

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

Thursday, January 25, 1979

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

Prayer by Representative Jasper Wyman of Pittsfield.

Representative WYMAN: Our Gracious God and Heavenly Father, this morning we pause to petition You that You might impart to us your wisdom and your compassion, that You might grant to us strength and grace, that as we perform the duties entrusted to us by the people of this state, we may honor and glorify You, that we may realize that this work is truly your own.

Bless us now and grant to us strength this day, we ask in Jesus precious and wonderful name. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act Providing Funds for Clients in Special Age Groups Served by Cerebral Palsy Centers" (S. P. 74) (L. D. 153)

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

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

Bill, "An Act Concerning the Continuation of Pilot Projects for more Effective and Efficient Delivery of Services to Preschool Handicapped Children" (Emergency) (S. P. 75) (L. D. 165)

Bill "An Act Concerning the Hiring of all School Bus Drivers" (S. P. 76) (L. D. 152)

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

In the House, referred to the Committee on Education in concurrence.

Tabled and Assigned

Bill "An Act to Strengthen Regional Library Systems" (S. P. 77) (L. D. 166)

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

In the House, on motion of Mr. Pearson of Old Town, tabled pending reference in concurrence and specially assigned for Tuesday, January 30.

Bill "An Act to Amend the Campaign Finance Law" (S. P. 78) (L. D. 167)

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

In the House, referred to the Committee on Election Laws in concurrence.

Bill "An Act to Ensure the Safety of Minors Participating in Trip Camps" (S. P. 79) (L. D. 168)

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

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

Bill "An Act to Provide Interpreter Service for the Hearing Impaired" (S. P. 80) (L. D. 157)

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

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

Bill "An Act Authorizing the Use of Nondeadly Disabling Chemicals for Self-defense and for Property Protection in Certain Circumstances" (S. P. 83) (L. D. 169)

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

In the House, referred to the Committee on

Judiciary in concurrence.

Bill "An Act Concerning Stoppage of Work under the Unemployment Compensation Statutes" (S. P. 81) (L. D. 154)

Bill "An Act to Increase Penalties for Violation of the Statutes Concerning Minimum Wages" (S. P. 82) (L. D. 155)

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

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

Bill "An Act to Abolish the Legislative Council" (S. P. 86) (L. D. 171)

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

In the House, referred to the Committee on State Government in concurrence.

Tabled and Assigned

Bill "An Act to Provide for Annual Adjustment of Key Personal Income Tax Elements for Inflation" (S. P. 84) (L. D. 170)

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

In the House, on motion of Mrs. Post of Owl's Head, tabled pending reference in concurrence and specially assigned for Tuesday, January 30.

Bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River in the City of Augusta" (S. P. 87) (L. D. 172)

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,500,000 to Make Improvements on State Route 17 in Letter D Township and Rangely Plantation" (S. P. 88) (L. D. 173)

Bill "An Act to Revise Certain Motor Vehicle Laws" (S. P. 89) (L. D. 174)

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

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

The following Communication: (S. P. 90)

State of Maine

LEGISLATIVE COUNCIL

State House

Augusta, Maine

January 23, 1979

The Honorable May M. Ross

Secretary of the Senate

Senate of Maine

Augusta, Maine 04333

Dear Madam Secretary:

This is to inform you that the Republican members of the Legislative Council, pursuant to Legislative Joint Rule 38, have selected Ms Sandra Holdsworth as their Partisan Staff Assistant on Gubernatorial Nominations. She will serve during the present biennium and will provide all necessary assistance to each Committee recommending action on gubernatorial nominations.

Sincerely,

(Signed) RICHARD H. PIERCE

Chairman, Legislative Council

Came from the Senate read and ordered placed on file.

In the House, the Communication was read and ordered placed on file in concurrence.

Petitions, Bills and Resolves**Requiring Reference**

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

Agriculture

Bill "An Act to Amend the Law Relating to the Licensing of Dogs" (H. P. 151) (Presented by Mr. Wood of Sanford)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Concerning Repossession of

Consumer Goods from a Consumer in Default Under a Consumer Credit Transaction" (H. P. 152) (Presented by Mr. Howe of South Portland) (Cosponsor: Mr. Jackson of Yarmouth)

Bill "An Act to Prohibit Gas Stations from Charging a Fee for Putting Air in a Customer's Tires" (H. P. 153) (Presented by Mr. Vincent of Portland)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Relating to the Time of Payment of Wages and Salaries of University of Maine Employees" (H. P. 154) (Presented by Mr. Davies of Orono)

Committee on Education was suggested.

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

Education

Bill "An Act to Provide for a Student Member of the Board of Trustees of the University of Maine" (H. P. 155) (Presented by Mr. Davies of Orono) (Cosponsors: Mr. Nadeau of Lewiston, Mr. Tarbell of Bangor, and Mr. Hughes of Auburn)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Concerning Coon Hunting" (H. P. 156) (Presented by Mr. Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act Relating to Juvenile Clients of the Protective Care Division of the Department of Human Services" (H. P. 157) (Presented by Mrs. Prescott of Hampden)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Conform the Acknowledgment Provision of the Recording Statutes to the Uniform Recognition of Acknowledgments Act" (H. P. 158) (Presented by Mr. Hickey of Augusta)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act to Allow Registrars of Deeds to use Rubber Stamps in Lieu of Original Signatures" (H. P. 159) (Presented by Mr. Hickey of Augusta)

Bill "An Act Relating to the Transfer of the Planning and Development Functions of the Urban Renewal Authority of the City of Bangor" (H. P. 160) (Presented by Mr. Carter of Bangor)

Bill "An Act to Permit County Sheriffs to Appoint Limited Authority and Limited Purpose Deputies" (H. P. 161) (Presented by Mr. Drinkwater of Belfast)

(Ordered Printed)

Sent up for concurrence.

Tabled and Assigned

Bill "An Act to Increase the Membership of the Atlantic Sea Run Salmon Commission" (H. P. 162) (Presented by Mr. Pearson of Old Town)

Committee on Marine Resources was suggested.

On motion of Mr. Pearson of Old Town, tabled pending reference and specially assigned for Tuesday, January 30.

Public Utilities

Bill, "An Act Relative to the Jurisdiction of the Public Utilities Commission over Non-utility Attachments to Public Utility Plant" (H. P. 163) (Presented by Mr. Smith of Mars Hill)

Bill "An Act Relating to Action by the Public

Utilities Commission on Petitions by Electrical Companies for Certificates of Public Convenience and Necessity" (H. P. 164) (Presented by Mr. Kelleher of Bangor) (Cosponsor: Mr. Smith of Mars Hill)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Relieve Homeowners and Renters from the Burden of the Property Tax" (H. P. 165) (Presented by Mr. Wyman of Pittsfield) (Cosponsors: Mr. Brenerman of Portland, Mr. Wood of Sanford, and Mr. Diamond of Windham)

Bill "An Act to Increase the Property Tax Exemption for Houses of Religious Worship" (H. P. 167) (Presented by Mr. Sprowl of Hope)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Making Minor Revisions in the Aeronautics Law" (H. P. 166) (Presented by Mr. Carroll of Limerick)

RESOLVE, Providing for a Study to Reexamine the Location of an Additional River Crossing in the Town of Skowhegan, (H. P. 168) (Presented by Mr. Whittemore of Skowhegan)

(Ordered Printed)

Sent up for concurrence.

Orders

A Joint Resolution (H. P. 149) in memory of Sidney Bragdon of New Gloucester, a former selectman of that town who was active in town affairs

Presented by Mr. Cunningham of New Gloucester.

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

An Expression of Legislative Sentiment (H. P. 150) recognizing that:

Gerard Dumais of Van Buren is retiring from the Van Buren Fire Department as a lifetime honorary member after 23 years of efficient and faithful service

Presented by Mr. Violette of Van Buren. (Cosponsor: Senator Martin of Aroostook)

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

(Off Record Remarks)

The following Joint Order: (S. P. 97)

ORDERED, the House concurring, that when the House and Senate adjourn, the adjourn to Tuesday, January 30, at ten o'clock in the morning.

Came from the Senate, read and passed and ordered sent forthwith.

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

House Reports of Committees Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Reinstating Public Intoxication as a Crime" (H. P. 64) (L. D. 72)

Report was signed by the following members:

Messrs. COLLINS of Knox

DEVÖE of Penobscot

Mrs. TRAFTON of Androscoggin

— of the Senate.

Messrs. STETSON of Wiscasset

SIMON of Lewiston

HOBBINS of Saco

Mrs. SEWALL of Newcastle

Messrs. HUGHES of Auburn

SILSBY of Ellsworth

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Messrs. CARRIER of Westbrook

GRAY of Rockland

JOYCE of Portland

LAFFIN of Westbrook

— of the House.

Reports were read.

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

Mr. HOBBINS: Mr. Speaker, I move acceptance of the "Ought Not to Pass" Report.

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

The gentleman may proceed.

Mr. HOBBINS: Mr. Speaker and Members of the House: I rise today to oppose L. D. 72 on three basic reasons—the first one policy grounds; secondly, on legal grounds and thirdly on financial grounds.

In 1973, the State of Maine passed the Uniform Alcohol Treatment Act. The legislative purpose of this act was basically threefold. First of all, it decriminalized public intoxication. The second purpose was to establish a policy of the state that alcoholism should be treated as an illness and not as a crime. Thirdly, it established that an individual had the right to treatment under the law, because it recognized that alcoholism was a disease.

L. D. 72, as presented by my good friend from Portland, Mr. Joyce, would be a giant step backwards for the state of Maine. The big danger of passing this bill is that the public attitude, which has finally come around to the idea that alcoholism is a disease, would be reversed.

During our committee deliberations yesterday, we heard really extensive testimony in presentations by many reformed alcoholics, and all were in concurrence that this bill would cause regression in the attitude toward alcoholism in the state of Maine.

I oppose this bill on another ground, and that is the legal implications of the bill and the legal wording of the bill. I feel that definitions as prescribed by L. D. 72, given extreme discretion, basically have arbitrary standards which I think would not pass a constitutional muster of a challenge in the Maine Supreme Court. I raise that point, and I think some other members of the committee will go into that in more detail.

The third reason that I oppose the bill is because of financial consideration. If L. D. 72 becomes law and the state of Maine reinstitutes public intoxication as a crime, the state will lose \$211,000 per year from ODAP. This money is presently used throughout the state for alcohol treatment programs and it has been very successful.

I submit that the sponsors and the supporters of this bill, if in fact this bill does pass, should be willing to request of the Legislative Council and the leadership that an appropriation be put forth to make up the difference in the funds.

I think this bill goes overboard and I think it is an attempt to make illegal a disease. Some people say this bill is needed, but I say this approach won't cure the onus, it will only make it worse.

I urge you to accept the "Ought Not to Pass" Report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have an extreme amount of compassion for the alcoholic. I recall that hot summer of 1961 that I spent in New Haven, Connecticut, attending the Yale University School of Alcohol Studies.

I say that in my life if there is one dedicated issue that I have strived for, it is to help the alcoholic. I spent 27 years in law enforcement. I retired from the Portland Police Department as Deputy Chief six years ago. When I retired, I had many many friends in high places, but the people I was concerned with were my many, many friends in low places, in the gutters that

was their home, in the doorway where they tried to get out of the sun and the weather. God knows, with 15 inches of snow this weekend, I won't be able to find them, but many of them will be there.

I agree with some of the things that the young lawyer, the Representative from Saco, has spoken of, but I will have to tell you, it is only because of his tender years that he has not been out there in the field, so I will have to tell you what it is really like, and I am going to be brief because I feel many of you can duck the impact of this storm if we get out of here at a reasonable hour.

Appropriations—he is worried about that. I am worried about that. When this present bill was changed in the Criminal Code, the legislature made a promise to the law enforcement people that they would pick up some of the tab, they would pick up the cost of transportation when an inebriate was picked up, when a wino was picked up and had to be brought to a hospital or to a halfway house or a quarterway house.

We didn't come up with the money. We left them out there on a limb. Appropriations—they are all worried about that federal money. There is a sunset on that federal money of June 30, 1986. In many of the municipalities of this state, you will have to crawl over drunks in the street if we wait until 1986. Appropriations—I am concerned with appropriations. Read the literature that comes across your desk and is mailed to your home year round about the alcoholic. There must be social workers on top of social workers, counselors on top of counselors. They send you 12 pages when they find out that the drinking age population has increased one percent. Yes, I am concerned. They are paying in that program thirty-eight and forty thousand dollar salaries. I could tell you about all the people they have in there that are getting eighteen to twenty thousand dollars, but if I spoke about them, I feel I would be speaking of the peons in the program.

All that money, and it doesn't flow down to help that man in the street. There is no room for him at the inn. There is no room for him in the stable. What do we do with him? The halfway house in Portland, and it is a wonderful place, it is down on India Street. We have 18 beds in there. Drive down there any day, you can go in and count the 18, but when you start down the street, you can count 40 before you get to the front door that can't get in.

I am a little upset with all the money that is being spent, and as my young lawyer told you, they have got a problem with this legally. Well, the law is for everybody. God save us if it were only for lawyers.

Several years ago, federal district courts came up with a couple of rulings, and the famous case was the Drivers case down in the district by Washington, D. C. Poor Joe was arrested for being intoxicated in a district courtroom down there. You can't get in a much better public place than that. The judge had him brought before him and said, look, I have seen too much of you. You have been in here 184 times. I am going to take care of you so you won't be in here, and he put him in jail for 11 months. Well, the federal district court ruled violation of the Eighth Amendment—cruel and unusual treatment. It is a no-no; you can't do this.

Well, the thing went on and everybody, myself included, was waiting for that day that the United States Supreme Court would come out with a ruling that it is a disease and it must be handled in some route other than law enforcement, take it out of criminal justice system. The case finally came about and it was the Powell vs. Texas case, a person arrested in the middle of town for intoxication. He was sent to jail—cruel and unusual punishment. The United States Supreme Court didn't think so. They said a person downtown in a public place could be arrested for intoxication, that is

the law of the land, still is.

A definition of intoxication—you know, sometimes I feel I am teaching at law school when I have to explain laws like this.

When a person's mental and physical faculties are impaired so he cannot tell right from wrong, the Maine Court said that this is intoxication, if the evidence of the alcohol is there. There is a Maine case. The Maine courts ruled that when a police officer is asked whether or not the person was intoxicated, that he can give an opinion and it is considered an expert opinion because of his line of work. There is no problem there.

I am concerned about the revolving door drunk that the police gladly picked up, had showered and shaved, a clean change of clothing, a couple of good meals and let him back on the street.

I recall some of my friends, the ones not in the high places, when I would stop them and say, Joe, I think I should get you 10 days to get you squared away physically. You have got the flu and you are in rough shape. He would look at me and sincerely say, John, can you make it 30 days? With that 15-inch snow storm coming, with the cold weather, can't you fix it so I won't get out until March and I think I can make it through the summer then.

I had a sheriff's department gentleman speak to me last week when he heard about this bill. He said, over in Auburn we used to go and pick these people up the night before Thanksgiving. We would have them cleaned up, dry clothing on them. We would have them sit down at the Thanksgiving Day dinner. Then we told them the door was open and they could walk out. You can't do this now; it is illegal because of the way the law is. Yes, these are the things that bother me. These are the people.

I was told at Yale, and I never forgot it — only 5 percent of the alcoholics are the ones on skid row. Some of them, and the workers in the field agree, can never be helped, but I don't think that is a reason for us to have a buddy dragging in the doorway and come around and wake him up at seven in the morning. I think people of this House should have that compassion in their hearts that they want to do right for them.

In committee, we tried to amend the bill to put a limit of 12 hours detention and then they could walk out. Apparently this was tried before, our chairman from the other body explained, and the opinions were that it would be unconstitutional in structure.

I ask you today to think of all the monies that are being funneled into this program and to think how there is somebody who probably is in need most who is not getting help. I urge you to vote against the motion that is before you now and then I will present a motion that when we go back home, when we walk through the supermarkets, when we walk down the church steps next Sunday, you can hold your head high and be proud that at least you cast a vote for the least of your fellow men.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker and Members of the House: I, too, am a former Deputy Chief of Police in my city. I, too, have had experience with the alcoholic similar to the gentleman who just spoke from Portland. I agree with the gentleman from Portland as to the problem. I agree that something has to be done. In the last session, the 108th, there was a bill in here and I had 2,500 signatures from three different agencies, it is the same bill that is in this time, supporting the bill.

I believe that we have to do something to protect both the alcoholic and the driver who might be involved in running over a person. There have been instances where the officer has reported to the scene, maybe it is from a shopkeeper who has the experience of an alcoholic blocking the doorway or being inside annoying the customers. When the officer gets

there, they are not really doing anything that he can remove them for, all he can do is warn them that they have to leave and he goes back many times to do that. In the meantime, I am quite concerned that this person might wander out into the street from the sidewalk, between the cars, etc., and into the path of a car. Certainly none of us here would want to be involved with running into a person or injuring a person, but if they come out in the dark, out between cars, you have no choice.

I feel that this bill of my colleague from Portland would protect these people, would protect them because they would be detained until they were in a condition to be on the street. I just feel badly that possibly the 12 hour thing doesn't stand up. That will have to be debated at another time. I feel there needs to be protection. I would like to see more detoxication centers, but I realize that is going to take time, and in the meantime, I think these people do deserve some protection, because I am the first one to agree that in most cases it is an illness.

I remember back when I first went on the police department. We used to be able to take the alcoholic, or what we used to call the drunk, pick them up if they were on the streets annoying people or in the shops annoying people. We would put them in what we call the cooler. We would keep them overnight, feed them a decent meal in the morning, or at least it was better than what they would get in the gutter, and they were free to go. I believe we did have some document to sign the last of it and finally we had to stop doing that.

I could go on, but I don't think it is necessary. The gentleman from Portland covered all the things that I would have covered, but I would like to ask you to vote against the existing motion.

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

Mr. STETSON: Mr. Speaker and Members of the House: I did not go to Yale, I did not go to Harvard, I did go to a little school in the pines. After that, I went on to law school in Washington, D. C. There the problem of alcoholism is perhaps more rampant than in any other city in our land. I was there during a time when alcoholism and drunkenness, intoxication in public was a crime.

Thanksgiving Day comes but once a year, and the other 364 days of the year, people were jailed for public intoxication. They were dying in those jail cells. There were many cases in Washington, D. C., where people were imprisoned for public intoxication and were put in jail only to die because they needed medical attention, not legal attention. That is why the court in the District of Columbia held that it was cruel and unusual punishment to put a drunk in jail for an extended period of time.

I think a legislature which would recriminalize alcoholism and intoxication might just as well go back to the dark ages and send the mentally ill into dungeons rather than hospitals. I feel that this measure would be a giant step backward in our society.

The law, as it presently stands, is adequate, very adequate, to take care of the intoxicated person, to get him off the street so that he may be treated properly and detoxified. Alcoholism is not a crime; it is an illness.

I suggest that this bill, in its present form, is fatally defective from a constitutional standpoint in that it calls for the criminalization of one who is substantially impaired; yet, there is no definition in the statute as to what is substantially impaired. I suggest that the first court test of that phrase would result in a decision that the law is constitutionally imperfect because it is vague.

I suggest that the motion before this House should pass and that this bill should be defeated.

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

Mr. GRAY: Mr. Speaker, Men and Women of the House: Many arguments were made as to why public intoxication should not be illegal by those who work or in some way are associated with the number of rehabilitation centers throughout the state. Their primary fear, however, was the possible loss of \$211,000 in federal funds, a rather insipid argument when you consider the hazards of letting inebriated persons stagger about and many times drive about.

Some will argue that it is now illegal to drive while under the influence. Unfortunately, a police officer cannot babysit or follow a drunk until he actually breaks a law.

When a person drinks beyond his ability to reason, we must have the legal tools to look after them, not only for their own good but as well as for the health and safety of the general public.

When a drunk breaks the law now and is arrested, the law requires that he be bailed immediately, while he is still drunk, in fact, because public intoxication is not illegal.

All drunks may not be alcoholics. Some just want to go out, get drunk and have a lot of fun at the expense of others. All alcoholics who end up in the street don't want help, so how do we deal with them? There is no way presently to deal with this type of person. When we had such a law on the books, the police could use it as a means to encourage the inebriated to go home or go to jail.

I would like to relate a story told many times by the gentleman from Portland, Mr. Joyce, and I think it bears repeating. A typical response you could expect from your local P. D. if you called up and reported a drunk on your front lawn, their response might be, if nobody claims him in 24 hours, he is yours.

Mr. Joyce of Portland 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 on 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 Saco, Mr. Hobbins, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, I would like to pair my vote with the gentleman from Scarborough, Mr. Higgins. If Mr. Higgins were here, he would be voting no and I would be voting yea.

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

Ms. LUND: Mr. Speaker, I request permission to pair my vote with the gentleman from Kennebunk, Mr. McMahon. If he were, he would be voting no and I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, I would like to pair my vote with Representative Jackson from Yarmouth. If he were here, he would be voting yea and I would be voting nay.

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

Mr. KELLEHER: Mr. Speaker, I would like to have leave of the House to pair my vote with gentleman from Kennebunkport, Mr. Hanson. If he were here, he would be voting no and if I were voting, I would be voting yes.

ROLL CALL

YEA — Aloupis, Bachrach, Baker, Barry, Benoit, Berube, Blodgett, Bordeaux, Boudreau, Bowden, Brannigan, Brenerman, Brodeur, Brown, K. L., Brown, K. C., Bunker, Carter, D., Chonko, Churchill, Cloutier, Conary, Connolly, Cox, Curtis, Damren,

Davies, Davis, Dellert, Doukas, Dow, Elias, Gavett, Gowen, Gwadosky, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Jacques, E., Jacques, P., Jalbert, Kane, Kany, Lancaster, Leonard, Lewis, Lizotte, Mahany, Masterton, Matthew, Maxwell, McHenry, Michael, Mitchell, Nadeau, Nelson, A., Nelson, M., Norris, Paradis, Paul, Peltier, Peterson, Post, Reeves, P., Rolde, Roope, Kiewall, Silsby, Simon, Small, Soulas, Stetson, Studley, Tarbell, Tierney, Tuttle, Twitchell, Vincent, Violette, Wentworth, Whitemore, Wood, Wyman, The Speaker

NAY — Austin, Beaulieu, Birt, Brown, A., Brown, D., Call, Carter, F., Cunningham, Dexter, Drinkwater, Dudley, Fenlason, Fillmore, Fowlie, Garsoe, Gillis, Gould, Gray, Hunter, Immonen, Joyce, Kiesman, Laffin, LaPlante, Leighton, Locke, Lougee, Lowe, MacBride, MacEachern, McKean, McSweeney, Morton, Nelson, N., Payne, Pearson, Prescott, Reeves, J., Rollins, Sherburne, Smith, Sprowl, Stover, Strout, Theriault, Torrey, Tozier, Vose

ABSENT — Berry, Carrier, Carroll, Diamond, Dutremble, D., Dutremble, L., Hall, Martin, A.; McPherson

PAIRED — Marshall-Higgins; Lund-McMahon; Masterman-Jackson; Kelleher-Hanson
Yes, 86; No, 48; Absent, 9; Paired, 8.

The SPEAKER: Eighty-six having voted in the affirmative and forty-eight in the negative, with nine being absent and eight paired, the motion does prevail.

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

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move reconsideration and hope you all vote against me.

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

Mr. GARSOE: Mr. Speaker, I move this matter be tabled for one legislative day pending reconsideration.

Thereupon, Mr. Hobbins of Saco 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 Cumberland, Mr. Garsoe, that this matter be tabled for one legislative day pending reconsideration. All those in favor will vote yes, those opposed will vote no.

ROLL CALL

YEA — Aloupis, Austin, Birt, Bordeaux, Boudreau, Bowden, Brown, D., Brown, K. L., Bunker, Call, Churchill, Conary, Cunningham, Damren, Davis, Dellert, Dexter, Dow, Drinkwater, Dudley, Fenlason, Fillmore, Fowlie, Garsoe, Gillis, Gould, Gowen, Gray, Hunter, Immonen, Kiesman, Laffin, Leighton, Leonard, Lewis, Lougee, Lowe, MacBride, Marshall, Masterman, Masterton, Morton, Payne, Peltier, Peterson, Reeves, J., Rollins, Roope, Sherburne, Silsby, Smith, Sprowl, Stover, Strout, Tarbell, Theriault, Torrey, Tozier, Vose, Wentworth, Whitemore

NAY — Bachrach, Baker, Barry, Beaulieu, Benoit, Berube, Blodgett, Brannigan, Brennerman, Brodeur, Brown, K. C., Carter, D., Carter, F., Chonko, Cloutier, Connolly, Cox, Curtis, Davies, Doukas, Elias, Gavett, Gwadosky, Hickey, Hobbins, Howe, Huber, Hughes, Hutchings, Jacques, P., Jalbert, Joyce, Kane, Kany, Kelleher, LaPlante, Lizotte, Locke, Lund, MacEachern, Mahany, Matthews, Maxwell, McHenry, McSweeney, Michael, Mitchell, Nadeau, Nelson, A., Nelson, M., Norris, Paradis, Paul, Pearson, Post, Prescott, Reeves, P., Rolde, Sewall, Simon, Small,

Soulas, Stetson, Studley, Tierney, Tuttle, Twitchell, Vincent, Violette, Wood, Wyman, The Speaker

ABSENT — Berry, Brown, A., Carrier, Carroll, Diamond, Dutremble, D., Dutremble, L., Hall, Hanson, Higgins Jackson, Jacques, E., Lancaster, Martin, A., McKean, McMahon, McPherson, Nelson, N.,

Yes, 61; No, 72; Absent, 18.

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

The question now before the House is on the motion of the gentleman from Brewer, Mr. Norris, that the House reconsider its action whereby it accepted the Majority "Ought Not to Pass" Report. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act Concerning the Crime of Prostitution" (H. P. 65) (L. D. 73)

Report was signed by the following members:

Mrs. TRAFTON of Androscoggin — of the Senate.

Messrs. HOBBS of Saco
CARRIER of Westbrook

Mrs. SEWALL of Newcastle

Messrs. GRAY of Rockland

JOYCE of Portland

LAFFIN of Westbrook

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:

Messrs. COLLINS of Knox
DEVOE of Penobscot

— of the Senate.

Messrs. HUGHES of Auburn
SILSBY of Ellsworth
STETSON of Wiscasset

— of the House

Reports were read.

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

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

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

The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE: Mr. Speaker and Members of the House: I rise in opposition to the motion of the good chairman of the Committee on Judiciary.

I remember the debate on this bill a year or two ago, and I remember that a number of the members of the Portland delegation concerned because of the apparent problem of prostitution in the city of Portland and that this measure, had it passed that time, was going to take care of that problem. I found it interesting when only two days ago I heard on the radio a quote from Lt. Dewey Martin of the Portland Police Department, who said that the Portland Police had successfully driven the prostitution business back to Boston by thorough enforcement of the present law. So I presume the Portland Legislators will not be using that particular concern in their city as an item in debate in support of this bill this year. I have long believed that the government ought to stay out of the private sex lives of consenting adults, and I emphasize the word "adults," and should this bill get past first reading, I would possibly offer an amendment distinguishing the law between involvement between only adults and involvement of minors.

I feel the way that I did a year or two ago on this bill, that it is not a necessary tool for law enforcement officers in the city of Portland or elsewhere and that it is a further encroachment of the government in the area of the private affairs of individual citizens. Therefore, I would oppose the present motion.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: We will respect Representative Howe's point of not using the same arguments as last year. However, I think it is important to point out that the government does regulate the female role in this activity, and I am going to support the bill because I feel the male is equally culpable.

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

Mr. HUGHES: Mr. Speaker and Members of the House: I would like first to respond to the suggestion that there is a female role and a male role in this law. The law on prostitution in Maine is sex neutral and applies to all prostitutes, and there are male prostitutes, both heterosexual and homosexual. There are male prostitutes in Portland, and I am sure that comes as no surprise to anyone who has driven down High Street in Portland. So it is sex neutral in that sense. It does not discriminate against female prostitutes or male prostitutes, it makes all prostitution illegal.

The penalty, however, is a rather lenient one. When the Criminal Code was adopted some four years ago, I think we compromised. The proposal that came to the Judiciary Committee was to have no penalty for prostitution. We would still maintain penalties for pimping but not for prostitution. The committee, in whatever wisdom we had at that point, decided that there ought to still be a penalty for prostitution, and we put on a \$500 fine and called it criminal. That applies only to the prostitute. The bill before us would make the same penalty, the same \$500 fine, apply to the customer.

By definition of the activity, there are a far greater number of customers than there are prostitutes. So we are broadening the criminal sanction to a far greater number of people, and I think we ought to be very cautious before we do that.

I think the thrust of those who are backing this bill is that somehow the customer is as guilty as the prostitute and ought to get the same penalty. But I would suggest, and the reason that I oppose this bill, is that the penalty would not, in effect, be the same. A \$500 fine to a prostitute who is in the business of making money is simply a cost of doing business, not a terribly great burden.

The reputation of a prostitute is probably not his or her prime concern in life. It is probably not the kind of occupation one enters if one is worried about one's reputation, but the penalty for a customer is not only the fine, which in itself is fairly small, it is being arrested, it is being in the papers as engaging in prostitution, which is the name of the crime which would be assigned to the person. It is having, if the person is married, and unfortunately many of these people are married, it is having the news get back and cause great family problems at home, and we have got enough problems keeping families together as it is. It is the potential for blackmail for somebody who is caught in that position. He is greatly prone to blackmail, and all of those things, I think, indicate that the punishment for the customer would indeed be far greater than the punishment for the prostitute. I think those egalitarian arguments just don't hold up in the long run.

Finally, I would point out that I think the most distasteful part of this bill is how it would have to be enforced. There is simply no real way to enforce this law, except by hiring decoys, police woman dressed in a way that indicates they are on the prowl for sex, putting them in places where they would be expected

to be if that were their occupation and entrapping or nearly entrapping their customers. And the examples of this in states which have such laws are legion.

Now, entrapment is illegal, but the line between what is entrapment and what is not entrapment is a very fine one. For example, it simply breaks down to this. If the woman police decoy simply stands there and does not start the conversation in an overt way, then she is not entrapping him. But the prospect of our spending our tax money to hire people to stand on street corners and look like prostitutes and try to get citizens involved in illegal activity and then subject them to criminal prosecution just seems to me to be a very sad and low way to spend our tax money. I think these arguments just simply don't hold up when you talk about the real world and how this crime will be enforced against fellow Maine citizens.

I guess I generally agree with the gentleman from South Portland, Mr. Howe, that what consenting adults decide to do together in a way that harms neither of them physically ought not to be the subject of regulation by this state.

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

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't planned to speak on this this morning, and I really hesitate to do so, but when a member of the committee that I serve on gets up and uses the argument that because a man is a respectable, well-to-do person with a lovely home and a lovely family back home, don't cause him any trouble if he goes out and hires a prostitute, I think that is about the most stupid situation that this House could ever listen to as an argument. If the man can't be trusted to go away from his family and his home, and he has such a wonderful home and wonderful family, and he gets involved with these kinds of people, he should pay the penalty just as well as the girls that are involved. To set him aside because he is one of these high mucky-muckers with a nice home and everything, I certainly hope the members of this House wouldn't consider that kind of a proposal.

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

Mr. HOBBS: Mr. Speaker and Members of the House: If you will look at the committee report, you will realize that this bill is not a partisan bill. In fact, it is ironic to think that yesterday the good gentleman from Westbrook and myself locked horns on the death penalty and today we are on the same side of the issue, but that is the Maine Legislature and I think that is the governmental process.

The Maine Legislature, three years ago, did not go along with the recommendations of the Criminal Revision Commission to decriminalize prostitution. In a compromise measure of the committee, we provided that a person who was convicted of prostitution, meaning the Sally and not the John, would be fined—or it could be the John, I suppose—would not be subject to imprisonment but would be subject to a fine not to exceed \$500. The good Representative from South Portland, Mr. Howe, mentioned the fact that whatever consenting adults did together should not be sanctioned by our criminal justice system. However, under our existing Criminal Code, we find that, as presented to you by Mrs. Beaulieu of Portland.

I think if we are going to accept the premise that prostitution is not an accepted practice or should not be condoned in our society and we want to alleviate prostitution, there is no better way to alleviate prostitution than to subject the person who solicits prostitution equally under the law as the person who engages in it.

I urge you to accept the Majority "Ought to Pass" Report.

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

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a

question through the Chair to anybody who may care to answer it. As I look over the bill, L. D. 73, we are discussing a bill that is supposed to affect both men and women, and it says, "A person is guilty of engaging in prostitution if he..." and I wonder if that terminology is incorrect or makes the bill mechanically wrong.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins, who may respond to the question if he so desires.

Mr. HOBBS: Mr. Speaker, in response to your question, Mr. Pearson, we have made in our statutes the term 'he' to represent he or she. We have made the term 'he' sexually neutral in our statutes. Therefore, he means she under our criminal law and under all the laws on our statutes.

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

Mr. MCKEAN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't even going to get into this argument. I remember two years ago when I got into it. I remember what happened in the newspapers also, don't we, Mr. Hughes?

I have a question I would like to preface with a remark or two. First of all, I am not naive enough, because I have travelled throughout the world, to think that the prostitutes in Portland are not like the prostitutes anywhere else in the world. They protect their territory, of which there is no doubt in my mind. Also, if they are caught in a situation with somebody who has employed their services, I doubt very much if they are going to come out and say, oh yes, he paid me, because part of the protection of their services is going to be to protect the customer. This is only natural.

I would like to pose a question through the Chair to anyone who would care to answer from the committee, what is going to be considered as admissible evidence in court? How are you going to go about gathering this admissible evidence?

The SPEAKER: The gentleman from Limestone, Mr. McKean, has posed a question through the Chair to any member who may care to answer.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Just to give you an answer to the question the good gentleman from Limestone has raised, the evidence required would have to conform with the Maine Rules of Evidence, and the evidence in most prostitution cases is the acceptance of money or the passing of money, this type of thing. This was under the system prior to the code, and I think it would still hold true. It would still have to stand muster with the Maine rules of evidence.

Now if I may, I would like to address this bill. This particular bill, ladies and gentlemen, is a very simple bill to understand. I will try to simplify it even more. Bear this in mind as the bottom line—it takes two to tango, equal protection under the law. The male, who is equally as much an offender under the law, is let off scot free now. The present law does take care of the male prostitute, and I learned here this morning that there are some in Maine, as the good gentleman from Auburn said, and it makes my heart feel good when I hear him testify that way before you.

When I look to the record of two years ago, I can quote him as saying, "I have never met a prostitute; I wouldn't know one if I saw one." He lost the shroud of innocence, and for that I will be eternally grateful. If there are other things that were not explained to him out in that woodshed, I would be glad to speak to him.

The situation that has been described in one area of Portland, the Congress Square area, the legislature did not help us the last session, but probably a power greater than the legislature did help us when two months ago a fire struck up there and that popular business place at the corner of High and Congress has not yet

reopened. This is where we got the majority of our relief, and the good people of this body and some of the good people down at the end of the hall in that other body, and I don't like to talk derogatory about them down there, but I know, under our stringent rules, I can read you a quote from the Boston Globe of two years ago May when we were debating it, when it was debated in that horrendous, horrible body down there.

A Senator was being interviewed; here is his answer. "I remember getting notes from some of the Aroostook group that said, 'Give us our hookers and we will take your hookers'."

The prostitution bill, how, I don't know, it got tied up in a trade-off deal with the moose bill. If you can't understand that, I would suggest that you go down and read the record of the debate. I never met a moose, but I voted against killing them after I heard the debate.

This problem of prostitution, yes, a great improvement in the city of Portland. The police are to be commended. Our Father above is to be commended, but if it returns, law enforcement is not properly equipped unless they have this particular bill that is before us today.

It is a very practical enforcement problem. We have a limited number of sellers. We have an excessive amount of buyers, in fact, an inexhaustible supply of customers. The law of supply and demand comes into play in this situation.

This bill will keep the demand down and in turn cut down the supply. We should have equality under the law. Yes, other cities have this; other states have it.

Shortly before we debated this two years ago, Congressman Alan Howe went home to his district and, I don't know, when you read the record, the Congressman was probably one of the big spenders because he decided that Tuesday night to take a walk downtown. He probably had some money in his pocket left over from his \$57,000 salary. He saw these two young ladies that he believed to be damsels in distress. He went over and offered \$35 for a good time, and he spelled out the specifics—you know, congressmen are very precise. He in turn paid and he promptly was arrested. Yes, it was a policewoman that he approached, two of them—two for \$35.

This bill really gets to the moral fibers of the people in this body. I heard that good gentleman, my innocent friend from Auburn, and I thought he was relating the Starsky and Hutch episode of two weeks ago. I know that he has been educated in the law, but entrapment isn't what he thinks it is. Perhaps in law school, my good friend, you probably had the flu when they discussed entrapment. There is nothing wrong with a police officer, be it in Portland or be it in Eagle Lake, dressing up in a nice Pendleton shirt or in a tux and walk through Congress Square and see a young lady, well painted, and ask her the going price or ask her, is this town dead? That is all you need and, for the bachelors, and I know they are here, there is a way that you don't speak to seek the service, it is the way you fold a one-dollar bill and I will show you that if your conscience is clear.

This particular bill is needed to give the law enforcement people the proper tools to keep your communities clear. It was mine two years ago. My community had this serious problem. If you will read the record, you will see how the 72-year-old priest was grabbed by a 14 year old. You will see how many people were approached. I think this is the bill, and I hope you vote in favor of the pending motion.

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

Mr. NORRIS: Mr. Speaker, Ladies and Gentlemen of the House: I have listened this morning to the dean, the dean of Portland. He has given us lessons in law, given us lessons in law enforcement and some other things. We did hear that bill last year. By his own admission just now, the present law is taking care of the

problem in Portland. This is where it came from, believe me. He came in here last session with this proposal, it was defeated. He is back again this session, and I hope he will be with us next session and if it is defeated, he will be back with it again next session. It is sensational.

There is nothing to prevent the City of Portland, from the understanding that I have, if they had interpreted the law that we have on the books correctly last time around, there was a remedy for this problem and I believe it was my good friend from Portland who advised his man from Portland that was there, his legal man from the police department, advised him that there was a place in the law that would take care of this. Apparently they have used it. They weren't using it up until that time, but apparently they have used it and they have used it very successfully, but if in Portland they want to have more rules and regulations, let them change the ordinances in the city, let them do anything they want to in Portland, but my people want less regulations out of Augusta. They want less rules and regulations to be told when they can come and when they can go or what they can do or what consenting adults can do.

I would hope that you would go with the young gentleman from Auburn this morning.

Mr. Joyce of Portland was granted permission to speak a third time.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to have to repeat. We did discuss in committee. I went to the Attorney General's Office yesterday and they explained that the adjustments we made to the code last time around, they are having problems with it and it can't be used.

I did not, as I recall today, say that the problem was corrected by us changing a statute. I think the environmental conditions in Congress Square, because of the fire, which certainly wasn't caused by the code, this is the reason the street up there is clear. There is no place to go in to keep warm while you are in business. I urge your support of this bill.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker and Members of the House: There has already been too much debate on this bill, probably, but I just want to say one thing. Please, let us not create a law we can't enforce unless we have to enforce it in such a way that it demeans all of us. I believe strongly that offering decoys is demeaning and we should be no part of all of this.

I hope you will vote against the motion before you.

Mr. Joyce of Portland 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 Saco, Mr. Hobbins, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

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

Mr. MacEACHERN: Mr. Speaker, I would like to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yes and I would be voting no.

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

Mr. HOWE: Mr. Speaker, I would like to pair my vote with Representative Lucien Dutremble of Biddeford who, if he were here, would be voting yea and I would be voting nay.

The SPEAKER: The Chair recognizes the

gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Mr. Speaker, I ask leave of the House to pair my vote with the gentleman from Kennebunkport, Mr. Hanson. If Mr. Hanson were present and voting, he would be voting yea and if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Whittemore.

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

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

Mr. CARTER: Mr. Speaker, I would like to pair my vote with the gentleman from Scarborough, Mr. Higgins. If Mr. Higgins were present, he would be voting yea; if I were voting, I would be voting nay.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Tozier.

Mr. TOZIER: Mr. Speaker, I wish to pair my vote with Mr. D. Dutremble. If he were here, he would be voting yea and I would be voting nay.

ROLL CALL

YE — Austin, Barry, Beaulieu, Benoit, Berube, Birt, Blodgett, Brennerman, Brodeur, Brown, D.; Brown, K. C.; Cloutier, Connolly, Cunningham, Curtis, Damren, Davies, Diamond, Fenlason, Fillmore, Fowlie, Garsoe, Gavett, Gillis, Gould, Gray, Gwadosky, Hall, Hickey, Hobbins, Hutchings, Immonen, Joyce, Laffin, Leonard, Lewis, Locke, Lowe, Lund, MacBride, Mahany, Marshall, Masterman, Maxwell, McSweeney, Michael, Mitchell, Morton, Nadeau, Nelson, M.; Nelson, N.; Paradis, Paul, Payne, Pearson, Post, Prescott, Reeves, P.; Rolde, Sewall, Sherburne, Simon, Small, Stover, Strout, Theriault, Tierney, Torrey, Tuttle, Twitchell, Violette, Wentworth, Wood, Wyman, The Speaker

NAY — Aloupis, Bachrach, Baker, Boudreau, Boudreau, Bowden, Brannigan, Brown, A.; Brown, K. L.; Bunker, Call, Carter, D.; Chonko, Conary, Cox, Davis, Dellert, Dexter, Doukas, Dow, Drinkwater, Dudley, Elias, Gowen, Huber, Hughes, Hunter, Jacques, E.; Jacques, P.; Kane, Kany, Kiesman, Lancaster, LaPlante, Leighton, Lizotte, Lougee, Master-ton, Matthews, McHenry, McKean, Nelson, A.; Norris, Peterson, Reeves, J.; Rollins, Roope, Silsby, Smith, Soulas, Sprowl, Stetson, Studley, Tarbell, Vincent, Vose

ABSENT — Berry, Carrier, Carroll, Churchill, Martin, A.; McMahon, McPherson, Peltier
PAIRED — Carter-Higgins; Dutremble, D.-Tozier; Dutremble, L.-Howe; Hanson-Kelleher; Jackson-Whittemore; Jalbert-MacEachern
Yes, 75; No, 56; Absent, 8; Paired, 12.

The SPEAKER: Seventy-five having voted in the affirmative and fifty-six in the negative, with eight being absent and twelve paired, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading the next legislative day.

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

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

Wellington Higgins of Winthrop will celebrate, on January 25, 1979, the 105th anniversary of his birth (S. P. 98)

Came from the Senate read and passed, and ordered sent forthwith.

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

The following paper appearing on Supplement No. 2 was taken up out of order by unanimous consent:

On motion of Mr. Cox of Brewer, it was ORDERED, that Linwood Higgins of Scarborough be excused January 25 for personal rea-

sons;

AND BE IT FURTHER ORDERED, that Harold Hanson of Kennebunkport be excused for personal reasons:

AND BE IT FURTHER ORDERED, that James McMahon of Kennebunk be excused for personal reasons.

The following paper appearing on Supplement No. 3 was taken up out of order by unanimous consent:

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

Eliza I. Nichols of Orono will, on January 28, 1979, celebrate the 100th anniversary of her birth (S. P. 102)

Came from the Senate read and passed, and ordered sent forthwith.

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

The following papers appearing on Supplement No. 4 were taken up out of order by unanimous consent:

The following Communication: (S. P. 100)

State of Maine
SENATE CHAMBER
President's Office
Augusta, Maine

January 24, 1979

Honorable James McBreairty
Honorable William Blodgett
Chairmen, Energy and Natural Resources Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is withdrawing and re-nominating Henry E. Warren to serve as Commissioner of the Department of Environmental Protection.

Pursuant to MRSA, Title 38, Section 341, this appointment will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,
(Signed) JOSEPH SEWALL
President of the Senate
(Signed) JOHN MARTIN
Speaker of the House

Came from the Senate read and referred to the Committee on Energy and Natural Resources, and ordered sent forthwith.

In the House, the Communication was read and referred to the Committee on Natural Resources in concurrence.

The following Communication: (S. P. 101)

State of Maine
SENATE CHAMBER
President's Office
Augusta, Maine

January 24, 1979

Honorable Barbara A. Gill
Honorable Sandra Prescott
Chairmen, Health and Institutional Services Committee
State House
Augusta, Maine 04333

Please be advised that Governor Joseph E. Brennan is nominating Edward F. Gorham to serve as a member on the Health Facilities Cost Review Board.

Pursuant to MRSA, Title 22, Section 353, this appointment is subject to review by the Joint Standing Committee on Health and Institutional Services and confirmation by the Legislature.

Sincerely,
(Signed) JOSEPH SEWALL
President of the Senate
(Signed) JOHN MARTIN
Speaker of the House

Came from the Senate, read and referred to the Committee on Health and Institutional Services, and ordered sent forthwith.

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

(Off Record Remarks)

At this point, the Speaker appointed Mr. Diamond of Windham to serve as Speaker-pro tem on Tuesday, January 30.

On motion of Mr. Laffin of Westbrook,
Adjourned until Tuesday, January 30, at ten o'clock in the morning.