in concurrence and the Bills read once. Committee Amendment "A" to each was read by the Clerk and adopted.

Under suspension of the Rules, the Bills were passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

## Ought to Pass

## Pursuant to Joint Order H. P. 135

Mr. LaPlante from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1979 (Emergency) (H. P. 1500) (L. D. 1674) reporting "Ought to Pass" — pursuant to Joint Order (H. P. 135)

Report was read and accepted, the Resolve read once and assigned for second reading

later in the day.

#### Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Assist Municipalities with Solid Waste Management" (H. P. 906) (L. D. 1131)

Report was signed by the following members:

Messrs. O'LEARY of Oxford  
McBREAIRTY of Aroostook  
— of the Senate.

Messrs. PELTIER of Houlton  
KIESMAN of Fryeburg  
DEXTER of Kingfield  
BLODGETT of Waldoboro  
JACQUES of Waterville  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-657) on same Bill.

Report was signed by the following members:

Mr. MICHAEL of Auburn  
Mrs. HUBER of Falmouth  
Messrs. DOUKAS of Portland  
AUSTIN of Bingham  
HALL of Sangerville  
— of the House.

Reports were read.

On motion of Mr. Hall of Sangerville, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-657) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Consent Calendar

##### First Day

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

(H. P. 1421) (L. D. 1624) Bill "An Act to Amend the Salary Range for the Insurance Superintendent" (Emergency) Committee on State Government reporting "Ought to Pass"

(H. P. 867) (L. D. 1072) Bill "An Act to Encourage the Development of Small Scale Hydroelectric Facilities" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-651)

(H. P. 24) (L. D. 41) Bill "An Act to Remove Restrictions on Eligibility under the Elderly Householders Tax and Rent Refund Act based on Marital Status" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-653)

(H. P. 831) (L. D. 1038) Bill "An Act to Provide for County Self-government" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-659)

No objections having been noted, under suspension of the rules, the above items were given Consent Calendar, Second Day, notification.

No objections having been noted to the Consent Calendar Second Day, under suspension of the rules, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate, except for L. D. 41.

(H. P. 753) (L. D. 959) Bill "An Act to Separate Ogunquit Village Corporation from the Town of Wells" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-660)

On the objection of Mrs. Wentworth of Wells, was removed from the Consent Calendar, First

Day.

The SPEAKER: The Chair recognizes the gentlewoman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker and Members of the House: This is my town's bill. I would first like to thank all of you who have indicated you would follow my light. I appreciate this very much.

Many of you have received requests from Ogunquit recently to vote yes on this bill. Although I do not feel it is in the best interest of all my people, Ogunquit has agreed to certain requests of the Town of Wells and both sections of town have now come to an agreement, so I now urge you to vote yes on this bill.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-660) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Second Reader

##### Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Limit the Amount of State Expenditures which may be made without Voter Approval (S. P. 580) (L. D. 1640)

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

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and tomorrow assigned.

##### Later Today Assigned

Bill "An Act Creating a Division of Industrial Training" (H. P. 1478) (L. D. 1665)

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

On motion of Mrs. Kany of Waterville, tabled pending passage to be engrossed and later today assigned.

##### Later Today Assigned

Bill "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs" (H. P. 1484) (L. D. 1671)

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

On motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and later today assigned.

##### Later Today Assigned

Bill "An Act to Encourage Free and Open Competition in Insurance Funded Repairs" (H. P. 874) (L. D. 1064)

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

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, I have an amendment that was passed out yesterday, but I have a new one which is coming in which deletes one word at the request of a member of the committee. I could read you the amendment to save time, or I could ask that someone table it.

Thereupon, on motion of Mr. Howe of South Portland, tabled pending passage to be engrossed and later today assigned.

#### Amended Bill

##### Later Today Assigned

Bill "An Act to Restrict the Use of Dealer Plates" (H. P. 406) (L. D. 510) (C. "A" H-607)

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

On motion of Mr. Morton of Farmington, tabled pending passage to be engrossed as amended and later today assigned.

#### Passed to be Enacted

##### Emergency Measure

An Act to Allow Dealers to Restrict the

Hours during which they will Accept Returnable Beverage Containers (H. P. 69) (L. D. 75) (S. "A" S-277 to C. "A" H-574)

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

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

Mr. HOWE: Mr. Speaker and Members of the House: I just want to make a couple of comments on this bill and hope that you will pass it.

This is one of the three bottle bill amendments that we acted on favorably in committee, and this one will permit store owners to refuse to take containers up to three hours in one day if they post those hours conspicuously.

There was some concern by some people who spoke that this would be abused, but we feel it would not, because most store keepers are going to want people to come into their store and therefore are not going to abuse the privilege of being able to refuse containers, presumably during their busiest hours. Not all stores will take advantage of this, but we feel it will only be the small stores that are busy handling pizzas a certain few hours of the day and somebody is on cash register and if someone, at that point, brings in a truckload of containers, that will cause them some problems.

We feel this is the kind of amendment that is going to make the law more liveable and therefore less likely to be repealed in the Fall.

The SPEAKER: 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.

101 having voted in the affirmative and none in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1979 (H. P. 1416) (L. D. 1620)

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. 110 voted in favor of same and one against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to be Enacted

An Act to Clarify the Regionalization of Special Education (S. P. 363) (L. D. 1110)

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

##### Later Today Assigned

An Act to Permit the Maine State Housing Authority to Issue Certain Bonds not Backed by the Moral Obligation of the State and to Raise the Authority's Bonding Limit (S. P. 585) (L. D. 1648)

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

On motion of Mr. Birt of East Millinocket, tabled pending passage to be enacted and later today assigned.

##### Later Today Assigned

An Act to Provide for Licensing of Bottle Clubs (H. P. 469) (L. D. 576) (H. "B" H-562)

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

On motion of Mr. Violette of Van Buren, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, under sus-

pension of the rules, the House reconsidered its action whereby House Amendment "B" was adopted.

The same gentleman moved that House Amendment "B" be indefinitely postponed.

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

Mr. VIOLETTE: Mr. Speaker, Ladies and Gentlemen of the House: I spoke to the sponsor of the legislation and he is in favor of what I am doing. I am indefinitely postponing House Amendment "B" because it omits one sentence which excludes bottle clubs from the public drinking statutes and this is being put into my new amendment. That is the only reason for the amendment.

Thereupon, House Amendment "B" was indefinitely postponed.

Mr. Violette of Van Buren offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-639) was read by the Clerk.

On motion of Mr. Tierney of Lisbon Falls, tabled pending adoption of House Amendment "C" and later today assigned.

An Act to Amend Certain Property Tax Exemptions and to Require Continuing Periodic Review of Tax Exemptions (H. P. 768) (L. D. 855) (S. "A" S-226)

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.

#### Failed of Enactment

An Act to Authorize the Administration of Medications by State Corrections Officials in Certain Cases (H. P. 1025) (L. D. 1270)

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

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The current law restricts the dispensing of prescriptive medications to either nursing personnel or staff that has been trained in our correctional facilities. The other body has taken off the amendment and now this bill allows persons not trained to be administering prescriptive medications. So I now move that this Bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentlewoman from Hampden, Mrs. Prescott, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. BRODEUR: Mr. Speaker, I request a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tierney of Lisbon Falls requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Hampden, Mrs. Prescott, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berube, Blodgett, Bowden, Brenerman, Brown, A.;

Brown, D.; Brown, K. C.; Carrier, Carroll, Chonko, Curtis, Davies, Doukas, Dow, Fowlie, Gould, Gowen, Hanson, Higgins, Hobbins, Immonen, Kane, LaPlante, Locke, MacBride, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McMahon, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Simon, Smith, Strout, Tarbell, Tierney, Tuttle, Vincent, Violette, Wentworth, Wood, Wyman, The Speaker.

NAY—Aloupis, Bachrach, Barry, Birt, Boudreau, Boudreau, Brannigan, Brodeur, Brown, K. L.; Bunker, Call, Carter, D.; Carter, F.; Churchill, Cloutier, Cox, Cunningham, Damren, Davis, Dellert, Dexter, Diamond, Drinkwater, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gray, Gwadosky, Hall, Hickey, Huber, Hughes, Hunter, Jackson, Joyce, Kany, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, Masterman, Masterton, Matthews, McPherson, McSweeney, Michael, Morton, Nelson, A.; Norris, Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Soulas, Sprowl, Stetson, Studley, Theriault, Torrey, Tozier, Twitchell, Vose, Whitemore.

ABSENT—Austin, Berry, Conary, Connolly, Dudley, Elias, Howe, Hutchings, Jacques, E.; Jacques, P.; Jalbert, Kelleher, Lizotte, Marshall, Small, Stover.

Yes, 57; No, 78; Absent, 16.

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

The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: Once in a while, even majority leaders have to speak on issues that don't have anything to do with party or anything close to it, and just so my Democratic friends here are fully aware of it, this is a department bill, the department is in favor of it. Good majority leaders are supposed to support department bills in Democratic administrations. But, ladies and gentlemen, I am going to lay this right on the record because I feel very strongly about it, and that is that I am very, very concerned about the use of medications in our society. I don't care whether the use of that medication is in a mental institution, whether it is in a correctional institution or whether it is just on the street; it bothers me a great deal.

Basically, we are putting a bill through today with the support of the department and support of the members of the Appropriations Committee, most of them, that will essentially allow correction people, police, wardens, people trained in law enforcement, to administer medications and prescriptions. I think that is wrong.

My good friend from Roque Bluffs, Mr. Nelson, has informed me that he is an emergency medical technician, he has medical training and he is not allowed to prescribe anything.

Ladies and gentlemen, this is one right from the heart, I know it saves money, but I think it is a bad idea. I don't think that policemen ought to be handing out drugs to anybody, even our prisoners, certainly anybody in our institutions, it is just as heartfelt as it can be, and without anymore histrionics, Mr. Speaker, I want to roll call on enactment.

The SPEAKER: The Chair recognizes the gentlewoman from Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I would like one correction, perhaps, for Mr. Tierney. I believe EMP's or the staff cannot prescribe medication, I believe they can administer it.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: For the first time this

session, and probably the only time this session, I wish to completely concur with my very good friend down in the right-hand corner.

I urge that you indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who may answer. If this bill were to pass, could the prison authorities prescribe some of these behavior changing drugs like Thorazine and almost create the sort of situation that you have in the Soviet Union where prisoners are fed very, very strong drugs?

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

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

Mr. BRENERMAN: Mr. Speaker and Members of the House: To answer the question of the gentleman from York, Mr. Rolde, only doctors prescribe the drugs.

This bill would allow people who work in the prisons to administer the drugs as prescribed by the doctors, but some of us on the committee feel that this could be subject to abuse. Therefore, we feel that this ought to be indefinitely postponed. Considering that that vote has already been defeated, we would ask that you vote against enactment.

The SPEAKER: The Chair recognizes the gentleman from Roque Bluffs, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the statement from Representative Brown, emergency medical technicians are not allowed to administer drugs.

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: Like many of you, I have tried to visit the correctional institutions this year because of our crisis within our correctional system, and I was always particularly interested in the drug section and the security. I did ask about medications and at several of the institutions they do have people who have epilepsy. For instance, there was a child at the youth center that had epilepsy. You have diabetics at institutions, and I think it would be a shame if someone could not administer such a medication to someone like that when it was obvious that they were in need.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. Quite often prescriptions of medication are written that a certain prescription, such as Thorazine, since that has been mentioned earlier, or pain medication can be administered as necessary, with some limitations on it from time to time, which does give prison officials or anyone else administering the medication a certain amount of latitude.

Does this bill only specify medications in which the exact times are prescribed by the doctor, or does it allow 'as necessary' medication?

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: To answer the gentlewoman's question, it would allow 'as necessary' prescriptive medication to be administered, and I am very concerned about that and indicated that earlier.

I am most bothered by the fact that psychotropic medication could be administered as necessary to calm down a prisoner if they are causing some problems within the institution. This is very likely to happen, since we have an overcrowding situation, and I don't want to

take the chance that we do not follow up and follow along to make sure the inmates that are taking the medication are properly monitored.

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

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

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: Initially, I supported this bill. Right up until the last roll call I supported the bill, and it has really been bothering my conscience as to why I have been voting the way I have. I don't think that I could sit here and feel justified in trying to sustain this bill with the things that are on my mind.

The things that are bothering me are facts that have been brought to my attention that I would like to have cleared up a little bit. Those are, if a prescribed drug were to be given through the correct channel, the way the correction officials say they would, and I believe that they would do it that way, through packaging set up by the nurse, if somehow that package got to the wrong prisoner, was received in the wrong prisoner's hands, what could happen is that the effects of that drug in the wrong prisoner's hands could cause a drastic effect and sometimes a life-threatening effect for that particular prisoner. If there were no people around the facility to give immediate attention to that person within the first three to five minutes, that person could possibly die. That kind of bothers me.

I have been supporting this bill right up to this point, and I know the director, I even told the Director of Corrections, Mr. Allen, that I would support it; yet, I feel I will be able to talk to him and explain to him my reasons and I am sure that he will accept those. I wish that everybody in the House would give this so serious consideration before you do vote and consider the implications and vote for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: It has been my pleasure to serve on the Correctional Institutions Committee with the gentleman from South Portland. I am sure he is sincere in his concern about the administration of the prescriptive drug to the wrong prisoner, but I would like to answer that concern by pointing out that this could happen whether the drug be administered by a nurse or by a responsible official within the institution. It really doesn't make much difference as to who is administering it, from that standpoint. I would seriously question, if such an error did occur, whether it could be rectified whether the nurse was present or whether it was a guard present.

I don't think this type of legislation is subject to all the abuse that has been expressed here. I believe that our authorities are responsible public officers and I am willing to trust them with this permissive legislation. It doesn't mean that in every case the prescribed medication will be administered by a correctional officer, it simply says that it "may" be administered by a correctional officer. So in those cases where we are dealing with very strong medications, medications that might be subject to abuse, I feel sure that the authorities will take adequate steps to see that these are properly administered. And bear in mind, the correctional officers have no control over the prescription of such drugs but only the administration. I think that we should entrust the department to administer this law properly.

The SPEAKER: The Chair recognizes the

gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Mr. Tierney and Mr. Brennerman and Mr. Cloutier all raised some questions, but I want to caution you not to be carried away with some comments that they made.

Now, if you have been to a correctional facility like South Windham or Thomaston or South Portland, you will see the problem they are having now with the dispensing of medication. That is all we are talking about — dispensing of medication. We are not talking about prescribing.

There is an administrative problem with that right now and what we are saying, what the department is saying, is simply allowing other people to dispense the medication. Surely, there may be a problem. Mr. Stetson from Wiscasset, he and I just agreed on something. Surely, there may be a problem, but that can happen with the people they have right now. They have nurses, they have people who are trained in fields of medication, not necessarily RN's so don't be fooled into thinking we have doctors or paramedics who are solely issuing out medications right now.

All this is is this, we need to have some help in dispensing medications. This bill does that and I hope you support it.

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

Mrs. BACHRACH: Mr. Speaker, I would like to pose a question through the Chair to anyone who would care to answer. I am looking at Committee Amendment "A" and I see that it says in the Statement of Fact, "This amendment restricts these medications which can be administered to non-prescription ones only." In my view, that means something that you could just walk into a drugstore and buy. I don't see anything very threatening about letting correctional officers administer non-prescription drugs, and I would like to have that point clarified.

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

Mr. NORRIS: Mr. Speaker, to answer the good lady's question, that amendment was removed from the bill in the Senate. We are now dealing with the bill itself.

If I might, Mr. Speaker, just very briefly, I think this has pretty well been explained and the fact of the matter is, that doesn't give unauthorized people the right to prescribe medication. For those who are concerned, the warden, superintendent or his delegation shall maintain for at least two years a record which shall include a description of each prescription and non-prescription medication administered in the facility and the identity of each person to whom the medication has been administered. So there is a strict control, in my opinion, before, during and a strict record kept of all medications. I see very little chance for abuse if this law is passed.

We all know that when you deal with any medication, whether you are out in the real world or you are in hospitals or whether you are in prisons or whether you are in mental institutions, certainly, when you deal with any medication, there always is that small margin that there may be an error made. There is no way that anyone can get up and there isn't because that would be absolutely wrong, but given the true facts of the world today, there is no question that this bill is needed and I would hope that you would vote for the enactment.

The SPEAKER: The Chair recognizes the gentleman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker Men and Women of the House: I understand very well the problems that exist in some of our correctional institutions, and when I was on Health and Institutions a few years ago, we tried to deal with this very issue on the county level. However, this bill goes much further than I think it has to in dealing with that problem, and in

doing so, sets up some potentially dangerous situations.

A doctor can prescribe a medication, can have a standing order for medication that could cover everyone in an institution, any institution, and to say anytime, for these particular reasons, any individual can be given a particular drug; that is a standing order. It doesn't have to be an individual prescription but is a standing order. Then it is up to the individual giving the medication, in this instance the correctional guard, to decide whether or not in this particular instance this particular individual needs that particular medication. I think that is going much further than you have to go to solve the problem.

I think what we ought to be talking about here, if you want to solve that problem, is to be talking about guards, perhaps, being able to give medication when they are prepackaged and they are dispensed and specific times are authorized by a physician. I think that would solve our problems and not get us into the kinds of situations that we are dealing with now. Right now, this bill has potential for abuse and it has potential for problems, and I am concerned about the liability of the correctional officers as they get into this kind of situation either because they do make a decision to give a medication or, on the other hand, if they choose not to make the decision, they choose not to give that medication, the liability is on the correctional guard himself.

I would hope that you would vote against this bill. Perhaps if we get in a situation of non-concurrence, some of those issues can be resolved.

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

Mr. PETERSON: Mr. Speaker, would you please have the Clerk read the report.

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Again, I guess my concern goes back to the use of psychotropic medicines, I mentioned Thorazine and I assume it would also include other drugs, such as Haldol, Prolixin and so forth. These drugs, which are very very powerful drugs, have great side effects and they include causing the patient to have tremors, drooling and the side effects are such that other drugs have to be given in conjunction with these drugs to counteract Parkinson's disease.

In mental hospitals, when these drugs are given, patients must be monitored almost every half hour, their blood pressure taken and so forth, so I wonder, if these types of drugs are going to be given in the prisons by the prison authorities, will there be this kind of monitoring of their physical vital signs?

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

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

Mr. NORRIS: Mr. Speaker, I will attempt to answer the question. I would presume that this would not preclude that. You understand, to answer the good gentleman's question, from six o'clock in the morning to six o'clock at night at the State Prison right now, any of the very disagreeable side effect drugs that the good gentleman just explained may be administered. If they should administer one of those drugs at four o'clock in the afternoon and then they close the clinic and go home, as they do now, if the counteractive drug were needed at nine o'clock at night, under the present law, there would be no one to give it to the person. If they gave the psychotropic drug later in the afternoon for the particular treatment and went home, then there would be no way to continue the therapy. Under this bill, they could package whatever was needed for the person, but I think in all actuality, and I have carried this on long



enough, if a person were in such a state as to require that type of medication, they would be removed to a medical center or a mental health institute.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: What I am hearing here this morning is a presumption that all people that work in our institutions are either idiots or potential criminals. I don't see a great deal of difference here in a prison, a man goes to a doctor and he gets a prescription and that prescription is doled out to him as the need arises by someone who has some control over him. The same thing happens in every one of your families. If one of your children is ill and you take them to the doctor and the doctor gives a prescription, then it is up to you as a parent to administer that drug, that medication, in accordance with the prescription.

I would say to you that I don't see where the prisoner in an institution has any more need of control by a nurse or a doctor in administering that than your children do at home, and I certainly don't call a nurse down every time one of my kids needs to take his next dose of medication that the doctor has prescribed.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: You know, we have had trouble in this House and in this whole legislature to pass a bill of rights. We don't have a bill of rights for patients who reside in private hospitals. We don't have one for inmates in prisons. We can't get one through for the mental patients. All we have is a bill of rights for the mentally retarded, and until we get a bill of rights for the individuals who are going to be receiving these medications, then I think you ought to be very careful about who is going to be administering.

I would like to say something about what the gentleman just mentioned about parents' interest in administering the medication to his own child. I think that you ought to realize, and I think you all do, but I think I should remind you that the interest of a parent is quite different than the relationship between the inmate and a correctional official, and I think we ought to be very careful today, and I hope that you don't enact this bill.

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

Mr. BOUDREAU: Mr. Speaker, I move the question.

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

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

The SPEAKER: The question now before the House is, shall the main question be put now? This is debatable by any one member for five minutes. All those in favor of the main question being put now will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 39 having voted in the negative, the main question was ordered.

The SPEAKER: The main question is, shall this bill be passed to be enacted? All those in favor will vote yes; those opposed will vote no. A roll call has been ordered.

#### ROLL CALL

YEA—Aloupis, Bachrach, Barry, Birt, Borda, Boudreau, Brodeur, Brown, K. L.; Bunker, Call, Carter, D.; Carter, F.; Churchill, Cox, Cunningham, Damren, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater,

Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hickey, Huber, Hunter, Immonen, Jackson, Joyce, Kany, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, Marshall, Masterman, Masterton, Matthews, McKean, McPherson, McSweeney, Michael, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Soulas, Sprowl, Stetson, Studley, Tierney, Torrey, Tozier, Twitchell, Whittmore.

NAY—Austin, Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Bowden, Brannigan, Brennerman, Brown, D.; Brown, K. C.; Carrier, Carroll, Chonko, Cloutier, Curtis, Davies, Dow, Dutremble, D.; Dutremble, L.; Fowle, Gowen, Gwadosky, Hall, Hanson, Higgins, Hobbins, Howe, Hughes, Jacques, P.; Kane, LaPlante, Locke, MacBride, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McMahon, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Smith, Stover, Strout, Tarbell, Theriault, Tuttle, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT—Canary, Connolly, Elias, Hutchings, Jacques, E.; Jalbert, Kelleher, Lizotte, Small.

Yes, 76; No, 66; Absent, 9.

The SPEAKER: Seventy-six having voted in the affirmative and sixty-six in the negative, with nine being absent, the motion does prevail.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I suppose I could use what would have to be called partisan muscle and table this at this point, but I said at the point it wasn't a partisan issue and I am going to stick by that and I am not going to make that motion, but I am going to speak once more, and again I am going to speak right from the gut on this.

Ladies and gentlemen, Mr. Kiesman said we must think that the people who work for our state are either idiots or criminals when they work in criminal institutions. That is not true. Mr. Allen is an honorable man, and I can assure you that all the formal rules and regulations set out are going to have all the safeguards you or I would ever want but, ladies and gentlemen, when our guards and our correction officials have worked 40 and 50 and 60 hour weeks and they are underpaid and they are tired and it is four o'clock in the morning and they have got wide open prescription to give Thorazine and other types of drugs to people who they are not on the best relations with, I can assure you, then you are going to have dope, and that is what it is, don't call it anything else, flying around our corrections institutions.

I am asking you, ladies and gentlemen, to vote to reconsider, don't vote against Mr. Norris, vote with me, vote to reconsider the mistake we have just made.

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

Mr. BRANNIGAN: Mr. Speaker and Members of the House: I also would ask you to vote to reconsider, because I just did. On the first vote, I voted with those who were opposed to the bill — I voted with allowing correctional officials to give out medications.

Someone said to me, your wife is a nurse, she would be against this bill. So I went and called her, caught her before she was leaving for work and thinking I would get only a medical opinion, and that is what she gave me at first, that she was concerned. She not only is a nurse, she teaches nursing, has a Master's Degree in

Nursing and teaches nursing at the university. She said that this was a bad precedent, it was a bad idea medically to allow this, for all the reasons that have been given by the opponents this morning. But then she said, as Representative Post said, it is a legal issue. Ask the lawyers about the legal issue, ask people in the House, what if people don't want to give it out, they had better get malpractice insurance for those people in the prisons who are giving this medication out. So my wife convinced me reasonably and not relationally.

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

Mr. MORTON: Mr. Speaker, a question to the gentleman from Lisbon Falls, Mr. Tierney. Is the gentleman from Lisbon Falls stating that correctional employees will deliberately administer drugs that are not prescribed and in a manner that they are not prescribed?

The SPEAKER: The gentleman from Farmington, Mr. Morton, has posed a question through the Chair to the gentleman from Lisbon Falls, Mr. Tierney, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. TIERNEY: Mr. Speaker and Members of the House: I am asking you to enter the real world for once, because sometimes the real world is a long way from this body. When you have a wide open prescription, Thorazine to Prisoner X, or maybe whole cell block X, as needed, and you give that power to a correction official, who not only has no knowledge as to the physical properties of that drug, but certainly has no knowledge as to the psychological values of the drug, then you have a state prison which is absolutely jammed packed where one cell block is too hot and one is too cold because we haven't bothered to put the money into it to make sure that the fundamental deficiencies of human life are there for those prisoners, and I ask you to draw your own conclusion of what is going to happen, or what could happen, and I am afraid of it and I think Mr. Morton should be afraid of it.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: That last comment about prescribing Thorazine for a whole cell-block I think just doesn't stand the test of reason, because that would assume that the medical authorities at the state prison or any institution were going to be disposed to take such irresponsible action as to allow such a prescription to be outstanding. I don't think you should be swayed by that.

I have had considerable experience defending public officials in tort claims actions. I have done that over the last — well, since 1953, and I can tell you, I have had considerable experience defending people working in VA hospitals, other government hospitals, and I cannot share the concern that Mrs. Post or Mr. Brannigan have expressed here concerning the legal question involved here. The same legal responsibility rests on those medical authorities who prescribe drugs and administer drugs, whether they be nurses, doctors or what have you, and merely to permit the custodial personnel to administer prescribed drugs is not going to alleviate the legal responsibility for making sure that the drugs are properly prescribed. That is where the real question of legal liability comes into it.

In the administration of these drugs, if they be dangerous, really dangerous drugs, I feel certain that the authorities are not going to place this in the hands of irresponsible personnel. They will make sure that those who are doing the administering are responsible, capable, wide awake personnel.

I think that this is good permissive legislation, and I suggest that you go with it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gen-

lemen of the House: Very briefly, I just can't help but answer my good young friend down in the right-hand corner, and I appreciate his fairness in not exercising his muscle, his political muscle this morning, but let me say this, and we seem to have picked Thorazine as the equator here — if you had a physician down there or if the physician down there was so disposed and the correctional officials and their designees were so disposed, any day of the week, from six in the morning until six at night, they could administer all the Thorazine that they want to, they could completely shut down a ward, a wing or the whole prison, if they were so disposed to do that, and I will submit to you this morning, that our correctional officials have no intention of holding down the population of the prison with any such heinous ideas.

Be assured, if they were disposed to do it, there is nothing in the law that prevents them from doing it right now, not a thing in the world, from six in the morning until six at night if the physician felt that that was the way to go, he could do it, he could give the prescription, he could say, go to it, and they could inject them, mind you, they wouldn't have to give it to them orally, they could hold them down and take a syringe and inject it into them.

The other thing that I guess everyone has failed to recognize is that this medication may not be administered if the prisoner does not want to take it. It has to be voluntary on his part. When the man comes in with the prescription that has been put up by the professional, when he brings it in, if the fellow says, I don't want to take it today or I don't want to take it tonight, that is it, he doesn't take it. It goes back and it is so entered on the medical record that the man refused to take his medication.

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

Mr. TARBELL: Mr. Speaker, Members of the House: In an effort to bring about a little bit of bipartisan flavor to this debate, I do oppose this bill. Our correctional jails and our state prison and our correctional center are not hospitals, they are not medical clinics, they are something completely different. Those of you who have worked in them or around them and visited them know what we are talking about.

I have worked in and out of our county jail for some time and the drug problem can get out of hand with prescription drugs prescribed by physicians. It is crowded, there are problems, there is tension, there is lack of space, there is undermanning, understaffed, it is just a very high tension place to be placing this kind of responsibility in this kind of situation.

I would also submit that I believe, to a certain extent, with or without this bill, this is going on now, at the given time, the current time, and the problems of liability, both personal liability for our staff as well as governmental liability for whatever level of government it be, state government or the local level or the county level of government, I think it is a serious problem to consider. I think we are really compounding the problem that we have by interjecting this additional drug situation. I think it poses some serious problems, so I would urge you to reconsider our enactment of this bill.

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

Mr. DIAMOND: Mr. Speaker, I can't ever recall when I have gotten up twice on one bill in three years, but I have to on this one.

Mr. Tierney is saying 40, 50, 60 hours a week, the guards are going to be tired and they are going to be irritable and there are problems between the inmates. My word, that can happen with the medical staff. I might point out, we are not saying, get rid of the medical staff, we are not saying, send the nurses home. They are still going to be there. We are just saying simply, let the other people help dispense the drugs.

There is a note flying around here saying this

bill is dangerous — big letters — dangerous. My word — dangerous. We have got a problem with dispensing medication, that is all. It is not dangerous. The red herring you see flying around now could very well apply to the existing nurse people we have now in those facilities. This is a problem; we need to deal with it. I hope that you will take a deep breath, smile and let this bill go on its way.

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

Mr. KANE: Mr. Speaker, I would like to say to Representative Norris that the road to Hell is paved with good intentions. I think how Thorazine got entered into this argument is because I happened to mention to Representative Rolde that I knew a fellow, not in this state, who was in prison on a drug charge and when he got out he was in much worse shape than when he went in. He was a model prisoner when he went in and he thought the guards were model guards while he was in because they gave him Thorazine every day. He was a very willing recipient.

The SPEAKER: The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action whereby this Bill was passed to be enacted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Mr. Diamond of Windham requested a roll call on passage to be enacted.

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

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

The SPEAKER: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Austin, Bachrach, Barry, Birt, Boudreau, Brodeur, Brown, A.; Brown, K. L.; Bunker, Carter, F.; Conary, Cox, Cunningham, Damren, Davis, Dellert, Dexter, Diamond, Drinkwater, Dudley, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hickey, Hunter, Immonen, Jackson, Joyce, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, Marshall, Masterman, Masterton, Matthews, McKean, McPherson, McSweeney, Morton, Nelson, A.; Norris, Payne, Pearson, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Soulas, Sprowl, Stetson, Studley, Torrey, Whittemore.

NAY—Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Bowden, Brannigan, Breneman, Brown, D.; Brown, K. C.; Call, Carrier, Carter, D.; Chonko, Cloutier, Connolly, Curtis, Davies, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fowlie, Gowen, Gwadosky, Hall, Hanson, Higgins, Hobbins, Howe, Hughes, Jacques, P.; Kane, Kany, LaPlante, Lizotte, Locke, MacBride, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McMahon, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Post, Prescott, Reeves, P.; Rolde, Simon, Smith, Stover, Strout, Tarbell, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT—Bordeaux, Carroll, Churchill, Elias, Huber, Hutchings, Jacques, E.; Jalbert, Kelleher.

Yes, 69; No, 73; Absent, 9.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-three in the negative, with nine being absent, the Bill fails of passage to be enacted.

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Facilitate the Licensing of Small Hydroelectric Generating Facilities (H. P. 1195) (L. D. 1472) (H. "A" H-593 to C. "A" H-520)

An Act to Implement a Plan for the Prevention and Treatment of Alcoholism and Alcohol Abuse (H. P. 1206) (L. D. 1485) (H. "A" H-585)

An Act to Consolidate the Mining and Rehabilitation of Land into the Site Location of Development Statute (H. P. 1239) (L. D. 1543) (C. "A" H-555)

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.

#### Finally Passed

RESOLVE, to Study the Need for an Environmental Health Program (H. P. 1422) (L. D. 1627) (H. "A" H-591)

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

#### (Off Record Remarks)

On motion of Mr. Diamond of Windham, Recessed until the sound of the gong.

#### After Recess

The House was called to order by the Speaker.

Mr. Fowlie of Rockland, was granted unanimous consent to address the House.

Mr. FOWLIE: Mr. Speaker, Men and Women of the House: As the Speaker mentioned, yesterday we passed an order recognizing Tom Melendy, a Rockland District High School senior, who was selected as a Presidential Scholar from more than 3,000,000 graduating seniors throughout the country. The selection is based primarily on academic excellence, with achievement in such areas as science, creative writing, mathematics. The program was established by President Lyndon Johnson and in his words, the following purpose: "To recognize the most precious resource of the United States, the brain power of its young people, and to encourage the pursuit of intellectual attainment among our young."

The SPEAKER: I would like to have Tom stand and be individually recognized. (Applause) We congratulate him.

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

An Expression of Legislative Sentiment recognizing that:

R. Francis Serafin of Brewer, Manufacturing Superintendent for the St. Regis Paper Company in Bucksport, has been named Superintendent of the Year by the Paper Industry Management Association (S. P. 604)

Came from the Senate Read and Passed.

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

#### Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act Concerning Revisions in the Maine Criminal Code" (S. P. 395) (L. D. 1210) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Revisions in the Maine Juvenile Code and Maine Criminal Code" (S. P. 592) (L. D. 1661)

Came from the Senate with the Report read and accepted and the New Draft Passed to be Engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once.

Under suspension of the rules, the New Draft



was read the second time, passed to be engrossed in concurrence.

Committee on Business Legislation on Bill "An Act to Establish the Physical Therapist Practice Act" (S. P. 428) (L. D. 1378) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Revise the Physical Therapist Practice Act" (S. P. 593) (L. D. 1664)

Came from the Senate with the Report read and accepted and the New Draft Passed to be Engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once.

Under suspension of the rules, the New Draft was read the second time.

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

House Amendment "A" (H-661) was read by the Clerk.

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

Mr. CLOUTIER: Mr. Speaker, Ladies and Gentlemen of the House: The only reason for introducing this amendment is to change the number of physical therapists on the Board of Examiners of Physical Therapy from one to two members. It was in both bills that I presented — I presented a bill and Senator Trafton presented a bill. I backed off and gave her the bill and it was omitted, it was an oversight, to my knowledge, and they have requested two physical therapists on the board rather than one.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-279) on RE-SOLVE, to Reimburse Norman M. Curtis for Financial Loss Due to a Legislative Oversight (S. P. 412) (L. D. 1268)

Report was signed by the following members:

Messrs. SUTTON of Oxford  
LOVELL of York

— of the Senate.

Messrs. DEXTER of Kingfield  
CUNNINGHAM of New Gloucester  
FILLMORE of Freeport  
BAKER of Portland

Mrs. MARTIN of Brunswick

Messrs. WYMAN of Pittsfield  
TUTTLE of Sanford

— of the House.

Minority Report of the same Committee reporting "Ought Not to Pass" on same Resolve.

Report was signed by the following members:

Mr. PRAY of Penobscot

— of the Senate.

Mrs. BEAULIEU of Portland  
LEWIS of Auburn

Mr. MCHENRY of Madawaska

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as Amended by Committee Amendment "A" (S-279)

In the House: Reports were read.

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

Mr. WYMAN: Mr. Speaker, I move that we accept the Majority "Ought to Pass" as amended by Committee Amendment "A" and would speak briefly to my motion.

The SPEAKER: The gentleman from Pittsfield, Mr. Wyman, moves that the Majority Report be accepted in concurrence.

The gentleman may proceed.

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: It is very late in our session and I am not going to try to consume a lot of legislative time on this particular issue. It is not the most momentous issue that I have dealt with and it is not the most momentous issue that you have faced this session. However, it is important to Mr. Curtis, and I would like to just briefly, and as simply as I can, explain to you what this bill does and the reason for it.

Before June 28, 1974, under the Maine Workers' Compensation Act, it was elective on the part of all employers. That was subsequently changed and it was made mandatory after June 28, except for domestic service employees or seasonal or casual farm labor.

Mr. Curtis is an employer who employed one individual who was injured, sustained an injury on February 10, 1975. Prior to that time, Mr. Curtis had requested an opinion from, I believe, an insurance firm that dealt with this particular area. He was advised that under state law he would not be required to be covered under workers' compensation and to pay workers' comp premiums. Mr. Curtis' employee sustained the injury, Mr. Curtis was not covered because he didn't think he had to be and the employee subsequently sued him. Mr. Curtis has come back on the state for what was originally a sum of \$26,200. If you will notice the committee amendment, if you are interested in this at all, it has a filing number of S-279, the figures were amended down to \$14,760.

We had the hearing. It was my opinion at the time of the hearing that Mr. Curtis had been given some bad advice by an insurance firm, which I understand subsequently went through bankruptcy, which does not necessarily have anything to do with their bad advice but, nevertheless, this is what happened, and the state really should not be responsible because Mr. Curtis got some bad advice, a bad recommendation and was misled by a private concern. However, ladies and gentlemen, and this is very important to note, we need to be concerned about a precedent, because this is an appropriation for a private citizen.

After the public hearing, we discovered that an attorney general's opinion had been rendered which stated in essence — it was an opinion that was rendered on December 12, 1974, by an assistant attorney general, and it was given in response to a request by John Kany, who is the Workers' Compensation Commission Chairman, on whether the law exempted — just exactly what farm workers the law did exempt, and I would like to read in part from that opinion.

"The compulsory language appears in the first paragraph of Section 21. It is forcefully specific in stating that all employers, other than those specified, shall be subject to this act. This includes employers of employees in agriculture other than casual or seasonal workers. However, the last sentence of Section 4, the existing law at that time, provides that Section 3 shall not apply to actions to recover damages for the injuries aforesaid or for death resulting from such injuries sustained by the farm laborers or an employer who was covered by an employer's liability insurance policy."

This assistant attorney general goes on and concludes: "With this principle in mind, it does no unacceptable violence to either paragraph of Section 21" apparently there was an inconsistency in the law — "to read into its mandatory provisions an exception created by Section 4 for an employer 'who was covered by an employer's liability insurance policy with total limit' \$..."

Mr. Curtis had this kind of a policy. The assistant attorney general, state official, said that this was acceptable and that Mr. Curtis — this was not, by the way, requested for this specific case but it certainly applied to this case — he was told that someone who had this policy would be covered. That is a state official.

Granted, it is just an attorney general's opinion, it does not have the force of law, but I, and I think the rest of the committee, was not aware of this opinion at the time of the public hearing, and I changed my mind on this bill, because I think if an official of the state saying that in circumstances such as the ones that arose out of Mr. Curtis' situation were covered, then I think there is a responsibility on the part of the state to try to correct what was, if not an oversight, then certainly a misunderstanding of the law.

I would hope that you would accept the report. None of us know what chance this is going to stand on the Appropriations Table, needless to say, and I probably shouldn't even have raised that issue, but I guess we can keep that in mind also. But I think that Mr. Curtis deserves a fair shot at getting this and I think he has a just case.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would not accept the "ought to pass" report. This report came out of committee unanimous "ought not to pass" and then was recalled back by our good chairman of the House and now it comes out as a divided report.

The first thing is that the gentleman, Mr. Curtis, had asked the state to pay him back \$26,000 figuring, I don't know, maybe he could fool us — maybe, I say — and then we find out that he had \$12,000 from an insurance company, so he brought it down to \$14,000. On that \$12,000, he was the one who settled for 50 cents on a dollar, we didn't.

As far as the opinion of the attorney general, if you look at the date, that opinion came out in 1975, which had nothing to do with Mr. Curtis. And when did Mr. Curtis ask for an opinion from the attorney general, if he ever did? I don't know, I have never seen anything. And when was the injury, the date of the injury? As far as the 106th Legislature, when they did pass this, I was here and we intended that everybody should be covered in this state, even if you worked for a farmer at that time. We figured if you lose an arm, an arm is an arm.

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

Mr. MCMAHON: Mr. Speaker, Ladies and Gentlemen of the House: I probably wouldn't have given much thought to this matter until the good chairman of the Labor Committee, my seatmate, spoke on it. Then I began to think about it rather seriously and I think the precedents here are very serious.

Apparently, the attorney general's opinion was not issued with regard to Mr. Curtis' problem, nor would it have been. It is my understanding that the attorney general's office does not render opinions for private citizens, and this is one good example of why it should, because if the opinion were later overruled or were proven wrong in court, then the state would somehow be held liable. That is really what we are being asked to do, even though the opinion did not become the source of Mr. Curtis' decision making.

Since there was no cause and effect between the opinion and what happened to Mr. Curtis, or could there be under the policy the attorney general's office follows, I submit there is absolutely no reason for us to reimburse the gentleman anything.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Pittsfield, Mr. Wyman, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 70 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. McHenry of Madawaska, the Majority "Ought Not to Pass"

Report was accepted in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter

Bill "An Act Regarding Laws Relating to Town Lines" (H. P. 1281) (L. D. 1534) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-507) Report of the Committee on Local and County Government was accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-507) in the House on June 4, 1979.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Local and County Government read and accepted in non-concurrence.

In the House:

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I just want to make sure one thing is cleared up. I did have some opposition to this. I know a lot of you came to me after the meeting the other day and voiced your dissatisfaction with it. We have had a meeting with the sponsor of this bill, the gentleman who asked me to put the bill in, the Maine Municipal people, and there has been an amendment drawn which is ready to be presented in the other body. I think it takes care of all our problems. I would hope that somebody would make the proper motion to get it back to the other body for the amendment.

Thereupon, on motion of Mr. Drinkwater of Belfast, the House voted to insist.

#### Non-Concurrent Matter

Bill "An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education" (H. P. 937) (L. D. 1147) which was passed to be engrossed as amended by Committee Amendment "A" (H-353) as amended by House Amendment "A" (H-371) thereto in the House on May 14, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-353) as amended by Senate Amendment "A" (S-300) thereto in non-concurrence.

In the House:

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

Mr. CONNOLLY: Mr. Speaker, if it is in order, I would like to question the germaneness of Senate Amendment "A" to Committee Amendment "A".

The SPEAKER: The only way for the gentleman to request a ruling on the germaneness of the amendment would be if we were to recede and concur. At that point, that amendment would be before us. We could either do it on that basis or on the basis or on the motion to recede, but on the motion to adhere, the amendment would not be before this body.

Mr. CONNOLLY: I move that we adhere, Mr. Speaker.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to adopt the amendment that the other body has put on this bill, so I would like to move that we recede and concur and would like to speak to my motion.

The SPEAKER: The gentleman from Hampden, Mrs. Prescott, moves that the House recede and concur.

The gentleman may proceed.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I want to reluctantly support this amendment that the other body has placed on this bill, because the purpose of the amendment is to allow those Maine contract students in dentistry, optometry and veterinarian medicine, who graduate prior to July

7, 1982, full forgiveness of their obligations to pay back the state if they come back to practice their profession in Maine for four years.

Apparently, there has been some confusion among the contract students regarding payback in the legislation for students in those professions. The legislature, in its revision of the law last year, provided forgiveness for veterinarians, optometrists, dental students, but only up to two and a half years of cost to the state. Some argue that this was the intent of the legislature at that time, to allow full forgiveness of those professions while allowing a dual system of forgiveness for allopathic and osteopathic physicians who come back to Maine following their graduation under the compact program.

As you may know, physicians now have full forgiveness for four years of service in Maine if they come back to Maine to practice in primary care or other specialized areas that are considered to be needed by the Commissioner of Education. Otherwise, they are forgiven only half of their debt, and half of that to Maine for the two years that they provide for service for us. Those who do not come back to Maine, regardless of their profession, have to pay their full capitation cost.

Last week, we received a report from the Commissioner of Education from the Advisory Committee which summarized the activities which they have been performing since you gave them statutory authority. I would like to point out that the Medical Education Advisory Committee is supposed to address all the areas of the compact and make recommendations to the Commissioner regarding the future administration and alternative uses of the compact funds. The Commissioner will then make the recommendations to the legislature.

The committee has been meeting now for roughly eight months, and at this time, they do not have any comprehensive recommendations to make regarding the compact program or its future, and as one of the legislative liaison members to that committee, I can tell you that they have set out a comprehensive agenda to be addressed before the next legislative session, and I would like to tell you about some of those scheduled agenda items that they will be dealing with: Health manpower supply and demand projections for all disciplines, including physician extenders. They will be looking at alternative methods of meeting demand and health services, the development of clinical training sites in Maine, the development of incentives for physicians to practice in primary care and in underserved areas. They will be looking at recommendations for utilizing contract funds to provide assistance to the Maine residency program and the assessment of Maine student aspirations and opportunities with respect to the professional health education. They will be looking at recommendations on the number of contract slots for all disciplines for multi-year periods.

The advisory committee's efforts to date have been limited to the immediate issues regarding the compact program, plus they have been just familiarizing themselves with the health manpower needs in Maine. So I reluctantly support the amendment, because while I feel it is needed, I also feel that this advisory committee must address those issues, and this is one of them. If not, the legislature itself is going to have to address those issues, and this amendment is simply a stopgap measure and it will patch up the compact for now. So I am willing to support it as a member of that advisory committee, and I hope that you are too.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: I would just call your attention to the title of the legislation, which is An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education. I would point out that the significant section in Senate Amendment "A" to this Committee Amend-

ment does not deal with that subject matter at all but rather deals with the issue of forgiveness of the payback, and on those grounds, Mr. Speaker, I would ask for a ruling on germaneness.

The SPEAKER: The title of the bill deals with An Act to Amend the Method of Appointment to the Advisory Committee on Medical Education. The amendment deals with allowing forgiveness of dental, optalmologist and veterinary students graduating prior to July, 1982. Based on that, the Chair would have to rule that the amendment is not germane.

Thereupon, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act to Amend the Tree Growth Tax Law" (H. P. 1115) (L. D. 1244) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-517) Report of the Committee on Taxation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-517) as amended by House Amendments "A" (H-540) and "B" (H-542) thereto in the House on May 30, 1979.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-518) Report of the Committee on Taxation read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-518) as amended by Senate Amendment "A" (S-301) thereto in non-concurrence.

In the House: On motion of Mrs. Post of Owl's Head, tabled pending further consideration and later today assigned.

#### Non-Concurrent Matter

Bill "An Act to Revise the Inland Fisheries and Wildlife Laws" (S. P. 573) (L. D. 1637) which was passed to be engrossed as amended by House Amendment "A" (H-558) in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-306) in non-concurrence.

In the House: On motion of Mr. Dow of West Gardiner, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to Engrossing.

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act to Establish Energy Efficiency Building Performance Standards for the State of Maine" (H. P. 522) (L. D. 666) which was passed to be engrossed as amended by Committee Amendment "A" (H-536) in the House on May 31, 1979.

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

In the House: On motion of Mr. Tierney of Lisbon Falls, tabled pending further consideration and later today assigned.

#### Consent Calendar First Day

(S. P. 566) (L. D. 1629) Bill "An Act Relating to Requirements for Discharge into Class A Waters" Committee on Energy and Natural Resources reporting "Ought to Pass."

(S. P. 430) (L. D. 1379) Bill "An Act Relating to the Licensing of Auctioneers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-292)

(S. P. 43) (L. D. 29) Bill "An Act to Provide for the Registration and Protection of Trademarks" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-294)

(S. P. 544) (L. D. 1610) Bill "An Act to In-

demnify Motor Vehicle Dealers for Legal Expenses Against the Manufacturer" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-297)

(S. P. 418) (L. D. 1290) Bill "An Act Concerning the State Claims Board" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-295)

(S. P. 415) (L. D. 1289) Bill "An Act to Conform Land Use Regulation in the Unorganized Territory to Statewide Standards" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-298)

(S. P. 357) (L. D. 1105) Bill "An Act Relating to Non-profit Hospital or Medical Service Organizations" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-286)

No objections having been noted, under suspension of the rules, the above items were given Consent Calendar, Second Day, notification.

No objections having been noted to the Consent Calendar Second Day, under suspension of the rules, the Senate Papers were passed to be engrossed in concurrence.

#### Orders of the Day

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

An Act to Increase the Funds for the Displaced Homemakers Program. (H. P. 779) (L. D. 981) (C. "A" H-432) — In House, Passed to be Enacted on June 1, 1979. — In Senate, Indefinitely Postponed.

Tabled—June 5 (Till Later Today) By Mr. Tierney of Lisbon.

Pending—Further Consideration.

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

Mrs. NELSON: Mr. Speaker, I ask that we adhere to our previous action.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the House adhere.

The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would like to request a roll call and would speak.

I have come here today to speak in behalf of the near death of a friend and a lady, and she was a lady. Perhaps you have met her when you have walked the streets campaigning. Perhaps she is your mother, perhaps she is a sister-in-law, perhaps she is you. This is a woman; she is a displaced homemaker. She is the woman who married perhaps directly after high school perhaps worked a few years and got married and spent the majority of her years in marriage caring for her children, the way society says a woman is supposed to do, and now, after a substantial number of years of being at home, her husband dies or she is divorced and she must go to work. She is in her late forties, fifties, maybe early sixties, and now she must go to work, that is right, and you say—doing what?

In the 108th Legislature, a small pilot project to help educate and train these women and ultimately find jobs for these women was passed in the House and the Senate. It had an appropriation of \$135,000. The Appropriations Committee allowed for \$10,000 for this program for one year. It was a pilot project for two years. It was unanimous "ought to pass" report from the Committee on State Government. It took six months to get this program started and it did start, and according to the legislation, within a year's time it was to be sunsetted, it was to be reviewed; was this program working?

So, after six months of working, this project went before the State Government Committee and they reviewed it and gave it a unanimous "ought to pass" that after six months it was

working, the women were working. Over a hundred women had been in this program—36 were in workshops, were at schools; 35 had already been placed in full-time jobs, and not at CETA. They are working in banks, they are working in hospitals, they are working.

Because it was only funded for one year, it seemed logical and appropriate that we come back to the legislature for funding for the last of the two years. So, a bill was introduced by myself and was heard before the Appropriation Committee. It was also cosponsored by others as well. A divided report came out of the Appropriations Committee and it was a bipartisan effort to fund for the last year this small and obviously worthwhile working program. It passed the House quietly, ready for enactment. Last week it passed in the other body. There was a vote on passage, 23 for and 7 against, yet, on Monday in the other body, those same people voted 18 to indefinitely postpone the bill and 8 not to.

What happened to that program in that week, I asked myself, and I ask you.

This program asks that it be funded for one year for \$25,000. That is less than the amount of money that we had put aside to expand the program for state fairs. Twenty-five thousand dollars was less money than we decided by the House that they should set aside for workmens' compensation for musicians. It is a small amount of money and modest; granted, it is a lot of money to some people. However, it is a job placement program that seems to be working.

I want to read into the record one of the 175 letters that I have received from women throughout the state explaining what this program has meant, not directly to them but knowing that it exists. I quote:

"I want to share with you the importance and the significance of the displaced homemaker program and that it had on my life.

"I had been married for 25 years when my husband died at 47. At 47, with perhaps 30 years more to live, I can assume I will outlive the material necessities I have and they cost money to replace. So the future for me had to include more money.

"I am a registered nurse, a hospital graduate, I pursued that career only sparingly during the past 25 years. To go back to nursing technically, with schooling, would have been possible but physically impossible on a full-time basis and emotionally frightening because of the many changes.

"I had made some attempts at checking into various jobs, to muster the courage to make the call, to present myself and then have what little confidence you have immediately devastated by the response, 'Sorry, you are too old, too inexperienced and so forth', made for retreat back into a lonely and desolate world.

"There is nothing offered that I could find in this state for widows on a constructive, supportive basis. My first hope was the announcement of the beginning of a displaced homemaker program.

"Our first meeting of the four was a relief. Although the others were divorcees, the sharing of the grief, loneliness and anger, the futility brought solidarity and lessened the loneliness. We then moved on to constructive restructuring, looking at our past, learning how to make those experiences work for us now, transforming voluntary positions into marketable services. We looked at our attitudes and interests and wisdom of today and learned to define the fields that we would like to pursue.

"The positive and negative feedback of how others perceived us was helpful in establishing our identity. To discuss the changes in our lifestyles brought new insight. The referrals to other persons and agencies was fruitful. The lectures and discussions in presenting ourselves in a resume or in person gave new hope in making the attempt to start anew. The en-

couragement, support and gentle pushing to move on made it possible.

"I have been employed since December at the Council for New Directions, a women's alcoholic program here in Augusta. I know I would not have had the courage or the confidence to have applied had it not been for the displaced homemakers group.

"The money that hopefully will be appropriated for the displaced homemaker is a seed, planting, from which the State of Maine will reap the harvest. Most importantly, it will meet the needs of an ever increasing number of women making a difficult transition in their lifestyle, not always by choice.

"Crossing the bridge between youth and old age, from wife to mother, to individual, from homemaker to a functional worker does truly make the homemaker displaced. The women who will have the opportunity to attend, as I did, will not end up on welfare, using taxpayer's money, but instead will be a functional, tax-contributing citizen of Maine."

The Department of Manpower Affairs is supportive of this program clearly. They do not have the money. They would not open up the Part II Budget to allow this funding in; they could not.

The Governor, who spoke to us before a joint session, spoke of his encouragement for this kind of working program.

Men and women of the House, I urge you to continue to breathe life into this program for one more year, \$25,000, by voting yes on the motion I made to adhere.

If she is to die, let the other body bury her, for I have come to praise her, not to bury her. This is not a handout, this is a handup. Don't slap that hand that rocked the cradle, that now asks for work.

Attention must be paid and respect given to those women who stayed at home, cared for their children and now because, many times not out of choice, they must go to work, and they cry out, "doing what?" Help them, please. Vote yes to adhere.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe I am ever going to top the compassionate plea of the gentlelady from Portland, Mrs. Nelson. We have already heard discourse from the good majority leader of the boringness of speech yesterday, and maybe I can lull him to sleep on this one and get him lethargic and vote the other way.

But today, I really find it very hard to stand up and ask you to vote to recede and concur with the other body, but I would make that motion. I do so very, very reluctantly. My vote against this bill in committee was done so even more reluctantly. I found myself feeling as though I were, I guess, voting against motherhood, because that is really what we are talking about. When I thought of that comparison, I said to myself, gee, you know, your mother went through the same thing, and she did, and I don't care to bare my soul here today, but my mother was widowed at 44. She had two children, I was 14 and my sister was 8. You know, there wasn't anybody there to help her at that point in time in her life, yet, she made it. I know she wouldn't want to live through it again, nor would I, but I figure she looks back on it now and she says she has a lot more self-respect for herself, she has a greater awareness of her potential in society and, granted, that was a long time ago now, 17 years.

I just wonder, if we don't start so many programs that take initiative away from the people of the state and, granted, this has worked well in the greater Augusta area, but I just can't help but think there aren't programs out there now that could help these people, and I know Mrs. Nelson is going to stand up and say, no there aren't, no there aren't, but if the Manpower Affairs Commission feels this is

such a great opportunity, it would seem to me that somehow, somewhere, through all the job services programs that there are available statewide, not just here in Augusta, that this program could be better addressed in that manner and not starting a new bureaucracy, a new area in which the funding, at best, is temporary.

I will grant you that it is a worthwhile program, but I would say that it ought to be statewide and it therefore ought to be put in an existing program that we have already.

The other reason that I oppose the bill is because at the hearing most of the people that were there would honestly state that \$25,000 is not enough money to fund it adequately, and I say we don't need another program that is not funded adequately. You look at the Appropriations Table with 75 bills on it, you look at the budget, the Part II Budget, and you say, "My God, how many programs have we started that we are not adequately funding?" It happens all the time and I am sure we are all aware that it happens all the time because we have our own little pet project that is not funded adequately. I don't think it is fair to start another one.

If you want to talk about bringing it in, if you want to start talking about making it statewide, fine, I say they can do that within what they have already got now, but to start another program — you know, there are educational programs out there, there are human service programs, there are mental health and corrections programs that we have started here in this legislature, and we see them every day in Appropriations. A lot of you who may not be down there, you have your own individual interests, as Mrs. Nelson has hers, and I can appreciate that, but day after day after day in that committee room, people come through there and say, "we don't have enough money to run our program adequately." If that is the case, I say, let's not start another one that we aren't going to fund adequately and they are going to come back here next year and say, "You know, we really don't have enough money." So we end up doing a bunch of programs inadequately when maybe we ought to concentrate on doing the programs that we have now adequately. That is my opposition, and I am sorry to do so, believe me. It is not easy to stand up here and say that you are against motherhood, if you will, and I am not against it, but I am in favor of the individual being able to go out and do their own thing, if you will, and I am also opposed to the legislature starting programs that they can't adequately fund. It is not fair to the people who are involved in the program, because they don't know how long they are going to be around, and to start somebody into the program and then you have to drop it or you have to come back to the legislature for additional funding, it isn't fair. Let's do what programs we have now better and not start another one.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to speak very long on this. On this particular bill, I have been supporting it all along and I will attempt to support it at this point in time.

The gentleman is right, it is a small program but it is an ongoing program, it is a program that presently exists. It is not something that is being started up new, and despite the foot dragging of the startup on this program, it did accomplish very specific things in the first six or eight months of its operation. It started on a shoestring and, admittedly, this amount of money is not going to extend it statewide or anything of that nature, but the people who are working in it know how to make dollars go a long way and this particular program, I feel, should be continued.

I trust that you will follow the vote of the lady from Portland.

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: You have read a lot about this bill in the press and the problems that the sponsor is having with the Appropriations Committee, but I can say that personally I think the gentlelady from Portland is very sweet and I don't have anything against her personally. I did vote against the bill out of committee for a couple of reasons which I would like to mention here today.

The concept of the displaced homemaker, to me, is a good one, but I have always felt that in society there are a lot of displaced people, whether you talk about a widow who is in a situation where she has been raising kids and no longer has a husband, or a person who is changing jobs or a person who is unemployed or a person who is getting out of the legislature and you are going to do something else, there are a lot of displaced people out there. I think if you want to talk about the concept of displaced people, that is one thing, but to pick out one specific area, displaced homemakers, and try to fund that program on \$25,000 — Mrs. Nelson came into the Committee on Appropriations with this bill and said, you people gave me \$10,000 last time and you probably should have kept it. I agree with her. You know, \$10,000 for this kind of program is not going to go anywhere, and I don't think \$25,000 is going to do much better.

This has been a demonstration program, it has been right here in Kennebec County. I have had a couple of my constituents call me and tell me to vote for it, and I voted against it out of committee.

In the testimony at the committee, they talked about a potential population out there of 35,000 to 40,000 women who could take advantage of this program statewide. And I think to appropriate \$25,000 for a program like this, when you readily admit that the population out there that could be served is in the area of 35,000 people, is really hypocrisy.

As I mentioned, I believe that there are a lot of people out there that could take advantage of some kind of program, whether it be men or women or young people, help them with counseling, other kinds of things, and I really wonder if \$25,000 for a program in Kennebec County is something this legislature should do.

I made the argument — either fund it or don't fund it. Either establish the program and serve the state or don't, but to keep going \$10,000 one year, \$15,000 this year, what is it going to be next year? \$30,000, \$32,000, \$35,000, I don't know. But it seems to me, the legislature eventually has to make the decision on this program; we are either going to fund it adequately or we are not.

When I think of this program, I think if I were a cartoonist, you could draw someone, a displaced homemaker hanging by a cliff by their little finger. That is about the situation we have here trying to appropriate \$25,000 for a program like this.

I am sure there are women out there that could take advantage of it. I am sure that if we appropriated \$3 million for the program there would be people that could take advantage of it.

If you took \$3 million and put it into a displaced persons program, I am sure there would be women, men, young people, old people that would probably come in for some kind of help to do something so they could better their society. It is a big problem, but I think to go at it the way we are going at it, it is kind of ridiculous.

This bill originally came to the committee and I think it had an appropriation of \$50,000, now it is down to \$25,000. Two years ago it went

to the committee with \$130,000 and got chopped down to \$10,000. Well, you know, eventually you have got to make a decision on this program as to whether we are going to fund it or not. I have some problems with it. I think the sponsor is very sweet, I have no problems with her.

You probably read in the papers that some of the Appropriations Committee members were a little upset at the hearing. It has got nothing to do with the merits of the bill, but I really think if we are going to do something, maybe someone should offer an amendment to put \$200,000 and really do it up good in Bangor, Portland, Waterville and everywhere else. But at \$25,000, I really have to question the validity of trying to pass this thing again and keep it going on such little money.

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

Mr. HOWE: Mr. Speaker and Members of the House: The gentleman from Waterville, Mr. Boudreau is very sweet, but I really don't think too much of his arguments. He seems to be saying that because we can't afford a Cadillac, we ought not drive a Ford and therefore it is better to do nothing at all, but I just don't think that is a very valid argument.

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

Mrs. PAYNE: Mr. Speaker, Ladies and Gentlemen of the House: I am honestly on the fence on this one and I would like to address a question to the Chair, if I might. Is this primarily a program to lend money for a revolving scholarship fund to enable these women for job training, which is what I understand the program was when it was presented last year, or is it primarily a counseling program for women to be able to get on their feet again emotionally and so forth and get out into the job market?

The SPEAKER: The gentlewoman from Portland, Mrs. Payne, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. NELSON: Mr. Speaker, if I may respond to the question. It is both, it does all of that, and there is \$5,000 set aside for a revolving non-interest loan for those people who have to go back to school and don't have the money to do that. One year after they are placed in the job, they return that money to the fund so that some women can have the privilege of using some of that money to go on to school.

It is, indeed, partially counseling; that is a very small part of it. Basically, they are to be plugged into existing training and educational programs and placed in jobs.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I listened to the good gentleman from Waterville, Mr. Boudreau, and all I could think was that he was kind of cute.

To my mind, this isn't much different than the bill that we had yesterday that dealt with the side-by-side school in Portland. This is a school that is benefitting a very few people, it is in a specific community, it is doing a job, we are not giving it enough money. This House saw fit to turn itself around and to approve state money for that school. I think we should do the same for this program for the displaced homemakers, and I hope you will vote with Mrs. Nelson.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am still kind of on the fence myself on this one. I have just received some paperwork from Representative Nelson, and I was wondering if they can get the funding? I was noticing on the council, which, evidently, is where this project is in effect, there



is one from Lewiston, one from Manchester, four from Portland, one from Waterville, one from Saco and one from Brewer, which indicated that perhaps this program hasn't gone beyond the Brewer mark and is not into the northern sections of the state. If there is additional funding made available, how far more is this thing expected to go?

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: First of all, that council was established and women were put on that by the Governor, Governor Longley. Area, evidently, had nothing to do with his choosing women who would serve on that council; they were advisory.

This is a pilot project that was established in the 108th for two years, only two years, but money was only allocated for one year. This is money for the second half, and last, of the two years of the pilot project.

The hope was that if the pilot project proved worthy, that it would then be put into the Department of Manpower Affairs, where it rightfully belonged, so that every Manpower Affairs Office in the State of Maine would be sensitive to the needs of these women and have programs going on inside, internally, where it should be. So, as I said, this is a pilot project to finish up the commitment of two years by simply funding it for one more year. When that is over, this pilot project is over, and then the hope is that the Department of Manpower Affairs will pick it up in their budget for 1980 and 1981. And they will do that, because through this pilot project it has proved that it worked, and women from up north, and I have letters from your area, Mr. McKean, who feel that although they have not necessarily been helped personally, to know that that program exists, that the state is recognizing that need, they are encouraged because they know it is going to grow, they have written letters to say — right on, let's go, let's make a commitment. As I said, little respect, very little, to be paid to these women.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mrs. Nelson of Portland, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

#### (Off Record Remarks)

On motion of Mrs. Nelson of Portland, recessed until two o'clock in the afternoon.

#### After Recess 2:00 P.M.

The House was called to order by the Speaker.

#### (Off Record Remarks)

On motion of Mr. Carroll of Limerick, recessed until the sound of the gong.

#### After Recess 3:20 P.M.

The House was called to order by the Speaker.

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

Bill, "An Act to Establish a Statutory Limit on County Expenditures during any One Fiscal Year" (S. P. 256) (L. D. 730) — In House, Indefinitely Postponed on June 4, 1979. — In

Senate, Senate Insisted on Passage to be Engrossed.

Pending — Further Consideration.

Thereupon, the House voted to adhere.

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

Mr. CARTER: Mr. Speaker, I move we reconsider our action whereby we voted to adhere.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House reconsider its action whereby it voted to adhere.

The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: At the first reading of this bill, the House gave it unanimous support, not unanimous but strong support, and I think it did so because they agreed, as I did, that it is a bill that is long overdue. Incidentally, it is very similar to the bill that I supported yesterday, which was Report B, to limit state expenditures, the only difference being that this is to limit county expenditures. It is a statutory approach and it is very consistent with my philosophy.

Admittedly, this is not the total solution to the problem that many of us have experienced with county government. Many county commissioners have exceeded their budgets, many of them are getting involved in programs that are not authorized by the legislature. Many of the citizens back in your own communities, I know in mine, feel very frustrated. The councilors in my community have, for two years in a row, in their frustration, voted not to appropriate any funds to pay their county tax. Even though they knew that by law they were required to pay the tax, they felt so frustrated because there is no way available to them or to any citizen to recall the budget or to have a say on it other than through the legislative process.

Many of us, I am sure, agree that it is a system far from perfect, and many of us are frustrated trying to live with it.

This bill, I think, would serve as a stopgap measure until and when the decision can be made whether we are going to greatly strengthen county government or do away with it. But in the interim period, this would prevent some kind of a hold for the citizens on the county budget, as it would allow no greater increase in the budget than the cost of living of the previous year or an increase in the personal income tax. Any expenditures over and above this would have to be approved by the citizens of the county.

I would hope, Mr. Speaker and Members of the House, that you would support the motion to reconsider so that we can put this piece of legislation on the books.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: There is probably no one as frustrated with county budgets as I am. I have heard all 16 budgets in committee and I am very upset with mine.

If you will read this bill, it will not do what you want it to do. First, you can take all the federal funds you have, set them aside, and then you increase your budget by the increase in cost of living or the Maine personal income. If it is 10 percent or 14 percent, you will plug that into the budget, increase your budget by 10 percent, which increases your taxes, you pull the federal funds back in and there may be a 20 or 30 percent increase on that and you may have an increase of over 20 percent in your budget and you have not done the job that you should have done in the first place.

The second thing, if the county wishes to improve the increase in the budget, it only taxes 30 percent of the people in the county. I think the delegation can do the job just as well if they do their homework.

I don't really believe that this will do the job.

If you will really read it, if you can't plug into federal funds on that increase, what good is it? I hope that you don't reconsider.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that the House reconsider its action whereby it voted to adhere. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

36 having voted in the affirmative and 51 having voted in the negative, the motion does not prevail.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

The following Communication:

#### COMMITTEE ON JUDICIARY

June 5, 1979

The Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Committee on Judiciary is pleased to report that it has completed all business placed before it by the First Regular Session of the 109th Legislature.

Bills received in Committee	168
Unanimous Reports	122
Ought to Pass	17
Ought to Pass, Amended	39
Ought to Pass in New Draft	3
Ought to Pass in New Draft & Title	2
Ought Not to Pass	4
Leave to Withdraw	57
Divided Reports	44
Bills held in Committee	2

Respectfully yours,  
S/Representative BARRY J. HOBBINS  
House Chairman

The Communication was read and returned to the Committee on Judiciary.

#### Bond Issue

An Act to Appropriate Money for Public Fish Piers, Airports and Other Transportation Improvements and to Authorize General Fund Bond Issue in the Amount of \$11,810,000 (S. P. 487) (L. D. 1549)

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, a two-thirds vote of the House being necessary, a total was taken. 92 voted in favor of same and 16 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Emergency Measures

An Act Altering the Organization and Governance of Community School Districts (H. P. 1081) (L. D. 1517) (C. "A" H-498)

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. 114 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide Compensation and Benefits Agreed to by the State and Council 74, American Federation of State, County and Municipal Employees, (AFSCME) for Employees in the Institutional Services Bargaining Unit (H. P. 1445) (L. D. 1644)

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. 108 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Coordinating Regional and Intercity Public Transportation Programs (S. P. 495) (L. D. 1556) (C. "A" S-255)

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. 110 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Amend the Campaign Finance Law (S. P. 78) (L. D. 167) (H. "A" H-595; C. "A" S-250)

An Act to Eliminate the Licensing and Reporting Requirements by the Owners of Diesel Powered Noncommercial Vehicles Who Purchase Only Fuel upon Which Fuel Tax has been Paid (S. P. 251) (L. D. 697) (C. "A" S-272)

An Act to Clarify the Liability of Employers Under the Workers' Compensation Act (S. P. 338) (L. D. 999)

An Act to Amend the Life Insurance Provisions Regarding Justices and Judges (S. P. 345) (L. D. 1059)

An Act to Establish an Office of Deafness and Communications Disorders (S. P. 407) (L. D. 1265) (C. "A" S-260)

An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities (S. P. 443) (L. D. 1381) (C. "A" S-262) (Later Reconsidered)

An Act Relating to the Protection of Ground Water (S. P. 468) (L. D. 1479) (C. "A" S-256)

An Act to Extend Rights of Patients in Institutions to Patients in Residential Care Facilities (S. P. 466) (L. D. 1528) (C. "A" S-274)

An Act to Increase the Dollar Amount of an Accident That Must be Reported to the Secretary of State from \$200 to \$300 (H. P. 636) (L. D. 787) (S. "C" S-265 to C. "A" H-404)

An Act to Transfer the Cost of Witness Fees for Superior Court from the County Budget to the State (H. P. 926) (L. D. 1140) (C. "A" H-582)

An Act Concerning Driver's Education for the Physically Disabled (H. P. 1162) (L. D. 1427) (C. "A" H-590)

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

An Act Relating to the Employment of Minors and Overtime Pay (H. P. 1214) (L. D. 1520) (H. "A" H-634 to C. "A" H-494)

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

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I wish the members of this body would look carefully at this bill. It reads one way to me and apparently it reads another way to other people. The way I read it is that a child under the age of 14 shall not be permitted to work with any kind of hazardous equipment, either in the field or out of the field — I would say in a field or in a packing house or some such place.

People have told me that I am wrong in my interpretation, that actually such a child under 14 could use a tractor or a cultivator, any kind of field equipment, but that the law would disallow his working in any kind of a building, for example, a packing house. Actually, the whole bill is aimed at one company in the state, and that is DeCoster. I, personally, don't want children to be around hazardous machinery at all, but I think that it could be detrimental to a

small farmer, especially one who doesn't even have such a packing house. Personally, I think that the insurance companies, and I think OSHA, and any kind of a federal inspector ought to be monitoring DeCoster and make sure that the children aren't around any kind of hazardous machinery. And I think the parents of these children ought to have some responsibility too and not send their children to work in a place that is hazardous. To me, that is a form of child abuse, to send your child deliberately out to work among hazardous machinery, hazardous substances or any kind of a hazardous situation.

Really, I would like to have the bill indefinitely postponed, unless I can hear somebody give me some really good arguments why we should pass it, and I so move, Mr. Speaker.

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

The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I have to stand today to respectfully disagree with the gentlewoman from Auburn. I have taken a look at the bill and it seems very clear to me that agricultural types of endeavors are exempt under the bill. The other day we discussed this at length, and I have taken a look at the bill and I think that Mrs. Lewis is correct in that some people read it one way and others read it a different way, but it is very clear to me in the bill that we are protecting the farmers who use junior high kids, and in some cases high school kids, to pick potatoes and that type of thing, and I hope you will not indefinitely postpone the bill.

The SPEAKER: The Chair will order a vote. All those in favor of this Bill being indefinitely postponed will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Roope of Presque Isle requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Auburn, Mrs. Lewis, that this Bill, and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Barry, Bordeaux, Bowden, Brown, K. L.; Bunker, Call, Carter, F.; Damren, Davis, Dexter, Dow, Drinkwater, Hunter, Hutchings, Immonen, Kiesman, Lancaster, Leighton, Leonard, Lewis, Lowe, Matthews, McPherson, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Sherburne, Silsby, Stetson, Stover, Studley, Torrey, Tozier, Whittemore.

NAY — Aloupis, Bachrach, Baker, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Carter, D.; Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Davies, Dellert, Diamond, Doukas, Dutremble, D.; Dutremble, L.; Fenlason, Fillmore, Fowle, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Laffin, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Masterton, Maxwell, McHenry, McMahon, McSweeney, Michael, Mitchell, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Peltier, Reeves, P.; Rolde, Sewall, Simon,

Small, Sprowl, Strout, Tarbell, Theriault, Tierney, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Austin, Carrier, Carroll, Dudley, Elias, Garsoe, Higgins, Jalbert, Joyce, LaPlante, Lougee, MacBride, McKean, Morton, Nadeau, Norris, Post, Prescott, Smith, Soulas, Vincent.

Yes, 37; No, 93; Absent, 21.

The SPEAKER: Thirty-seven having voted in the affirmative and ninety-three in the negative, with twenty-one being absent, the motion does not prevail.

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

By unanimous consent, ordered sent forthwith.

An Act to Authorize the Citizens of Hancock County to Vote on the Matter of Converting Vocational Region #5 to a Vocational Center (H. P. 1463) (L. D. 1655)

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.

All matters acted upon requiring Senate concurrence were ordered sent forthwith.

On motion of Mr. Norris of Brewer, the House reconsidered its action whereby An Act to Increase Real Estate Broker and Salesman License and Examination Fees and to Eliminate Ambiguities, Senate Paper 443, L. D. 1381, was passed to be enacted.

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

Mr. NORRIS: Mr. Speaker, I would like to ask any member of the committee what the increases are here, and I do have some figures from the department, but I would like to know what the increases are and how they were justified when we are talking about holding the line pretty much all the way down the line and why they picked on this particular profession to raise the license fees in particular?

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

Mr. HOWE: Mr. Speaker and Members of the House: I anticipated the question and I was piecing together the present fee schedule which is scattered throughout several sections in Title 32. You will see in the bill that all of these fees are brought together in one place and they aren't radical increases. For example, the present law says that the first examination for a broker is \$40 and for a salesman is \$35. The bill says that both will be \$40, so that brokers and salesmen will be treated the same.

The committee amended it so that you can take the first examination and one retake for \$40, so I think that actually, if you don't pass it the first time, it is a decrease in the long run for some of you who have to take it twice.

The fee for a two-year duplicate license, for example, for a branch has gone from \$5 to \$10. The fee for a two-year active license was \$30 for a broker and \$20 for a salesman and now it is \$40 for everybody. So there are no drastic increases in fees, and I don't have the budget information with me. I do recall we looked at it at the time and felt that some increase was going to be necessary within the near future to keep the thing self-sustaining.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I did do some checking with Legislative Finance when I saw this bill and I do apologize for not speaking to it before this. As I say, in a time of holding it down, I am sure it wasn't a question of the industry trying to hold people out with those reasonable increases, but in 1979, this, of course, is a dedicated revenue to the Real Estate Department, the balance that they brought forward was



\$62,454. In 1980, it is predicted, under the present scheme of things, it will be \$33,454, and in 1981, it will be \$104,000 that this account will be carrying.

I can understand that certainly the increases are reasonable, but I see no need for them. There is plenty of money in the account and we have had these bills before us for the past 10 years that I have been here. Every year, the Real Estate Commission account has been better, they have accrued more money and they want even more.

They will tell you that there are two unfunded positions that may have to be filled—they 'may' have to be filled.

Given this information, and due to the fact that there will be a \$104,000 surplus by 1981, I would move indefinite postponement of this bill and all its accompanying papers and ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The committee looked into this and our findings are a little bit different than Mr. Norris'. They do have two positions to fund. They also want to get into a good deal more checking and do more consumer work checking into the various brokerage firms in the state, and their figures showed very definitely that they did need the money and they would not be running this surplus.

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 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 Brewer, Mr. Norris, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Barry, Benoit, Berube, Birt, Blodgett, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Call, Carroll, Carter, F.; Conary, Cox, Cunningham, Curtis, Damren, Davis, Diamond, Doukas, Dow, Drinkwater, Dutremble, L.; Fenlason, Gavett, Gillis, Gowen, Gray, Hall, Hanson, Hickey, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jacques, E.; Jacques, P.; Kelleher, Kiesman, Laffin, Lancaster, LaPlante, Leighton, Lewis, Locke, Lowe, MacEachern, Mahany, Martin, A.; Masterman, Matthews, McHenry, McKean, McMahon, McPherson, McSweeney, Michael, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Simon, Studley, Tarbell, Tierney, Torrey, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Bachrach, Baker, Beaulieu, Berry, Bowden, Brannigan, Carter, D.; Churchill, Cloutier, Connolly, Dellert, Dexter, Dutremble, D.; Fillmore, Fowle, Gwadosky, Howe, Jackson, Kane, Kany, Lizotte, Lund, Marshall, Masterton, Maxwell, Mitchell, Nadeau, Peltier, Small, Sprowl, Stetson, Stover, Whittemore.

ABSENT — Austin, Boudreau, Brenerman, Carrier, Chonko, Davies, Dudley, Elias, Garsoe, Gould, Higgins, Huber, Jalbert, Joyce, Leonard, Lougee, MacBride, Post, Reeves, P.; Rolde, Silsby, Smith, Soulas, Strout, Theriault, Vincent.

Yes, 91; No, 34; Absent, 26.

The SPEAKER: Ninety-one having voted in the affirmative and thirty-four in the negative, with twenty-six being absent, the motion does prevail.

By unanimous consent, ordered sent forth-

with to the Senate.

At this point, by unanimous consent, the rules were suspended for the purpose of allowing members to remove their jackets.

#### (Off Record Remarks)

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

The following Communications:

#### THE SENATE OF MAINE

Augusta

June 6, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Insist and Join in a Committee of Conference on Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation." (H. P. 402) (L. D. 508)

Respectfully,

S/ MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

#### THE SENATE OF MAINE

Augusta

June 6, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

The Governor having returned:

Bill, "An Act to Assess a Surcharge on Fines for the Operation of the Maine Criminal Justice Academy," S. P. 545, L. D. 1608, together with his objections to the same, the Senate proceeded to vote on the question: 'Shall the Bill become a law notwithstanding the objections of the Governor?'

According to the provisions of the Constitution, a yea and nay vote was taken. Eleven Senators voted in the affirmative and twenty-one in the negative, and the Bill accordingly failed to become law, and the veto was sustained.

Respectfully,

S/ MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

Expressions of Legislative Sentiment, recognizing that:

Delta Air Lines, Inc. will celebrate its 50th anniversary on June 17, 1979, (S. P. 606)

Mr. and Mrs. Hartson Blackstone, Sr., of Perham, will be celebrating their 60th wedding anniversary on June 18, 1979, (S. P. 608)

Scott McIntosh, son of Mr. and Mrs. Roscoe McIntosh of Wade, and grandson of Senator and Mrs. James McBreairey from Aroostook County, has completed 12 years of school without missing a day, (S. P. 609)

Edith Counter, of Brunswick, has achieved the rank of First Class in Girl Scout Cadet Troop No. 475, (S. P. 611)

Valerie Caron, of Brunswick, has achieved the rank of First Class in Girl Scout Cadet Troop No. 475, (S. P. 611)

Beth Rancourt, of Brunswick, has achieved the rank of First Class in Girl Scout Cadet Troop No. 475, (S. P. 612)

Came from the Senate read and passed.

In the House, were read and passed in concurrence.

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

Committee on State Government on Bill "An Act to Protect Subcontractors from Nonpayment on Public Improvement Contracts" (S. P.

370) (L. D. 1150) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Protect Subcontractors from Nonpayment on Certain Contracts with the Department of Transportation" (S. P. 594) (L. D. 1667)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, and passed to be engrossed in concurrence.

#### Non-Concurrent Matter

Bill "An Act Relating to the Identification and the Hazards of Chemicals in the Workplace" (H. P. 750) (L. D. 958) which was passed to be engrossed as amended by Committee Amendment "A" (H-598) in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-598) as amended by Senate Amendment "A" (S-309) thereto in non-concurrence.

In the House: On motion of Mr. Wyman of Pittsfield, the House voted to recede and concur.

Bill "An Act to Reestablish the Boundary Line between Winslow and China" (H. P. 834) (L. D. 1031) which was passed to be engrossed as amended by Committee Amendment "B" (H-614) in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-613) in non-concurrence.

In the House:

Mr. LaPlante of Sabattus moved that the House adhere.

Mr. Hunter of Benton moved that the House recede and concur.

Whereupon, Mr. LaPlante requested a vote.

The SPEAKER: All those in favor of receding and concurring will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. LaPlante of Sabattus requested a roll call vote.

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

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

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would vote against the motion to recede and concur so that we might be able to adhere.

This bill received a lengthy debate the other day and received a favorable vote from the House. I would hope that you would hold fast and vote against the motion to recede and concur.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Benton, Mr. Hunter, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

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

Mr. GRAY: Mr. Speaker, I would like to pair with the gentleman from Westbrook, Mr. Carrier. If he were here, he would be voting no; if I were voting, I would be voting yes.

#### ROLL CALL

YEA — Aloupis, Birt, Bordeaux, Bowden, Brown, D.; Brown, K.L.; Bunker, Carter, F.; Churchill, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Fenlason, Garsoe, Gavett, Gillis, Gould, Hanson, Higgins, Hunter, Hutchings, Immonen, Kiesman, Lan-

caster, Leighton, Leonard, Lewis, Lowe, Lund, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Norris, Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Whittemore.

**NAY** — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Blodgett, Boudreau, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K.C.; Call, Carroll, Carter, D.; Chonko, Cloutier, Conary, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Fillmore, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jackson, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Laffin, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

**ABSENT** — Austin, Dudley, Elias, Jalbert, Joyce, Lougee, MacBride, Soulas, Vincent.

**PAIRED** — Carrier-Gray.

Yes, 60; No, 80; Absent, 9; Paired, 2.

The **SPEAKER**: Sixty having voted in the affirmative and eighty in the negative, with nine being absent and two paired, the motion does not prevail.

Thereupon, on motion of Mr. LaPlante of Sabattus, the House voted to adhere.

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

Bill "An Act to Amend the Municipal Public Employees Labor Relations Act" (H. P. 1095) (L. D. 1345) which was passed to be engrossed as amended by Committee Amendment "A" (H-609) in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-610) in non-concurrence.

In the House:

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

Mr. **WYMAN**: Mr. Speaker and Members of the House: I move that the House recede and concur and would speak to my motion.

I would like to state for the record that both of these bills are exactly the same in context, except one amendment deletes any reference to a definition of "confidential employees" under the Municipal Public Employees Labor Relations Act and one does not. I just wanted to clarify that for the record.

Thereupon, on motion of Mr. Wyman of Pittsfield, the House voted to recede and concur.

Bill "An Act Restructuring the Oil Burner Men's Licensing Board and Providing for the Testing of Energy-related Equipment" (H. P. 1476) (L. D. 1662) which was passed to be engrossed in the House on June 4, 1979.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-303) in non-concurrence.

In the House: On motion of Mr. Howe of South Portland, the House voted to recede and concur.

Bill "An Act to Provide Funds for Side-by-side School as a Demonstration Project for Alternative Education Programs" (Emergency) (H. P. 1125) (L. D. 1397) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-624) Report of the Committee on Education was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-624) as amended by House Amendment "B" (H-649) in the House on June 5, 1979.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Education read and accepted in non-concurrence.

rence.

In the House:

Mr. Connolly of Portland moved that the House adhere.

Mr. Leighton of Harrison moved that the House recede and concur.

The **SPEAKER**: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. **ROLDE**: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you do not go along with the motion of my friend from Harrison, Mr. Leighton, to recede and concur. I had to be away yesterday and didn't have a chance to speak on this bill, but I think it is a very, very important bill.

We had something like 18 students and some of their parents come before us to testify on this bill. These were students that would not be in school if it were not for the Side-by-side School. They were habitual truants, they were kids that would just not go to school under any other circumstance. We asked them what they did and some of them would tell us, well, we would go to school, we would walk in the front door, we would go out the back door, and they would do it day after day. There was just something about the regular school system that turned them off.

However, this school started as an experimental project and it has really worked, not just in the City of Portland but there are kids from other schools going to it.

I am sure this was debated very well the other day, but I would just make some more points. One is that the funding that we are asking for is the money that the school system would be receiving if those children were in school. It is not any additional appropriations but it is the exact amount that those school systems would get.

The second point that I would make is, there were a couple of these kids who, if they were not in this Side-by-side School, would be candidates for other schools like South Portland or Windham or Thomaston, at a cost of something like \$15,000 to \$25,000 to the state, so I think that a \$19,000 appropriation on this bill, which is actually money that would be going to the schools anyway if these kids were in school, it is a very good bargain.

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

Mrs. **PAYNE**: Mr. Speaker and Members of the House: First, I want to say that I was pleased to hear Representative Birt's remarks yesterday, as sometimes things that are called Portland bills are a little misunderstood maybe by the rest of everybody.

But, Portland has had these schools before, not this particular one, but we have had these schools before and they somehow always disappear, though under very good auspices.

My main objections to this bill, however, are philosophical. I realize we are not all alike, we are not cut out like cookies, that each of us responds differently to training, teaching and discipline.

Coming from Portland, I am not ignorant of the local problem in education, but is it in the best interest of these young people who do not fit in to continue to accommodate them, to let them make the rules to make working outside of even a very flexible system possible? This is not training for the real world which they will be entering in just a few years. This is not training for the real world but the refrain works, disciplines and very little time for understanding sympathy.

At present, Portland has alternative schools, we have social agencies which care, we have school social workers, we have school psychologists, and I feel this is one more example of protecting kids from the system which they will have to accept sooner or later, and it will be harder for them later.

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

Mr. **LEIGHTON**: Mr. Speaker, Ladies and

Gentlemen of the House: I just want to address myself to two points raised by Representative Rolde. The first point was that this was debated very thoroughly the other day. He is absolutely correct in that.

The second point he made, he is entirely incorrect, in which he suggests this money would go to the City of Portland anyway. The fact is, there is no way to relate the thing on the basis of a per pupil cost. The monies for alternative education have been used to set up three different alternative education programs in the City of Portland. The seats are there waiting for those kids and have to be paid for anyway.

This \$40,000 over the next biennium, pure and simple, is in addition to the amount of money that the State of Maine has previously been committed to pay to Portland for alternative education; it is an addition.

I would like the yeas and nays, Mr. Speaker.

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

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

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

Mr. **CONNOLLY**: Mr. Speaker and Members of the House: I am not going to debate this issue. I would just say that yesterday we had two votes on this bill. The first one was a very close vote and it was against the bill. The second vote turned around and by a substantial margin the bill was passed.

I have no great illusions as to what is going to happen to this legislation when it gets down to the other end of the hall, but I am fighting for my bill and I would like the opportunity to give it its one last gasp when it goes down to the other body tomorrow.

I would appreciate those of you who supported this legislation on the second vote to stick with us and let's let the bill have at least its final shot tomorrow.

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

Mrs. **BEAULIEU**: Mr. Speaker, Ladies and Gentlemen of the House: I am not fighting for Representative Connolly's bill, I am fighting for those kids.

I hope you will support us, as you did yesterday, on the reconsideration effort.

The **SPEAKER**: A roll call has been ordered. The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

**YEA** — Aloupis, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Conary, Cunningham, Damren, Davis, Dellert, Dexter, Drinkwater, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gray, Hanson, Higgins, Immonen, Jackson, Kiesman, Lancaster, Leighton, Lougee, Lowe, MacBride, Masterman, Matthews, McPherson, McSweeney, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Rollins, Roope, Silsby, Small, Sprowl, Stetson, Stover, Studley, Twitchell, Wentworth, Whittemore.

**NAY** — Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Elias, Fowlie, Gowen, Gwadosky, Hall, Hickey, Hobbins, Howe, Huber, Hughes, Jacques, E.; Jacques, P.; Kane, Kany, Kelleher, Laffin, LaPlante, Leonard, Lewis, Lizotte, Locke, Lund, MacEachern, Mahany, Marshall, Martin, A.; Masterton, Maxwell, McHenry, McKean, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.;

Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Sherburne, Simon, Strout, Tarbell, Theriault, Tierney, Torrey, Tozier, Tuttle, Violette, Vose, Wood, Wyman, The Speaker.

**ABSENT** — Austin, Carrier, Churchill, Dudley, Hunter, Hutchings, Jalbert, Joyce, McMahon, Peltier, Smith, Soulas, Vincent.

Yes, 53; No, 85; Absent, 13.

The SPEAKER: Fifty-three having voted in the affirmative and eighty-five in the negative, with thirteen being absent, the motion does not prevail.

Thereupon, on motion of Mr. Connolly of Portland, the House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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

Bill, "An Act to Make Allocations from the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (Emergency) (H. P. 1359) (L. D. 1595)

Tabled—June 5, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

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

Mr. PAUL: Mr. Speaker, I move this bill be tabled for one legislative day.

Whereupon, Mr. Tierney requested a vote.

The SPEAKER: All those in favor of this being tabled for one legislative day will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Paul of Sanford requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Sanford, Mr. Paul, that this matter be tabled pending passage to be engrossed and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

**YEA** — Aloupis, Barry, Berube, Bordeaux, Carter, F.; Damren, Dexter, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gowen, Gray, Gwadnosky, Hanson, Hobbins, Jacques, E., Kiesman, Leonard, Lewis, Lougee, MacBride, Mahany, Martin, A.; McSweeney, Michael, Nadeau, Paul, Rollins, Silsby, Smith, Studley, Tuttle, Whittemore, Wood.

**NAY** — Bachrach, Baker, Beaulieu, Benoit, Berry, Birt, Blodgett, Boudreau, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carroll, Carter, D.; Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Davies, Davis, Dellert, Diamond, Doukas, Dow, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Hickey, Howe, Huber, Hughes, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kany, Kelleher, Laffin, LaPlante, Leighton, Lizotte, Lowe, Lund, MacEachern, Marshall, Masterman, Masterton, Matthews, Maxwell, McHenry, McKean, McPherson, Mitchell, Morton, Nelson, A.; Nelson, N.; Norris, Paradis, Payne, Pearson, Peterson, Post, Prescott, Reeves, J.; Reeves, P.; Rolde, Roope, Sewall, Sherburne, Simon, Small, Sprowl, Stetson, Stover, Strout, Tarbell, Theriault, Tierney, Torrey, Tozier, Twitchell, Violette, Vose, Wentworth, Wyman.

**ABSENT** — Austin, Bowden, Carrier, Chonko, Dudley, Hall, Higgins, Hunter, Jalbert, Joyce, Lancaster, Locke, McMahon, Nelson, M.; Peltier, Soulas, Vincent.

Yes, 35; No, 98; Absent 17.

The SPEAKER: Thirty-five having voted in the affirmative and ninety-eight in the negative, with seventeen being absent, the motion does not prevail.

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

Mr. DOW: Mr. Speaker, I move passage of the bill.

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

Mr. PAUL: Mr. Speaker and Members of the House: I am a little bit surprised that this action has been taken. This bill is the appropriations bill for the next biennium and frankly, I am somewhat surprised that we are ready to act on this bill at this time, considering the fact that we have not yet disposed of the license fee increase bill. I thought we were following along the lines of the highway appropriation, the highway appropriation act was being held in limbo until such time as the registration increase was decided, because it is obvious, if the two bills don't pass, the budgets have to be reworked, because on the face of it, this budget is a deficit budget.

I would ask you to vote against passage. I was hopeful that we could debate the merits one more time at least, or the demerits of the license fee increase, without trying to railroad through the appropriation.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and later today assigned.

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

An Act to Provide for Staggered Registration for Motor Trucks (H. P. 767) (L. D. 970) (C. "A" H-565)

Tabled—June 5, 1979 by Mr. Carroll of Limerick.

Pending—Passage to be Enacted.

On motion of Mr. Carroll of Limerick, tabled pending passage to be enacted and tomorrow assigned.

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

Bill "An Act to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1980, and June 30, 1981" (Emergency) (S. P. 586) (L. D. 1651)

Tabled—June 5, 1979 by Mr. Tierney of Lisbon.

Pending—Passage to be Engrossed.

On motion of Mr. Tierney of Lisbon Falls, tabled pending passage to be engrossed and tomorrow assigned.

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

An Act to Make Substantive Changes in the Forestry Statutes (H. P. 1126) (L. D. 1396) (S. "B" S-254 to C. "A" H-428)

Tabled—June 5, 1979 by Mr. Blodgett of Waldo.

Pending—Passage to be Enacted.

On motion of Mr. Blodgett of Waldo, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-670) was read by the Clerk.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I would ask the good gentleman from Waldo to explain the amendment.

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

Mr. BLODGETT: Mr. Speaker, in response to the question, this simply clarifies some ambiguity that exists in dealing with the permit system with the fires. It makes absolutely no

change in the present law but just clarifies it in the statutes.

Thereupon, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto and House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill "An Act Relating to Access, Copying and Release of Medical Records" (H. P. 935) (L. D. 1165) — In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-491) as amended by House Amendment "B" (H-530) thereto (Minority Report) on May 30. — In Senate, Majority "Ought Not to Pass" Report Accepted.

Tabled—June 5, 1979 by Mr. Hobbins of Saco. Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and tomorrow assigned.

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

**HOUSE REPORT** — "Leave to Withdraw" — Committee on Public Utilities on Bill, "An Act to Prohibit Unreasonable and Unjust Fuel Charges from Being Passed on to Consumers" (Emergency) (H. P. 1333) (L. D. 1580)

Tabled—June 5, 1979 by Mr. Davies of Orono. Pending—Acceptance of the Committee Report.

On motion of Mr. Davies of Orono, retabled pending acceptance of the Committee Report and tomorrow assigned.

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

**HOUSE REPORT** — "Leave to Withdraw" — Committee on Judiciary on Bill "An Act to Extend the Liability Limitations for Ski Areas to Cross-country Ski Areas" (H. P. 305) (L. D. 401)

Tabled—June 5, 1979 by Mr. Hobbins of Saco. Pending—Acceptance of the Committee Report.

On motion of Mr. Blodgett of Waldo, retabled pending acceptance of the Committee Report and tomorrow assigned.

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

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) (C. "A" H-618)

Tabled—June 4, 1979 by Mrs. Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

On motion of Mr. Fowlie of Rockland, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" was adopted, and on motion of the same gentleman, the Amendment was indefinitely postponed.

The same gentleman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-669) was read by the Clerk and adopted.

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

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

Bill "An Act to Provide for the Licensing of Denturists" (H. P. 1365) (L. D. 1598)

Tabled—June 5, 1979 by Mr. Dudley of Enfield.

Pending—Passage to be Engrossed (House receded from Passage to be Engrossed on June 5)

On motion of Mrs. Prescott of Hampden,

tabled pending passage to be engrossed and later today assigned.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1979 (Emergency) (H. P. 1483) (L. D. 1670)

Tabled—June 5, 1979 by Mr. Kelleher of Bangor.

Pending—Passage to be Engrossed.

Miss Aloupis of Bangor offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-662) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: To you, my fellow colleagues, I say, I know, we have had enough of county budgets and I am sure you really don't want to get involved in ours, but we have had some differences within our delegation. This amendment would reduce our budget by \$25,000, actually \$40,000 but reinstating \$15,000 to extend our rural sheriff patrol in our area, so that our rural people can make the adjustment by December 31.

There has been mentioned the fact that this amendment was created through perhaps a secret meeting; it was not. The chairman of our delegation did say to us, those of you who wish to prepare amendments, prepare them and present them to the Local and County Government Committee, which we did do. There were two amendments presented to that committee. This amendment had 12 signatures, we did need 13 signatures, which would have been the majority of the delegation. However, the thirteenth signature was not mustered.

So, I do present this House Amendment to you on the floor and hope that you will adopt it.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I would move indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Brewer, Mr. Norris, moves the indefinite postponement of House Amendment "A".

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

Mr. TARBELL: Mr. Speaker and Members of the House: Those of you who are left, I think all of us have had some trying times with our county budgets over the past session and perhaps even dating back prior to the session.

The amendment that is before you is an amendment that would cut \$25,000 out of a \$1.5 million appropriation budget in our county budget.

The amendment addresses two problems that we have had, that have gone on and on with our budget since last fall. The two problems are: (1) extravagant expenditures in the areas of meals, mileage, cars and so forth, and I would submit to you, those are items in our budget that you will not find in your budget if you come from a different county that we do in Penobscot County. They are items that we have questioned, I certainly have raised these questions over a year ago and was promised that we would take some corrective measures to address them and our delegation has not seen fit to do so, unfortunately.

The other item that the budget addresses is the rural law enforcement, deputy sheriffs. In rural law enforcement throughout Penobscot County, which is predominantly rural. The amendment before us would place \$15,000 back into rural law enforcement without increasing the budget, and that decrease is only \$25,000. This would give the rural towns throughout our county, the last six months of this calendar year, an opportunity, with the four continued deputy sheriffs, there would be two from this and it is my understanding that in today's

Bangor Daily, the commissioners are able to find enough money in the departmental budget to give two more—it would provide for four rural law enforcement and it would give the rural towns throughout Penobscot County at least six or seven months lead time to decide how they are going to come up with their own local funds at their own local level to provide for rural law enforcement. Also, at the same time, if we are going to ask those rural towns and municipalities to increase their taxes to come up with rural law enforcement on their own, that the county is not going to provide, then it is only right that we cut the budget by some amount of measure so that they don't have to continue sending those dollars into the county budget.

I think if you take a look at the amendment, the Statement of Fact very clearly spells out the various areas that are being cut. They are modest cuts. We have got overlapping items between various departments and it is an easy way to pad a budget.

We had the town managers throughout all of Penobscot County, not all of them but the preponderance of them, study this proposal for a couple of months, and as you may recall, we had a six hour, seven hour marathon session back home in our county on a reopening of the budget. The town managers, in a very thick document, proposed a \$100,000 cut in our county budget. It was their contention that that could be done after studying it more carefully, I would say, than many of us in the delegation, without any diminution in the services of our county government.

This amendment before you today represents a modification, a watering down of the town managers' \$100,000 cut proposal. This represents a \$25,000 out of a \$1.5 million budget.

It is my understanding that there are several county budgets yet to be dealt with on the floor of the House. It is my understanding that there are those who would like to propose House amendments to them, and I would submit to you that in a spirit of bipartisan cooperation, that if there are responsible proposals made in county budgets to cut extravagances that are moderate, reasonable and responsible, that will not cut into the quality of services of county government, then I think that in the interest of the common good of all the people of our respective counties, as a good government measure, we ought to be looking at these amendments carefully and dealing with them in a reasonable and fair-minded fashion.

I do respect all of the colleagues in the House of the Penobscot County delegation who do not feel that this is a fair measure, who do not wish to cut the budget one iota, I respect their opinions and I would hope that we can maintain this debate in a very civil minded and reasonable manner, but I do urge you to vote against the motion to indefinitely postpone and I ask for a division.

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Yes, Mr. Tarbell, we have come a long way since January, and I only tell the members of the House today that I think in the spirit of compromise, I have had to come a long way and I cannot go with the amendment that has been offered.

By some mere coincidence today, I have to join with my fellow colleague from Brewer in supporting the indefinite postponement. We did want additional men in the rural law enforcement program, and I felt that in order to get a budget passed, that we had to have the spirit of compromise of the three county commissioners. Therefore, Mr. Tarbell, Miss Aloupis, over the past two or three weeks, I have been working with the commissioners to try to get a compromise from them. We didn't get much movement over the first three or four months, but I have before me today what I would like to read into the record, that I hope the members

of the House will understand the situation that we have been in and where I think we are at today.

It says, "May 30, 1979, County of Penobscot, County Commissioners, Honorable Donald A. Strout, House of Representatives, State House, Augusta, Maine. Dear Representative Strout: This is to confirm the understanding between you and Commissioner Crossman regarding the funding of two patrolmen in the Penobscot County Budget, 1979, for the period July 1 thru December 31. The necessary money to provide for the personal services and fringe benefits of these two patrolmen will be transferred to the proper appropriation account upon receipt of the approved budget."

"Penobscot County Commissioners are in complete agreement with this budget change. Very truly yours, William A. Cox, Jr., Chairman, Penobscot County Commissioners."

Members of the House, I am in concurrence with this letter. The commissioners have agreed, I have agreed, some of my delegation has agreed, it is now time that we move on the Penobscot Budget. I ask you today to vote to indefinitely postpone the amendment that has been offered so that we can get this finally enacted, so that we can get our Penobscot County Budget on its way.

I would further like to say that I think that finally the commissioners have made a movement, as well as a lot of us.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I will join the ranks of Mr. Tarbell, Miss Aloupis, and ask you not to indefinitely postpone this proposed amendment.

My town of Millinocket pays the second highest taxes in Penobscot County. We are, by far, the second largest, and I was very interested in cutting the budget this year, any cuts that we could make. As some of you may not be aware, Penobscot County has not finished auditing its own programs, due to several problems which have resulted in certain questions being raised as to the spending habits of the county members.

One of the problems that I had is that because the CETA money is ending this year and many positions are not being covered in the rural law enforcement program here in Penobscot County, many people wanted this to be picked up by the county. Well, my town, as I said, pays the second highest taxes in Penobscot County and we also fund the highest paid police department in this state, and I was opposed to funding anymore rural law enforcement and having the town of Millinocket and the city of Bangor and many other communities pay for it. I thought that it should be up to these smaller communities, if they wanted to maintain this coverage, that they should pick it up.

Well, this committee amendment maintains and allows that that program be maintained, but I also think that the cuts to fund that program must come from other departments. This bill achieves that, I believe in that. I don't believe that this cut is too deep. As a matter of fact, I think it is too shallow.

There are many other members of the county who are opposed to that, but I did not want to fund anymore rural law enforcement at the expense of my people, who already pay the second highest county taxes, as well as the highest paid police department. I don't think it is right.

I ask you today to support this amendment, which I feel is a compromise. I have compromised in the fact that I have gone along with maintaining the rural law enforcement program, but I am not willing to have it picked up by my taxpayers.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Just to show that this is



not a partisan issue, there are Republicans and Democrats on both sides of this issue here, I would urge you to support the motion for indefinite postponement of this amendment.

I would point out that the funding of the two rural law enforcement officers, as has been agreed to by our county commissioners, will be funded by cuts in other departments, because that is obviously the only place that they can get the money to do it with. Overall, I think our county budget is probably one of the better out of the 16, and I would point out, just for an example, that there were only three of the counties that did not have an increase, did not propose an increase in their budgets for 1979 over 1978. These three counties were Penobscot, Piscataquis and Sagadahoc.

One more figure that I would leave with you is the 1979 tax rate for Penobscot County as proposed, 60.3 cents per thousand dollars, and that is the lowest tax rate of any of the 16 counties.

The SPEAKER: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I am going to support the motion to indefinitely postpone this amendment, and I join with those who have spoken for that. I am going to do that because this does not reflect the will of the delegation. The amendment was not discussed with the delegation, not brought to us, and I believe it is introduced completely as self-interest.

The delegation has spent a great number of hours on the county budget. This year we did something we haven't done in the past. We broke into subcommittees and we took each department and we went through them thoroughly. We spent probably 40 hours of time in those subcommittee meetings. At that time, there were some cuts made in the budget. That was brought back to the full delegation, where it should have been done.

The proposed amendment does not reflect the will of the delegation, and I believe that any budget that goes through here should reflect that will. If there were to be proposed cuts further, they should have been brought back to us from the subcommittee. That was not done.

I think that I can support the compromise of the commissioners. As you note, on your desks there is an amendment from me that would also cut the budget. So, yes, I am concerned about the dollars we are spending in the county budget area, and I had proposed a cut that would have reinstated the four rural patrols.

I don't like compromise, probably too much I don't like compromise, but I feel that in order to get along down here with my colleagues, we do have to do that once in a while, sometimes too often, but at this point in time, I can accept the two rural patrols as offered by the commissioners, and I will accept that, so if we indefinitely postpone this amendment, I will not offer mine and I would like to see us do that and accept the budget as it was given by the full delegation.

The SPEAKER: The Chair recognizes the gentlewoman from Bangor, Miss Aloupis.

Miss ALOUPIS: Mr. Speaker, Ladies and Gentlemen of the House: Twelve members of 25 members did support the amendment. Our chairman did tell us that if you had any amendments, present them to the Local and County Government Committee, which was done. The amendment also was shared with the delegation to see if we could compromise, so I really do feel that the allegations made are untrue.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is the first time in the six terms that I have been here that I have ever got on the floor and argued a county budget before the legislature. The arguments that were presented here today, I think, can clarify the position of where I am going to be voting this afternoon and where I hope all of

you will vote.

We held our delegation hearings, as I am sure each and every one of you have held yours. We broke into subcommittees to work on various areas in the county budget and we came back with our recommendations. Some of us were happy with some of the subcommittee's recommendations and some of us were not happy, but there was no unanimity at all in the recommendations of all the subcommittees, but there was one point that was clearly presented at the subcommittees themselves when we held our various meetings in the Shiretown of Bangor. We held it for the opportunity of the departments that we intended to cut to ask questions and they had an opportunity to answer our questions and present their arguments in terms of keeping and maintaining the level of their requests in the budget—we did that. Then we met down here on two other separate occasions and the majority of the delegation voted to accept the budget as it is here today, without amendments. That was not satisfied by some of the minority members of the delegation from both political parties. They are presenting their arguments here today. I would only hope that you would support the motion made by Representative Norris and heed the remarks that were made by Mr. Carter and Mr. Strout.

We made some reductions in our budget, as I am sure you probably have in yours, and we did it in good faith. I can't honestly see how I can support the amendment here today, because in my personal opinion, it is pure nitpicking, that is all it is. It amounts to pure nitpicking in terms of trying to isolate or reduce certain departments or certain categories.

The budget that we presented here, I think is an honest one. It was presented in good faith by the entire delegation. Obviously, we have a disagreement here this afternoon, and I do hope that this House will support the majority members of that delegation and indefinitely postpone this amendment.

If the yeas and nays haven't been requested, Mr. Speaker, I do ask for them now.

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

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this matter very much longer.

There are two issues, and the one issue that has not been addressed very well by anybody on the floor of the House is the issue of spending abuses in our county budget. They were raised over a year ago and they have been raised once again here in this particular \$25,000 proposed cut.

Mr. Kelleher wishes to call it nitpicking. I don't wish to call it nitpicking. I think if you would take a look at your county budgets throughout the state, you will not find that you are raising \$6,000 to buy personnel cars for people in certain departments. You will find that you are not spending thousands of dollars so that certain personnel in your county can go and charge thousands of dollars worth of meals when they are working at home in the town which they are and not traveling on the road. You will not find several hundred dollars being spent on mileage, on miscellaneous supplies, which represents a couple thousand dollars of coffee in one particular office. You are not going to find, ten, fifteen, twenty thousand dollars of these overlapping expenses. If they are in your budgets, I would like to know.

If you take a look at the department budgets and the ones that are being cut in Penobscot

County, in your own budget you will see that there is no comparison in the dollars.

I am not complaining about the tax rate, but I am complaining about the way in which the funds are being spent, and the \$25,000 here represents a very modest and reasonable approach at tucking those in a little bit and taking back on them.

I think it is only fair to the taxpayers of the county of Penobscot. I think it is our duty and our collective responsibility to find these, to point them out and address them and to cut them back, and that is something that has not been done and that is why I cannot support this measure until it is done.

I urge you to vote against the motion to indefinitely postpone.

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

Mr. NORRIS: Mr. Speaker and Members of the House: I am sorry, but I have listened to this rhetoric about the budget. The chairman of the delegation, to answer what Miss Aloupis said, did call a meeting, it was posted two days before, there was a notice that went to every member of the delegation and some members, for whatever reason, did not attend, and that was the meeting that any budgets that were going to be presented would be presented after the second reading at the county level. There were some people who weren't there, there were several phone calls from people that work there to get them away from the meeting so we wouldn't have a quorum. That was the meeting where these were supposed to be presented. After that, I did suggest that if anybody had amendments to present, that they come down to the Local and County Government Committee and the committee said if you had a majority of signatures from your delegation, present your amendment and they would certainly include it in the bill, and up until right now, that has not taken place.

I notice as I look these cuts over that the largest cut is in the office of the District Prosecutor. Now, you can have all the rural patrol deputies in the world, and if you can't prosecute, they won't amount to a damn, and I wouldn't that there was any Machiavellian about the feeling of the young attorneys who will be prosecuting people before the district attorney, to alert that department, if possible.

I notice the amendment from the other branch is also by an attorney and these cuts drive right at the heart, the place where the whole criminal justice system is breaking down, and that is at the Bar. We spend more money defending the criminals than we do prosecuting them, and we are here this afternoon trying to do the same thing.

I hope you will vote for indefinite postponement of this amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brewer, Mr. Norris, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Barry, Beaulieu, Benoit, Birt, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.C.; Carter, D.; Carter, F.; Cloutier, Connolly, Cox, Curtis, Davies, Doukas, Dow, Drinkwater, Dutremble, D.; Elias, Gillis, Gwadosky, Hall, Hickey, Hobbs, Howe, Hughes, Immonen, Jacques, E.; Kane, Kany, Kelleher, Kiesman, Lancaster, Lewis, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, A.; Norris, Paradis, Paul, Pearson, Peltier, Peterson, Prescott, Reeves, P.; Rolde, Sewall, Silsby, Simon, Strout, Tierney, Tozier, Tuttle, Twitchell, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

NAY — Aloupis, Berry, Berube, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K.L.;

Bunker, Call, Carroll, Cunningham, Damren, Dellert, Dexter, Dutremble, L.; Fenlason, Fillmore, Garsoe, Gavett, Gould, Gowen, Gray, Hanson, Huber, Hunter, Hutchings, Jackson, Laffin, Leonard, Lougee, Lowe, Lund, MacBride, Marshall, Masterton, Payne, Reeves, J.; Rollins, Roope, Sherburne, Small, Smith, Stover, Studley, Tarbell, Torrey.

ABSENT — Austin, Carrier, Chonko, Churchill, Conary, Davis, Diamond, Dudley, Fowlie, Higgins, Jacques, P.; Jalbert, Joyce, LaPlante, Leighton, McMahon, McPherson, Nelson, M.; Nelson, N.; Post, Soulas, Stetson, Theriault, Vincent, Whittemore.

Yes, 78; No, 48; Absent, 25.

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

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

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

#### Consent Calendar

##### First Day

(S. P. 358) (L. D. 1106) Bill "An Act to Establish a Protection and Advocacy System for the Developmentally Disabled of the State of Maine" Committee on Health and Institutional Services reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-305)

No objections having been noted, was ordered to appear on the Consent Calendar of June 7, under listing of the Second Day.

#### Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1979 (Emergency) (H. P. 1500) (L. D. 1674)

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

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, we have some information that needs to come in and I would like to have someone table this for one day.

Thereupon, on motion of Mr. Nadeau of Lewiston, tabled pending passage to be engrossed and tomorrow assigned.

The following Communications:

THE SENATE OF MAINE  
Augusta

June 6, 1979

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

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Allow Municipalities the Option of Charging Reasonable Service Charges on Certain Tax Exempt Property," (H. P. 982) (L. D. 1162):

Sensors:

TEAGUE of Somerset  
PERKINS of Hancock  
USHER of Cumberland

Respectfully,

S/ MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE  
Augusta

June 6, 1979

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

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance Allocation," (H. P. 402) (L. D. 508):

Sensors:

KATZ of Kennebec  
PIERCE of Kennebec  
NAJARIAN of Cumberland

Respectfully,

S/ MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

THE SENATE OF MAINE  
Augusta

June 6, 1979

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

Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Make Drinking in an Unlicensed Public Place a Class E Crime," (S. P. 2) (L. D. 2):

Sensors:

SHUTE of Waldo  
SILVERMAN of Washington  
FARLEY of York

Respectfully,

S/ MAY M. ROSS  
Secretary of the Senate

The Communication was read and ordered placed on file.

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

#### Ought to Pass with Committee Amendment

Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-304) on Bill "An Act to Remove Moose River from the Maine Forestry District" (S. P. 4) (L. D. 4)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-304)

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-312) on Bill "An Act to Establish the Maine Probate Code" (S. P. 1) (L. D. 1)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-312)

In the House, the Report was read.

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

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

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the Report be accepted in concurrence.

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: The bill before you is the bill most of you know as L. D. 1. I think it is appropriate at this time to give you a little background about the probate code and this particular legislative document.

At the end of the 106th Legislature, a Representative Bragdon sponsored an order estab-

lishing a probate code commission. Their duty was to do what we did with the criminal code and what we have done with the juvenile code, and that is to revise the probate laws and laws relating to that particular area. It has been a slow and tedious process in the last six years, with the commission working under the leadership of now Supreme Court Justice Godfrey and now with a new individual from the Maine Law School, Merle Loper. The commission was made up of members of the public, members of the bar and many individuals which were appointed by the Governor. They presented a tentative probate code to the Judiciary Committee for its consideration last Fall.

At that time, the members of the Judiciary Committee of the 108th Legislature held four public hearings in which we asked to have input on the particular recommendations which was suggested by the Probate Code Revision Commission. Since that time, we have had five public hearings on this particular issue since January, the Judiciary Committee has worked ten or eleven evenings on this particular issue. We have had correspondence throughout the state from individuals, from senior citizen groups who support this particular code, from retired school teachers who support this particular code, from members of the Bar, although some oppose it.

The probate code is a long document, it encompasses six years of work and about 280 pages. The Judiciary Committee made many recommendations, proposals in policy decisions which were different from what the Probate Code Commission recommended to us. We did so after we had the input of members of the legislature, members of the Bar, senior citizen groups, state agencies, the judiciary and many other factions of input in the State of Maine.

The probate code is, I think, a very important piece of legislation in that it will streamline a process of an individual or a family, who has to probate an estate of one of their loved ones.

The purpose of the code is to provide an informal device for an individual to have his estate probated. I feel that it will save families money in that it will cut down the unnecessary legal expense which should not be encompassed in dealing with a very simple estate. This code does not encourage people who have complicated estates to try to probate it themselves. What it does, though, it makes it easier for those situations where there isn't much money involved or any assets and for those senior citizens who are afraid that their loved ones will not receive their due benefit through our laws and testacy, and I feel that with all of the work that we have put into it, it is a solid document and one, I think that will benefit the people of Maine in the future.

I should mention one point which is interesting, for me anyway, and I give it as information for you. I would suggest, if this bill becomes law, that you go back to your local communities and find out whether or not in fact there are any amendments or any changes which they might suggest for this bill.

L. D. 1 has an effective date of January 1, 1981, which gives us plenty of lead-in time for our lawyers and for individuals to be aware of this particular document to make any revisions or to correct any omissions which might have taken place and I feel today, I stand before you with a unanimous committee report and with a feeling of some accomplishment in the fact that our committee worked very long and hard in dealing with this very complicated issue.

I urge you today to support the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the Judiciary Committee, I, too, signed the "Ought to Pass" Report, but I must confess to you that I do not share the same optimism that our good committee chairman feels as to what this bill



will accomplish. I, for one, feel that the bill will not serve all of the purposes for which it was initially proposed. I do not believe that uniformity with a handful of states, most of which are not in the proximity of New England, is a particularly desirable direction in which to go.

But I must confess that the bill does accomplish some improvement in our laws of intestacy and in our laws of the administration of estates. I have some apprehension concerning the use of the informal probate system but I am willing to give it a try, and it is with some reservation that I fully endorse the passage of L. D. 1.

Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-312) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

By unanimous consent ordered sent forthwith to Engrossing.

The following item appearing on Supplement No. 8 was taken up out of order by unanimous consent:

#### Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-293) on Bill "An Act Relating to the Reporting of Illegal Use and Trafficking of Drugs in Maine Schools" (S. P. 469) (L. D. 1417)

Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin  
Mrs. GILL of Cumberland  
Mr. TROTZKY of Penobscot

— of the Senate.

Mrs. GOWEN of Standish  
Messrs. BIRT of East Millinocket  
ROLDE of York  
LEIGHTON of Harrison  
DAVIS of Monmouth

— of the House.

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

Report was signed by the following members:

Mrs. LOCKE of Sebec  
Mr. FENLASON of Danforth  
Mrs. LEWIS of Auburn  
Mr. CONNOLLY of Portland  
Mrs. BEAULIEU of Portland

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-293) as amended by Senate Amendment "A" (S-320) thereto.

In the House: Reports were read.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Minority "Ought Not to Pass" Report.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you won't accept the Minority "Ought Not to Pass" Report.

I think there is some merit to this bill. We continue to talk about the problems of drugs in the schools and there are some pretty good principals, people I have a great deal of respect for who came down and testified in favor of this bill.

There was a good deal of work spent in committee, trying to work out a compromise between the Maine School Management Authority and the Maine Civil Liberties Union, and I think they came quite a ways in putting the bill into an area that could be accepted. It wasn't completely acceptable to the Maine Civil Liberties Union and I suspect there will

probably be some opposition from that area.

I think the ability to disclose information, kept in a confidential nature and not be subjected to civil prosecution, is something that is worth considering. I think if you want to look at the fears—I was trying to put some thoughts together and it seems to me, I read in yesterday's paper, there was a young kid that was killed in Presque Isle a short while ago because he made some disclosures on some of the people who were trafficking in drugs and the parents were suing the city of Presque Isle for not giving him adequate protection.

I think this is a problem that we do have, a sense of fear and if we are going to try to at least get at the base of where some of these problems are developing, I think we have to pass some legislation to give protection to some of the people involved. This bill allows teachers protection from civil suit in case they do go and give information which will be classed as a confidential nature and the amendment was reasonable as to how it would be handled.

I do think there are a lot of superintendents and principals, because they are the ones that work closely with the teachers and are aware of the problems, and I think there are many in the state who want a bill of this type on the law books. I hope you will defeat the "Ought Not to Pass" Report and then we can pass the "Ought to Pass" Report.

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

Mr. CONNOLLY: Mr. Speaker and Members of the House: This bill is, in my opinion, one of the most dangerous pieces of legislation that I have yet to see come before this session of the legislature. It is the most dangerous, in my opinion, piece of legislation that has come before the Education Committee in this session.

It was a matter that probably should have been dealt with and could have been dealt with in a much more thorough manner by the Judiciary Committee but it did end up before the Education Committee.

I am not a lawyer, so I cannot speak from a legal background, but this bill would provide and extend a legal immunity, as I understand that term, a legal immunity to teachers and school officials that would not normally be given to those people were they outside of the school system.

The bill would do a number of things. We have pages and pages of notes and it is not my intention to go through all of them, but the bill would permit access by the police or a grand jury to students' entire confidential school records when there is an investigation of the child's activities and there is probable cause to believe that the child is using or trafficking in drugs. There is no responsibility placed upon school personnel and yet they are granted immunity from civil action at the expense of removing important protections from children.

It is my opinion that this legislation was put in not with the support of teachers or the teachers association or any organized group of teachers but rather was put in by a group of school principals who were frustrated in their attempts to deal with the drug problem that exists to some degree in most of the junior and senior high schools across the state.

In my opinion, this is not the way to approach a solution to the problem. Again, I would remind you, and perhaps some of the legal minds in the House could speak to this issue better than I, this bill, if it were to be passed, would extend a legal immunity to school personnel that you and I don't have when we are out on the streets. Right now, if a teacher wants to make a report to a school principal or to a police authority because he believes that a student is trafficking in drugs, then that school teacher or school official has the right to do so. But if that teacher is not acting in good faith, then the student or his family, right now

anyway, would be able to bring civil action against that individual. This bill would extend them immunity and it provides that the teacher who was acting in good faith that that would be a rebuttable presumption that the student or his family would have to overcome.

I think this is an extremely dangerous piece of legislation and it isn't consistent. It isn't something that we should allow to happen within our schools and not allow it within the rest of society, and I hope you would support the motion "Ought Not to Pass".

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

Mr. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: There is no question that this bill probably should have gone to the Judiciary Committee. We are really getting into some fine technicalities here of the law and people's civil rights, and I think that committee could have dealt with these issues much better than the Education Committee, because I think the issues involved in this piece of legislation are legal issues. I think the idea of somehow getting school personnel to report drugs in the schools and report students who are using drugs is a good one, but I do have some reservations about the bill as far as the legal aspect of it mentioned by Mr. Connolly.

I have been talking to some teachers in our school system for the past couple of months and they are very, very concerned about the problem with drugs in schools and some teachers are actually afraid of the kids.

Many times in our hearings in the Appropriations Committee, when we dealt with either Human Services or Mental Health and Corrections issues, the subject of drug abuse was very prevalent, whether you are talking about people who are in jail or in our Mental Health Corrections institutions in the process of going through Thomaston, etc., many of these people are there because of some problems with drugs or alcohol or whatever.

We really have a big problem in the schools and we got into a very good discussion downstairs about this problem. If you will notice, in the Part II Budget we did include some more money for the Division of Special Investigations, which is doing a very good job in the state of tracking down drugs, drugs that are being imported into the state.

I really don't know, as far as the legal aspects of this bill, whether or not we are treading on some territory that we shouldn't be treading on, but I think the idea of doing something for the school personnel as far as the problem of drugs is concerned is an idea that the time has come and we are going to have to do something eventually, because I was just amazed one evening, talking to a few teachers that have been in our system for a long time, and they were actually scared of some of the kids in their classes, saying that they come to school and they are stoned and they really don't know what is going on and some of these teachers that I talked to that night were very depressed about the whole situation. I don't know if this bill is the answer, but I suggest eventually we are going to have to take a look at this issue and do something about it.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I signed this bill out "ought not to pass" but for a very different reason although, many of them are based on what Representative Connolly and Representative Boudreau have indicated.

I tried and worked very hard to try to steer the committee into adopting the same kind of reporting system that we utilize in our schools now for the reporting of child abuse. For example, that process is that the teacher works on an affirmative basis and then is granted immunity for doing so. I am extremely opposed to granting immunity to anybody without a responsibility, and this bill holds no responsibility

really.

Representative Connolly is absolutely correct. We did not hear from the teachers on this bill. I have been involved in education for 16 years and I am not a teacher. I know there is a problem in our schools, but we are not legally oriented on our committee. We don't have lawyers sitting with us and I am very, very concerned about granting immunity to a group of people with no responsibility attached to it.

From a personal point of view, I contend that any teacher who is observant of an illegal activity in the school and does not report it is as guilty as the kid who is committing the offense. That is a personal opinion.

I am not trying to dodge the issue that, yes, we will have to deal and should be dealing with how schools are going to react to the drug abuse in schools and the trafficking of drugs in our schools, but I sincerely say to you that I feel that this is not the way to go. This bill should never have come to our committee. This is a matter for the Judiciary Committee and I just cannot support the bill in its status at this time.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Madison, Mr. Elias, to the rostrum to act as Speaker pro tem.

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

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to try to allay the fears of the good gentleman from Portland and the good gentlelady from Portland, who are fearful about the implications of this piece of legislation.

I think there is one word that comes to mind in the whole field of law enforcement and that is a simple word, "involvement." How many of us have read the stories about crowds standing on the street seeing a crime being committed and not becoming involved. Too many of us as citizens shy away from involvement because we are afraid of the implications of involvement when it comes to law enforcement.

Now, this particular piece of legislation is not irresponsible, as it has been characterized, because there is a very real responsibility attached to the immunity grant in the legislation, and that is the responsibility of good faith. Right there in the bill it says "whoever in good faith reports" and a grant of immunity, in this sense, calls upon the person making the report, who becomes involved, that he must be acting in good faith. I think that is sufficient safeguard for the children, for the families of the children, to assure us that this is not going to result in witch hunting, it is not going to result in false accusations, it is not going to result in an irresponsible accusation being made against any child in any school. It may encourage, however, the good faith involvement of our teachers in trying to curb a very real problem in our schools today. I recommend that this bill be passed.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I don't like to try to argue with the legal mind of the former speaker; however, let me point out to you that teachers reporting drug involvement are now, without this clause, afforded the same legal protections for good faith in truthful reports that apply to all of us in this body and outside. Under the current law, any educator who gets involved and does a good faith effort and reports responsibly and truthfully has protection, so the concern comes with the granting of immunity. Why can't I have immunity? I see things every day on the streets but I don't have

immunity, but if I report truthfully, if I get involved, care enough to get involved and I report and I do it in truth, I have a legal protection right there, and so do teachers. This goes above and beyond.

I plead with you—you know, the title sounds very inviting, it is appropriate. I am certainly not saying that this bill is irresponsible. I am very well aware that there is a need to do something, but I do not wish to grant immunity without any responsibility. Had I been heeded or heard or listened to a little more carefully, we could have utilized the very same language that we have now in the reporting of potential child abuse. That would have been the appropriate way to go. The time is too late in the session, not enough time to give it enough thought and not enough legal expertise on the committee to really do a thorough job.

In this session before us now, there will be a committee of conference on setting up a program to deal with drug abuse and use and trafficking in schools. We have all kinds of proposals that have been brought before a myriad of committees dealing with how we are going to handle this in our schools. It is a very real issue but, for goodness sake, let's take the issue, let's look at it and before we start legislating, let's make sure that what we are legislating is appropriate, that it offers protection for everybody, including the kids.

So, I say to you that I hope you will support the motion before you, and that is to adopt the "Ought Not to Pass" and let's walk carefully and let's really do this right.

The SPEAKER pro tem: The Chair recognizes the gentleman from Sebek, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker and Members of the House: I am one of the signers of the "Ought Not to Pass" Report. I am also a member of the Joint Board of Foxcroft Academy in Dover-Foxcroft. I know there are problems with drugs in schools and I have concerns and I have concern as a parent. I also have concern for the sensitive, innocent child that may be a victim of an over zealous teacher that could be even more zealous if this bill passed because they would feel they had some immunity. There really isn't much immunity in here, to tell you the truth, because if the teachers are afraid of reprisals from students physically, this is not going to protect them.

Just from personal experience, I know that in our high school there were some kids who were fooling around and planting oregano in some of the lockers of the girls, girls that are very good girls. Now just supposing that students wanted to go a little further and planted quite a large amount of pot in one of their lockers and a teacher, instead of investigating, just reported that the student had or she suspected that a student had a large amount of marijuana in her locker. Rumors spread very fast. I don't care what you say about confidentiality, rumors spread all over the school and all over the town very, very quickly. What happens to that student? I am worried about those students also, and this piece of legislation really frightens me. I think we should all support the "Ought Not to Pass" Report.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I can tell you what happens to some of the students. Two years ago, behind the IGA store in the little town that I come from, we found a boy, 16 years old, O.D'ed. My stepson knew the boy very well. I discussed it with him to some length. I found out that the kid was well known to be a user of drugs, had done some trafficking, of course. I also found out that it was well known in school that he had done this. Last year, just a little bit before this time of the year, I had a long talk with my stepson who, at the time, was a junior in high school. He was running with a crowd of young fellows 15, 16, 17 years old, right around

his own age group, who had been reported in town to be heavy users of drugs, one of them had been a trafficker in drugs. One day when I went home, in fact from a session, it was in late March, I had gotten home early that afternoon and they were all at my house and I had a chance to sit down and talk to these three young boys, all three of them brothers along with my own stepson and the oldest of the boys made a very interesting statement to me. I asked him, "Hey, is it true what I hear?" And being in tune with some of the kids in town "Yeah, Yeah, you know, man, it is true." Well, why doesn't somebody report you. What do you mean? Well, I mean in school, you know when you are handling this stuff in school, doesn't anybody say anything about it? No, man, they wouldn't do that. Why wouldn't they? They wouldn't come to school the next day, they would know better. These are the answers that I got from these 15, 16, 17 year old kids; I couldn't believe it, it was absolutely astounding.

As to what happens to a kid when the word gets out that he is in favor with the law or he has reported, a teacher or anybody else, Mr. Nadeau from Caribou is a very good example. He is dead now. In fact, his family is suing the town of Caribou. He is not from Presque Isle. He is from Caribou. So, this is what can happen.

I have got a problem in my schools and if you are in tune with your schools, you have got a problem in your schools. You may not know it but you do. The problem I have in school is getting worse, not better.

As we continue to stand still and not do something by saying, well, we are not sure, what should we do—we are not sure. Let's not take this step because it might be just a little too much. But while we continue to do that, the problem continues to compound and yet we stand by and watch it. I have got 12 year olds O.D'ing in that school. The girl that I go with up north is a nurse at Cary Medical Center. Some of the stories that I hear from her, and she doesn't tell me anything wrong, she is telling me true facts—12, 13, 14 O.D. some of them close to death. What hurts is, some of the teachers know about it and they are scared to death to do anything about it. We have got 17 year olds in that school right now bigger than our Speaker pro tem, and that is big. If it takes legislation of this type to take that step to help some of these kids, whether they want the help or not, then, by golly, it is time we do something, we have waited long enough.

Mrs. Beaulieu of Portland was granted permission to speak a third time.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: As far as I am concerned, after listening to Mr. McKean, I think that any teacher, any school administrator or even any student who did not report what was happening are guilty of contributing to this young man's death.

What I am concerned about are teachers who do not even know what pot looks like. We need education, maybe we need this kind of immunity, but I am not willing to grant immunity without a responsibility. The failure of those adults in that school to report anything that is going wrong, to me does not warrant granting them immunity. If they haven't got the guts, as adult members of this society, to report to someone that something illegal and detrimental to their charges is happening in their school buildings and they are aware of it, they don't deserve this immunity. But you give them the responsibility, you mandate them to report, then I will be happy to protect them. But until that happens, you are playing with fire because you will have to look at the other side of the coin at the teacher that makes the grave and serious mistake because he or she personally does not know what they are talking about and they file a report and the detriment that can happen to the student, the school and the family also can be very serious.

I urge you to drop this matter now and let's look at the whole thing in a comprehensive manner and let's do something for everyone. But to allow this bill to be passed today, ladies and gentlemen, without an element of responsibility, you are very, very wrong. You are going to find court cases, you are going to find families and students who can be devastated because of inability to know exactly what to do and, please, I urge you, do not go with what I am trying to say to you and that is, don't deal with this now. There is too much to be done before we begin talking in these terms.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The last three, four or five years, however long I have been here, nothing frustrates me any more than this sort of a conversation and this sort of a debate. I taught school for 12 years, one year 7th and 8th grades and 11 years with juniors, 11th grade and high school. I think that the Maine Legislature, the bulk of them, are so out of touch with what goes on in Maine schools it is almost unbelievable. You people don't know what is going on. I am telling you, you can ask that young man down there, or those people over there, or almost any kid in this state, if you will just lower yourself to that status for a little while, pick any student in Maine that will be honest with you and they will tell you that drugs are running rampant in the schools and it is awful.

I am not saying that this bill is the answer, I don't know that it is, but those of you that say it isn't, where are your solutions? You have got people on the Education Committee here who offer nothing but criticism and no solutions. I am getting tired of it. I had kids in my classroom who would fall off from their seats onto the floor because they were so full of drugs they don't know what is going on. It is just getting to the point where you can't do anything about it, you tell the principal, the principal calls in the parents, the parents deny it. Then you are right back to square one, the kid is back in the classroom the next day and you start all over again and over again and over again, and the Maine Legislature does nothing!

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to speak a second time, but I did want to correct one of the remarks of the chairman of the Appropriations Committee, Representative Pearson. He said that the Education Committee did not come out with any legislation to try to deal with this problem in a positive manner. I would just like to remind the gentleman that we had a bill earlier in this session that dealt with drug and alcohol abuse education. I am not sure whether the gentleman made the motion to indefinitely postpone that bill, but he surely was on the side to defeat that.

The Education Committee, the people on both sides of this legislation, recognizes that there is a problem with drug abuse, drug use and drug trafficking in the schools, but I would suggest to those of you who have not yet read this legislation, with its amendments, that you do so before this bill is passed because this is a very, very dangerous bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I regret that Mrs. Locke isn't in the hall of the House right at the moment, because I would just like to answer one thing that she said. I think perhaps she is trying to do her very best in this particular debate, because I am sure that she really believes what she is saying, but she mentioned the fact that no teacher should report any drug incident without first investigating. I submit to you that that is the very heart of the problem here. Teachers should not be charged with the

duty of investigating drug cases within schools; this should be left to the trained, skilled investigators, not to the teaching profession.

I heartily endorse what the gentleman from Old Town has said. I think that we should harken unto his plea because he is an experienced teacher. He knows what the real world is like out there and he realizes that something must be done.

One last word concerning the good lady from Portland and her concern about responsibility here. I say to you that if you mandate reporting by teachers, you are going to be in a far worse position than this bill, which permits teachers to make their report with immunity and, as has been characterized here, it isn't granting very much. Mrs. Locke recognizes that. It doesn't give the teacher very much protection, but at least it might be that extra little nudge that will help clean up the very real problem in our schools.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Auburn, Mrs. Lewis.

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will support the "Ought Not to Pass" Report of this bill. I know that drug use and abuse is a very serious problem in our schools, it is a serious problem in our society. If a piece of legislation could cure the problem, certainly every one of us here would be in favor of it. I don't think this particular piece of legislation will do it and I am afraid that it will do more harm than good.

Picture yourselves as a teacher. There are some children who are very well dressed, very well behaved children who would do well in school, and other children in the schools who look kind of sloppy and they might have come from families that are not the members of society in that particular town and those kids, I think, are going to be harassed and the other children are not. That is my main reason for being in favor of not passing this bill. I think it could amount to terrible harassment for some children, turn them totally off from school, maybe turn them onto drugs if they are not on drugs now. I don't think that any good in the bill can possibly outweigh the bad, and I hope that you will support the "Ought Not to Pass" Report.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of this bill. I would like to emphasize that the Education Committee might be a little different than some of the other committees, I am not sure, but most of the people that come before us either pro or con in a given issue, come with the best interest of the children at heart.

This legislation wasn't borne from policemen or from people that want to do harm to children. This legislation has been advanced by the people that manage our schools, school boards, the principals and the teachers. They told us that they had a terrible problem. They weren't sure that they had the most perfect solution but they were certainly happy with our suggestion that a Maine Civil Liberties Union Lawyer be present as we drafted it. While that attorney wasn't totally satisfied with what we had or what we came up with, I am not sure that she would have been totally satisfied with anything. It is a matter of balancing the dangers of granting immunity and keep in mind we changed it from civil and criminal immunity to just civil. It is a matter of balancing whatever danger there might be in that against the terrible problem they have of not being able to communicate with their pupils anymore.

Principals and administrators told us that they no longer have a situation where a teacher will say, I think I saw Johnny Jones passing something to Sally Smith and maybe we ought to check on it. They admit that situation where the principal might be able to confront that child, not take him to court or something, teachers are afraid that if they report any-

thing, that if that child might be charged somehow and acquitted, and that could happen even if the kid were dead guilty, that they might be brought up on some kind of false arrest charges. Anyway, the point is that teachers, rightly or wrongly, feel that in this litigious society that they shouldn't get involved. This legislation is actually patterned after, and the idea was born out of similar legislation in a child abuse area, which achieved, I am told, rather dramatic results. It is the hope of the people that are involved in this thing that the same kind of results could be obtained here and that they could establish some kind of communication with the kids that would let them address the problem which now is a great big mystery.

I urge you to support the Majority Report. To address, finally, a comment of Representative Beaulieu, who, as I understand it, would have supported the majority position except for our leaving out a statement about the affirmative obligation of the teacher to report, and that was left out of the draft that was made, the first draft by the committee assistant and the young lady attorney from the Civil Liberties Union on her advice. She said it wouldn't mean anything one way or the other, that an affirmative direction for somebody to do something doesn't mean they are going to do it. Her contention was that it could go in or stay out. If this is the only objection to the bill, my goodness, let's amend it and put that back on. It doesn't mean anything one way or the other. But let's give this a try, let our school people reestablish some contact with their students.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I concur wholeheartedly with my good friend Mr. Pearson from Old Town. I know that he has been out there in the real world. I have three youngsters and I think he taught all three of them in school and they all have survived very nicely, Mr. Pearson and the three youngsters.

Mr. Connolly said, read this. I read the amendment and realizing that we do have a problem everytime we try to address it, as Mr. Pearson says, there are nine million reasons why we can't, why we shouldn't. Meanwhile, the drug traffic proliferates in every school across the State of Maine. I am sorry, my good friend Representative Connolly, to have to go against you.

I hope you will go with this bill. I know that under our laws that the innocent are still always innocent until found guilty, so if there is any misuses of it, and I doubt that there would be because more and more people are becoming aware and more and more people want to do the right thing, it is a hard thing—I am taking longer than I intended to, but it is a hard thing to call a parent. It is a hard thing for a principal or a superintendent to call them up and say, do you know little Johnny is a drug user or do you know little Johnny is a drug pusher? Then they say, you good for nothing so and so, what do you mean my little Johnny is doing that, he wouldn't do that, he wouldn't do that, he belongs to the Boy Scouts, or the 4-H and he runs on the track team and he wouldn't do that. I want you to know that you are going to hear from my lawyer tomorrow morning. My lawyer is going to show you where it is at, accusing my little Johnny, why you have got to be out of your mind.

So, I say, let's give a little break and I will submit it is to the kids and not to the teachers because a lot of teachers would like to do the right thing and this might give them a chance to do it.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I would like to explore several things which haven't been covered. First of all, I think we ought to think about what grant of

immunity actually means, how it works in effect. Now, if a teacher reports a student who is dealing in drugs, and the student is indeed dealing in drugs, that student or his parents are not going to sue the teacher, because guilt is one of the poorest defenses for that kind of thing I have ever seen. The student who might sue the teacher would be the student who was unfairly reported and had his reputation besmirched. That is the kind of person who is going to be worked against by this kind of immunity. In other words, it is the innocent kids, not the guilty kids, who are going to suffer if you pass an immunity for false reports of this kind.

Now, the defense to that, as Mr. Stetson has said, is that the teacher has to report it in good faith, but if you read the bill, there is rebuttable presumption of good faith. In other words, the teacher is simply reporting it in good faith unless some student can find some proof that the teacher didn't do it in good faith. That is awfully hard to do, I mean, what do you show, there are no documents saying I did not do this in good faith. So, we are talking about the innocent kids who aren't going to have any civil recourse if we carve out this one section of our population and say you don't have that right to civil suit like everybody else in this room does or your older brothers and sisters or everybody in your town, to be sued when somebody besmirches your reputation.

I think we ought to go very carefully when we talk about immunity from the laws that govern all of the rest of us, and you have to ask yourself the question, is this immunity going to do so much good as to outweigh the harm we are going to do to innocent kids who are no longer going to have civil recourse because we might pass this bill?

I guess I have another objection too, and I guess it is philosophical that we are talking about drug abuse and none of us deny that there is drug abuse of all kinds in the schools. My own perception is that the hard drug problem is on the decline, but that is simply a subjective perception. It certainly isn't true in every community in Maine. The thing I want to point out is that this bill leaves out the biggest drug abuse, which is alcohol, which killed five kids last weekend in a car somewhere, high school kids; this bill doesn't even touch alcohol. Philosophically, I think we need to make that point at every step of the game. I think there are a lot more exotic drugs out there but the ones that are messing up the most kids is the drug we have been used to all these years.

So, for that reason but mostly because what this immunity will do to the innocent kids, the kids who aren't pushing drugs but get reported erroneously, I move that this bill be indefinitely postponed with all its accompanying papers.

The SPEAKER pro tem: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: If you remember correctly back a few months ago, this particular bill was held in non-concurrence because of the question of where the bill would go to. This particular body wanted the bill to go to Judiciary and the other body wanted the bill to go to the Education Committee. The question I ask myself at the time, which I still have a reservation about, is whether or not the Education Committee looked at the legal issues and complications and situations such as that or did they look at just the policy decisions of the whole drug issue? I would hope that we look at this bill, not just as a policy decision or looking at a way to say we can save grace and help to put a bandaid over a big problem we have, and that is drug abuse. It is not just in the school systems, it is in our society, all over, not just one particular element.

You know, I can see a lot of abuse in this particular bill. How about the situation where a person has long hair, and there are still a lot of

them with long hair, and that young person hangs around with a few kids who might happen to use drugs. That person is somewhat stereotyped by not only people in the community, but I am sure as a human being a teacher in the school system, and some comments were made, well that kid is a freak or that kid is on dope or whatever. That kid might be straight as an arrow, never used any type of drug besides smoking a cigarette, but that particular person is marked and stereotyped because that person has long hair or he is guilty because of the people he associates with. Even though an instructor is acting in good faith, he can point out a group of kids standing by the gymnasium or standing by the office and say, those kids are all on dope. I am going to make a report, I see it, I can smell it on some of them, I can look at their eyes and they look glassy and that whole group, whether or not that individual is guilty or not of ever using dope or trafficking in drugs or using it at all, is categorized because of his appearance or because he or she hangs around with. I think it is very dangerous.

The good gentleman from Auburn, Mr. Hughes mentioned a very good point. This bill will only affect those innocent individuals because you know that in a civil case, no one is going to bring a civil case against a teacher if that individual is convicted of a crime or is guilty of using or trafficking in drugs because the case would be thrown out.

I look at this bill as a means and people crying out, we have got to do something about the drug problem in our school system. Well, I think we should too, but this isn't the right approach, because even though we are trying to attempt to solve a problem, what we are doing is punishing those who might be innocent, nothing more, nothing less.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I continually hear attempts to cloud issues when you can't come up with a good discussion against the bill. I have heard it here this afternoon, I think the gentleman from Old Town very well covered it too. Continually the legislature is faced with problems with bills of this type to try to correct a situation and they kill the bill, they don't do anything about it. Continually, we recognize there is a problem but this isn't the right approach. I think I will direct directly to the gentleman from Saco, Mr. Hobbins, what is the right approach? I think it is up to you to come up with something.

The SPEAKER pro tem: The gentleman from East Millinocket, Mr. Birt, poses a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: If I had the right approach, I would probably be annoyed and appointed and not elected. I don't know what the right approach is. I think alcohol and drug education is an approach we could take. Maybe if we would solve the problem in the families and in the home and have some discipline in the home, maybe that would be the approach, I don't know. I wish I knew what the approach was, because if I knew what the approach was or anyone else did, bills like this wouldn't be before the legislature in an attempt to solve that particular problem. I wish I did know how to solve the problem we have in our society, but it is not just with the kids, it is with the whole nature of our environment.

As I said before, I hope you don't take this drastic means of trying to solve a problem, which won't be solved with this bill.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I hardly feel qualified

to stand up here and speak today. I have to be because my people send me down here to help solve some of the problems that they are unable to solve at home, that public officials receiving pay in public places refuse to solve and they say the laws don't protect these public officials, because every time they turn around, they are threatened with a law suit. We have even got kindergarten children going to school on buses using profane language, everything you can think of. If you don't think so, ask some of the bus drivers that are driving some of these teenagers and they will tell you shocking things. They are threatening the bus driver, will sue him. This is what our permissive society has done to us. It has discouraged some of the very basics that have made our society so good. We want to sweep it under the rug, get the big broom out and sweep it under the rug again, go home with that proud look on your face, the legislature did a good job today, we killed a bill that was going to destroy Johnny.

Well, gentlemen, what do you think drugs are doing to Johnny? Have you ever seen a kid stoned? You must have. Have you ever had a bus driver bring you the pot ingredients and say, I don't dare to turn this into the school but you are a legislator. I will give it to you, you must know what to do with it. I say, why don't you take it in? He said, because I will probably be sued. I am sick and tired of hearing people say they are going to sue me.

I have been in court twice in the last five years and I am saying it shouldn't be this way. To heck will you, go ahead and sue. If I will save the lives of some children, that is my job. I would rather see us take some action today, don't sweep it under the rug. We are the greatest rug sweepers there are in this House. We are trying to kill a highway bill and they say, don't wander off. How can you help but wander? Permissive. Permissive. Permissive. Let Johnny do it, and don't paint Johnny with a brush because he walked into the hall behind another kid that is always in trouble.

Well, I want to tell you a story. I probably shouldn't because you are in a hurry to go home. My son went out one night to a dance, we weren't home when he came home, we had gone out. He assumed he was going to get in, he walked in the dance hall behind another boy who was always a trouble maker. Just as they got in there, there was a crash and a bang and the principal grabbed two of them and my son was one of them and he threw them out. Well, when I came home, he was waiting for me right on the doorstep. He had no key to get in. I want you to go up there he said and straighten him out. I said, now wait a minute, let's find out what happened. Well, he told me. I said, you know what I have told you before, when you are in public places, you are going to be judged by the company you keep, whether you like it or not. This society does judge us sometimes by the company we keep and you walked in behind this little trouble maker and I have told you to stay away from him. The best thing I can tell you tonight is get your pajamas on and go to bed because that teacher did the right thing.

It is time we started to support our teachers in our educational system and not teach our kids they can sue them or take them to court. It is time we stop sweeping this under the rug. You want to put in under the rug today and go home, two days, it will be gone until next year. Why don't we take some action, and if this is such a cruel bill, we will be back next year and we will repeal it, but let's show the system that we will try to work in this system and we will try to correct drugs because there is too much of it.

I have heard people say that teachers are covering for the kids because they are afraid to take action. I think it is a sorry, sorry state of affairs when I hear legislators say, don't pass anything, go home. Don't pass anything, because if you do, that innocent child is going to get hurt. Well, I will tell you something, it is



better to hurt one innocent child and save ten, than not to take action at all.

The SPEAKER pro tem: The pending question is on the motion of the gentleman from Auburn. Mr. Hughes, that this bill and all accompanying papers be indefinitely postponed. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

21 having voted in the affirmative and 64 in the negative, the motion did not prevail.

Mr. Boudreau of Waterville requested a roll call vote on acceptance of the Minority "Ought Not to Pass" Report.

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

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

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker and Members of the House: For those of you who voted to keep this bill alive, I would just like to ask you, maybe from now on you will pass some laws that will do something to regulate the adults in this society, instead of taking away the civil rights of the children.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't think this bill is necessary in order to permit teachers to notify parents. Under civil liability which is tort, loss, slander and liable, there has to be a communication to sue third parties, in other words to the general public, before somebody's reputation is defamed; and if an administrator or teacher calls up a parent and says, just between you and me, confidentially, I think you ought to watch out for your son or daughter, I think there may be some problems, that is not subject to civil suit for defamation of the child's character. The parent is the legal guardian of a minor child and, in most cases, we are talking about minor children, under the age of 18. That is not defamation of that person's reputation throughout the community, that is not civil liability and that is one of the key arguments given for sponsoring and proposing this bill today.

With respect to notifying the police, we have informant immunity today in our criminal laws, it is used everyday throughout the State of Maine and throughout the country. That is the way in which we used to prosecute the crime. That doesn't entail civil liability.

A police officer, before he can make an arrest, has got to have probable cause to believe that a crime has been committed, and that officer is going to conduct some independent investigation and is going to have to have some tangible facts before that officer. So, if the liability problem is the reason for people going along with this bill, I contend that really is not necessary and that it is really not a good reason.

If you are really trying to get at the crux of the drug problem, that is another problem and that has to be addressed in a different way, but I really don't think that you have to address it in this kind of a drastic measure when you are not going to have defamation of character by calling up somebody's parents.

The SPEAKER pro tem: The Chair recognizes the gentleman from Kennebunkport, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I see this in a little different light than our good lawyer friends. I see this as a way of protecting the teachers, because our teachers today are turning their heads, let's be realistic, because they are afraid of reprisal.

In one school just recently, an art teacher had reported and turned in a student that was smoking marijuana. The next day, her car was burned. I have seen teachers of experience where they will not report because they are afraid of physical violence happening to them.

I am sure the sponsors that brought this bill to us did so with the understanding that our teachers would feel more comfortable to report, feel that they would not have to go through all these physical abuses and mental anguish in the hallways that are going on today. One of the reasons for this is because in the last four or five years the school systems have been stripped of a lot of their authority and they do not know where to turn to or where to go, so we do have a lot of teachers out there today who are scared to report it.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I know this is quite important to many of you. I happen to have five children, and whether or not you realize it or not, an old country man like myself, we have had problems with drugs in the school in my area. Sometimes it is not the best thing to speak about but let me tell you how we happened to try to solve our problems.

You can put all these bills on the books that you want to but you are just bypassing one most important thing and that is the understanding and the ability to motivate and communicate with your children. We had that problem and we solved it because I love my children and the discipline that we had come from the heart.

Again, I say, all these bills that you pass here, you are just taking much more authority away from where it belongs, with the parents. Remember that folks!

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I just could not let Mr. Tarbell make that statement to this body without challenge, when he says that we have statutes that grant immunity to teachers who report drug incidents; that is absolutely false. There is no such present immunity on the statute books and what we are talking about here is involvement, we are talking about protecting the innocent children from the evil minded teachers.

Let's get to the point.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: If I misspoke myself, I apologize to the members of the House. I did not mean to imply that we have immunity statutes on the books for informant immunity for teachers reporting on students. We use informants and the information from informants and tips that anonymous informants provide the police officers every day as the key law enforcement tool to prosecute crimes throughout this state and throughout every state in the union. That tool can equally apply in this particular area where you have teachers, students, administrators, parents and police as it well applies in every other area of criminal law on our books. Therefore, I am just trying to make a point that you don't need to pass a statute like this to provide for the opportunity for a teacher or administrator to convey information to police officers in order to investigate and prosecute drugs in our state.

The SPEAKER pro tem: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: In an attempt, I think, to try to get this issue back to some kind of perspective, because I know sometimes we can get locked in here late and we all tend to lose a little bit. Can anybody tell me whether a jury verdict has ever come in against a teacher in

the state in a case like this? Were there any cases ever been settled against the teacher out of court or can you tell me if a suit like this has ever been brought against a teacher for slander or liable? Can anybody tell me that before we get too worked up about the whole issue?

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

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I hope that you will vote against the "Ought Not to Pass" Report and we can accept the "Ought to Pass" Report.

To answer the question that has just been directed, I don't know whether there are any cases like that or not. I haven't researched this type of situation. Maybe the gentleman from Lisbon, Mr. Tierney, has but I do know that there were some real good principals, for whom I have a great deal of respect, who stood before the committee and said they needed this bill or some protection for teachers, and that is the best I can say.

The SPEAKER pro tem: The Chair recognizes the gentleman from Wiscasset, Mr. Stetson.

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to answer Mr. Tierney. I don't know of any such suit, and I guess the reason is, because the teachers are darned scared to report it.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Connolly, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Bowden, Brannigan, Brennerman, Brodeur, Brown, K. L.; Brown, K. C.; Call, Connolly, Cox, Davies, Diamond, Dow, Fenlason, Gowen, Gwadosky, Hall, Hobbins, Howe, Huber, Hughes, Kelleher, Leonard, Lewis, Locke, Lund, Masterton, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Post, Reeves, P.; Sewall, Tarbell, Theriault, Tierney, Torrey, Violette, Wyman.

NAY — Barry, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Brown, A.; Brown, D.; Bunker, Carroll, Carter, D.; Carter, F.; Churchill, Cloutier, Conary, Cunningham, Curtis, Damren, Davis, Dellert, Dexter, Doukas, Drinkwater, Dutremble, D.; Dutremble, L.; Fillmore, Fowle, Gavett, Gillis, Gould, Gray, Hanson, Hickie, Higgins, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kany, Kiesman, Laffin, LaPlante, Leighton, Lizotte, Lougee, Lowe, MacBride, MacEachern, Mahany, Marshall, Martin, A.; Masterman, Matthews, Maxwell, McHenry, McKean, McSweeney, Nelson, A.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peterson, Prescott, Reeves, J.; Rolde, Rollins, Roope, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Studley, Tozier, Tuttle, Twitchell, Vose, Wentworth, Whittemore, Wood.

ABSENT — Aloupis, Austin, Carrier, Chonko, Dudley, Elias, Garsoe, Hunter, Jacques, E.; Jalbert, Joyce, Lancaster, McMahon, McPherson, Peltier, Soulas, Stover, Strout, Vincent.

Yes, 44; No, 87; Absent, 19.

The SPEAKER pro tem: Forty-four having voted in the affirmative and eighty-seven in the negative with nineteen being absent, the motion does not prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-293) was read and adopted and the Bill assigned for Second Reading tomorrow.

Reference was made to (H. P. 402) (L. D. 508) "An Act to Clarify the Form of the Local Consent Resolution Regarding State Housing Authority Assistance"

In reference to the action of the House on Tuesday, June 5, 1979, whereby it insisted and asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Mr. KELLEHER of Bangor  
Mr. BARRY of Fort Kent  
Mr. LANCASTER of Kittery

The Chair laid before the House the following matter:

Bill "An Act Creating a Division of Industrial Training" (H. P. 1478) (L. D. 1665) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Rolde of York offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-668) was read by the Clerk.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker and Members of the House: This bill came out of committee minus things that were supposed to be on it. There was a meeting yesterday of the Education Committee and it was agreed that the omitted items would be put back in the bill through this amendment.

Briefly, the most important of them are a permissive phrase that the Governor may allocate funds from his contingency account for industrial training, which was part of the original intent of the bill, and also that the Vocational Development Commission would be repealed and that any fund remaining in that account of that commission would be transferred to the General Fund. These were basically items on the original bill that were inadvertently left off.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, I would like to pose a question through the Chair to the gentleman from York, Mr. Rolde.

Does this amendment transfer another \$300,000 to the contingency account?

The SPEAKER pro tem: The gentleman from Waterville, Mr. Boudreau, has posed a question through the Chair to the gentleman from York, Mr. Rolde, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the gentleman's question is, no, that part of the original bill has been left off and all this does, it would allow the Governor to use funds in his contingent account, which is now \$350,000, of which \$300,000 has to have statutory authority to use and it would allow him to use that if he so chose.

Thereupon, House Amendment "B" was adopted.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I ask you not to allow this bill to go forward. It is with great hesitation that I am going to ask for indefinite postponement of this bill and all its accompanying papers.

I know that the sponsor of this bill has worked very hard, very diligently and with great integrity in putting this piece of legislation together. However, I take the position and I have worked very hard in trying to formulate my position to say to you that this commission is not needed at this time. I do not wish the establishment of a new commission.

I am extremely concerned about the proliferation of boards, councils, divisions, coordinat-

ing departments, etc., etc., in this state that are supposed to be dealing with economic development, industrial development and state employment and training. Currently, we have, either by statute or by executive order, groups called the Maine Development Foundation, the State Department of Personnel, Director of State Development Office, of CETA Planning and Coordination, State Planning Office, Division of Community Services and it goes on and on and on, groups that are supposed to be put together to address the issues of bringing industry into our state, keeping industry that we have in our state healthy, who are supposed to be there whenever a Governor or industry calls upon them for craftsman training, on-the-job training and I could just go on and on. They are there and they are in place.

Furthermore, this bill calls for the Department of Education to have the major role of conducting the goals and objectives of this commission. It doesn't ask for another body in the department to do this, so what it means is that someone in the department will have to assume this additional responsibility and when you do that, the job usually winds up getting done half-baked.

In the Department of Education right now, we have groups such as the State Board of Education, who should be activated in getting involved in training of employees for industry already here or potentially coming in, the State Planning Committee for Vocational Ed, the Maine Advisory Council, the Advisory Council for Fire Service Training, Maine State Board of Nursing, Maine State Board of Cosmetology and the list just keeps getting on and on and on.

I think it is time for the executive division of this state to take all of these boards, commissions and councils and put them all in one room and find out what they are there for, what they are supposed to be doing, dump those who are not functioning and put the whole darn thing together again. I believe that may well happen, because on May 23 of this year, our Governor, by executive order, put together the Maine Occupational Information Coordinating Committee, a new committee, but this time they are supposed to shepherd everybody together and find out what is happening in this state and where they will be when he or anybody else needs them to be activated.

He also signed another executive order, which is called the State Employment and Training Council. Maybe what we will need is only this one group. I don't know, but I would challenge you to try to tell me if I am wrong because of the myriad of groups that we have already.

So, Mr. Speaker, it is with sincere regret, because of the integrity of the intent of this bill, but I have to ask for the indefinite postponement of this bill and all its accompanying papers and would ask for the yeas and nays.

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

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

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

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to tell Representative Beaulieu I think she is wrong, very, very wrong. What is the status of Maine's economy? It is just plain lousy and has been lousy for years and it continues. Our unemployment rate, once again, the most recent figures, 6.9 percent for Maine; 5.5 percent for the rest of the country. Year after year after year we are a percent or a percent and a half above everybody else as far as our unemployment rate.

What about our per capita personal income?

Year after year after year we are way down there, way down there. This recent figure just out, 1978, we are 46th in the country, we have even gone down—lousy economy, and what are we trying to do about it? Well, I will tell you, I have been working for five years to try and do a number of things about it and this particular bill certainly won't solve all our problems but I think it will help, it will give one more economic development tool to help our Governor try improve the economy of this state.

I hope you support the bill and vote against the motion for indefinite postponement and help improve the skills of the people of Maine.

We are doing some things in our Resource Management, fortunately. We are talking about piers, we are talking about some other positive things but certainly to help train our underemployed people here in the State of Maine is a very positive move.

You have heard about Pratt & Whitney and the Governor has to come running back to us for more funds because of the lousy CETA programs, which by the way, is available to everybody in the country and all the strings that are attached. You can only basically employ the totally unemployed and I am sure Representative Berube will back me up on that. This could be used not only for a big firm like Pratt & Whitney, but if the Governor were allowed, just by using his own contingency fund which now exists, be able to make the decision at the moment that some money could be used to train some of our people, he could be using it for some of our small firms, to help expand them too.

I urge you, almost with desperation, seeing the poverty within our state, to vote against the motion before you of Representative Beaulieu and then to move this bill on towards engrossment.

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

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: I was a cosponsor of the original bill. I do believe there is some merit in trying to put some legislation together to have some capability to encourage industry to come in.

During the study of the VTI's, we had some discussion of how the Pratt and Whitney program was put together. Actually, at that time, Governor Longley had very little legislation to work with. He had one small bill on a vocational development program that was passed several years ago and had a small amount of money on it, but that became the basis for much of what he did. He was able to get together with some large financial institutions in the state and through several organizations he was able to weld together, using a good deal of innovation, a program that allowed the bringing in of what eventually became the Pratt and Whitney development.

I don't think he found—I haven't talked with him about it, I have just heard the discussion from other people, people in the vocational program at the Department of Education, that they really had little legislation to work with and it was just innovation and development. I think this particular bill may help in this area and I think it is worth a try.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: Please think very carefully about one point, and I would appreciate some silence so I could be heard.

There is one point that has to be completely clarified. This bill not only allows the Governor to use his contingency fund, it establishes a contingency fund for the Governor to use.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of



the House: I know it is late and I know you have all heard this before, but I will be very brief.

I am one of the cosponsors of this bill and that is why I am rising. The only thing that bothers me about Mrs. Beaulieu's motion is, I think this bill, once and for all, is going to do something to help solve the problem we have here. We gave Pratt and Whitney a red carpet, we had Scott Paper and Somerset build a plant and three quarters of the employees came from out of state because we had nobody here trained to do the job, and those guys are bringing home big bucks—seven, eight, nine hundred dollars a week. That was going out of state to somebody else.

I am on the advisory committee for VTI in Waterville. What good does a VTI do if you have got people—you can train them all you want, but unless you have got something coordinated between them and the industries that are coming in here, you have got nothing, and that is what we have, nothing. So if you indefinitely postpone this bill, I think you are going to go right back to nothing. I think it is a good step in the right direction and I hope you will give this bill all your support.

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

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Blodgett, Bordeaux, Brannigan, Call, Carter, F.; Cloutier, Connolly, Cunningham, Damren, Davies, Davis, Diamond, Drinkwater, Fenlason, Fillmore, Hanson, Howe, Hughes, Hutchings, Jackson, LaPlante, Leonard, Lewis, Lougee, MacBride, MacEachern, Masterman, McHenry, Morton, Nelson, A.; Payne, Peterson, Reeves, J.; Roope, Silsby, Smith, Studley, Tierney, Violette, Wentworth, Wyman.

NAY — Aloupis, Bachrach, Barry, Berry, Berube, Birt, Boudreau, Bowden, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Brown, K.C.; Bunker, Carroll, Churchill, Conary, Cox, Curtis, Dellert, Dexter, Doukas, Dow, Fowlie, Gavett, Gillis, Gould, Gowen, Gray, Gwadnosky, Hall, Hickey, Higgins, Hobbs, Huber, Immonen, Jacques, P.; Kane, Kany, Kelleher, Kiesman, Leighton, Lizotte, Locke, Lowe, Lund, Mahany, Marshall, Masterton, Matthews, Maxwell, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Prescott, Reeves, P.; Rolde, Rollins, Sherrburne, Simon, Small, Sprowl, Stetson, Tarbell, Theriault, Torrey, Tuttle, Twitchell, Vose, Wood.

ABSENT — Austin, Carrier, Carter, D.; Chonko, Dudley, Dutremble, D.; Dutremble, L.; Elias, Garsoe, Hunter, Jacques, E.; Jallbert, Joyce, Laffin, Lancaster, Martin, A.; McMahon, McPherson, Peltier, Post, Sewall, Soulas, Stover, Strout, Tozier, Vincent, Whittemore, The Speaker.

Yes, 44; No, 79; Absent, 28.

The SPEAKER pro tem: Forty-four having voted in the affirmative and seventy-nine in the negative, with twenty-eight being absent, the motion does not prevail.

Thereupon, the bill was passed to be engrossed.

The SPEAKER pro tem: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move we reconsider our action and hope you all vote against me.

The SPEAKER pro tem: The gentleman from Waterville, Mrs. Kany, moves that we reconsider our action whereby this Bill was passed to be engrossed. All those in favor will say yes; those opposed will say no.

A Viva Voce Vote being taken, the motion did not prevail.

Sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Increase Revenues Available to the Department of Inland Fisheries and Wildlife to Compensate for the Effects of Inflation on its Current License Fees and its Costs" (H. P. 1484) (L. D. 1671) which was tabled earlier in the day pending passage to be engrossed.

Mr. Dow of West Gardiner offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-666) was read by the Clerk and adopted.

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

Mr. PAUL: Mr. Speaker and Members of the House: I am glad we adopted that amendment because it was pretty necessary. There are two items in the license fee increase bill that shouldn't be in there. The first item was Section 10, which would have increased the deer tagging fee from its present 25 cents to 50 cents. Well, a very short time ago, we had a bill in here, L. D. 843, which did the exact same thing and it was defeated in this House, but somewhere it appeared in a bill. I don't know why, it wasn't in the Governor's bill, it wasn't in the first bill that I got from the committee, the first draft, but the second item was Page 5, Section 25, which is the section which deals with bass tournaments and we had an extensive bill this session that dealt with that that reduced the fee down to \$5 except for instances of 20 or more people participating in these tournaments. This bill would have put the fee back up to \$28. So, I guess that resolves two of the problems that I had with the bill as I discussed them with the Chairman.

I would ask that the Clerk read from the original bill specific reference on Page 5, Section 34, because I think before we vote for this bill on passage, we ought to know what is in it. If you will look at your L. D., Section 34, 32 M.R.S.A., Section 452, second paragraph as amended by PL 1975, Chapter 590, Section 27, it is further amended to read "blank." So there is nothing there, I just want the Clerk to read, I am sure there was nothing intended anywhere, I am sure it was just left out, but I would like the Clerk to read what that says.

The CLERK: The annual fee for such license shall be \$32 stricken out and \$35 inserted.

Mr. PAUL: Mr. Speaker, I would like to pose a question through the Chair on this. The deer skin for residents only wouldn't do anything for the non-residents, leave them where they are. I wonder if that is fair to our residents and I would like to ask a question through the Chair to anybody who cares to answer, preferably somebody on the committee, to explain why that was left out.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Paul, has posed a question through the Chair to anybody who may care to answer.

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

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think it was inadvertently left out, but if my information is correct, we sold three of these licenses last year, so there would be a total of \$9 to the department, and I don't think it is a big issue.

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

Mr. PAUL: Mr. Speaker, does the good gentleman from Lincoln, may feel that it is not an important issue, but I would indicate to the members of the House that throughout this license fee increase bill, there are many similar increases in licenses that don't amount to much, like he said, two or three. We sold four falconry licenses—so what? We are increasing that. Roadside menagerie, we only sold seven, why should that be excluded? Resident deer transportation tags within the state, we only sold one, and here are the non-resident fur buyers which we sold three of, and we are not

including that one. Resident deer transportation outside the state, we only sold four. If numbers are so significant, I would ask you to be the inequity in this bill.

I could go on, there are a few other areas. I would like to move the indefinite postponement of this bill and all accompanying papers.

The SPEAKER pro tem: The gentleman from Sanford, Mr. Paul, moves that this bill and all its accompanying papers be indefinitely postponed.

The gentleman may continue.

Mr. PAUL: Mr. Speaker, we debated this bill somewhat yesterday. At that time, we spent a lot of time talking about the financial future of this department and what some people have been the financial misdirection and inefficiency of the last two years, but today I would like to bring up some other items just to share with you.

First of all, I said yesterday and I want to say again because I think it is worth repeating, this license fee increase would place the State of Maine in the highest category for the highest cost of licensing in the entire northeast, including New York State and some of the Canadian Provinces. This would put us right at the top, so, as Maine goes, so goes the nation—I hope not.

You have to look at the budget, and we had a little problem with that earlier in the day, the appropriations bill, I think it was a misunderstanding by the gentleman in the right corner, but you have to look at the appropriation and see what they want to do with this money in the next two years.

In the capital expenditure items alone, the department would like to have 50 brand new vehicles, 59 brand new vehicles. Well, that would cost \$350,000. I just wonder if it would be possible to maybe get by with a third less; that would be a substantial savings of \$100,000. Can't we get by a little bit longer?

They also want to build a new headquarters, a regional office down in Gray—price tag \$50,000. We have got seven in the state. Don't you think we can get by a little longer without another one?

From time to time when I speak to various sportsmen groups throughout the state, the biggest problem I hear, and it is a very legitimate complaint, the department is spending too much for research. There are people over there stepping on each other's toes doing this research. Their studies conflict with one another. It takes them 10 years to study something, they implement the recommendation of the study and 10 years later they do just the opposite.

We have got about 150 game wardens in this state; how many biologists do you think we have? We have got about 50, better than one biologist for every game warden—don't you think that we could change that a little bit? It is the highest ratio of biologists to game wardens in any state that I know of. Don't you think there is a little bit of room for improvement there?

I have maintained from day one that this bill wasn't necessary. There have been some figures that have been proving that this bill would not be necessary in the next fiscal year, providing a few changes were made. I guess you are just going to have to take my word for that. I know you have all been lobbied on this bill pretty heavily, I guess by both sides, and it is great, we have got our Fish and Game Department up here lobbying on the taxpayers' time and that is their discretion, they can do that, they are obviously interested in this budget, but I just wanted to take this time to lobby you folks once again and to ask you, before you vote on this bill, honestly, can you honestly go back to your people in your district and look them in the eye and say this is necessary? I would submit not.

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

Mr. FENLASON: Mr. Speaker, Ladies and

Gentlemen of the House: As most of you know, I live in the woods, and where I live, we have probably the greatest percentage of hunting licenses and fishing licenses that there is anywhere, it is a way of life. Everybody hunts and everybody fishes. I talked to these people and they have one great concern, that they don't want to see our warden supply diminished, we need our wardens. I have yet to hear any of my constituents complain about increasing a license fee by \$3. It has been a long while since we have had an increase in license fees, and if my ears have been right over the last few days, I have heard that before many months our department will be broke.

I realize that everybody is entitled to his opinion, but it seems to me that we can stand this small increase in license fees in order to keep the department going in the manner in which it needs to go.

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

Mr. DOW: Mr. Speaker, Ladies and Gentlemen of the House: We debated this quite lengthy the other day and I have no intention of taking much of your time. I just want to urge you to vote against the motion to indefinitely postpone this much needed \$3 license increase. I am sorry that we left off that out-of-state license. If it didn't cost so much money, I would have another amendment made, but you know that Representative Paul is against the bill, and of course he is looking for any reason that he can. I can understand that, so would I, but we do need it. The majority of the committee realizes that we need it. None of us wanted to report it out, but I do urge you to vote against the indefinite postponement.

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

Mr. ROLLINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know about the people in Mr. Fenlason's area, but in my area, they feel that this is not warranted. And as far as I am concerned, I wouldn't feel so badly about it if the hunting and fishing was better, but it seems to be worse every year under the direction of the department. It has been said sometimes that we get what we pay for. I don't think we are.

The SPEAKER pro tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I am from about the same area as Mr. Fenlason is from and I related to you a story several days ago that I had the opportunity of sitting down with some guides and hunters at a meeting and I related to them the conditions of the license increase, and to an individual there was not a complaint; they were all in agreement. They didn't like it, but they realized it was necessary for them to enjoy the outdoor life.

Representative Paul made reference to the high license fees in the State of Maine as opposed to New York, Massachusetts or whatever, but we are not concerned about New York, we are concerned about Maine. I don't care what they do in New York or elsewhere; we are concerned about Maine. We feel that this license increase is necessary and we still think it is one big bargain, even with the \$3 increase.

Now, he made complaints about the Fish and Game possibly buying some new vehicles. What do they want the wardens to do, use scooters, roller skates? They cover hundreds of miles every day and they have got to have a vehicle to do it.

He complained about a new building being put up down in Gray, I believe he said, that would cost \$50,000. He thinks something should be done about it. Well, you just met the gentleman upstairs, he has hardly put a dent in his seat yet; let's give him the opportunity to do something about it. Maybe he can stop it, maybe he doesn't want that building down there. Let's give him a chance.

Then he came out with the insinuation that things are going on down at the Fish and Wildlife that shouldn't be going on. Well, I suggest he stop giving lip service to it and bring out the alleged wrongdoings down there and let's have an investigation on it. Let him bring his points out instead of standing back and giving lip service to it.

I have just been handed a note—"biologist pay comes from federal government, all but 25 percent"—so much for the biologist. We are saving 75 percent already.

Seriously, ladies and gentlemen, this department will be in trouble, serious trouble financially. I said the other day, if this money is not forthcoming, then the Fish and Wildlife Department will be down to about the status of a rod and gun club and, believe me, it is not too far from it. We need the money, we have a new commissioner, the new commissioner was confirmed unanimously by the Fish and Wildlife Committee and we believe he can do the job. We would like to give him the opportunity to do that, but we hate to have him start off with a couple million dollar deficit. This raise would really help him do the job. We need it to save the department. We have a new commissioner; hopefully, he can help us save the department.

Ladies and gentlemen, please vote for the bill.

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

Mr. MACEachern: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to answer one statement that Mr. Rollins made. He is concerned about the population of the deer and fish and wildlife. If he is that concerned, he should be willing to vote for this bill in order that the department can function. We would be in a sorry state without the game wardens.

When the vote is taken, I would like the yeas and nays.

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

Mr. HALL: Mr. Speaker and Members of the House: A short while ago, I turned over a list of protests from my area to Mr. Dow from West Gardiner. I guess there were about 300 names and they aren't too happy about the increase.

Again, I want to emphasize what Mr. Rollins said — the hunting isn't too good up my way either.

The SPEAKER pro tem: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I come from the southern part of the state and our hunting is fairly good down there. I, myself, have been connected with our fish and game club in town. So far, I have had one protest from a gentleman not in my district and this was on undedicating the funds, which I know is a very hot issue, but I would like to respond to a statement that was put out by the department that they were going to have to be making something like \$500,000 in cuts even with the license increase, and perhaps somebody who is on the committee may speak more to that.

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

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I am only going to make one statement, and that is this — before you vote, I would like to have your vote asking yourselves the question — has my household cost me anymore in the last several years or has it remained the same? Can I keep my budget the way it is in my house? You small businessmen here, ask yourselves before you vote, have I been able to keep my business at the same level it was five or six years ago?

Men and women of the House, you know that this is not so. We can't keep our budget there. We don't like it. You have heard each one on the committee say they don't like a license increase, but what do we do? If you have a solu-

tion, we would like it, because we know we have to have this license increase if we stay in business.

Just take one item, for instance. How much traveling do you think the Fish and Game Department does because of the service that it performs for you and I? It is mostly on the road, in the woods, true, but on roads and what has happened to gasoline? Don't we have to have this minimal raise in order to stay abreast of the times?

The SPEAKER pro tem: The Chair recognizes the gentleman from Woolwich, Mr. Leonard.

Mr. LEONARD: Mr. Speaker and Members of the House: We keep hearing the comments that, gee, we are going to be taking this money from the people and they are simply going to give it to us without a great deal of objection. Of course, we have heard some people saying that there were objections, but they really haven't said they wouldn't buy the licenses in the event they are escalated in price. I submit maybe that is a little bit wrong. The fact is, I know of a lot of people, both in state and out of state, that are fishermen, are hunters and they are really what you might call part-time fishermen and hunters and they are right on the fence whether or not they are going to continue to fish and hunt in the State of Maine, or at least buy licenses. I did for many years. I used to buy a license and manytimes I wouldn't even use it, but it got to the point where I simply thought, being a conservative, that that was kind of a waste of my money in the event I wasn't going to hunt, and I submit that is the same with many people.

The other thing to consider is, out-of-staters hunting in the State of Maine is big business. It isn't just hunting, it is in the lodging, it is in the guiding, it is in the food that is provided for those people that ultimately come up here with their families or without their families and take advantage of the State of Maine and the great resource it has. So, while we are voting and saying, oh, gee, we are going to ultimately get more money for the department, I wonder if that has been taken into consideration, that in fact many people will probably renege on buying hunting licenses this year and many people from out of state simply won't come here to enjoy the great resource we have.

The SPEAKER pro tem: 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 pro tem: The pending question is on the motion of the gentleman from Sanford, Mr. Paul, that this Bill and all accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

At this point, Speaker Martin resumed the Chair and Mr. Elias of Madison returned to his seat on the floor.

#### ROLL CALL

YEA — Aloupis, Barry, Berry, Berube, Blodgett, Bowden, Brodeur, Brown, K. L.; Bunker, Conary, Cox, Curtis, Damren, Dexter, Diamond, Elias, Fowlie, Gwadosky, Hall, Hanson, Higgins, Huber, LaPlante, Leonard, Lewis, Lowe, Mahany, McHenry, McSweeney, Nadeau, Paul, Prescott, Rollins, Sprowl, Stetson, Studley, Tarbell, Tuttle, Wood, Wyman.

NAY — Bachrach, Baker, Beaulieu, Benoit, Birt, Bordeaux, Boudreau, Brannigan, Brenerman, Brown, A.; Brown, D.; Brown, K.C.; Call, Carroll, Carter, F.; Churchill, Cloutier, Cunningham, Davis, Dellert, Doukas, Dow, Drinkwater, Fenlason, Fillmore, Gavett, Gillis, Gould, Gowen, Gray, Hickey, Hobbs, Howe, Hughes, Hutchings, Immonen, Jackson, Jacques, P.; Kane, Kany, Kelleher, Kiesman,

Leighton, Lizotte, Locke, Lougee, Lund, MacBride, MacEachern, Marshall, Masterman, Masterton, Matthews, Maxwell, McKean, Michael, Mitchell, Morton, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Payne, Pearson, Peterson, Post, Reeves, J.; Reeves, P.; Rolde, Roope, Sherburne, Silsby, Simon, Small, Smith, Theriault, Tierney, Torrey, Twitchell, Violette, Vose, Wentworth, The Speaker.

ABSENT — Austin, Carrier, Carter, D.; Chonko, Connolly, Davies, Dudley, Dutremble, D.; Dutremble, L.; Garsoe, Hunter, Jacques, E.; Jalbert, Joyce, Laffin, Lancaster, Martin, A.; McMahon, McPherson, Peltier, Sewall, Soulas, Stover, Strout, Tozier, Vincent, Whittemore.

Yes, 40; No, 84; Absent, 27.

The SPEAKER: Forty having voted in the affirmative and eighty-four in the negative, with twenty-seven being absent, the motion does not prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Tierney of Lisbon Falls, the House reconsidered its action of yesterday whereby An Act to Abolish the Legislative Council, Senate Paper 86, L. D. 171 was passed to be enacted.

On motion of the same gentleman, tabled pending passage to be enacted and tomorrow assigned.

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

Mr. MARSHALL: Mr. Speaker, I move we reconsider our action of yesterday whereby we adhered to passage to be engrossed on Bill "An Act Relating to Funding and Support for Alcoholism Treatment and Rehabilitation Centers," House Paper 723, L. D. 910.

The SPEAKER: The Chair hears objection.

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

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I moved this reconsideration to offer an amendment requested by Mr. Scribner. It is a housekeeping amendment and I certainly hope that the House will consider the wishes of the Finance and Administration Department and vote to reconsider.

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

Mr. KELLEHER: Mr. Speaker and Ladies and Gentlemen of the House: In my opinion, this bill is absolutely no good. We shouldn't be wasting anymore time on it here today, and I hope we do not reconsider for Mr. Scribner, Mr. Marshall or for anybody else.

Thereupon, Mr. Marshall of Millinocket requested permission to withdraw his motion to reconsider, which was granted.

The Chair laid before the House the following matter:

Bill "An Act to Encourage Free and Open Competition in Insurance Funded Repairs" (H. P. 874) (L. D. 1064) which was tabled earlier in the day pending passage to be engrossed.

Mrs. Berube of Lewiston offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-663) was read by the Clerk and adopted.

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

#### (Off Record Remarks)

Mrs. Masterton of Cape Elizabeth was granted unanimous consent to address the House.

Mrs. MASTERTON: Mr. Speaker, you have received today on your desks a publication entitled "As a State Legislator, You Now Face a Decision on the Future of 750,000 Americans." This publication deals with the issue of the DC

voting rights for the citizens of Washington, D.C. This is a constitutional amendment that is out to the states for ratification. However, do not be misled. This is a decision you do not have to make this year. Providentially, my co-sponsor, Representative Kany, and I, on the advice of the groups and individuals which enthusiastically endorsed the DC constitutional amendment to withdraw the resolution for this year. The reason we were advised to do so and agreed to do so was that there was no visible support in the other body for this resolution, even though many of you have discussed the issue with us and we have been delighted with that.

I hope that you will take this book home with you and during the summer months read it, because it is directed to us as legislators and it is our job to ratify these constitutional amendments. As you read it, please note that there are Senators and Representatives on both sides at the federal level who voted for this resolution and that support of the resolution is a plank in both political party platforms.

I do invite you to read it and inform yourself so that at another session within the next seven years, we may ratify this amendment.

#### (Off Record Remarks)

On motion of Mr. Roope of Presque Isle, adjourned until eight-thirty o'clock tomorrow morning.