

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

Friday, March 9, 1979

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

Prayer by Pastor Levi O. Davenport of the Hiram Community Church.

Rev. DAVENPORT: Our Father in Heaven, we thank you for this day which you have blessed us with. We thank you for the opportunity to serve you and to worship you and to come before your presence with singing. Our Father in Heaven, we pray for the leaders of our nation, for President Carter, for those who assist him, for those who represent the State of Maine in the Congress of the United States. We pray for Governor Brennan; we pray for the various and sundry officers of the House and the Senate; we pray for each one who represents in this morning hour in the House of Representatives and in the Senate.

Our Father, we thank you for your blessings to us. We thank you for this nation, we thank you for this state. We thank you for the towns that are represented, those towns in which we live. We ask your blessings upon each and every aspect of the deliberations of the day that they might be done to your honor and to your glory. We ask it in Christ, Our Savior's Name. Amen.

The journal of yesterday was read and approved.

(Off Record Remarks)

On motion of Mr. Tierney of Lisbon Falls, Recessed until the sound of the gong.

After Recess
12:35 P.M.

The House was called to order by the Speaker.

By unanimous consent, the Chair laid before the House the first tabled and today assigned matter:

Joint Order Relative to Amending the Joint Rules (H. P. 897) Read in House March 8, 1979. Tabled—March 8, 1979 by Mr. Jalbert of Lewiston.

Pending—Passage.

Mr. Tarbell of Bangor offered House Amendment "A" (H-83) and moved its adoption.

House Amendment "A" (H-83) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" would simply take the joint order that we had pending before us yesterday that you probably still have on your green sheets of paper, and it would limit the joint order just to the first clause, the clause that requires that legislative papers be properly placed on the calendars of the respective bodies. It would delete everything after that first clause which changes Joint Rule A. It would delete entirely the proposed Joint Rule 35-A, anything that pertains to the constitutional amendments. It would limit simply the rule change to that provision which would require prompt placement of documents on the calendar.

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

Mr. TIERNEY: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed and when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, moves that House Amendment "A" be indefinitely postponed and further moves that the vote be taken by the yeas and nays.

The Chair recognizes the gentleman from Waterville, Mr. Boudreau.

Mr. BOUDREAU: Mr. Speaker, Ladies and

Gentlemen of the House: For those of us that were here in the last session, we all know what a fiasco can develop when both bodies begin playing games with papers.

I find it difficult to understand why anyone in this legislature would not want one body to promptly deal with papers sent to it by the other body.

The SPEAKER: The Chair would interrupt the gentleman from Waterville, Mr. Boudreau, to inform the gentleman and members of the House that in either case, indefinite postponement or passage of the order, still has the same effect, since the original part of the order would remain the same. As a result, the gentleman should confine his remarks to the second part of the order which would be deleted by the motion of the gentleman from Bangor, Mr. Tarbell.

Mr. BOUDREAU: A point of inquiry, Mr. Speaker. Are you saying that I cannot debate the merits of House Amendment "A"?

The SPEAKER: The Chair would answer in the negative. He may proceed along those lines as well.

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

Mr. GARSOE: I understand the Speaker to have just told the gentleman from Waterville that he is not to debate the matter contained in the amendment.

The SPEAKER: The Chair would answer in the negative; that is not what he told the gentleman.

Mr. GARSOE: Mr. Speaker, I was hoping I had misunderstood, sir.

The SPEAKER: The gentleman from Waterville, Mr. Boudreau, may continue.

Mr. BOUDREAU: Mr. Speaker and Members of the House: I think it is important that as a matter of policy we make this decision today, because as we all know, as the session goes along we will have disagreements not only between parties but between the other body and ourselves, and I think it is important for us to make a decision as to what the orderly procedure will be in terms of dealing with papers sent from the other body and papers that are sent from here.

I don't think that we always make rational kinds of decisions, as has happened in the past, in the last session especially, towards the end when things get hot and people start becoming very sensitive about their own particular bills and bills they would like to see funded in the last few days of the legislature. My comments were directed in the last session at both bodies, that I thought both bodies were playing games with papers and there was a fiasco and it made this legislature look pretty ridiculous the next day in the press.

I would hope that as a matter of policy, for all of us to really think about this House Amendment today and to pass it so that as the session goes on, we know there will be an orderly procedure of papers from one body to the other and so that we can get along with the business of the House.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In order for this House to proceed along in an orderly fashion, I would suggest that we support the motion of the gentleman from Lisbon Falls, Mr. Tierney. I submit that any part of this order, or even the amendment that is being offered by my colleague from the City of Bangor, is unnecessary.

In the few short terms I have been here, I think it is unnecessary for us to have to be intimidated or counseled by the actions of the other body in us deliberating or handling our own business before this House. It is as simple as that.

On occasion, there are papers sent down to the other body, as well as from the Senate coming here, that sometimes are in error, cler-

ical errors, and they never appear on the calendar because the Speaker and the Clerk of the House and the presiding officer in the Senate and the Secretary of that body note those errors and they fail to appear on the calendar.

We all know exactly what the problem is in dealing with the issue before us today, and that is the method of introducing joint resolutions or bills before the legislature, be it come from the Senate or come from the House, and we also know that in fact we have a Legislative Council made up of both branches of the Legislature dealing with any issue after cloture to come in. That is the single, most important problem here today, not this ridiculous amendment or this ridiculous order that was before us yesterday.

I support the motion of my floor leader because I happen, for once, to agree with him, and on this issue I think he is a hundred percent right.

I request the yeas and nays, Mr. Speaker, when the vote is taken.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I can honestly tell you I had hoped not to be up and discussing this matter today. After the motion was in, the gentleman had made his motion to dispose of it, I felt we had discussed this to the point where we could get a real honest vote based on our own personal feelings, but the gentleman from Bangor, my good friend Representative Kelleher has prompted me to my feet to discuss his seeming lack of understanding of what is at stake here.

He infers an outside interference with the deliberations in the business before this body, and that is exactly 180 degrees out of phase with the problem that I see, because what spawned this two weeks that I wish I had never gone through, what triggered this whole situation, was that we had papers coming to this body that never appeared before this body. Now, I know there is going to be technical reasons why a given document needs correction and therefore won't immediately appear on the calendar, but the basic problem was that we had papers properly, in the eyes of the other body, passed by that body, sent down here and they never showed up, they never saw the light of day.

So, regrettably, I think this amendment is necessary. I don't think it is silly, I don't think it ridiculous. I think it is regrettable but I think it is necessary, and for these reasons, so I hope we can come to an early vote and when we do take the vote, Mr. Speaker, I ask for the yeas and nays if the machine is operating.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I certainly hope that we don't spend another hour or hour and half or two hours on this thing.

I stated the first day of the session, in making somewhat of an emotional speech, that the problems would continue and continue and continue, and I was never more right in my life.

You can talk until doom's day and you are not going to change a vote here, so why don't we go ahead and vote. I am not going to move the previous question, because somebody is going to get up and say, well, I was going to say something but now I am being stopped, I am being gagged. Well, I have been gagged since I have been here. There isn't anybody here that is going to change his mind anyway, so let's get on with business. It is Friday and I want to get home.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't care if today is Friday or what day it is, and I don't care how long we have to debate on an issue in this House. I am not on a time clock. I don't punch one when I come in and I don't punch one when

I go out.

What is before us today is not a question of what we want or what we don't want but what is right by the rules of this House. There is going to be something coming in here some day, and I am not going to talk about what we did yesterday, that is not before us, I am talking about what is before us today.

Somewhere along the line you are going to want to have something presented yourself, and I am going to take you all off the hook this afternoon. Suppose you have something that we send to the other body and they refuse to act on it because of what little reason they might have, and I think that is the issue today. I think that we all have a right to act on every single piece of legislation, every single order, everything that comes before this House.

I have supported some very good friends of mine in this House who are Democrats who think as I think, who believe that we all are entitled to all of the protection under the law, not only those on the street, not only those in the courts, but those in this House. And if you are going to sacrifice your soul and lose what we have now, I would dare say that maybe some of us should be replaced.

We have a right to act on each and every piece of legislation that comes before us whether we approve of it or whether we don't approve of it — that is not the question — I apologize. I think that is the issue, not what is on the order but what position you want to take on an order is your decision. But the thing is to have that order before you to make that decision, and that is what we are talking about and that is all we are talking about.

I have the greatest respect for my good friend Mr. Tierney. I have the greatest respect for my good friend Mr. Kelleher and the dean of the House, the greatest respect. You know, the funny thing is, they all think like I do, and they know that what I say is what is in their hearts.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Given the fact that Mr. Laffin is a hard act to follow, I really hadn't intended, and that is the truth, I know everyone says he didn't intend to speak on this, but I happen to believe, with the good gentleman from Lewiston, Mr. Jalbert, that probably there won't be too many votes changed here today by what I say or what he said or what anybody else says, but I have to rise and take exception with my very good friend from Bangor, Mr. Kelleher, and I mean that sincerely, when he says that it is unnecessary, that the original order is unnecessary, that the amendment is unnecessary. It is necessary, it is necessary because of events that have taken place in the last week or so. I think that the fact that it is necessary is one based on the fact that the Speaker of the House has chosen not to put documents on our calendar that were duly passed in the other body. It is as simple as that. If it takes a rule change to allow that to happen, to make it happen, then I think we should go along with it and adopt it.

The unnecessary part of the original order is 35-A. That is the unnecessary and not needed part. It is a rule change that doesn't take effect until 1980. We don't need that, at least we don't need it today to deal with the problem and the crisis that we have in front of us. I think we need to focus our attention on the issue, and the issue is that 150 members of this House have not been able to deal with a paper that was passed in the other branch of this legislature.

I hope today you will go along and not indefinitely postpone this amendment, but let's keep our issue and our eyes straight ahead, keep it focused on what is right and what is wrong.

The SPEAKER: Mr. Tierney of Lisbon Falls has requested a roll call. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting.

All those desiring a roll call vote will vote yes; those opposed will vote no.

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

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I feel that before we vote on this issue, we ought to focus our attention on what is really at stake. It seems to me that the gentleman from Lisbon Falls feels he cannot live with Amendment "A". I think he knows that the first paragraph of House paper 897 is, indeed, an embarrassment, it is an embarrassment to the position that has been taken previously here; namely, that papers coming from the other body may be kept from this body. That is the only issue before us. The question of constitutional amendments, a question that under House Paper 897, would not come into effect for another two years is not all that important. It isn't important today and it should not be a condition placed on a perfectly legitimate, necessary order; namely, the first paragraph of the House Paper which calls for each House to honor the papers coming from the other house.

I urge you to defeat the motion to table.

The SPEAKER: The Chair would advise the members of the House that the motion is to indefinitely postpone.

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

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: I know Mr. Jalbert doesn't want me to talk, but I am going to have to because my good friend from Wiscasset, that able barrister, has brought my name into the debate and has further characterized here on the record for historical purposes what the real issue is. However, in a weak moment yesterday at the Republican caucus, he really characterized what was at stake as far as he was concerned, and we have all read it, I trust, in this morning's newspaper. He says what really is at stake is the destruction of the Democratic Party — that is what the gentleman from Wiscasset wants. Pick your newspaper up and read it.

That is what we have been trying to say for two days. This order gives us an orderly means of resolving a problem, not turning it into a partisan game. Yet, here we hear from the very gentleman himself who declares that his goal is to destroy the party I am a member of. I don't want to destroy the Republican Party. What fun would it be being a Majority Leader if there isn't a minority to kick around once in a while.

I think the gentleman is absolutely wrong. I think we ought to proceed on the vote, no votes are being changed, and I would trust that the good gentleman would at least allow my party to stay in existence for one more election.

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

Mr. MORTON: Mr. Speaker, Ladies and Gentlemen of the House: I notice the gentleman from Durham is grinning and I hope he really wasn't quite serious, because it is dangerous ground that one treads on when one impugns motives of someone else. I think we all should be very careful of that.

I cast a vote here in this House yesterday. It was rather well noted by members of both parties and it was mentioned to me a couple of times, and I can assure you that I have lobbied not one single person on either side of the aisle with respect to my position, but my vote yesterday was based on the fact that the measure offered was a compromise.

Frankly, I came to Augusta six years and a few months ago, or eight years and a few months ago, I don't even know how long it was now, six, I guess, knowing that the whole reason I was coming down here was to be a pol-

itician in a legislature and that politicians compromise if they practice the art.

That measure yesterday was a compromise, duly worked out by the leadership, was not accepted by the rank and file — fair enough — apparently in either party, according to what the papers say. Here again we have an opportunity to look at another compromise and to discard it out of hand, as the gentleman from Durham wishes to do, I think is a little bit unconscionable.

If you really want to get on with the business of the legislature, you are not doing away with either party or disparaging any people. Let's get this on the books and let's go ahead and do business in the legislature.

I hope you will defeat the motion.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't think any of us really have the notion to destroy either party, the Democratic Party or the Republican Party. I would contend, however, that if we do not protect the sanctity of the legislative process, of our parliamentary rules, and ensure that documents are placed on our calendar in this body and the calendar in the other body so that those matters and those issues are before us as the 151 elected representatives of our body and the 33 elected of the other so that we can decide through free speech, free debate, open government whether or not these matters should be voted up or voted down, then what is at stake is not the two parties, improved or destruction, but the destruction of the democratic process and democracy itself.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly — I am sure, as well as the good gentleman from Farmington, Mr. Morton, that my vote was noted yesterday, and I do rise this morning to state my reasons. I, like that good gentleman, felt that it was a reasonable compromise, and I would state this morning my reasons for voting the way that I am going to vote.

I realize that with the amendment of the good gentleman from Bangor, Mr. Tarbell, the first part of the order stays in which addresses itself to the immediate problem, but as I looked, and I am sure you all read it, it does take some power away from the Legislative Council in the future and I am all for that, because I feel that if the Legislative Council had done their job and done it correctly, we wouldn't be in this mess today.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Lisbon Falls, Mr. Tierney, that House Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. COX: Mr. Speaker, I would like to pair my vote with the gentlewoman from Falmouth, Mrs. Huber. If she were here and voting, she would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, I would like to pair my vote with the gentleman from Skowhegan, Mr. Whittemore. If he were here, he would be voting nay and I would be voting yea.

The SPEAKER: The Chair recognizes the gentlewoman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, I would like to pair my vote with Mr. Dellert from Gardiner. He would be voting no and I would be voting yes.

ROLL CALL

YEA — Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Carter, D.; Chonko, Cloutier, Connolly, Curtis, Davies, Diamond, Doukas,

Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY — Aloupis, Austin, Barry, Birt, Boudreaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hanson, Higgins, Hunter, Immonen, Jackson, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth.

ABSENT — Dudley, Hutchings.

PAIRED—Cox-Huber; Gwadosky-Whittemore; Dellert-Reeves P.

Yes, 74; No, 69; Absent, 2; Paired 6.

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

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

Mr. GARSOE: Mr. Speaker, I would request a roll call on passage.

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

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

The SPEAKER: The pending question is on passage of the Joint Order, H. P. 897. All those in favor will vote yes; those opposed will vote no.

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

Mr. COX: Mr. Speaker, I would like to pair my vote with the gentleman from Skowhegan, Mr. Whittemore. If he were here, he would be voting nay and I would be voting yea.

The SPEAKER: The Chair recognizes the gentleman from Pittston, Mrs. Reeves.

Mrs. REEVES: Mr. Speaker, I want to pair my vote with the gentleman from Gardiner, Mr. Dellert. He would be voting no and I would be voting yes.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Chonko, Cloutier, Connolly, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Rolde, Simon, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

NAY—Aloupis, Austin, Bachrach, Barry, Birt, Boudreaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Churchill, Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hanson, Higgins, Hunter, Immonen, Jackson, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee,

Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Twitchell, Wentworth.

ABSENT—Dudley and Hutchings.

PAIRED—Cox-Huber; Dellert-Reeves P.; Gwadosky-Whittemore.

Yes, 70; No, 73; Absent, 2; Paired, 6.

The SPEAKER: Seventy having voted in the affirmative and seventy-three in the negative, with two being absent and six paired, the motion does not prevail.

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

Mr. HIGGINS: Mr. Speaker, I move that this Order be indefinitely postponed.

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

Mr. TIERNEY: Mr. Speaker, I would request the yeas and nays and would hope that this Order would not be indefinitely postponed. It allows for papers to be placed on the other body's calendar while at the same time giving us a permanent, long-lasting solution to the problem which has been troubling many of us regards to the calling of a Constitutional Convention. To do otherwise will prolong needlessly a very long and very difficult problem.

There is nothing hidden in those sections, one section is drafted by the gentleman from Bangor, Representative Tarbell, the other section drafted by the Senator from Knox, Senator Collins. There is no secret agenda, there is no mystery to it, it is very straight-forward. It is a solution and, ladies and gentlemen, from my perspective, it is the only solution.

I would request that you please vote no on the motion to indefinitely postpone.

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. Those in favor will vote yes; those opposed will vote no.

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

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I am somewhat confused in the rational that those who oppose this order have taken. It seems to me that this order provides for a bypass of the Legislative Council beginning in the second session of this legislature next January. No longer would these measures calling for constitutional conventions have to come before the council and I think that is a step in the right direction. I don't understand why other people don't feel that way also.

It seems to me that it provides a good mechanism for those memorials and resolutions to be introduced and it calls for a higher percentage of the vote, which seems to me to be reasonable also. I fail to understand why it is, unless it is just a matter of simple, raw politics, why people don't want this. I would like to have somebody explain it to me one more time.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I can't accept the compromise is that it changes Joint Rule 35. Right now, Joint Rule 35 allows us to debate a particular issue on even ground. In other words, when we step into the ring to debate, we don't have to have one hand tied behind us. The proposal of a so-called compromise requires that we tie one hand behind us, we can't have a simple majority, we have to have a two-thirds majority. I am opposed to that.

I am opposed to that just as much as I was

opposed to fighting a war way over across the sea with one arm tied behind me. We finally did get out of that war but it took a Republican to get us out of it.

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

Mr. TIERNEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think the gentleman from New Gloucester, Mr. Cunningham, speaks for the Republican Party in this House. I would like to hear from my good friend from Bangor, Mr. Tarbell or my good friend from Cumberland, Mr. Garsoe. What is substantively wrong with that second section?

It doesn't change the rules in the middle of the game because anyone who wants to propose a constitutional convention during this regular session, this new rule would not apply. This would only be a permanent and prospective rule beginning in the second regular session.

I don't think Representative Cunningham speaks for them. I want to hear from the leadership. What is wrong with that amendment substantively or is it, as my good friend from Old Town, Representative Pearson, pointed out, a simple question of pride?

The SPEAKER: The gentleman from Lisbon Falls, Mr. Tierney, has posed a question through the Chair to the leadership who may respond if they so desire.

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

Mr. GARSOE: Mr. Speaker, Ladies and Gentlemen of the House: I will be glad to try.

I think what Mr. Pearson asked was, was it a question of raw politics? For anyone to deny that politics isn't an everyday bill of fare in this body, I think, would be a little naive and I am sure that the question wasn't meant in any serious vein.

As well as I can remember, and I do have somewhat of a graphic recollection of the caucus that took place in the other body yesterday — it should strike no strange note to the gentleman, my good friend from Lisbon, Representative Tierney, that negotiators quite often, and I am sure this has happened to him, take back arrangements and agreements that their legislative body, their union or their employer fails to ratify and that, basically, is what happened to us yesterday.

My caucus felt that I had given away more than I had gotten back, that I was conceding to a point that never should have been at issue, that we shouldn't have to pay a price to have the papers that come from one body up here on the other body's calendar. They said I sold out too quickly and didn't bring enough back, and what I did bring back, they weren't overly impressed with. Raising the tariff on a constitutional amendment, they felt was something they weren't willing to go along with.

I hope this explains on what I think is the high plain, not dirty politics but the sincere beliefs of the people in my caucus — they weren't satisfied with what I brought back to them, those were the reasons that were advanced as to why they weren't satisfied and I think they are perfectly legitimate reasons to be expressed in this body.

While I am on my feet, I would just like to add to the gentleman from Farmington's remarks in regard to Mr. Tierney's comment on the gentleman from Wiscasset, to take what he said, as I would suggest, literally or out of context because it adds no luster to the debate that does take place here.

I am hoping that this answers the question of the gentleman from Lisbon Falls, Mr. Tierney and I hope we can now get on with the vote.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I listened with some interest to the gentleman from Bangor, Mr. Tarbell, on the previous question and found myself really a little bit touched by his speech and nodding in agreement when he talked about

the Democratic caucus and the very definite need to have a system allowing papers to come into this body, but if we indefinitely postpone this Order, we will not have that system.

The SPEAKER: The Chair recognizes the gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Rolde and his comments, this body could have gone along with the amendment that was proposed initially and it would have had before it at this time a simple sentence which would instruct both bodies that legislative documents would have to be placed on the calendars. That could have been accomplished if we defeat this measure today, which has not only legislative paper measures but also the whole issue and the whole array of constitutional amendments. If we defeat both of those, I submit to all the members of the House, if we wish to resubmit an Order requiring legislative papers to be put on the calendar we can so do and we can so pass it. I am confident that the other body would probably go along with that.

But to be more precise, do we really need to amend Joint Rule 35? Do we need this new Rule 35-A before us? Do we need to place a new rule in our joint rules that isn't even going to take effect for another year? There is a very distinct difference of opinion.

There are those that say Joint Rule 35, as it now exists, bans this body from considering applications for conventions for amendments. Okay? There are those that say Joint Rule 35, with respect to application for conventions for amendments goes so far as to be used to prevent even the calendaring, or the placing on our calendar legislative papers that would propose it. Then there are those who say that Joint Rule 35 does not apply legally as to our rights as a state legislature under the United States Constitution, Article V. Article V lets us take a legal act as a legislature if we so wish and deem advisable, and that is to call for a convention for an amendment. It is not asking Congress to do anything, it is saying that we have done it. That is the key distinction between the existing Rule 35 and the proposed Rule 35-A. We don't need Rule 35-A, not at this point in time, and we certainly don't need 35-A that isn't going to come into effect for another year. That is why I move the indefinite postponement and go along with it and hope you will defeat this entire Order.

If, as the good gentleman, Mr. Rolde, suggests, we come back with another measure to place the legislative documents on the calendar, that is all we need at this time.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a response to the good gentleman from Lisbon Falls, Mr. Tierney.

I was one of the people that went into the caucus yesterday feeling that a compromise was a good thing. I came here to get some legislative work done. I did not come here to play games. However, by the time I got through listening to what the people in my party felt, what the caucus felt, I had changed my mind.

We had a simple issue that we were dealing with. The simple issue is the passage of a piece of paper back and forth. There possibly was some misunderstanding about whether it should be passed back and forth — what we wanted was that clarified and clarified properly. I feel that if we are going to discuss constitutional amendments and how we handle them, that that is not an emergency thing to be taking up out of order on a Friday afternoon.

I, therefore, support the members of my party, the caucus. I feel sorry that Mr. Tierney could not vote for the simple approval of the amendment which we offered initially and I would urge you to go along and vote against reconsideration of this motion.

The SPEAKER: The Chair recognizes the gentleman from Brooklin, Mr. Bowden.

Mr. BOWDEN: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps as a lowly Freshman in this body, I should sit here and be quiet but I can't.

Mr. Tierney has raised the issue of pride. I don't think any of us are proud of what has been going on here, and I would submit to everyone here that if it had not been for the actions of a relative handful of people in this body who have denied this entire body up to now the opportunity to debate this issue, which I think is a very profound one, we would not be sitting here today, and I certainly don't think that is a matter that anyone should be proud of, and were I one of those people, I think I would be a bit ashamed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I voted yesterday and the reason that I am voting today is that I simply think that a certain handful of people, and I am not exactly sure who they are, are trying to circumvent what I believe to be the integrity of this House and the rules of this House that we operate under. That is the reason I am voting today.

I am certainly not voting with the Republican members of this House because they happen to feel the way they do on the issue. I think there is a definite move in this House to circumvent the rules and it happens occasionally every single session, and I am glad you are nodding your head, Mr. Stetson, because you are going to have a bill before your committee, called the Errors and Inconsistencies Bill, and you are going to see sometime in this House and perhaps up in your committee, where people are going to try to circumvent the process. There are amendments sometimes offered in this House that try to circumvent the process of legislative hearings. That is my single problem with it. I happen to think the rules, as they are now, should stay as they are now.

I feel somewhat uncomfortable voting on the other side of the aisle with my good friends in the Republican party, but I am not voting because of the reasons that they are.

That is the whole crux of the matter. There is a process that we have been involved with and bogged down with now for over eight weeks, but that happens to be the process, and that is the legislative council and when you go beyond cloture, the only way you can introduce issues or measures is before that council, which represents all of us, both parties, both bodies. I think you are all missing the issue when you want to introduce the document that we saw here yesterday or amend the document we see here today for a variety of reasons. That is why I am not voting for this issue.

I don't think that you people on the other side of the aisle, I am not a member of that party, are right, and I don't necessarily agree with some members on my side of the aisle for their reasons.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Scarborough, Mr. Higgins, that the Order be indefinitely postponed.

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

Mr. COX: Mr. Speaker, I would like to pair my vote with the gentleman from Falmouth, Mrs. Huber. If Mrs. Huber was here, she would be voting yes and I would be voting no.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the gentleman from Scarborough, Mr. Higgins, that the Order be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Barry, Birt, Bordeaux, Boudreau, Bowden, Brown, D.; Brown, K. L.; Bunker, Carter, D.; Carter, F.; Church-

ill, Conary, Cunningham, Damren, Davis, Dexter, Drinkwater, Fenlason, Fillmore, Garsoe, Gavett, Gillis, Gould, Gowen, Gray, Hanson, Higgins, Hunter, Immonen, Jackson, Kelleher, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lewis, Lougee, Lowe, Lund, MacBride, Marshall, Masterman, Masterton, Matthews, McMahon, McPherson, Morton, Nelson, A.; Payne, Peltier, Peterson, Reeves, J.; Rollins, Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Torrey, Wentworth.

NAY—Bachrach, Baker, Beaulieu, Benoit, Berry, Berube, Blodgett, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K. C.; Call, Carrier, Carroll, Chonko, Cloutier, Connolly, Curtis, Davies, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fowlie, Gwadosky, Hall, Hickey, Hobbins, Howe, Hughes, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, LaPlante, Lizotte, Locke, MacEachern, Mahany, Martin, A.; Maxwell, McHenry, McKean, McSweeney, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P.; Rolde, Simon, Thériault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wood, Wyman, The Speaker.

ABSENT—Dellert, Dudley, Hutchings, and Whittemore.

PAIRED—Cox-Huber:

Yes, 71; No, 74; Absent, 4; Paired, 2.

The SPEAKER: Seventy-one having voted in the affirmative and seventy-four in the negative, with four being absent and two paired, the motion does not prevail.

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Jalbert of Lewiston, by unanimous consent, the following paper from the Senate was taken up out of order:

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Convening of the Legislature in January instead of in December" (H. P. 1) (L. D. 7) which was Indefinitely Postponed in the House on March 6, 1979.

Came from the Senate passed to be engrossed in non-concurrence. In the House:

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I do not intend to make a speech, I have made it, I stated my position clearly and if I succeed, I will make another motion anyway. I just want to save time, so I move that we recede and concur and I would request the yeas and nays.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Bachrach, Beaulieu, Blodgett, Bordeaux, Boudreau, Bowden, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Call, Carter, D.; Carter, F.; Chonko, Churchill, Connolly, Cunningham, Curtis, Damren, Dexter, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Garsoe, Gillis, Gould, Gowen, Gray, Hanson, Hickey, Higgins, Hobbins, Immonen, Jalbert, Kelleher, Kiesman, Lancaster, Leighton, Leonard, Lewis, Locke, Lund, MacBride, Mahany, Martin, A.; Masterman, Maxwell, McHenry, McKean, McMahon, McPherson,

Mitchell, Morton, Nadeau, Nelson, A.; Nelson, N.; Payne, Pearson, Peterson, Post, Reeves, J.; Reeves, P.; Rollins, Roope, Sewall, Simon, Small, Soulas, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Vincent, Vose, Wentworth, Wood, Wyman.

NAY — Aloupis, Baker, Barry, Benoit, Berry, Berube, Birt, Brannigan, Brennerman, Brodeur, Brown, D.; Carroll, Cloutier, Conary, Cox, Davies, Davis, Diamond, Doukas, Dow, Drinkwater, Fillmore, Fowlie, Gavett, Gwadosky, Hall, Hickey, Howe, Hughes, Hunter, Jackson, Jacques, E.; Jacques, P.; Joyce, Kane, Kany, Laffin, LaPlante, Lizotte, Lougee, Lowe, MacEachern, Marshall, Masterton, Matthews, McSweeney, Michael, Nelson, M.; Norris, Paradis, Paul, Peltier, Prescott, Rolde, Sherburne, Silsby, Smith, Sprowl, Tozier, Twitchell, Violette, The Speaker.

ABSENT — Carrier, Dellert, Dudley, Huber, Hutchings, Whitemore.

Yes, 83; No, 62; Absent, 6.

The **SPEAKER**: Eighty-three having voted in the affirmative and sixty-two in the negative with six being absent, the motion did prevail.

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

Mr. **JALBERT**: Mr. Speaker, I now move that we reconsider our action whereby we voted to recede and concur and hope you all vote against me.

The **SPEAKER**: The gentleman from Lewiston, Mr. Jalbert, having voted on the prevailing side, now moves that the House reconsider its action whereby it voted to recede and concur. Those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

The **SPEAKER**: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. **NORRIS**: Mr. Speaker, I would request the yeas and nays.

The **SPEAKER**: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The **SPEAKER**: The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. **NORRIS**: Mr. Speaker, Ladies and Gentlemen of the House: This is a matter we discussed the other day about the early convening of the legislature. It was defeated the other day. I am not going to plead with you to defeat it this afternoon. I just wanted to acquaint you with what we are talking about and if you have all changed your minds, fine. I understood that the process was going to go a little different than it was this afternoon but as is known, sometimes, I get confused.

So, I would hope that you would vote to reconsider and then give anyone in the House a chance to make any motion that they may care to.

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

Mr. **JALBERT**: Mr. Speaker, Ladies and Gentlemen of the House: Believe me, I could really go into personalities if my nature wasn't in good shape today, and I am serious. I am getting a little tired of getting clobbered right and left here, not only me but other members, by innuendoes for some reason or another. I don't mind if anyone is against me for real reasons, but when it goes into personalities that I happen to know and if I am questioned, believe me, I am going to say what they are. You had better believe me, I don't care if I have to stay here until four o'clock tomorrow morning.

I gave my word to the chairman of the State Government Committee as to what my actions would be. I gave my word to the Speaker as to what my actions would be, and I keep my word.

When I am told something, I say what is said.

Mr. Speaker, I would ask for a roll call and when it is passed, I am going to move to indefinitely postpone this bill and all of its accompanying papers for good, because I gave my word.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House reconsider its action whereby it voted to recede and concur. Those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, D.; Call, Carrier, Carroll, Churchill, Cloutier, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Davis, Diamond, Doukas, Dow, Drinkwater, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hanson, Hickey, Higgins, Hobbins, Howe, Hughes, Jackson, Jacques, E.; Jacques, P.; Jalbert, Joyce, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Leighton, Leonard, Lizotte, Locke, Lougee, Lowe, Lund, MacBride, MacEachern, Mahany, Martin, A.; Masterton, Matthews, Maxwell, McKean, McPherson, McSweeney, Michael, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Nelson, N.; Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Prescott, Reeves, J.; Reeves, P.; Rolde, Rollins, Roope, Sherburne, Silsby, Small, Smith, Sprowl, Stetson, Stover, Studley, Tarbell, Theriault, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Wood, The Speaker.

NAY—Bordeaux, Brown, A.; Brown, K. L.; Brown, K. C.; Bunker, Carter, D.; Carter, F.; Dexter, Fowlie, Hunter, Immonen, Masterman, McHenry, McMahon, Morton, Post, Sewall, Simon, Soulas, Strout, Torrey, Wyman.

ABSENT—Chonko, Dellert, Dudley, Garsoe, Huber, Hutchings, Kiesman, Lewis, Marshall, Tierney, Whitemore.

Yes, 118; No, 22; Absent, 11.

The **SPEAKER**: One hundred and eighteen having voted in the affirmative and twenty-two in the negative, with eleven being absent, the motion does prevail.

Mr. Jalbert of Lewiston withdrew his motion to recede and concur.

On motion of the same gentleman, the House voted to adhere.

Papers from the Senate

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

The Gorham High School Rams, coached by George Stevenson, have, for the second straight year, won the State Class B Girls' Basketball Championship (S. P. 341)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

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

The Hodgdon High Hawks are State Class C Girls' Basketball Champions for 1979, the first State C Champions from Eastern Maine (S. P. 340)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

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

Mary Louise Giddings has shown outstanding and unselfish dedication to the people of Maine by her donations to various Maine institutions, including contributions to the Bangor Theological Seminary which made possible the creation of the Willard S. Bass Professorship in Christian Ethics, contributions to the University of Maine at Orono which made possible the cre-

ation of the Edwin L. Giddings Professorship of Forest Management and contributions to the Cancer Center Fund at Eastern Maine Medical Center where the new linear accelerator will be named in honor of Mr. and Mrs. Giddings (S. P. 346)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

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

The Eastern Maine Medical Center Board of Trustees, recognizing Edward E. Rosen's outstanding generosity to the people of Maine, which includes the establishment of a renal dialysis program and a large donation to the special care unit for infants and children at the medical center, has voted unanimously to name the new cancer treatment center as the Edward E. Rosen Cancer Center (S. P. 347)

Came from the Senate Read and Passed.

In the House, was read and passed in concurrence.

Tabled and Assigned

The following Joint Order: (S. P. 343)

ORDERED, the House concurring, that Bill "An Act Relating to the Reporting of Illegal use and Trafficking of Drugs in Maine Schools" (S. P. 182, L. D. 412, be recalled from the legislative files to the Senate.

Came from the Senate read and passed.

In the House, was read.

On motion of Mr. Davies of Orono, tabled one day pending passage in concurrence.

Bill "An Act to Reclassify Certain Surface Waters and Revise Water Quality Standards" (S. P. 337) (L. D. 998)

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

In the House, was referred to the Committee on Energy and Natural Resources and ordered printed.

Bill "An Act Relating to Cost Reimbursement of Boarding Care Facilities under the Human Services' Law" (S. P. 339) (L. D. 1000)

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

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

Bill "An Act to Clarify the Liability of Employers Under the Workers' Compensation Act" (S. P. 338) (L. D. 999)

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 Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Amend the Effective Date of Abolishing the Mental Health and Mental Retardation Improvement Fund" (S. P. 158) (L. D. 333)

Came from the Senate with the Report Read and Accepted.

In the House, the Report read and accepted in concurrence.

Non-Concurrent Matter

Bill "An Act to Limit the Use of State Funds for the Advocacy of Homosexual Practices" (H. P. 744) (L. D. 930) which was referred to the Committee on Judiciary in the House on March 2, 1979.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: On motion of Mr. Pearson of Old Town, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Require Attorneys to Have Sufficient Professional Malpractice Insurance as a Requirement for Admission to the Bar" (H. P. 743) (L. D. 929) which was referred to the Committee on Judiciary in the House on March 2, 1979.

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

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

Petitions, Bills and Resolves

Requiring Reference

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

Tabled and Assigned

Bill "An Act Providing Permanent Licensure of Automobile Inspection Mechanics" (H. P. 900) (Presented by Mr. Dudley of Enfield)

Committee on Business Legislation was suggested.

On motion of Mr. Carroll of Limerick, tabled pending reference and specially assigned for Monday, March 12.

Education

Bill "An Act to Allow State Championship Athletic Teams and Athletes the Right to Participate in New England Championship Events in Competition" (Emergency) (H. P. 901) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Cloutier of South Portland, Mr. Kelleher of Bangor, and Mr. Tarbell of Bangor)

Bill "An Act to Relieve Local School Districts from the Impact of Social Services Institutions" (H. P. 902) (Presented by Mr. Cunningham of New Gloucester)

Bill "An Act Concerning the Governance of Vocational Centers" (H. P. 903) (Presented by Mrs. Lewis of Auburn)

Bill "An Act to Reduce the Total Debt Service and Interest on School Construction in any One Year from \$30,000,000 to \$20,000,000" (H. P. 904) (Presented by Mr. Sherburne of Dexter) (Cosponsor: Mr. Leighton of Harrison)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Facilitate Absentee Voting in Foreign Jurisdictions" (H. P. 905) (Presented by Mr. Simon of Lewiston) (Cosponsors: Mr. Kelleher of Bangor, Mrs. Sewall of Newcastle, and Mr. Birt of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$16,500,000 to Assist Municipalities with Solid Waste Management" (H. P. 906) (Presented by Mrs. Bachrach of Brunswick) (Cosponsors: Mr. Peterson of Caribou, Mr. Fowlie of Rockland, and Mrs. Huber of Falmouth)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide for a 15% Excise Tax Exemption for any Motor Vehicle Manufactured in 1979 or Later which Achieves 25 Miles Per Gallon or Greater Gas Economy" (H. P. 907) (Presented by Mr. Doukas of Portland) (Cosponsors: Mr. Howe of South Portland and Mr. Barry of Fort Kent)

Committee on Energy and Natural Resources was suggested.

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

rence.

Energy and Natural Resources cont'd

Bill "An Act to Authorize a Bond Issue in the Amount of \$2,500,000 for Energy Conservation Improvements for Local Government Buildings and Public Care Institutions" (H. P. 908) (Presented by Mrs. Huber of Falmouth) (Cosponsors: Mr. Peltier of Houlton, Mr. Michael of Auburn, and Mr. Davies of Orono)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Requiring Medicaid Recipients to Aid in the Payment of Medical Services" (H. P. 909) (Presented by Mrs. Kany of Waterville) (Cosponsors: Mr. Higgins of Scarborough, Mr. Nadeau of Lewiston, and Mr. Barry of Fort Kent)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Concerning Abuse Between Family or Household Members" (H. P. 910) (Presented by Mr. Morton of Farmington) (Cosponsors: Mr. Hobbins of Saco, Mrs. Sewall of Newcastle, and Mrs. Mitchell of Vassalboro)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Permit Use of the Municipal Securities Approval Act for Development of Low and Middle Income Housing" (H. P. 911) (Presented by Mr. Pearson of Old Town)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act Concerning the Adoption of Management Plans by the Commissioner of Marine Resources" (H. P. 912) (Presented by Mrs. Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Concerning Setting of Electric Rates by the Public Utilities Commission" (H. P. 913) (Presented by Mr. Brennerman of Portland) (Cosponsors: Mrs. Huber of Falmouth, Mr. Wood of Sanford, and Mr. Howe of South Portland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act Concerning Proof of Eligibility for Rebate Programs Under the Taxation Statutes" (H. P. 914) (Presented by Mr. Carrier of Westbrook)

Bill "An Act to Provide Elderly Persons More Time to Pay Their Property Tax Bills" (H. P. 915) (Presented by Miss Brown of Bethel) (Cosponsors: Mr. Nelson of New Sweden and Mr. Gwadosky of Fairfield)

Bill "An Act to Provide a State Income Tax Deduction for the Cost of Removing Architectural and Transportation Barriers to the Handicapped" (H. P. 916) (Presented by Mr. Jacques of Waterville) (Cosponsor: Mr. Canary of Oakland)

Bill "An Act Providing for Revisions in the Maine Individual Income Tax Law" (H. P. 917) (Presented by Mr. Carter of Bangor)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Concerning Rules and Regulations governing the Inspection of Motor Vehicles" (H. P. 918) (Presented by Mr. Dudley of Enfield)

Bill "An Act to Eliminate Inspection and Registration for Motor Vehicles Used Solely on Islands" (H. P. 919) (Presented by Mrs. Beau-

lieu of Portland) (Cosponsor: Mrs. Post of Owl's Head)

RESOLVE, Providing for a Study to Determine the Need for and Location of an Additional River Crossing Between the City of Bath and the Town of Woolwich" (Emergency) (H. P. 920) (Presented by Mr. Leonard of Woolwich) (Cosponsors: Ms. Small of Bath, Mr. Stover of West Bath, and Mrs. Chonko of Topsham)

(Ordered Printed)

Sent up for concurrence.

Orders

An Expression of Legislative Sentiment (H. P. 899) recognizing that:

Dana (Danie) Hamlin of Temple, the oldest citizen of that community, recently celebrated among family and friends the 99th anniversary of his birth

Presented by Mr. Rollins of Dixfield. (Cosponsors: Mr. Dexter of Kingfield and Mr. Morton of Farmington)

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

House Reports of Committees

Ought Not to Pass

Mr. Violette from the Committee on Legal Affairs on Bill "An Act to Establish a Voluntary Program of State Approved Identification Cards for Use by Persons not having Drivers' Licenses" (H. P. 506) (L. D. 623) reporting "Ought Not to Pass"

Mr. Jalbert from the Committee on Appropriations and Financial Affairs on RESOLVE, to Reimburse Codman—Portland Associates of Boston, Massachusetts for Overpayment of Sales Tax in the Amount of \$3,397.26 (H. P. 15) (L. D. 32) reporting "Ought Not to Pass"

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

Leave to Withdraw

Mr. Kane from the Committee on Taxation on Bill "An Act to Clarify the Confidentiality of Certain Tax Records" (H. P. 132) (L. D. 143) reporting "Leave to Withdraw"

Mrs. Post from the Committee on Taxation on Bill "An Act to Decrease the Sales and Use Tax from 5% to 4%" (H. P. 90) (L. D. 102) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report Tabled and Assigned

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Concerning Material Required for Courses in Maine Classrooms" (H. P. 36) (L. D. 47)

Report was signed by the following members:

Mr. TROTZKY of Penobscot
Mrs. GILL of Cumberland

— of the Senate.

Messrs. CONNOLLY of Portland
ROLDE of York

Mrs. LEIGHTON of Harrison
Mrs. BEAULIEU of Portland

Messrs. FENLASON of Danforth
DAVIS of Monmouth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-74)

Report was signed by the following members:

Mr. MINKOWSKY of Androscoggin

— of the Senate.

Mrs. LEWIS of Auburn

GOWEN of Standish

Mr. BIRT of East Millinocket

Mrs. LOCKE of Sebec

— of the House.

Reports were read.

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

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

On motion of the same gentleman, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Monday, March 12.

Consent Calendar First Day

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

(H. P. 235) (L. D. 281) Bill "An Act to Revise the Podiatric Practice Act" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-76)

On the objection of Mr. Cloutier of South Portland, was removed from the consent calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-76) was read by the Clerk and adopted and the bill assigned for second reading the next legislative day.

(H. P. 441) (L. D. 558) Bill "An Act to Expand the Meaning of the Term Exits under the Public Safety Laws" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 440) (L. D. 557) Bill "An Act to Clarify the Meaning of 'the Prevention of Fire' under the Public Safety Statutes" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 439) (L. D. 556) Bill "An Act to Include the Fire Chief or his Designee in Filing Statements of Fire Occurrence" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 438) (L. D. 555) Bill "An Act Relating to Inspection by the State Fire Marshal" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 314) (L. D. 420) Bill "An Act to Revise the Laws Concerning Fire Exits" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 280) (L. D. 358) Bill "An Act to Transfer Jury Commissioners' Functions to Clerks of Courts and Permit Grand Jury Terms to be Set by Order of the Chief Justice" Committee on Judiciary reporting "Ought to Pass"

(H. P. 281) (L. D. 359) Bill "An Act to Clarify the Law Relating to the Maine Criminal Justice Sentencing Institute" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-80)

No objections being noted the above items were ordered to appear on the Consent Calendar of March 12, under listing of Second Day.

Consent Calendar

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

(H. P. 144) (L. D. 151) Bill "An Act Concerning County Commissioners' Discretionary Powers Regarding Grants Placed in County Budgets" (C. "A" H-70)

(S. P. 108) (L. D. 213) Bill "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System"

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

Passed to Be Engrossed Amended Bills

Bill "An Act Relating to the Use of Deadly Force and Nondeadly Disabling Chemicals in Property Offenses" (H. P. 127) (L. D. 136) (C. "A" H-65)

Bill "An Act to Require that Heads of State Agencies Report to the State Auditor any Suspected Improper or Illegal Financial Activity in Their Agency" (H. P. 195) (L. D. 244) (C. "A" H-53)

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

Orders of the Day

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

Bill, "An Act to Establish a Bounty on Coyote" (H. P. 78) (L. D. 86)

Tabled—March 8, 1979 by Mr. Dow of West Gardiner.

Pending—Passage to be Engrossed.

On motion of Mr. Paul of Sanford, the Bill was recommitted to the Committee on Fisheries and Wildlife and sent up for concurrence.

(Off Record Remarks)

Mrs. Curtis of Milbridge was granted unanimous consent to address the House.

Mrs. CURTIS: Mr. Speaker, I would like to correct my vote of yesterday on L. D. 128. I intended to vote yes.

On motion of Mr. Immonen of West Paris, adjourned until Monday, March 12, at ten o'clock in the morning.