

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

January 3, 1979 to May 4, 1979

HOUSE

Wednesday, April 18, 1979

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

Prayer by the Reverend Elbert R. Brewster, Chaplain of the Mid-Maine Medical Center, Waterville.

Rev. BREWSTER: Good Morning. Let us Pray! O Lord, O God, we give you thanks for this new day, a day for the beginning of the legislature to consider business together, to work together for the good of this state, a very special day. Homecoming Day. There are very many familiar faces around that are welcomed back and glad to be back in these halls. We give you thanks for the young people that are here today, who have a chance to witness and to see how our government works and to feel a part of our state government. We pray your blessing on each of the legislators gathered here today. We know that they have many concerns, there are many thoughts that rush through their minds this morning. We ask that you will give them a sense of your peace, of your help each one here as they serve our people, as they care for our environment and as they grow together as brothers and sisters sharing in your work in this world. Amen.

The Journal of yesterday was read and approved.

Committee of Conference

The Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine" (H. P. 155) (L. D. 194) asks leave to report: that they are unable to agree.

Signed
Messrs. DAVIES of Orono
HUGHES of Auburn
TARBELL of Bangor — of the House.

Mrs. GILL of Cumberland
Messrs. TROTZKY of Penobscot
COTE of Androscoggin — of the Senate.

The Conference Committee Report was read and accepted and sent up for concurrence.

Papers from the Senate

The following Joint Resolution: (S. P. 504)
A Joint Resolution in memory of Ronald F. Banks of Brewer, a prominent history professor.

Came from the Senate read and adopted.
In the House, was read and adopted in concurrence.

Bill, "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1979, Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government and Amending the Effective Date of Abolishing the Mental Health and Mental Retardation Fund" (Emergency) (S. P. 500) (L. D. 1562)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Reports of Committees
Ought Not to Pass

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Concerning Indeterminate Sentence to the Maine Youth Center" (S. P. 285) (L. D. 844)

Was placed in the Legislative Files without further action pursuant to Joint Rule 22 in concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Authorize Service of Process by Notaries Public and Justices of the Peace" (S. P. 246) (L. D. 695)

Report was signed by the following members:

Mr. COLLINS of Knox
Mrs. TRAFTON of Androscoggin — of the Senate.

Messrs. CARRIER of Westbrook
LAFFIN of Westbrook
HOBBINS of Saco
HUGHES of Auburn
GRAY of Rockland
SIMON of Lewiston — of the House.

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

Report was signed by the following members:

Mr. DEVOE of Penobscot — of the Senate.

Messrs. SILSBY of Ellsworth
JOYCE of Portland
STETSON of Wiscasset
Mrs. SEWALL of Newcastle — of the House.

Came from the Senate with the Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

In the House: Reports were read.
On motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once and assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Permit Deer Hunting with Muzzle-loading Rifles" (S. P. 39) (L. D. 25) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on April 12.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-84) as amended by Senate Amendment "B" (S-102) thereto and asked for a Committee of Conference in non-concurrence.

In the House: On motion of Mr. Paul of Sanford, the House voted to insist and join in a Committee of Conference.

Non-Concurrent Matter

Bill "An Act Relating to Municipal Use of Land Control Techniques Under the Zoning Laws" (H. P. 371) (L. D. 482) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-187) Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-187) in the House on April 11.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources read and accepted in non-concurrence.

In the House: On motion of Mr. Blodgett of Waldoboro, the House voted to adhere.

Non-Concurrent Matter

Bill "An Act to Permit Certain Maine Pharmacists to Fill the Prescription of Certain Non-resident Physicians" (H. P. 784) (L. D. 984) which was passed to be engrossed as amended by Committee Amendment "A" (H-195) in the House on April 11.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-195) and Senate Amendment "A" (S-108) in non-concurrence.

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

Non-Concurrent Matter
Tabled and Assigned

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

passed to be Enacted in the House on April 10.

Came from the Senate with the Bill and accompanying papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Beaulieu of Portland, tabled pending further consideration and tomorrow assigned.

Messages and Documents

The following Communication: (S. P. 503)
March 20, 1979

Senator Richard H. Pierce
Chairman
Legislative Council
State House
Augusta, Maine 04333
Dear Senator Pierce:

In accordance with P. L. Chapter 711, establishing the Interim Education Finance Commission, I enclose herein the final report of the commission and a copy of the legislation required to implement its recommendations.

Respectfully submitted,
S/WILLIAM KIRK
Chairman

Came from the Senate Read and with Accompanying Papers Ordered placed on file.

In the House, the Communication was read and with accompanying papers ordered placed on file.

Orders

A Joint Resolution (H. P. 1311) in memory of Honorable Harry R. Williams of Hodgdon, who served 10 terms in the Maine Legislature

Presented by Mr. Lougee of Island Falls (Co-sponsors: Mr. Peltier of Houlton and Senator Carpenter of Aroostook)

The Resolution was read and adopted and sent up for concurrence.

House Reports of Committees
Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-225) on Bill "An Act to Permit Prosecuting Attorneys to Initiate Petitions for Revocation of Probation" (H. P. 503) (L. D. 611)

Report was signed by the following members:

Mr. COLLINS of Knox
Messrs. HOBBINS of Saco
GRAY of Rockland
LAFFIN of Westbrook
STETSON of Wiscasset
SIMON of Lewiston
CARRIER of Westbrook — of the House.

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

Report was signed by the following members:

Mr. DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin — of the Senate.

Mrs. SEWALL of Newcastle
Messrs. JOYCE of Portland
SILSBY of Ellsworth
HUGHES of Auburn — of the House.

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

Mr. HOBBINS: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is an atrocious bill. This particular bill will set our criminal justice system back at least 40 years.

This bill has an interesting history. It was born in vengeance. I feel that I must explain to you what this bill will do.

Prior to the late forties, a person who would walk about the streets and who was on probation had a very risky life. As a police officer, I

can recall in those late forties that we would pick up parolees and probation people and put them in the lockup at the county jail or in the local slammer on a charge of violation of probation. Well, those antiquated practices were done away with over the past 35 years.

This legislature saw fit to set up a professional group of probation and parole officers. The parolee or the person serving probation no longer must answer to the police; they must answer to that professional in the probation and parole department.

True, if a policeman observed a wrong being done or the late night walker on parole, he would, the following day, contact the parole-probation people. They would make the decisions.

Many of you will recall in your sociology courses and criminology courses, the professors always told you of the importance to separate probation and parole from the law enforcement function. The police are not the probation and parole people. Now, the District Attorney and the Attorney General, they are top law enforcement officers. Yes, your District Attorney is your top law enforcement officer in your county.

Now, this particular bill, I told you it was born in vengeance. One District Attorney had a problem with a probation officer. The D. A. figured the person should be returned to the institution for violation of probation. The professional in this field, the parole officers, did not agree. The District Attorney had a choice at this point. He could have gone to the supervisor of the probation officer and told him that he had a disagreement. However, he chose not to follow this route which we follow here; instead, he prepared a bill. This bill would let the D. A., that law enforcement officer, go back to the practice that we felt was outmoded 35 years ago. We have given them a lot of power.

Now, if the D. A. wants to be a probation officer, I say let him take the exam. If he wants to play policeman, let him adhere to the laws that speak to him now.

You know, my good friends, this is really a bad law. I would be wrong today if I did anything else but to ask for the indefinite postponement of this bill and all of its accompanying papers. I will ask for the yeas and nays.

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

Mr. STETSON: Mr. Speaker, Ladies and Gentlemen of the House: My good friend from Portland has painted a very vivid picture. He has dealt in pictures which often speak a thousand words. I would prefer to speak to the wording of the bill itself and leave the artistry out.

I think if you look at this particular bill as amended in committee, you will see that it only permits the Attorney General's Office or a district attorney to move for the revocation of probation when he has probable cause to believe that the probationer has committed another crime. In other words, it is not just violation of some condition of probation but only when the probationer has committed another crime, there is probable cause, at least, for the attorney general or the district attorney to believe that is the case, then he may move for the revocation of probation.

This is a little bit different than what the good gentleman from Portland has described to us as an archaic practice on the streets of Portland where the probationer would be swept up by the scuff of the neck and thrown in the jail at the drop of a hat.

I believe that this is a good bill and it deserves your consideration, it deserves your approval, because there are cases in which the district attorney is working on grand jury or indictments which he does not want to publicize. If he must work through the probation office concerning an accomplice in the criminal activity, the probation officer is bound to contact

his probationer to check it out with him before proceeding to revoke probation. So, there are those circumstances where it is absolutely necessary that the prosecuting attorney have the authority to move independently to revoke probation or parole through the court process.

Now, all the protection of the due process of law is still there for the probationer. It does not permit any unilateral action on the part of the prosecuting attorney. There is a hearing, there is notice of hearing and there is the court determination as to whether the probation should be revoked.

This bill does not take away from the parole and probation officers any of their authority to move in the direction that they presently can go under the law. It merely adds one further avenue by which law enforcement can be advanced in this state.

I urge defeat of the motion. I urge that when the motion is defeated, that you would adopt the Majority Report as suggested by the gentleman from Saco.

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

Mr. SILSBY: Mr. Speaker, Ladies and Gentlemen of the House: At our public hearing on this bill, we heard from representatives in the Department of Mental Health and Corrections and also the Division of Probation and Parole. They furnished us with communications relating to this bill and how they felt about it.

I would just like to read you a portion of a letter from the Commissioner of Mental Health and Corrections. "The issue of revocation of probation is a very serious matter for both the probationer and the state. The Division of Probation and Parole has been in the process of developing a case management system to provide an individual plan for every client to maximize supervision, restitution and other support services. The decision to revoke probation should be made with the probation and parole officer."

In another letter from the Director of the Division of Probation and Parole to our committee, it stated, "philosophically, our criminal justice system has been set up so that well defined roles and responsibilities exist for each of the major segments, i. e., police, prosecution, courts, corrections. The obvious role of the District Attorney is that of a prosecutor charged with bringing the person to trial and gaining a conviction if so warranted. The responsibility of the court is quite obvious. The Division of Probation and Parole, while serving as an officer of the court, is an integral part of the rehabilitative or post-adjudicative process." Another portion of the letter, "it is my feeling that should this bill pass, we would have a definite conflict between the various components of the system and a blurring of the important role that the probation parole officer plays in this process." Those are the feelings of the department concerning this bill.

On the minority side, I feel, as a committee member, that the District Attorneys' Offices are growing, they have more responsibilities. I think they have enough to do at the present time without getting into another function.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I did sign the "Ought to Pass" Report, probably because of some of the reasons just stated to you suggesting the indefinite postponement of this bill.

There has been some talk about sociology courses that you have probably been told about probation and parole. Much to my sorrow, I have taken, a lot of sociology courses and I never was told about probation and parole. You get into the sociology and psychology courses, it just leaves you to wonder if you are actually learning something or if you are really going into a world of your own. Apparently, this is the way it has affected them. However, you go to those courses and the thing they tell you is to

smile until it hurts. Well I have smiled many times when I didn't want to. I don't think that this is a smiling bill here, because this is an extremely serious bill.

This bill, if you read it, says it is a very tight bill unless the prosecuting attorney finds probable cause that the fellow has violated the condition, then he can bring an action to revoke the probation. This action that he has to bring is under oath, too. I don't think he would bring it maliciously because, actually, the judge has to decide on it.

Now, as far as the letters from the Commissioner of Corrections, let's get one thing straight that hasn't been said during this session at all. The present commissioner of corrections, ladies and gentlemen, is not interested and hasn't got the knowledge and the ability and the background as Commissioner of Corrections. His interests seem to lie more in the other institution that we have in this state, which is under his jurisdiction. So, therefore, the letters that he has sent claiming a conflict between different members of the state and the parole, I think, have no value whatsoever. The Parole board and the Parole officers will tell you, and it is well known that they are overcrowded, that they are overworked, they have too many cases, they cannot handle them. They have no chance to see if somebody in violation of his parole is carrying a gun or not. The district attorney sees these people every day. He sees them down at the zoo every Monday morning, in the district court in Portland, and I am sure he sees them other places too. Therefore, I think he is the one. I think the district attorney has to be very knowledgeable, that he has great qualifications in order to be appointed or elected to that position.

I think this bill would actually get to the people. It is no use to put somebody on probation if you don't watch them. These people have to be watched. If they stick to their probation conditions, they have nothing to fear, but many of these people are out here walking the city of Portland and probably they somehow expand to Westbrook and we don't want them there in the first place.

I submit to you that this is a good bill, that the district attorney and the conditions under which he can bring such an action for consideration before the court is very strict. I hope you do not indefinitely postpone.

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

Mr. TARBELL: Mr. Speaker and Members of the House: I concur wholeheartedly with the remarks made this morning by Representative Silsby and Representative Joyce in opposition to this bill.

Our probation and parole officers throughout our state are charged with the duty of having to watch and keep in touch and keep in control and supervise convicted defendants once they have been convicted and sentenced over to them. It is their job, and the correctional department, to follow each and every one of these defendants before they are finally released back into society. They, and not the state police and municipal police officers or the prosecuting attorneys, are charged with that duty, and that is not their function. It seems to me, if we pass this bill, we are going to be really confusing the functions, we are going to be really blurring the lines of responsibility and duties between our prosecuting element and between our correctional element in our state government.

It seems to me that if there are problems being manifested and being addressed today before the House and throughout the state with lack of enough probation officers and crowded dockets and too many cases and too many defendants, then we ought to have a bill in here before us to address that and to beef up our corrections and to beef up our jails and to beef up our probation and parole system, and not diffusing the whole system and blurring the lines of what prosecution is and what probation is.

I would urge you to defeat this bill.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I signed the "ought to pass" report on this bill. In fact, I cosponsored the bill. It is my belief that the bill, in the amended form, is not the dangerous device it has been made out to be this morning.

I always look at a bill and I try to think of an example of how it could be useful, and I came across with one example which I would like to relate to you. An individual has been arrested on a serious crime, convicted of a serious crime, and that individual has served some time in jail and then he was put on parole. That person is out on parole. He then commits another serious crime. This person is pretty well off financially and the judge sets the bail on the second offense very high, but he makes bail on the second offense because he can afford to post a bond or have someone post a bond. What this bill would do in a situation where there is an emergency, it would allow the district attorney to bring that individual in on a parole violation if that individual was on parole, or a probation violation if that individual was on probation if that individual committed a second crime.

Mr. Joyce, the good gentleman from Portland, can relate to you many examples in the past of abuse. Those were the days when many of the constitutional rights that we have now were not fold and many of the court cases hadn't been brought down by the United States Supreme Court.

This bill is not a dangerous bill. I have the greatest respect in the world for the probation and parole officers and the whole system that we have in the state; I think they do an excellent job.

This bill does one thing, it allows the district attorney, in those emergency cases, to be able to exercise some discretion and bringing that person in for a violation of that probation or that parole when, in fact, a second crime is committed, nothing more, nothing less.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I don't think we have heard it all here this morning. I listened to the young attorney from Saco, and I only wish that the rules would permit me to address him as my son. He being of tender age, it is evident that he is not fully aware of the system and how it works. Then, again, I must look towards the well and see that gentle and wise man from Wiscasset. Oh, how I wonder why he never bears gifts of frankincense, gold and myrrh.

He gets up today to tell us all the goodies that are in this bill. Well, I don't think there are any goodies here. This bill would make our present system an antiquated system. It would move the criminal justice system back 30 to 40 years.

What is this system that the men of the Bar tell us we will go through when that cop or DA — it is the same thing in this situation, it is the DA playing policeman. So, when this cop decides, I have got a live one, I am going to have his probation violated, you know, they don't go and wake the judge up at two o'clock in the morning and say, "Judge, come down and put your robes on and light the courthouse, we want to have a hearing. We want to get somebody off the street." The politics of the law is not that way.

Now, if you feel you have a real problem with a parolee or a person on probation, the district attorney can, today, call up the probation or parole officer and ask that the person be removed from the streets. The probation and parole officer has the authority. Many times throughout this state a police officer in your home town might call a probation officer at two or three in the morning, on a weekend, and tell him the problem they are having with a parolee or a person on probation. He will come

out and pick him up or he will authorize the person to be picked up.

You know, they get into this thing on probable cause. I am not going through that here today. You know how I explain probable cause? I find that most attorneys don't know when it comes on the scene; most police don't. Remember how I explained it to you? It was just like being in love. When your teenager comes to you, how do you tell him he is or he isn't? It is the same way with probable cause; they all have trouble with it, let alone at three o'clock in the morning.

This is a bad bill and I urge that you give it the proper burial and vote for the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Men and Women of the House: I am torn between responding to the gentleman's remarks from Portland or perhaps nominating him for an Oscar for his dramatic presentation this morning.

I think what we are really seeing surfacing here from the former police chief in Portland is this age-old animosity between the various levels of law enforcement. If you have ever spent much time observing the various levels of law enforcement, the sheriff departments, the local PD, state police, as I have, and I have been one of their strongest supporters, but one of the biggest disappointments I have ever had is this animosity and professional jealousy that exists between the various levels of law enforcement. I think if they spent as much time fighting crime as they do among themselves, we would really have an excellent, efficient law enforcement agency.

This is really not a complicated bill. The bill, as amended, simply gives the district attorney the power to revoke probation for new criminal offenses. Now, let's take just a minute before I sit down to read this amendment; it is very short, very simple. It says: "If a district attorney or attorney general has probable cause to believe that a person known to him to be on probation has committed a new criminal offense, he may arrest the person, deliver a summons to the person, file a notice with the court or file a motion for revocation of probation as if he were a probation officer under this section."

Evidently, there must have been a need for this, and the need is the fact that sometimes these probation and parole officers have not acted as efficiently and as soon as they should when they have been made aware that some of their clients, as they refer to them, have committed new offenses. In other words, they have not taken the initiative and acted as soon as they should.

I am sure that the district attorneys are not looking for additional work. What they are looking to do is to perhaps keep these probation and parole officers on their toes and to act when the probation and parole officers have not seen fit to act.

I think this is a good bill and a reasonable bill, and I would urge you to vote against the motion so that this bill can become a law.

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

Mr. SIMON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to agree with my colleague, the gentleman from Westbrook, Mr. Carrier, but the more I listen to the arguments against this bill, the more in favor of the bill I become.

The gentleman from Ellsworth, Mr. Silsby, has told you that the district attorneys have enough to do as it is, and I agree. This is all the more reason why we don't need to worry about the district attorneys messing around with the business of the probation and parole officers.

I am surprised to hear people worry about blurring or organization charts here. I am certainly more concerned with innocent victims of crime than I am with the niceties of organization charts in this area.

The gentleman from Portland, Mr. Joyce, has referred to the tender age of our committee chairman, Representative Hobbins of Saco. Well, I would suggest that Representative Hobbins, as a defense attorney practicing in district courts today is not so tender as not to know what the situation there is with respect to probationers and the revocation of probation and how district attorneys are likely to treat this bill.

It has been said three or four times that this bill would take the criminal justice system back 30 or 40 years. Well, I think that Mr. Hobbins has correctly addressed this point, but if you think that the system has been in a constant state of improvement over those last 30 or 40 years, if you think that criminal defendants should be the object of social work exclusively or primarily, then you may see this as taking us back 30 or 40 years, and I think that a majority of you will agree that maybe we should go back a little in this particular area.

I would like to emphasize how little we are talking about going back. This bill is focused on emergency situations. It does not deal with trivial violations of the conditions of probation, only with new criminal offenses.

The gentleman from Rockland, Mr. Gray, has suggested that this bill would not have been introduced if there hadn't been a reason for it, and I can guarantee you that this was not the product of the ivory tower at the corner of Campus and College in Lewiston, Maine.

The point is, there have been several situations, in my area at least, where a probationer has committed a crime and the probation officers sit back and wait for them to be convicted on this second crime before initiating petition for the revocation of this probation.

One of the objectives of the bill would be to allow prosecutors to save the taxpayers money by putting the person back behind bars and off the street and away from our innocent constituents without taking him to trial a second time. One would hope that this would occur with the cooperation of probation and parole officers and, indeed, their cooperation has been sought. At the hearing, the representative of the agency handling probation and parole told us that he believes in letting the local officers handle cases according to their discretion; yet, some of the officers have told my district attorney that they would initiate more petitions for revocation of probation were it not for directives from Augusta, from the office of the same gentleman who made the statement to us at our hearing.

We are not talking about going back to a system where police officers could summarily and perhaps for frivolous reasons throw somebody into the clink. A court hearing would be required, as it is now. The only difference would be that one particular bureaucracy would not have a veto on the initiation of petitions for revocations. We would simply allow the people who are principally responsible for getting dangerous criminals off the streets to have some input into the judicial process in this area. Therefore, I ask you to vote no on the motion for indefinite postponement.

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 Portland, Mr. Joyce, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Bachrach, Baker, Beaulieu,

Benoit, Berry, Birt, Bordeaux, Boudreau, Brodeur, Brown, D., Bunker, Call, Carter, F., Chonko, Churchill, Cloutier, Conary, Curtis, Dellert, Diamond, Dutremble, D., Fenlason, Gavett, Gillis, Hall, Hickey, Howe, Huber, Hunter, Joyce, Kelleher, Locke, Lougee, Lund, MacBride, Martin, A., Masterman, Masterton, McMahon, McSweeney, Mitchell, Pearson, Peltier, Peterson, Prescott, Reeves, J., Reeves, P., Roope, Sewall, Sherburne, Silsby, Small, Smith, Soulas, Strout, Studley, Tarbell, Theriault, Tierney, Torrey, Tuttle, Vincent, Violette, Vose, Whittemore, Wood.

NAY—Austin, Barry, Berube, Blodgett, Bowden, Brannigan, Brennerman, Brown, K. C., Carrier, Carroll, Carter, D., Cox, Cunningham, Damren, Davis, Dexter, Doukas, Dow, Drinkwater, Dutremble, L., Elias, Fillmore, Fowlie, Garsoe, Gould, Gray, Gwadosky, Hanson, Higgins, Hobbins, Hutchings, Immonen, Jackson, Jacques, E., Jacques, P., Jalbert, Kane, Kany, Kiesman, Laffin, Lancaster, Leighton, Lewis, Lowe, MacEachern, Mahany, Marshall, Matthews, Maxwell, McHenry, McKean, McPherson, Michael, Morton, Nadeau, Nelson, A., Nelson, M., Nelson, N., Paradis, Paul, Payne, Post, Rolde, Rollins, Simon, Stetson, Stover, Tozier, Wentworth.

ABSENT—Brown, A., Brown, K. L., Connolly, Davies, Dudley, Gowen, Hughes, Leonard, Lizotte, Norris, Sprowl, Twitchell, Wyman.

Yes, 69; No, 71; Absent, 10.

The SPEAKER: Sixty-nine having voted in the affirmative and seventy-one in the negative, with ten being absent, the motion does not prevail.

Thereupon, on motion of Mr. Hobbins of Saco, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-225) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

At this point, the House recessed for the purpose of joining in Welcome Back Day ceremonies.

After Recess

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on Judiciary on Bill "An Act to Require that Persons Convicted of Habitually Sexually Molesting a Child under the Age of 14 May be Asexualized" (H. P. 816) (L. D. 1018) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Direct the Criminal Law Revision Commission to Study Treatment Alternatives for Sex Offenders" (H. P. 1310) (L. D. 1564)

Report was signed by the following members:

Messrs. DEVOE of Penobscot
COLLINS of Knox

— of the Senate.

Mrs. SEWALL of Newcastle
Messrs. SILSBY of Ellsworth
GRAY of Rockland
STETSON of Wiscasset
LAFFIN of Westbrook

— of the House.

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

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. HOBBS of Saco
HUGHES of Auburn
JOYCE of Portland
SIMON of Lewiston

— of the House.

Reports were read.

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

Mr. HOBBS: Mr. Speaker, I move we accept the Majority "Ought to Pass" Report

and would speak to my motion.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the Majority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I made the motion to accept the "Ought to Pass" Report because I am going to ask the Chair for a ruling of germaneness, and in order for that particular motion to be in order, the bill has to be before us.

Mr. Speaker, at this time, I would ask you for a formal ruling as far as germaneness is concerned.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, has requested a ruling on the proposed new title and the new bill, new draft, which would be L.D. 1564. After careful review of the subject matter, the Chair would have to rule that the proposed bill is not germane, based on the fact that it changes the purposes for which the L.D. was introduced and also changes the direction that the bill is going.

The Chair would further add that the Chair has discussed it with the sponsor of the bill and the proper way would be to handle it through a study order, which will be taken care of.

Thereupon, the Bill and all its accompanying papers were indefinitely postponed 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. 387) (L. D. 497) Bill, "An Act to Revise the North American Indian Scholarship Act" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-229)

(S. P. 121) (L. D. 230) Bill "An Act Pertaining to Absentee Voting" Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-98)

(S. P. 356) (L. D. 1104) Bill "An Act to Authorize the Secretary of State to Issue a Duplicate Certificate of Title for a Motor Vehicle if the Original is Unavailable" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-104)

(S. P. 226) (L. D. 641) Bill "An Act Relating to Native Farm Produce" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-103)

(S. P. 391) (L. D. 1202) Bill "An Act to Clarify and Correct Laws Related to Real Estate Brokers and Salesmen" Committee on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 19, 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. 524) (L. D. 646) Bill "An Act to Permit the Use of Facsimile Stamps on Municipal Sewerage Assessments and Charges"

(H. P. 1076) (L. D. 1329) Bill "An Act to Exempt Out-of-State Technical and Vocational Schools from Registration under the Transient Sellers Law"

(H. P. 394) (L. D. 502) Bill "An Act Providing for Rent Receipts and Requiring Disclosure of a Landlord's Identity" (C. "A" H-219)

(H. P. 335) (L. D. 434) Bill "An Act Extending Reimbursement to Municipal Clerks and Municipalities for Revenue Loss Due to Amendment of the Uniform Commercial Code" (Emergency) (C. "A" H-222)

(H. P. 159) (L. D. 187) Bill "An Act to Allow Registrars of Deeds to use Rubber Stamps in Lieu of Original Signatures" (C. "A" H-233)

(H. P. 708) (L. D. 882) Bill "An Act to Provide for Certain Signs to Assist Blind Persons in Elevators" (C. "A" H-226)

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

Passed to be Engrossed

Bill "An Act to Appropriate Funds to the Department of Mental Health and Corrections" (Emergency) (S. P. 494) (L. D. 1545)

Was reported by the Committee on Bills in the Second Reading, read the second time, passed to be engrossed in concurrence.

Second Readers

Tabled and Assigned

Bill "An Act Converting Lakeville Plantation into the Town of Lakeville and Removing Lakeville Plantation from the Maine Forestry District" (H. P. 1309) (L. D. 1563)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and tomorrow assigned.

Bill, "An Act to Amend the Law Relating to the Maine Milk Tax Committee (H. P. 206) (L. D. 254)

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

Mr. Roope of Presque Isle offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-232) was read by the Clerk and adopted.

On motion of Mr. Torrey of Poland, tabled pending passage to be engrossed as amended and tomorrow assigned.

Amended Bills

Bill "An Act to Amend the Spruce Budworm Protection District Boundary" (S. P. 320) (L. D. 950) (C. "A" S-92)

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

The SPEAKER: The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, I would like to ask a question of anybody on Natural Resources that might care to answer. I noticed that the amendment that is attached to this bill removes a number of towns from the spruce budworm protection district, and I am wondering how much that is going to cost.

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

The Chair recognizes the gentleman from Waldoboro, Mr. Blodgett.

Mr. BLODGETT: Mr. Speaker, it isn't going to cost anything to the State of Maine.

Thereupon, the Bill was passed to be engrossed as amended in concurrence.

Bill "An Act to Eliminate the Jurisdiction of the Maine Milk Commission over 1/2 Pint Containers of Milk" (H. P. 482) (L. D. 613) (C. "A" H-212)

Bill "An Act to Exempt from Sales Taxes Depreciable Machinery Used in Commercial Farming and Fishing" (H. P. 762) (L. D. 942) (C. "A" H-213)

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

Bill "An Act to Provide Restitution to Innocent Victims of Crimes" (H. P. 644) (L. D. 798) (C. "A" H-214)

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

On motion of Mr. Boudreau of Waterville, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-228) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

Passed to be Enacted Emergency Measure

An Act to Permit Juvenile Offenders who are Deaf or Mute, or Both, to be Committed to the Maine Youth Center (S. P. 207) (L. D. 580)

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

Whereupon, Mrs. Prescott of Hampden requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, I don't understand this bill too much. It says here "offenders who are deaf or mute or both may be committed to the Maine Youth Center." What is the Maine Youth Center? Is it a place of incarceration?

The SPEAKER: The gentlewoman from Brunswick, Mrs. Martin, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: This bill addresses a gap in the juvenile justice system by allowing the deaf or the mute juvenile offender to be sentenced to the Maine Youth Center. They should have the same access to the same rehabilitative resources as anyone else who has been committed to the youth center.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Roope.

Mr. ROOPE: Mr. Speaker, could I have the appropriation read, please?

The SPEAKER: The Chair would advise the gentleman from Presque Isle, Mr. Roope, that the bill contained an appropriation of \$25,000 for each year of the biennium, but the Chair would advise the members that the appropriation has been removed from the bill; there is no appropriation.

A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Bachrach, Baker, Barry, Beaulieu, Benoit, Berry, Berube, Birt, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brennerman, Brodeur, Brown, D., Brown, K. L., Bunker, Call, Carrier, Carroll, Carter, D., Chonko, Churchill, Cloutier, Conary, Cox, Cunningham, Curtis, Damren, Dellert, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, L., Elias, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gowen, Gwadosky, Hall, Hanson, Hickey, Hobbins, Howe, Huber, Hutchings, Immonen, Jackson, Jacques, P., Jalbert, Joyce, Kane, Kiesman, Laffin, Lancaster, Leighton, Leonard, Lizotte, Locke, Lougee, Lowe, Lund,

MacBride, MacEachern, Mahany, Marshall, Martin, A., Masterman, Masterton, Matthews, Maxwell, McHenry, McMahon, McPherson, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M., Nelson, N., Norris, Paradis, Paul, Payne, Pearson, Peltier, Peterson, Post, Prescott, Reeves, J., Rolde, Rollins, Sewall, Sherburne, Silsby, Simon, Small, Soulas, Sprowl, Stetson, Stover, Strout, Studley, Tarbell, Theriault, Tierney, Tozier, Tuttle, Vincent, Violette, Vose, Wentworth, Whittemore, Wood, The Speaker.

NAY — Brown, K. C., Carter, F., Higgins, Hunter, Nelson, A., Roope, Torrey.

ABSENT — Brown, A., Connolly, Davies, Dutremble, D., Gray, Hughes, Jacques, E., Kelleher, LaPlante, Lewis, McKean, Reeves, P., Smith, Twitchell, Wyman.

Yes, 129; No, 7; Absent, 15.

The SPEAKER: One hundred twenty-nine having voted in the affirmative and seven in the negative, with fifteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning 8-Year Semitrailer Registration (H. P. 578) (L. D. 726)

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. 116 voted in favor of same and one against and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Allow Reduced Pricing of Discontinued Liquor Items (S. P. 290) (L. D. 852)

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. 115 voted in favor of same and 7 against and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Authorize Municipalities to Vote on Certain Local Option Questions Concerning the Sale of Liquor (H. P. 188) (L. D. 238) (S. "A" S-101)

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. 109 voted in favor of same and 15 against and accordingly the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

An Act to Appropriate Funds for a Conference on Families (H. P. 877) (L. D. 1083)

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

Whereupon, Mrs. Prescott of Hampden requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted as

an emergency measure will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Beaulieu, Benoit, Blodgett, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K. L.; Carrier, Carroll, Carter, D.; Chonko, Cloutier, Cox, Curtis, Damren, Dellert, Dexter, Diamond, Doukas, Dow, Dutremble, D.; Dutremble, L.; Elias, Fenlason, Fillmore, Fowlie, Gavett, Gillis, Gould, Gowen, Gray, Gwadosky, Hall, Hickey, Hobbins, Howe, Jackson, Jacques, E.; Jalbert, Kane, Kany, Kelleher, Laffin, Lancaster, LaPlante, Lizotte, Locke, Lund, MacBride, MacEachern, Mahany, Masterton, Matthews, Maxwell, McHenry, Michael, Mitchell, Nadeau, Nelson, M.; Nelson, N.; Paul, Payne, Pearson, Reeves, J.; Rolde, Simon, Soulas, Studley, Tarbell, Theriault, Tuttle, Vincent, Violette, Vose, The Speaker.

NAY — Austin, Berube, Birt, Bordeaux, Boudreau, Bowden, Brown, A.; Bunker, Call, Carter, F.; Conary, Cunningham, Davis, Drinkwater, Dudley, Hanson, Huber, Hunter, Hutchings, Immonen, Jacques, P.; Joyce, Kiesman, Leighton, Leonard, Lougee, Lowe, Marshall, Martin, A.; Masterman, McKean, McPherson, McSweeney, Morton, Nelson, A.; Peltier, Peterson, Prescott, Rollins, Roope, Sewall, Sherburne, Silsby, Small, Sprowl, Stetson, Stover, Strout, Tierney, Torrey, Tozier, Wentworth, Whittemore.

ABSENT — Berry, Churchill, Connolly, Davies, Garsoe, Higgins, Hughes, Lewis, McMahon, Norris, Paradis, Post, Reeves, P.; Smith, Twitchell, Wood, Wyman.

Yes, 81; No, 53; Absent, 17.

The SPEAKER: Eighty-one having voted in the affirmative and fifty-three in the negative, with seventeen being absent, the Bill fails of enactment.

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

Mr. TIERNEY: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action whereby this Bill failed of enactment.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

Passed to Be Enacted

An Act Appropriating Funds to Allow Maine State Retirement Members a Cost-of-Living Increase in Benefits (S. P. 189) (L. D. 456) (C. "A" S-94)

An Act to Provide for Metric Measurements (S. P. 286) (L. D. 856)

An Act Relating to the Rules Governing the Inspection and Licensing of Motor Vehicles Racing (S. P. 232) (L. D. 684) (S. "A" S-95)

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

An Act to Make Private Organizations which Receive a State Subsidy Subject to the Maine Freedom of Access Law (S. P. 257) (L. D. 763) (C. "A" S-89)

An Act Relating to Weight Imparted by Tire Width of Tires on Certain Farm Trucks (H. P. 231) (L. D. 336) (C. "A" H-178)

An Act to Compensate for Certain Wells within Highway Rights-of-Way (H. P. 536) (L. D. 657) (C. "A" H-177)

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.

An Act to Prohibit an Intentional Attempt to Elude a Police Officer through High-speed Driving (H. P. 543) (L. D. 674) (C. "A" H-182)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Mr. Berry of Buxton requested a vote.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, I would like to

ask a question. What does the bill actually do? Does it create a Class D crime if you unintentionally run away from a state police officer or what is it?

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

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: What this bill does, it provides for the separate penalty for high speed attempts to elude apprehension. This is a deterrent for the extreme people who attempt, after they have been chased by a police officer, to go at a high rate of speed. Consequently, what they are doing in some cases, and it is not unheard of, they go a hundred miles an hour and they endanger other people's lives, innocent people's lives. This bill is a deterrent to stop them from doing that.

I would certainly hope that we would pass this bill this morning.

The SPEAKER: A vote has been requested. All those in favor of this bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

98 having voted in the affirmative and 11 having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Concerning the Reason for Nonrenewal of Policies Under the Maine Property Insurance Cancellation Control Act (S. P. 392) (L. D. 1196)

An Act to Exempt Automobile Assigned Risk Policies from the Countersignature Requirements (S. P. 393) (L. D. 1197)

An Act to Aid Recovery of Medicaid Funds (S. P. 408) (L. D. 1254)

An Act Relating to Tending Traps in Unorganized Territories (H. P. 391) (L. D. 500) (C. "A" H-186)

An Act to Make the Voluntary Payment of Workers' Compensation Nonprejudicial (H. P. 417) (L. D. 542) (H. "A" H-189)

An Act Concerning Rules and Regulations on the Licensing of Ambulances and Ambulance Personnel (H. P. 594) (L. D. 738) (H. "A" H-191 to C. "A" H-179)

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 following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill, "An Act Releasing to the City of Bangor the State's Interests in a Portion of the Bed of the Penobscot River" (H. P. 528) (L. D. 650)

Tabled—April 11, 1979 by Mr. Kelleher of Bangor.

Pending—Passage to be Engrossed.

On the motion of Mr. Tierney of Lisbon Falls, tabled unassigned pending passage to be engrossed.

The Chair laid before the House the second item of Unfinished Business:

SENATE DIVIDED REPORT—Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as Amended by Committee Amendment "A" (S-99) — Committee on Transportation on Bill, "An Act to Provide for the Registration of Off-road Motorcycle Type Vehicles" (S. P. 276) (L. D. 858) — In Senate, Majority "Ought Not to Pass" Report Read and accepted.

Tabled—April 12, 1979 by Mr. Carroll of Limerick.

Pending—Acceptance of Either Report.

Thereupon, the Majority "Ought Not to Pass" Report was accepted in concurrence.

The Chair laid before the House the third item of Unfinished Business:

Bill, "An Act to Provide an Effective Penalty Under the Labor Laws for Violation of the Statute Requiring a Written Statement of Reason for Termination of Employment" (H. P. 176) (L. D. 21) — In the House, Passed to be Engrossed as Amended by Committee Amendment "B" (H-162) as Amended by House Amendment "A" (H-201) thereto on April 10, 1979. — In Senate, Senate Adhered to Passage to be Engrossed as amended by Committee Amendment "B" (H-162)

Tabled—April 12, 1979 by Mr. Nadeau of Lewiston.

Pending—Further Consideration.

On the Motion of Mr. Nadeau of Lewiston, the House voted to recede and concur.

The Chair laid before the House the fourth item of Unfinished Business:

Bill, "An Act Relating to Nomination Petitions for Municipal Office" (H. P. 556) (L. D. 703) — In House, Majority "Ought to Pass" Report of the Committee on Election Laws Accepted and the Bill Passed to be Engrossed on April 6, 1979. — In Senate, Minority "Ought to Pass" Report Accepted.

Tabled—April 12, 1979 by Ms. Benoit of South Portland.

Pending—Further Consideration.

On Motion of Ms. Benoit of South Portland the House voted to insist.

The Chair laid before the House the fifth item of Unfinished Business:

HOUSE DIVIDED REPORT — Majority (9) "Ought Not to Pass" — Minority (3) "Ought to Pass" as Amended by Committee Amendment "A" (H-203) — Committee on Election Laws on Bill, "An Act to Prohibit the Gathering of Signatures Within 250 Feet of the Entrance to a Polling Place and Within any Registrar's Office" (H. P. 174) (L. D. 308)

Tabled—April 12, 1979 by Ms. Benoit of South Portland.

Pending—Acceptance of Either Report.

Ms. Benoit of South Portland moved acceptance of the Majority "Ought Not to Pass" Report.

On Motion of the same gentlewoman, tabled pending acceptance of the majority "Ought Not to Pass" Report and tomorrow assigned.

The Chair laid before the House the sixth item of Unfinished Business:

HOUSE REPORT — "Ought to Pass" as Amended by Committee Amendment "A" (H-204) — Committee on Energy and Natural Resources on Bill, "An Act to Amend the Statutes Relating to Airmobiles" (H. P. 663) (L. D. 838)

Tabled—April 12, 1979 by Mrs. Huber of Falmouth.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted, and the Bill read once. Committee Amendment "A" (H-204) was read by the Clerk and adopted and the Bill assigned for Second Reading tomorrow.

The Chair laid before the House the seventh item of Unfinished Business.

An Act to Authorize Municipalities of Under 2,500 Inhabitants to Permit Persons other than Arborists to Remove Trees within Municipal Boundaries (S. P. 219) (L. D. 761)

Tabled—April 12, 1979 by Mr. Tarbell of Bangor.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the

gentleman from Bangor, Mr. Tarbell.

Mr. TARBELL: Mr. Speaker, I move this matter be tabled until later in the day.

Mr. Wood of Sanford requested a vote on the Motion.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Tarbell, that this matter be tabled until later in today's session. All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

45 having voted in the affirmative and 55 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.

The Chair laid before the House the eighth item of Unfinished Business:

An Act Authorizing the Postponement of National School Lunch Programs (H. P. 172) (L. D. 218)

Tabled—April 12, 1979 by Mr. Connolly of Portland.

Pending—Motion of the same gentleman to Indefinitely Postpone Bill and All Accompanying Papers.

On Motion of Mr. Rolde of York, tabled pending the motion of the gentleman from Portland, Mr. Connolly, to indefinitely postpone the Bill and all accompanying papers and tomorrow assigned.

The Chair laid before the House the ninth item of Unfinished Business:

Bill, "An Act to Prohibit Hunting of Bear with Dogs and to Prohibit Hunting Bear with Bait" (H. P. 457) (L. D. 570) (H. "A" H-199)

Tabled—April 12, 1979 by Mr. MacEachern of Lincoln.

Pending—Passage to be Engrossed.

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

House Amendment "C" (H-218) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to have this bill laid aside for one day. I am waiting for information from the Fish and Wildlife Department.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, I move this lie on the table one legislative day.

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

Mr. DOW: Mr. Speaker, I request a Division on the tabling motion.

The SPEAKER: The pending question is on the motion of the Gentleman from Kingfield, Mr. Dexter that this matter be tabled one legislative day pending the adoption of House Amendment "C". All in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 16 in the negative, the motion did prevail.

The Chair laid before the House the tenth item of Unfinished Business:

An Act to Relate the Qualifying Wage Levels for Unemployment Compensation to the Average Weekly Wage (H. P. 437) (L. D. 554) (C. "A" H-157)

Tabled — April 12, 1979 by Mr. Wyman of Pittsfield.

Pending — Passage to be Enacted.

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

The Chair laid before the House the eleventh item of Unfinished Business:

Bill, "An Act to Clarify the Responsibilities of the State Parole Board" (H. P. 977) (L. D. 1191)

Tabled — April 18, 1979 (Until Later Today) by Mr. Hobbins of Saco.

Pending — Motion of Mr. McHenry of Madawaska to Indefinitely Postpone Committee Amendment "A" (H-210)

Thereupon, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

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

HOUSE REPORT — "Ought to Pass" — Committee on Labor on Bill, "An Act to Extend Collective Bargaining Rights to Deputy Sheriffs" (H. P. 346) (L. D. 445)

Tabled — April 12, 1979 by Mr. Wyman of Pittsfield.

Pending — Acceptance of the Committee Report

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Committee Report and tomorrow assigned.

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

Bill, An Act Establishing Penalties for Cutting Timber Without the Owner's Permission" (H. P. 434) (L. D. 551) (H. "A" H-192 to C. "A" H-172)

Tabled — April 12, 1979 by Mr. Hall of Sangerville.

Pending — Passage to be Engrossed.

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

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

Bill, "An Act Regulating Business Practices Between Motion Picture Distributors and Exhibitors" (H. P. 365) (L. D. 473)

Tabled — April 17, 1979 by Mr. Carter of Winslow.

Pending — Adoption of House Amendment "A" (H-220) to Committee Amendment "A" (H-206)

Thereupon House Amendment "A" to Committee Amendment "A" (H-206) was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

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

RESOLVE, to Authorize Kennebec County to Develop a Pilot Program for Inmates Incarcerated at the County Jail (H. P. 301) (L. D. 398) (C. "A" H-207)

Tabled — April 17, 1979 by Mrs. Prescott of Hampden.

Pending — Motion of Mrs. MacBride of Presque Isle to Indefinitely Postpone Bill and All Accompanying Papers.

On motion of Mrs. Payne of Portland, tabled pending the motion of the gentlewoman from Presque Isle, Mrs. MacBride that the bill and all accompanying papers be indefinitely postponed and tomorrow assigned.

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

An Act to Abolish County Subsidies to the Superior Court System (H. P. 597) (L. D. 741) (C. "A" H-171)

Tabled — April 17, 1979 by Mr. Higgins by Scarborough.

Pending—Passage to be Enacted.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and tomorrow assigned.

(Off Record Remarks)

On motion of Ms. Benoit of South Portland, adjourned until nine-thirty tomorrow morning.