

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, March 16, 1981

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

Prayer by Rabbi Arsher Reichert of the Shaarey Tphiloh Synagogue, Portland.

The members stood at attention during the playing of the National Anthem by the South Portland High School Concert Band.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act Relating to the Definition of Teacher under the Maine State Retirement System" (S. P. 423) (L. D. 1244)

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

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

Bill "An Act to Facilitate and Improve Decision Making by the Board of Environmental Protection" (S. P. 421) (L. D. 1245)

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

In the House, referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Enact the Uniform Parentage Act" (S. P. 407) (L. D. 1239)

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

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

Bill "An Act Concerning Utility Deposits" (S. P. 422) (L. D. 1243)

Bill "An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants" (S. P. 420) (L. D. 1242)

Bill "An Act to Remove the Customer Charge from Electric Utility Rate Structures" (Emergency) (S. P. 417) (L. D. 1240)

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

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

Bill "An Act to Increase the Bonding Limit on Maine State Housing Authority Bonds Secured by the Housing Reserve Fund" (S. P. 418) (L. D. 1241)

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

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

Messages and Documents

The following Communication: (S. P. 451)

STATE OF MAINE

Senate Chamber

President's Office

Augusta, Maine

March 12, 1981

The Honorable Howard M. Trotzky

The Honorable Laurence Connolly, Jr.

Chairmen, Joint Standing

Committee on Education

State House

Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating William C. Hughes of Brewer and Peter A. Cloutier of South Portland for appointment to the Board of Trustees of the Maine Maritime Academy.

Pursuant to 1941 P & SL Chapter 37, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL
President of the Senate

S/JOHN L. MARTIN
Speaker of the House

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

In the House, read and referred to the Committee on Education in concurrence.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolution were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Aging, Retirement and Veterans

Bill "An Act Relating to Burial Expenses for Veterans" (H. P. 1104) (Presented by Representative Tarbell of Bangor)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Require Builders to Offer Warranties on Homes which they Construct" (H. P. 1105) (Presented by Representative Rolde of York)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Concerning Teacher Certification" (H. P. 1106) (Presented by Representative Nelson of Portland) (Cosponsor: Representative Murphy of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Provide Additional Radiation Monitoring Capability by the State" (H. P. 1107) (Presented by Representative Soule of Westport) (Cosponsor: Representative Martin of Eagle Lake)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Establishing Procedures for the Approval of Rates for Children Requiring Special Education Services at Residential Treatment Centers and Allocating Financial Responsibility for the Costs of Those Placements" (H. P. 1103) (Presented by Representative Locke of Sebec)

Committee on Health and Institutional Services was suggested.

On motion of Mr. Connolly of Portland, the Bill was referred to the Committee on Education, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act Concerning Access by Adopted Children to Biological Family Medical Files" (H. P. 1108) (Presented by Representative Benoit of South Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Exempt Small Businessmen from the Workers' Compensation Law" (H. P. 1109) (Presented by Representative Webster of Farmington) (Cosponsors: Representatives Dexter of Kingfield, McCollister of Canton and Ridley of Shapleigh)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Authorize the Public Utilities Commission to Require Electric and Gas Utilities to Prepare and File Long-range Demand Forecasts" (H. P. 1110) (Presented by Representative Kany of Waterville) (Cosponsor: Senator Trafton of Androscoggin)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Increase Rental Unit Energy Conservation" (H. P. 1111) (Presented by Representative Huber of Falmouth)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Law and Constitutional Provisions Relating to Consolidating Initiative and Referendum Elections to Dates of the Next General Election (H. P. 1112) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representatives Masterton of Cape Elizabeth, Kany of Waterville and Davis of Monmouth)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide Sales Tax Exempt Status for Nonprofit Family Crisis Service Agencies" (H. P. 1113) (Presented by Representative Tarbell of Bangor)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. McSweeney of Old Orchard Beach, it was

ORDERED, that Representative H. Craig Higgins of Portland be excused March 3, 4, and 5 due to illness.

AND BE IT FURTHER ORDERED, that Representative Polly Reeves of Pittston be excused March 16 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Fred W. Moholland of Princeton be excused March 16 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Neil Rolde of York be excused the week of March 23 through 27 for legislative business.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expression of Legislative Sentiment)

Recognizing:

Westbrook High School Girls' Basketball Team, coached by Archie Manogian, 1981 Western Maine Class A Champions, their 4th consecutive Title; (S. P. 448)

Mrs. Annette B. Stevens of Waterville, who has been named Maine Mother of the Year for 1981; (S. P. 449)

Judy Footer of South Harpswell, who has been named Miss Maine USA for 1981; (S. P. 450)

There being no objections, these items were considered passed and sent up for concurrence.

House Reports of Committees**Ought Not to Pass**

Representative Treadwell from the Committee on Legal Affairs on Bill "An Act to Make the 10-Mile Radius Restriction on Agency Liquor Stores Applicable only to Towns of Less than 5,000 People" (H. P. 251) (L. D. 291) reporting "Ought Not to Pass"

Representative McSweeney from the Committee on Legal Affairs on Bill "An Act to Remove the 10-Mile Radius Restriction on Location of Agency Stores under the Liquor Laws" (H. P. 686) (L. D. 800) reporting "Ought Not to Pass"

Representative Perry from the Committee on Legal Affairs on Bill "An Act Relating to the Labeling of Alcoholic Beverage Containers" (H. P. 750) (L. D. 887) reporting "Ought Not to Pass"

Representative Stover from the Committee on Legal Affairs on RESOLVE, Authorizing Thomas J. Levesque, of Guilford, Administrator of the Estate of Shelby Lynn Levesque, to Bring Civil Action against the State of Maine (H. P. 512) (L. D. 562) reporting "Ought Not to Pass"

Representative Carrier from the Committee on Judiciary on Bill "An Act to Provide a 2-year Statute of Limitation for Attorney Mal-

practice" (H. P. 744) (L. D. 882) reporting "Ought Not to Pass"

Representative McGowan from the Committee on Public Utilities on Bill "An Act to Amend the Kittery Water District Incorporation Act to Provide Reasonable Compensation for the Trustees of the District and to Authorize the Trustees to Join the Maine State Retirement System" (H. P. 384) (L. D. 427) reporting "Ought Not to Pass"

Representative Racine from the Committee on Business Legislation on Bill "An Act to Provide for Filing of Certain Security Interests, under the Uniform Commercial Credit Code in Municipalities" (H. P. 214) (L. D. 252) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 22, and sent up for concurrence.

Leave to Withdraw

Representative Bordeaux from the Committee on Public Utilities on Bill "An Act to Require the Public Utilities Commission to Consider Issues of Operational Efficiency in Rate Cases" (H. P. 476) (L. D. 526) reporting "Leave to Withdraw"

Representatives Hobbins from the Committee on Judiciary on Bill "An Act to Amend the Appeals Procedure Regarding Special Entertainment Licenses" (H. P. 496) (L. D. 548) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Provide for Forfeiture of Illegally Obtained or Illegally Used Property" (H. P. 460) (L. D. 510) reporting "Leave to Withdraw"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Establish Manslaughter as a Class A Offense under the Criminal Code" (H. P. 399) (L. D. 442) reporting "Leave to Withdraw"

Representative Soule from the Committee on Judiciary on Bill "An Act to Increase the Penalty for Refusing to Stop for an Officer of the Law" (H. P. 247) (L. D. 281) reporting "Leave to Withdraw"

Representative Jackson from the Committee on Business Legislation on Bill "An Act to Delete Vendor's Single Interest Insurance from Additional Charges in the Maine Consumer Credit Code" (H. P. 544) (L. D. 620) reporting "Leave to Withdraw"

Representative Gwadosky from the Committee on Business Legislation on Bill "An Act to Exempt Auctioneers From Certain Tax and Bonding Requirements when Provided by an Employer" (H. P. 424) (L. D. 471) reporting "Leave to Withdraw"

Representative Racine from the Committee on Business Legislation on Bill "An Act to Amend the Unfair Trade Practice Laws" (H. P. 372) (L. D. 410) reporting "Leave to Withdraw"

Representative Foster from the Committee on Labor on Bill "An Act to Prevent Frivolous Appeals in Unemployment Compensation Cases" (H. P. 639) (L. D. 729) reporting "Leave to Withdraw"

Representative Foster from the Committee on Labor on Bill "An Act to Clarify the Misconduct Provision of the Employment Security Law" (H. P. 431) (L. D. 478) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Provide for Service Fees for Nonmembers Represented by Collective Bargaining Agents" (H. P. 233) (L. D. 270) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 504) (L. D. 555) Bill "An Act Relating

to Games of Chance Sponsored by Charitable Organizations"—Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 149) (L. D. 175) Bill "An Act to Amend the Charter of the York Water District"—Committee on Public Utilities reporting "Ought to Pass"

(H. P. 246) (L. D. 280) Bill "An Act to Clarify Appellate Procedure in Adoption Cases and Provide Transition Provisions for Certain Guardians under the Probate Code"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-99)

(H. P. 620) (L. D. 703) Bill "An Act to Facilitate the Distribution of Child Custody Reports"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-100)

(H. P. 178) (L. D. 225) Bill "An Act to Amend the Laws Relating to Examinations of Motor Vehicles by Police Officers and to Increase the Penalty for Avoiding a Police Roadblock"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-101)

(H. P. 471) (L. D. 524) Bill "An Act Concerning the Interest Charge on Outstanding County Taxes"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-102)

(H. P. 148) (L. D. 174) Bill "An Act to Revise the Charter of the South Berwick Water District"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-104)

(H. P. 529) (L. D. 595) Bill "An Act to Exempt Fuel Adjustments Charges of Electric Utilities from the Requirement that such Charges be Prorated"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-105)

(H. P. 479) (L. D. 535) Bill "An Act to Adjust the Fiscal Year of the Cobbossee Watershed District"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-106)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 17, under the listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 185) (L. D. 257) Bill "An Act to Revise the Law Relating to the Licensing of Private Investigators" (C. "A" H-96)

(H. P. 285) (L. D. 332) Bill "An Act Relating to the Commencement of Terms for Members of School Committees and Boards of School Directors" (C. "A" S-39)

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

Passed to be Engrossed

Bill "An Act Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner" (H. P. 291) (L. D. 335)

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

Second Reader Tabled and Assigned

Bill "An Act to Encourage the Establishment of Municipal Energy Commissions" (H. P. 313) (L. D. 381) (C. "A" H-89)

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

On motion of Mr. Hall of Sangerville, tabled pending passage to be engrossed as amended and specially assigned for Wednesday, March 18.

Later Today Assigned

Bill "An Act to Establish Guidelines for the Issuance of Concealed Weapon Permits" (H. P. 467) (L. D. 519) (C. "A" H-88)

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

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: This morning, we noticed there was some verbiage in the amendment which was prepared last week which needed to be changed to make it less confusing. Therefore, I would ask that someone table this until later in today's session; there is another amendment on its way.

Whereupon, on motion of Mr. Diamond of Windham, tabled pending passage to be engrossed and later today assigned.

Passed to be Enacted

An Act Pertaining to the Retention of Records for Closing-out Sales (S. P. 151) (L. D. 359)

An Act to Amend the Law Concerning Cancellation of old State Bonds (S. P. 182) (L. D. 460)

An Act to Establish a Time Limit on Identifying Prior Refusal to Submit to a Chemical Test for Operating Under the Influence (H. P. 248) (L. D. 289) (C. "A" H-73)

An Act to Consolidate Highway Safety Activities within the Department of Public Safety (H. P. 332) (L. D. 386)

An Act to Increase the Fee for Serving Civil Process (H. P. 410) (L. D. 449) (C. "A" H-76)

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 Amending the Certification of Ionizing Radiation Equipment (H. P. 426) (L. D. 473)

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: I would like to ask if there would be anyone on the committee or the sponsor of this bill who could explain exactly what the difference is between periodic calibration on equipment and annual calibration of ionizing equipment. I am wondering if the annual inspections have caused hardships in doing them, and I am also wondering whether or not this means that, depending upon the X-ray machines, such as an X-ray machines that might be in a dentist's office, will that only be inspected every five years as opposed to every year?

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

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

Mr. KIESMAN: Mr. Speaker, this bill in here today was put in at the request of the department. After the law was passed last year that set up certain very stringent testing requirements and they started testing, they found that it was much more rigid than the federal statute. Also, they weren't finding the problems that they had anticipated. It put an unnecessary workload on the department, and they have set up a standard that is more in keeping with the federal requirement and the requirement as their experience had indicated. That is why they are in here this time, to give them a requirement for periodic and the standards for testing, the time limits will be established by

the department.

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

An Act to Permit the Use of Foam Plastic Insulation in Certain Facilities Without the Required Thermal Barrier (H. P. 451) (L. D. 498) (C. "A" H-72)

An Act to Repeal Certain Provisions Relating to Burial Expenses and Reimbursement Under Relief of Poor Veterans (H. P. 698) (L. D. 823)

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, Authorizing the State to Convey Certain Land to the Town of Swan's Island for Park and Recreational Purposes (H. P. 481) (L. D. 528) (C. "A" H-74)

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

Orders of the Day

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

BILL, "An Act Relating to Pesticide Registration" (H. P. 4) (L. D. 4) — In House, Passed to be Engrossed on March 4. — In Senate, Majority "Ought Not to Pass" Report accepted in non-concurrence.

Tabled—March 12 by Representative Mahany of Easton.

Pending—Further Consideration.

On motion of Mr. Mahany of Easton, the House voted to adhere.

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

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (4) "Ought to Pass" as Amended by Committee Amendment "A" (H-90) — Committee on Education on Bill, "An Act to Allow Parents to Exempt their Children from Health, Safety and Physical Education Courses" (H. P. 546) (L. D. 622)

Tabled—March 13 by Representative Connolly of Portland.

Pending—Acceptance of either Report.

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

MR. CONNOLLY: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report and would like to speak briefly.

THE SPEAKER: The gentleman from Portland, Mr. Connolly, moves that the House accept the Majority "Ought Not to Pass" Report.

The gentleman may proceed.

MR. CONNOLLY: Mr. Speaker and Members of the House: This bill in its original form, when it came before the Education Committee, would have provided, in effect, an automatic exemption to any student whose parents requested that they be exempt from any health, safety or physical education courses in the classroom. The bill, as it is amended, comes out of committee with a Minority "Ought to Pass" as amended Report. It is somewhat different than the original bill. First of all, the issues have been narrowed somewhat. No longer does it deal with any courses that pertain to safety but only with courses that deal with health or physical education. And the language that provides for the exemption is somewhat different from that which appeared in the original bill.

The amended version of the bill would now allow a parent to notify the principal in writing that that parent does not wish his or her child to take a particular course dealing with health or physical education. The principal then has the authority to say, okay, I will grant that ex-

emption or I will not. If the principal turns down the request, it may be, in effect, appealed to the school committee, according to the amendment, and if the school committee turns down the request, the amended version would provide for an appeal all the way to the commissioner's office.

Those of us who signed the "ought not to pass" report struggled long and hard with this in committee. I think of all the pieces of legislation that we have had before us so far this year, we have given more attention and more time to this one than to any other.

Right now, it is already allowed that a student may be exempt from physical education courses if that student is a special education student or if that student and his family have religious objections to the course content or the physical activity in the case of physical education or if there is some medical reason that would prohibit a student from taking the course, and that medical reason may be either physical or emotional.

It was the feeling, I think, of most of us who signed the "ought not to pass" report that there is already sufficient means for parents and students to become exempt.

In the course of the debate on this bill, we got into a lot of issues. They involved parental involvement in the schools, questions of due process, questions of physical activity in the school and sex education. I believe there will be some arguments that will be made about health in that light. However, I think it was the feeling of most of us that because there is sufficient means now to provide for an exemption for a student, it was proper that this legislature, at least at this time, kill this legislation.

I would hope that you would vote to support the "ought not to pass" report.

THE SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

MS. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I must rise today to defend my position on Committee Amendment "A" to House Paper 546, L. D. 622, An Act to Allow Parents to Exempt their Children from Health, Safety and Physical Education Courses. If I had not been persistent, this bill and all its accompanying papers would have been buried.

Even though this amendment really doesn't do as much as I would like it to do, it might at least get some attention and make you realize how little control parents have over what is being taught their children. Please do not get the wrong idea immediately and think that I am against physical education or a health course, because I am not. I am merely concerned about parents' rights in the public schools.

Some of you will say that they already have this right, and probably you are correct in many schools, but there are exceptions, and these are the ones I am concerned about.

Many parents believe that their children are their responsibility and that this responsibility remains in effect even when their teaching is delegated to another group.

In some school districts, the freshman health course states one purpose to be, number one, to provide you, the student, with guidelines for making your own decisions. Guidelines are also called "values clarification." Number two, morals and values are an inseparable dimension of decision-making. Since these parents' religious beliefs place moral authority in God and since values clarification give equal validity to accepting or rejecting the authority of God, it is in direct violation of their religious beliefs. Parents have no recourse but to remove the student from the public school to protect their freedom of religion. Does this not sound unconstitutional to you?

Twelve students have been removed from the public school system in my town as a direct result of mandatory health curriculum.

Most superintending school committees,

being composed of lay people, are impressed with the opinions of experts. The experts have repeatedly expressed that parents should not necessarily be the judge of what is in the best interest of their children, and this is no doubt correct in many cases, but the truth is, the school committee and the experts have ignored the fact that religion and morals is a freedom and parental responsibility.

I have no disagreements that these courses may be beneficial to some students, but there are those parents who feel this information should be presented in another way, and it should be their choosing.

Public schools cannot afford to alienate more and more parents and taxpayers during these difficult years ahead. I am brave enough to say that I am not sure that the public schools have accomplished their primary goal of teaching the basics of education, such as reading, writing and arithmetic.

In closing, I urge you to vote for this amendment, the minority "ought to pass" report, that merely gives the parent an appeals process. And please do not think like many, that this would set a precedent and English and math would be next, because this is ridiculous.

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

MR. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I stand this morning to support my good friend and colleague from Gorham, Ms. Brown.

At the public hearing, there were some parents who felt extremely frustrated at the process involving these specific areas of physical education and health education courses. As they described their frustration to the committee, I felt, in part, some of the frustration that they were feeling themselves.

We are dealing with two extremely sensitive areas here when we talk about physical education and health education. I think when we talk about health education, we have to assume that in many instances sex education is being included. I am not saying that I am opposed to the teaching of sex education, I am just simply stating that this is a very sensitive area with many people and I think that we have to recognize that sensitivity and at some point try to deal with it.

My own personal philosophy of these two particular course areas is that I think by and large both of them are doing an extremely outstanding job serving the educational needs of our students. I would never be one to advocate doing away with health education in the schools or doing away with physical education; I think they are two extremely important issues and I really believe sincerely that, for the most part, those dedicated teachers who are involved in teaching these two activities are doing an extremely good job.

However, there are those situations that seem to be "no-win" situations as far as the parents and some students are concerned. I would like to speak very briefly about each of them.

In the area of physical education, I have witnessed, myself, in schools where I have taught, situations that develop in the locker room, in the shower room, that pose an extremely difficult, emotional kind of strain upon some students. That strain is due to perhaps what happens in the locker room, what happens in the shower room, and also it can be due in part to the whole competitive aspect of participating in sports, which many people just aren't physically or emotionally able to do. When I see children becoming physically ill because they have to go to school the next day and face whatever they have to face dealing with these particular activities, I get very concerned, and I think it is a concern that we should try to address.

Concerning health and sex education, again, I think this is an area where parents feel some degree of parental responsibility and wish to

have some input, and in many instances are being frustrated by the local system of which their particular son or daughter is a part.

Again I wish to emphasize, my remarks do not reflect adversely upon all of those programs in all of our schools.

The contention that if we go along with this bill today, what is coming next, English or math or geography, on and on? I would reiterate the remarks of the lady from Gorham, this is absolutely ridiculous because we are dealing with two very sensitive kinds of issues.

Again, look at the amendment—the amendment is a far cry from the original bill. The amendment very simply provides only an appeal process. If the parent of a student who finds himself or herself in an extremely difficult, emotional kind of situation wants to have some process whereby they can express their objections to those programs, and again, to reiterate, that process is to the principal with the parents involved, and if that is unsuccessful, to go to the school committee or the school board, and if that is unsuccessful, just to give those parents one more recourse of appeal, and that recourse is to the commissioner. It is a much watered down version of the original bill. In fact, I wouldn't have signed it in its form today if it hadn't been watered down.

I think when we vote on this issue today, we have to be thinking a little bit about the parents of the children. We can't take away their authority altogether. There must be some kind of an appeal process in these two very sensitive and very difficult areas, and I would urge you to vote against the pending motion.

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

Mr. MATTHEWS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly in opposition to this bill. After hearing the eloquence of the two Brown representatives, I feel rather embarrassed, but I would like to say that, life is an emotional strain, you had better get used to it.

After hearing the proponents and opponents in committee, I think the problem is mostly centered around those students of junior high level. As you probably know, young people of this age are opposed to everything; we have to teach them what is right and what is wrong. If you say good morning to one of these kids, he might come back with, "so what," which is very common.

During my many years of teaching, I found that the majority of phys-ed people are intelligent, understanding and conscious of the difference in their students. If we let this bill go through, soon there will be a bill asking the parents to have the right to exempt their kids from English or math, to be redundant, because these subjects cause mental strain.

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 add just one other dimension to the debate on this bill.

When the bill first came in, I had a certain amount of sympathy for the problem of physical education that was addressed in the bill and was also addressed in a very similar bill that we had in the last session. I was prepared to go along with an amendment to this bill that would have added another appeal process for children who wanted exemptions from physical education; the reason for that is because the state mandates physical education. The state also mandates health courses, but it does not mandate the content of those courses; it is entirely up to the local school board to decide what will be in those courses. So, I originally was going to come out with my own amendment to this bill which would have just simply added an appeal process for physical education, which is a total mandate from the state, and the health courses which are decided upon by the local authorities. The reason that I cannot go along with this particular amendment, and I am

going to vote "ought not to pass," is because I feel this is state interference with the local school districts. They have the right to set the curriculum, and if there are problems at the local level, that is where the people have redress to change their school committees. So, I cannot go as far as this amended version plans to go.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. MCSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: After serving many years in the school department, being a physical education teacher for about 17 years, I think this bill goes a little bit too far. I don't think that any physical education teacher would put any boy or girl through anything that really has a need to be over-exposed or anything else. I think if the parent gives a note from a doctor saying that they shouldn't take phys-ed, I think the school board would do it. If a boy or girl is sick, they usually are excused. I believe that this bill does go too far. In Home Ec, if a part becomes a health—maybe the boy or girl doesn't want to take that part of Home Economics—but I think becoming overly protective of the child, and this is a real world, so you must expect that you don't live in an incubation tube anymore due to the fact that it is a real world and I think the bill goes too far.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the last two speakers. This bill really does not do anything except give the parent an appeals process. It does not go very far into the local control, if that is going to be the big argument. The only thing it is going to do is give the parent one little way of getting to the school board if they are so stubborn they will not listen any other way.

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

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

Bill, "An Act to Amend the Provisions Relating to the Maine School Management Association" (H. P. 1088) (Committee on Education suggested)

Tabled—March 13 by Representative Connolly of Portland.

Pending—Reference.

On motion of Mr. Connolly of Portland, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

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

Mr. CONNOLLY: Mr. Speaker, I would like to make a motion to reconsider House Paper 546, L. D. 622 Bill "An Act to Allow Parents to Exempt their Children from Health, Safety and Physical Education Courses" whereby we accepted the Majority "Ought Not to Pass" Report.

My purpose in asking to reconsider is because the bringing down of the hammer was obviously coming down on the side that I wanted the matter to come down on. I think because of the concern that the committee had, because of the debate that it has generated on the floor of the House, we at least ought to have a division on the motion.

The SPEAKER: A division has been requested on the motion to reconsider.

Ms. Brown of Gorham requested a roll call.

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. 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 Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Members of the House: I would hope that everybody who would like to see this bill killed would vote no on reconsideration—just so we only have one vote on this, so you understand where we are coming from.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mr. Connolly, that the House reconsider its action whereby it voted to accept the Majority "Ought Not to Pass" Report.

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

Mr. BROWN: Mr. Speaker, I would like to pair my vote with the gentleman from Scarborough, Mr. Higgins. If he were here, he would be voting no and I would be voting yes.

ROLL CALL

YEA — Armstrong, Austin, Berube, Boisvert, Brown, A., Callahan, Carrier, Carroll, Carter, Chonko, Conary, Connors, Cunningham, Curtis, Davis, Day, Drinkwater, Dudley, Fowle, Gillis, Hickey, Holloway, Hunter, Hutchings, Jacques, Kelleher, Kilcoyne, Leighton, Lewis, Locke, Macomber, Martin, A., Martin, H. C., Masterman, McKean, Nelson, A., Norton, O'Rourke, Pearson, Perkins, Post, Prescott, Racine, Randall, Reeves, J., Roberts, Salsbury, Small, Smith, C. W., Soulas, Stevenson, Stover, Strout, Studley, Telow, Thompson, Treadwell, Walker, Webster.

NAY — Aloupis, Baker, Beaulieu, Bell, Benoit, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, K. L., Cahill, Clark, Connolly, Cox, Crowley, Damren, Davies, Dexter, Diamond, G. W., Diamond, J. N., Dillenback, Erwin, Fitzgerald, Foster, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Higgins, Ingraham, Jackson, Jalbert, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Lancaster, LaPlante, Laverriere, Lisnik, Livesay, Lund, MacBride, MacEachern, Mahany, Manning, Masterton, Matthews, McCollister, McGowan, McHenry, McSweeney, Michaud, Mitchell, E. H., Mitchell, J., Murphy, Nadeau, Nelson, M., Paradis, E., Paradis, P., Perry, Peterson, Pouliot, Richard, Rolde, Sherburne, Smith, C. B., Soule, Swazey, Theriault, Tuttle, Twitchell, Vose, Wentworth, Weymouth.

ABSENT — Hobbins, Huber, McPherson, Michael, Moholland, Paul, Reeves, P., Ridley, Tarbell.

PAIRED — Brown, D., Higgins, L. M. Yes, 59; No, 80; Absent, 9; Paired, 2.

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

The Chair laid before the House the following matter:

Bill "An Act to Establish Guidelines for the Issuance of Concealed Weapons Permits" (H. P. 467) (L. D. 519) (C "A" H-88) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. McKean of Limestone offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-107) was read by the Clerk.

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

Mr. WEBSTER: Mr. Speaker, Members of the House: I have an amendment which is being prepared and I would ask that somebody tabled this for one day, please?

On motion of Mr. Diamond of Windham, tabled pending adoption of House Amendment "B" and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Hickey of Augusta, Adjourned until ten o'clock tomorrow morning.