

# 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 19, 1981

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

Prayer by the Reverend John B. Muir of the First Congregational Church, Wilton.

The journal of yesterday was read and approved.

## Papers from the Senate

Bill "An Act Concerning Retirement and Benefits for State Employees Returning to Work after Attaining the Age of 60" (S. P. 299) (L. D. 843)

Bill, "An Act Concerning Health Insurance Plans under the State Retirement System" (S. P. 300) (L. D. 844)

Bill, "An Act to Amend the Group Life Insurance Program for State Employees and Teachers" (S. P. 301) (L. D. 845)

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 Promoting the Availability of Health Care Services." (S. P. 303) (L. D. 847)

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

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

Bill "An Act Concerning the Reappointment of Sheriffs' Deputies" (S. P. 297) (L. D. 842)

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

In the House, referred to the Committee on Local and County Government in concurrence.

Bill "An Act Relating to Vehicle Sizes and Weight" (S. P. 302) (L. D. 846)

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

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

Reports of Committees  
Ought to Pass in New Draft

Report of the Committee on State Government on Bill "An Act to Preserve Maine's Archaeological Heritage" (S. P. 45) (L. D. 56) reporting "Ought to Pass" in New Draft (S. P. 316) (L. D. 827)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

In the House, the Report was read and accepted in concurrence, the New Draft read once and assigned for second reading tomorrow.

Ought to Pass  
Amended in Senate

Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act to Include Money in the Law Regarding the Forfeiture of Property Used or Intended for Use in Violation of the Criminal Law Relating to Drugs" (S. P. 55) (L. D. 88)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-15).

In the House, the Report was read and accepted, and the Bill read once. Senate Amendment "A" read and adopted in concurrence and the Bill assigned for second reading tomorrow.

## Messages and Documents

The following Communication:  
State of Maine  
House of Representatives

Speakers' Office  
Augusta, Maine

February 12, 1981

Hon. Vincent L. McKusick

Chief Justice

Supreme Judicial Court

Portland, Maine 04112

Dear Mr. Chief Justice:

We cordially invite you and the Associate Justices of the Supreme Judicial Court to a Joint Convention of the House and Senate to be held in the House of Representatives at eleven o'clock on Tuesday, March 10.

At that time we would be pleased to have you deliver such remarks as you may care to make on the State of the Judiciary. We look forward to seeing you and the other Justices at that time.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Was read and ordered placed on file.

The following Communication:

State of Maine

Supreme Judicial Court

Portland, Maine 04112

February 17, 1981

The Honorable John L. Martin

Speaker of the House

House of Representatives

State House

Augusta, Maine 04333

Dear Mr. Speaker:

I accept with pleasure on behalf of myself and the Associate Justices of the Supreme Judicial Court your invitation to a Joint Convention of the House and Senate to be held in the House of Representatives at eleven o'clock on Tuesday, March 10. I last addressed the Joint Convention of the Legislature on March 12, 1979, at the first regular session of the 109th Legislature. It seems appropriate that we are establishing a tradition of having the formal "State of the Judiciary" report near the outset of each new legislature. At the same time, the Judicial Branch stands ready to keep you informed about court operations in less formal ways.

Cordially yours,

S/VINCENT L. MCKUSICK

Was read and ordered placed on file.

The following Communication:

State of Maine

Office of

Secretary of State

Augusta, Maine

February 18, 1981

To the Honorable John L. Martin

Speaker of the House of

Representatives of the One

Hundred and Tenth Legislature:

Enclosed is a copy of the Certificate of Entitlement received from Edmund L. Henshaw, Jr., Clerk of the House of Representatives of the United States.

Respectfully,

S/RODNEY S. QUINN

Certificate of Entitlement

House of Representatives

Office of the Clerk

Washington, D.C.

I, Edmund L. Henshaw, Junior, Clerk of the House of Representatives of the United States, Hereby Certify, Pursuant to the Provisions of Title 2, United States Code, Section 2a (b), That the State of

MAINE

Shall be Entitled, in the Ninety-Eighth Congress and in Each Congress Thereafter Until a Subsequent Reapportionment Shall Take Effect Under Applicable Statute, to

TWO REPRESENTATIVES

in the House of Representatives of the Congress of the United States

In Witness Whereof I Hereto Affix My Name and the Seal of the House of Representatives of the United States of America this Fifteenth Day of January, Anno Domini 1981, in the City of Washington, District of Columbia  
S/Clerk of the House of Representatives of the United States

The Communication was read and with the accompanying Document ordered placed on file.

The following Communication: (S. P. 323)

State of Maine

Senate Chambers

Presidents Office

Augusta, Maine

February 17, 1981

Honorable Charlotte Z. Sewall

Honorable Edith S. Beaulieu

Chairmen, Joint Standing

Committee on Labor

State House

Augusta, ME 04333

Please be advised that Governor Joseph E. Brennan is nominating William R. Malloy of Farmingdale for appointment as Commissioner of the Department of Manpower Affairs.

Pursuant to Title 26 MRSA Section 1401 this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/JOSEPH SEWALL

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

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

Was read and referred to the Committee on Labor in concurrence.

Petitions, Bills and Resolves  
Requiring Reference

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

## Aging Retirement and Veterans

Bill "An Act Concerning Cost-of-Living Increase for Retirees under the State Retirement System" (H. P. 711) (Presented by Representative Peterson of Caribou) (Cosponsor: Representative Matthews of Caribou)

(Ordered Printed)

Sent up for concurrence.

## Fisheries and Wildlife

Bill "An Act to Permit Free Licenses to Trap Fur-bearing Animals to Persons 70 Years of Age and Older" (H. P. 772) (Presented by Representative Masterman of Milo) (Cosponsors: Representatives Kiesman of Fryeburg, Jacques of Waterville and Carroll of Limerick)

(Ordered Printed)

Sent up for concurrence.

## Judiciary

Bill "An Act to Amend the Law Relating to Foreclosure Proceedings by Civil Action" (H. P. 773) (Presented by Representative Davis of Monmouth) (Cosponsors: Representative Soule of Westport and Livesay of Brunswick)

Bill "An Act Concerning Availability of Remedy" (H. P. 774) (Presented by Representative Drinkwater of Belfast) (Cosponsor: Representative Pouliot of Lewiston)

Bill "An Act to Encourage Solar Easements" (H. P. 775) (Presented by Representative Huber of Falmouth) (Cosponsors: Representative Davis of Monmouth, Livesay of Brunswick and Hobbins of Saco)

(Ordered Printed)

Sent up for concurrence.

## Labor

Bill "An Act to Provide Binding Arbitration for State, County and Municipal Employee" (H. P. 776) (Presented by Representative

bert of Lewiston) (Cosponsor: Representative Boyce of Auburn)

Bill "An Act to Make Voluntary Any Public Employee Labor Organizations in the State" (H. P. 777) (Presented by Representative Lewis of Auburn)

(Ordered Printed)

Sent up for concurrence.

#### Business Legislation

Bill "An Act to Permit Supermarkets to Remain Open on Sunday" (H. P. 778) (Presented by Representative Armstrong of Wilton)

Bill "An Act to Regulate Entrance Fees Charged by Mobile Home Parks" (H. P. 779) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives Martin of Van Buren and Telow of Lewiston)

Committee on Legal Affairs was suggested.

On motion of Mr. Brannigan of Portland, were referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

#### Local and County Government

Bill "An Act to Abolish the Position of County Treasurer in York County and Create a Finance Officer" (H. P. 780) (Presented by Representative Paul of Sanford)

(Ordered Printed)

Sent up for concurrence.

#### Public Utilities

Bill "An Act to Authorize the Public Utilities Commission to Allow Undisputed Portions of a Rate Change to Take Effect During the Pendency of a Rate Proceeding" (H. P. 781) (Presented by Representative Cunningham of New Gloucester) (Cosponsor: Representative Vose of Eastport)

(Ordered Printed)

Sent up for concurrence.

#### State Government

Bill "An Act to Clarify State-Owned Building Inspection Responsibilities" (H. P. 782) (Presented by Representative Kane of South Portland)

(Ordered Printed)

Sent up for concurrence.

#### Taxation

Bill "An Act to Grant a Tax Exemption for Energy Generating Systems" (H. P. 783) (Presented by Representative Huber of Falmouth)

Bill "An Act to Remove Lakeville from the Maine Forestry District" (H. P. 784) (Presented by Representative Dudley of Enfield)

Bill "An Act to Provide a Property Tax Exemption for Persons 70 Years of Age or Older" (H. P. 785) (Presented by Representative Day of Westbrook)

(Ordered Printed)

Sent up for concurrence.

#### Transportation

Bill "An Act to Require Trucks Carrying Explosive Material to Come to a Complete Stop Before Crossing Railroad Tracks" (H. P. 786) (Presented by Representative Erwin of Rumford) (Cosponsors: Representatives Racine of Biddeford, McKean of Limestone and Strout of Corinth)

(Ordered Printed)

Sent up for concurrence.

#### House Reports of Committees

##### Leave to Withdraw

Representative Lund from the Committee on Judiciary on Bill "An Act to Repeal the Law Concerning the Legitimacy of Children of Certain Marriages" (H. P. 321) (L. D. 350) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

##### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee" (H. P. 63) (L. D. 97)

Report was signed by the following members:

Senator:

BUSTIN of Kennebec

— of the Senate.

Representatives:

BRODEUR of Auburn

RICHARD of Madison

MANNING of Portland

PRESCOTT of Hampden

BOYCE of Auburn

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 members:

Senators:

GILL of Cumberland

HICHENS of York

— of the Senate.

Representatives:

RANDALL of East Machias

HOLLOWAY of Edgecomb

MacBRIDE of Presque Isle

McCOLLISTER of Canton

— of the House.

Reports were read.

Mrs. Prescott of Hampden moved that the Majority "Ought to Pass" Report be accepted.

On motion of the same gentlewoman, tabled pending her motion to accept the Majority Report and later today assigned.

#### Consent Calendar

##### First Day

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

(H. P. 228) (L. D. 265) RESOLVE, Designating a Certain Bridge being Constructed Across the Androscoggin River as the "James B. Longley Memorial Bridge" — Committee on Transportation reporting "Ought to Pass"

On the objection of Mr. Brodeur of Auburn, was removed from the Consent Calendar.

The same gentleman requested a division.

The SPEAKER: The pending question is on acceptance of the unanimous "Ought to Pass" report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

125 having voted in the affirmative and 3 in the negative, the motion did prevail.

Thereupon, the Resolve was read once and assigned for second reading tomorrow.

(H. P. 18) (L. D. 12) Bill "An Act to Revise the Procedures for Regulating Dams" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-37)

On the objection of Miss Lewis of Auburn, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-37) was read by the clerk and adopted and the Bill assigned for second reading tomorrow.

(S. P. 56) (L. D. 82) Bill "An Act Relating to the Organization of the Department of Transportation" — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-14)

No objections being noted, the above item was ordered to appear on the Consent Calendar of February 20, under listing of Second Day.

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

#### Consent Calendar

##### First Day

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

(H. P. 107) (L. D. 141) Bill "An Act to Amend the Subsidized Adoption Law" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-41)

(H. P. 353) (L. D. 401) Bill "An Act to Allow Wardens to Take a Cash Bond from any Non-resident or Alien Found in Violation of the Fish and Wildlife Laws" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-40)

No objections being noted, the above items ordered to appear on the Consent Calendar of February 20, under listing of Second Day:

#### Passed to be Enacted

An Act to Require Certain Notification in the Case of Tax Liens and Mortgages (S. P. 69) (L. D. 106) (C. "A" S-10)

An Act Relating to Appeals by Taxpayers from Municipal Assessments (H. P. 81) (L. D. 120) (C. "A" H-12)

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

#### (Off Record Remarks)

On motion of Mr. Kelleher of Bangor, Recessed until the sound of the gong.

#### After Recess

11:15 a.m.

The House was called to order by the Speaker.

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

House Divided Report—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-32)—Minority (3) "Ought Not to Pass" — Committee on Transportation on Bill, "An Act to Retain the Motor Vehicle Operator License and Examination Fees and Motor Vehicle Operator License and Examination Fees and Motor Vehicle Title Fees Currently in Effect" (Emergency) (H. P. 510) (L. D. 561)

Tabled—February 17, 1981 by Representative Carroll of Limerick.

Pending—Motion of the same gentleman to accept the Majority "Ought to Pass" Report.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: This measure before us today, in the form of a divided report out of Transportation Committee, is the first of many measures that we will have to entertain and deliberate in trying to resolve the highway funding problem and the highway problems that face us in the state of Maine over the next two years.

I would just like to go back a little bit in history to the last legislative session, not only to the last legislative session but the session prior to that, when this plaguing problem which has confronted us, how to fund highway system, has been patched up with band-aids, with patchwork over the last several years. We were promised last year that if we did go ahead with another bandaid proposal, which we ultimately adopted in a special session, that we would have before us a very comprehensive solution proposed by the Chief Executive and the Department of Transportation for the long-term resolution of the highway problems with a new program to serve us through the 1980's, a new decade.

The understanding was that this particular fee increase, which our Governor has repeatedly said is not a tax increase, whether it is driver license fees, motor vehicle registration

fees, which we have all increased as a legislature in state government over the last several years, our understanding was that if we went along once again with this fee increase that it would be sunsetted, not too early in the session but early enough into this session in which we now find ourselves, so as to force us, the legislative branch, as well as the executive branch and the Department of Transportation to meet this problem head on in realistic and sensible fashion once and for all and not in a piecemeal, bandaid approach that we have adopted in the past.

Well here we are, one week prior to the sunsetting of this particular fee measure, and we do not have before us a comprehensive, realistic proposal for meeting these problems of our highways for this decade, let alone for this year or next year or this biennium.

I would like the members of the House to look beyond this particular issue of driver license fee increases to the broader issue and put this matter that is before us today in a larger perspective. That is, we are going to need a massive, comprehensive program, not bit by bit, or piece by piece, or fee by fee, or tax by tax, or cut by cut, or raise here or raise there to the general fund, but a comprehensive, overall package that makes sense fiscally and highway-wise for the next couple of years for us to vote on, for us to analyze and to ultimately adopt one way or the other for the next couple of years. We don't have that, and this measure before us was intended to sunset to force us to confront this problem early on and head on and to work on in a sensible fashion, but we don't have that. We may never, and we may continue to go along the road as we have in the past, pushing the major problems in the legislative session off to the very last weeks or very last few days of the session. I predict today, that is where we are at right now by not confronting this thing head on. Enough fees — they can't patch up the situation by not a long term solution and proposal and I urge you, at this point in time, not to continue this charade.

The SPEAKER: The Chair recognizes the gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I listened carefully to my colleague in the opposite corner trying to determine one single, valid reason that he is leading his caucus against this good piece of legislation before us today. I hear him trying to attack the executive, trying to attack the people that are planning transportation by saying it is a bandaid, a piecemeal approach. Well, I suggest to you, my good friends in the legislature, that he is attacking you as legislators, because he is asking you to be irresponsible, he is asking you to come out with some great package which I interpret to mean a gas tax or something to that effect that he has designed or his caucus has come up with, perhaps, as the overall answer to the highway problem. But I am suggesting to you that we have a process here. We are all elected representatives, we are all serving on committees — speak to the chairmen of the various committees, the chairman of Transportation, the chairman of Appropriations, the chairman of Audit and Program Review, who is studying the highway department this very year, speak to all of the chairmen who are trying to deal with the complex problems of state government and tell me if here today, in early February, you can come up with a comprehensive package of any kind.

The Governor, however, has presented his package and I think we, as responsible legislators, should look at that package. How do you know how much money you need until you set a level of funding?

We passed this bill last year not because we thought it was the best thing to do but because it was the only thing to do demanded by certain leaders in the other party. The sunset was realistic then, it is unrealistic now, because we cannot do our jobs as legislators if we try to

shortcircuit the process.

Go through your calendar sometime and look at the many bills that the Governor has before us already. I won't bore you with all the details now, but you will find at least six or seven of them already presented. In fact, we heard one yesterday to undecade the highway fund.

Just what is a comprehensive package? You do have one; you may disagree with it but how do you even know that responsibly? The only responsible thing to do is to continue this with a sunset provision, if you wish, until we have had time to really look at the state's finances, the state's highway department and all the needs of state government.

Mr. Diamond of Windham 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 Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I guess it bothers me a little bit that the gentlelady from Vassalboro today is trying to perhaps point to us who intend to vote against this issue as irresponsible or perhaps even obstructionists.

I think we all there know that our highway department is in serious financial straits, and I think we all here know that the fees that we are talking about today could well be used by that department but there is something perhaps bigger, larger than this question, and that is the principle. The principle with which this program was sold to this House on May 22 or 23 of last year was that by the end of February we would have some sort of solution or proposal which made some sense to this body.

There is no question that we have a tremendous investment in our road system in the state of Maine and I, for one, don't want to see that particular system deteriorate beyond the state that it is in right now. But I think if there is one thing that our caucus is saying, that is, we have to look at the total picture now, not wait until the end of the session when things tend to get clouded and confused. We can do it in a rational and an unhurried basis right now. I don't think any of us here expect to come up with a total answer by the end of February, but I do think we expect to have some program that deals effectively and rationally with our highway situation.

Now, the Governor has sent us a budget and that is the package to which my good counterpart in the other corner alluded to. But I would remind her and members of this House that the \$26 million which the Governor has asked for out of the general fund to plug the gap that we need to fund our highway system adequately was refused by the Appropriations Committee and, as far as I know, every member of leadership is opposed to taking money from the general fund, so I guess when I look at it, I say, that is not a reasonable and rational approach to solving our highway situation.

I think our intent today is to focus our attention on the seriousness of the problem. We are all here, we all want to solve the problem, it is not going away, but I think we need a longer term solution and I think we need some flexibility, if you will, between all the parties involved, not only the Republican party, the Democratic party, the legislature and the Governor's office, but to sit down and try to come up with some answers. We may not know the total budget that is required, but we know that we need additional money in that department and where is it going to come from?

The SPEAKER: The Chair recognizes the

gentlewoman from Vassalboro, Mrs. Mitchell.

Mrs. MITCHELL: Mr. Speaker, Members of the House: I would like to respond briefly to several comments that have been made. One was the idea that leadership was opposed to taking money from the general fund; obviously, that is an initial reaction. Until the Appropriations Committee has heard the entire budget, we don't know if there is money there or not. We must deal with the process, we must hear the entire budget, and we must know for sure, and I defy any members of your caucus who say that there is no general fund money available to tell me why. What says to you, at this point of the legislative process, why there is no money there?

The other comment that was made is that everybody here knows that additional money is needed. I would like to ask everyone who is planning to vote against this bill, do you believe that the highway department does not need money from this funding source, and if you vote today to say that they cannot continue the license fee increase, will you come back in June and then vote to put the license fee increase back on, having excluded a small portion of people whose birthdays happen to fall between now and June 1? That is ridiculous logic and I do hope that is not part of your comprehensive plan.

I suggest that you go back again, look at the Governor's plan and let's indeed, work together, but why cut off our noses today to spite our face? We have a revenue source, we all admit we need it, why should we throw it away?

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of Mr. Carroll of Limerick to accept the Majority "Ought to Pass" Report.

The Chair recognizes the gentleman from Augusta, Mr. Paradis.

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

#### ROLL CALL

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

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

ABSENT — Dudley, Gillis, Hobbins, Ketover, Rolde.

PAIRED — Davis - Paradis, P.

Yes, 81; No, 63; Absent, 5; Paired, 2.

The SPEAKER: Eighty-one having voted in the affirmative and sixty-three in the negative, with five absent and two paired, the Majority "Ought to Pass" Report is accepted.

The Bill was read once. Committee Amend-

ment "A" (H-32) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

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

Tabled — February 17, 1981 by Representative Cox of Brewer.

Pending — Passage to be Engrossed.

On motion of Mr. Diamond of Windham, retabled unassigned pending passage to be Engrossed.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (7) "Ought to Pass" — Minority (6) "Ought Not to Pass" — Committee on Health and Institutional Services on Bill "An Act to Increase the Eating, Lodging and Recreational Place Licensing Fee" (H. P. 63) (L. D. 97) which was tabled earlier in the day and later today assigned pending the motion of Mrs. Prescott of Hampden to accept the Majority "Ought to Pass" Report.

Mr. Tarbell of Bangor 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 gentlewoman 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, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, A., Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W., Diamond, J. N., Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, Hunter, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A., Martin, H. C., McGowan, McHenry, McKean, McSweeney, Michaud, Mitchell, E. H., Mitchell, J., Moholland, Nadeau, Norton, Paradis, P., Pearson, Perry, Post, Pouliot, Prescott, Reeves, P., Richard, Smith, C. B., Soulas, Soule, Swazey, Theriault, Thompson, Tuttle, Vose, Webster, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, D., Brown, K. L., Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Day, Dexter, Dillenback, Drinkwater, Foster, Gavett, Gowen, Hanson, Higgins, L. M., Holloway, Huber, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, McCollister, McPherson, Michael, Murphy, Nelson, A., Nelson, M., O'Rourke, Paradis, E., Paul, Perkins, Peterson, Racine, Randall, Reeves, J., Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C. W., Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Twitchell, Walker, Wentworth, Weymouth.

ABSENT — Davis, Dudley, Gillis, Hobbins, Ketover, Rolde.

Yes, 74; No, 71; Absent 6.

The SPEAKER: Seventy-four having voted in the affirmative and seventy-one in the neg-

ative, with six being absent, the motion does prevail.

Thereupon, the Bill was read once and assigned for second reading tomorrow.

#### Bill Held

An Act to Require Legislative Confirmation of State Housing Authority Commissioners (H. P. 44) (L. D. 50) — In House, Passed to be Enacted on February 18.

HELD at the request of Representative Post of Owl's Head

On motion of Mrs. Post of Owl's Head, the House reconsidered its action whereby the Bill was passed to be enacted.

On motion of the same gentlewoman, tabled pending passage to be enacted and tomorrow assigned.

#### (Off Record Remarks)

On motion of Mr. Pearson of Old Town, Adjourned until 12:30 o'clock tomorrow afternoon.