

# 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**

Thursday, February 12, 1981

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

Prayer by the Reverend Dana Moran of the Liberty Baptist Church.

The journal of yesterday was read and approved.

**Papers from the Senate  
Reports of Committees  
Leave to Withdraw**

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act Creating Security Requirements for Pharmacy Areas" (S. P. 68) (L. D. 105)

Came from the Senate with the Report read and accepted.

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

**Non-Concurrent Matter**

Bill "An Act to Further Free Enterprise" (H. P. 592) (L. D. 670) which was referred to the Committee on Business Legislation in the House on February 5, 1981.

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

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

**Non-Concurrent Matter**

Bill "An Act to Change the Raccoon Hunting Season in Maine" (H. P. 137) (L. D. 164) on which the Bill and Accompanying Papers were Recommended to the Committee on Fisheries and Wildlife in the House on February 10, 1981.

Came from the Senate with the "Leave to Withdraw" Report of the Committee on Fisheries and Wildlife Read and Accepted in non-concurrence.

In the House: On motion of Mr. MacEachern of Lincoln, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Prohibit Fingerprinting by Merchants in Negotiation of Checks" (H. P. 109) (L. D. 157) on which the Minority "Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed in the House on February 10, 1981.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

In the House: On motion of Mr. Hanson of Kennebunkport, the House voted to adhere.

**Messages and Documents**

The following Communication: (S. P. 284)

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

February 10, 1981

Honorable Howard M. Trotzky

Honorable Laurence E. Connolly, Jr.

Chairmen, Joint Standing

Committee on Education

State House

Augusta ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Richard Marshall of Old Orchard Beach for appointment to the University of Maine Board of Trustees.

Pursuant to Title 20 MRSA Section 2251, this nomination will require review by the Joint Standing Committee on Education 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 Education.

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

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Aging, Retirement and Veterans**

Bill "An Act to Repeal Certain Provisions Relating to Burial Expenses and Reimbursement Under Relief of Poor Veterans" (H. P. 698) (Presented by Mrs. Nelson of Portland)

Bill "An Act Relating to Eligibility for World War Assistance" (H. P. 699) (Presented by Mrs. Nelson of Portland)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act Concerning the Tax on Exotic Bets at Harness Racing Tracks" (H. P. 700) (Presented by Mr. McGowan of Pittsfield)

Committee on Agriculture was suggested.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: The Chairman of Agriculture and I discussed this and I therefore move that this Bill be referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Thereupon, on motion of Mrs. Post of Owl's Head, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Provide 75% Reimbursement to a Municipality for General Assistance Costs" (H. P. 701) (Presented by Mr. Brenerman of Portland) (Cosponsors: Mr. Kelleher of Bangor, Mr. Fowle of Rockland and Senator Conley of Cumberland)

(Ordered Printed)

Sent up for concurrence.

**Business Legislation**

Bill "An Act to Amend the Maine Securities Act" (H. P. 702) (Presented by Mrs. Nelson of Portland) (Cosponsors: Mr. Pouliot of Lewiston and Senator Clark of Cumberland) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

**Education**

Bill "An Act Permitting School Administrative Districts to Dissolve and Municipalities to Detach Including those Having Outstanding Indebtedness" (H. P. 703) (Presented by Mr. Leighton of Harrison) (Cosponsors: Mrs. Post of Owl's Head, Ms. Brown of Gorham and Mrs. Hutchings of Lincolnville)

Bill "An Act to Amend the Statutes Relating to Teacher Tenure" (H. P. 704) (Presented by Mrs. Beaulieu of Portland) (Cosponsors: Mr. Pearson of Old Town and Mrs. Gowen of Standish)

(Ordered Printed)

Sent up for concurrence.

**Election Laws**

Bill "An Act to Permit Straight Party Ticket Balloting" (H. P. 705) (Presented by Mr. Soulas of Bangor) (Cosponsor: Mr. Michael of Auburn)

(Ordered Printed)

Sent up for concurrence.

**Health and Institutional Services**

Bill "An Act to Provide for Meaningful Annual Review of Fees for Dental Services Provided under the Maine Medical Assistance Program" (H. P. 706) (Presented by Mrs. MacBride of Presque Isle) (Cosponsor: Mrs. Masterton of Cape Elizabeth)

(Ordered Printed)

Sent up for concurrence.

**Judiciary**

Bill "An Act to Amend the Maine Unfair Trade Practices' Laws" (H. P. 707) (Presented by Mr. Jordan of Warren)

(Ordered Printed)

Sent up for concurrence.

**Labor**

Bill "An Act Concerning Medical Payments under the Workers' Compensation Act" (H. P. 708) (Presented by Mr. Davis of Monmouth)

Bill "An Act to Stabilize the Maximum Weekly Benefit under the Workers' Compensation Act" (H. P. 709) (Presented by Mr. Tuttle of Sanford) (Cosponsors: Mr. Dexter of Kingfield and Senator Usher of Cumberland)

(Ordered Printed)

Sent up for concurrence.

**Local and County Government**

Bill "An Act to Clarify the Authority of Councils of Governments" (H. P. 710) (Presented by Mr. Jackson of Yarmouth) (Cosponsors: Mrs. Huber of Falmouth, Ms. Benoit of South Portland and Mr. Higgins of Portland)

(Ordered Printed)

Sent up for concurrence.

**Later Today Assigned**

Bill "An Act to Amend the Municipal Securities Approval Act" (H. P. 711) (Presented by Mr. Brenerman of Portland) (Cosponsor: Senator Pierce of Kennebec)

Committee on Local and County Government was suggested.

On motion of Mr. LaPlante of Sabattus, tabled pending reference and later today assigned.

**Public Utilities**

Bill "An Act to Amend the Charter of the Gardiner Water District" (H. P. 712) (Presented by Mr. Kilcoyne of Gardiner)

Bill "An Act to Relieve Maine Landlords from Excessive Utility Charges" (H. P. 713) (Presented by Mrs. Berube of Lewiston)

(Ordered Printed)

Sent up for concurrence.

**State Government**

Bill "An Act to Provide that Merit Increases for State Employees will Only be Awarded for Job Performance that is Meritorious" (H. P. 714) (Presented by Mrs. Masterton of Cape Elizabeth) (Cosponsor: Senator Sewall of Lincoln)

RESOLVE, Authorizing the Governor to Convey by Sale to the Passamaquoddy Tribe and Penobscot Nation the State's Interest in Certain Buildings now Located within the Indian Reservations (H. P. 715) (Presented by Mr. Pearson of Old Town) (Cosponsors: Mr. Vose of Eastport, Mr. Moholland of Princeton and Senator Brown of Washington) (Governor's Bill)

(Ordered Printed)

Sent up for concurrence.

**House Reports of Committees**

**Ought Not to Pass**

Mr. Davies from the Committee on Public Utilities on Bill "An Act to Abolish the Present Structure of the Public Utilities Commission" (H. P. 114) (L. D. 187) reporting "Ought Not to Pass"

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

**Leave to Withdraw**

Mr. MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Election of the Members of the Inland Fisheries and Wildlife Advisory Council" (H. P. 272) (L. D. 305) reporting "Leave to With-

draw”

Mrs. Kany from the Committee on State Government on Bill “An Act to Establish a Standard of Type for Governmental Use to Assure Readability of Published Information” (H. P. 77) (L. D. 100) reporting “Leave to Withdraw”

Reports were read and accepted and sent up for concurrence.

#### Divided Report

Majority Report of the Committee on Health and Institutional Services reporting “Ought to Pass” as amended by Committee Amendment “A” (H-18) on Bill “An Act Relating to Immunization of Children Prior to Entering School” (H. P. 41) (L. D. 54)

Report was signed by the following members:

Mrs. GILL of Cumberland  
Mr. HICHENS of York  
Ms. BUSTIN of Kennebec

— of the Senate.

Mrs. PRESCOTT of Hampden  
Messrs: BOYCE of Auburn

RICHARD of Madison  
BRODEUR of Auburn  
MANNING of Portland  
McCOLLISTER of Canton

Mrs. HOLLOWAY of Edgecomb  
Mr. RANDALL of East Machias  
Mrs. KETOVER of Portland

— of the House.

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

Report was signed by the following member:  
Mrs. MacBRIDE of Presque Isle

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, I move the acceptance of the Majority Report “Ought to Pass”.

The SPEAKER: The gentleman from Hampden, Mrs. Prescott, moves that the House accept the Majority “Ought to Pass” Report.

The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, I am the lone member of the committee who signed this bill “ought not to pass,” and I did so for a number of reasons.

When I called my superintendent in SAD #1, he said, “I am sick and tired of having the legislature mandate programs for the schools and then leaving the schools to carry them out.” He continues, “We are busy. We have more school nurses per pupil in Presque Isle than most schools, but their days are full as it is. Even if the federal and state governments provide assistance, we still have to organize and supervise. Furthermore, I feel this type of program isn’t the school’s function. I think it is up to the parents to see that their children are immunized. If they feel a clinic is warranted, then let them organize one at the town or city level, but please do not mandate this time-consuming program for the schools.”

I then called the chairman of the school board, and he told me the same thing, as have many parents who feel health programs should be left to the parents or the community.

There is no one more concerned with health and health programs than I am, as many of you know. However, if we keep on requiring one program after another to be handled by the schools, they will have difficulty in finding the time to teach.

Each program is worthwhile and important, that is true, but when you add one and then another, it can’t help but be time-consuming.

Already this week in my committee, we have had two programs that recommend mandating the schools to carry them out. I don’t know how many more there will be. Furthermore,

shouldn’t some things be left to the parents’ discretion?

We have carefully worked on the bill in committee to make it as good a bill as possible. Youngsters do not have to be immunized if parents object.

The law now requires immunization of children in K thru 6, and that is very easily handled with preschool screening and so forth.

Many problems arise, however, with the 7 thru 12 grade group. Is a parental permission slip legally binding or not for older children? There is a problem of puberty. Doctors and nurses agree that many problems can develop if a girl becomes pregnant within three months after the rubella shot. Consequently, in the bill a warning will be sent home and girls in the child-bearing ages can be exempt from the rubella shot. That probably includes half the school population. So with that many exemptions, along with religious exemptions and so forth, immunization wouldn’t be very effective with an epidemic anyway.

Then there is the problem, if a problem should develop from a girl who has had the rubella shot, who is liable? The parent who signed the slip, the physician or the school?

After that, you become involved with the Privacy Act. Should the school ask a girl if she is pregnant or not? Is she sexually active? Is it any of their business? These are just a few of the problems that could be encountered.

I want the very best for our children, and I heartily approve of K thru 6 immunization, but I feel the problems that could develop in this older age group far outweigh the good points. There is only a four year gap anyway, since the K thru 6 program was put into effect in 1978.

Ladies and gentlemen, I hope you will join me in voting against another mandate for the schools, and when the vote is taken, I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I wish to commend Representative Connolly for his diligence in attempting to make this bill acceptable to all of us, and I further wish to personally thank him for contact made with the nurses in my district who have had deep concerns about this bill.

The problem I have with this bill relates to the fact that we have 2400 known teenage pregnancies resulting in almost 15 percent of the births in Maine each year. Many of these young ladies come from households where, out of fear, their conditions would not be revealed to parents until absolutely necessary. It is my understanding that the average teenage pregnant girl doesn’t see a physician until the fifth month of her pregnancy. I believe secrecy would be maintained to the point wherein rubella shots would be taken rather than reveal their pregnancies, thus exposing themselves to the possibilities of giving birth to deformed children. Some will say that if not immunized the same young ladies will be exposed to the disease, a fact which is true, but the Human Services Department statistics reveal a great reduction in these diseases which are much more apt to be experienced in the beginning years of school.

Ladies and gentlemen, we are currently requiring immunization for grades K through 6, thus avoiding the adolescent age. I believe the possibilities just described, leaving the law as it is, is the best thing we can do. Let’s not create a situation where these young ladies will be playing Russian roulette with their bodies.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: Polio is a crippling disease. It can be prevented by immunization. Rubella can cause defects in children that can be prevented. These are vaccine preventable diseases which are highly contagious and in our schools. Children are together, congregated to-

gether, and they pass on contagious diseases. If we immunize our children, we can prevent these diseases.

We have a law now which immunizes our children in grades K through 6. This proposal extends that from grade 7 through 12. We have a problem with the current law. We are only reaching the children in grades K through 6. That leaves those other children susceptible to the diseases, contagious diseases, that I mentioned. The other problem with the law that we have now is the fact that there are no records required after the sixth grade, no medical records. I would like to point out that this is not mandating that the schools provide the immunization programs. I think we misunderstand the word “mandate,” because under the present law with K through 6, schools are not required to be the clinic. A school can, if they choose, refer the students to a physician to be immunized. They are not required, not mandated to hold a clinic. They can simply go to someone else if the school does not want to participate. It is not saying in this legislation that the schools must be providing the immunization.

The federal government has provided the Department of Human Services the grant monies for immunization programs from grades 7 through 12. This bill will not cost the state of Maine any dollars of your taxpayers’ money. It comes from the federal government; yes, I understand this is our taxpayers’ money too, but this is not a state appropriation bill, there is no fiscal note on it.

If we have been immunizing our young people in grades K through 6, and we have, we can point to the success of the programs. We have reached 95 percent of the student population. Before we were giving these shots in grades K through 6, most of the students over the age of 15 were not immunized. By doing the immunization in grades 7 through 12, we are reducing the risks of the disease and we are preventing our children from being defective.

In the committee, we had a very good hearing on this bill. We had proponents that came from the Maine Medical Association, from the Osteopathic Association, support came from the Department of Human Services and the Department of Education and from the state nurses themselves. There were three opponents. One was a school health educator, and her concern was the September 15 deadline on the bill for the immunization. If you will look at your amendment, you will see that there is an emergency on the bill. The emergency preamble addresses the question of having to have the immunization done between the day school opens and September 15, so that problem has been addressed.

One other opponent was the Maine School Management Association, and their concern was for the enforcement of the programs by the date September 15. The emergency preamble also addresses that concern and they are no longer opposed.

The third opponent was a chiropractor, and he objected on the basis of philosophical grounds. If we look at the emergency, we can see that we will be providing the schools with the opportunity to begin this immunization program now, because once it is signed into law, the schools can begin during this school year and we won’t have to go into September and try to rush it through to meet the deadline of September 15.

There are safeguards in this bill. The exemption has been alluded to. If any person objects to being immunized, they may object on grounds of moral reasons, philosophical reasons or personal reasons, and if they do that, all that is required is a note to the school that their child does not have to be immunized and their child will not be kept from going to school. The only time that their child would be kept from school is if there is an epidemic, and then, under the laws of emergency and quarantine,

we can keep children from going to schools and we will not be asking girls whether or not they are pregnant.

There is a notice that goes home to the parents. With that notice that will go home, it goes home prior to the consent of the immunization, and with that goes the risks and the benefits of having the immunization. If the parent chooses not to, the child does not have to be immunized. After the child is immunized, there is another notice that will go home explaining the risks and the benefits, so I think there are enough protections in this legislation and I don't think that you would be mandating to the schools that they require immunization.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: This bill is especially important for those of us who are between the ages of 35 and 45. We were the age group that was in school during the great polio epidemics of the early 1950's. I remember in September empty chairs and whispered comments about students that were no longer with us, either died during the summer or were kept at home. I remember visiting a very close friend in an iron lung and going home very bitter and hearing my parents telling me that there was no vaccine, there was no cure, and within a year or a year and a half that good friend was dead. My wife's parents both died within a year of each other of polio, leaving a family of five children without parents.

Remembering those early days, I would urge you to support the "ought to pass."

The SPEAKER: The Chair recognizes the gentleman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, I would like to pose several questions through the Chair. I hope someone will be able to answer them for me this morning.

First of all, we have been told that there is no fiscal note because all of the money will be federal money. I would like to know, if the federal money dries up will the state be expected to assume the cost of this program?

Secondly, I would like to know if someone can catch rubella from a person who has been vaccinated for the disease. I have been told this by health professionals, that people can catch it just because someone has been vaccinated and I would like to know the answer to that.

Finally, I would like to know if anyone has ever died because that person himself has had rubella. In other words, is the disease rubella, really in the same category as polio? I hope someone will be able to answer these questions for me.

The SPEAKER: The gentleman from Auburn, Miss Lewis, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the gentleman from Auburn, Mr. Boyce.

Mr. BOYCE: Mr. Speaker, Ladies and Gentlemen of the House, our visiting students who are visiting today, whom this bill is really addressing: I would be glad to answer my colleague from Auburn. No there is no fiscal note. The fiscal money is coming for this is from the federal immunization program. It is an ongoing program, these monies have already been budgeted, they will not be cut, you do not have to worry about that.

No, nobody has any chance of catching rubella from those that have been inoculated by the vaccine to our knowledge. However, people who have not been vaccinated, certainly can catch it.

No, nobody has died from it but if you had toured Pineland Hospital like we have, just a few days ago, you wouldn't be asking whether or not they should have this shot.

Present law, K through 6, covers our children at the moment. It was only implemented, however, in 1978. Consequently we have a large reserve of uninoculated people, both adults and

children. In Sanford, where we had a breakout that everybody knows about, 71 cases of rubella or German measles, two of which included pregnant females, some teacher and assistant, the ages ran from 10 through 16. In Sanford High School, 41 percent of the students there are not immunized, a ticking time bomb. Twenty percent in Sanford Junior High School are not immunized. We do not have proper records throughout the state, we can only assume that it is about the same in every one of our own high schools.

The Center for Disease Control in Atlanta, Georgia, tells us, if we don't implement this bill, within two years we will have another outbreak worse than this one, which was the worst in the United States of America this year.

I urge you, please to vote "ought to pass" on this bill and for the emergency preamble.

The SPEAKER: The Chair recognizes the gentleman from Edgecomb, Mrs. Holloway.

Mrs. HOLLOWAY: Mr. Speaker, Ladies and Gentlemen of the House: I also felt that it was not necessary to mandate this immunization program. Since it is required to have children immunized prior to entering kindergarten, it would be simple to require the parent to be responsible to immunize them again before entering the 7th grade. I contacted the various school boards and PTA's in my constituency and it seemed to be an even balance.

When leaving the caucus last week, I was discussing this with one of my colleagues, and when I turned right to come up the stairs, she had to turn left onto the elevator, as she had been a victim of polio and was assisted by a cane. I then realized, had the vaccine been available then, as it is now, had the contractual services been available then, as they are now, she, along with the rest of us, would have been running up the stairs. My decision was made then to vote for immediate passage of this bill to rid our people of these diseases, and I hope you will also.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mrs. MacBride.

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I think that we all agree that we want to look after all the health needs of our children. I don't believe that that really is the issue here. I think the issue is, who is going to look after this immunization problem and at what ages it is going to be done.

As I said before, I think it is extremely important to have it in the K thru 6 period, but I do think that the problem that you encounter after young people reach puberty make it a dangerous procedure to follow.

Furthermore, I do feel, with the number of people who are exempt or can be exempt from this program, that it is not going to help all that much.

The gentleman from Hampden has stated that this problem is not mandated. Well, if it is not mandated, it is required. To me, that is mandating. I think if parents want their children to be immunized or if a community wants to look after these various health programs, we should have this left at the community level or with the parents.

I very much urge you to vote against this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Bethel, Miss Brown.

Miss BROWN: Mr. Speaker, I would like to take one moment just to pose a question through the Chair, please. Would it be possible for the community themselves to apply for the federal funds so that the school board could run

this program if they wish to on their own?

The SPEAKER: The gentleman from Bethel, Miss Brown, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker and Members of the House: The funds are available through the Department of Human Services, they are granted to them. The Department of Human Services is ready to assist any community that is willing, any school committee or school board or school department that wishes to have a clinic in their own schools.

I hope that answers the question.

The SPEAKER: The pending question is on the motion of the gentleman from Hampden, Mrs. Prescott, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Cahill, Callahan, Carroll, Chonko, Clark, Connors, Connolly, Cox, Crowley, Curtis, Davies, Day, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, Hobbins, Holloway, Huber, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Live-say, Locke, Lund, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; Masterman, Masterton, Matthews, McColister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C. B.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Telow, Theriault, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Brown, D.; Brown, K. L.; Carter, Conary, Cunningham, Damren, Davis, Foster, Gavett, Hunter, Hutchings, Ingraham, Jackson, Jordan, Leighton, Lewis, MacBride, Peterson, Salisbury, Smith, C. W.; Tarbell, Treadwell, Weymouth.

ABSENT — Carrier, Higgins, L. M.; Ketover, Thompson.

Yes, 120; No, 27; Absent, 4.

The SPEAKER: One hundred twenty having voted in the affirmative and twenty-seven in the negative, with four being absent, the motion does prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-18) was read by the Clerk and adopted and the Bill 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. 69) (L. D. 106) Bill "An Act to Require Certain Notification in the Case of Tax Liens and Mortgages"— Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-10)

(S. P. 54) (L. D. 81) Bill "An Act Concerning Eye Enucleation under the Anatomical Gift Act"— Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-11)

(H. P. 172) (L. D. 223) Bill "An Act to Clarify Plumbing and Subsurface Sewage Disposal Laws"— Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 225) (L. D. 262) RESOLVE, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta Mental Health Institute to the Augusta Sanitary District — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-20)

(H. P. 331) (L. D. 371) Bill "An Act to Increase the Borrowing Capacity of the Winterport Water District" — Committee on Public Utilities reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 13, 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. 19) (L. D. 25) Bill "An Act to Provide Relocation Assistance to Certain Persons Ineligible for Federal Benefits" (C. "A" H-14)

(H. P. 234) (L. D. 249) Bill "An Act to Repeal Provisions for Premiums and Rebates under the Liquor Laws" (C. "A" H-13)

(H. P. 10) (L. D. 5) Bill "An Act to Amend the Annual Timber Cut Report Requirement to Include Fuelwood under the Annual Timber Cut Report" (C. "A" H-16)

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

#### **Second Reader Tabled and Assigned**

Bill "An Act to Permit Auctioneers to Conduct Auctions for Charitable Organizations without Posting an Additional Bond under the Charitable Solicitations Act" (S. P. 111) (L. D. 240)

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

On motion of Mr. Brannigan of Portland, tabled pending passage to be engrossed and tomorrow assigned.

#### **Second Reader Tabled and Assigned**

Bill "An Act to Increase the Licensing Fee For Games of Chance" (H. P. 184) (L. D. 199) (C. "A" H-15)

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

On motion of Mr. Cox of Brewer, tabled pending passage to be engrossed and tomorrow assigned.

#### **Orders of the Day**

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

Bill "An Act to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law" (S. P. 74) (L. D. 111)

Tabled — February 11, 1981 by Mrs. Beaulieu of Portland.

Pending — Passage to be Engrossed.

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

Mrs. BEAULIEU: Mr. Speaker, I move this be tabled for one legislative day.

Whereupon, Mrs. Beaulieu of Portland withdrew her motion to table.

The same gentlewoman offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-17) was read by the Clerk.

On motion of Mr. Diamond of Windham, tabled pending adoption of House Amendment "A" and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Provide for State Coordination of Referendums concerning School Construction Projects" (H. P. 652) (Committee on

Education suggested)

Tabled — February 11, 1981, by Mr. Connolly of Portland.

Pending — Reference.

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

The Chair laid before the House the following matter:

Bill "An Act to Amend the Municipal Securities Approval Act" (H. P. 711) which was tabled earlier in the day pending reference. (Committee on Local and County Government was suggested).

On motion of Mr. LaPlante of Sabattus, the Bill was referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

#### **Leave to Withdraw**

Mr. Hobbins from the Committee on Judiciary on Bill "An Act Concerning the Fees Charged by Persons Involved in Probating Estates" (H. P. 141) (L. D. 167) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

#### **Consent Calendar First Day**

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

(H. P. 145) (L. D. 171) Bill "An Act to Amend the Disorderly Conduct Statutes to Include Instances of Affray" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-22)

(H. P. 142) (L. D. 168) Bill "An Act Reinstating Littering as a Criminal Offense" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-21)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 13, under listing of Second Day.

#### **(Off Record Remarks)**

On motion of Mr. Smith of Island Falls, Adjourned until 12:30 o'clock tomorrow afternoon.