

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Wednesday, February 14, 1979

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

Prayer by the Reverend Russell Chase of the Methodist Church, Monmouth.

Reverend CHASE: Oh God, our Heavenly Father, we thank you for the beauty of this day and for the reasons that come, each in their turn, and the dependability of this, your creation. We thank you especially for this day, this Valentine's Day, the day when we can see the light through the tunnel as we would experience the long winter and the cold days and the wind. We are reminded by history that the birds begin to mate this day and that young people's hearts gently turn to thoughts of love. We thank you, our heavenly Father, for all of these things, and we thank you now for the privilege of coming before you in this spirit of prayer. May Thy blessings rest upon each and every one of us as we strive to do what is right in your sight. Keep us humble, our heavenly Father and keep us steadfast as we keep on keeping on, while we pray in the Master's Name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

THE SENATE OF MAINE

Augusta

February 13, 1979

The Honorable Edwin H. Pert

Clerk of the House

109th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its action whereby it Indefinitely Postponed Bill, "An Act to Permit Privately-owned Snowplows to keep Warning Lights on when on the Highways as well as Private Property", (S. P. 52) (L. D. 77).

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

The Communication was read and ordered placed on file.

The Following Joint Order, an Expression of Legislative Sentiment recognizing that:

Mrs. Amanda Jane Driscoll of Bangor on February 16, 1979 will have attained the 100th anniversary of her birth (S. P. 201)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Bill "An Act to Require Traps in the Unorganized Territories to be Visited Once Every 24 Hours" (S. P. 200) (L. D. 496)

Bill "An Act to Increase Atlantic Salmon Stamp Fees under the Inland Fisheries and Wildlife Statutes" (S. P. 198) (L. D. 494)

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

In the House, were referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Relating to Occupational Loss of Hearing" (S. P. 199) (L. D. 495)

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

In the House, was referred to the Committee on Labor in concurrence.

Reports of Committees**Leave to Withdraw**

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Policemen, Firemen,

Local District Employees, Sheriffs and Full-time Deputy Sheriffs" (S. P. 115) (L. D. 200)

Report of the Committee on Local and County Government reporting "Leave to Withdraw" on Bill "An Act to Increase the Salaries of Certain Oxford County Officials" (S. P. 125) (L. D. 251)

Came from the Senate with the Reports read and accepted.

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

Non-Concurrent Matter

Bill "An Act to Amend the Per Diem Rate for Persons Serving on the State Board of Nursing" (H. P. 354) (L. D. 450) which was referred to the Committee on State Government in the House on February 8, 1979.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

In the House: On motion of Mrs. Kany of Waterville, the House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for Inmates Incarcerated at the County Jail (H. P. 301) (L. D. 398) which was referred to the Joint Select Committee on Correctional Institutions in the House on February 7, 1979.

Came from the Senate referred to the Committee on Health and Institutional Services in non-concurrence.

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

Petitions, Bills and Resolves**Requiring Reference**

The following Bills and Resolution were received and referred to the following committees:

Later Today Assigned

Bill "An Act Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles" (H. P. 426) (Presented by Mr. McKean of Limestone) (Cosponsors: Mr. Carroll of Limerick, Mr. Mahany of Easton and Mr. Peterson of Caribou)

Committee on Agriculture was suggested.

On motion of Mr. Carroll of Limerick, tabled pending reference and later today assigned.

Business Legislation

Bill "An Act to Lower Business Fees and to Provide for Continuing Education under the Hearing Aid Dealers and Fitters' Statute" (H. P. 427) (Presented by Mr. Soulas of Bangor) (Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Correct Subsidy Index Discrimination" (H. P. 428) (Presented by Mr. Masterman of Milo)

Bill "An Act Relating to Requirements for Physical Education and Minimum School Year for Elementary and Secondary Education" (H. P. 429) (Presented by Mrs. Chonko of Topsham)

(Ordered Printed)

Sent up for concurrence.

Election Laws

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Literacy Requirements for Eligibility to Vote" (H. P. 430) (Presented by Mr. Howe of South Portland) (Cosponsors: Mrs. Berube of Lewiston and Mr. Jacques of Lewiston)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Fire Permits for Registered Guides" (H. P. 431) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Establish a Deadline for Removal of Ice Fishing Shacks" (H. P. 432) (Presented by Mrs. Chonko of Topsham)

Committee on Fisheries and Wildlife was suggested.

On motion of Mr. Fowlie of Rockland, was referred to the Committee on Marine Resources, ordered printed and sent up for concurrence.

Health and Institutional Services

Bill "An Act to Provide for Non-smoking Areas in Restaurants with a Seating Capacity of 50 or More Persons" (H. P. 433) (Presented by Mr. Vincent of Portland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Establishing Penalties for Cutting Timber Without the Owner's Permission" (H. P. 434) (Presented by Mr. Churchill of Orland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Require that all Public Employees be Paid at Least the Federal Minimum Wage" (H. P. 435) (Presented by Mr. Connolly of Portland) (Cosponsors: Mr. Baker of Portland and Mr. Laffin of Westbrook)

Bill "An Act to Disqualify Recipients of Workers' Compensation Benefits from Unemployment Compensation" (H. P. 436) (Presented by Mr. Leonard of Woolwich)

Bill "An Act to Relate the Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage" (H. P. 437) (Presented by Mr. Leonard of Woolwich)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Relating to Inspection by the State Fire Marshall" (H. P. 438) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Include the Fire Chief or his Designees in Filing Statements of Fire Occurrence" (H. P. 439) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Clarify the Meaning of 'the Prevention of Fire' under the Public Safety Statutes" (H. P. 440) (Presented by Mr. Laffin of Westbrook)

Bill "An Act to Expand the Meaning of the Term Exits under the Public Safety Laws" (H. P. 441) (Presented by Mr. Laffin of Westbrook)

Bill "An Act Relating to the Issuance of Licenses to Carry Concealed Weapons" (H. P. 442) (Presented by Mr. Laffin of Westbrook)

(Cosponsors: Mr. Drinkwater of Belfast and Mr. Lowe of Winterport)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Extend Conditional Exemption from Utility Deposits to Commercial and Industrial Customers under the Public Utility Law" (H. P. 443) (Presented by Ms. Brown of Gorham) (Cosponsors: Mrs. Gowen of Standish and Mr. McKean of Limestone)

Bill "An Act to Prohibit Telephone Companies from Requiring Service Deposits Prior to Providing Phone Service to Businesses" (H. P. 444) (Presented by Ms. Brown of Gorham) (Cosponsors: Mrs. Gowen of Standish and Mr. McKean of Limestone)

(Ordered Printed)

Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Increase Legislative Salary

in the First Year of the Biennium" (H. P. 445) (Presented by Ms. Benoit of South Portland) (Cosponsors: Mr. Diamond of Windham, Mr. Gillis of Calais, and Mr. Dexter of Kingfield) Committee on State Government was suggested.

On motion of Mr. Pearson of Old Town, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Taxation

Bill "An Act to Require that Forest Land be Taxed According to Current Use" (H. P. 446) (Presented by Mr. Hall of Sangerville) (Cosponsors: Mr. Drinkwater of Belfast and Mr. Fenlason of Danforth)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Provide a Motor Vehicle Inspection Sticker Procedure for Vehicles Failing an Inspection" (H. P. 447) (Presented by Mr. Davies of Orono)

Bill "An Act to Revise Information Contained on Motor Vehicle Inspection Stickers" (H. P. 448) (Presented by Mr. Dudley of Enfield)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 449) recognizing that:

Youth-in-Action, Inc., of Portland, has an outstanding record of achieving youth-oriented motivational and job training projects and has been awarded a contract to conduct one of ten national demonstration programs to create jobs for youth in the private sector.

Presented by Mr. Connolly of Portland.

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

By unanimous consent, ordered sent forthwith to the Senate.

House Reports of Committees

Leave to Withdraw

Mrs. Prescott from the Committee on Health and Institutional Services on Bill "An Act to Establish the Maine Indoor Air Act" (H. P. 99) (L. D. 125) reporting "Leave to Withdraw"

Mrs. Sewall from the Committee on Judiciary on Bill "An Act Prohibiting Trespassing on School Property" (H. P. 123) (L. D. 134) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Require that Persons Committing Traffic Infractions within 6 Months after the Effective Date of the Law Creating the Infraction shall be Issued a Warning Rather than a Court Summons" (H. P. 16) (L. D. 33)

Report was signed by the following members:

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

Messrs. STETSON of Wiscasset

SIMON of Lewiston

Mrs. SEWALL of Newcastle

Messrs. GRAY of Rockland

SILSBY of Ellsworth

HUGHES of Auburn

JOYCE of Portland

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-22)

Report was signed by the following members:

Messrs. CARRIER of Westbrook

HOBBS of Saco

LAFFIN of Westbrook

— of the House.

Reports were read.

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

Mr. HUGHES: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Auburn, Mr. Hughes, moves that the Majority "Ought Not to Pass" Report be accepted.

The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I think that perhaps I should refer you to Committee Amendment "A," which completely gutted the intent of this liberalizing of the enforcement provisions of the Maine Motor Vehicle Laws. The new amended version of this bill is relatively simple now, and I believe that it deserves consideration by this body.

What I tried to do in this bill, whenever we pass a new law which has regard to changing of equipment on vehicles, such as an automobile or perhaps a boat trailer or snowmobile trailer or something like that, during the first 30 days under this new amendment, during the first 30 days after that law becomes effective, police officers will issue a warning rather than issue a summons. The intent of the legislation is that the warning would be similar to the 5-day repair ticket that is given when a police officer sees that you have a tail light out or a headlight out.

I think the idea behind this is to provide the general public a time period of becoming educated to the effect of a new law when the new law does go into effect.

I have heard of instances where unexpected motorists take out a trailer of some type, and because it is a vehicle which they use infrequently, they are driving down the road and a new requirement has been made changing the tail lights or putting brake requirements on it or something like that, and the unsuspecting motorist all of a sudden has to pay a \$25 fine. I think the first time a motorist runs into this situation, he should be given the opportunity to show that he is willing to comply with the new law by a 5-day warning period. We have that kind of a warning period already, so that is not without precedence.

Our present motor vehicle inspection law allows a person a 30-day grace period. During that 30 days, if the person is stopped by an officer, he is given a repair ticket and he has a 5-day period, I believe it is, to effect the repairs and make his vehicle comply with current law.

What I am trying to do is give the average motorist an opportunity to show that he is willing to comply with a new law. And heaven knows, we have a difficult enough time ourselves keeping up with some of these new laws that go through, so unless a law gets a lot of public attention in the media, it is possible that the general public would not know these new requirements have been put into effect. I want to give them an opportunity to learn it before they have to pay these infraction fines that seem to be kind of a way of life at the courts nowadays.

I would ask that rather than accepting the Majority "Ought Not to Pass" Report that you vote no on that, give this bill a chance and accept the minority report.

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mr. Silsby.

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I signed the "ought not to pass" on this particular measure, and I would like to tell you basically the reason I signed "ought not to pass" is because of the opposition of the Maine State Police. Alan Jamison appeared before our hearing, as well as a local chief of police, and both gentlemen were op-

posed to the bill as written. They also indicated opposition to any sort of waiting period such as a 30-day grace period.

Mr. Jamison indicated that such legislation would not be in the best interest of public safety and would make the law enforcement programs less effective if you have such a thing as a 30-day grace period. He claims that the infraction system has created somewhat of a new mail order business in law enforcement and feels that generally the infraction system has weakened the system. Obviously, if you go with a 30-day grace period, you are going to further weaken the system if you accept that premise.

He claimed that the state police do not have the resources to take care of such warning system: and if you will notice in your committee amendment, there is a warning for the first infraction within 30 days, but the question is, what happens on the second offense? What do they do then? Obviously, they were going to have to run it through record keeping and it is going to require more personnel and more expense to the State of Maine. Mr. Jamison indicated that it would take at least one more full-time person to manage this type of legislation. He also said that they already have a warning system which they can use at their discretion which they feel is effective, and generally both gentlemen felt a general concept that grace periods tend to cause the law enforcement people to lose track of a new law. They like to educate the public into it through public safety, public information people, and then they like to have it become effective and seek enforcement after that.

They had nothing good to say about this type of legislation, and based on that, I feel that we shouldn't be supporting it. Therefore, I urge you to support the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the cosponsors of this bill. I sincerely believe a warning rather than a court summons should be given for a violation of new laws concerning motor vehicle equipment requirements. Often we do not know that a new law has been passed. How many of you read the papers thoroughly each day? How many of you see every TV newscast?

One can argue that ignorance does deserve a chance to be educated when such a situation occurs. A warning is fair.

Ladies and gentlemen, I strongly urge you to support this bill.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with the proponents of this particular piece of legislation, but I feel that what is involved here is a matter of public safety. It would be impossible to distinguish between those measures, those regulations, that are directly involved with public safety on our streets and highways compared with those measures which are merely regulatory in nature. Where public safety is involved, I think that we want the law enforced promptly, we want the public to be made aware of it promptly, and we want all of the citizenry to obey it promptly.

I think that the difficulty with the proposed legislation is it makes no distinction between those regulations and laws addressed to public safety and those which could permit of a warning system. The discretion of our enforcement officer, I think, is properly exercised in favor of the person who may be in technical violation of a technical regulation, but that same discretion is oftentimes exercised to enforce our safety regulations swiftly and promptly in all cases. I feel that the "ought not to pass" should be adopted.

The SPEAKER: The Chair recognizes the

gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: The reasoning given by the gentleman from Ellsworth, Mr. Silsby, as for the decision to come out with an "ought not to pass" report seems to be leaning towards the enforcement agency, the convenience of the enforcement agency. I think it is time that we gave some consideration towards the individuals concerned with this bill, the people.

Another remark was made that the "ought not to pass" report should be accepted because of public safety. Well, as far as public safety is concerned, if in your travels to and from Augusta you just notice some of the cars you pass or the cars that pass you and take a look at their condition, they should be knocked off the highway now, not later.

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

A vote of the House was taken.

72 having voted in the affirmative, and 58 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-24) on Bill "An Act Relating to Avoidance of Contracts Made on the Lord's Day" (H. P. 136) (L. D. 146)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin
— of the Senate.
Mr. HOBBS of Saco
Mrs. SEWALL of Newcastle
Messrs. SILSBY of Ellsworth
JOYCE of Portland
GRAY of Rockland
SIMON of Lewiston
STETSON of Wiscasset
HUGHES of Auburn

— of the House.

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

Report was signed by the following members:

Messrs. LAFFIN of Westbrook
CARRIER of Westbrook

— of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee Amendment "A" (H-24) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-23) on Bill "An Act Relating to the Liability of Parents for Damage by Children" (H. P. 4) (L. D. 10)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin
— of the Senate.
Messrs. LAFFIN of Westbrook
CARRIER of Westbrook
SILSBY of Ellsworth
STETSON of Wiscasset
Mrs. SEWALL of Newcastle
Messrs. HOBBS of Saco
SIMON of Lewiston
HUGHES of Auburn
GRAY of Rockland

— of the House.
Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Report was signed by the following member:
Mr. JOYCE of Portland

— of the House.

Reports were read.

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

Mr. HOBBS: Mr. Speaker, I move the acceptance of the Majority "Ought to Pass" Report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I feel I should rise and explain that one vote against this bill.

I want to look at this particular bill, and this bill someday, when we reflect back, will be known as the "free meal" bill. In the past session, that phrase "free meal" was passed on here many times. I think that we all agreed that there was no such thing as a "free meal," somebody has to pay the freight.

This particular bill, here is what it does. At the present time, the limit on the damage that parents would be responsible for is \$250. We had before our committee some insurance people who testified that we could raise that to \$1,000 and that the homeowner's policy would still pay the freight. Then they continued and said, even though it was raised from \$250 to \$800 — what this bill does — there would be no increase in the premiums. I can see where they wouldn't increase the premiums next month, but I like to look a little beyond next month.

During the next year, when the claims go in on the homeowner's policy — \$800, an increase from \$250 to \$800. You know, somebody is going to pay the freight and I have never found that much generosity in the hearts of the insurance men that I know in this building or out in the field.

I just wanted you to know what you are voting on here, and I will oppose the motion before us now.

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am amazed at my good friend from Portland as conservative as he normally is.

I would like to make a few comments and spend a little bit of time on this particular bill, because I think the future of our state could very well lie in some of the ramifications of this particular bill. I feel that the future is in our youngsters, our teenagers of today. We have a problem, we have had a problem, we have attacked that problem in many ways. We have passed many, many bills, even in the 108th when I was here, where we tried to attack this problem, but we have made very little if any headway.

I have before me an article from a paper, not even from our state, this is from Deerfield, Illinois, and let's see what they say about parental indifference. "Vandalism Spurs Juvenile Reform in Affluent Town." This is to show you that the problem of vandalism does not only occur in the suburbs of Portland, it occurs in some of our most affluent communities, not only in this state but in the entire nation. Here is a town where the median annual income is \$27,500; a single family house exceeds \$80,000; where a bare .03 percent of the residents are at a poverty level and yet, here is a town where in one year they have had 578 incidents of vandalism at a cost of over \$100,000. This is an affluent community.

Let's go to some of our Maine towns which are not quite as affluent. Bangor Daily News, January 11th — from Caribou, Maine, four juveniles apprehended in connection with over \$1400 worth of damage and, coincidentally, today's Bangor Daily News, the Aroostook edition, Houlton, Maine more than 20 juvenile offenses have been committed in Houlton during

the past six weeks and it added up to over \$1700 worth of damages in slashed tires alone.

Ladies and gentlemen and my good friends, we have a problem. What have we done about our problem? Well, we have passed a lot of laws lately, during the 108th and the subsequent legislative sessions; but what have they done for us? Let me give you a few figures that might scare you, I know they scare me. I gave the same ones to the committee.

This is a compilation of statistics from police files and experts in the field of crime. The figures are from the period January 1 through November 30, 1978, which gave us a true figure and a true picture.

First, I would like to give you a projected figure of what you may expect by the end of this particular year if we do nothing to put a stop to the increasing vandalism and property-damage crimes committed by juveniles.

Using statistics from similar states, from information gathered from this state on reportable offenses and the State of Maine clearance figure, our State Police are now projecting 12,716 vandalism offenses to the end of this year, with a projected reportable dollar loss of \$635,840, and that is based on a very conservative figure of \$50 per incident. They further project there will be 1,437 actual arrests for vandalism during this particular year.

I think the part that scares me the most about this is, who is going to be involved in this thing? Who is going to be on the receiving end of this vandalism? Is it going to be you or myself or maybe it will be an 80-year-old elderly person who can't afford it, who couldn't even afford the insurance?

We recognize the fact in this state that juveniles commit 71.32 percent of the vandalism acts. Another thing that scares me is that 74 percent of those arrested are handled within the department and never even brought to court — that scares me.

I would like to further enlighten you on some more figures. During 1978, and I am speaking of those crimes which cost you money on your property, 323 reported offenses of robbery, 113 of those were cleared, of which 21 percent were committed by juveniles. In 1977, the juvenile commitment was only 16.98 percent, so from 1977 to 1978, it came up 4.25 percent. Burglary in 1977, the juvenile involvement was 34.38 percent. In 1978, it was 41.22 percent and we are speaking of 12,522 offenses of which 3,018 were cleared. Again, from 1977 to 1978, a 6.84 percent rise. Larceny from 1977 to 1978, .82 percent rise. So with all the things that we have done, all the laws that we have passed, what have we done? Nothing. We pass the laws and the crime rate goes up, so what have we proven?

We have got to attack it from a different standpoint, and I think the standpoint to attack this problem is in the home. I think there is nothing that would help us any more than to enlighten the parents. If your child or minor goes out and commits a crime, they destroy someone's property, you may have to pay for it, because when you start attacking the old pocketbook, it begins to make a believer out of people.

All the crimes which result in loss or damage to property, the value of stolen property from January through November, 1977, in the State of Maine, was \$12,949,773, while the value in 1978 was \$13,148,060. You say we don't have a problem? That sounds like a vandalism property figure from nationwide, not just from the State of Maine. It is just a shame that economics have to come into the picture. We have to learn to deal with our youngsters.

It is a shame that the insurance company didn't give you the whole story. They told you, oh yes, we may have to go up a little bit on our liability if we exceed the \$800 figure, but they didn't tell you we could go down on property damage. No, they wouldn't tell you that, because your amount of recovery would be higher so we could go down. I am appalled that eco-

nomics, again, are going to tell us how we treat our child, whether we teach them right from wrong. This is a first step. I would like to see it taken and maybe we can correct the upward stem of vandalism in the State of Maine.

I urge you to support this bill and the Committee Amendment.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-23) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

First Day

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

(H. P. 5) (L. D. 11) Bill "An Act to Prohibit Smoking at Public Meetings" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-26)

On the objection of Mr. MacEachern of Lincoln, was removed from the Consent Calendar.

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

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: This bill that is before you is a monster. It carries a \$50 fine for lighting a cigarette in a town meeting or something like that. I think we have a lot more serious problems before us than something like this.

I move the indefinite postponement of this bill.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would oppose the motion before you to indefinitely postpone this bill. I don't agree with the gentleman from Lincoln that it is a monster. I think that we need clean air indoors just as well as we need clean air outdoors. I can see no logic in defending clean air outside if we don't defend it inside.

Cigarette smoking is one of the largest preventable causes of death and it represents a hazard to which no person should be involuntarily subjected. Our major concern here is the public's health. This bill restricts smoking at public meetings. The cost is simply a bit of restraint on the part of a few people in a given building.

Public meetings are usually held in buildings that are paid for by the taxpayer, and since two-thirds of the public are non-smokers, this majority is asking us to give them some protection. The Committee on Health believes that it is important for the government to set a healthy example, and since cigarette companies spend one hundred times as much to advertise cigarettes as the government spends explaining its dangers, we think that this is one small step that should be taken.

We feel also, as a committee, that it is our obligation to inform you of the dangers of smoking; and this is going to be the step that the state should take in prohibiting smoking at public meetings as defined by the Right to Know Law. We believe that the bill protects the rights of the smokers as well as the non-smokers. There is a need to put a fine on the legislation. If we have a law and we do not allow ourselves a way to enforce the law, the law will be broken. If there is an enforcement incentive, then we have some recourse. The fine is only going to be applied after warnings.

I would hope that you would oppose the motion by the gentleman from Lincoln to indefinitely postpone this bill and let it go on into second reading, and if individuals have concerns then, they can address those in amendments.

Mr. Kelleher of Bangor requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one

of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question is on the motion of the gentleman from Lincoln, Mr. MacEachern, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Beaulieu, Bordeaux, Brown, K. L.; Brown, K. C.; Bunker, Carrier, Chonko, Garsoe, Gillis, Gould, Hall, Huber, Kane, Kelleher, Laffin, Leonard, MacEachern, Mahany, Masterton, McHenry, McKean, Michael, Paul, Peltier, Peterson, Reeves, J., Roope, Silsby, Smith, Soulas, Studley, Theriault, Tozier, Whittemore.

NAY — Bachrach, Baker, Barry, Benoit, Berube, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, D., Call, Carroll, Carter, D.; Carter, F., Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dudley, Dutremble, D.; Dutremble, L, Fillmore, Fowlie, Gavett, Gowen, Gray, Gwasdosky, Hanson, Hickey, Higgins, Hobbs, Howe, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P., Joyce, Kany, Kiesman, Lancaster, LaPlante, Leighton, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Martin, A., Masterman, Matthews, McPherson, McSweeney, Mitchell, Morton, Nadeau, Nelson, A.; Nelson, M.; Nelson, N., Norris, Paradis, Payne, Pearson, Post, Prescott, Reeves, P., Rolde, Rollins, Sewall, Sherburne, Simon, Small, Sprowl, Stetson, Stover, Strout, Tarbell, Tierney, Torrey, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, Wyman, The Speaker.

ABSENT — Berry, Birt, Dow, Elias, Fenlason, Jalbert, Maxwell, McMahon.

Yes, 36; No, 107; Absent, 8.

The SPEAKER: Thirty-six having voted in the affirmative and one hundred seven in the negative, with eight being absent, the motion does not prevail.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-26) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar

Second Day

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

(H. P. 130) (L. D. 141) Bill "An Act to Clarify the Definition of Intermittent State Employees" (Emergency)

(H. P. 140) (L. D. 160) Bill "An Act to Amend the Maine State Apprenticeship Council to State Apprenticeship and Training Council to Conform with Federal Recommendations under the Labor Laws"

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 to Allow Prison Inmates to Attend the Funeral of a Brother or Sister" (H. P. 100) (L. D. 148)

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

Mr. Laffin of Westbrook offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-25) was read by the Clerk.

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

Mrs. PRESCOTT: Mr. Speaker, I would

move the indefinite postponement of this amendment and would like to speak to my motion.

The SPEAKER: The gentleman from Hampden, Mrs. Prescott, moves the indefinite postponement of House Amendment "A."

The gentleman may proceed.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you all in the House today that this is a unanimous report from the committee. It came out signed by 13 people that the bill should pass.

We are amending a 20-year-old law. The law said that an inmate could go to the funeral of the mother, the father, the son, the daughter or the wife; they did not allow the inmate to go to the funeral of a brother or sister. The committee felt that inmates have the same feeling for the brother or sister as they do for the immediate members of the family, and it is for those reasons that I ask you to support my motion and remember at the same time that this will be at the discretion of the warden.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I have been kind of caught off guard here this morning. I was hoping that the sponsor of this bill would take the position that the lovely lady had taken. Consequently, I will have to change my remarks and my approach to the situation.

You know, many times we sit up here and we don't know the laws that have been passed, and I must admit that I am just as guilty as anyone. I was really amazed to find out that the State of Maine allows murderers and rapists the same privileges, just about, that a nickel and dime thief would get; and I can't really believe in good conscience that when we deal with murderers who commit murder against our people, vicious crimes, when we have rapists that commit the vicious crime against our women—I say to you, ladies and gentlemen, they do not have the same rights. They relinquish those rights when they commit these vicious crimes.

Now, the do-gooders in this House and around the state will say that they, as individuals, have all those rights. I say they don't, and I will tell you why, because when they commit vicious crimes against our people, they have no compassion. They have no compassion for equal rights for the women that have been raped, they have no respect for their own families. If they did, they wouldn't commit these vicious crimes in the first place.

There are those who believe in prison reform, and I can be kind of liberal today. I go along that line of thinking because I am not asking at this moment to kill the whole bill nor am I asking to repeal something that has been on the books for many years. I think that probably when the right time comes at the next session, we will see a bill to do away with this kind of liberal reform—not prison reform but prison freedom, and that is what many people in this state want today. They don't want prison reform, they want prison freedom; and pretty soon they are going to come in here and they are going to say they want them to go to someone's funeral in the community, in the county, and pretty soon we are going to be at their discretion when they want to go to funerals.

I certainly do not object to any part of this bill outside of the vicious people that we have in our society. I had a few remarks, I must say, that I can't use this morning because of the great respect I have for the lady who is opposing me; but when I come through that door—I love everybody on the outside, but once I get here, I believe that my thoughts, regardless of whether I am mocked or regardless of the fact that I am laughed at, I believe that my thoughts from the floor of this House are just as important as anyone else's that has been elected to this House.

I don't believe that we in good conscience can not allow these vicious people in our society to

expect—and I think that is more or less what disturbs than anything else—they expect to have the same rights. I say to you, my friends, these women groups that support equal rights for women, and I go along with many of them, but when it comes time for them to turn around, they desert the women. All of a sudden they become not valuable when a judge in one of the midwestern states refused to prosecute a man who picked up a woman hitchhiker, because the judge said she deserved it. Boy, the women across this nation hollered to no end. I agreed with them; the judge, in my opinion, was wrong. Yet, we have these same women, when vicious crimes are being committed against them, what do they say—have mercy on those that commit this vicious crime! They have left you and they have deserted you.

It is all right for many crimes to be committed, in many people's thinking, but don't do anything to the vicious person that commits it. Don't do anything in any way that is going to harm his freedoms. I say to you, ladies and gentlemen, we have got to put a stop to this and it might as well start today. I certainly hope that the members of this House will support my amendment.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't want the gentleman on my right to be disappointed. In case any of you don't understand, I am the sponsor of this piece of legislation.

This wasn't any particular strategy that we used, it was the courtesy that the Chairwoman of the Committee would rise to make the motion and I obviously intended to get into the debate.

It is my understanding that a local radio station in Portland a couple of weeks ago ran a contest. The prize was two free tickets to a performance of the Odd Couple, and the way that you won the prize was you had to call the radio station and give an example of an odd couple. Well, someone from the Portland area called and won the prize by saying that the odd couple was the gentleman from Westbrook, Mr. Laffin, and the gentleman from Portland, Mr. Connolly. We are together on many issues. If you look under Reference of Bills today, there is a labor bill that we are, in fact, cosponsors of. It is just on these kinds of matters that we don't see eye to eye.

I would also like to point out, in explanation of the bill, that I didn't sponsor the bill at the request of any left-wing prison reform groups or at the request of any liberal women's rights organization but I sponsored this legislation at the request of the warden of the state prison. As many of you know, I have been involved in the activities with the prison Inmates Council that particularly deal with access back into the community when a prisoner is leaving Thomaston and also with legislative matters, and we had had a meeting at the prison with the Inmates Council shortly before Christmas. After Christmas, I called the warden to explain to him what had gone on at our meeting with the Inmates Council and to discuss the pieces of legislation that we were considering introducing that Mr. Laffin would probably be justified in calling pieces of liberal or left-wing prison reform legislation. At the end of the conversation, the warden explained to me an incident that had happened in Portland just after Christmas.

A woman was murdered, apparently, by her estranged husband and the woman's brother was an inmate at Thomaston. The brother went to the warden and asked permission to attend the funeral of his sister. We were not talking about some liberal prison reform issue, we were talking about a basic decency to allow a brother, who happens to be an inmate at Thomaston, to attend the funeral of his sister, that was the request. The warden had to initially turn down the request because the statute did

not provide that an inmate could go to the funeral of his brother or sister. He could go to his mother's or his father's or his wife's or his children's funeral but not his brother or sister. He said, "In all the 30 years that I have been involved in prison work in Virginia as warden and in Maine, I have never once asked anyone to sponsor a piece of legislation, but I would ask if you or you would get someone else to sponsor a bill that would just change this apparent omission in the law when it was drafted in 1957 to also allow an inmate to go to the funeral of his brother or sister."

I jumped at the chance and said, I don't want anyone else to sponsor the bill. I would love to sponsor it, because for one of the few times, I would be right on target, right on the same side as the people from the prison, the warden and the people from the Department of Corrections; and I thought that since I was going to be involved in other pieces of prison legislation, this was a good start to show that at least on some matters we could agree.

So, the bill came before the committee. The warden came to the committee and testified without qualification in support of the bill. He understood the feelings of the Representative from Westbrook, because the Representative spoke at the hearing and presented essentially the same arguments that he used here today. The warden didn't recommend any change at all, because the way the law currently reads, before an inmate would be allowed to go to a funeral, the warden would have to give his permission. It would be at the discretion of the warden. If the warden feels, for whatever reason, that it would not be proper for an inmate to go to a funeral, then he can deny that permission.

I would hope that you would support the motion of the chairperson of the committee for indefinite postponement of this amendment and leave matters as they stand now.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Hampden, Mrs. Prescott, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 29 in the negative, the motion did prevail.

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

Mr. MORTON: Mr. Speaker, I would like to pose a question through the Chair. Would there be any additional cost involved with this bill?

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

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: The cost of this act would be minimal, with any costs being paid from the available funds in the prison account. There will be additional indirect costs of guards attending with the inmate, but no appropriation will be needed.

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

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: In further amplification in answer to the question from the gentleman, the warden pointed out at the hearing that in those cases where the inmates have money, where they have earned that through work they have performed at the prison, it is the common practice that the inmate pay for expenses involved when the inmate has that money.

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

Passed to Be Enacted

An Act Relating to Land Surveyor Applications and Fees (H. P. 47) (L. D. 79)

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 Empowering Retired Justices of the Supreme Judicial Court and District Court Judges to Sit in Superior Court and Administrative Court Judges to Sit in District Court (Emergency)" (S. P. 55) (L. D. 89)

Tabled—February 13, 1979 by Mr. Hobbins of Saco.

Pending—Passage to be Engrossed.

Mr. Carrier of Westbrook offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-27) was read by the Clerk.

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

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

This bill will empower retired justices of the Maine Supreme Judicial Court and district court judges to sit in superior court. This bill will also empower administrative court judges to sit in district court.

At the hearing, where there were no opponents to this legislation, and the committee voted 12 to 1 in favor of this bill, several purposes were brought forward why this bill was needed. One of the purposes surrounds the fact that this bill, I think, will unclog the docket in many instances in our superior courts.

This bill, if we pass it, will provide a greater flexibility in the assignment of active retired judges in supreme judicial court. It will provide the supreme judicial department of our courts to be able to counteract in any emergency that arises in clogged dockets.

I will give you one example of why this bill is needed. Take, for instance, the problem when we have a criminal trial, let's say, one of Mr. Laffin's favorites, a homicide or rape matter and the trial lasts for three or four days. You cannot measure how long a trial will last because both sides have to present their arguments. Let's say, for example, that a trial lasts for three days and during those three days, there are also two other trials which need to take place, for example, a civil matter involving a contested divorce which is in superior court. Under the laws of the State of Maine, a divorce action can be either brought in superior court or district court, and for purposes of our argument, we will say the matter was brought in superior court. This would allow the chief judge of the supreme judicial court to assign a district court judge to the superior court or an active retired judge of the supreme judicial court to the superior court to hear this particular matter in order to keep the docket from being clogged.

I think this bill is a basic housekeeping bill. It has the support of 12 members of the committee, has the support of the Chief Justice of the Maine Supreme Judicial Court, has the support of our Chief Justice Danton, and I think it warrants your support.

I urge you to indefinitely postpone this particular amendment which I think would weaken the bill.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I also rise in support of the gentleman from Saco to indefinitely postpone this amendment. This amendment would destroy one of the keys of this particular piece of legislation; this is, namely, flexibility within the judicial system.

The objection to district court judges serving on superior court cases seems to be based on a lack of confidence in the ability of the district court judge, but I would point out that the legis-

lation calls for the designation to be made by the Chief Justice of the Maine Supreme Court and obviously he would not be making designations of questionable district court judges, questionable in the sense of their ability to competently treat a superior court case.

Furthermore, the chief judge of the district court would obviously play a role in this process. I feel that the safeguards inherent in this system would override the possible objection to the assignment of district court judges and I therefore urge the indefinite postponement of the amendment.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief on a very complicated bill. I truly hope that most of you are familiar with the court system, and if not, whatever happens with this bill, after it goes through its process, you will inquire and take it upon yourself to familiarize yourself with the court systems.

I objected to this bill for many reasons. One of the reasons is that I don't think people in the judicial system should be the judge of their own peers.

I am concerned about this bill and what it will do to our judicial system. As much as I believe in the bill being of little value, I am presenting an amendment which deletes from the bill sections two and three. I truly don't approve of the bill at all. I have talked with eight local lawyers in the last few days. I haven't met one lawyer yet that approves the bill and for that reason, instead of trying to kill the whole bill, I will go along with retired law court judges to be assigned to cases.

In other words, my point is, as I said in committee, I don't mind the longitude end. On the longitude end, there is no stopping. There would be no stopping as to qualifications to do this.

If you look carefully at this bill, you will notice that it gives the chief judge of the supreme judicial court the right to appoint within the judicial system. I submit to you that this is wrong, because at present, I believe the appointment or the elevation or the downward of any judge is given by law to the Governor. He is the only one to appoint the judges and to elevate judges, and I think that is the way it should be. The Governor is the one to appoint these political assignments and I don't think we should take this privilege and law as it is away from the executive department and give it to the judicial department.

I am also concerned what take it away from the executive department and give it to the judicial department.

My major concern is promoting a district judge to a superior court judgeship, even if it is temporary. If you read the bill very closely, it does not limit the kind of cases he is going to handle. For those of you who are not aware of the fact, the district court judges today, it is a different ball game when you get into superior court and they just haven't got the experience. As a matter of fact, this morning some lawyer told me that most of them are very incompetent. The fact is, ladies and gentlemen, when you go to superior court as a judge, you are handling a jury and you don't do this at district court. I think it is very essential that we get people in there who can do the job and do it right. We have some in there already that are questionable as far as their ability is concerned, but they were at least put in there through the proper channels.

I submit to you that a judge of the superior court, rightly so, has to be more proficient in the law than one in the district court. What this bill suggests is that we do allow people to go from the district court to superior court.

I have been informed this morning, which I didn't even know about, I don't know if there is some kind of coercion somewhere, the bill says that the chief justice will assign this type of

judge to hear the cases. I was told by reliable sources that there is an agreement, that he is not going to make the choice; the chief judge of this district court is going to make the choice and then relate it to the chief judge of the supreme court.

I have certain reservations about certain people and certain bills, and this is one part of it.

Now, let's take the other part, Section 3, which is very simple. For those of you who are familiar with the administrative court judges, they call it a judge but it really isn't. All it is is a glorified clerk, that is what it is. All they do, they hear cases on violations of licenses, such as liquor control and all this stuff, and almost anybody could qualify for that kind of work. They are limited by the law to find probable cause of violation of the rules under which the license was issued.

Now, I submit to you that this bill here, if you want to be liberal, this is a very, very liberal bill. Where is the cost for this? Do you mean to tell me that everybody is going to go in there and work for nothing? You put a judge to work in there and he is going to get paid. You elevate one from the district court to superior court, he wants to get paid, and rightly so. Why is it that a bill like this doesn't have a cost on it? Well, I will tell you why, because they try to confuse you. I think there should be a cost on this, and I have, again, to get into the retired judicial court judges to be appointed, you get to some of them, they have never been in a law court before, they are strictly academic. They leave college and go to judicial court, but I will give them the latitude of coming down and handling some courts. At least they know the law, which is probably more than some of the district judges would know if they were to go into superior court.

I am very concerned about this bill because of what it will do to people, also because you are going to take the power of appointment and elevation of the judges from the executive department and give it to the judicial department, and I don't like that. I think it is at the right place now.

As an example of a case which is prominent to some people in this House, we have a case right now that is being tried by whatever counsel you want to call it, and this fellow happens to be in the district court. He is being brought up on charges for doing something. I don't know just what, maybe not doing his work, that is what they claim, it hasn't been proven yet. At least he has a chance to come back and say, look, I was qualified, I took a job and was qualified to do it and this is one thing which they can't argue about, the qualifications, when he is in the job. But just imagine if they were to put him on some cases as acting superior court judge, what would happen to him? He would get canned and canned fast, don't you forget it. He wouldn't even have a chance to hold onto his job.

Ladies and gentlemen, I know you have good sense and I think that you should be able to see through this bill. It is a matter of one hand serving the other, one peer serving the other peer; that is what it adds up to. It is not for the benefit of the people. I think if you take the newspapers every week and you are disgusted with the cases and the way that they are handled, this is one bill that will help to put them that way. I don't think this is a good bill at all, and that is the reason why in good faith I did sign the "ought not to pass" report.

I do hope that you accept House Amendment "A," which will delete the unqualified ones at the bottom of the list to go up. If they want to come down, let them come down, but I don't think that they should go up by appointment, political handout or anything else. I don't care for it. I think it is a bad, bad bill, and I am trying to save part of it by putting the amendment on. I hope you vote against the indefinite postponement.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

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

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

2. Bill, "An Act to Permit Signed Statements of Psychologists and Chiropractors to be Admitted into Evidence Before the Workers' Compensation Board" (H. P. 377)

Tabled—February 13, 1979 by Mr. Hobbins of Saco.

Pending—Motion of Mr. Tarbell of Bangor to Reconsider Reference to Committee on Labor.

Thereupon, the House reconsidered its action whereby the bill was referred to the Committee on Labor.

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

Mr. WYMAN: Mr. Speaker, I move that this bill be referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

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

Mr. BAKER: Mr. Speaker, I would pose a question through the Chair. Why are we considering this bill before the Judiciary Committee when it is dealing with Workers' Compensation?

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

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

Mr. WYMAN: Mr. Speaker, Ladies and Gentlemen of the House: In answer to Representative Baker's question, I would just say that this particular act, if you notice the wording of it, deals with the admission of evidence, and because it does deal with the Rules of Evidence, it is being referred to the Committee on Judiciary, even though it does deal with workers' compensation.

Other matters which deal with workers' compensation, practically all legislation that deals with workers' compensation, would normally go to the Labor Committee, except in this case where it deals with judicial prerogative. We do intend, however, and I would reassure Mr. Baker and the other members of the committee, to guard the Labor Committee's prerogative in the area of workers' compensation.

Thereupon, the Bill was referred to the Committee on Judiciary ordered printed and sent up for concurrence.

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

Bill "An Act Concerning Fines Resulting from Fish and Game Violations on Land of the Penobscot Indians" (H. P. 392) (House reconsidered reference to Committee on Fisheries and Wildlife February 13)

Tabled—February 13, 1979 by Mr. Peterson of Caribou

Pending—Motion of Mr. Violette of Van Buren to refer to Committee on Legal Affairs.

Thereupon, the Bill was referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

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

Bill "An Act to Make the Voluntary Payment of Workers' Compensation Nonprejudicial" (H. P. 417) (Committee on Judiciary suggested)

Tabled—February 13, 1979 by Mr. Wyman of

Pittsfield.

Pending—Reference.

On motion of Mr. Wyman of Pittsfield, the bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

On motion of Mr. Mahany of Easton, the House reconsidered its action of yesterday whereby Bill "An Act to Amend the Laws Relating to the State Harness Racing Commission," House Paper 407, was referred to the Committee on Business Legislation.

On motion of the same gentleman, was referred to the Committee on Agriculture, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act Concerning the Registration under the Motor Vehicle Statutes of Farm Motor Vehicles Using Dolly Axles" (H. P. 426) which was tabled earlier in the day pending reference.

On motion of Mr. Carroll of Limerick, retabled pending reference and tomorrow assigned.

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

An Expression of Legislative Sentiment (H. P. 450) recognizing that:

The Deering High School Rams are the Southern Maine Class A football champions; this outstanding team coached by Curran, Garvin, St. Pierre and Day was first in the Southern Conference, records the least points scored against them and is credited with 9 players named to the Class A All Star Team;

Presented by Mr. Cloutier of South Portland (Cosponsor: Mr. Brannigan of Portland).

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

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. MacEachern of Lincoln, Adjourned until ten o'clock tomorrow morning.