

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, February 9, 1981

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

Prayer by the Reverend Ronald Arno of the Second Baptist Church, Sidney.

The members stood at attention during the playing of the National Anthem by the Wiscasset High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

Bill "An Act Clarifying the Authority of School Administrative District No. 62, Pownal, to Employ its Own Superintendent of Schools and Supervising Principal" (S. P. 237) (L. D. 655)

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

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

Bill "An Act Concerning the Qualifications of Licensed Guides Leading Trips Involving Children from Boys and Girls Camps" (S. P. 234) (L. D. 652)

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.

Later Today Assigned

Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes" (S. P. 235) (L. D. 653)

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

In the House, on motion of Mrs. Prescott of Hampden, tabled pending reference in concurrence and later today assigned.

Bill "An Act Relating to Veterans' Tax Exemptions" (S. P. 236) (L. D. 654)

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

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

The following Joint Resolution: (S. P. 230) (L. D. 617)

Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress

WHEREAS, the 95th Congress of the United States of America as its second session, in both Houses, by a constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words, to wit:

Joint Resolution Proposing an Amendment to the Constitution to Provide for Representation of the District of Columbia in the Congress

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the several states within seven years from the date of its submission by the Congress:

ARTICLE

"Section 1. For purposes of representation in the Congress, election of the President and Vice-President, and Article V of this Constitution, the District constituting the seat of gov-

ernment of the United States shall be treated as though it were a State.

"Section 2. The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

"Section 3. The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

"Section 4. This article shall be inoperative, unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission."; now, therefore, be it

RESOLVED: By the Members of the Senate and the House of Representatives of the 110th Legislature, now assembled, that such proposed amendment to the Constitution of the United States of America be and the same is hereby ratified; and be it further

RESOLVED: That certified copies of this Resolution be forwarded by the Secretary of State to the Administrator of General Services, Washington, D. C., and the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

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

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

Reports of Committees**Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Eliminate County Commissioner Hearings for Tax Abatements" (S. P. 76) (L. D. 113)

Came from the Senate with the Report read and accepted.

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

Messages and Documents

The Following Communication: (S. P. 244)

State of Maine
Senate Chamber
President's Office
Augusta, Maine

February 4, 1981

Honorable Charlotte Z. Sewall

Honorable Edith S. Beaulieu

Chairmen, Joint Standing

Committee on Labor

State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Russell A. Webb of Clinton for appointment as an alternate employee member of the Maine Labor Relations Board.

Pursuant to Title 26 MRSA Section 968, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Labor.

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

Petitions, Bills and Resolves**Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Relating to the Salary of the Executive Secretary of the Workers' Compensation Commission" (H. P. 629) (Presented by Mr. Paradis of Augusta)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Specify the Exemptions which will Apply in Bankruptcy Cases" (H. P. 630) (Presented by Miss Aloupis of Bangor) (Cosponsor: Senator Clark of Cumberland)

Bill "An Act to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections" (H. P. 631) (Presented by Mr. Carrier of Westbrook)

Bill "An Act Relating to the Licensing of Hearing Aid Dealers and Fitters" (H. P. 632) (Presented by Mr. Soulas of Bangor)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Change the Probationary Period for Teachers from 2 Years to 3 Years" (H.P. 633) (Presented by Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Permit Applicants for Waste Discharge Licenses and Air Emission Licenses to Request Hearings Thereon before the Board of Environmental Protection" (H. P. 634) (Presented by Mrs. Damren of Belgrade)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Rental Increases" (H. P. 635) (Presented by Mr. Soulas of Bangor)

Bill "An Act to Clarify the Domestic Violence Statutes" (H. P. 636) (Presented by Mr. Hobbins of Saco) (Cosponsor: Mr. Tarbell of Bangor)

Bill "An Act Concerning the Suspension of a Drivers License for Operating a Motor Vehicle under the Influence of Alcohol or Refusing to Submit to a Blood or Breath Analysis" (H. P. 637) (Presented by Mr. Carrier of Westbrook)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Clarify and Make Consistent Appeal Procedures in the Employment Security Law" (H. P. 638) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act to Prevent Frivolous Appeals in Unemployment Compensation Cases" (H. P. 639) (Presented by Mrs. Beaulieu of Portland)

Bill "An Act to Strengthen and Clarify the Occupational Disease Law" (H. P. 640) (Presented by Mr. Hobbins of Saco)

Bill "An Act to Protect the Integrity of the Unemployment Compensation Fund" (H. P. 641) (Presented by Mr. Baker of Portland)

Bill "An Act to Establish Reasonable Limitation on the Recovery of Unemployment Compensation Benefits Overpaid in Nonfraud Cases" (H. P. 642) (Presented by Mrs. Beaulieu of Portland)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Relating to Winter Closing of Town Ways" (H. P. 643) (Presented by Mr. Dexter of Kingfield)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act Relating to Action by the Public Utilities Commission on Applications by Motor Common Carriers of Passengers for Certificates of Public Convenience and Necessity" (H. P. 644) (Presented by Mr. Ridley of Shapleigh) (Cosponsor: Mr. Weymouth of West Gardiner)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Remove the Exemption for Motor Vehicle Fuel from the State Sales Tax Law" (Emergency) (H. P. 645) (Presented by Mr. Twitchell of Norway)

Bill "An Act to Repeal Portions of the Excise Tax Law" (H. P. 646) (Presented by Mr. Theriault of Fort Kent)

(Ordered Printed)
Sent up for concurrence.

Later Today Assigned

Bill "An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act" (H. P. 626) (Presented by Mr. Hayden of Durham) (Cosponsors: Senator Emerson of Penobscot, Mrs. Post of Owl's Head and Senator Clark of Cumberland)

Committee on Taxation was suggested.

On motion of Mr. Pearson of Old Town, tabled pending reference and later today assigned.

Transportation

Bill "An Act to Regulate Passengers Standing in Motor Trucks" (H. P. 647) (Presented by Mr. Fitzgerald of Waterville)

(Ordered Printed)
Sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Mr. Strout from the Committee on Transportation on Bill "An Act Concerning the Transportation of Sawdust and Shavings on Public Ways" (H. P. 25) (L. D. 29) reporting "Ought Not to Pass"

Mr. Clark from the Committee on Fisheries and Wildlife on Bill "An Act to Repeal the Prohibition on Importing Live Bait" (H. P. 39) (L. D. 48) reporting "Ought Not to Pass"

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

Leave to Withdraw

Later Today Assigned

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Change the Raccoon Hunting Season in Maine" (H. P. 137) (L. D. 164) reporting "Leave to Withdraw"

Report was read.

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

Mr. Jackson from the Committee on Business Legislation on Bill "An Act to Require Notification to Abutting Landowners Upon Correction or Alteration of a Prior Survey" (H. P. 133) (L. D. 160) reporting "Leave to Withdraw"

Mr. Fowlie from the Committee on Marine Resources on Bill "An Act to Require a Permit for Purse Seining on the Medomak River" (H. P. 187) (L. D. 200) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Prohibit Fingerprinting by Merchants in Negotiation of Checks" (H. P. 109) (L. D. 157)

Report was signed by the following members:

Mr. SUTTON of Oxford
Mrs. SEWALL of Lincoln
Ms. CLARK of Cumberland
— of the Senate.
Messrs. RACINE of Biddeford
JACKSON of Yarmouth
PERKINS of Brooksville

Miss GAVETT of Orono
— of the House.

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

Report was signed by the following members:

Mrs. MARTIN of Van Buren
Messrs. BRANNIGAN of Portland
FITZGERALD of Waterville
POULIOT of Lewiston
TELOW of Lewiston
GWADOSKY of Fairfield
— of the House.

Reports were read.

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

Mr. BRANNIGAN: Mr. Speaker, I move acceptance of the "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Portland, Mr. Brannigan, moves that the Minority "Ought to Pass" Report be accepted.

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker and Members of the House: You walk into a rather large store that sells many items, from jewelry to sporting goods to small appliances, a good quality brand name at discount prices, pick up or decide to purchase several of these items, arrive at the checkout area, ask if you can pay with a personal check—the answer is yes, and it had better be because you don't have enough cash to cover the purchase. You are asked for identification, you produce identification, are asked for two identifications, you produce two—please put your thumb on this pad and now put the thumb on the check, and you have just been fingerprinted.

This bill would end this practice and make fingerprinting a place for the police department, police station, and would take it out of stores, as we have previously taken it out of schools.

Most of the people I have talked to, and most of the people in committee, find that this practice of fingerprinting in stores as a security measure in checking is a bad practice and are all against it. The reason we don't have a majority or even everyone on the committee voting in favor of this prohibition this morning is because some have some concerns about legislating in this area, and others because of the work of one of the members of this body, at least temporarily, this practice has ceased.

No one appeared in opposition to this bill at our committee hearings. The Maine Merchants Association, which represents hundreds, over a thousand merchants in our state, were not opposed to it.

The custom has ceased for the time being, but the practice has been brought before us as a legislature and we have to give a message this morning. I would hope that you would join with me in making that message—no more fingerprinting in the store.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: This is the first divided report out of Business Legislation, and I think there is a basic issue that we are talking about here.

A good many of you have been in the Army and the military, and you all have the memory that I have in the back of my mind of being woken up about four o'clock in the morning and being marched in, having your head shaved and having your fingerprints taken. It was kind of a negative feeling that you got out of this.

Also, all of us have seen the Jimmy Cagney movies and things like this where they fingerprint the felon when they take him in—and again a negative feeling. But that really isn't what this bill is about. This bill would say that the merchants in the State of Maine can't fingerprint you when you want to cash a personal check.

I think this is an example of a place where

government just shouldn't be getting into the act. No one is forcing you to go into the stores that may be requiring this; no one is forcing you to present a personal check and try and get it cashed to pay for merchandise in the store.

The people in the State of Maine, this is an area where they can really do something for them without government having to inject itself into protecting them. You can go into the store and if you don't like the policy of the store, if you don't want to be fingerprinted, you can walk out of the store. And if the people of Maine walk out of the store, the store isn't going to require them to be fingerprinted, because the store is there to sell goods and products, and they want people to come into the store, they want happy customers and they want to sell things to people and if this is something that chases customers away, they are not going to do it. So I say, let's just leave it alone and let's let the market place take care of this and the economic system that we have to take care of it rather than dragging in government to make the regulation to handle this.

I hope you will support the Majority Report of this committee which is "ought not to pass" and I ask for a division.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I am going to ask you to certainly accept a division vote and I am going to ask you to vote for the Minority Report.

As a legislator, I am not very sensitive to bringing in bills that are frivolous for you to consider. I don't believe that I have ever done that, and the request that has been brought to you today is something that I am in avid pursuit of.

The issue arose last November right around the Christmas Club check coming out time. One particular store in a neighboring community of Portland apparently had a longstanding policy of requiring fingerprinting as a condition for purchase if you were to use a personal check. Unfortunately, through my investigation and after I was flooded with calls from people all over my city and the surrounding areas objecting to the policy, I found out that that policy was not even necessarily being put forward in a very outright manner. I have cashed checks at that particular company and never been fingerprinted; yet, my daughter was; fellow co-workers had not been fingerprinted; yet, their neighbors had been. I guess it was a situation of different strokes for different folks. If you wore a skirt and your hair was done up, you didn't have to be fingerprinted, but if you wore dungarees and a chamamois shirt, then you were told you had to be.

I called the Consumer Protection Bureau to find out if they were aware of the practice, if they knew of any other businesses in the state that were doing it, if it was legitimate. I found that there was nothing to prohibit it, they had no knowledge of it and no complaints. I then, trying to be constructive, went to the Portland papers and asked them to do a story on it so that we could test the public's sentiment. The story made the front page and both I and the newspapers were submerged with calls and letters in support of stopping the practice.

To further educate myself, I then called local businesses and chain stores for opinions, their concepts, their practices, and learned an awful lot in the process.

Fingerprinting, in the opinion of 99 percent of the people that I talked to from all walks of life, including the business community, feel as I do—that fingerprinting is an activity best left to law enforcement and/or the military, not in the business world as a condition of purchase. The company using it cited it as a consumer protection measure. What I am trying to do I see as a consumer protection measure.

Those I talked to there never thought anyone who deliberately set out to pass a bad check in

the first place would make it a point to deliberately smudge that fingerprint so it is of no value. Some of the people in that particular company thought that everybody has a set of fingerprints somewhere; that is not fact. We don't even fingerprint in schools anymore, like you and I had to go through years back.

The store manager cited several examples of success in catching bad check passers with this process. I see it as, and I told him so, that it was a miserable record since he cited large numbers of bad check problems. He also indicated that the policy could not be changed locally; the main stores could not change the policy because of the parent company is in the south. When I informed him that I certainly was going to present to the legislature a bill to prohibit the practice, he had a responsibility to come forward at the hearing and defend their practice—he chose not to.

Since then, they have put a hold on that policy. They are not using it, which I am very grateful for. However, let me assure you that the minute that we as a body take a vote not to infringe on the so-called rights of private enterprise, they will go back to the practice. There is a legislator sitting with us this morning who has been told so and I have been told so. In effect, they are waiting for Representative B. to shut up or be shut up, and the "B" doesn't stand for Beaulieu in this instance.

The newspapers have editorialized that there need be no law, that consumers have the power to deal with it, and I say, not so. As a consumer, no one stops at the checkout counter to read the posted message that is on a 4 x 5 card.

Women, particularly, do not like to carry large amounts of cash nor do they like to use their credit cards so that check is very important in their day-to-day dealings and they need their privileges. They rely heavily on the check cashing privilege.

Once you are in line with your products, you get to the check out and this policy is explained to you, most people feel intimidated and they respond by allowing it so as not to make a fuss.

No one is out to hurt any business. At the hearing, one of the legislators suggested that I should organize a group, go in, fill up baskets, get to the checkout, refuse to make the purchase and walk out. I think that is a cheap shot and I wouldn't pull that on anybody. However, I contend that if we, once and for all, make this particular practice prohibitive, knowing full well that there are other far more acceptable practices in place for them to monitor people who choose to use checks, or come out with a policy that they won't accept them, that is far more reasonable. The mechanisms in place are not totally acceptable to everyone but far more acceptable than this one.

So, I would contend and request that you support me this morning and that you do vote for the Minority Report. Let's end this particular practice and then no one has to worry about it ever again.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Hanson.

Mr. HANSON: Mr. Speaker, Ladies and Gentlemen of the House: I will not try to belabor this argument any longer, as both sides have shown their point of view. We can still continue to argue that it is an anti business bill, that this policy is no longer going but it does keep cropping up. I would like to take a different point of view.

I cosponsored this bill and I would like to tell you the reason why, because the taking of fingerprints is a serious personal matter. Fingerprints could provide identification information on an individual only when fed into a sophisticated law enforcement network. At that point, fingerprints carry the potential for abuse and invasion of an individual's privacy.

Many of us have been fingerprinted in school when we were young; that practice, as has been stated, has been stopped. A lot of us have been in the military and have been brain-

washed to the fact that it was alright to be fingerprinted, but we are talking about private citizens. We are talking about people who will go into a store and face the embarrassment of walking out or being fingerprinted.

I talked to my people back home once more this weekend about this bill, and they reassured me that they are appalled that we even allow this practice in the State of Maine. One citizen stated that fingerprinting is for the military because they belong to the state and suspects of criminals for the acts that they do, not for the private citizens that are struggling and need no more harassing in this day and age. They feel there is enough identification today to identify a person to cash any personal check, and we can revert back—if the store does not want to cash their checks, they can refuse also.

So, not to belabor it, but if you want to protect your constituents' privacy, if you want to avoid having your people from facing even once more the embarrassment of being fingerprinted, if you want to put an end to this practice in Maine once and for all, you will join me and vote "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Leighton.

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: As a former member of the 109th used to say, "very briefly." On the surface of this, I think this is a very bad bill, not in tradition of the American free enterprise system. However, nonetheless, I would like to commend Representative Beaulieu for bringing this before us because I think it dramatizes very nicely just how efficiently our free market system works and how promptly it works, for example. The matter is already taken care of while we deliberate on the matter here in the legislature.

As I understand the history of the situation, a store in South Portland instituted, on rather bad advice, a fingerprinting system for shoppers. They were immediately punished by the consumers who raised an outcry against this, refused to patronize this store and showed that they weren't going to patronize the type of store that did this sort of thing. The offending store immediately discontinued the practice, not because of Representative Beaulieu's bill, not six months from now, not a year from now, not out of fear of something that we might do over the next five years but simply because no one would patronize them.

In answer to some of the comments of the previous speaker, there is tremendous difference between the state compelling people to do something and the free market place. That supermarket had no authority to compel anybody to do anything, and once the consumers demonstrated that they weren't willing to patronize the store that did this sort of thing, the practice immediately stopped.

At this point, I think I would like to move indefinite postponement of this bill and all its accompanying papers and ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I believe that being able to cash a check is a privilege and, unfortunately, this privilege is sometimes abused by some individuals, causing a financial loss to the business community. Attempts to protect themselves from unscrupulous customers and people who have no qualms about writing bad checks sometimes causes inconveniences to their honest customers, but most individuals accept this as part of the business transaction. Unfortunately, some take these protective measures as a personal affront and demand that laws be enacted to prohibit something that they don't like.

I do not find it offensive nor repulsive to affix my fingerprint on a check, have my picture taken for my driver's license or even show my draft registration card or provide any other form of identification that may be required to

cash a check. I have been in situations where I was more embarrassed when I could not cash a check due to local policies adopted by the business community concerning cashing checks. I would have been more than happy to provide any type of identification just to be able to cash a check.

Those two write checks with sufficient funds should not object to being fingerprinted because their checks would be routinely processed and eventually returned to them, cancelled for their records, so it does not make any difference if there is a fingerprint on a check. Those who write bad checks naturally should be concerned, if required to provide their fingerprints, because action can then be initiated to establish a permanent record on their complete disregard of the law.

I believe that individuals who feel that it is degrading or offensive to be fingerprinted for the privilege of cashing a check should boycott any establishment that adopts these protective measures.

I recommend that you accept the committee's report and vote accordingly.

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

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

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

Mr. BRANNIGAN: Mr. Speaker, Members of the House: My former seatmate, Representative Leighton, has stood and we are now confused. To remind people like myself, who have just been here one term and those of you who have just come for your first term, in order to vote yes, we must vote no. I think he has done us a favor this morning, because what I want to do and what I hope most of you want to do is say no and give a red light to fingerprinting in stores, and if you want to do that, we will defeat his motion and we will give a red light to fingerprinting—vote no, please.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, we have to have a balanced opinion here—vote yes, which is the green light, which means let private enterprise take care of it, not big brother.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, 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 — Alopous, Armstrong, Austin, Bell, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Higgins, L. M.; Holloway, Huber, Hunter, Ingraham, Jackson, Kisman, Kilcoyne, Lancaster, Leighton, Livesay, Lund, MacBride, Macomber, Masterman, Masterton, McPherson, Michaud, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Perkins, Peterson, Racine, Randall, Reeves, J.; Roberts, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Studley, Swazey, Tarbell, Treadwell, Twitchell, Walker, Webster, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Dexter, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Gowen, Gwadnosky, Hall, Hanson, Hayden, Hickey, Higgins, Hutchings, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, LaPlante, Laverriere, Lewis, Locke, Mahany, Manning, Martin, A.; Martin, H. C.; Matthews, McColister, McGowan, McHenry, McKean, McSweeney, Michael, Mitch-

ell, E. H.; Mitchell, J.; Murphy, Nadeau, O'Rourke, Paradis, P.; Paul, Pearson, Post, Pouliot, Prescott, Reeves, P.; Ridley, Rolde, Salsbury, Smith, C. B.; Soulas, Soule, Telow, Theriault, Thompson, Wentworth, The Speaker.

ABSENT—Hobbins, Kelleher, Ketover, Lisnik, MacEachern, Moholland, Perry, Richard, Strout, Tuttle, Vose.

Yes, 67; No, 73; Absent, 11.

The SPEAKER: Sixty-seven having voted in the affirmative and seventy-three in the negative, with eleven being absent, the motion does not prevail.

Thereupon, on motion of Mr. Brannigan of Portland, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

First Day

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

(S. P. 73) (L. D. 110) Bill "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-8)

(S. P. 62) (L. D. 89) Bill "An Act Relating to the Special Administrative Expense Fund and Errors in Benefit Payments under the Employment Security Law" Committee on Labor reporting "Ought to Pass"

(S. P. 83) (L. D. 180) Bill "An Act to Amend the Maine Business Corporation Act" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 101) (L. D. 210) Bill "An Act Concerning the Uniform Processing of Employer Contributions into the Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

(H. P. 43) (L. D. 49) Bill "An Act to Dissolve the Howland Water and Sewer District" Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-9)

(H. P. 173) (L. D. 194) Bill "An Act to Increase the Deer Registration Fee" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 44) (L. D. 50) Bill "An Act to Require Legislative Confirmation of State Housing Authority Commissioners" Committee on State Government reporting "Ought to Pass"

(H. P. 123) (L. D. 155) Bill "An Act to Establish a Sign on the Maine Turnpike for York Beach Region" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-11)

(H. P. 223) (L. D. 260) Bill "An Act to Clarify and Make Corrections in the Personnel Laws" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-10)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 10, 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. 199) (L. D. 244) Bill "An Act Concerning the Habitual Use of Drugs by Podiatrists"

(H. P. 87) (L. D. 80) Bill "An Act to Repeal the Law Requiring a Taxable Year of April to April for Real Estate Taxes which are Prorated between Seller and Purchaser of Real Estate" (C. "A" H-8)

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

Amended Bill

Bill "An Act to Increase the Standard Interest Provision for the Tax from 9% to 12% Per Year" (H. P. 82) (L. D. 77) (C. "A" H-7)

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

Passed to Be Enacted

An Act to Provide Free Access for Disabled Veterans to State Parks, Camping Areas and Beaches (H. P. 51) (L. D. 65)

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:

SENATE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (S-6) - Committee on Labor on Bill "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law" (S. P. 74) (L. D. 111)

Tabled—February 5, 1981 by Mrs. Beaulieu of Portland.

Pending—Acceptance of the Committee Report in concurrence.

On motion of Mrs. Beaulieu of Portland, retabled pending acceptance of the Committee report in concurrence and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Services in Nursing Homes" (S. P. 235) (L. D. 653) which was tabled earlier in the day pending reference in concurrence. (In Senate - referred to Committee on Health and Institutional Services)

On motion of Mr. Brannigan of Portland, the Bill was referred to the Committee on Business Legislation in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Increase Eligibility Levels for the Elderly Householders Tax and Rent Refund Act" (H. P. 626) which was tabled earlier in the day pending reference.

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

The Chair laid before the House the following matter:

Bill "An Act to Change the Raccoon Hunting Season in Maine" (H. P. 137) (L. D. 164) which was tabled earlier in the day pending acceptance of the "Leave to Withdraw" Report.

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

(Off Record Remarks)

On motion of Mr. Kane of South Portland. Adjourned until ten o'clock tomorrow morning.