

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, March 19, 1981

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

Prayer by the Reverend Gerard Wilbur of the Franklin Baptist Church.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Adjust the Rates for Reimbursement to Boarding Homes and Provide for a Cost Reimbursement" (S. P. 456) (L. D. 1302)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Prohibit the Sale and Promotion of Halogenated Hydrocarbons as Septic Tank Cleaners" (S. P. 452) (L. D. 1298)

Bill "An Act to Appropriate Funds to the Maine Geological Survey for Ground Water Aquifer Mapping" (S. P. 453) (L. D. 1299)

Bill "An Act to Improve Enforcement of the Plumbing Code" (S. P. 454) (L. D. 1300)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

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

Later Today Assigned

Bill "An Act to Require Public Hearings Prior to Proposing Exchanges of Public Reserved Lands" (S. P. 455) (L. D. 1301)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, on motion of Mr. Hall of Sangerville, tabled pending reference in concurrence and later today assigned.

Bill "An Act to Establish a Fund to Implement the Hazardous Waste Program in Lieu of a General Fund Appropriation" (S. P. 447) (L. D. 1303)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-49) on Bill "An Act to Provide an Open Season on Moose for a One-year Period" (S. P. 128) (L. D. 300)

Report was signed by the following members:
Senators:

REDMOND of Somerset
USHER of Cumberland

— of the Senate.

Representatives:

JACQUES of Waterville
PAUL of Sanford
MacEACHERN of Lincoln
GILLIS of Calais
SMITH of Island Falls
CONNORS of Franklin
CLARK of Millinocket
ERWIN of Rumford
DAMREN of Belgrade
PETERSON of Caribou

— of the House.

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

Report was signed by the following member:
Senator:

HICHENS of York

— of the Senate.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-49)

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, I move that the Majority "Ought to Pass" Report be accepted.

Mr. Baker of Portland requested a vote.

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

A vote of the House was taken.

88 having voted in the affirmative and 28 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (S-49) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the second time, and passed to be engrossed as amended in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

Petitions, Bills and Resolves**Requiring Reference**

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

Agriculture

Bill "An Act to Protect Farmers' Right to Farm" (H. P. 1175) (Presented by Representative Carroll of Limerick) (Cosponsor: Senator Shute of Waldo)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Add a Class Size Adjustment to the School Finance Act" (H. P. 1176) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representatives Thompson of South Portland, Rolde of York and Gowen of Standish)

Bill "An Act Relating to Compulsory School Attendance and the Enforcement of Truancy" (H. P. 1177) (Presented by Representative Davis of Monmouth) (Cosponsors: Representatives Murphy of Kennebunk, Crowley of Stockton Springs and Richard of Madison)

Bill "An Act to Create a Blue Ribbon Commission to Study the Public Education Delivery System" (H. P. 1178) (Presented by Representative Connolly of Portland) (Cosponsor: Representative Thompson of South Portland)

(Ordered Printed)

Sent up for concurrence.

Energy and Natural Resources

Bill "An Act to Require Insulation Standards for New Electrically Heated Buildings" (H. P. 1179) (Presented by Representative Mitchell of Freeport)

Bill "An Act to Establish an Energy Conservation Program for Commercial and Light Industrial Buildings" (H. P. 1180) (Presented by Representative Hobbins of Saco) (Cosponsors: Representative Soulas of Bangor and Senator Minkowsky of Androscoggin) (Governor's Bill)

Bill "An Act to Require Immediate Public Notification of Radioactive Releases and Other Safety Related Events at Nuclear Power Plants" (H. P. 1181) (Presented by Representative Mitchell of Freeport) (Cosponsors: Representative Michael of Auburn, Michaud of East Millinocket and Fitzgerald of Waterville)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act to Revise the Small Claims

Law" (H. P. 1182) (Presented by Representative Higgins of Portland)

Bill "An Act Recommending Changes in the Maine Juvenile Code and Related Provisions" (H. P. 1183) (Presented by Representative Hobbins of Saco)

Bill "An Act Concerning Probation for Certain Persons Convicted of Driving while Intoxicated" (H. P. 1184) (Presented by Representative Hobbins of Saco)

Bill "An Act Amending the Statutes Relating to Restitution" (H. P. 1185) (Presented by Representative Prescott of Hampden) (Cosponsors: Representatives Diamond of Bangor and Michaud of East Millinocket)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act Regarding Share Fisherman under the Employment Security Law" (H. P. 1186) (Presented by Representative Post of Owl's Head) (Cosponsor: Representative Hanson of Kennebunkport)

Bill "An Act to Amend the Law Concerning Inherited Liability of Certain Business Firms for Severance Pay" (H. P. 1187) (Presented by Representative Kany of Waterville)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Reduce the Cost of Workers' Compensation Rates to Maine Employers" (H. P. 1188) (Presented by Representative Martin of Eagle Lake) (Cosponsors: Representatives Baker of Portland and McHenry of Madawaska)

Committee on Labor was suggested.

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

Labor cont'd.

Bill "An Act Relating to General Health Insurance Benefits for Injured Maine Workers and their Families" (H. P. 1189) (Presented by Representative Clark of Millinocket) (Cosponsor: Representative McHenry of Madawaska)

Bill "An Act Relating to Seeking Work and Accepting Suitable Work to be Eligible for Extended Unemployment Benefits" (Emergency) (H. P. 1190) (Presented by Representative Beaulieu of Portland) (Submitted by the Department of Manpower Affairs pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Prevent Gear Conflicts" (H. P. 1191) (Presented by Representative Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Relating to the Maine Sardine Council" (H. P. 1192) (Presented by Representative Post of Owl's Head)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Amend the Tree Growth Tax Law" (H. P. 1193) (Presented by Representative Brennerman of Portland) (Cosponsor: Representative Post of Owl's Head)

Bill "An Act to Exempt Gasoline and other Motor Fuels Used for Agricultural or Fishing Purposes" (H. P. 1194) (Presented by Representative Post of Owl's Head) (Cosponsors: Representatives Salsbury of Bar Harbor, Hanson of Kennebunkport and Fowlie of Rockland)

Bill "An Act to Provide Deductions under the State Individual Income Tax for Necessities

and to Increase the Corporate Income Tax" (H. P. 1195) (Presented by Representative McHenry of Madawaska) (Cosponsor: Representative Hall of Sangerville)

Bill "An Act to Adopt the Multistate Tax Compact" (H. P. 1196) (Presented by Representative Davies of Orono)

Bill "An Act to Index the Maine Individual Income Tax Structure" (H. P. 1197) (Presented by Representative Benoit of South Portland) (Cosponsors: Representatives Brennerman of Portland, Diamond of Windham and Senator Clark of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Create the Casco Bay Island Transit District" (Emergency) (H. P. 1198) (Presented by Representative Beaulieu of Portland) (Cosponsors: Senators Emerson of Penobscot and Conley of Cumberland and Representative Dillenback of Cumberland) (Governor's Bill)

Bill "An Act Concerning Speed Limits in Urban Compact Areas" (H. P. 1199) (Presented by Representative Carter of Winslow) (Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

Recognizing:

Maine Producers on Agriculture, Food and Rural Resource Day; (H. P. 1173) by Representative Mahany of Easton. (Cosponsors: Representative Sherburne of Dexter and Senators Wood of York and Hichens of York)

On objection of Mr. Mahany of Easton, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Kennebec Valley Pee Wee Hockey Travel Team, State of Maine Champions for 1981; (S. P. 482)

Linda Marie Dolloff of Waldoboro, who was selected DAR 19-81 Good Citizen of the Year, by the faculty and senior class of Medomak Valley High School; (H. P. 1200 by Representative Curtis of Waldoboro.

Doris T. Smith of North Scarborough who has served 50 years as secretary of the North Scarborough Grange; (H. P. 1201) by Representative Higgins of Scarborough.

There being no objections, the above items were considered passed in concurrence or sent up for concurrence.

The launching of United States Navy frigate, Stephen W. Groves, named for the East Millinocket Navy Pilot killed in the Battle of Medway, June, 1942; (H. P. 1202) by Representative Michaud of East Millinocket. (Cosponsors: Representatives MacEachern of Lincoln and Clark of Millinocket and Senator Pray of Penobscot)

On the objection of Mr. Michaud of East Millinocket, was removed from the Special Sentiment Calendar.

Thereupon, the order was read.

The SPEAKER: The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: On Saturday, April 4, a ship will be launched at Bath Iron Works that will carry the name of a World War II hero from East Millinocket. I am pleased and proud to be the sponsor of this order in honor of his memory.

The ship, the guided missile frigate, USS Groves, is named in memory of Ensign Stephen W. Groves, a 1939 graduate of the University of

Maine, who died in action during the famous battle of the Medway Islands.

Ensign Groves' mother, who is still alive at the age of 95, and living in Newington, Connecticut, will be represented at the ceremony by her granddaughter, Marion Flannery of East Millinocket, and several other relatives.

This order will, I am sure, mean a great deal to her and members of her family.

According to the official Navy records of the battle, the 24-year-old fighter pilot "fearlessly plunged into aerial combat against a large formation of enemy aircraft threatening the American carriers in the battle of Medway. He continued determined counterattacks against a desperate odds until, finally, became overcome by sheer aerial superiority and was shot down."

It is right and fitting to honor the memory and heroism of this Maine man who gave his life in defense of his country.

Thereupon, the Order received passage and was sent up for concurrence.

The following dignitaries on Agricultural Day:

Patricia Fortin, North Leeds — Dairy Princess
Laura Gilman, Winthrop — Grange Queen
Brittany Henderson, Houlton — Potato Queen
Virginia McCaslin, Lubec — Sardine Queen
Karen Mooney, Bangor — Junior Miss Rodeo
Maine

Heidi Spiegel, Pittsfield — Broiler Queen
Christine Turcotte, Litchfield — Miss Rodeo
Maine

(H. P. 1204) by Representative Mahany of Easton. (Cosponsors: Senators Wood of York, Hichens of York and Representative Sherburne of Dexter)

On motion of Mr. Mahany of Easton, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Mr. Mahany of Easton presented the following Order and moved its passage:

Recognizing:

Gary Wheeler of Presque Isle, State President, of Maine Association of Future Farmers of America; (H. P. 1205) by Representative Mahany of Easton. (Cosponsors: Senators Wood of York and Hichens of York and Representative Sherburne of Dexter)

The Order was read and passed and sent up for concurrence.

The SPEAKER: It is my pleasure to present to you the Agricultural Queens and I am going to ask the legislators from those districts to go to my office to escort them to the rostrum: Mr. Brown of Livermore Falls to escort the Dairy Princess; Mrs. Ingraham of Houlton to escort the Potato Queen; Mr. Vose of Eastport to escort the Sardine Queen; Mr. Tarbell of Bangor to escort the Junior Miss Rodeo Queen; Mr. McGowan of Pittsfield to escort the Broiler Queen; and Mr. Weymouth of West Gardiner to escort Miss Rodeo Maine Queen.

The Agricultural Queens were escorted to the rostrum amid the applause of the House, the members rising.

The SPEAKER: The Chair is pleased again this year to present each of the Queens to you. They have all indicated that they are very pleased to be here and to have an opportunity to tell us what they think about us and their role. First of all, so that there is no partiality, I am going to read from the list so that I don't get into trouble and say that I am picking on anyone at any given time.

The first one that is on the list, I am going to ask Patricia Fortin of North Leeds, the Dairy Princess, to please say a few words to the members of the House.

Miss PATRICIA FORTIN: I am really honored to be here today. I am really happy to

have this privilege to speak before all of you.

My duties as Maine Dairy Princess is to promote the Maine Dairy industry to the public, but my role also requires me to represent the Maine dairy farmer. In representing the Maine dairy farmer, I would like to impress upon you, who will be considering these agricultural bills, to keep in mind the dairy farmer who is struggling in these inflationary times. Consider his plight as he puts fresh quality milk in the baby's bottle and on your cereal in the morning. It is important to remember that the farmer is everybody's bread and butter—and I also been told to say that Maine produces too. (Applause)

The SPEAKER: Now to present to you the person from the County representing the potato industry, the Potato Queen, Brittany Henderson, who is from Houlton.

Miss BRITTANY HENDERSON: It is very nice to be here. I am glad I had someone who had a speech prepared before me because I don't have anything prepared. I just have the job that I was, I guess you could say, elected for, and that is to promote the Maine potato.

I hope you all have your Maine potatoes every day. It doesn't matter what form, whether it's french fries, baked potatoes or whatever it is, but I hope that you have your potatoes and I hope you will keep your eye on our industry in the County, because it is one of the main industries in our area, and since it is the biggest county in Maine, it is like a little place of its own.

It is very nice to be here. Some of my duties are—last month I went to Texas to the United Fresh Produce Convention and I had a wonderful time. I told my boss, Ed Plissey, that I didn't want to come home, especially after I found that they were staying a couple of extra days for vacation afterwards, so I had a very nice time. I am enjoying my reign very much. (Applause)

The SPEAKER: From Aroostook County to the coast, the Sardine Queen, Virginia McCaslin, who is from Lubec.

Miss VIRGINIA MCCASLIN: Ladies and Gentlemen: I come from the most eastern town in the United States and I represent the sardine industry.

First, I would like to say how pleased and honored I am to be here and now it would give me great pleasure to introduce several aspects of the industry.

Although there are only 14 sardine canneries along the Maine coast, Lubec has two of them. These canneries are in operation much of the year and provide a great boost to the economy of the town.

The Maine sardine industry was begun in 1874 in the nearby City of Eastport and soon after factories began opening in Lubec and at one time had 15 canneries, and down the coast in such communities as Bath, Rockland, Belfast, Stonington, just to name a few.

In these days when so many people are so nutritious conscious, sardines are an ideal food. They are low calories, high in protein and calcium and very flavorful, and are very inexpensive to buy, even cheaper than tuna. These facts are reasons why the sardine industry still thrives today and will continue to prosper in the future. (Applause)

The SPEAKER: Now to Bangor, the Junior Miss Rodeo of Maine, Karen Mooney.

Miss KAREN MOONEY: Ladies and Gentlemen of the Legislature and Friends: Good morning. My name is Karen Mooney and I live in Bangor where I am currently a Junior at Bangor High School. I am planning to attend a business college, majoring in management.

Last June, I was chosen Junior Miss Rodeo Maine 1981. The pageant consisted of interviews, luncheons and a fashion show and a western dance which was held in South Portland. The horsemanship and coronation were held at Hollis Center Equestrian Park.

This title has meant a lot to me in that it rep-

resents the youth of rodeo and America's number one sport, rodeo.

Last summer, a professional rodeo came to Augusta, it was a great success and it was enjoyed by all. Rodeo is a good family sport which the whole family can enjoy. Rodeo also brings money to the community for future growth.

I have enjoyed being an agricultural queen and travelling throughout Maine with the other queens and have found them to be very knowledgeable of their industry. It was a pleasure being with them at various functions throughout Maine, and especially at Maine Day at the "big E" in Springfield, Massachusetts.

I wish to thank you for taking time out of your day and giving us this special opportunity to meet with you. (Applause)

The SPEAKER: It is now my pleasure to present to you the Broiler Queen, Heidi Spiegel from Burnham. For those of you who don't know where Burnham is, it is Pittsfield.

Miss HEIDI SPIEGEL: Hi, I am very happy to be here today. I would just like to say a few words in regards to the broiler industry. It is having a lot of trouble right now and it will be really interesting to see what kind of solutions they can come up with.

This past June, actually it was July, I became the Broiler Queen. I am representing Belfast this year. Unfortunately, next year they are going to be changing the title from Miss Broiler Queen to Miss Waldo County instead, so instead of the Belfast Broiler Queen Festival, it is going to be the Belfast Day Festival instead.

How many of you have ever been to Belfast? Did you like it? Belfast is a really nice area. If you ever need a place to really vacation or have a really good time, it is a really good place to go because it is near the coast and it is just a great area. Next time you are looking for an ideal spot, I think you ought to try Belfast. (Applause)

The SPEAKER: Now the Miss Rodeo of Maine Queen, Christine Turcotte, who is from Litchfield.

Miss CHRISTINE TURCOTTE: Good morning. I am very please to be here and to be in front of you all, a little nervous.

Rodeo's in Maine—yes, we have had a rodeo in Maine, one, as a matter of fact, that was in Augusta last year and I hope some of you made it. It was very exciting and I think a lot of people in Maine enjoyed it, seeing that it was the first professional rodeo.

As far as my duties go, I have travelled all over Maine and I have met a lot of people, talked to a lot of people, and spread the news about rodeo and horsemanship. I have also had the pleasure to represent the State of Maine in Oklahoma City in the Miss Rodeo America Contest, and they did the same thing—rodeos in Maine?

I have had a really good time this year. I give up my reign in July or August, and I hope that the Miss Rodeo Maine Contest will continue to help the growth of Maine spread. Have a nice day. (Applause)

The SPEAKER: On behalf of the members of the House, I would like to thank all of you for representing each segment of the industry. I must admit, some of you are excellent lobbyists and representatives of the chambers of commerce from the local areas. We know that is one of the reasons, of course, you were chosen, in addition to all the other qualities. We thank you for being with us today and we wish you the best of luck during the rest of your reign, and we certainly hope you will come back to see us after it is over, and, in addition to that, that some of you will consider running for the legislature—opposition for some of the members of the House. Thank you very much.

Thereupon, the Agricultural Queens were escorted from the Hall, amid the applause of the House, the members rising.

(Off Record Remarks)

In Memory of:

Herbert A. Joy, of Sherman Mills, retired State Police Officer and Past Master of Island Falls Masonic Lodge; (H. P. 1174) by Representative Smith of Island Falls. (Cosponsors: Representatives Reeves of Newport and MacEachern of Lincoln)

Chester J. Morgan, life-long resident of Sherman Mills and Sherman Mills Democrat chairman for 20 years; (H. P. 1203) by Representative Smith of Island Falls.

There being no objections, the above items were considered passed or adopted in concurrence or sent up for concurrence.

House Reports of Committees Ought Not to Pass

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Create a Nonresident Property Owner Fishing License" (H. P. 681) (L. D. 795) reporting "Ought Not to Pass"

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

Consent Calendar

First Day

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

(S. P. 234) (L. D. 652) Bill "An Act Concerning the Qualifications of Licensed Guides leading Trips Involving Children From Boys and Girls Camps"—Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H. P. 650) (L. D. 755) Bill "An Act to Enable Eastern Maine Medical Center to File Articles of Incorporation under the Maine Nonprofit Corporation Act"—(Emergency)—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-113)

(H. P. 50) (L. D. 114) Bill "An Act Relating to the Licensing of Dealers in Certain Agricultural Commodities"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-112)

(H. P. 34) (L. D. 39) Bill "An Act to Regulate Variable Rate Consumer Credit Transactions under the Consumer Credit Code"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-111)

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

Consent Calendar

Second Day

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

(S. P. 180) (L. D. 458) Bill "An Act Providing Due Process when the State Liquor Commission Designates a Location for a State Liquor Store" (C. "A" S-46)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was passed to be engrossed in concurrence.

Passed to Be Engrossed

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)

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

Passed to Be Enacted Emergency Measure

An Act to Continue the Joint Select Committee on Decommissioning of Nuclear Generat-

ing Facilities (S. P. 174) (L. D. 454) (H. "A" H-93; C. "A" S-36)

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. 124 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1981 (H. P. 1030) (L. D. 1195)

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. 131 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Commencement of Terms for Members of School Committees and Boards of School Directors (S. P. 278) (L. D. 787) (C. "A" S-39)

An Act to Conform and Strengthen the Law Concerning the Burning of Debris (H. P. 550) (L. D. 626)

An Act to Create a Lake Restoration and Protection Financial Aid Program (H. P. 551) (L. D. 627)

An Act to Provide for Determination of the Engineering Feasibility and the Environmental and Economic Effects of the Cobscook Bay Tidal Power Project (H. P. 552) (L. D. 628) (C. "A" H-83)

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.

Finally Passed

RESOLVE, Designating the Rest Area on State Route 23 in Dexter as the Harold Keyte Memorial Rest Area (H. P. 695) (L. D. 809) (C. "A" H-82)

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

Orders of the Day

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

RESOLVE, Authorizing the Bureau of Public Lands to Convey the State's Interest in Certain Public Lands in Milford, Penobscot County (H. P. 315) (L. D. 345) — In House, Passed to be Engrossed on March 12. — In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-52) on March 16.

Tabled—March 17 by Representative Mitchell of Vassalboro.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, retabled pending further consideration and specially assigned for Monday, March 23.

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

Bill, "An Act to Establish a Kennebec River Future Commission" (H. P. 1141) (L. D. 1285)

Tabled—March 18 by Representative Hunter of Benton.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Benton, Mr. Hunter.

Mr. HUNTER: Mr. Speaker, I ask that this be tabled for one day.

Whereupon, Mr. Hunter of Benton requested permission to withdraw his tabling motion, which was granted.

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

House Amendment "A" (H-115) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended and sent up for concurrence.

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

An Act to Establish a Revolving Fund for the Maine State Library (S. P. 185) (L. D. 463) (H. "A" H-92)

Tabled—March 18 by Representative Diamond of Windham.

Pending—Passage to be Enacted.

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

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

SENATE DIVIDED REPORT — Majority (8) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Labor on Bill, "An Act Relating to Payment by an Employer When a Physician's Certification of Illness is Required" (S. P. 204) (L. D. 571) — In Senate, Minority "Ought Not to Pass" Report accepted.

Tabled—March 18 by Representative Beaulieu of Portland.

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this bill is to provide that an employer must bear the cost when a requirement is made to an employee that a physician's certificate must be acquired to show that employee's absence from work was due to illness. The majority of the committee certainly is not opposed to employers finding ways to cut down on excessive absenteeism or to politicize in the area of requesting a certificate. However, the cost and the method of demanding it is of great concern.

At the hearing, we were given examples and evidence that even established contractual agreements that are being circumvented now. One may have a contract that has a 10 to 15 day agreed to sick day provision, but employers are demanding a physician's certificate for even one to three day absences. That is grievable under a collective bargaining agreement. By the time the issue is resolved, the employee has already had to pay for that letter from his doctor or for that visit he had to make there in order to get the certificate.

We also must keep in mind that a majority of the businesses in our state are not organized. Physicians I have talked to find an enormous increase of patients requesting these certificates. They find it equally difficult to issue a certificate to someone who has had a three-day flu, for example, and naturally, during the period of illness, this patient does not and cannot get to his office and the physicians are very reluctant to issue a certificate after the fact. But when they are requested, they will issue it, they will ask the patient to come in and they certainly are going to charge for it.

We contend, at least the majority of the committee contend, that right now the enormous push to force this issue on employees indeed makes it a condition of employment, and when something is absolutely required, we feel there also must be an assuming of responsibility.

It is kind of distressing that an employee, forced to comply with such a request from his employer, tends to be presumed guilty before there is even a question of potential abuse in 99 percent of the instances.

We would have preferred to have left it up to the employers to work out this problem with their employees, but since the practice is in place and is indeed increasing, we deem the legislation to be in order and justified.

Finally, I would ask you to help us accept the

Majority "Ought to Pass" Report today so that at second reading we may offer an amendment. We need to clarify to make sure that the employer would only be paying for the purpose of obtaining that medical certificate, not for the potential treatment that might occur. We feel that is fair and, in the interest of protecting the employer, we hope that we will be able to amend the bill to say so.

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

Mr. LEIGHTON: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't follow the lead of the good gentlewoman from Portland today. I hope you choose to vote against the majority report.

This bill is very similar to the caboose bill that we had a few days ago, and if you will pardon an unforgivable pun, I hope it meets the same end.

First of all as to what the bill attempts to do—the purpose of the bill, from the Statement of Fact, is to provide that the employer must bear the cost when he requires an employee to obtain a physician's certificate to show that the employee's absence from work was due to illness. There is a great danger in the debate on this bill in spending too much time on the merits of the arguments because, frankly, it shouldn't be before the legislature because it is not a legitimate area for legislation, it is a legitimate area for collective bargaining. That is the similarity that it has with the caboose bill. It was the same group pretty much that came in to support it.

Speaking first to the merits of the bill, the control of absenteeism is a social problem and is a management responsibility. Sick pay, which is at issue here, is voluntary on the part of the employer. Employers don't regularly ask for physicians' reports. They simply reserve the right to ask for them when they believe the benefit is being abused. When an employer asks for a physician's certification, it is really giving the employee the benefit of the doubt. He is talking about an employee who is tempted to summarily fire, since sick pay is voluntary, and when the employee comes up with a plausible excuse that requires proof, this is when he says, well, what the devil, if you can show me that your absence was legitimate by some evidence from a physician, then I will give you the benefit of the doubt and give you another chance. That is all I have to say about the merits of the question.

Now let's talk a little bit about why it shouldn't be before the legislature. We heard mostly from proponents from the railroad unions. We also heard from the Director of Personnel from the Maine Central Railroad, who told us that the Maine Central has just concluded bargaining sick leave and this item was on the table and the unions chose to completely ignore this item on the table and, of course, these are all tradable things—you win here, you lose here. They chose to ignore this, they chose not to try to trade this benefit for something else. Then, after the bargaining was completed and a new contract concluded, they then came to the legislature to seek through legislation, just as happened with the caboose bill, what they couldn't get through bargaining. So I guess I would ask for a roll call, Mr. Speaker.

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

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: I would like to explain my reasons for signing on as a cosponsor to this bill. I studied it, I presented it to people I felt had expertise in the area of labor negotiations. I also spoke with the Attorney General, who agreed that it is a measure to be taken care of with collective bargaining. However, the fact that there are 75 to 80 percent of the employees in Maine who are not covered under collective bargaining agreements, it seemed that this bill would help to ensure fair management in the

working places where those 80 percent of the workers are working.

I would like to explain that the bill provides a balance. On the one hand, it reiterates the employer's right to require a medical certificate if the employer has reason to suspect that a particular employee may be abusing sick leave provisions.

On the other hand, it provides a measure of protection for the employees who do not abuse sick leave and who would be financially penalized if they were required to produce a medical certificate. For instance, we must think of the employee who is required to produce a medical certificate in order to claim their sick leave and who only has the flu or a bad cold. That person is faced with the difficult choice of going to work sick or seeing a doctor and bearing the cost of an office visit just for the purpose of obtaining a medical certificate.

The intent of the bill is not to tie the employer's hands in enforcing the legitimate use of sick leave but to ensure that the employer directs that requirement only at individuals he or she suspects are abusing the sick leave benefit.

I concur with Representative Beaulieu's suggestion that an amendment is in order, an amendment that would take into consideration employee and employer responsibility for payment of the medical certificate, and I would hope that you would look on the Majority "Ought to Pass" Report favorably today, so that we could present an amendment to the floor of the house in the second reading.

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Ladies and Gentlemen of the House: Who shall pay for a certificate of illness, if requested, should not be the business of the Maine Legislature. There is no legislation that says that they even have to give sick leave. Sick leave is a benefit given to employees by their employers that eliminates the need to worry about what happens if I get sick. If you are really sick, you get paid.

Unfortunately, employers do encounter abuses. Spring fever, blue flu, good weather for golf are some of the reasons used for sick leave. The morale of the employees who do not abuse their sick leave is affected, and if an employer does not investigate the people that are taking advantage of it, the others are very upset.

The business community is not required to grant sick leave. It is a benefit, an expensive, benefit for employers give. They are already burdened with mandated legislation, such as workers' compensation, license fees and taxes. Furthermore, mandating who pays for this certificate of illness might lead to elimination of sick leave by some employers anyway. I think that is something that you should take a hard look at.

As far as any business that is unionized, that should be a negotiable item and settled at the bargaining table. I am voting no because I feel I am representing both the employees who take the chance of losing sick leave if you mandate such an item to the employers.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that my colleagues on the Minority "Ought Not to Pass" Report have pretty much covered the issues that are at stake today, particularly that area of sick leave. But I did want to add one problem which is very, very close to home, to those of us in Androscoggin County, and perhaps those of you in Penobscot County where I understand a strike might be planned for the end of this week. In Androscoggin County a couple of weeks ago, we had a case of the blue flu, and after these deputies claimed that they were sick, they had the gall to ask for their sick leave pay when they were really out on strike. Our County Commissioners, who come from both the Republican and from the Democratic parties, together said

to those deputies, give us proof that you were sick before we will pay your sick leave pay. So because of these reasons, because of the very abuses of sick leave, I hope that we can defeat this measure so we can continue to give our employees in Maine sick leave when they are truly are sick.

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 Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I don't often ask you for anything but I do ask you to pass this so we can put an amendment on it. I won't say anymore right now, but if the bill comes through and you want to vote it down next time, I will say plenty.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Portland, Mrs. Beaulieu, that the House accept the Majority "Ought to Pass" Report in non-concurrence. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

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

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Carrier, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Laverriere, Locke, MacEachern, Martin, A.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Paradis, P.; Paul, Pearson, Perry, Pouliot, Reeves, P.; Richard, Roberts, Rolde, Soulas, Theriault, Thompson, Tuttle, Wentworth, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Fowlie, Gavett, Gillis, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kiesman, Kilcoyne, Lancaster, LaPlante, Leighton, Lewis, Lisnik, Livesay, Lund, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McPherson, Nelson, A.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Post, Racine, Randall, Reeves, J.; Ridley, Salisbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Vose, Walker, Webster, Weymouth.

ABSENT — Carter, Kelleher, Mahany, Prescott.

PAIRED — Boyce-Michaud.

Yes, 65; No, 80; Absent, 4. Paired, 2.

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

Thereupon, the Minority "Ought Not to Pass" Report was accepted in concurrence. (Later Reconsidered)

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

Bill, "An Act to Provide for Municipal Development of Energy Resources" (H. P. 1150) (Committee on Energy and Natural Resources

suggested)

Tabled—March 18 by Representative Hall of Sangerville.

Pending—Reference.

On motion of Mr. Hall of Sangerville, referred to the Committee on State Government, ordered printed and sent up for concurrence.

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

HOUSE DIVIDED REPORT—Majority (8) "Ought to Pass" — Minority (5) "Ought Not to Pass" — Committee on Labor on Bill, "An Act Relating to the Notice Provisions of the Workers' Compensation Act" (H. P. 465) (L. D. 517)

Tabled—March 18 by Representative Mitchell of Vassalboro.

Pending—Motion of Representative Lewis of Auburn to Reconsider Failing to Accept Majority "Ought to Pass" Report (Roll Call Requested)

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

Mrs. MITCHELL: Mr. Speaker, I move that this item be tabled unassigned.

Mr. Leighton of Harrison requested a roll call.

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

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

The SPEAKER: The pending question before the House is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that this item be tabled unassigned pending reconsideration. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY — Aloupis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Conners, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, 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.; Salisbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Boyce, Carter, Kany, Kelleher, Mahany.

Yes, 78; No, 68; Absent, 5.

The SPEAKER: Seventy-eight having voted in the affirmative and sixty-eight in the negative, with five being absent, the motion does prevail.

The Chair laid before the House the following matter:

Bill "An Act to Require Public Hearings

Prior to Proposing Exchanges of Public Reserved Lands" (S. P. 455) (L. D. 1301) which was tabled earlier in the day pending reference in concurrence.

Thereupon, on motion of Mr. Hall of Sangerville, the Bill was referred to the Committee on Energy and Natural Resources in concurrence.

The following papers from the Senate appearing on Supplement No. 2 was taken up out of order by unanimous consent:

The following Joint Order: (S. P. 499)

WHEREAS, the Maine broiler industry has been one of the state's prime growth industries, representing in recent year 1/5 of all cash farm income in this State, and contributing significantly to the life and economy of many communities and to the welfare of all the people of this State; and

WHEREAS, Maine broiler products have been held in high esteem by millions of satisfied customers in major northeastern markets so that, in 1980, the State of Maine ranked 12th in broiler production among the 50 states; and

WHEREAS, economic distress in the nation's broiler markets and rapid inflation in operating costs are threatening the survival of this industry in Maine, the loss of which would have a devastating effect on the state's economy; now, therefore, be it

ORDERED, the House concurring, that the President of the Senate and the Speaker of the House of Representatives, on behalf of the Legislature, make known to the poultry growers of the State and to the management and employees of our processing firms the deep concern of all the members of the Legislature over the plight of the industry; and be it further

ORDERED, that the President of the Senate and the Speaker of the House of Representatives urge the state's wholesale and retail food distributors and all Maine consumers to take all possible action as may be appropriate and supportive of the Maine broiler industry during this time of crisis.

Came from the Senate read and passed.

In the House, the Order was read.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: As we celebrate Agricultural Day, it is well to remember that all is not well within the industry. The poultry industry is a very integral part of Maine industry and agricultural economy, and it is in trouble.

Increased grain costs, oil deregulation, competition from warmer climates have already forced several companies out of business and threaten the entire industry. Unless unified action is taken at all levels of government and at all levels of the agricultural economy and community, we stand to see more businesses go under. Not only will the poultry industry suffer, but the workers and the farmers and all those associated, and associated industries that supply essential services to the poultry industry will suffer.

I would hope that by passing this order, we will show all, and the various groups mentioned, that we are concerned and that we will work to save our poultry industry. I move passage.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: While I agree with the order, I must ask each and every one of you to think — what is happening in our free enterprise system?

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to concur with Representative Carter. We have a very bad situation here with our poultry industry, and having lived for several years in an area that at one time was called the Broiler

Capital of the World — last April we were 24 percent unemployed, mainly caused by the decline in the poultry industry. We had one plant that was in bankruptcy proceedings. We have a lot of farmers out of work. They are also having problems meeting their obligations to FHA and to the banks. I would like to encourage you today, on Agricultural Day, anything that you possibly can do to help the poultry industry, I, for one, surely would appreciate it, along with every poultry farmer in this state.

Thereupon, under suspension of the rules, the Order received passage in concurrence.

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

Mr. LEIGHTON: Mr. Speaker, with respect to L. D. 571, having voted on the prevailing side, I now ask for reconsideration and ask that you all vote against me.

The SPEAKER: The gentleman from Harrison, Mr. Leighton, moves that the House reconsider its action of earlier in the day whereby the Minority "Ought Not to Pass" Report was accepted in concurrence on Bill "An Act Relating to Payment by an Employer When a Physician's Certification of Illness is Required," Senate Paper 204, L. D. 571.

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

Mr. DIAMOND: Mr. Speaker, I would ask for 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. 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 Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: If you will remember correctly, and I was grappling to find out which one we were going to be reconsidering, this is the one that deals with the physicians' certificates for people who are out sick. Also, this is the one that Representative Martin from Brunswick indicated that there was an amendment coming along on. This is also the bill that the gentlewoman from Ellsworth, Mrs. Foster, spoke on. If you will remember, at least as my thoughts come back to me, she indicated that there were a lot of people who were going out on the golf course and going fishing and hunting and that sort of thing instead of being really sick.

I can recall that when this was up just a little while ago of hearing her comments along that line and it really bothered me a little bit because all the time that I have ever worked, it wasn't labor that was doing that, it was management that was doing that.

I think that we should reconsider this bill because of the amendment that is coming along.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro, Recessed until the sound of the gong.

After Recess 12:20 p.m.

The House was called to order by the Speaker.

The SPEAKER: The Chair would call your attention to a matter which was under debate at the time of the recess; it is L. D. 571, Bill "An Act Relating to Payment by an Employer When a Physician's Certification of Illness is Required. The pending question is on the motion of the gentleman from Harrison, Mr. Leighton, that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted in concurrence.

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

Mrs. MITCHELL: Mr. Speaker, I move this be tabled unassigned pending the motion to reconsider.

Whereupon, Mr. Higgins of Scarborough 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 Vassalboro, Mrs. Mitchell, that this matter be tabled unassigned pending the motion of Mr. Leighton of Harrison to reconsider. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brenerman, Brodeur, Carroll, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gwadosky, Hall, Hayden, Hickey, Higgins, Hobbins, Jacques, Joyce, Kane, Kany, 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.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

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

ABSENT — Berube, Boyce, Brown, A.; Carrier, Carter, Huber, Jalbert, Kelleher.

Yes, 80; No, 63; Absent, 8.

The SPEAKER: Eighty having voted in the affirmative and sixty-three in the negative, with eight being absent, the motion does prevail.

(Off Record Remarks)

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort Sue Clements and Dian Cameron to the rostrum for the purpose of making a presentation.

Thereupon, the Speaker was presented with a basket on the part of Agricultural Day.

On motion of Mr. Baker of Portland, Adjourned until 12:30 p.m. tomorrow.