

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

Tuesday, February 17, 1981

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

Prayer by Father Valmont Gilbert of St. Augustine's Catholic Church, Augusta.

The members stood for the Pledge of Allegiance to the Flag.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

February 13, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby it accepted the Majority **Ought Not to Pass** report on Bill, "An Act to Prohibit Fingerprinting by Merchants in Negotiation of Checks", (H. P. 109) (L. D. 157)

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Clarify the Application of Military Service Credits to Retirement Benefits for Employees of Local Districts under the Maine State Retirement System" (S. P. 274) (L. D. 783)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

In the House, referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Appropriate Funds for Maintenance of the Dead River Dam" (S. P. 275) (L. D. 784)

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 to Amend the Maine Consumer Credit Code with Respect to Consumer Credit Sales" (S. P. 276) (L. D. 785)

Bill "An Act Concerning Administrative Fees Paid to Financial Institutions" (S. P. 277) (L. D. 786)

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

In the House, referred to the Committee on Business Legislation in concurrence.

Bill "An Act Relating to the Commencement of Terms for Members of School Committees and Boards of School Directors" (S. P. 278) (L. D. 787)

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 to Provide for a 2-year Limitation on Certain Actions Against Attorneys at Law" (S. P. 279) (L. D. 788)

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 to Place a Maximum Limit on the Inflation Adjustment under the Workers' Compensation Act" (S. P. 281) (L. D. 789)

Bill "An Act to Provide Workers and Communities with Reasonable Notice and Compensa-

sation upon Certain Plant Closings" (S. P. 282) (L. D. 790)

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 Provide a State Income Tax Credit for Installation of Renewable Energy Systems" (S. P. 283) (L. D. 791)

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

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

Reports of Committees**Ought Not to Pass**

Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Establish a Presidential Primary" (S. P. 91) (L. D. 207)

Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Allow Persons 60 Years of Age or Over to Vote by Absentee Ballot" (S. P. 159) (L. D. 367)

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

Non-Concurrent Matter**Tabled Unassigned**

Bill "An Act Concerning Appointments to the Maine Veterans Home Board of Trustees" (S. P. 73) (L. D. 110) on which the Bill and Accompanying Papers were Recommitted to the Committee on Aging, Retirement and Veterans in the House on February 10, 1981.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-8) in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled unassigned pending further consideration.

Messages and Documents

The following Communication: (S. P. 305)

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

February 12, 1981

Honorable James A. McBreairty

Honorable Donald M. Hall

Chairmen, Joint Standing Committee

on Energy and Natural Resources

State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating Evelyn Jephson of Kennebunk for reappointment to the Board of Environmental Protection.

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

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

The following Communication: (S. P. 306)

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

February 12, 1981

Honorable James A. McBreairty

Honorable Donald M. Hall

Chairmen, Joint Standing Committee

on Energy and Natural Resources
State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating James H. Tweedie of Mars Hill for reappointment to the Board of Environmental Protection.

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

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

The following Communication: (S. P. 307)

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

February 12, 1981

Honorable James A. McBreairty

Honorable Donald M. Hall

Chairmen, Joint Standing Committee

on Energy and Natural Resources

State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating William B. Blodgett of Waldoboro for appointment to the Board of Environmental Protection.

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

In the House, read and referred to the Committee on Energy and Natural Resources 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:

Agriculture

Bill "An Act to Require Legislative Confirmation of Harness Racing Commission Members" (H. P. 734) (Presented by Representative Cunningham of New Gloucester)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act Relating to the Regulation of Business Practices between Motor Vehicle Manufacturers, Distributors and Dealers" (H. P. 735) (Presented by Representative Jackson of Yarmouth) (Cosponsors: Representative Hobbins of Saco, Senators Kerry of York and Trafton of Androscoggin)

Bill "An Act to Require that Retailers who Make More than 200% Profit Notify the Purchaser" (H. P. 736) (Presented by Representative McHenry of Madawaska)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Require that Energy Conservation Courses be Taught in Public Schools"

(H. P. 737) (Presented by Representative McGowan of Pittsfield) (Cosponsor: Representative MacBride of Presque Isle)
(Ordered Printed)
Sent up for concurrence.

Election Laws

Bill "An Act to Prohibit Petition Drives at the Polls on Election Day" (H. P. 738) (Presented by Representative Aloupis of Bangor) (Cosponsor: Representative MacBride of Presque Isle)
(Ordered Printed)
Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Remove the Provision Exempting Certain Areas of the State from the Air Quality Laws" (H. P. 739) (Presented by Representative Rolde of York)
(Ordered Printed)
Sent up for concurrence.

Indefinitely Postponed

Bill "An Act to Amend the Hospital Inspection Law" (H. P. 746) (Presented by Representative Berube of Lewiston)
Committee on Health and Institutional Services was suggested.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mrs. Berube.
Mrs. BERUBE: Mr. Speaker, because there was an error in drafting, and there already is a duplicate bill, I now move the indefinite postponement.

Thereupon, on motion of Mrs. Berube of Lewiston, the Bill was indefinitely postponed and sent up for concurrence.

Judiciary

Bill "An Act Concerning the Limitation on Damages for Loss of Comfort, Society and Companionship in Wrongful Death Actions" (H. P. 740) (Presented by Representative Drinkwater of Belfast) (Cosponsors: Representative O'Rourke of Camden and Senator Brown of Washington)

Bill "An Act Concerning Sums Due for Rent and Damages" (H. P. 741) (Presented by Representative Aloupis of Bangor)

Bill "An Act to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances" (H. P. 742) (Presented by Representative Brown of Livermore Falls) (Cosponsors: Representative Drinkwater of Belfast and Carrier of Westbrook)

Bill "An Act Relating to Granting Witness Immunity in Criminal Proceedings" (H. P. 743) (Presented by Representative Peterson of Caribou)

Bill "An Act to Provide a 2-year Statute of Limitation for Attorney Malpractice" (H. P. 744) (Presented by Representative Rolde of York)

Bill "An Act Concerning Minimum Limits Required under the Financial Responsibility Law" (H. P. 745) (Presented by Representative Drinkwater of Belfast) (Cosponsors: Representative O'Rourke of Camden and Senator Brown of Washington)
(Ordered Printed)
Sent up for concurrence.

Labor

Bill "An Act to Improve the Financing and Administration of the Second Injury Fund under the Workers' Compensation Act" (H. P. 747) (Presented by Representative Tuttle of Sanford) (Cosponsors: Representative Dexter of Kingfield and Senators Shute of Waldo and Usher of Cumberland)

Bill "An Act to Adjust the Weekly Benefit Amount for Dependents of Unemployment Compensation Claimants" (H. P. 748) (Presented by Representative Connolly of Portland)
(Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Require all Editorials Printed in Maine Newspapers to Include the Name of the Persons who Wrote the Article" (H. P. 749) (Presented by Representative Killoyne of Gardiner)

Bill "An Act Relating to the Labeling of Alcoholic Beverage Containers" (H. P. 750) (Presented by Representative Rolde of York)
(Ordered Printed)
Sent up for concurrence.

Local and County Government

Bill "An Act to Authorize the Town of West Bath to Regulate Ice Racing on New Meadows Lake" (H. P. 751) (Presented by Representative Stover of West Bath) (Cosponsor: Representative Livesay of Brunswick)

Bill "An Act to Exempt Certain Services Provided Counties from Bid Requirements" (H. P. 752) (Presented by Representative Armstrong of Wilton)

Bill "An Act to Authorize County Commissioners to Charge Rent for Space Furnished to Other Governmental Entities in County Court Houses and Other County-owned Facilities" (H. P. 753) (Presented by Representative Armstrong of Wilton)
(Ordered Printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Partially Deregulate Water Districts from Regulation by the Public Utilities Commission" (H. P. 754) (Presented by Representative Brown of Livermore Falls)

Bill "An Act to Provide a Funding Mechanism for Public Interest Staff of the Public Utilities Commission" (H. P. 755) (Presented by Representative Kane of South Portland) (Cosponsor: Representative Davies of Orono)
(Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Reduce the Bonding Authority of the Maine Guarantee Authority" (H. P. 756) (Presented by Representative Higgins of Scarborough)

Bill "An Act to Create a State Compensation Commission" (H. P. 757) (Presented by Representative Benoit of South Portland) (Cosponsors: Senator Wood of York and Representative Dexter of Kingfield)

Bill "An Act to Combine the Offices of Justice of the Peace and Notary Public" (H. P. 758) (Presented by Representative Masterton of Cape Elizabeth) (Cosponsors: Representative McGowan of Pittsfield and Senator Gill of Cumberland)

(Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act Concerning the List Price of Vehicles under the Excise Tax Laws" (H. P. 759) (Presented by Representative Lancaster of Kittery) (Cosponsors: Representatives Beaulieu of Portland and Nadeau of Lewiston and Senator McBrearty of Aroostook)
(Ordered Printed)
Sent up for concurrence.

Transportation

Bill "An Act to Provide Increased Visibility of Emergency Vehicles" (H. P. 760) (Presented by Representative Tuttle of Sanford)
(Ordered Printed)
Sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Representative Connolly from the Committee on Education on Bill "An Act to Close the University of Maine on State Holidays" (H. P. 134) (L. D. 161) reporting "Ought Not to Pass"
Representative Perkins from the Committee

on Business Legislation on Bill "An Act to Increase the Compensation for the Board of Commissioners of the Profession of Pharmacy" (H. P. 139) (L. D. 166) 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

Representative Peterson from the Committee on Fisheries and Wildlife on Bill "An Act to Provide that the First Week of Deer Hunting Season in the Northern Zone shall be for Resident Hunters Only" (H. P. 61) (L. D. 73) reporting "Leave to Withdraw"

Representative Brown from the Committee on Education on Bill "An Act to Provide for a Course in Consumer Economics in Public High School" (H. P. 216) (L. D. 253) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-32) on Bill "An Act to Retain the Motor Vehicle Operator License and Examination Fees and Motor Vehicle Title Fees Currently in Effect" (Emergency) (H. P. 510) (L. D. 561)

Report was signed by the following members:
Senators:

EMERSON of Penobscot
USHER of Cumberland
O'LEARY of Oxford

— of the Senate.

Representatives:

STROUT of Corinth
McKEAN of Limestone
REEVES of Pittston
MOHOLLAND of Princeton
MACOMBER of South Portland
CARROLL of Limerick
FOWLIE of Rockland

— of the House.

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

Report was signed by the following members:

Representatives:

McPHERSON of Eliot
HUNTER of Benton
HUTCHINGS of Lincolnville

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept the Majority "Ought to Pass" Report as amended by Committee Amendment "A" and further move that this be tabled for two legislative days.

Whereupon, Mr. Higgins of Scarborough requested a vote.

The SPEAKER: The pending question is on the motion of the gentleman from Limerick, Mr. Carroll, that this matter be tabled pending his motion to accept the Majority "Ought to Pass" Report and specially assigned for Thursday, February 19. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

82 having voted in the affirmative and 58 having voted in the negative, the motion did prevail.

Consent Calendar

First Day

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

(H. P. 349) (L. D. 397) Bill "An Act Removing the Authority of Justices to Retain Certain Publications as their Own" — Committee on

Judiciary reporting "Ought to Pass"

(H. P. 352) (L. D. 400) Bill "An Act to Phase out County Payments for the Support of the Judiciary" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-33)

(S. P. 146) (L. D. 317) Bill "An Act to Amend the Charter of the Sanford Sewerage District" — Committee on Public Utilities reporting "Ought to Pass"

(H. P. 333) (L. D. 372) Bill "An Act Concerning the Acceptance of Gifts by State Officials or Members of any Branch of State Government" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-34)

(H. P. 203) (L. D. 248) Bill "An Act to Establish Statutory Compliance with Modern Technology and Procedure for Scoring Examinations" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-35)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 18, under listing of Second Day.

Consent Calendar Second Day

(H. P. 307) (L. D. 340) Bill "An Act to Permit Teaching under the Fulbright Exchange Program to be Allowed as Creditable Service under the Retirement System"

(S. P. 41) (L. D. 42) Bill "An Act to Lower Certain Distance Restrictions on Enlargement of Cemeteries and Burying Grounds" (C. "A" S-13)

(H. P. 282) (L. D. 321) Bill "An Act to Repeal the Law Barring Minors from Bowling Alleys, Pool Rooms and Shooting Galleries"

(H. P. 140) (L. D. 229) Bill "An Act to Provide a Speedy Procedure to Authorize the Demolition of Unsafe and Irreparable Buildings and Structures"

(H. P. 121) (L. D. 153) Bill "An Act to Create a Special Moped License for Persons 16 Years and Over" (C. "A" H-25)

(H. P. 154) (L. D. 178) Bill "An Act to Coordinate and Assign the Responsibility for Conducting Air Search and Rescue Operations in the State Arising from Aeronautical Activities" (C. "A" H-26)

(H. P. 186) (L. D. 228) Bill "An Act to Provide for the Surrender by Barnard Plantation of its Organization"

(H. P. 202) (L. D. 247) Bill "An Act Converting Lakeville Plantation into the Town of Lakeville" (Emergency)

(H. P. 42) (L. D. 55) Bill "An Act to Provide for the Surrender by Grand Falls Plantation of its Organization" (Emergency) (C. "A" H-29)

(H. P. 110) (L. D. 143) Bill "An Act Requiring Certain County Officials to Make Monthly Payments of Fees and Charges to the County Treasurer" (C. "A" H-28)

(H. P. 175) (L. D. 224) Bill "An Act to Amend the Statutes Relating to the Development Disabilities Council" (C. "A" H-30)

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

Passed to Be Engrossed Amended Bills

Bill "An Act to Exempt Skidders from the Registration Requirement of the Motor Vehicle Laws for Limited Travel" (H. P. 85) (L. D. 79) (H. "A" H-31 to C. "A" H-27)

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.

Bill "An Act Concerning Eye Enucleation under the Anatomical Gift Act" (S. P. 54) (L. D. 81) (C. "A" S-11)

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

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

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

House Amendment "A" to Committee Amendment "A" (H-36) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: Eye enucleation is the removal of a human eye after one is deceased and it is done soon. This amendment, House Amendment "A", will tighten up the restrictions of who can do that.

If you are a donor with a certificate in hand and want to donate the cornea button, or the eye, to the eye bank to be used by a person who might need such a transfer for the gift of sight, currently only an M. D. or ophthalmologist, someone who is trained in this area, can do it. The problem has been focused by some people saying that there are not enough ophthalmologists, people trained, doctors trained in this area to perform this operation, and the Health and Institutions Committee needs to be commended for their hard work on studying from scratch and coming up with their work and this result.

The solution is to provide more people who can perform this operation. What House Amendment "A" to Committee Amendment "A" will do is simply restrict those people beyond medical doctors who can do this. At the same time, it does broaden the field. So, House Amendment "A" will simply allow other people besides ophthalmologists to remove the eye, people such as nurses, R. N.'s, L. P. N.'s, physicians' assistants and surgeons' assistants, but it prohibits anyone beyond that, because the amendment that came out of committee had one weakness, and that, in my opinion, was that any one of us, if we took the one-day course, could remove the eye.

Given all the facts, all the work the committee has done, we thank them for that, but I also would suggest that we adopt this amendment to make it a little tighter.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, I wish to move indefinite postponement of this amendment, and I wish to speak to my motion.

The SPEAKER: The gentleman from Canton, Mr. McCollister, moves that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The need for sight is not limited to Maine citizens, nor is it common practice for a donor to limit the use of their donation to a particular group of Americans. The need for transplants knows no geographic boundaries. The argument that there is no extremely long wait for suitable transplant material here in Maine is not valid. Personally, I should think one week, one day, would seem an eternity if I were to lose my sight and knew I could see as soon as my number came up on a list.

To limit this bill to the medical profession seems to me absurd. The nurses would not even commit themselves to protecting the healthy children of Maine when asked if they would volunteer to carry out the immunization program that we had before us last week. Their response was that we should ask the doctors. So are we to assume that they would respond to any eye removal in the middle of the night?

Let us consider the doctors. How many doctors do you know who make house calls for the living? Can we expect them to do more for the dead?

The morticians are the first and the only ones to care for the dead. To limit eye enucleation to members of the medical profession, who are already unwilling to make additional sacrifices, would severely hamper the program.

Please vote with me to defeat this amendment.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: The question we have to bring out and what the gentleman from Canton, Mr. McCollister, said is basically true. I am an EMT, emergency medical technician, as is the gentleman from Sanford, the gentleman from Fryeburg and possibly others in this House. That little course takes about a hundred hours, not to mention ALS and other things beyond that.

The concern that I have and many I have talked to in here have is the fact that a hundred hours for an EMT allows you just to perform emergency medicine, bandaging, splinting and those kind of things. This, after a one-day course, a one-hour theory and a one-day practical then allows you to perform this operation of eye enucleation. I would not want that put on my shoulders and I am a little concerned about other people who may think they do but go out in the field and do this. It could have a negative effect, a reverse effect. I may be a donor, I may wish to be a donor of my eyes, but if I know that the gentleman from Sanford, Mr. Tuttle, may take my eyes out, I may not want to do that, or anyone else, unless I have a right to assume it is going to be a medical person.

In the bill it also mentioned about a sterile field with no real definition of a sterile field. We give IV's in the field, and that is supposed to be sterile, but I would not want to perform this same kind of function of removing an eye in the back of our unit as I might do an IV.

I would ask you to just simply remember that we are trying to make sure that the integrity of this whole process does not become damaged by letting all of us, after a one-day course, get involved.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: When I first heard this bill, I was completely against it; however, I called one of the funeral directors back in Portland. This funeral director lives within 150 yards of Mercy Hospital, which most of you who live in the Portland area know how it is right in the center of town. On two occasions last year he requested an eye surgeon to come and perform this surgery because he had two people who wanted their eyes removed after they were dead, of course, and he couldn't get them. He has indicated that there is a problem with getting eye surgeons out of the hospital and especially after they go home. After hearing this, it changed my complete feeling on this bill.

I would hope you would go along with the gentleman from Canton and vote for indefinite postponement of this amendment.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am still a licensed funeral director and embalmer, although I haven't practiced probably for 30 years, but I want you to know that we are well qualified to remove an eye or any other part of the human body. I would say, rather than a practical nurse, if I were to donate my eyes, I would want a funeral director to do it because he could do it quickly, he could do it right away, and he can do it in a sanitary environment without any problems. So I am afraid I am going to have to support the gentleman and we should allow funeral directors to remove the eye for the speed that is necessary to do this job.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Diamond.

Mr. DIAMOND: Mr. Speaker and Members of the House: What the gentleman from Cumberland just informed you, he is talking about funeral directors, but what the bill says as it came out of committee is that it is not limited just to funeral directors, it could be anybody, any one of us that is accepted into the course.

Secondly, this can't be done until the medical examiner has determined that one is dead, and that causes a time problem as well.

I understand what you are saying, that we need to expand the program, let more people do it, which is what this amendment will do. It would allow people to get involved, medical people who practice every day, not someone who has had a one-day course — my goodness!

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind you that if you do vote for this amendment, you will not be allowing the funeral directors to enucleate the eye, so I think you ought to understand that. We would also then be the only state in the nation that would limit the members to the profession of medical profession.

I would hope that you would move to indefinitely postpone this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Canton, Mr. McCollister, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Diamond of Windham 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 Canton, Mr. McCollister, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Armstrong, Austin, Bell, Boyce, Brannigan, Brennerman, Brodeur, Brown, A.; Brown, K. L.; Cahill, Carrier, Chonko, Clark, Conary, Connors, Cox, Cunningham, Curtis, Davis, Day, Diamond, J. N.; Dillenback, Dudley, Foster, Fowlie, Gavett, Gillis, Gowen, Hanson, Holloway, Huber, Hunter, Hutchings, Jackson, Jacques, Jordan, Joyce, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, Leighton, Lewis, Lisnik, Livesay, Lund, MacBride, MacEachern, Mahany, Manning, Matthews, McCollister, McKean, McSweeney, Michael, Michaud, Moholland, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Rolde, Salisbury, Sherburne, Small, Smith, C. W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Telow, Treadwell, Twitchell, Vose, Walker, Wentworth, Weymouth.

NAY — Aloupis, Baker, Beaulieu, Benoit, Berube, Boisvert, Bordeaux, Brown, D.; Callahan, Carroll, Carter, Connolly, Crowley, Damren, Davies, Dexter, Diamond, G. W.; Drinkwater, Erwin, Fitzgerald, Gwadosky, Hall, Hayden, Hickey, Higgins, Higgins, L. M.; Hobbins, Ingraham, Jalbert, LaPlante, Laverriere, Locke, Macomber, Martin, A.; Martin, H. C.; Masterman, Masterton, McGowan, McHenry, McPherson, Mitchell, E. H.; Mitchell, J.; Nadeau, Nelson, M.; Paradis, P.; Pearson, Roberts, Smith, C. B.; Swazey, Tarbell, Theri-

ault, Thompson, Tuttle, Webster, The Speaker. ABSENT — Kane, Ketover, Paul.

Yes, 93; No, 55; Absent, 3.

The SPEAKER: Ninety-three having voted in the affirmative and fifty-five in the negative, with three being absent, the motion does prevail.

Thereupon, Committee Amendment "A" was adopted in concurrence.

The Bill was passed to be engrossed as amended in concurrence.

Passed to Be Enacted

An Act Concerning the Assignment of Rights of Recovery (S. P. 71) (L. D. 108) (C. "A" S-9)

An Act to Change the Method by which the Standard Interest Rate is Calculated (H. P. 82) (L. D. 77) (C. "A" H-7)

An Act to Permit Flexibility in the Prorating of Real Estate Taxes between Sellers and Purchasers of Real Estate (H. P. 87) (L. D. 80) (C. "A" H-8)

An Act Concerning the Habitual Use of Drugs by Podiatrists (H. P. 199) (L. D. 244)

Finally Passed

RESOLVE, Designating the Scenic Overlook on Interstate 95 in T1-R6 WELS as "The Albert J. 'Allie' Cole Memorial Scenic Overlook." (S. P. 82) (L. D. 179) (S. "A" S-12 to H. "A" H-6)

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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:

HOUSE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-19) — Committee on Labor on Bill "An Act Pertaining to Employment of Minors in Hotels and Motels" (H. P. 28) (L. D. 32)

Tabled — February 13, 1981 by Representative Beaulieu of Portland

Pending — Motion of the same gentlewoman to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I am glad to see a lot of young people here today, because that is who this bill addresses. Even though some of them are not yet of the age we will be talking about, they will be.

This bill deals with a very narrow issue; this issue involves a group of people that is being unfairly restricted in their job opportunities. I am speaking of that group of youngsters 14 to 16 years of age who would work part time and during the summer months in restaurants, gift shops, offices and so forth that are associated with hotels and motels. And I might tell you that this bill was not put in at the request of the hotel/motel industry, it resulted from phone calls that I received in my area from parents and youngsters that wanted to work.

The federal law on employment of minors allows school age teenagers to work in non-hazardous jobs with work permits from their school system. The Maine State law allows the same opportunity with one exception. It is a peculiarity in our law that is not shared by other states, and that is that minors under the age of 16 may not work in any hotel or rooming house operation in the State of Maine, there was an attorney general's decision that expanded upon that and included motels in the definition.

There is a very important point that I would like to emphasize, and that is that these youngsters are only prohibited from working in these

restaurants and gift shops and offices and so forth in hotels, motels, rooming houses, if those activities are physically connected to the sleeping section, if the roof that covers the structure covers the whole thing. If they are physically separated, they can work in those facilities at the present time. They can work in a restaurant or a gift shop that is not associated with a hotel or a motel.

There was a study done last summer. The funds were provided by the U. S. Department of Labor. The Unemployment Standards Administration provided this grant to the Maine Department of Manpower Affairs for a study called "Child Labor Practices in Maine." The study was entitled, "Child Labor Project." This project was carried on by two people here in the state. One of them, in fact, his name is well known in these bodies, Jerry Conley, Jr., and the result of this study recommended that the Maine law be changed to reflect the same prohibitions of hazardous work areas that the federal law does.

The purpose of this bill is to allow these young people to work in all restaurants, whether they are connected to a motel or a hotel or not.

In the hearing, there were some who had philosophical problems that indicated that no one under 16 should be required to work. I think if I were under 16 and could afford it, that would be great, I would approve of that. But let me point out that this bill only "allows" and does not "require" and don't forget the parent has the final say.

In this body, we talk about getting the youngsters off the streets, we talk about curfews and we talk about laws dealing with juvenile crimes and we pass funding legislation for community programs to compete for the youngsters' time and, at the same time, we have a special law that is peculiar to Maine that will not allow them to work when there is work that they want to do.

There was another issue in the hearing that dealt with the fact that this group of young people would take jobs from older people, and I maintain that is not a valid position. What we are talking about and what these youngsters do is the part-time jobs, the menial jobs, the jobs in the summertime when the tourist industry is at its height and jobs are relatively plentiful, at least in some specific parts of the state. The older people, adults and older school age children, will not take these menial part-time tasks, they can obtain full-time employment. There is such a demand for youthful employment in the summer in our tourist industry that workers are being imported from out of state to fill these jobs.

There was one concern that I considered legitimate that came up in the committee hearing with which I agreed, and that was whether young girls should be permitted to work as chambermaids in hotels and motels. I understand that is where this original prohibition in the Maine law came about, because of a scandal that occurred in our fair city of Bangor some years ago.

At the workshop, a committee amendment was proposed that seemed to be agreeable to all that corrected this problem and retained a prohibition against these young female workers from working as chambermaids.

There is one peculiarity in this law that I neglected to mention earlier and I will mention it right here. In the law and in the attorney general's decision, a youngster could work as a chambermaid in a tourist cabin operation where the cabins are completely separated and they could be a half a mile down the lake doing chambermaid work in a tourist cabin. We did address that in the committee amendment and would have brought the guest cabin operation under the same restriction on chambermaids as we would propose in motels and hotels.

Also in this work session here was an objection that was brought up by a lobbyist. He dropped a

bomb and stated that if these youngsters under 16 years of age were employed, they would not be covered by insurance. That was a bomb, I will admit, and I was not prepared for that, but I stated at that time that I was quite certain it was not true and I can now positively state that this is not true. I have a letter here from the executive director of the Workmen's Compensation Commission in which he stated that all people that are employed are covered by workmen's compensation regardless of their age. Even if they were employed illegally, they would still be covered. To make doubly sure, I contacted the casualty supervisor of the Commercial Union Insurance Company of Maine, which is one of the large underwriters of insurance, and asked him about private liability coverage these hotels and motel operations might have. I was assured that liability insurance covers regardless of age, there are no exceptions and there cannot be exceptions.

I urge you to remember when you were 15 years old and you were looking for a summer job and the summer job was looking for you, think about your own youngsters, if he or she wanted to work during their off-school time spare time, wouldn't you be proud of them if they were working rather than being out on the streets? There are jobs available part-time and during the summer tourist season in the hotel and motel industry; we have youngsters in Maine who are looking for jobs during that period.

I urge you to consider how this quirk in our law is affecting our young people and vote against the motion that it "ought not to pass."

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This is certainly not a narrow issue. The principal justification offered by the proponents of this bill is that jobs are menial, non-hazardous and that we should be encouraging a strong work effort for very young people. We should not be discussing that aspect of their lives. The proponents who testified before the committee said that they can't get adults to take these jobs at \$3.35 per hour or get younger people between the ages of 16 and 19 to take the jobs at \$2.50 per hour, so now I guess the 14 and 15 year olds are the targets because they certainly will be able to pay them less money.

We have an unemployment rate in this state of 8 percent now, and the concern of the majority on the committee is, do we expand the work force, which certainly this would. To our collective knowledge, not a single hotel or motel has ever closed in this state because the dishes could not get washed or the lawns could not get mowed. We contend that there are people ready and available for work in these industries and we should not lower the minimum age.

The most serious concern to me as chair of this committee is that we got some communications which I contend most certainly does mean that this bill was, indeed, misrepresented. I will quote from two communications, one from the Rockport-Camden-Lincolntonville Chamber of Commerce and the other one from the Samoset Resort. I will read the Rockport letter, the Samoset letter says the same thing. "We would like to express support for the Bill, L. D. 32, pertaining to a reduction in the minimum wage for the employment of minors in hotels and motels." This is a minimum age bill, not a minimum wage, although in effect that is what is going to happen, these young people most certainly will be employed at a different minimum wage.

This bill was heard several weeks ago and I have had no communications since collecting their comments so that they would let me know that 'maybe' they misinterpreted the bill.

These jobs now are being performed by adults, and by young adults in the 16 to 19 year old bracket. There is no doubt about it, even

some of the proponents in testimony at the hearing stated that the older workers in these jobs could, indeed, be potentially displaced.

The majority of the committee contends that this bill will not create one single new job but will simply let 14 and 15 year olds be exploited by replacing current job holders. Should the people currently holding these jobs be replaced and these young people hired instead is a major issue to the majority of our committee. If one looks at the current room rates for the hotel and motel industry, I just cannot believe that they can't pay a sufficient wage to attract qualified help and, in this instance, these young people would be paid far below the minimum wage.

As far as stressing the issue of work ethic in our young — well, I have worked all my life. As a matter of fact, the Bureau of Labor last year issued 6,293 work permits for young people between the ages of 14 and 18 years of age. Current statistics will show that the most distressed area in the labor market is for young people between the ages of 16 and 19, and we contend that until movement is made to open the job market to this age level, we cannot justify displacing any potential job market by opening it up to 14 and 15 year olds.

I also, as a person, an individual at this point in time, feel that there is very little non-hazardous about working in kitchens and using lawn mowers. I know what it was like when my son spent three weeks in a cast because he cut himself making salads.

I may be coming from a big city, ladies and gentlemen, where it is not uncommon to hear about very very young people in professions we do not like, but I contend that if I had my way, nobody would work in the hotel or motel industry under the age of 18. No matter how well an establishment is run, it is still the happy hour, happy weekend group that tends to be the primary subscribers to many hotels and motels.

From an individual point of view, I think it is the wrong industry for 14 and 15 year olds to be working. There are opportunities for this age group to be working in and I say, let's leave the issue alone. I ask you not to necessarily think of my point of view, but I think the committee as a whole made a wise decision, I feel that their reasons are justified and on target, and I hope you will vote yes on acceptance of the Majority "Ought Not to Pass" report.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: It pains me deeply to be at odds with the gentlelady from Munjoy Hill this morning. However, I think her arguments can best be characterized as defending the position of those who are afraid of competition of teenagers.

This legislation, as Representative Kiesman has so eloquently told us, simply attempts to bring the Maine law into line with the federal law and the law of the other 49 states with respect to the non-hazardous, part-time employment of 14 and 15 year olds. At our hearing, there were several proponents in favor of the bill. A representative from Manpower Affairs spoke favorably about the bill. He made reference to a governmental report done by the state of Maine with a federal grant, done by young Jerry Conley, which was favorable toward this change.

The only objection that was registered at the hearing was by an AFL-CIO lobbyist who objected and raised the question of 14 and 15 year old girls being in the sensitive position of being chambermaids in motels. He, very dramatically and emotionally, told of how that morning in his motel room he had been sitting on the edge of his bed, unclothed with his hearing aid turned down, I assume in his unionsuit, when a chambermaid came in the unlocked door and he suggested that that kind of a situation could be traumatic to 14 and 15 year old girls. I am not sure just how he thought that that might be

traumatic but, nonetheless, the vision of a young girl wandering into a motel room and greeting an unclothed AFL-CIO lobbyist was repulsive enough for Representative Kiesman to come forth with an amendment, which is now part of this legislation, which would exempt motel chambermaids from this situation. At that point, there was no objection to the bill, until our work session when someone raised the point, and I forget just who, that perhaps these 14 and 15 year olds would not be covered by insurance, workmen's comp or otherwise. I felt that couldn't be true, Representative Kiesman felt it couldn't be true, but we checked it out and it is not true. Age has no bearing on the coverage of insurance.

What the argument seems to really come down to is whether 14 or 15 year olds ought to be able to work in the market place at a reduced wage. And to illustrate a little bit better my own personal feelings, let me tell you about my own 13 year old son, who last year was 12 and worked for a restaurant and motel combination in Harrison; he mows the lawn. The employer is an overly generous, overly decent sort of a man who paid my boy the minimum wage even though he was not required to, which at that time was \$3.10 an hour, which allowed my 12-year-old son to come home in the summertime, after 15 hours work a week, with \$30 or \$40 in his pocket. Frankly, I felt this was indecent. I think that his education as to the work ethic could have been just as well served if he came home with \$5 or \$10 in his pocket, and I didn't think it at all helped him to learn the lesson that I wanted him to learn by working. I didn't send him up there for the money, I sent him up there to participate in the school of life.

Since jobs are hard to get for youngsters in Harrison or, for that matter, all of western Maine, his employment is a considerable distance from our house, so my wife and I had to transport him to work and pick him up. On a couple of occasions, I went to pick him up and discovered him laying on the lawn under a tree. I took him to task and I said, "Kevin, why are you laying on the lawn under a tree? This is a busy place, it is the middle of the summer, why aren't you helping your employer by doing something else?" He said, "Well, Dad, all I am allowed to do under the law is mow the lawn, and I have got the lawn mowed." He said, "That must be right because the government says it is right." Well, I say that the government ought to say something else, that we ought to be training these kids at 14 and 15 to have a good, productive attitude in life, and I want to suggest to you that if we don't start to do this until these kids are 16, they might never have a good, productive attitude in life. I think it is pretty well demonstrated and pretty well agreed in a bipartisan fashion by all that we now need to give our attention to how to produce in this country and stop being preoccupied with how to share what some others do produce. I think it is very important that we teach youngsters this at a very early age.

In conclusion, this is not a bipartisan issue, and I regret that Representative Kiesman didn't seek a Democrat cosponsor. I hate to have this particular bill that impacts so on our kids coming out of here with a bipartisan flavor. It is a bipartisan problem impacting on both Democrat and Republican kids and Democrat and Republican families on a Democrat and Republican future, and I urge a bipartisan support for Representative Kiesman's bill.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I rise today in hopes that you will support the Majority "Ought Not to Pass" Report as well as Mrs. Beaulieu's position. It is unfortunate that a bill like this one has become a partisan issue. I have talked with many hotel and motel owners in my area and they informed me that they have no problem obtaining help either in the

summer or during the rest of the year. Most of them think the reason for this legislation is essentially to pay lower wages at the expense of minors, and I concur. With the unemployment situation in Maine rising all the time and the increasing need for these jobs for employment of adults, I feel that the purpose of this legislation is a step in the wrong direction. I hope that you would concur with the Majority "Ought Not to Pass" Report.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I must take exception to my to my friend Mr. Leighton's comment and for the record to correct it, that certainly at the hearing the issue of the minimum wage was raised, displacement of older workers was raised and non-hazardous situations rebuttal was presented, the unemployment rate was raised, so many things were raised, as well as my own personal objections. I am not going to comment too much about the accounting of Mr. Leighton's son and his work installation ethic type of thing — my kids have worked all their lives too, but when it comes to the school of life, as far as I am concerned, I can't even begin to justify a 16 year old having to clean a motel room full of beer and wine bottles and picking prophylactics off the floors. That is my personal objection. I feel the industry for 14 and 15 year olds is inappropriate to be a work site.

I would ask for a division, Mr. Speaker.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I will also be very brief, but I would like to correct my good friend, Mrs. Beaulieu. We have made an amendment to this bill that says that no child will be able to act as a chambermaid; therefore, we will not have 15 and 16 year old and 14 year olds in Maine cleaning rooms strewn with beer cans, rather we are asking that these children be able to work in restaurants just as the children can currently work at McDonald's and many other restaurants across the state.

The SPEAKER: The Chair recognizes the gentleman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make one point clear, we are not mandating that owners of motels, hotels or restaurants have to hire 14 and 15 year olds, we would just like to be able to give them a chance to, should they compete in the market that I feel is open to everyone no matter what age it is, and let them, on their own merits, apply for a job and perhaps get that job and keep them off the streets, to sound real cornball, but that is what it is all about, to help out these children, under age perhaps in your mind, to be able to find work, if necessary, during the summer and to keep occupied. Many of them are very, very qualified at certain jobs that they can do very well that older teenagers might possibly not want to bother with.

I also would like to say that the reason I co-sponsored this bill was in response to a constituent who had a daughter employed on the Island of Monhegan in an inn. This girl had a work permit, had permission from her parents, she was 15 years old at the time. She was hired as a kitchen helper and she did so well at the job they promoted her to salad girl, which just happened to be in the diningroom, which also happened to be connected to the rooming house. When the Bureau of Labor sent an inspector out to the island and discovered that she was working there, he ordered her off the island. There were two weeks left before school started, so she was forced to discontinue her job even though she did stay on the island because her older sister was there too.

I don't think this is really any great big deal. We would be in compliance with the federal

law and you would be helping a good share of the younger age group to find occupations during the summer.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I will not vote for this bill for many reasons, but one of the reasons I am not going to vote for this bill is that minimum wage is not going to be paid. I cannot get a boy to mow my lawn for \$5.00 and I have a very small lawn. He has to use my lawn mower and my own gas and he won't do it for \$5.00, so I don't think that these children should work unless they are paid minimum wage.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I guess in answer to one comment that was made about displacing current job holders, I would have to take a profile view, because in my part of the state, close to the New Hampshire line, close to the Boston area, a lot of the current job holders are youngsters from the state of Massachusetts who have their summer experience in Maine by working at a motel or hotel and we can't hire a Maine youngster because of a peculiarity in the Maine law. I guess I have a hangup there. Another thing I will have to confess, under the lady from Portland's definition, I am one of that happy hour group associated with hotels and motels because I live in a motel here all week long while I am down here during the legislative session. I am around that motel up there part of the time, and I haven't seen the environment that would concern me at all to have a youngster of mine there working there, not as a chambermaid but in the restaurant, gift shop or office.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Beaulieu of Portland requested a roll call.

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. 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 pending question before the House is on the motion of the gentleman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Higgins, Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McCollister, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Nadeau, Paradis, P.; Pearson, Perry, Post, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Hickey, Higgins, L. M.;

Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McGowan, McPherson, Moholland, Murphy, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Pouliot, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C. W.; Soule, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Weymouth.

ABSENT — Ketover, Paul.

Yes, 73; No, 76; Absent, 2.

The SPEAKER: Seventy-three having voted in the affirmative and seventy-six in the negative, with two being absent, the motion does not prevail.

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

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

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am still having some problems with this bill. I don't know how I am going to vote and I would like to have another day and hope that someone would table this for me for one day.

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

Mr. HOBBS: Mr. Speaker, I move that this matter be tabled for one legislative day.

Mr. Higgins of Scarborough requested a roll call.

The SPEAKER: For the Chair to 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 pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that this be tabled pending the motion of Mr. Leighton of Harrison to reconsider and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Dudley, Erwin, Fitzgerald, Fowlie, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, Hobbins, Jacques, Joyce, Kane, Kany, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H. C.; McCollister, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C. B.; Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Wentworth, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gillis, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jalbert, Jordan, Kelleher, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McGowan, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Randall, Reeves, J.; Salsbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Weymouth.

ABSENT — Ketover, Paul.

Yes, 79; No, 70; Absent, 2.

The SPEAKER: Seventy-nine have voted in

favor and seventy against with two being absent, the motion does prevail.

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

An Act Concerning Identification and Testing of Equine Infectious Anemia on Horses (H. P. 131) (L. D. 158)

Tabled — February 13, 1981 by Representative Mahany of Easton

Pending — Passage to be Enacted.

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

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

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

Tabled — February 13, 1981 by Representative Cox of Brewer

Pending — Passage to be Engrossed.

On motion of Mr. Cox of Brewer, retabled pending passage to be engrossed and specially assigned for Thursday, February 19.

(Off Record Remarks)

On motion of Mrs. MacBride of Presque Isle, Adjourned until ten o'clock tomorrow morning.