

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Monday, February 23, 1981

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

Prayer by the Reverend Maynard Hammond of the Federated Church of Skowhegan.

The members stood at attention during the playing of the National Anthem by the Oak Grove Coburn Instrumental Ensemble of Vassalboro.

The journal of the previous session was read and approved.

Mr. Kelleher of Bangor was granted unanimous consent to address the House.

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: As captain for this row here in the back, I have the honor this morning to announce that the gentlelady from Portland, Mrs. Ketover, who has been absent for a period of 6 weeks due to an illness, has returned and come back to do the assignment which the people of Portland have entrusted to her, and that is to legislate, so, Mrs. Ketover, we welcome you back.

(Applause)

Papers from the Senate
JOINT RESOLUTION IN SUPPORT OF
A NEW AND GREATER DIRECTION
FOR THE ECONOMY OF THE
UNITED STATES OF AMERICA

WHEREAS, on Wednesday, the 18th day of February, 1981, the President of the United States, Ronald Reagan, unveiled details of an economic program to the Congress of the United States; and

WHEREAS, Members of the Legislature, cognizant of the economic crisis in which this great Nation finds itself, applaud the courageous action of President Reagan in taking bold cost-cutting and tax-cutting steps; and

WHEREAS, these steps are designed to bring our Nation's budget more nearly in balance, and to free up a larger share of this Nation's gross national product to express the productive genius of our people; now, wherefore, be it

RESOLVED: That we, the Members of the 110th Maine Legislature take this opportunity to endorse these new initiatives which are designed to revitalize our economy and call upon all Maine citizens to join with us in supporting President Reagan's initiatives for a new and greater direction for our great Nation.

Came from the Senate read and adopted.

In the House:

The SPEAKER: Is there objection to the rules being suspended for the Joint Resolution?

The Chair hears objection. Pursuant to Joint Rule 34, the matter is not before this body.

Bill "An Act to Amend the Consumer Loan Agreements Law" (S. P. 318) (L. D. 908)

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 Related to Teacher Standards and Certification" (S. P. 319) (L. D. 909)

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 Reimbursement for Parking Costs Incurred by Jurors" (S. P. 317) (L. D. 907)

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 Ensure Worker Access to Information Concerning Hazardous Substances in

the Workplace" (S. P. 321) (L. D. 911)

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 Creating the Rangeley Water District" (Emergency) (S. P. 322) (L. D. 912)

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

In the House, referred to the Committee on Public Utilities in concurrence.

Bill "An Act Concerning Funds for the Maintenance for the Baxter Park Perimeter Road" (S. P. 320) (L. D. 910)

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

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

Non-Concurrent Matter

Bill "An Act to Repeal Archaic Provisions Restricting the Right to Marry" (H. P. 318) (L. D. 347) on which the Majority "Ought Not to Pass" Report of the Committee on Judiciary was read and accepted in the House on February 18.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Judiciary read and accepted and the Bill passed to be engrossed.

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

Mr. HOBBS: Mr. Speaker, with a heavy heart and knowing that the 12 members of the committee were right, I now move that we recede and concur.

Thereupon, on motion of Mr. Hobbins of Saco, the House voted to recede and concur.

Non-Concurrent Matter

Later Today Assigned

Bill "An Act Pertaining to Employment of Minors in Hotels and Motels" (H. P. 28) (L. D. 32) on which the Majority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on February 18.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "A" (H-19) Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-19) in non-concurrence.

In the House: On motion of Mrs. Beaulieu of Portland, tabled pending further consideration and later today assigned.

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:

Education

Bill "An Act to Establish the Maine Family Protection Act" (H. P. 806) (Presented by Representative Leighton of Harrison)

(Ordered Printed)

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Establish a Statewide Cancer-Incidence Registry" (H. P. 807) (Presented by Representative Brennerman of Portland) (Cosponsors: Representatives MacBride of Presque Isle and Aloupis of Bangor and Senator Najarian of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Clarify Requirements for Consent Under the Adoption Law" (H. P. 808) (Presented by Representative Lisnik of Presque Isle)

Bill "An Act to Facilitate the Leasing of Ex-

isting Subsidized Housing Units" (H. P. 809) (Presented by Representative Fowlie of Rockland) (Cosponsor: Senator Ault of Kennebec) (Later Recognized)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Amend the Charter of the Bethel Water District" (H. P. 810) (Presented by Representative Brown of Bethel) (Cosponsor: Senator Sutton of Oxford)

(Ordered Printed)

Sent up for concurrence.

Study Report

Committee on Public Utilities

Representative Davies from the Committee on Public Utilities to which was referred the Study Order relative to Provide More Public Accountability for Sewer and Sanitary Districts, pursuant to Joint Order (H. P. 2030) have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide More Public Accountability for Sewer and Sanitary Districts" (H. P. 814) (L. D. 938) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Public Utilities, ordered printed and sent up for concurrence.

Special Sentiment Calendar

In accordance with House Rule 56, the following items (Expressions of Legislative Sentiment)

Recognizing:

Robert A. Libby of Windham upon attaining the high rank and distinction of Eagle Scout; (H. P. 805) by Representative Diamond of Windham.

The Honorable Frank Whitehouse Anderson, of Ellsworth, who has served with great distinction seven terms in the Maine Legislature, from 1961-1974; (H. P. 815) by Representative Salsbury of Bar Harbor.

In Memory of:

Margaret L. Ellis of Millinocket, who was active in political and civic affairs; (H. P. 812) by Representative Clark of Millinocket. (Cosponsors: Representative Michaud of East Millinocket and Senator Pray of Penobscot)

Roland H. Cobb, of Cape Elizabeth who served 12 years as State Commissioner of Inland Fisheries and Game; (H. P. 813) by Representative MacEachern of Lincoln. (Cosponsors: Senators Redmond of Somerset and Gill of Cumberland and Representative Masterton of Cape Elizabeth)

There being no objections, these Expressions of Legislative Sentiment were considered passed or adopted and sent up for concurrence.

House Reports of Committees

Ought Not to Pass

Representative Murphy from the Committee on Education on Bill "An Act to Allow Parents to Approve School Absences for their Children" (H. P. 547) (L. D. 623) reporting "Ought Not to Pass" (Representative Brown of Gorham — Abstaining)

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

Leave to Withdraw

Representative Bell from the Committee on State Government on Bill "An Act to Create a Legislators Turnpike Pass" (H. P. 388) (L. D. 431) reporting "Leave to Withdraw"

Representative Livesay from the Committee on Judiciary on Bill "An Act Creating Specific Penalties for Theft of Gasoline" (H. P. 379) (L. D. 417) reporting "Leave to Withdraw"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Increase the Household Income Eligibility for a Couple

Under the Elderly Householders Tax and Rent Refund Act" (H. P. 83) (L. D. 78) reporting "Leave to Withdraw"

Representative Twitchell from the Committee on Taxation on Bill "An Act to Provide a Trade-in Credit under the Sales and Use Tax for Camp Trailers" (H. P. 439) (L. D. 486) reporting "Leave to Withdraw"

Representative KANE from the Committee on Taxation on Bill "An Act to Amend the Elderly Householders Tax and Rent Refund Act by Increasing the Income Limits" (H. P. 483) (L. D. 530) reporting "Leave to Withdraw"

Representative Ingraham from the Committee on Taxation on Bill "An Act to Change the Sales and Use Tax Law to Exempt Purchased and Leased Equipment from Sales Tax when the Equipment is Engaged in Interstate Commerce" (H. P. 413) (L. D. 452) reporting "Leave to Withdraw"

Representative Brown from the Committee on Taxation on Bill "An Act to Establish an Income Tax Credit for Home Based Care Expenses Provided by Families" (H. P. 190) (L. D. 203) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Ought to Pass in New Draft

Representative Pearson from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1981, and Changing Certain Provisions of the Law Necessary to the Proper Operation of State Government" (Emergency) (H. P. 91) (L. D. 63) reporting "Ought to Pass" in New Draft (H. P. 816) (L. D. 940)

Report was read and accepted, the New Draft read once and assigned for second reading Tuesday, February 24.

Ought to Pass

Representative Brown from the Committee on Education on Bill "An Act to Amend the Law Relating to the Regulation of Privately Owned Correspondence Schools" (H. P. 168) (L. D. 221) reporting "Ought to Pass"

Report was read and accepted, the Bill read once and assigned for second reading Tuesday, February 24.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-42) on Bill "An Act to Increase the Per Diem Pay for Services Rendered by Active Retired Judges" (H. P. 350) (L. D. 398)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
KERRY of York
CONLEY of Cumberland
— of the Senate.

Representatives:

BENOIT of South Portland
JOYCE of Portland
O'ROURKE of Camden
LUND of Augusta
LIVESAY of Brunswick
HOBBINS of Saco
DRINKWATER of Belfast
SOULE of Westport

— 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:

REEVES of Newport
CARRIER of Westbrook
— of the House.

Reports were read.

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

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

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

The gentleman may proceed.

Mr. HOBBINS: Mr. Speaker, Men and Women of the House: The purpose of this bill is to increase the per diem payment for active retired justices of the Supreme Judicial Court and the Superior Court and the inactive retired judges of the District Court. The increase is from \$50 per day and \$30 per half day to \$75 per day and \$40 per half day.

Presently, we have a situation in Maine where a judge who decides because of age that he or she would like to retire from sitting on the bench may be asked by the Governor and may be nominated by the Governor and confirmed by the Legislature to hold the position of active retired judge. An active retired judge serves at the direction and assignment of the Chief Justice of the Supreme Court, the Chief Resident Justice of the Superior Court or the Chief Judge of the District Court.

Now, these active retired judges are used in instances where there is a caseload overload in different areas. As you know, for example, in the rural areas during the wintertime sometimes the caseload is not very great but during those times when there is hunting or vacation time the overload on the district courts can be very difficult for a district court judge to handle. The other instances, for example, in this state would be in areas such as York County. In York County, during the summer months, we have an influx of tourists which causes a demand on the court system through increased traffic tickets or other violations, and these active retired judges serve in those areas where there is an overload of cases in order that the administration of justice can be speeded up.

Also, active retired judges serve in the capacity to take vacation time when other judges have duly authorized vacations pursuant to the statute. In essence, I would say, the purpose of this bill would be to give an increase, which I think is justifiable considering the times, to our active retired judges.

It is my understanding that there are six or seven active retired judges who, at the request of the Judicial Court, will sit in cases when asked and when available.

I urge you to accept the "ought to pass" report.

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

Mrs. MARTIN: Mr. Speaker, may I ask the gentleman from Saco, Mr. Hobbins, a question, please? Does that include their meal and mileage?

The SPEAKER: The gentleman from Brunswick, Mrs. Martin, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HOBBINS: Mr. Speaker, it is my understanding that a court judge can spend up to \$5 for a lunch and \$10 for dinner, and mileage is assessed at 20 cents a mile. This is in addition to the mileage; this is for the service of that day's work.

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

Mr. CARRIER: Mr. Speaker, I would like to ask Mr. Hobbins a question about something he just said. How many retired judges do we have right now, active retired judges?

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, has posed a question through the Chair to the gentleman from Saco, Mr. Hobbins, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. HOBBINS: Mr. Speaker, as I stated previously in my remarks, it is my understanding that there are either six or seven active retired

judges. There are approximately six judges that have been called upon during the past year to fill in for the courts in areas where they are needed.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I am opposed to this bill, and one reason is because these people that you will hear this morning, right from the start, are not giving you the truth about the situation we have here.

You have just heard a few minutes ago that we have six or seven active retired judges, a very classic phrase — "to my best knowledge, we have six or seven active retired judges." This is not true. The fact is that we have 10 active retired judges. We have three in the Supreme Judicial Court, we have one in the Superior Court and we have six in the District Court; we have 10 retired judges, that is what we have, not six or seven. These facts come right from the people downstairs who really have the facts. They are the ones that pay the bills.

The reason I am against this bill is because they came here a few years ago and they cried that they wanted to practice law after they were retired. Well, this is great, and we appreciated their services, and at the time it was considered just fair that you give them some compensation to make up for their time that they spend with the judiciary, and we did. They came back and asked for more than we had given them, and they are back again this year talking about a measly amount of \$75 a day which, in fact, for your knowledge, and I am sure you all know this, these people are retired and they get about \$25,000 a year, anywhere from \$20,000 to \$25,000 a year, and they come here and take our time to argue and beg and do anything else they can in order to get a lousy \$50 a day, which they don't need in the first place. I don't say they don't deserve it, but some of them don't, and this is the whole trouble with our judicial system, and more so than some of these judiciary people. As you know, we have right now, if you have read the papers and you are aware of what is going on, the judicial system itself, the people in it, are in trouble, and what is being done about all this? Instead of creating a new image, they come back and ask for more money.

This is only one in a series of bills which you will have before you this session. I submit to you, even if I don't submit things in rotation, that all of you that are interested in the judicial code, the judicial conduct of the lawyers and the judges of this state, should go right down there and get a copy of it and read it, and you will understand the underlying basics that they should work on, that they should uphold the law for the people, and they don't do that. Look at the sentences that we have had.

Either they are dedicated people or they are not. We pay our regular judges plenty. Some of them deserve more and others deserve less, but that is not my fault, that is the fault of some of the administrators we have had in the past and the administrators we have now when they appoint judges without qualifications.

Let me tell you, ladies and gentlemen, these people can't cry about money because if they had the right ingredients, within twelve years of service and the right age, they can retire, they can retire with three-quarters of their present pay, which is over \$30,000. And if they die, their wife gets three-eighths of their pension. Where can you find people in the State of Maine in private industry where they have a special retirement system.

If somebody wants to and the Governor wants to, you can put them in there at 53 years old, they can retire at 70 at \$25,000 or \$30,000 a year. Is this right? I am sure a lot of you don't know that this is happening.

I submit to you that it goes way beyond this, not in this bill but in some of the other bills we

will have coming to us. I say to you that actually what is happening here is that the judicial code has been undermined. Some people get caught at it but others get away with it, and this is what we are going to expose to you during the session and let you be the judge, and I don't think that these particular judges should have a raise this year anymore than a lot of other people who deserve it and need it, need it much more than they do, and won't get it this year because of the economic situation we are faced with.

All I want is that we discuss these issues. We can have a difference of opinion, but all I want is the truth. Don't come here with distorted facts. Let's face the truth, give it to you people, you consider it, and whatever you do is your business.

This is not a good bill, we can live with it, we can live without it, but I say to you that this is not the time to give raises. We are not questioning their worth, we are not questioning anything, we just say that this is not the proper time to give raises. They live well, and if they don't, it is their own fault. They have had high wages all this time and they should be able to settle their lives accordingly.

Therefore, I hope that you vote against the motion to accept the "ought to pass" report.

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to any member of the Judiciary Committee or the Retirement Committee. Do the justices contribute to the retirement system like every other state employee?

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

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I know that the good gentleman probably knows the answer, but I will tell the rest of you. Under the judicial branch of government, meaning the judges in the state, they have a separate retirement system which is non-contributory. But you should also realize, and I should mention, I don't really want to get into a fight about the salary of judges, presently, and I know if you challenge my figures I might be one or two places off, but you can find, if you look closely enough, that judges in Maine rank 50th in the country for Supreme Court Judges in pay, and in District Court I think it is around 46th in the country.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to thank the honorable gentleman from Saco for providing the House with that information, and I would like to also provide the gentleman with a little information, that Maine ranks about 47th in the nation for income.

I think Representative Carrier has outlined quite accurately the considerations concerning this bill, and I believe that because of their non-contributory participation in the retirement fund, and because of the shortage of eligibility to retire, I would suggest that we go along with the gentleman this morning and not pass this document. I think they are well provided for, their spouses are well provided for under the retirement system that we have.

On that note, Mr. Speaker, I would move that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Men and Women of the House: I am not a lawyer, I am not a

doctor, I am not an Indian Chief, but I am and have been a businessman for many, many years. I would love to have the opportunity to hire a part-time expert for my business and get the big opportunity to not pay—yes, I said not pay retirement benefits, unemployment benefits, group insurance benefits and all the fringe benefits involved when you hire a full-time employee.

Passing this bill is a bargain. You either hire full-time judges or you are going to get a part-time expert for a minimum of dollars. I urge to vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer in one way. I think you have 151 part-time workers here. I wonder if many of you people could get mileage in the summertime for the extra work that we do—last year or the year before or many years before or many years to come? I think that is something we do and we do it willingly, grudgingly, perhaps, because we don't get the money for the gas or anything, but I have never yet heard any of my fellow legislators here complain about helping a constituent if he is in need during the summertime, he is immediately there. That is the reason why I have very little use for giving them extra mileage or extra pay.

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

Mrs. KANY: Mr. Speaker and Members of the House: In reply to Representative Soulas, it is my understanding that these active retired judges are already paid \$50 per day under existing law and are already paid a substantial amount even for a half day. Is that not correct? Could someone on the Judiciary Committee address that? As I understand it, this bill is simply for a raise over and above the \$50 that they are now paid per day.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: It is easy to see that there is not a great deal of sympathy for judges in this body, but the fact of the matter is that we do presently pay our retired active justices \$50 a day, and that works out to less than \$6.50 an hour. We pay our factfinders and our referees a good deal more than that.

There are seven other states in this country that compensate their active retired justices on a per diem basis, and in those seven states the compensation is \$100 a day or \$125 a day. Right now we are paying our active retired justices less than one half that, and even if we were to increase their pay by the \$25 that this bill asks for, they would still be receiving considerably less than judges in other states receive.

The other parts of our judges' payment programs don't differ that significantly from the payment of judges in other jurisdictions. I don't think that this request is at all out of line.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Just to inform the good gentleman from Brunswick, I believe the opponents of this bill have the highest regard for the court as an active, on-going branch of government, but we just feel that it is inappropriate at this time, because of the fact of dollars that are very scarce in this state, to be rewarding men and women who serve in the courts who have been rewarded by the honor of not only serving on the bench but also the opportunity of a very liberal retirement system. I might remind the good gentleman from Brunswick, because he was not here two years ago, that I chaired a subcommittee of the Appropriations Committee that worked hand-in-hand with the honorable gentleman from Saco, Mr. Hobbins, and the honorable majority floor

leader in the other body in trying to come up with some reasonable appropriations for running the courts of the state and also methods of funding.

I just think that Mr. Carrier happens to be on line this morning on this particular issue, and I would hope that you would support my motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I feel that I should rise and explain to you briefly why I voted "ought not to pass" on this particular bill.

I am not anti-judiciary, I have high respect for the judicial system in this state. Those of you who were here in the 109th may be aware that I cosponsored a very similar, almost identical, bill last year.

Now, up until, I believe, July 1, 1980, these active retired judges were working for nothing except the expense account. The 109th granted, and I feel that we were quite generous at the time, \$50 a day to the active retired judges and \$30 for a half day. Now, mind you, up until this time, they were serving in this capacity for nothing. This is not a required position, it is more voluntary.

We recently had a Superior Court Judge retire who did not want to be an active retired judge. This, I believe, is their prerogative.

I simply feel that after granting these active retired judges \$50 a day some six months ago, they came back a little too soon asking for a little too much. They are asking for a 50 percent increase, from \$50 a day to \$75 a day, and as has already been pointed out, these judges, active retired justices, receive a very good pension for which they contributed no money in contribution. I just feel that this bill is not necessary at the present time, with all due respect to our judicial system, and I move that you follow the recommendation of the good gentleman from Bangor, Mr. Kelleher.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I would just like to make a couple of comments.

Unfortunately, this bill has got to be that judges are making too much money and those issues coming into light. I think this bill addresses the speedy administration of justice and the resolution of disputes in an orderly process, meaning our court system.

I don't know if any of you have ever experienced going to court, but, as you know, it takes a long time sometimes to get a case through or to have a case handled. In York County—I can only give you the example of York County—because of the shortage, because of the number of cases, some civil cases, meaning two individuals who have a dispute about a bill or whatever, those type of cases are about three or four months behind on the trial list, and those individuals are not able to get their day in court.

I wish that some individuals, and I know that I never knew it until I went to court on a daily basis, knew how many cases were handled. Everytime we pass a bill to make something a crime and someone is arrested, that person has to go to court and it increases the workload on our district courts, superior court and sometimes supreme court. Everytime a person has a complaint about a landlord or about a tenant, they use the court system for the resolution of that dispute.

This bill would cost \$18,750; that is the appropriation on the bill. I am sorry that the debate has gotten down to the point of judges and they are too easy on sentences or whatever. If you talk to some of the judges or sit in the court and see the number of cases that the judges handle, a lot of cases and a lot of times other cases are postponed because of the time constraints.

This bill will only address those individuals who are retired who have been appointed as active retired judges and who are willing to go

to court and help out, and I think that those individuals should be compensated for their time. The good gentleman from Newport, Mr. Reeves, is correct. Until last year, active retired judges only received their meals and mileage for helping out and filling in in those areas where they were needed. Last session, the legislature passed a bill which allowed for a \$50 per day per diem and \$30 for a half day. What this bill does, it would allow those individuals who are retired, when asked to fill in in those areas where they are needed, to be paid \$75 per day and \$40 for a half a day.

I urge you to vote against the pending motion.

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

Ms. LUND: Mr. Speaker and Members of the House: I rise to defend the judiciary. This bill is not about \$25 a day; this bill is about the honor and respect that we owe to the judiciary system here in the State of Maine. We demand from them dedication, we demand from them commitment, we demand from them that they not accept a gift, we demand from them that they maybe don't take their wives on conferences and yet when it comes time to give them a small measure back, we spend more time than we have spent on anything else here in the House already.

I submit that judges are worth the money. They are not asking for it, the Judiciary Committee is asking for it, and I think you ought to vote for it.

Mr. Hobbins of Saco requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 Bangor, Mr. Kelleher, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Baker, Beaulieu, Berube, Boisvert, Bordeaux, Boyce, Brennerman, Brodeur, Brown, A.; Brown, D.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fowlie, Gwadosky, Hall, Hanson, Hayden, Holloway, Hunter, Ingraham, Jacques, Jalbert, Jordan, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Leighton, Lisnik, MacBride, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Masterman, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nelson, A.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Studley, Swazey, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Wentworth, The Speaker.

NAY — Aloupis, Armstrong, Bell, Benoit, Brannigan, Brown, K.L.; Cahill, Davis, Day, Drinkwater, Foster, Gavett, Gillis, Gowen, Hickey, Higgins, Higgins, L.M.; Hobbins, Hutchings, Jackson, Joyce, Kane, Kiesman, Laverriere, Lewis, Livesay, Locke, Lund, Manning, Masterton, Matthews, Michael, Nadeau, Nelson, M.; O'Rourke, Peterson, Richard, Rolde, Soulas, Soule, Tarbell, Weymouth.

ABSENT — Davies, Dudley, Fitzgerald, Huber, Moholland, Randall, Reeves, P.; Tuttle.

Yes, 101; No, 42; Absent, 8.

The SPEAKER: One hundred one having voted in the affirmative and forty-two in the negative, with eight being absent, the motion does prevail.

Sent up for concurrence.

Consent Calendar

First Day

In accordance with House Rule 56, the following items appeared on the Consent Calendar for the First Day:

(H. P. 400) (L. D. 443) Bill "An Act to Permit Rental Payments by Tender of General Assistance Vouchers" Committee on Judiciary reporting "Ought to Pass"

(H. P. 348) (L. D. 396) Bill "An Act to Increase the Mileage Reimbursement Payment of Jurors" Committee on Judiciary reporting "Ought to Pass"

(H. P. 295) (L. D. 339) RESOLUTION, Proposing an Amendment to the Constitution of Maine Clarifying Residency Requirements for Candidates for and Members of the Maine House of Representatives" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-47)

(H. P. 276) (L. D. 307) Bill "An Act to Amend the Laws Relating to Criminal History Record Information" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-46)

(H. P. 56) (L. D. 71) Bill "An Act to Exempt Certain Site Evaluations from License Fee Requirements" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-48)

(H. P. 171) (L. D. 193) Bill "An Act to Revise the Voluntary Training and Certification Program for Installers of Solar Energy Equipment in Maine" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-49)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 24, under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 221) (L. D. 258) Bill "An Act to Ensure Notification of Families and Guardians of Patients at State Mental Health Institutes"

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

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

Leave to Withdraw

Representative Gwadosky from the Committee on Business Legislation on Bill "An Act to Amend the Professional Service Corporation Act" (H. P. 419) (L. D. 466) reporting "Leave to Withdraw"

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Require Installation Manuals for Solid Fuel Burning Equipment other than that Used for Central Heating" (H. P. 311) (L. D. 343) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Consent Calendar

First Day

In accordance with House Rule 56, the following item appeared on the Consent Calendar for the First Day: (H. P. 164) (L. D. 190) Bill "An Act to Increase Registration Fees under the Maine Consumer Credit Code" Committee

on Business Legislation reporting "Ought to Pass"

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 24, under listing of Second Day.

Passed to be Engrossed

Amended Bill

Bill "An Act to Amend the Subsidized Adoption Law" (H. P. 107) (L. D. 141) (C. "A" H-41)

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

Mr. McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-43) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" and sent up for concurrence.

Bill "An Act to Provide Free Pheasant Hunting Stamps to Disabled Veterans" (H. P. 136) (L. D. 163) (C. "A" H-39)

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

Passed to Be Enacted

Emergency Measure

An Act to Amend the Charter of the Sanford Sewerage District (S. P. 146) (L. D. 317)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 141 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Immunization of Children Prior to Entering School (H. P. 41) (L. D. 54) (C. "A" H-18)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Before we vote on this bill, there is one point I would like to clarify. This law, if passed, will be a mandate to the schools and will put the burden on the schools. I would like to read from the law.

"In the event that a person in parental relationship to a child makes application for admission to a school for the child and there exists no certificate or other acceptable evidence of the child's immunization against each disease, the principal, teacher, owner or person in charge of the school shall provide the person in parental relationship to the child with a form which shall give notice that as a prerequisite to processing the application for admission to the school, (a) the person shall agree in writing on the form that he shall be responsible for presenting the child, within 90 days, to a physician, nurse, or other person as specified in Section 1192, Subsection 4, for the purpose of having the child immunized."

Then it goes on to say, "No principal, teacher, owner or other person in charge of a school shall permit a child to be admitted to school without immunization, except for the exceptions." In other words, no child may enter school unless he has been immunized, except for those listed exemptions in the law.

If we want our schools to conduct a health screening program, then I think we should provide a program for that and fund it, but I do not believe it is fair to keep on mandating one program after another for the schools to conduct.

Ladies and gentlemen, I hope you will vote no on this piece of legislation, and when the vote is

taken, I request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker, I guess I wasn't around when this bill first came up. Could I ask what the Committee Report was, please?

Thereupon, the Report was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from South Paris, Miss Bell.

Miss BELL: Mr. Speaker, Ladies and Gentlemen of this House: I would like to share a few concerns about this piece of legislation before us today.

I come from 10 years in education in biology and health related fields, and most recently as a health education coordinator for the Oxford Hills District.

During the swine flu epidemic and also in 1978, when our school system had to comply with the K through 6 law, I was part of organizing a community effort to come into compliance with that law.

I have a few concerns about L.D. 54 and its various amendments. First of all, I would like to commend the committee for the work that it has done on this piece of legislation. They have been extremely thorough and sincere in their intent. I believe in their intent and theoretical position, but I have some concerns as to the practicality within the context of a school situation.

I think that most of us would agree with the concept of immunization. Immunization is essential to the public safety as well as to one's life in preventing death and serious defects. I believe in immunization and believe that the K through 6 law has been beneficial in securing the safety of our youth. I also believe that the older students in 7 through 12, at the high school level, have that same right of protection as those students in K through 6. My concern, however, centers around two issues, the risks of requiring or mandating immunization of rubella and, secondly, the impact on school systems who will be burdened by the implementation of this law.

The decision before you is a bit risky. Rubella is the trickiest immunization of all that we have. Pediatricians and most doctors are in favor of the concept; however, very few would support immunization or clinics at the high school level because of the liability issue. Our local pediatricians, school physicians and nurses, again, agree in concept, but are seriously concerned about the implementation of this law.

A few facts about rubella or German measles—there is a danger to a pregnant woman of having a defective child if they do incur German measles. There is a large segment of the population that have not been inoculated or have had the disease. There is a danger to a female who is inoculated and is pregnant or becomes pregnant within three months of inoculation. The risks are very small. There has been no documented cases that have occurred from inoculations. There have, however, been abortions performed that show evidence of infection.

Rubella deformity is awful, as witnesses by members of the Health and Institutional Services Committee who visited Pineland—deafness, blindness, heart defects and mental retardation can result.

Furthermore, I would urge you to separate polio from rubella. They are both viruses and have physical implications. I, too, was part of the polio era. I had a cousin who died in an iron lung and classmates who were infected by the disease. I do believe that the circumstances around rubella are different.

To share a few procedures that doctors go through in handling rubella with a mature, pubescent female, because of the liability in sound medical practice, once puberty is reached, a doctor must treat each situation on

a case by case basis to determine beyond a shadow of a doubt that pregnancy is not evident or that the patient understands the risk of a three-month waiting period. Informed consent is particularly difficult because of the nature of this disease. Doctors also do a prenatal standard test to check for rubella antibodies in the prenatal screening.

Concerning implementation or implementing this law in the high school programs—a school nurse must first check the records. Records statewide are variable, some records are not up-to-date, some are out-of-date. The school nurse must then either document that a shot has been received or inform parents a need for immunization. Arguments have been stated that this can be referred to a private physician.

Expanding on this, there would be a cost to a family, the nurse would have to convince the parents or families of the worthiness of this action, and most school nurses that I have talked with are ambivalent about rubella to begin with and certainly are caring in their responsibility to adequately inform students and parents.

The next issue is enforcement. Local policy varies per district statewide. In some situations, if a shot is not taken, the student cannot attend school. This varies statewide.

I think because of the technicality and difficult nature of this immunization, it would encourage the exemption clause from being used.

A considerable amount of work is also requested of school nurses. It is an existing high pressure and expectation that the school nurses stretch beyond their limits. An example, just to share with you a minute, in the Oxford Hills School District we have two nurses for 3800 students. We have 11 schools, their existing duties include eye, hearing screening; physicals, TB tests, emergencies, compliance with the K through 6 immunization law, first-aid, as well as monitoring scabies, lice and general health care with the school setting.

To add to their burden, I think that we are asking an awful lot of school systems in terms of cost of implementing this law. In the big picture, if we talk about the State of Maine, where we have 2400 teenagers pregnant per year, the Privacy Act that would be involved, the reality of counseling and complying with this law, past history that we have with swine flu and implementing a law of this nature makes me vote against this bill.

Just in summary, and I do thank you for your patience, again, I believe in the concept of immunization and agree with Mary MacBride that the key issue is, who is responsible for it? Because of the risky nature of rubella and because of the cost of human resources here, the implication of this law could be hazardous to the state of Maine.

I do believe that polio and rubella are two different situations. I would like to throw a red herring in this whole thing, but I think that you are well aware of thalidomide in the 60's and the implications of what that might mean to the British government. I only urge you to make an informed decision here and look at the ramifications of this action.

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

Mr. MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The rubella epidemic was with us this fall in Sanford. The gentlelady who serves this House as Assistant Clerk is from Sanford and for her and hundreds of pregnant women throughout Maine, I urge you to join me in casting your yeas switch for L.D. 54.

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

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

The SPEAKER: The Chair recognizes the gentleman from Livermore Fall, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: This is a health issue and my health is probably a little in danger this morning, especially in my location in the House, between the gentlelady from Hampden and the gentleman from Auburn. However, it is a very serious matter, it is one I feel I must address.

I opposed this initially on the floor of the House two weeks ago when it first came before this body and, because I opposed it, I was a bit concerned perhaps that I had made an error in my judgment, that is always possible with all of us, to be sure, so upon returning home, in the ensuing days I contacted some medical people in my area. I talked with two very, very reputable medical doctors, also a health coordinator, also a school nurse and others, but the information that I received from the medical doctors I think was very, very revealing. They were extremely concerned, extremely concerned about the potential effect the passage of this bill is going to have on those teenage girls over the age of 11 and 12 years.

One doctor, again an extremely reputable person, told me that before he immunizes a girl over the age of 11 years, he insists that she be on birth control pills prior to that immunization and for two or three months after the immunization, he is that concerned. The other doctor was amazed that the bill has gotten as far as it has and, again, this is not a negative reflection on the committee, I think the committee deliberated very long and very hard in coming to its decision and I want to acknowledge their hard work.

The statement of fact on the bill tells us that the so-called problem exists with those children in grades 7 through 12; so, in other words, that problem should be resolved in four or five years. Unfortunately, the teenage girls, of which I am very concerned, fall within that same category, grades 7 through 12.

Teenage girls who may be pregnant at the time of the immunization or who may become pregnant two to three months after the immunization have a real potential to bear offspring with immensely difficult problems and very, very serious birth defects. Those are the ones that I am concerned about. I feel that passage of this bill, again, is government over reaction to a situation, a spotted situation that occurred in Sanford, one that received a lot of press, one that received a lot of publicity and I think, from the standpoint of this particular bill, did create somewhat of a problem to be sure but I don't think nearly the problem that we will have if we pass this bill. As has been said, it is not unlike the government's reaction to the swine flu outbreak several years ago, when again government over-reacted with a nationwide immunization program that created far more problems than it attempted to solve.

When the bill was first discussed on the floor two weeks ago, a very unfortunate parallel was alluded to, and that is the parallel between polio and German Measles. Again, I wish to point out to the congregation of people here that the consequences of those two diseases are far, far different. Naturally, the thing that we are worried about with rubella in the immunization program is not the person receiving the immunization or even contracting the disease but the offspring of those children in this case who may be pregnant at the time.

There were some very emotional arguments presented. I think you have to look at the emotional arguments in their context and compare them on balance with what is before us today.

Ladies and gentlemen, I am concerned about this bill. I am not concerned necessarily about the mandation, although I know others are, but I am concerned about the health of those kids who are going to be immunized in that age bracket.

I am not asking that you vote with me, I am

not trying to convince you, I just know it is an issue that I have thought very, very carefully about, it is one that I want to be sure that I personally am voting the right way on, and I only ask that you do the same.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, I would like to pose a question through the Chair to anyone who may care to answer.

I seem to recall that when those in favor of this bill made their presentation several days ago, they said that the Maine School Management Association supported that bill, and I would just like to have that reaffirmed.

The SPEAKER: The gentlewoman from Cape Elizabeth, Mrs. Masterton, has posed a question through the Chair to anyone who may care to answer:

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: In order to answer the gentlelady's question, the Maine School Management Association came in at the beginning in opposition to the bill, and once we put the emergency clause on the bill, which would not have presented an enforcement problem for them, that is to be complying by the September 15 deadline, then they supported the bill.

I do disagree with my seatmate this morning. We did debate this bill quite thoroughly last week. We are raising a few more issues today, which are not new issues they are the same issues that we heard last week. You voted in this body overwhelmingly in support of this bill the last time that we talked about it, and I would hope that you would do the same thing this morning.

I would like to answer the question of the gentleman from Livermore Falls, Mr. Brown, when he said that he went home and spoke with some of his doctors and his health educator and the school nurses. I would like to say that the Maine Medical Association came before our committee in support of the bill. They had no problems with it. The State Nurses' Association did the same. The only opponent that we had on the bill was one health educator who came in and was concerned about the September 15 deadline, and we had another health educator, Representative Bell, opposing it again this morning.

Representative MacBride was concerned about the Maine School Management's concern, but she also extended her concern with the mandatory requirement that the immunization be done in the schools. I would like you to know that the committee understands that the best place to get a vaccination is in the physician's office, and if parents are concerned and they want to have their own physician decide, there is nothing in this bill that prevents them from doing that.

The bill is simply informing the persons that choose to have inoculations done by the school prior to and subsequent to, and that is the protection. The schools are not required to give the immunizations, only the pupils are required to be immunized, and I hope that you will vote with the committee on this bill. It was a 12 to 1 report and we would like to see 101 votes to pass it.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: We have basically one point before us this morning. I urge your support of the committee. We have an opportunity today to prevent the birth of deformed and defective children and, again, I urge you to support our bill.

The SPEAKER: The Chair recognizes the gentlewoman from Paris, Miss Bell.

Miss BELL: Mr. Speaker, Members of the House: Just in defense of health educators,

Mrs. Prescott. Initially, when I asked these school physicians and pediatricians in our area, they were in favor; once they took a look at how this law would be implemented, the impact on the school system and how the appropriate counseling would come about, they then took another stand.

I would also like to say that this legislation was initiated because of the rubella outbreak in Sanford, and even though we have a clause in here for an exemption, it just does not quite line up with the original intent. I would urge you to vote no.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I also have my own consultant, who is my wife, a registered nurse, who graduated from Peter Bent Brigham, and she has informed me that she would vote for this bill.

I am not going to take a great deal of your time. The only thing I want to point out to you is that many of these children who are not going to be inoculated if you defeat this bill are going to go home, and what about the poor, legally married woman who is pregnant or is about to become pregnant, who is going to have these children, who may not be inoculated bringing the disease home? I think there are other people to be concerned about other than the 2400 people who are inoculated in another way, which they shouldn't be, so let's protect the married woman and let's protect the families that are now existing.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anyone who may care to answer on the committee.

We are elected to this body and upon oath of office we swear to uphold the Constitution of the State of Maine. I ask you to look at Section 5 of Article 1 of the Constitution, which states, "The people shall be secure in their person," and I am wondering if the committee, in their deliberation, has taken this under consideration. I haven't checked with the Attorney General's Office, but I have asked casually lawyer acquaintances of mine and they tell me that this bill is unconstitutional. I would like to know if the committee has checked this question out?

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

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

Mr. BRODEUR: Mr. Speaker, Members of the House: I would like to answer the gentleman's question. I did request the Attorney General's Office in the Department of Education for a clarification of the question of the 18 year old. They are drafting it at this time and it hasn't been signed yet. The general statement that the gentleman in the Attorney General's Office gave me was that federal law, which covers in terms of the Buckley amendment the Right of Privacy Act, puts people who have turned 18 in the position of being in parental relation, so that would be one of the conditions in which the 18 year old does become the person in parental relation, which is the section which the gentleman is concerned about.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I really won't belabor this. The gentleman from Madison said that we do have the opportunity to prevent the birth of a defective child. That is exactly why I am opposing this bill this morning. The gentlelady from Hampden spoke of the overwhelming vote two weeks ago, and that is one good thing about the deliberative nature of this body—we do have a chance, an opportunity, to very, very

carefully examine something before its final enactment into law, and I think that is a positive aspect.

I would only read to you one very short paragraph which was provided to me by one of the doctors, and this is from Nelson Textbook of Pediatrics 11th Edition: "The rubella vaccine program in the U.S.A. calls for immunization of all boys and girls between the age of 15 months and puberty and for non-pregnant, post pubertal females who have been demonstrated to have a negative, hemagglutination inhibition test and who can reasonably be relied upon not to become pregnant within two to three months of immunization and pregnant women should not be given live rubella virus vaccine."

The SPEAKER: A roll call has been ordered. The pending question before the House is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Cahill, Callahan, Carrier, Carroll, Cox, Crowley, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Erwin, Fowle, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, Hobbins, Holloway, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soulas, Soule, Stevenson, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Vose, Walker, Webster, Wentworth, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Brown, A.; Brown, D.; Brown, K.L.; Carter, Chonko, Clark, Conary, Connors, Connolly, Cunningham, Curtis, Damren, Davis, Drinkwater, Foster, Gavett, Gillis, Higgins, L.M.; Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Leighton, Lewis, Livesay, Lund, MacBride, Masterman, McPherson, Nelson, A.; Peterson, Salsbury, Sherburne, Small, Smith, C.W.; Stover, Strout, Treadwell, Twitchell, Weymouth.

ABSENT—Davies, Dudley, Fitzgerald, Huber, Moholland, Randall, Tuttle.

Yes, 97; No, 47; Absent 7.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-seven in the negative, with seven being absent, the Bill fails of passage to be enacted.

Mr. Connolly of Portland moved that the House reconsider its action whereby this Bill failed of passage to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider and tomorrow assigned.

Passed to be Enacted

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

An Act to Amend the Disorderly Conduct Statutes to Include Instances of Affray (H. P. 145) (L. D. 171) (C. "A" H-22)

An Act to Clarify Plumbing and Subsurface Sewage Disposal Laws (H. P. 172) (L. D. 223)

An Act to Amend the Litter Control Law by Allowing the Judge More Discretion in Imposing Clean-up Penalties (H. P. 142) (L. D. 168) (C. "A" H-21)

An Act to Increase the Borrowing Capacity of the Winterport Water District (H. P. 331) (L. D. 371)

Finally Passed

RESOLVE, Authorizing the Commissioner of Mental Health and Corrections to Convey Land at the Augusta Mental Health Institute to the Augusta Sanitary District (H. P. 225) (L. D. 262) (C. "A" H-20)

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.

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

HOUSE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (H-40) — Committee on Judiciary on 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" (H. P. 353) (L. D. 401)

Tabled—February 20, 1981 by Representative Hobbins of Saco.

Pending—Acceptance of the Committee Report.

On motion of Mr. Hobbins of Saco, retabled pending acceptance of the Committee Report and Tomorrow assigned.

The Chair laid before the House the following matter:

Bill, "An Act Pertaining to Employment of Minors in Hotels and Motels" (H. P. 28) (L. D. 32) which was tabled earlier in the day and later today assigned pending further consideration.

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

Mrs. BEAULIEU: Mr. Speaker, I move that the House adhere.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, I move that the House recede and concur and further request 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 and having expressed a desire for a roll call, a roll call was ordered.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: This is another bill that is being debated at length and had there not been a roll call, perhaps I would have deferred speaking. However, if we are going to have a roll call, I think it is important to recall what this bill is. This is Representative Kiesman's bill, which would have put Maine law in line with the federal law and the law of the other states with respect to the part-time, non-hazardous, during certain hours of the day, employment of 14 and 15 year olds.

To repeat again, the only objections raised in committee proved to be smoke screens, really. The first question was the situation of teenage girls being chambermaids, and that was taken care of by committee amendment so they were exempted. The other question raised was whether they would be insured—we have assurance that they would be.

It really comes down to a question of whether we are going to allow 14 and 15 year olds to get job experience in the resort industry, which is one of Maine's largest industries, if it is not its largest, in non-hazardous, part-time jobs during certain hours of the day. I hope you will vote with Representative Kiesman on this bill.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Scarborough, Mr. Higgins, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from

Calais, Mr. Gillis.

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

ROLL CALL

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

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

ABSENT — Davies, Dudley, Fitzgerald, Huber, Paul, Randall, Tuttle.

PAIRED — Gillis-Moholland.

Yes, 64; No, 78; Absent, 7; Paired, 2.

The SPEAKER: Sixty-four having voted in the affirmative and seventy-eight in the negative, with seven being absent and two paired, the motion does not prevail.

Thereupon, on motion of Mrs. Beaulieu of Portland, the House voted to adhere.

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

Mrs. MITCHELL: Mr. Speaker, I move we reconsider and hope you all vote against me.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that we reconsider our action whereby this body voted to adhere. All those in favor will say yes; those opposed will say no.

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

Bill Held

Bill, "An Act to Establish the Dental Practice Act" (S. P. 298) (L. D. 860)

— In House, Referred to Committee on Business Legislation in concurrence on February 20, 1981.

Held at the Request of Representative Prescott of Hampden.

On motion of Mrs. Prescott of Hampden, the House reconsidered its action whereby the Bill was referred to the Committee on Business Legislation in concurrence.

On motion of the same gentlewoman, the Bill was referred to the Committee on Health and Institutional Services in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Hobbins of Saco, the House reconsidered its action of earlier in the day whereby Bill "An Act to Facilitate the Leasing of Existing Subsidized Housing Units" (H. P. 809) was referred to the Committee on Judiciary.

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

Mr. HOBBS: Mr. Speaker, one of the sponsors of this bill has asked me to make that motion, and I would request that someone table this matter for one legislative day.

Whereupon, on motion of Mr. Fowlie of Rockland, tabled pending reference and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Kelleher of Bangor, Adjourned until ten o'clock tomorrow morning.