

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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APPENDIX

HOUSE

Wednesday, February 1, 1978

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

Pray by the Reverend Peter N. Gray of the Blue Hill and East Blue Hill Baptist Church.

Reverend GRAY: It is really a privilege to again be here and be House Chaplain, and this time it is for the 108th Legislature, Part II. I was here last year and I hope that if you see me around, I will be here up to about two o'clock, and if I can be of any help to any of you, just come up and say hello and talk to me and we can discuss something.

Let us pray. O God, who has created all life and the world that we live in and who loves us all equally, we ask that as we begin our work today we might do it with a sense of your presence, for we realize that you really are concerned with love and service in our endeavor. I would personally lift up these people who are dedicated to serving the people of Maine, and may they be aware that you are helping them and are with them as they try to change the world in which they live for the benefit of all the people of Maine. We thank you for what you are going to do today in Christ's name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

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

JAMES M. PIERCE, widely acclaimed sportsman of Houlton, is celebrating the 90th anniversary of his birth. (S. P. 688)

Came from the Senate read and passed.

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

Bill, "An Act Concerning the Number of Persons Required to be Covered by an Existing Group Health Insurance Policy for its Renewal or Replacement" (S. P. 689) (L. D. 2133) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 25)

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

In the House, referred to the Committee on Business Legislation in concurrence.

Bill, "An Act to Allow Blind Vending Stand Operators Licensed by the Department of Human Services, Division of Eye Care, to Participate in the Maine State Retirement System" (S. P. 690) (L. D. 2127) (Approved by a Majority of the Legislative Council pursuant to Joint Rule 25)

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

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

Ought to Pass with Committee Amendment Tabled and Assigned

Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-444) on Bill, "An Act to Amend the Crime of Assault on a Law Enforcement Officer" (S. P. 661) (L. D. 2032)

Came from the Senate with the Report read and accepted and the Bill and accompanying papers referred to the Committee on Judiciary.

In the House, the Report was read.

(On motion of Mr. Cote of Lewiston, tabled pending acceptance of the Committee Report and tomorrow assigned.)

Non-Concurrent Matter

Bill, "An Act Relating to Certificate of Need" (S. P. 652) (L. D. 2013) which was passed to be enacted in the House on January

30, 1978 (Having previously been Passed to be Engrossed as amended by Senate Amendment "B" (S-433)

Came from the Senate Passed to be Engrossed as amended by Senate Amendments "B" (S-433) and "F" (S-448) in nonconcurrency.

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

The following Communication:
State of Maine
DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES
Augusta, Maine

January 31, 1978

To: Edwin Pert, Clerk of the House
May Ross, Secretary of the Senate
Otto Siebert, State Budget Officer

From: H. Sawin Millett, Jr., Commissioner
Re: Recommendation for 1978-1979 Funding Levels for Adult Education

Pursuant to the provisions of 20 MRSA, Section 2385, I am required to certify annually, prior to February 1st, to the Legislature and to the Bureau of the Budget my recommendation for the funding levels for the various program categories in adult education.

Column 1 indicates the amounts appropriated in the Current Services budget for the year 1978-1979. Column 2 indicates the amounts which I certify as being necessary for 1978-1979.

Education: Adult Education	Column 1	Column 2
Personal Services	\$31,800	\$ 31,800
All Other	1,467,712	1,404,024
Unallocated	30,000	30,000

1,529,512 1,465,824

This represents a \$63,688 reduction from the original appropriation made available for adult education subsidies.

The Communication was read and ordered placed on file.

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon recommendation of the Committee on Reference of Bills, was referred to the following Committee:

Taxation

Bill, "An Act to Establish Standard Interest and Penalty Provisions for the Tax Laws" (H. P. 2070) (L. D. 2130) (Presented by Mrs. Post of Owls Head) (Governor's Bill) (Ordered Printed)

Sent up for concurrence.
By unanimous consent, ordered sent forthwith.

Pursuant to Legislative Council Study Report A

Mr. Carroll from the Committee on Transportation to which was referred the study relative to the necessary or desirability of retention of the Maine Turnpike Authority, the possibility of implementing alternative toll collection methods and the interrelating federal and state agreements governing the existence of the Maine Turnpike have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act to Revise the Powers and Duties of the Maine Turnpike Authority and to Provide Commuter Passes for Turnpike Users" (H. P. 2061) (L. D. 2124) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Transportation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Pursuant to Legislative Council Study Report B

Mr. Carroll from the Committee on Transportation to which was referred the study relative to the necessity or desirability of retention of the Maine Turnpike Authority, the possibility of implementing alternative toll collection methods and the interrelating federal and state agreements governing the existence of the Maine Turnpike have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to the Maine Turnpike Authority" (H. P. 2062) (L. D. 2125) be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Transportation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Pursuant to Legislative Council Study Report C

Mr. Carroll from the Committee on Transportation to which was referred the study relative to the necessity or desirability of retention of the Maine Turnpike Authority, the possibility of implementing alternative toll collection methods and the interrelating federal and state agreements governing the existence of the Maine Turnpike have had the same under consideration, and ask leave to submit its findings and to report that the accompanying Bill, "An Act Concerning the Administration and Operation of the Maine Turnpike" (H. P. 2063) (L. D. 2126) to be referred to this Committee for public hearing and printed pursuant to Joint Rule 17.

Report was read and accepted, the Bill referred to the Committee on Transportation, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

An Expression of Legislative Sentiment (H. P. 2068) recognizing that:

ALEXANDER B. BROOK has retired as Editor and Publisher of the York County Coast Star after twenty-years' service to the people of York County.

Presented by Mr. McMahon of Kennebunk.

The Order was read.

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

Mr. McMAHON: Mr. Speaker, Ladies and Gentlemen of the House: Alexander B. Brook bought the Kennebunk Star in 1958 and guided the newspaper from its infancy to its present position of prominence in York County. After 1,033 weeks of editing the York County Coast Star and after 2,000 editorials and about 30,000 reports, articles and stories in the Star, Sandy Brook has made the decision to use the remaining third of his life to pursue other endeavors.

As one who has known, liked and respected Sandy for years, I wish to take this opportunity to wish him well and to assure him that his efforts have resulted in many of the good things that have happened in York County during the past 20 years.

Thereupon, the Order received passage and was sent up for concurrence.

An Expression of Legislative Sentiment (H. P. 2069) recognizing that:

The Fort Kent High School Soccer Team has compiled an outstanding record in the State Class A soccer competition for 1977.

Presented by Mr. Flourde of Fort Kent.

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

An Expression of Legislative Sentiment (H. P. 2071) recognizing that:

MICHAEL ADAMS of Weeks Mills and ANN BERRIER of Palermo have been selected as student representatives from Erskine Academy to the 1978 Presidential classroom for Young Americans.

Presented by Mr. Hunter of Benton (Cosponsor: Senator Greeley of Waldo)

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

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Barry J. Hobbins of Saco be excused for the duration of his illness.

On motion of Mr. Nadeau of Sanford, it was ORDERED, that Gerald E. Talbot of Portland be excused for the duration of his illness.

Consent Calendar

First Day

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

(H. P. 1951) (L. D. 2030) Bill, "An Act to Include 'Mobile Home' in the Definition of 'Homestead' for the Purposes of the Homestead Exemption from Certain Attachments" — Committee on Taxation reporting "Ought to Pass"

(H. P. 1888) (L. D. 1945) Bill, "An Act to Increase Retirement Benefits for Teachers who Taught prior to July 1, 1942" — Committee on Veterans and Retirement reporting "Ought to Pass" as amended by Committee Amendment "A" (H-977)

(H. P. 1896) (L. D. 1953) Bill, "An Act to Amend the Maine Potato Branding Law" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-998)

(H. P. 1866) (L. D. 1916) Bill, "An Act Relating to Preventive Discipline in the Schools" — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1001)

(H. P. 1893) (L. D. 1950) Bill, "An Act to Suspend Public Law 1977, Chapter 499, 'An Act Relating to Habitual Truants and School Dropouts' until July 1, 1979" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1000)

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

Consent Calendar

Second Day

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

(H. P. 1869) (L. D. 1926) Bill, "An Act to Delay Implementation of the Court Intake Worker Function until July 1, 1978" (Emergency) (C. "A" H-991)

(H. P. 1962) (L. D. 2045) Bill, "An Act Concerning Membership on the Food and Farmland Study Commission" (Emergency) (C. "A" H-992)

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

Passed to Be Engrossed

Bill, "An Act Concerning Limitations of Actions and Assumptions of Risk under the Elevator and Tramway Statutes Pertaining to Ski Areas" (H. P. 2060) (L. D. 2118)

RESOLVE, to Terminate any Liability of the Town of Oakland to Clear Debris from the Fish Screen at Messalonskee Lake (H. P. 1874) (L. D. 1911)

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

Bill, "An Act to Clarify the Definition of Residence for Purposes of the Inland Fisheries and Wildlife Laws" (Emergency) (S. P. 620) (L. D. 1908)

Was reported by the Committee on Bills in

the Second Reading and read the second time.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: This matter has been sailing through here on the Consent Calendar and I thought it ought to be brought out on the floor and at least have a little discussion of it. As I understand it, and constituents of mine have called to my attention that this is a relaxation of the requirements for residency with respect to obtaining licenses, and there is concern on the part of these constituents that this will create further pressure on the resource and lead to its earlier depletion.

I would like to hear some arguments as to why this is a good idea, and when the vote is taken sometime in the future on enactment, I certainly want to get it on the record. If anyone would care to address what the purpose of this bill is and why we need it, I would like to hear about it.

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

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

Mr. DOW: Mr. Speaker and Members of the House: In answer to the question from the gentleman from Farmington, Mr. Morton, this is really not a relaxation in the restriction for the license. Up until we passed the errors and inconsistency bill last year, it always had been three months for a resident license. By an error when we changed the alien from five years down to one year, then the residence was also changed down to one year, and this is just to change putting it back to three months, where it was originally.

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

Second Reader

Later Today Assigned

Bill, "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for all Persons over 40" (Emergency) (H. P. 1884) (L. D. 1938)

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

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

Mr. MacEACHERN: Mr. Speaker, I am in the process of having an amendment drawn up and it is in the printing now. I hope somebody will table this until later in today's session.

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

Amended Bills

RESOLVE, to Appeal the Decision of State Claims Board Regarding Property Damage Claims from Collapse of Building at Northern Maine Vocational-Technical Institute (H. P. 1876) (L. D. 1912) (C. "A" H-988)

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

Bill, "An Act Pertaining to Ordinary Death Benefits Under the Maine State Retirement System" (H. P. 1885) (L. D. 1939) (C. "A" H-984)

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

The SPEAKER: The Chair recognizes the gentleman from Wells, Mr. Mackel.

Mr. MACKEL: Mr. Speaker, Ladies and Gentlemen of the House: I just noticed that this bill has a price tag of about a million dollars, and if I recall correctly, on the calendar yesterday it did indicate that one member of the committee was against this particular bill. Quite frankly, I would just like to learn a little more about the impact of this bill, if someone

could tell us something about it.

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

The Chair recognizes the gentleman from Rumbold, Mr. Theriault.

Mr. THERIAULT: Mr. Speaker and Members of the House: The impact is there, and as the price tag states, it is quite considerable.

This is a bill that I was really undecided about. You might say I did not follow my policy on this; I voted "ought to pass." For three years I have been trying to get an increase for survivors and was not able to even introduce the bill because of the price tag. Those persons receiving benefits are really hurting at present, the survivors. A spouse will receive only \$100 a month. Married children under the age of 18, one child will get \$100; two children, \$300 a month.

No one has been lobbying for survivors. There is no group here that is interested in them at all, in general, because once the one who is in the retirement system dies, the people he worked with seem to forget all about the survivors.

In the past, I have tried to have an increase on the basic benefits by having the members of the retirement system increase their contribution, and I couldn't get that. Because of this, I went along with this bill and felt that those people really should be getting something.

There has been no increase in the basic benefits since 1965 for the survivors. Just think of the changes in the cost of living in those 13 years. That is why I feel at this time these people should be taken care of. In the past, I have tried to get members to increase their contributions to take care of this, but through their representatives they have refused, so I finally decided this was the way to go.

I hope you pass this, because even though it is against my principles, I feel it is very necessary and these people deserve a raise.

The way it is being done is a little different than I intended to have it done, but it was brought to my attention by this bill that a person who works 23 years and contributes for those years and dies, his survivors are not eligible for anything except this \$100 a month, or if there are children, up to \$300 a month. If it was figured on the basis of what he had paid in, he would be getting 23/50th of his pay as retirement, so I certainly hope you will go along with this bill.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

Second Reader

Tabled and Assigned

Bill "An Act to Clarify and Limit the Authority of Municipalities to Establish Shellfish Conservation Programs and to License and Regulate the Taking of Shellfish" (H. P. 715) (L. D. 851) (H. "A" H-993) to C. "C" H-989)

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

(On motion of Mr. Palmer of Nobleboro, tabled pending passage to be engrossed and tomorrow assigned.)

Passed to Be Enacted

Emergency Measure

"An Act to Increase the Bonding Limit of the Maine State Housing Authority" (H. P. 1880) (L. D. 1934) (S. "A" S-446)

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

Whereupon, Mr. Burns of Anson requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes;

those opposed will vote no.

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

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

ROLL CALL

YEAS: Bachrach, Bagley, Beaulieu, Bennett, Benoit, Berry, Biron, Boudreau, A.; Brenerman, Brown, K. L.; Brown, K. C.; Bunker, Burns, Carey, Carroll, Carter, D.; Chonko, Clark, Connors, Cote, Cox, Cunningham, Curran, Davies, Diamond, Dow, Drinkwater, Elias, Fenlason, Flanagan, Fowlie, Garsoe, Gill, Gillis, Goodwin, H.; Goodwin, K.; Gould, Gray, Greenlaw, Hall, Henderson, Hickey, Howe, Huber, Hunter, Hutchings, Jackson, Jacques, Jensen, Joyce, Kane, Kany, Kerry, Kilcoyne, Laffin, LaPlante, Lizotte, Locke, Lunt, Lynch, MacEachern, Mackel, Mahany, Marshall, Masterton, Maxwell, McBreairey, McHenry, McPherson, Mitchell, Moody, Morton, Nadeau, Najarian, Nelson, M.; Nelson, N.; Norris, Palmer, Paul, Peakes, Pearson, Peltier, Plourde, Post, Prescott, Quinn, Shute, Silsby, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Truman, Twitchell, Valentine, Violette, Whittemore, Wood, Wyman, The Speaker.

NAYS: Ault, Austin, Berube, Birt, Boudreau, P.; Carrier, Carter, F.; Churchill, Dexter, Dudley, Higgins, Immonen, Kelleher, Littlefield, Lougee, Masterman, McMahon, Perkins, Peterson, Raymond, Rollins, Sewall, Smith, Sproul, Stover, Wilfong.

ABSENT: Aloupis, Blodgett, Bustin, Connolly, Devoe, Durgin, Dutremble, Green, Hobbins, Hughes, Jalbert, Lewis, Martin, A.; McKean, Mills, Rideout, Spencer, Strout, Stubbs, Talbot, Tierney, Trafton, Tyndale.

Yes, 102; No, 26; Absent, 23.

The SPEAKER: One Hundred two having voted in the affirmative and twenty-six in the negative, with twenty-three being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Passed to Be Enacted

"An Act to Restore Notice to Policyholders of Right to a Hearing upon Nonrenewal of their Automobile Insurance Policy" (S. P. 613) (L. D. 1901)

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

Orders of the Day

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

Bill "An Act to Permit Persons Other Than Arborists to Take Down Trees by Topping or Sections" (Emergency)

(H. P. 1858) (L. D. 1925) (C. "A" H-981)

Tabled — January 31, 1978 by Mr. Tierney of Lisbon Falls.

Pending — Passage to be Engrossed.

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

Mrs. NAJARIAN: Mr. Speaker, I am having an amendment prepared. It isn't ready, unfortunately, because the Clerk of the Agriculture Committee has been sick. It has the agreement of the Sponsor of the bill and other supporters, and I would ask that somebody table it for one more day.

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

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

Bill "An Act to Establish and Apply a Policy on the Classification of Major Policy-influenc-

ing Positions Below the Head of State Department and Agencies"

(H. P. 2051) (L. D. 2111)

Tabled — January 31, 1978 by Mr. Burns of Anson.

Pending — Passage to be Engrossed.

Mr. Burns of Anson offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-995) was read by the Clerk and adopted.

Mr. Curran of South Portland offered House Amendment "B" and moved its adoption. House Amendment "B" (H-1002) was read by the Clerk.

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

Mr. CURRAN: Mr. Speaker and Members of the House: This particular amendment was an error when the bill was printed. We had declassified four positions in the Manpower Affairs that are federally mandated to be classified. We were going to take care of this in an errors' bill, but because the Committee on Bills in the Second Reading were putting in their amendment, I offer it at this time and urge its passage.

Thereupon, House Amendment "B" was adopted.

On motion of Mr. Curran of South Portland, tabled pending passage to be engrossed as amended and tomorrow assigned.

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

Bill "An Act Concerning Substitution of Generic Drugs by Pharmacists" (H. P. 1914) (L. D. 1975)

(House Reconsidered Passage to be Engrossed on January 31)

Tabled — January 31, 1978 by Mr. Goodwin of South Berwick.

Pending — Adoption of Committee Amendment "A" (H-987)

On motion of Mr. Goodwin of South Berwick, retabled pending adoption of Committee Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Repeal Mandatory Eye Tests for the Renewal of Driver's Licenses for all Persons over 40" (Emergency) (H. P. 1884) (L. D. 1938) which was tabled earlier in the day and later today assigned.

Pending — Passage to be Engrossed.

Mr. MacEachern of Lincoln offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-1003) was read by the Clerk.

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

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment and I would like to speak to that motion.

The SPEAKER: The gentleman from Portland, Mrs. Boudreau, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mrs. BOUDREAU: Mr. Speaker, Ladies and Gentlemen of the House: We have a peculiar situation here. This is the second session of the 108th. Supposedly, bills were let in under conditions. This bill was let in as an emergency. When they presented this bill, they knew how many votes it would take to pass it. Now that they feel they are not going to be able to get that 101, they are deciding to take the emergency off. I don't think this is quite the way things should be done. You get a bill in as an emergency, it should be an emergency and stay an emergency. Therefore, I ask the indefinite postponement of this amendment.

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

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you wouldn't go along with the gentleman from

Portland. This is obviously an attempt to scuttle the whole bill. I think enough of us in here voted for the bill to indicate that it has merit. This is a normal procedure in the legislature and I hope you will vote against the motion to indefinitely postpone.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: This body makes a great many mistakes, and a good part of a session such as this is directed to correcting them. I would just like to point out that in my mind we would be making a greater mistake if we take the emergency off this piece of legislation. If enough of us feel strongly that this was a mistake to order the eye test, let's get it over with and get it repealed quickly, because if we take the emergency off, you are going to have the eye test left in effect until sometime in June or July, and I think we will heighten the confusion and the disruption on the part of our citizens.

It is my hope that we will not enact this legislation, that we will let this bill stay on the books until the next session of the legislature. At that time, most of the damage that the opponents of this measure feel will occur will either have occurred or not occurred and we will be able to make a judgment on the basis of a year's experience.

I think the gentlewoman from Portland, Mrs. Boudreau, has made a good point on the type of legislation we should be addressing at this session. I just add this, if we are not enough convinced to repeal this today, then let's not take the emergency off and let it go drifting off into the summertime heightening the confusion and bringing even more light to bear on the mistakes that we do seem to make here from time to time. I hope you will support the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Gorham, Mr. Quinn.

Mr. QUINN: Mr. Speaker and Members of the House: Speaking as the member from District 30 and not as the Assistant Majority Leader, I urge you to support this amendment.

The two previous speakers have alleged that this changes the nature of the bill and this is an emergency session and it is a good thing to hold people's feet to the fire, and if it is sufficiently important, we would have the necessary two-thirds vote, all of which I maintain are extraneous. We have nearly 200 bills in this year, and if my memory serves me correctly, about 190 of them are not emergencies. This is by no means unique. It is a standard method by which this legislature can make its will felt. If we do hold the emergency provision up, then what we are doing is saying that a third of us can effectively block the will of the majority.

While we have to discuss the amendment and it is not proper to discuss the bill at this time, I think our vote yesterday and I think our discussion yesterday handled the pros and cons of the bill very adequately and I think for this body to fail to give it a chance to have a simple majority vote, which is the way we pass 95 percent of our legislation, would be a great mistake. I not only urge it, I think it entirely proper that we support this amendment.

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

Mr. JACKSON: Mr. Speaker, if we accept this and we take the emergency off, it will mean that 90 days after we adjourn the bill will take effect. In other words, it will cancel a law that is now on the books. I would like to ask, what is going to happen in that 90 days? The Secretary of State has felt that he doesn't want to enforce this. I think he has played games with it. What is he going to do in 90 extra days? Is he going to sit on it or is he suddenly going to start enforcing it and following the will of this legislature?

I will be 40 years old in May, so I will have to get an eye test and I will have to go through the forms and all, but in October or September,

when the 90 days is up, then you won't have to do it anymore. I think if we are going to do it, let's put on the emergency and take the law off the books, or, let's leave it on the books. I happen to think it is a good law, but that isn't what we are debating, we are debating the amendment to take off the emergency clause, and I think it would be a great mistake to take it off.

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

Mr. BURNS: Mr. Speaker, a point of parliamentary inquiry. This bill was allowed in through the Legislative Council as an emergency and it would be questionable as to whether the Legislative Council would have allowed it in if it were not an emergency. My question is to the Chair, does this take a two-thirds vote to overturn the ruling of the Legislative Council?

The SPEAKER: The Chair thanks the gentleman from Anson for his rather intriguing question. The Chair would advise the gentleman from Anson and the members of the House that as to whether or not the Legislative Council would have voted differently if there had been no emergency clause, it is impossible for the Chair to respond. He might have his own personal feelings as to what the Chair might have done himself but is not in a position to decide for the other nine members of the Council.

The Chair would advise the gentleman and members of the House that the amendment to remove the emergency is a proper amendment at this time and does not require the two-thirds vote pursuant to any of the rules.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: I will stand corrected if I am out of order, but I would just like to make a point on this, I am confused. In the first session of the 108th, we repealed a safety measure and I was caught in the middle. I promised my people back home who were concerned that I would vote for repeal. I am also a member of the Highway Safety Committee, but I honored my promise to my people back home and I voted repeal. This was to become law 90 days after adjournment, but in some areas, I understand this was immediately put into affect. Now we have this bill to repeal a safety law, and this time the department has apparently lobbied the repeal. This leaves me a freshman wondering if I fully understand the legislative system.

Mrs. Boudreau of Portland requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, I would like to pair my vote with the gentlewoman from Lincolnville, Mrs. Hutchings. If she were here, she would be voting yes; and I would be voting no.

The SPEAKER: The gentleman from East Millinocket, Mr. Birt wishes to pair his vote with the gentlewoman from Lincolnville, Mrs. Hutchings. If Mrs. Hutchings were here, she would be voting yes; and Mr. Birt would be voting no.

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

Mrs. NELSON: Mr. Speaker, I wish to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting no and I would be voting yes;

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson wishes to pair her vote with the gentleman from Lewiston, Mr. Jal-

bert. If Mr. Jalbert were here, he would be voting no and Mrs. Nelson would be voting yes.

A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Boudreau, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEAS: Austin, Bachrach, Bagley, Beaulieu, Benoit, Boudreau, A.; Boudreau, P.; Brenerman, Brown, K. L.; Burns, Carter, F.; Clark, Connolly, Cox, Cunningham, Davies, Dexter, Diamond, Drinkwater, Elias, Fenlason, Flanagan, Garsoe, Goodwin, H.; Gould, Henderson, Higgins, Howe, Huber, Immonen, Jackson, Joyce, Kane, Kerry, Kilcoyne, LaPlante, Littlefield Locke, Lynch, Mackel, Marshall, Masterton, McBreairty, McPherson, Morton, Najarian, Nelson, N.; Norris, Perkins, Prescott, Rollins, Sewall, Tarbell, Tarr, Teague, Theriault, Torrey, Tozier, Valentine, Violette, Whittemore, Wilfong, Wood, Wyman

NAYS: Bennett, Berry, Berube, Biron, Blodgett, Brown, K. C.; Bunker, Carey, Carrier, Carroll, Carter, D.; Chonko, Churchill, Conners, Cote, Curran, Dow, Dudley, Fowlie, Gill, Gillis, Goodwin, K.; Gray, Greenlaw, Hall, Hickey, Hunter, Jacques, Kany, Kelleher, Laffin, Lizotte, Lougee, Lunt, MacEachern, Mahany, Masterman, Maxwell, McHenry, McKean, McMahon, Mitchell, Moody, Nadeau, Palmer, Paul, Peakes, Pearson, Peterson, Plourde, Post, Quinn, Raymond, Rideout, Shute, Silsby, Smith, Sprowl, Stover, Stubbs, Truman, Twitchell

ABSENT: Aloupis, Ault, Bustin, Devoe, Durgin, Dutremble, Green, Hobbins, Hughes, Jensen, Lewis, Martin, A.; Mills, Peltier, Spencer, Strout, Talbot, Tierney, Trafton, Tyn-dale

PAIRED: Birt, Hutchings, Jalbert, Nelson, M.

Yes, 64; No, 62; Absent, 20, Paired, 4.

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

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

(Off Record Remarks)

On motion of Mr. Elias of Madison,
Adjourned until nine-thirty tomorrow morning.