

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eighth
Legislature***

OF THE

STATE OF MAINE

1978

Second Regular Session

January 4, 1978 — April 6, 1978

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Senate Confirmation Session

June 14, 1978

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First Special Session

September 6, 1978 — September 15, 1978

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October 18, 1978

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Third Special Session

December 6, 1978

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APPENDIX

ing on Supplement No. 3 was taken up out of order by unanimous consent:

Ought to Pass in New Draft

Committee on Judiciary on Bill "An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine" (Emergency) (S. P. 692) (L. D. 2123) reporting "Ought to Pass" in New Draft (S. P. 748) (L. D. 2199)

Came from the Senate with the Report read and accepted and the new Draft passed to be engrossed as amended by Senate Amendment "A" (S-565), "C" (S-567), "E" (S-569), "F" (S-570), "G" (S-571) "H" (S-572), "I" (S-573), "J" (S-574), "K" (S-575), "L" (S-576), "M" (S-577), "N" (S-578), "O" (S-579), "P" (S-580)

In the House, Report was read.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: Before we begin the debate on the Senate Amendments and then finally on the House Amendments, I thought it best to say a few words about the original bill which came before you this morning, which is a very long, lengthy and complicated document. I think probably the old saying that no man's life, liberty or property is safe as long as the legislature is in session is at least doubly true during these next few minutes. In fact, it feels like a cloud ought to pass over the sun at this point because the state is in some peril. But the Judiciary Committee, for that very reason, has taken a very cautious approach to the bill that is before you, and to my knowledge, there is no amendment in the original bill which was objected to by any member of the committee as being substantive. So it is a very cautious, safe bill. The changes in there are, indeed, errors and inconsistencies, and we have for the second year, I think, put before you what is a very clean document.

I and members of the staff attended the debate in the other body on the amendments and we are prepared to help in the debate on the Senate Amendments as they come before us. Those which were considered by the committee and considered to be substantive in committee deliberations I will move to indefinitely postpone at the appropriate time.

Then again, during the debate on House Amendments, we will follow the same process. If there is something the committee has already deliberated upon, I will be commenting, and if not, we will simply let the wisdom of the House have its way.

I would urge that the same spirit of caution as to what we adopt in the errors and inconsistency bill be extended throughout the debate this afternoon, and with those few preparatory remarks, I would move on the debate on the amendments.

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

Senate Amendment "A" (S-565) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I move that Senate Amendment "A" be indefinitely postponed and would speak briefly to my motion.

The SPEAKER: The gentleman from Auburn, Mr. Hughes, moves that Senate Amendment "A" be indefinitely postponed in non-concurrence.

The gentleman may proceed.

Mr. HUGHES: Mr. Speaker and Members of the House: This in an amendment which was considered by the Judiciary Committee and it was the judgment of that committee that it was indeed substantive. To go just slightly further than that statement, if that is not enough, it proposes to deal with the terms of the trustees of the University of Maine. The purpose behind it, and I believe the stated purpose is to avoid the situation where the Senate might have to come into session during confirmation hearings when terms ran out between legislative

sessions.

While I think that is probably a useful objective in general, what it would do would be to allow certain terms to be extended up to seven months to avoid that possibility, and I think we ought not to create that kind of situation. I think an occasional one-day Senate session to deal with an accumulation of appointments which may have come about during that period if time is not an awfully expensive thing and is a useful way to deal with the situation.

But to begin to manipulate the terms of especially such things as trustees of the university, where there may be some very delicate balances on voting on issues, where it might be politically useful for one interest or another to hold up confirmation and manipulate that situation, I think we ought to be very cautious about that.

This is a bill which would extend those terms. It also has some technical problems. It supposedly still allows for a seven-year term but changes the date at which that term expires. And if you still have a seven-year term and that term is supposed to expire on May 26, as they do now, then I don't know what you do when you have in this bill a date that it expires on May 15 but it is still seven years long. I see some technical problems, but I also see the danger in changing terms for such things as trustees of the university without at least a public hearing and that kind of debate. Therefore, I move to indefinitely postpone it.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I rise to support the motion of the gentlemen from Auburn. I think the committee is to be commended for their strict adherence to not making substantive changes under the body of this bill, but I hope we won't, by inference, assume that we, therefore, could or should, so I would say that the same stricture that they have applied to themselves should be even more carefully observed by us.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: As the Representative of a university community that has some interest in this matter, you might expect me to get up and oppose the motion to indefinitely postpone, but I do support it. While I think there is a problem here that should be addressed, it is a matter that is not of such great importance that it needs to be addressed at this time. I think if the people at the university who are involved in this matter want to pursue this, the 109th is an appropriate place to do that. Therefore, I hope you will vote to indefinitely postpone it.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: I have one question. How much does it cost to convene the Senate for one day?

The SPEAKER: The gentleman from Lewiston, Mr. Cote, has posed a question through the chair to any member who may care to answer.

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

Mr. NORRIS: Mr. Speaker, I don't know in exact dollars, but probably no more than it cost to keep the executive council in session year round.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, I would like to answer the gentleman from Brewer, Mr. Norris. I have a feeling that calling ten people together is much cheaper than calling 34.

Thereupon, on motion of Mr. Hughes of Auburn, Senate Amendment "A" was indefinitely postponed in non-concurrence.

Senate Amendment "C" (S-567) was read by the Clerk and adopted in concurrence.

Senate Amendment "E" (S-569) was read by the Clerk and adopted in concurrence.

Senate Amendment "F" (S-570) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, I move that Senate Amendment "F" be indefinitely postponed.

The SPEAKER: The gentleman from Auburn, Mr. Hughes, moves that Senate Amendment "F" be indefinitely postponed.

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

Mr. KELLEHER: Mr. Speaker, would the gentleman from Auburn please give us some explanation why we should support his motion.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, Ladies and Gentlemen of the House: This is a problem that cropped up in our private investigations Bill. We had passed the bill whereby polygraph police officers could not operate after duty, moonlighting. This caused a hardship on at least four people here in the state, and it was not our intent to work a hardship on anyone. Therefore, we did draft up Committee Amendment "F" when L. D. 2132 was the errors and inconsistencies bill, and it would have gotten along very well with that and it would have been necessary had we had the wording in that, however, I refer you now to Section 255. In this bill, we are changing the definition of a polygraph expert and the last part of it says, "A fulltime police officer may act as a polygraph examiner without license;" therefore, they will be able to perform their functions without it. It has gone a little bit more than we agreed to, but we will let it go along like that.

I agree with indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This bill results from the fact that there are between four and six people in the State of Maine who are now doing polygraph work on the outside, out moonlighting, for example.

The amendment that is being presented would grandfather these people who are now doing this work. It would not permit anybody beyond these four to six people to do this work on the outside, and I would hope that you would support the amendment.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill, simple and pure, is another ethics bill. For three years, while a member of the Legal Affairs Committee, I worked on the private detective bill. We knocked it around, but got the statutes from all over the country and we observed in many of those that had been updated a definite point of conflict. If you pass this amendment, you will permit a police officer, who is a polygraph operator, to go out, set up a private business on the outside. Here is where conflict is. Whether it be a bank or a hamburger joint, he would interview somebody that handles money. If the machine indicates that a person is lying and he pushes the question and the subject said yes. I admit I took \$600 from the till, does that police officer tell management who is paying the fee? If he does, we get a case of misfeasance for malfeasance there. He is duty bound and he is under oath to report this as a crime. The underlying issue is the same issue here that the Governor raised in his vote that we talked about this morning. If you vote for indefinite postponement, it will have that bill the way it is. You can't case that shadow of a doubt on some police officer, be there two or ten. We don't like the shadows to cast on them because those same shadows will affect every other law enforcement officer in this state.

I urge you to support the motion to indefinitely postpone.

The SPEAKER: The Chair will order a vote.

The pending question is on the motion of the gentleman from Auburn, Mr. Hughes, that Senate Amendment "B" be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

95 having voted in the affirmative and 8 having voted in the negative, the motion did prevail.

Senate Amendment "G" (S-571) was read by the Clerk and adopted in concurrence.

Senate Amendment "H" (S-572) was read by the Clerk and adopted in concurrence.

Senate Amendment "I" (S-573) was read by the Clerk and adopted in concurrence.

Senate Amendment "J" (S-574) was read by the Clerk.

Mr. Curran of South Portland offered House Amendment "A" to Senate Amendment "K" and moved its adoption.

House Amendment "A" to Senate Amendment "K" (H-1204) was read by the Clerk.

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

Mr. CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly, an explanation of House "A" to Senate "K." On Page 2 of Senate "K," section 374, effective date, Section 374 should read Section 373, so it changes it from 374 to 373.

Thereupon, House Amendment "A" to Senate Amendment "K" was adopted.

Senate Amendment "K" as amended by House Amendment "A" thereto was adopted.

Senate Amendment "L" (S-576) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, I would like to pose a question through the chair to the original sponsor of the legislation as to the intent of the amendment that we have before us?

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

The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is acceptable to the Committee on Business Legislation and to the sponsor. This clarifies what is meant by an audit and there was some confusion and in talking with the auditors we felt that this should be clarified.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I fully realize that the sponsor and the committee would be agreeable to it, but that doesn't necessarily spell out what the amendment does. If I read the amendment properly, it indicates in here that the non-profit organizations who are involved in solicitation of funds would have to get a public accountant to fill in the reports, and if that is the intent of the amendment, I would move indefinite postpone.

The SPEAKER: The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Men and Women of the House: This is one of the amendments which had been proposed after the House had passed L. D. 2090, I believe — well anyway, after Representative Trafton's bill had been passed to be engrossed, the issue was raised in the Senate by one of its members relative to the cost of an audit, and we did some rather extensive research and this is the proposal which was accepted by the members of the committee. An independent public accountant is defined here and incorporated into the bill as there would be no question as to who would be responsible. Audits, by law, in order to be acceptable as verifiable financial statements, have to be performed by people in the accounting field.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, I would like to pose a question through the Chair to either the chairwoman of the committee or perhaps the sponsor of the original Charitable Solicitations Act. As I read this, this would prohibit anybody who was in any way affiliated with an organization or somebody who is on the board of trustees of a charitable organization, even though that person would be, for example, a certified public accountant from doing an audit of that organization books, is that correct?

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

The Chair recognizes the gentlewoman from Auburn, Mrs. Trafton.

Mrs. TRAFTON: Mr. Speaker and Members of the House: The current law also would make it clear that independent accountants would have to prepare the reports. I think the major purpose of this is to clarify the difference between preparing an audit and what apparently is called an auditor's opinion. Apparently there is a great deal of difference in the price of each, and we would like to make it clear that we are willing to go with the first level of audit rather than more complicated and more expensive audited opinion.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a further question. In an organization that I am affiliated with, we have had, in some past years, a certified public accountant that was involved with our organization and I believe he was made an honorary trustee with no actual legal voting powers. That would, I suspect, be an officer of that organization and I would ask whether or not that would also be prohibited, to accept his opinion as a certified public accountant?

The SPEAKER: The gentleman from Portland, Mr. Jensen, has posed an additional question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: Certified public accountant comes within another section of our statutes. This deals with an independent public accountant.

I would share with you some of the background relative to this on the financial reports. We got the information from the State Auditor also, so I hope that would perhaps increase my credibility.

The reason this is here is because an audit fee would range between \$18 and \$20 per hour for auditing a financial report of an organization. If an established accounting auditing relationship exists, a flat fee is usually charged. It might take two hours, days or weeks and the range would cost anywhere from \$36 to even \$1600 to audit a financial report, depending upon the size and condition of the accounts or the organization, and that was the concern which was expressed after we engrossed the Charitable Solicitations Law.

This clarifies the intent of the law. An audited opinion, as Representative Trafton stated, is merely a written opinion of the accounting methods used by the organizations and what they "show on the bottom line." The charge for this would be on the same basis as an audit, additional time or part of the flat rate. This amendment, on this subject, would delete the requirements for an audit of a financial report and substitutes "prepared by an independent public accountant," per Title 9, MRSA, Subsection 5005, Sub-subsection 3, second sentence, and adds, "if such an opinion is available" after the word opinion. In Title 9, MRSA, Subsection 5005, second Subsection 3, Paragraph A and repeals B. What, in fact, this does is relieve the rather potentially expensive burden of having a CPA make a formal prepared audit of

all of those who come under charitable solicitations.

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

Mr. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't know whether anyone has questioned the other part of that amendment but I would say to them, if they are, that that is the amendment that I would have put on in the bill itself that the gentle lady from Freeport, Ms. Clark, said would come in the Errors Bills, and that is to correct the error that was in the original bill that would say that a group of individuals who were raising money just to turn the money over to one individual or one group of individuals, such as the group of people in this House who raised some money for a party for Representative Wood and Debbie Bedard, they, under the law, the way it was written, would have had to submit a letter to the Secretary of State explaining why they should have been exempt. Actually, under the law, since the law is in existence right now, they should, but I imagine they will be allowed not to have to do that, but that is what this takes care of.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I fully understand the intent of the committee and the intent of the sponsor in trying to maybe liberalize the language of the Charitable Solicitation Act, which I personally think is terrible, but that is immaterial at this point. However, the amendment that you have before you puts, I believe, an undue burden upon an organization because it says that they have to have an independent person. Many non-profit organizations are fortunate in having members within their own organizations who are willing to give of their time to help the organization in matters of this nature. This amendment, if you do accept it, denies them from doing this and, believe me, if I am a certified public accountant or hold any other capacity, I am not going to destroy my credibility by falsifying any information. Yet, if you pass this amendment, you have to go to an independent person. The way the law is written in the State of Maine if you raise \$300, you have to spend \$600 on an audit. That is crazy.

Ms. Clark of Freeport was granted permission to speak a third time.

Ms. CLARK: Mr. Speaker, Ladies and Gentlemen of the House: This amendment does not require that an audit opinion be prepared by an independent public accountant. The rules and regulations for financial reports to be adopted by the Secretary of State are to be based on audit guides by the American Institute of Certified Public Accountants, commonly called AICPA. One could assume that to comply with the rules and regulations, an organization would have an accountant establish and keep its accounts. Therefore, the additional expense of the audit should be minimal. Also, this proposed amendment does not delete the requirement for an independent public accountant to prepare the report. Therefore, the accountant would already have been hired for that purpose.

There is no special meaning for the word "independent" in the laws currently or anywhere in this section, and that is why this clarification of what is an independent accountant is incorporated into this proposed amendment. Currently, there are two classes of accountants in Maine, as the Committee on Business Legislation knows full well—they are public accountants and certified public accountants. This simply clarifies that it is okay to have an independent public accountant too.

With the increase under this bill from \$10,000 to \$30,000 in L. D. 2090, a fee for the additional time of the accountant would probably, therefore, be of no account pun.

The SPEAKER: The Chair recognizes the

gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I fully support the intent of the amendment that we have before us with the exception of the word "independent." That is the only problem that I have. The good lady, Ms. Clark just stood up and said the word independent doesn't mean anything. If it doesn't mean anything, then why is it there? I don't like the word independent in that audit or in the checking of the report because it put an undue burden on the organization. The total bill is being amended everytime we turn around. It was a bad bill to start off with.

Mr. Carter of Bangor requested permission from voting, which was granted.

The SPEAKER: The Chair will order a vote. The pending question before the House is the adoption of Senate Amendment "L" in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 19 in the negative. Senate Amendment "L" was adopted.

Senate Amendment "M" was read by the Clerk and adopted in concurrence.

Senate Amendment "N" was read by the Clerk and adopted in concurrence.

Senate Amendment "O" was read by the Clerk and adopted in concurrence.

Senate Amendment "P" was read by the Clerk and adopted in concurrence.

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

Mr. JENSEN: Mr. Speaker, I move that Senate Amendment "E" be reconsidered. I noticed Senate Amendment "E" about 30 seconds after the hammer went down on it and looking at it, it appears to me to be a substantive change in the safety laws in the State of Maine dealing with motorcycles and motorcycle driver education courses. Now, the Transportation Committee had dealt with this issue, I believe, at least once, and I think a couple of times. I believe that if it is, in fact, a substantive amendment, as it certainly appears to be, that it should not be on the errors and inconsistencies bill but rather should be defeated.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, Ladies and Gentlemen of the House: I will assure the gentleman that when I saw that amendment too, my interest was perked. That subject has been before us in the past and has always been controversial. We did check it out with a number of parties from all angles on that issue of motorcycle driver education and all agreed that this change was not a controversial change. If others in the House would like to comment on that, they would certainly be welcome to.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would never have to rise again on motorcycles but I guess I will.

This amendment was brought to my attention by the individual who put it on in the other body. I checked it out a little bit and thought about it, and actually what the amendment does is that it really does what I had intended to do with the original bill that I introduced back in the 106th Legislature, and that was to just make sure that young people who were getting their motorcycle drivers licenses had some competency on motorcycles. The problem was that the Department of Education, as many bureaucracies do, took the law and developed a program that was almost completely impossible for any school district to implement or any commercial school to implement. Therefore, I think we have only had two since the 106th session when this was passed, there has only been like two schools in the state that have operated this because it is just too cumbersome and big to try to get into for this small

amount of people. So, this particular wording basically assures, I feel, that an individual, a young person that is going to be getting their motorcycle driver's license has some competency on a motorcycle. The instructors are still going to have to be capable of judging that and have some standards to judge that, but we don't need the total course. I think this is a good correction of what I consider my original intent.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that the members of the House would look at Senate Amendment "E". The way it reads, it says, unless no motorcycle and motor driven cycle learner's permit of permission or restriction to operate a motorcycle or motor driven cycle shall be issued to any person under 17 years of age, unless such person shall present a certificate of successful completion of a motorcycle driver ed course, an examination given by the public secondary schools and academies, receiving tuition students and describes the section number. Then the section that is added or the words "of certificate of successful completion of a driver education course and the examination given by a public secondary school or academy, including a demonstration of ability to safely operate a motorcycle." As I read that, what we are doing is, we are saying that we will give a motorcycle permit or a motorcycle license to somebody who has taken a regular driver's ed course who is under 17, and at the end of the course, they spend 45 minutes driving around the lot and showing they can drive a motorcycle. It seems to me that that is a major change from current law, a major weakening of that law. It may well be in order, but I am certainly not willing to vote for that as a part of the errors and inconsistencies bill, and I would urge you to vote for reconsideration and then kill this amendment.

The SPEAKER: The Chair will order a vote. The pending question in on the motion of the gentleman from Portland, Mr. Jensen, that the House reconsider its action whereby it adopted Senate Amendment "E". Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 52 in the negative, the motion did not prevail.

Under suspension of the rules, the Bill was read a second time.

Mr. Mahany of Easton offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1184) was read by the Clerk and adopted.

Mr. Truman of Biddeford offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-1185) was read by the Clerk.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to Mr. Truman.

It says in the amendment "Provided there is no licensed commercial instructor available within a reasonable distance from his domicile" — in the City of Brewer, the school system there offers driver ed to as many as they can and then after hours allows the students to pay for their instructions, those that couldn't have them filtered in during the day. There was also some private firms offering it in Bangor, which is about three or four miles away. I am having problems with understanding what it means by reasonable distance.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: First of all, I would like to move the indefinite postponement of this amendment.

The Representative from Old Town, Mr. Pearson, just raised a very valid point on this

amendment. I would like to go even a little further. I introduced a bill in the last session of the legislature, last year, that would allow school administrative units to charge a fee to offer programs after school hours, because according to the Department of Education, they weren't allowed to do that. Even though the law wasn't specific, the Department of Education had said they could not do that, so we introduced this bill. It passed through, it was given a hearing, private schools had the opportunity to come and show up, they didn't. As I remember, there wasn't any real objection to this.

As I understand now what has happened, there are a few private schools that feel that they are being put out of business because of this, because some of the regular public schools are offering this and they can't offer it at what they seem to feel is a less expensive cost.

The problem is that I don't think this amendment really gets to the problem. Because if you read this, there are several points. First of all, what is a reasonable distance from his domicile is one problem. Second of all, this language was taken out of another section of the law related to licensing of commercial school drivers. It just doesn't read right. If you read the whole thing, a school administrative unit may charge a fee based on the per pupil cost for a driver ed course conducted after regular school hours during the school year, provided there is no licensed commercial instructor available within a reasonable distance from his domicile. I don't quite understand what they mean. It is from the instructor's domicile, from the school administrative unit domicile, from the pupil's domicile or what? I guess this is very unclear. We don't have a chance to change this later and this is why I am bringing this up, because I feel that this is a real problem in terms of wording.

The third problem I would like to bring up is, what happens if you have an SAD district that maybe has three or four towns in it and you might have a commercial school operating a program in one town, but it doesn't reach all the kids in that district, does this mean then that the school district cannot operate a program even though there is a definite need for those kids in the other towns? I think that what I feel should be done and I feel that no one is going to be hurt substantially until the next session, is that this issue should be brought before the Education or Transportation Committee, whichever one will deal with that in the next session, and should be thoroughly looked at, and I am sure that something can be done to solve the problem for those districts that want to be able to offer this or don't have a commercial school or those problems that do have a commercial school. But, to try to do it now, this late in the session with this type of change, I feel, is a real problem, especially with the wording on this particular amendment.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: This law is very specific. What it is doing is conforming Title 20 to Title 29. I will read Title 29 to you, it is very short. "The Secretary of State may appoint Driver Education Teacher License by the Department of Education to give professional driving instruction meeting the need of licensee or new applicant when a duly licensed commercial instructor is not available within a reasonable distance from his domicile." Now, maybe people cannot figure out what a reasonable distance is but that is in the law right now. I am reading this directly from Title 29 and what this amendment of Mr. Truman's is doing, it is making Title 20 conform to that same language.

I would hope that we would pass this amendment. There are commercial driving classes and people who give these courses in this state, who are being seriously hurt, some of them feel that they are going to go out of business. There

is one in my area in particular. He has written a letter to everybody here; I hope you have had a chance to read it. There is no question, his business is seriously hurt. He is a married man with three children and he cannot afford to compete with the public schools.

Of course, we want our young people to have an opportunity to take driver education courses and that is why we have a law that says if there is not a commercial driving school in the area, then the courses can be given after school. This would not preclude courses from being given during school hours any place, but after school hours it isn't fair to ask the commercial drivers to compete with the public school who can do it for a very much lower price. They don't have the overhead that the commercial drivers have.

I would urge you to adopt this amendment.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: The school system in which I teach is Brewer, and into Brewer filters an awful lot of people from an awful lot of different towns, some from Hancock County, Penobscot. We have had some from Waldo. We don't at the present time, but they come in from quite a distance. The only way they have a chance to take driver ed is during the school day. We have 1,400 kids in school, between 1,300 and 1,400 and they either have to take it during school or after school. After school, if they can't fit into the regular program, they can opt to buy the services of an instructor. Then they can take the late bus home.

I think it offers them a good service and if you were to say that since there is a commercial driving school in Bangor, or two, that they would have to take the services from them, I think it would preclude an awful lot of young men and women in high school from taking driver ed. I hope that you support Mr. Goodwin's motion to indefinitely postpone this.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Ms. Clark.

Ms. CLARK: Mr. Speaker: I would like to pose a question through the Chair.

Mr. Speaker, Men and Women of the House: Freeport High School has approximately 511 resident students during the day. We have neither the facilities nor the finances nor the curriculum time to offer driver education is between the time of dismissal in June and start-up time again in September. This is the only time slot available in which we have physical facilities available to provide classroom space for driver education.

My question is this, should this House Amendment "B" be adopted today, am I correct in assuming that the driver education program offered during the summer months at Freeport High School for local students would not be allowed to be conducted because there are commercial driving academies available in Brunswick, Lewiston-Auburn and Portland?

The SPEAKER: Ms. Clark from Freeport poses a question through the Chair to anyone who cares to answer.

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

Mrs. LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer the gentlelady from Freeport's question. If she looks at the amendment, it very specifically says "during the school year," so it would not have anything to do with summer programs. Also, I would agree that a reasonable distance from domicile is very vague language, but that is what is in the law now, and this amendment would only conform to what is presently in the law. We would have to go back and change that too.

As far as the courses after school, if there is not a commercial driver education course offered, there is no question, it can be offered in the school. The public schools can offer it after school hours if there is not a commercial driv-

ing school within a reasonable distance.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I think underlying this is a fundamental question, should the school operate programs in competition with private industry? I am thinking now of a program that has been carried on, I believe, in the Bath area for a number of years where students constructed a home and later sold, and the program is now being discontinued for exactly the same reasons that are being offered for the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: One quick point. The section of the law that the Representative from Auburn, Mrs. Lewis, refers to is a section of the law that relates specifically to the licensing of an individual to be a driver education instructor. It deals with a problem that if no commercial driver ed instructor is within the area, another person can go and get a license so that that person can teach either in a school or as a private or a — excuse me — a school teacher who is a driver ed instructor at school and go and teach privately, but only if there is no other commercial instructor within that area or something. It really doesn't apply to the operation of programs. It is just that this wording — I really don't know if it would do what the gentlelady would like it to do.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Biron.

Mr. BIRON: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Lynch has hit it on the head, in that it is a philosophical problem that we all have here in the House. Are we going to allow our school districts to put independent or private business out? This is what this amendment addresses.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that the House indefinitely postpone House Amendment "B." All in favor of that motion, will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Howe of South Portland requested a roll call vote.

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. Howe.

Mr. HOWE: Mr. Speaker, Ladies and Gentlemen of the House: This House has no business addressing the question of philosophy or policy in the errors and inconsistencies bill. I hope we will kill the amendment and let the next session of the legislature address those questions of policy and philosophy.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I guess I share the view of the gentleman from South Portland when I first saw this, it sounded rather substantive to me but I think the gentlelady from Auburn has caused this bill, in my view, to pass the test of putting it into conformity with other language in the statutes.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: As the House Chairman on the Committee on Transportation, I would urge members of this House to kill this amendment and let them put a proper bill

before the Education Committee or the Committee on Transportation with a proper public hearing and dispose of this problem in its proper manner.

I feel the Errors and Inconsistencies Law is no place to be addressing this problem at this time. I happen to have been on the Committee of Education in the 102nd Legislature and I noticed there are documents from people who served on that legislative body. In my mind, it is not quite as fresh as their mind and I feel that we should have a public hearing on this and it should be addressed in a public hearing and not in the Errors and Inconsistencies Law.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to confirm that the Judiciary Committee did consider this amendment and did feel that it was a substantive change. I believe that similar legislation was also submitted to leadership at the beginning of the session and was not introduced into the session.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you vote against the indefinite postponement motion. We have a very real problem before us now and it affects peoples businesses, their livelihood. These are small business people and they invested a lot of or some of their capital. They pay for their cars, they pay for the rental of the school spaces whereas the instructors in the school systems now don't have to do this. Again, they are in direct competition with commercial schools, they get free rental in the rooms, they get free cars and they get free gas. I hope you vote against the indefinite motion.

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

Mr. JENSEN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you would also indefinitely postpone this bill. One of the things that I am most concerned about when you talk about drivers education, is not necessarily who makes a buck on it but how many kids you are able to train and teach children how to go out on the road and drive safely and drive properly. It is a safety problem that exists out there and if this is the means to solve it we ought to try and strengthen that and not weaken it. If, in fact, it is the problem the gentleman from Biddeford suggests, it could wait until another session.

The SPEAKER: The Chair recognizes the gentleman from Roques Bluff, Mr. Nelson.

Mr. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: We are all getting up here and passing the buck to the next legislature. Let's not do that. Let's address the question right now. The question is, are we going to let the public school system compete with private business? It is as simple as that. Let's not pass the buck, let's do not indefinitely postpone this bill. Let's get it on the books and cut out the monopolizing of things that private business might have an opportunity to get into.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, I wasn't going to rise again but I can't see how this is going to put someone out of business at this present time if we kill this amendment. In my town right now, we have a school district that offers driver ed, and offers it after hours and then we have a commercial school that is offering classes or has offered classes since this law went into effect last year in my town at the same time and evidently there are enough people to take it. I am afraid, though, what is going to happen with this if this passes, if someone could figure out the wording of what this means, that the school districts will not be able to continue this. Then the commercial school would then have the monopoly and the

thing I am more concerned with is in the SAD districts, such as my town is in, is that even though there may be enough of the commercial school may be able to offer it in one particular town, as I read this, the rest of the district would not be able to offer it in the rest of the towns and, therefore, you would not have enough kids taking driver ed.

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

Mr. LaPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: It sounds like we have a concern with schools being in competition with private enterprise. I guess we better look at the whole thing next year. That is we have industrial arts who make wooden ware and sell that to raise money for their department. We have the Home Economics that bakes and sells that to raise money for the Home Economics, they are in competition with bakeries. We have several other departments, science departments, who make novelty things that they sell and they are in conflict with scientific sales out there or something like that. Let's not be ridiculous, let's address this on a proper bill next year.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make two brief points. The first is that this bill was indeed presented to legislative leadership for introduction at this session. Although I personally supported its introduction at that time, it was rejected by a party line vote within legislative leadership with the Republican leadership voting unanimously not to allow the bill in. So, I am personally pleased to see Mr. Garsoe has done a complete somersault and has come down on his feet. And said that he is in favor of the bill at this time without public hearing. So I would like to make that point clear.

The second point I would like to make is that should this amendment go on I would like to make a very clear statement on the Legislative Record in order to guide the people who will be administering this law, and that very clear point is that Lisbon and Lisbon Falls are not a reasonable distance from either Lewiston or Brunswick.

The SPEAKER: The Chair recognizes the gentleman from Nobleboro, Mr. Palmer.

Mr. PALMER: Mr. Speaker, Ladies and Gentlemen of the House: Some people tamper with the truth. I would like to have the good gentleman from Lisbon Falls prove the statement he just made. This was to be rejected on the straight party line vote and he knows it just as well as I do.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I imagine it comes down to a question of credibility. At the meeting I remember very clearly we supported the Joint Rule proposed by Mr. Carey. There was no roll call. I can recall the meeting very clearly in the Speaker's office. The good gentleman from Nobleboro was there, as was the President of the Senate and Majority Leader of the Senate. I recall the issue very clearly. I presented the argument of both sides. The President of the Senate in particular, felt that this issue could wait another session and the hands went up accordingly, and I, to think I know the party identification of the ten people in legislative leadership.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: Since I will not be back next year, I would like to put you on notice that if children in high schools are operating a bakery, you better look into when they are doing their academic work.

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

Mr. PEARSON: Mr. Speaker, Ladies and

Gentlemen of the House: I am sorry to get up again but I think this is an important issue for school kids. Usually this is what happens in the high schools. There is an announcement that came over the loud speaker that says, "those of you who are interested in signing up for driver's ed, there will be a paper posted on the board and you can put your name on it." You usually have all sorts of people begging you to be dismissed from home room so that they can run down the corridor and get their name on there first. You will hear people in the corridor, students, both boys and girls, saying, did you make the list, did you make the list? It is almost like the cut-off in a basketball team, did you make the cut? They want to know if you make the list, because to get driver ed to drive, for a young person it is one of the most important things in their lives.

In the district that I teach in, Brewer, they come from so far away, some of them 20 miles away, some of them more than that, I think we have them from 45 miles, we had them so far one year that the state allowed the boys, there was a family of boys, to stay in the motel during the week, paid for their motel so they wouldn't have to keep going back and forth. They came in from Washington County.

They want to learn how to drive. This amendment, I am afraid, is going to say that if they don't make the list, they are not going to be able to drive because they will have to go to a commercial establishment in Bangor which is after hours and the bus has already gone home for some of those people who live in Aurora and Amherst, Great Pond, Clifton and Dedham.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Truman.

Mr. TRUMAN: Mr. Speaker, Ladies and Gentlemen of the House: To respond to Mr. Goodwin's concern about how these driver education schools go out of business. If the commercial school is charging \$80 or \$75 or \$70 for a driver education course, they have every right, they can undercut, they can charge \$65, they can charge \$5 under or \$10 or whatever they see possible of feasible.

(Off Record Remarks)

The SPEAKER: The Chair recognizes the gentleman from Winthrop, Mr. Bagley.

Mr. BAGLEY: Mr. Speaker, Ladies and Gentlemen of the House: I was just going to make the remark that the issue here is whether this is a substantive change or not. I can't believe that anything that isn't substantive change would have caused this much debate. Therefore, it seems to me it is a substantive change and we probably ought to indefinitely postpone.

The SPEAKER: The pending question is on the motion of the gentleman from South Berwick, Mr. Goodwin, that House Amendment "B" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Berube, Blodgett, Boudreau, A.; Brennerman, Brown, K. C.; Burns, Carroll, Carter, D.; Churchill, Clark, Cox, Cunningham, Curran, Davies, Diamond, Fowlie, Goodwin, H.; Goodwin, K.; Greenlaw, Hall, Henderson, Howe, Huber, Jackson, Jensen, Kane, Kany, Kerry, Kilcoyne, LaPlante, Locke, Masterton, McBrearty, McHenry, McKean, McMahon, Mitchell, Najarian, Norris, Paul, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Raymond, Rideout, Rollins, Silsby, Spencer, Sprowl, Stover, Talbot, Tarr, Tierney, Tozier, Valentine, Violette, Wyman.

NAY — Austin, Biron, Birt, Boudreau, P.; Brown, K. L.; Bunker, Carey, Carrier, Carter, F.; Chonko, Connolly, Cote, Dow, Drinkwater, Dutremble, Elias, Garsoe, Gill, Gray, Green, Hickey, Higgins, Hobbins, Hughes, Hunter, Hutchings, Immonen, Jacques, Jalbert, Kelleher, Laffin, Lewis, Lougee, Lynch, MacEa-

chern, Marshall, Martin, A.; Masterman, Maxwell, McPherson, Nadeau, Nelson, N.; Palmer, Peakes, Perkins, Peterson, Sewall, Shute, Smith, Strout, Stubbs, Tarbell, Teague, Torrey, Trafton, Truman, Twitchell, Whittemore, Wilfang, Wood.

ABSENT — Ault, Bustin, Conners, Devoe, Dexter, Dudley, Durgin, Fenlason, Flanagan, Gillis, Gould, Joyce, Littlefield, Lizotte, Lunt, Mackel, Mahany, Mills, Moody, Morton, Nelson, M.; Theriault, Tyndale.

Yes, 67; No, 60; Absent, 23.

The SPEAKER: Sixty-seven having voted in the affirmative and sixty in the negative, with twenty-three being absent, the motion does prevail.

Mr. Masterman of Milo offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-1187) was read by the Clerk.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest that perhaps there ought to be an explanation of what is going on.

Lakeview Plantation was enticed into School District 41 in order to raise the valuation of the School Administrative District so that they could proceed with a construction program. With the repeal of the uniform property tax Lakeview's annual expense or contribution to the district for the one pupil that went to the school district was 150 percent of the pupil cost. Now, with the repeal of the uniform property tax, this has escalated, according to one figure I saw, some \$44,000. Now, this district was created under a private and special law, somewhat different from the formation of other school administrative districts.

This amendment would allow Lakeview Plantation to escape some of the burden brought about by the repeal of the uniform property tax. In effect, it says that the other four towns of Atkinson, Brownville, LaGrange and Milo would have to raise the equivalent of their subsidy index of ten mills before leeway could be used. It would apply only to one year.

There are other towns in some 25 SAD's and CSD's that are in a similar position. This bill allows Lakeview Plantation an exemption but it does not allow the other 25.

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

Mr. WOOD: Mr. Speaker, Ladies and Gentlemen of the House: I just have a question on this. It is my understanding in local leeway that each town only being required to raise seven mills, are they required to raise the extra three mills before that district can get leeway?

The SPEAKER: The gentleman from Sanford, Mr. Wood, poses a question through the Chair to any member who cares to answer.

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

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: That is the impact of the amendment.

The SPEAKER: The Chair recognizes the gentleman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment. I think it is a substantive change. As Mr. Lynch has pointed out, there are other districts who are affected in this same way and here on the errors and inconsistencies bill we are making an exception for one town. The other towns did not know that they could come this route and I do think it is a substantive change.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think my good friend Representative Lynch pointed out most everything there was to say, but I think some of you fail to recognize that this is a different

from any other case. The reason being that in 1965 and then again in 1967 they did have a private and special act which took care of their problems, because of the formula as it exists now. The other four towns, unlike the other towns, will not be at ten mills to raise the subsidy index, they will, in essence, be, as near as we can tell, I have been to the school department and as near as we can tell, about 11.4 or 11.5, and that is the reason for this amendment.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that House Amendment "D" be indefinitely postponed. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

Mr. Spencer of Standish offered House Amendment "F" and moved its adoption.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "F" will correct a problem that rescue units and volunteer fire departments have had when they are newly formed, in that they have to be formed for a period of two years before they can operate any kind of beano games to raise money, and this would allow volunteer fire departments and rescue units to conduct such operations within the first two years of their operation.

Thereupon, House Amendment "F" (H-1189) was read by the Clerk and adopted.

Mr. Higgins of Scarborough offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-1190) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: To briefly explain what House Amendment "G" does, it was brought to my attention by the members of the Scarborough Sanitary District that under the filing laws for liens, they can charge the person that they are placing the lien against a \$2 rate which was written into the statutes when the enabling legislation was passed. However, when they go to the registry of deeds, they have to pay a \$3 filing fee. What this amendment does is to make the statutes for the enabling act of the sanitary districts the same as the rate that they have to pay when they file the lien.

Thereupon, House Amendment "G" was adopted.

Mrs. Boudreau of Portland offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-1191) was read by the Clerk.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I have a slight problem with this particular amendment, and this is the words "those who employ one or more transient sellers of consumer merchandise." I will make a statement first and then ask the question through the Chair to the sponsor of the amendment. The people who live around a federal reservation, such as in my area, and who live on the federal reservation are in the eyes of the state transient. They do not pay excise taxes on their vehicles when they submit the proper paperwork. They do not pay taxes in town, and for all purposes they are considered transient. This would apply around my area, around the Brunswick Naval Air Station and a few other areas in the state where there are military personnel.

Since they are considered as transient because of the fact that they move quite often, many of the people in the area employ these people in grocery stores and so forth, and this is also a consumer merchandise, so I would like

to know, a question through the Chair, what is the exact, concise meaning of the word "transient" in the present statute?

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

Mrs. BOUDREAU: Mr. Speaker, Men and Women of the House: I will try to answer that question. This does not apply to anyone who has a place of business in the State of Maine. That is only your itinerant vendors, someone who has no place of business in the State of Maine.

Thereupon, House Amendment "H" was adopted.

Mrs. Berube of Lewiston offered House Amendment "J" and moved its adoption.

House Amendment "J" (H-1193) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Hughes.

Mr. HUGHES: Mr. Speaker, on behalf of the committee, I can only say that this amendment was shown to leadership of the committee early this session and asked whether it would be a substantive matter or not and thereby able to be included in the errors and inconsistencies bill. The answer given the gentlewoman was that it would be substantive.

Further, there is a technical problem with it. It amends sections of the law which are no longer the appropriate sections. If we adopt the errors bill itself, it changes the designations of some of those sections. So technically it would not be able to have the effect intended.

For those two reasons, I will move the indefinite postponement.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to heed what Representative Hughes has said to you. I called the commissioner's office and had him review the amendment. The substantive change is the elimination of the language that relates to the reporting of miscarriages. They are not too happy with that. They have no objection to the other portion of it, but it does constitute a substantive change.

Thereupon, on motion of Mr. Hughes of Auburn, House Amendment "J" was indefinitely postponed.

Mr. Joyce of Portland offered House Amendment "K" and moved its adoption.

House Amendment "K" (H-1194) was read by the Clerk and adopted.

Mr. Strout of Corinth offered House Amendment "L" and moved its adoption.

House Amendment "L" (H-1195) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, I would like to pose an inquiry through the Chair as to whether this item was submitted to the legislature as a bill?

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

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: Yes, the bill was submitted, but after the bill was adopted and enacted, the Legislative Research informed me that there was conflicting problems between the bill and L. D. 2022; therefore, we need this amendment to correct the error.

The SPEAKER: The Chair recognizes the gentleman from Stonington, Mr. Greenlaw.

Mr. GREENLAW: Mr. Speaker, I would like to ask the gentleman from Corinth, Mr. Strout, another question, if he would please elucidate on what the conflict between the bill dealing with the budget date that vocational budgets have to be offered and the school funding bill — what is the conflict, please?

Mr. Speaker, I move that this amendment be indefinitely postponed.

Thereupon, Mr. Strout of Corinth requested permission to withdraw House Amendment "L", which was granted.

Mr. Spencer of Standish offered House

Amendment "M" and moved its adoption.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, this amendment corrects an oversight in the composition of the Maine Food and Farmlands Study Commission. The Agricultural Stabilization and Conservation Service was left out of that commission and all of the other major agricultural public organizations in the state were included on that commission.

This would also increase the membership from two members of the legislature from one two in the number of Representatives and Senators on the Commission.

House Amendment "M" (H-1196) was read by the Clerk.

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

Mr. MORTON: Mr. Speaker, a question to the gentleman from Standish. Does this amendment have anything to do with funding?

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, there is a significant appropriation in invisible ink after the Statement of Fact.

Thereupon, House Amendment "M" was adopted.

Mr. Spencer of Standish offered House Amendment "O" and moved its adoption.

House Amendment "O" (H-1198) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: When then dentist legislation was passed establishing a licensing system for denturists, there was nothing included on suspension or revocation of the licenses. The Judiciary Committee referred this to the Health and Institutional Services Committee, who reported back that they felt there was no problem with this proposed amendment. The Judiciary Committee felt that it did include a provision in the law that wasn't there before and that it ought to be offered from the floor. So I offered to present it.

The SPEAKER: The Chair recognizes the gentleman from South Berwick, Mr. Goodwin.

Mr. GOODWIN: Mr. Speaker, Men and Women of the House: I do support the amendment but I just want to clarify something. First of all, the committee has not seen this particular amendment. What we did was, we met with the dentists and went over the problems and there was two problems that they have — on is in the errors bill; the other one is this. Basically, it was the staff people on the committee, they just took this physicians licensing law and used pretty much the same thing. I just got hold of this and it looks okay. I am sure if there are any major problems, they can be worked out later.

Thereupon, House Amendment "O" was Adopted.

Mr. Hughes of Auburn offered House Amendment "P" and moved its adoption.

House Amendment "P" (H-1202) was read by the Clerk and adopted.

Mr. Spencer of Standish offered House Amendment "Q" and moved its adoption.

House Amendment "Q" (H-1203) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Anson, Mr. Burns.

Mr. BURNS: Mr. Speaker, a question. There is no effective date on this that I can see. Should someone qualifying as a candidate already filed and filed more than 75 voters, would he be in violation of this law, this emergency law?

The SPEAKER: The Chair would answer in the negative.

The Chair recognizes the gentlewoman from Bath, Ms. Goodwin.

Ms. GOODWIN: Mr. Speaker, Men and Women of the House: I will be very brief. I am

the one who started this. I found this out quite by accident. My father is now county commissioner of Sagadahoc, and when he was checking to see how many signatures he would need, he was told by the person who ran on the county commissioner district two years ago that she had had 59, therefore, it was assumed that he needed 50 to 75. I then thought I had better check this out for sure and I discovered that in our revised election laws, we had treated county-wide officers and county commissioners exactly the same in the number of signatures, even though 15 of our 16 counties are now districted. So what in effect would happen, say with Sagadahoc and all the other smaller counties, if you take just my father's district for example, there are 8,000 people in it. He has to have 150 signatures.

Senator Chapman, who is running in a 33,000 member district for the Senate only needs 100. I am running in a 6,500 member district and I only need 25. It just seems that perhaps this is not an error but it certainly is inconsistent and certainly penalizes the small counties. I am wondering how many county commissioner candidates are aware, if they haven't looked at the new election laws, that they need that many signatures, if they are going on the word of people who ran two years ago from the other county commissioner district.

Thereupon, House Amendment "Q" was adopted.

Mr. Spencer of Standish offered House Amendment "R" and moved its adoption.

House Amendment "R" (H-1206) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: This amendment addresses an oversight in a problem in the bottle bill that concerns return of bottles to redemption centers by stores. There are problems developing along the borderlines of the distribution areas, and what this amendment, as it is now drafted, does is simply authorize the Department of Agriculture, when it holds its hearings in April, to address that problem.

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

Mr. HALL: Mr. Speaker, in talking with the Department of Agriculture, they don't want this amendment. They feel as though they can live with their regulations.

I think what you are asking for, Mr. Spencer, is if somebody like up my way picks up a group of bottles and brings them along the road and leaves them some other place. I think we should leave this up to the Commissioner of Agriculture.

I make a motion to get rid of this, to indefinitely postpone this amendment.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that House Amendment "R" be indefinitely postponed.

The Chair recognizes the gentleman from Standish, Mr. Spencer.

Mr. SPENCER: Mr. Speaker, Ladies and Gentlemen of the House: What this addresses is a problem that is coming to bear on a distributor who is running into it that there is a redemption center that has got a truck that goes up into the areas that are supplied by another distributor and actually picks up the bottles from all the stores in the other distribution area and then brings them back to the redemption center which is in his area, so the effect that he is having to cash in the bottles for a whole other area where he never distributes the bottles. It is not the individual consumers that this is addressing, it is the person who is picking up from the stores.

I spoke to the Department of Agriculture about an earlier amendment that I had prepared, and they were opposed to it, and in this amendment, all I do is say that they have the authority to deal with this problem.

I do have a letter from the commissioner

saying that they plan to have hearings to address these kinds of problems, and I think that all this does is allow the department to deal with a problem which was not anticipated when the original bill went through.

Thereupon, Mr. Hall of Sangerville requested permission to withdraw his motion to indefinitely postpone, which was granted.

Thereupon, House Amendment "R" was adopted.

Mr. Strout of Corinth reoffered House Amendment "L" and moved its adoption.

Thereupon, House Amendment "L" was adopted.

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

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

The following Joint Order, an expression of Legislative Sentiment recognizing that:

John McSweeney, a revered Maine athletic educator and official, is retiring from his teaching-coaching profession at Old Orchard Beach High School (S. P. 750)

Came from the Senate read and passed.

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

RESOLVE, Authorizing the Sagadahoc County Commissioners to Pay an Overdraft for 1977 (S. P. 751) (L. D. 2200)

Came from the Senate, under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

In the House, under suspension of the rules, the Resolve was read twice, passed to be engrossed in concurrence and ordered sent forthwith to engrossing.

Non-Concurrent Matter

Bill "An Act to Facilitate Recruitment and Retention of Outstanding Persons for Policy-making Positions in State Service" (Emergency) (S. P. 672) (L. D. 2076) which was passed to be engrossed as amended by Committee Amendment "A" (S-542) as amended by House Amendment "A" (H-1177) thereto in the House on March 16, 1978.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "B" (S-543) and asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mr. Curran of South Portland, the House voted to insist and join in the Committee of Conference.

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

The following Joint Order: (S. P. 753)
ORDERED, the House concurring, that the Joint Standing Committee on Education is directed to report out a bill creating an Interim Education Finance Commission

Came from the Senate read and passed.

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

Ought to Pass

Pursuant to Joint Order S. P. 744

Committee on Education reporting "Ought to Pass" — Pursuant to Joint Order (S. P. 744) on Resolution, Proposing an Amendment to the Constitution to Provide that Taxes Which a School District is Authorized to Levy May be Assessed in Any Cost-sharing Formula Mutually Agreeable to the Communities Involved (S. P. 749) (L. D. 2198)

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

In the House, the Report was read and ac-

cepted in concurrence, the Resolution read once and assigned for second reading the next legislative day.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws" (H. P. 2070) (L. D. 2130) which was passed to be engrossed as amended by Committee Amendment "A" (H-1160) in the House on March 15, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1160) as amended by Senate Amendment "A" (S-562) thereto in non-concurrence.

In the House: On motion of Mr. Carey of Waterville, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

RESOLVE, Authorizing Beverly Mortimer and Dennis Perkins to Bring Civil Action Against the State of Maine (Emergency) (H. P. 2173) (L. D. 2174) which was passed to be engrossed as amended by Committee Amendment "A" (H-1167) in the House on March 16, 1978.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1167) as amended by Senate Amendment "B" (S-561) thereto in non-concurrence.

In the House: The House voted to recede and concur.

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

Non-Concurrent Matter

Bill, "An Act to Clarify the Education Laws" (H. P. 2018) (L. D. 2093) which was passed to be engrossed as amended by House Amendment "A" (H-1148) in non-concurrence.

In the House:

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

Mr. LYNCH: Mr. Speaker, I move we recede and concur and I would like to explain what has been added to this bill.

The SPEAKER: The gentleman from Livermore Falls, Mr. Lynch, moves that the House recede and concur.

The gentleman may proceed.

Mr. LYNCH: Mr. Speaker, Ladies and Gentlemen of the House: One amendment takes care of a situation that has to be handled for Bowdoin College, which was chartered by the Commonwealth of Massachusetts, and the change has to be enacted by Maine and then enacted in the General Court of Massachusetts.

The other amendment takes care of the construction formula. The law was unclear as to whether the 5 percent was an annual contribution or an initial contribution. That has been made clear by the word 'initial'.

Thereupon, on motion of Mr. Lynch of Livermore Falls, the House voted to recede and concur.

The Chair laid before the House the following matter:

"An Act to Revise Maine's Aeronautics Laws" (H. P. 2055) (L. D. 2119) (C. "A" H-1132) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

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

House Amendment "A" (H-1201) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and