

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Thursday, February 22, 1979

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

Prayer by Father David Cote of Saint Ann's Church, Indian Island, Old Town.

Father COTE: Let us pray. Lord, God our Father, you have given to us a share in your power over this earth and its people. This morning we ask you, bless the people assembled here and help them in their deliberations, that by what they do, your people, your earth and the State of Maine may be better. Let us support them in their deliberations; give them the grace to do your will and to think of the welfare of our State. In all that they do, may you be with them. We ask this in confidence of you, our father, and we are your children. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

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

Howard Strout of Harrington will celebrate the one hundredth anniversary of his birth on March 18, 1979 (S. P. 235)

Came from the Senate read and passed.

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

Bill "An Act to Amend the Definition of Wholesale Life Insurance" (S. P. 234) (L. D. 686)

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

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

Bill "An Act to Facilitate the Placement and Care of Handicapped Individuals in Skilled Nursing Facilities and Intermediate Care Facilities" (S. P. 231) (L. D. 683)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Relating to the Rules Governing the Inspection and Licensing of Motor Vehicle Racing" (S. P. 232) (L. D. 684)

Bill "An Act to Provide for a Single Number Plate and to Revise Motor Vehicle Registration Fees" (S. P. 233) (L. D. 685)

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

In the House, were referred to the Committee on Transportation in concurrence.

Petitions, Bills and Resolves Requiring Reference

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

Aging, Retirement and Veterans

Bill "An Act to Provide Continued Educational Benefits for Veterans' Widows after Remarriage" (H. P. 553) (Presented by Mr. Jackson of Yarmouth)

(Ordered Printed)
Sent up for concurrence.

Agriculture

Bill "An Act to Abolish the Maine Milk Commission" (H. P. 554) (Presented by Mr. Vincent of Portland) (Cosponsors: Mr. Tuttle of Sanford and Mr. Lizotte of Biddeford)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act Appropriating \$1,500 for the Pink Panthers of Millinocket to Represent

Maine in the Cherry Blossom Festival" (Emergency) (H. P. 555) (Presented by Mr. Marshall of Millinocket) (Cosponsor: Mr. Birt of East Millinocket)

(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act Relating to Nomination Petitions for Municipal Office" (H. P. 556) (Presented by Mr. Carter of Winslow)

Bill "An Act Concerning Designation of Non-party Candidates on Election Ballots" (H. P. 557) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Provide for the Consideration of Environmental and Economic Effects Associated with the Tidal Power Demonstration Project at Half Moon Cove" (H. P. 558) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Vose of Eastport, Mr. Tarbell of Bangor and Mr. Pearson of Old Town)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

RESOLVE, to Repeal Certain Provisions Requiring the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 559) (Presented by Mr. Carter of Winslow)

Committee on Fisheries and Wildlife was suggested.

On motion of Mr. Fowlie of Rockland, tabled pending reference and later today assigned.

Health and Institutional Services

Bill "An Act to Permit Juveniles in the Custody of the Department of Mental Health and Corrections to Receive Services from the Department of Human Services" (H. P. 560) (Presented by Mr. Brenerman of Portland)

(Ordered Printed)
Sent up for concurrence.

Judiciary

Bill "An Act to Incorporate the Common Law Doctrine on Charitable Immunity into Statute and to Study the Policy of that Immunity" (H. P. 561) (Presented by Mr. Brenerman of Portland) (Cosponsor: Mr. Brannigan of Portland)

Bill "An Act to Prohibit Drinking in Public Under the Criminal Code" (H. P. 562) (Presented by Mr. Laffin of Westbrook)

(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Establish Self-governing Provisions for Penobscot County" (H. P. 563) (Presented by Mr. Birt of East Millinocket)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Require the Public Utilities Commission to Investigate the Establishment of a Separate Customer Charge Classification for Electric Service to Any Grange of the Patrons of Husbandry" (H. P. 564) (Presented by Mr. Rollins of Dixfield)

(Ordered Printed)
Sent up for concurrence.

Appropriations and Financial Affairs

Bill "An Act to Increase the Salaries and Certain Expense Reimbursements of State Legislators" (H. P. 565) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Fenlason of Danforth, Mr. Gillis of Calais, and Mr. Hall of Sangerville)

Committee on State Government was suggested.

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

Energy and Natural Resources

RESOLVE, Authorizing and Directing the State Director of the Bureau of Public Lands to Convey the Interest of the State in Certain Islands in Muscongus Bay (H. P. 566) (Presented by Mr. Blodgett of Waldoboro)

Committee on State Government was suggested.

On motion of Mr. Blodgett of Waldoboro, the Resolve was referred to the Committee on Energy and Natural Resources, ordered printed and sent up for concurrence.

Taxation

Bill "An Act to Change the County Tax from a Property Tax to an Income Tax" (H. P. 567) (Presented by Mr. Churchill of Orland)

Bill "An Act Exempting Solid Waste Fuel-burning Facilities from Certain Taxes" (H. P. 568) (Presented by Mr. Birt of East Millinocket)

Bill "An Act to Adopt the Multistate Tax Compact" (H. P. 569) (Presented by Mr. Davies of Orono) (Cosponsors: Mr. Twitchell of Norway, Mr. Laffin of Westbrook, and Mr. Tierney of Lisbon)

Bill "An Act to Reduce the Residency Requirement for Certain Disabled Veterans' Property Tax Exemptions from 10 Years to 2 Years" (H. P. 570) (Presented by Mrs. Bachrach of Brunswick)

Bill "An Act to Include the Cost of Processing and Collecting Real Estate Tax Liens within the Amount of the Lien Itself" (H. P. 571) (Presented by Mr. Violette of Van Buren) (Cosponsor: Mr. Wood of Sanford)

(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Permit the Use of Flashing Red Lights on Vehicles Used by Doctors and Osteopaths" (H. P. 572) (Presented by Mr. Gwadsky of Fairfield) (Cosponsors: Mr. Elias of Madison and Mr. L. Dutremble of Biddeford)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Exempt Certain Bulk Feed Bodies from the Sales Tax" (H. P. 573) (Presented by Mrs. Hutchings of Lincolnville) (Cosponsor: Mrs. Sewall of Newcastle)

Committee on Transportation was suggested.

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

Transportation cont'd.

Bill "An Act Making an Additional Allocation from the General Highway Fund to the Ski Access Road Account to Improve the Approach Road to Evergreen Valley" (H. P. 574) (Presented by Mr. Twitchell of Norway)

Bill "An Act Establishing Weight Tolerances for Certain Vehicles" (H. P. 575) (Presented by Mr. Carroll of Limerick) (Cosponsor: Mr. Strout of Corinth)

Bill "An Act to Provide for Marking of the Trans-Maine Highway" (H. P. 576) (Presented by Mr. Hall of Sangerville) (Cosponsors: Mr. Masterman of Milo and Mr. Wyman of Pittsfield)

(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Permits for Contract Carriers" (H. P. 577) (Presented by Mrs. Nelson of Portland) (Cosponsor: Mr. Davies of Orono)

Committee on Transportation was suggested.

On motion of Mr. Carroll of Limerick, the Bill was referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Transportation cont'd.

Bill "An Act Concerning 8-Year Semitrailer Registration" (Emergency) (H. P. 578) (Presented by Mr. Strout of Corinth)

Orders

An Expression of Legislative Sentiment (H. P. 552) recognizing that:

Jeffrey Scott of Whiting and Loring Totman of Bucks Harbor have achieved the high honor and distinction of becoming Eagle Scouts.

Presented by Mr. Nelson of Roque Bluffs.

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

House Reports of Committees Ought Not to Pass

Mr. Lougee from the Committee on Transportation on Bill "An Act Concerning Fees for Special License Plates" (H. P. 89) (L. D. 101) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Wood from the Committee on Agriculture on Bill "An Act to Amend the Law Relating to the Licensing of Dogs" (H. P. 151) (L. D. 183) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Referred to Committee on Local and County Government

Mr. Howe from the Committee on Business Legislation on Bill "An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code" (Emergency) (H. P. 335) (L. D. 434) reporting that it be referred to the Committee on Local and County Government.

Report was read and accepted and the Bill referred to the Committee on Local and County Government and sent up for concurrence.

Consent Calendar First Day

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

(H. P. 103) (L. D. 113) Bill "An Act to Revise the Statute Relating to the Removal of Dangerous Buildings" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-36)

(S. P. 73) (L. D. 127) Bill "An Act to Amend the Procedure of the State Board of Arbitration and Conciliation" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-11)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 23, 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. 160) (L. D. 188) Bill "An Act Relating to Transfer of the Planning and Development Functions of the Urban Renewal Authority of the City of Bangor"

(H. P. 329) (L. D. 366) Bill "An Act to Dissolve the Proprietors of the Centre Meeting-House in Farmington"

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.

Second Reader Tabled and Assigned

Bill "An Act to Require Motorcycle Operators and Passengers and Motor Driven Cycle Operators and Passengers to Wear Helmets if they are Minors" (H. P. 114) (L. D. 123)

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

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

Mr. McKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I am having an amendment prepared to make this bill a little more palatable. I would hope, since the amendment is not on the floor yet, that someone would table the bill for one legislative day.

Whereupon, on motion of Mr. Davies of Orono, tabled pending passage to be engrossed and tomorrow assigned.

Passed to Be Engrossed Amended Bill

Bill "An Act Amending the Sardine Tax Law" (H. P. 128) (L. D. 133) (H. "A" H-35 to C. "A" H-34)

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.

Passed to Be Enacted Emergency Measure

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

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. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Strengthen and Streamline the Habitual Offender Law (S. P. 9) (L. D. 16) (C. "A" S-8; S. "A" S-9)

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. 127 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Clarify the Duties of the Maine Insurance Advisory Board (S. P. 65) (L. D. 106)

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.

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 Engrossed Bills as truly and strictly engrossed.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I move that this pitiful bill be indefinitely postponed.

The SPEAKER: The gentleman from Westbrook, Mr. Laffin, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to oppose the motion of the gentleman from Westbrook, Mr. Laffin, to indefinitely postpone this bill. We have debated it. This bill is 20 years old. This is the first time that the warden from the State Prison has come to the Maine Legislature

and asked us to amend a law, and I would like you to go along with the unanimous committee report and move this bill on its way.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Westbrook, Mr. Laffin, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 101 having voted in the negative, the motion did not prevail.

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

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

An Act to Repeal Certain Requirements for Filing, Recording, Registers, Rosters and Binding and Provisions Concerning Administrative Assistant to the Chief Justice (H. P. 61) (L. D. 69) (C. "A" H-19, S. "A" S-10)

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

Orders of the Day

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

Bill "An Act to Increase the Handling Charge for Returnable Beverage Containers from 1c to 3c and to Provide for Prompt Reimbursement of this Charge to Dealers and Redemption Centers" (H. P. 454) (Committee on Business Legislation suggested)

Tabled—February 21, 1979 by Mr. Tierney of Lisbon.

Pending—Reference.

On motion of Mr. Mahany of Easton, the bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

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 21, 1979 by Mr. Hobbins of Saco.

Pending—Passage to be enacted.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This is a bill which I am against. I talked about it a little bit last week, and I would like to tell you a few more reasons why I am against it and why this should not pass.

I do not agree with the second and third sections of the bill whereby you take somebody from a lower court and elevate them to the superior court or you take the administrative judges and put them in district court.

I am of the profound philosophy that justice starts at the courthouse. Like many others, I have reservations as to whether it does or not, but I think that it should. Because some of these judges have been appointed at different times, their qualifications can be questioned; and truly, if you take a judge from a lower court and put him in a higher court without the proper procedures, I don't think you are getting the best. I think that it can work to your detriment whether you are the plaintiff or the defendant.

I think this bill actually takes the power away from the executive department and gives it to one man, the judge of the judicial court, to fill in wherever he believes it is needed.

I am sure that there is a cost involved here.

and I have approached different people to have the cost put on this bill because nobody works for nothing. Whether they are retired or not, they don't work for nothing. If you take them from the district court and raise them up to the superior court, they are not going to work for the same wages; and this is going to cost money. There should be a cost on this bill but there isn't. I tried to get a cost put on there and nobody wants to put it on for some reason or other.

This is a bill that will actually serve only a few people, and their own peers will judge each other. I think it is going to be to the detriment of many people.

What bothers me the most is that some of these people will have the say as to who is going to serve from one court to the other and the fact that they, themselves, have been at times brought on the carpet because of their inefficiencies in certain cases.

I know of a case where a judge was brought on the carpet because in thirteen cases he dismissed seven of them. That is nice, but to make it nicer, a year or two later he was promoted instead of being demoted. We have other judges that have been on there and they shouldn't be on there. They didn't have the qualifications and they don't have the qualifications now. We do have some good judges.

At least I will give way to the retired judges of the present law court to serve as retired judges.

Even in our law court today, there are judges that have never served as a district court judge or a superior court judge. All they have is academic knowledge, but I will take my chances on them to go to the lower court. I don't believe that we should satisfy ourselves with somebody that doesn't have the qualifications and let one person move them up from one court to the other. I think it is extremely unfair to the plaintiff or the defendant.

There is a cost involved and this is one of the reasons that I am opposed to it. Last year this legislature, with some maneuvering, passed a law to give these same judges that will be promoted a \$3,000 raise for a total cost of \$266,000, which is a quarter of a million dollars; and this year we still have some bills in here to give them another raise. Some of them deserve it and others don't and this is what bothers me. The ones that don't deserve it and the ones that are unqualified are always the ones that end up being promoted. I am not going to use any names but I know the cases and I know the people and I know how they got their jobs. They didn't get them on qualifications either.

I submit to you that this is not a good bill. The first part of it I can live with, but the second and third part of it is not a good bill.

I move for the indefinite postponement of this bill and all its accompanying papers and I would request a roll call.

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: As you know, we debated this bill in length last week, and I will be very brief in my remarks. I would like to address a couple of the points that were raised by Representative Carrier.

First of all, he said there would be a cost fiscal note on this bill—there should be a fiscal note on this bill. I have checked with Legislative Finance, we have checked with the courts, and there is no cost factor increase or anything to do with an increase in money or appropriation that would be needed.

As many of you know, in the last few years, we have had a steady increase in the volume of cases before the superior court, especially the superior court and other judicial courts of our state.

This bill is very simple and was supported by, as I mentioned earlier in the week, by 12 out of the 13 members of the Judiciary Committee. The bill will allow the chief judge of the su-

preme judicial court in some instances to allow an active retired judge of the supreme judicial court, or a district court judge, or an administrative court judge to serve in superior court. This bill had no opposition at the committee hearing and it seemed like one of those bills which was basically a housekeeping bill but, unfortunately, it hasn't gone through the legislature in that fashion.

I think it is very important that this bill passes. I think it will provide a greater flexibility in the assignment of judges to our different courts. In fact, what it will do is probably alleviate the burden of placing another judge on the superior court or any other court which has been quite busy in recent months.

I hope you won't indefinitely postpone this bill. I think it is a workable bill, one that had a very thorough hearing before the Judiciary Committee and one that was supported by 12 out of 13 members. I hope you will oppose the motion.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I was one of the 12 Apostles who voted for this bill. This bill is truly an efficiency bill. It gets at the log jam that is presently in the criminal justice system. This bill will directly affect that log jam, and what more of a safely valve could we ask for in a bill than to have the Honorable Chief Justice Vincent McKusick as the lone appointer of the persons and direct them towards that log jam.

I urge you to defeat the motion before us and then sail this bill on its way.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: I know there are concerns about moving district court judges into the superior court. I know prior remarks have been made in this area, and I intend to be brief. I would like, however, to read a paragraph from a letter from Chief Justice Vincent McKusick, dated February 2, 1979, which addresses this concern.

"I am, of course, conscious that the first obligation of the judges of the district court must be to the district court caseload, and I am also very conscious that if the Chief Justice is given the authority to assign judges to other courts than those on which they sit, the authority must be exercised with great care and infrequency, taking into account the capabilities of a particular judge assigned and the demands for his availability in the court to which he was appointed. It would be decidedly the exception and not the rule. The availability of the power would, however, be helpful in the cases of emergencies. It would also make available competent active retired judges to handle a selected schedule of cases in the superior court to help out in particular problem situations."

I think the Chief Justice would handle this in a responsible manner; I think we are aware of that, and I hope you will defeat the motion to indefinitely postpone.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I stand alone facing the members of my committee. The only thing I do resent is the fact that it was signed, I agree, by 12 people that approved it, but some of the people who signed it weren't even there to listen to what was going on, and no doubt their interest in law is unlimited. They feel very strongly that whatever somebody wants, you have to give it to them.

I don't agree with one of the remarks that was made that the Chief Justice would be the lone appointer. I have researched this and I have accumulated some information, and I want to make it clear that I don't question the qualifications of the present Chief Justice, but this is not in fact how it is going to work. How it

is going to work is the Chief Justice will get hold of the chief judge of the district court and with his recommendation, this is who is going to go on.

I know and I realize that these two people are of different character, and if you can convince me that the Chief Justice would not listen to what the chief judge of the district court says, I will agree with this bill, but this is not what will happen. These are two different types of people that look for different things, and some of them are interested in your interest as a defendant or as a plaintiff, but others are not interested. They are just interested in moving this thing around, and they are ones that got called on the carpet before for not performing the way they should.

Another thing, you can check as to how they got elected and how they got appointed to these positions. Is it because of their qualifications? Is it because they have been practicing for years? They weren't even practicing when some of these people were appointed judges. Some of the them never saw the inside of a court house. This is the truth, ladies and gentlemen, and I can give you a file and I can give you facts and the date if you want them. This is what bothers me, when somebody comes around and tells me that regardless of how unqualified some judges are, we should go along with this. Well, you can go along with it.

I am asking for a roll call and two or four years from now when this doesn't work or if you as a plaintiff go in front of these judges or as a defendant and you get the short end of things, don't come and cry because you voted for it. I submit to you that if I go to court and I have a lawyer to fight my case, this is one of the first things I will have him do, challenge the qualifications of certain judges that will be temporarily elevated to this case. This also includes the administrative judges. All they are is glorified clerks. Years ago you didn't even have to be a judge to be an administrative judge. This is what I am worried about, this is what I am concerned about. I will live with it like anybody else, but if you don't you inquire. Just a word of caution—just be careful, because if this goes, we are in for trouble.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, 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 — Austin, Beaulieu, Brown, A.; Brown, D.; Call, Carrier, Carroll, Carter, D.; Connolly, Dow, Dudley, Dutremble, L.; Hall, Kelleher, Laffin, Leighton, Mahany, Martin, A.; McHenry, McKean, Nelson, N.; Paradis, Paul, Rollins, Tozier, Twitchell, Wentworth, Wood.

NAY — Aloupis, Bachrach, Baker, Barry, Benoit, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, K.L.; Brown, K.C.; Bunker, Carter, F.; Chonko, Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Davies, Davis, Dellert, Dexter, Diamond, Doukas, Drinkwater, Dutremble, D.; Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hanson, Hickey, Higgins, Hobbins, Howe, Huber, Hughes, Hunter, Hutchings, Immonen, Jackson, Jacques, E.; Jacques, P.; Joyce, Kany, Kiesman, Lancaster, LaPlante, Leonard, Lewis, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, Maxwell, McPherson, Mc-

Sweeney, Michael, Morton, Nadeau, Nelson, A.; Nelson, M.; Payne, Peltier, Peterson, Post, Prescott, Reeves, J.; Rolde, Roope, Sewall, Sherburne, Silsby, Simon, Small, Smith, Sprowl, Stetson, Strout, Studley, Tarbell, Theriault, Torrey, Tuttle, Vincent, Violette, Vose, Whittemore, Wyman.

ABSENT — Berry, Birt, Churchill, Jalbert, Kane, MacEachern, McMahon, Mitchell, Norris, Pearson, Reeves, P.; Soulas, Stover, Tierney. Mr. Speaker.

Yes, 28; No, 108; Absent, 14.

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

This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 20 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter:

RESOLVE, to Repeal Certain Provisions Requiring the Construction of a Fishway on the Dam Obstructing the Kennebec River at Augusta (H. P. 559) which was tabled earlier in the day pending reference.

Thereupon, the Resolve was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Laffin of Westbrook,
Adjourned until twelve o'clock noon tomorrow.