

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Ninth
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 2 to April 3, 1980

THIRD SPECIAL SESSION

May 22, 1980

THIRD CONFIRMATION SESSION

July 17, 1980

FOURTH CONFIRMATION SESSION

July 24, 1980

FIFTH CONFIRMATION SESSION

September 12, 1980

**REPORT, HEARING TRANSCRIPT AND
RELATED MEMORANDA OF THE JOINT
SELECT COMMITTEE ON INDIAN LAND
CLAIMS**

HOUSE

Friday, February 8, 1980

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

Prayer by the Reverend Jeffery Clark of the Victory Baptist Church, Monmouth.

Rev. CLARK: First of all, I have an apology to make to the ladies here this morning. The last time I was here, I prayed for the men and their responsibility, and I left the ladies out. Mrs. Bachrach sent me a note and reminded me that I had been remiss in that. I apologized to her at that time and I will get the rest of you now.

I was quite flattered when I got the note. I thought she remembered me from the days when I lived in Brunswick and my wife was treasurer of the League of Women Voters at the time and I thought surely she remembers me and that is what this is about. You can imagine my chagrin when I found I was being reprimanded.

Before we turn to the Lord in prayer, I would like to share some scripture with you, Psalm 2: Why do the heathen rage and the people imagine a vain thing. The kings of earth set themselves against and the rulers take council together against the Lord, against his anointed saying—Let us break their bands asunder and cast away his court from us. He that sitteth in the heavens shall laugh. The Lord shall have them in derision; then shall he speak unto them in his wrath: vex them in his sore displeasure. Yet have I set my King upon the holy hill of Zion. I will declare and decree the Lord has said unto me: Thou art my Son, this day have I begotten Thee. Ask of me and I shall give Thee the heathen for Thine inheritance and the other most parts of the earth as Thy possession. Thou shalt break them with the rod of iron; Thou shalt bask them in pieces like the Father's vessel. Be Thou wise now, therefore, all ye Kings, be instructed ye judges of the earth, serve the Lord with fear; rejoice in trembling; kiss the sun lest he be angry and ye perish from the way when his wrath is kindled but a little. Blessed are all they that put their trust in him.

Let's look to the Lord in prayer. Father, we come to you this morning. You have told us in James that, Lord, if we lack wisdom that you would grant to us and we seek that this day. Lord, we know that perilous times have come and God we have been entrusted with great responsibility. Lord, we know that you are not interested in ceremonial prayer but you are interested in hearts of men and women who sincerely seek to do thy will. Lord, we hope that we would be in that condition this morning. Lord, we ask you to take this day, give each and every man and woman the wisdom that is needed and we will thank you and praise you for it in Jesus name. Amen.

The Journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act Concerning Revisions in the Maine Criminal Code and Other Criminal Laws" (S. P. 750) (L. D. 1925)

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

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

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

Mr. and Mrs. Fred A. Savoy, Sr., of Milford who celebrated their 50th wedding anniversary on January 8, 1980 (S. P. 751)

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

The following Joint Order: (S. P. 746)

ORDERED, the House concurring, that the Joint Standing Committee on Taxation report out a bill to the House to Equalize the tax burden between organized and unorganized territories for the purpose of funding the Maine Forestry District without cost to the State.

Came from the Senate read and passed.

In the House, was read and passed in concurrence.

Ought to Pass

Report of the Committee on Transportation reporting "Ought to Pass" on Bill "An Act to Encourage Car pools and Van pools" (S. P. 683) (L. D. 1806)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-409).

In the House, the Report was read and accepted, in concurrence and the Bill read once. Senate Amendment "A" (S-409) read and adopted in concurrence and the Bill assigned for second reading February 11.

Non-Concurrent Matter Later Today Assigned

Bill "An Act to Provide Low-interest Loans for Middle and Low Income Families for Residential Energy Conservation Improvements" (S. P. 743) (L. D. 1922)

In Senate, referred to the Committee on Energy and Natural Resources on February 5, 1980.

In House, referred to the Committee on State Government on February 6, 1980 in non-concurrence.

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

In the House: On motion of Mrs. Kany of Waterville, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Joint Order relative to Steven Pelletier, son of Raymond and Gerry Pelletier of Sanford, the winner in the 12-13 age category of the 8th Annual Elk's Hoop Shoot Contest (H. P. 1804) which was read and passed in the House on February 6, 1980.

Came from the Senate Indefinitely Postponed in non-concurrence.

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

Orders

The following Joint Orders, Expressions of Legislative Sentiment recognizing that:

(H. P. 1813) Steven Pelletier, son of Raymond and Gerry Pelletier of Sanford, the winner in the 12-13 age category of the 8th Annual Elk's Hoop Shoot Contest

Presented by Mr. Tuttle of Sanford. (Cosponsors: Mr. Paul of Sanford, Mr. Wood of Sanford, and Senator Lovell of York)

(H. P. 1812) Leslie Bancroft of Paris Hill, who has been selected for the U.S. Olympic women's cross country ski team

Presented by Miss Brown of Bethel. (Cosponsors: Mr. Immonen of West Paris and Senator Sutton of Oxford)

Were read and passed and sent up for concurrence.

On motion of Mr. Cox of Brewer, it was ORDERED, that Representative Emile Jacques of Lewiston be excused February 18 and 19, 1980 for personal reasons.

On motion of Mr. Dudley of Enfield, the following Joint Order: (H. P. 1811)

ORDERED, the Senate concurring, that pursuant to Joint Rule 37, two-thirds of the members of both Houses concurring, "An Act Converting Lakeville Plantation into the Town

of Lakeville and Removing Lakeville Plantation from the Maine Forestry District" may be introduced during the Second Regular Session of the 109th Legislature.

The Order was read.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I would argue that this piece of business is covered under the material we just received from the Senate and agreed with. For that reason, I would move the indefinite postponement of this order.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I had hoped that I wouldn't have to come upon your eardrums this morning on a small piece of legislation like this but, actually, the gentleman from Cumberland, Mr. Garsoe, is misleading you. The bill that I present is not only getting this small area out of the forest district, it is forming a town. It is now a plantation and they want to become a town.

We, as people in this country of the United States, advocate government by the people. They are trying to get it in Africa, they are trying to get it in other places of the world, and we are trying to get it in the little Town of Lakeville. They want to control their own destiny. They want to have their own schools, their own fire department. They are young people in general that have moved here to get rid of the rush and bustle of metropolis areas of this nation. They want their own little town and I want them to have it and I hope you do; there is nothing wrong with it, letting a community that is now governed by this monstrosity of a building next door, and I don't care if it is education or what, once they get hold of you, you can't get out from under it. That is not government by the people.

Government by the people on the local level is what I am here for, not only for the little town of Lakeville but for your areas, and I always have been. That is what the people around the world today are looking for. Let's help them; let's start helping right at home. Let's help the little town of Lakeville get organized, be a town like your town, like the town I live in. This is not to send help to Africa, we send help to Asia to try to get these people free, let's free someone right in our own community, right in my district.

I am sure if Mr. Garsoe knew the condition and knew what the bill does, it does more than just get them out of the forest district, that is only one step. They want to have control of their own children's education, they want to have their own fire department, and until such time as they can have it, they want to contract with the town next door that does have a fire department. They don't want their fire department to come from the State House next door. They want to be a town and control their own destiny, is what it amounts to, and I hope you will let them. I know if Mr. Garsoe from Cumberland knew the situation, he would feel the same as I do and I hope that he will vote with me this morning and the rest of you.

I need a two-thirds vote and, let me tell you, I am going to be here the rest of this session and listen to your complaints and try to help you people. I need you to help me this morning. This is the only bill that I have pending before this session of the Legislature. It isn't a bill yet and it isn't even pending unless you let it in this morning. I hope you will let it in and let me say I got a little bit of interest, enough to be here. I have got one little bill pending before the legislature, and if you don't let this one in, I won't have any, so I won't have to stick around to help you with yours.

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

Mr. GARSOE: Mr. Speaker and Members of the House: I have long held that I learn a little bit of something every day. The gentleman has

instructed me very well and I hope someone will table this.

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

Mr. TARBELL: Mr. Speaker, I move this lay on the table for one legislative day.

Whereupon, Mr. Dudley of Enfield 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 the motion of the gentleman from Bangor, Mr. Tarbell, that this matter be tabled pending the motion of Mr. Garsoe of Cumberland to indefinitely postpone, and assigned for Monday, February 11. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Boudreau, Bowden, Brown, K. L.; Bunker, Conary, Damren, Davis, Delbert, Fillmore, Garsoe, Hanson, Higgins, Huber, Hunter, Jackson, Kiesman, Leighton, Lewis, Lund, Masterman, Masterton, McMahon, Michael, Nelson, N.; Reeves, J.; Sewall, Smith, Soulas, Stetson, Tarbell, Torrey.

NAY — Aloupis, Bachrach, Baker, Beaulieu, Benoit, Berube, Birt, Blodgett, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K. C.; Call, Carrier, Carter, D.; Chonko, Churchill, Cloutier, Connolly, Cox, Cunningham, Curtis, Davies, Dexter, Diamond, Doukas, Dow, Drinkwater, Dudley, Dutremble, D., Dutremble, L.; Elias, Fenlason, Fowle, Gavett, Gillis, Gowen, Gray, Gwadosky, Hall, Hickey, Howe, Hutchings, Jacques, E.; Jacques, P.; Kany, Laffin, Lancaster, LaPlante, Leonard, Lizotte, Locke, Lougee, Lowe, MacBride, MacEachern, Mahany, Martin, A., Matthews, Maxwell, McHenry, McKean, McPherson, McSweeney, Mitchell, Nadeau, Nelson, A.; Nelson, M.; Norris, Paradis, E.; Paradis, P.; Paul, Pearson, Peltier, Peterson, Prescott, Reeves, P.; Rolde, Rollins, Roope, Sherburne, Silsby, Small, Sprowl, Stover, Strout, Studley, Theriault, Tierney, Tozier, Tuttle, Twitchell, Vincent, Violette, Vose, Wentworth, Whittemore, Wyman.

ABSENT — Barry, Berry, Brannigan, Brennerman, Carroll, Carter, F.; Hobbins, Hughes, Immonen, Joyce, Kane, Kelleher, Marshall, Morton, Payne, Post, Simon, Wood.

Yes, 32; No, 100; Absent, 18.

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

The pending question now is on the motion of the gentleman from Cumberland, Mr. Garsoe, that this Joint Order be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

10 having voted in the affirmative and 113 having voted in the negative, the motion did not prevail.

The SPEAKER: The question now before the House is on passage of the Joint Order. This requires a two-thirds vote of all those present and voting. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

121 having voted in the affirmative and 3 having voted in the negative, the Order received passage.

Sent up for concurrence.

House Reports of Committees

Leave to Withdraw

Later Today Assigned

Mr. Theriault from the Committee on Aging, Retirement and Veterans on RESOLVE, Con-

cerning the Disability Retirement of Stephen Bearce of Lincoln (H. P. 1600) (L. D. 1711) reporting "Leave to Withdraw"

Report was read.

On motion of Mr. Theriault of Rumford, tabled pending acceptance of the Committee Report and later today assigned.

Mrs. Prescott from the Committee on Health and Institutional Services on Bill "An Act to Require the Department of Mental Health and Corrections to Solicit Bids for Group Health Coverage for its Patients and Inmates" (Emergency) (H. P. 1685) (L. D. 1799) reporting "Leave to Withdraw"

Report was read.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before we do accept the Leave to Withdraw Report, I wanted, just for the record, to indicate that this legislation was intended to be enabling legislation for the Department of Mental Health and Corrections, and as of Tuesday this week, we found out that they really did not need enabling legislation and it was a longstanding misunderstanding between them and the Insurance Advisory Commission. I guess, whether or not they could in fact go out and seek bids for their patients and inmates.

I do have a letter that indicates to me that the department intends to do this anyway, and I just wanted to put it on the record that they have indicated they will do this and I, for one, will be disappointed if they don't because I think we can save some money.

Mr. SPEAKER, I would move that we accept the Leave to Withdraw Report.

Thereupon, the Report was accepted and sent up for concurrence.

Ought to Pass in New Draft

Mr. Howe from the Committee on Business Legislation on Bill "An Act to Amend the Fair Credit Reporting Act" (H. P. 1734) (L. D. 1852) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Authorizing the Bureau of Consumer Protection to Inform and Advise the Public and to Investigate and Prosecute Complaints Under the Fair Credit Reporting Act" (H. P. 1814) (L. D. 1926)

Report was read and accepted, the New Draft read once and assigned for its second reading Monday, February 11.

Consent Calendar

First Day

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

(H. P. 1691) (L. D. 1801) Bill "An Act to Increase the Fees for the Driver Education Evaluation Program" Committee on Judiciary reporting "Ought to Pass"

(H. P. 1644) (L. D. 1753) Bill "An Act Relating to Suspension on Nonappearance under the Motor Vehicle Laws" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-774)

(S. P. 709) (L. D. 1845) Bill "An Act to Aid Recovery of Medicaid Funds" —Committee on Health and Institutional Services reporting "Ought to Pass"

(H. P. 1692) (L. D. 1802) Bill "An Act Relating to Confidentiality under the Lottery Law" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 1688) (L. D. 1796) Bill "An Act to Redefine Golf Club, under the Liquor Laws, to Include Clubs with over 1,200 Yards per 9 Holes" Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 1683) (L. D. 1792) Bill "An Act Providing for the Return of Patients of Mental Health Institutions" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-

778)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 11, 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:

(S. P. 706) (L. D. 1842) Bill "An Act to Increase License and Examination Fees for Barbers" (C. "A" S-405)

No objections having been noted, the Senate Paper was passed to be engrossed as amended in concurrence.

(H. P. 1740) (L. D. 1858) Bill "An Act Amending the Charter of the York Sewer District" (C. "A" H-773)

On the objection of Mr. Davies of Orono, was removed from the Consent Calendar Second Day.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-773) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 1750) (L. D. 1866) Bill "An Act Relating to Interest on Supplemental Assessments Under the Tax Laws" (C. "A" H-770)

(H. P. 1736) (L. D. 1854) Bill "An Act Pertaining to the Time for Recording a Tax Lien Mortgage" (C. "A" H-769)

(H. P. 1748) (L. D. 1864) Bill "An Act to Clarify the Obligations of Certain Public Utilities Regarding Assessments to Defray Expenses of the Public Utilities Commission" (C. "A" H-772)

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

Second Reading

Tabled and Assigned

Bill, "An Act Relating to Hunter Safety" (H. P. 1612) (L. D. 1722) (C. "A" H-765)

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

The SPEAKER: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker and Members of the House: I have an amendment in the process of being prepared. The amendment has nothing to do with changing the bill per se; it is strictly a definition of the word "recklessly" in the bill. It has nothing to do with the contents of the bill other than that. I would like somebody to table this for one legislative day.

Thereupon, on motion of Mr. Dow of West Gardiner, tabled pending passage to be engrossed and assigned for Monday, February 11.

Passed to be Engrossed

Amended Bills

Later Today Assigned

Bill "An Act Providing for Administrative Changes in the Maine Revised Statutes Relating to Taxation" (H. P. 1751) (L. D. 1867) (C. "A" H-771)

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

Mr. McHenry offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-779) was read by the Clerk.

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

Mr. COX: Mr. Speaker, in the absence of the chairman of the Taxation Committee, I would like to ask somebody to table this until later in today's session.

Thereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending adoption of House Amendment "A" and later today assigned.

Passed to Be Engrossed

Bill "An Act to Amend the Pay Schedule of Physicians to Include Actuaries" (S. P. 707) (L. D. 1843) (C. "A" S-406)

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

On motion of Mr. Howe of South Portland, the House reconsidered its action whereby Committee Amendment "A" was adopted in concurrence.

On further motion of the same gentleman, Committee Amendment "A" was indefinitely postponed.

The Bill was passed to be engrossed in non-concurrence and sent up for concurrence.

**Passed to be Enacted
Emergency Measure**

An Act to Amend the Charter of the Lewiston-Auburn Water Pollution Control Authority (S. P. 657) (L. D. 1696) (C. "A" S-402)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure
Later Today Assigned**

An Act Clarifying the Authority of Municipalities to Acquire and Operate Water Systems (H. P. 1605) (L. D. 1716)

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

On motion of Mr. Davies of Orono, tabled pending passage to be enacted and later today assigned.

Emergency Measure

An Act to Authorize the Town of East Millinocket to Purchase the Assets of Northern Water Company (H. P. 1651) (L. D. 1760) (C. "A" H-767)

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 none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Passed to Be Enacted

An Act to Amend the Charter of the Harrison Water District (H. P. 1596) (L. D. 1707)

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

Orders of the Day

The Chair laid before the House the first tabled and today assigned matter: Bill, "An Act Appropriating \$1,500 for the Mt. Desert Island High School Band to Represent Maine in the Cherry Blossom Festival Parade" (Emergency) (H. P. 1794) (Committee on Appropriations and Financial Affairs suggested)

Tabled—February 6, 1980 by Mr. Tarbell of Bangor.

Pending—Reference.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Bordeaux.

Mr. BORDEAUX: Mr. Speaker and Members of the House: This bill was allowed in by leadership and a formal request was made of the Governor who very generously agreed to give the money to them and I am sure that band, as well as the school district and myself, was very grateful and thank him very much. In view of this, I move that this be indefinitely postponed.

Thereupon, on motion of Mr. Bordeaux of Mt. Desert, the Bill was indefinitely postponed.

The Chair laid before the House the second tabled and today assigned matter: Bill, "An Act to Establish the Boundary between Rockport and Rockland" (S. P. 658) (L. D. 1698) (S. "A" S-403)

Tabled—February 7, 1980 by Mr. LaPlante of Sabattus.

Pending—Passage to be Engrossed.

On motion of Mr. Fowlie of Rockland, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-403) was adopted.

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

House Amendment "A" to Senate Amendment "A" (H-777) was read by the Clerk.

Mr. FOWLIE: Mr. Speaker, Men and Women of the House: What this amendment does is just add an emergency clause and an emergency preamble to the bill.

Thereupon, House Amendment "A" to Senate Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Senate Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Provide Low-interest Loans for Middle and Low Income Families for Residential Energy Conservation Improvements" (S. P. 743) (L. D. 1922) In Senate, referred to the Committee on Energy and Natural Resources on February 5, 1980.

In House, referred to the Committee on State Government on February 6, 1980 in non-concurrence.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence, which was tabled earlier in the day and later today assigned pending further consideration.

Thereupon, on motion of Mrs. Kany of Waterville, the House adhered.

The Chair laid before the House the following matter: Resolve, Concerning the Disability Retirement of Stephen Bearce of Lincoln (H. P. 1600) (L. D. 1711) which was tabled earlier in the day and later today assigned pending acceptance of the Leave to Withdraw Report.

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

Mrs. NELSON: Mr. Speaker, Ladies and Gentlemen of the House: Before we allow this to be withdrawn, I wanted, in behalf of the Committee on Aging, Veterans and Retirement, to make a statement into the record so that it is understood, the clear intent of the piece of legislation and why it is withdrawn.

Mr. Bearce, a former employee of the Department of Manpower Affairs, became disabled on December 2, 1977, and was unable to continue work. He used his accumulated sick and annual leave from December 2, 1977, to February 3, 1978, and was then placed on sick leave of absence effective February 6, 1978.

Mr. Bearce attempted to return to work on May 22, 1978, but only worked for a half hour. The department compensated him for the one half hour, causing May 22, 1978 to be his separation date for retirement allowance. As Mr. Bearce was clearly not able to return to employment on May 22, 1978, the Department of Manpower Affairs is submitting an amendment personnel management data form indicating Mr. Bearce's separation from the Department of Manpower Affairs on February 3, 1978 as an ordinary disability retirement. The one half hour salary payment to Mr. Bearce for May 22, 1978, will be credited as casual labor by the Department of Manpower Affairs.

I have been advised, and this is from David Bustin, Commissioner of Manpower Affairs,

that there is nothing in the personnel statutes to prevent this section from being taken and this appears to be the most equitable solution to an unfortunate situation.

It also appears that Mr. Bearce's long, arduous wait is over. We are now waiting for that amended form from the Department of Manpower Affairs and it is on that basis of good faith that we ask Leave to Withdraw this legislation.

Thereupon, the Leave to Withdraw was accepted and sent up for concurrence.

The Chair laid before the House the following matter: Bill, "An Act Providing for Administrative Changes in the Maine Revised Statutes Relating to Taxation" (H. P. 1751) (L. D. 1867) (C. "A" H-771) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A".

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

The Chair laid before the House the following matter: "An Act Clarifying the Authority of Municipalities to Acquire and Operate Water Systems" (H. P. 1605) (L. D. 1716) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Birt.

Mr. BIRT: Mr. Speaker, Ladies and Gentlemen of the House: This amendment we are offering will add one more town. The amendment is in the process of being printed now. Can I offer the amendment from the floor either that or we will have to table for one more day? (House at ease)

On motion of Mr. Birt of East Millinocket, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentleman offered House Amendment "A" (H-781) and moved its adoption.

House Amendment "A" (H-781) was read by the Clerk in its entirety and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" in non-concurrence and sent up for concurrence.

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

Mr. HOWE: Mr. Speaker, I move that the House reconsider its action whereby Bill "An Act to Amend the Pay Schedule of Physicians to Include Actuaries" (S. P. 707) (L. D. 1843) (C. "A" S-406) was passed to be engrossed and I would ask that you vote against the motion.

Mrs. Sewall of Newcastle requested a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from So. Portland, Mr. Howe, that the House reconsider its action whereby the bill was passed to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

2 having voted in the affirmative and 83 in the negative, the motion did not prevail.

(Off Record Remarks)

On motion of Mrs. Beaulieu of Portland, adjourned until Monday, February 11, 1980 at twelve o'clock noon.