

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

Friday, March 27, 1981

The House met according to adjournment and was called to order by the Speaker pro tem, Representative Gwadosky of Fairfield.

Prayer by the Reverend Wesley Woodman of the Congregational Church of Warren.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

March 26, 1981

The Honorable Edwin H. Pert
Clerk of the House
110th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act Concerning the Size of Exempt Lots under the Subdivision Laws", (S. P. 141) (L. D. 312):

Senators:

McBREAIRTY of Aroostook
TROTZKY of Penobscot
O'LEARY of Oxford

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

March 26, 1981

The Honorable Edwin H. Pert
Clerk of the House
110th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

The President today appointed the following members of the Senate to the Committee of Conference on Bill, "An Act to Reduce the Minimum Size for Exempt Lots Subdivided Under the Land Use Regulation Law", (S. P. 51) (L. D. 60):

Senators:

McBREAIRTY of Aroostook
TROTZKY of Penobscot
O'LEARY of Oxford

Respectfully,

S/MAY M. ROSS

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Promote the Maine Potato Industry" (S. P. 517) (L. D. 1439)

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

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

Bill "An Act to Limit the Sunday Closing Law" (S. P. 519) (L. D. 1449)

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

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

Bill "An Act Relating to the Time of Evaluation of Special Education Students under the Education Laws" (S. P. 512) (L. D. 1435)

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 Concerning Nongame and Endangered or Threatened Species" (S. P. 520) (L. D. 1450)

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

In the House, referred to the Committee on Fisheries and Wildlife in concurrence.

Bill, "An Act to Amend the Maine Generic Drug Statute" (S. P. 516) (L. D. 1438)

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

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

Bill "An Act Providing for a Volunteer Lawyers' Board" (S. P. 521) (L. D. 1451)

Bill "An Act to Curtail the Practice of Plea Bargaining" (S. P. 515) (L. D. 1437)

Bill "An Act Concerning the Consent Requirements and Termination of Parental Rights for Adoption Proceedings" (S. P. 514) (L. D. 1436)

Bill "An Act Concerning the Investigative Authority of the Attorney General and Related Provision" (S. P. 507) (L. D. 1434)

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 Include Energy Projects and Agricultural Enterprises in the Guarantee Authority of the Maine Guarantee Authority and to Set Aside \$2,500,000 of the Guarantee Capacity for Energy Projects" (S. P. 523) (L. D. 1453)

Bill "An Act to Increase the Number of Signatures Required to Initiate Rule-making Proceedings under the Maine Administrative Procedure Act" (S. P. 522) (L. D. 1452)

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

In the House, referred to the Committee on State Government in concurrence.

Bill, "An Act to Provide Indexing for the State Income Tax" (S. P. 524) (L. D. 1454)

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

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

**Reports of Committees
Ought Not to Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill, "An Act to Require that a School Bus Must Stop and Let Vehicles Pass when 5 or More Vehicles are Behind the Bus" (S. P. 312) (L. D. 868)

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

Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill, "An Act to Require the Inspection of Hospital Pharmacies Prior to License" (S. P. 165) (L. D. 419)

Came from the Senate with the Report read and accepted.

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

Non-Concurrent Matter

Bill, "An Act to Exempt Deeds of Distribution from the Real Estate Transfer Tax" (H. P. 334) (L. D. 373) which was passed to be engrossed in the House on March 24, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S - 72) in non-concurrence.

In the House: On motion of Mr. Kane of South Portland, the House voted to recede and concur.

**Non-Concurrent Matter
Tabled and Assigned**

Bill, "An Act to Improve Marketing of Maine Agricultural Products" (H. P. 308) (L. D. 380)

which was passed to be engrossed as amended by Committee Amendment "A" (H - 114) in the House on March 24, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H - 114) and Senate Amendment "A" (S - 73) in non-concurrence.

In the House: On motion of Mr. Diamond of Windham, tabled pending further consideration and specially assigned for Monday, March 30.

**Non-Concurrent Matter
Tabled and Assigned**

Bill, "An Act to Establish a Kennebec River Future Commission" (H. P. 1141) (L. D. 1285) which was passed to be engrossed as amended by House Amendment "A" (H - 115) in the House on March 19, 1981.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and specially assigned for Monday, March 30.

**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:

Appropriations and Financial Affairs

Bill, "An Act to Require Certain State Mandated Programs be Funded by the Municipality Involved" (H. P. 1285) (Presented by Representative McHenry of Madawaska)

(Ordered Printed)

Sent up for concurrence. (Later Reconsidered)

Fisheries and Wildlife

Bill, "An Act to Provide for the Registration of Trail Bikes by the Department of Inland Fisheries and Wildlife" (H. P. 1286) (Presented by Representative Nadeau of Lewiston) (Cosponsors: Representative McKean of Limestone and Senator Usher of Cumberland)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act to Establish a Legislative Review of Agency Rules" (H. P. 1287) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representative Post of Owl's Head and Diamond of Bangor and Senator Ault of Kennebec)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Reduce the Subsidy Index for the Local Share of the State and Local Allocation by 50% for Residential Property and Shift the Tax Burden to the Individual Income Tax" (H. P. 1288) (Presented by Representative Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative Locke of Sebec, it was

ORDERED, that Representative Vinton T. Ridley of Shapleigh be excused March 26 and 27 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John McSweeney of Old Orchard Beach be excused March 26 and 27 due to illness.

Special Sentiment Calendar

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

Recognizing:

Tom Brown, of Northeast Harbor, who has

been named American Cancer Society's 1981 Honorary Crusade Chairman in Maine; (H. P. 1225) by Representative Bordeaux of Mt. Desert. (Cosponsor: Senator Perkins of Hancock)

On the objection of Mr. Bordeaux of Mt. Desert, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

The SPEAKER pro tem: The Chair recognizes the gentleman from Mt. Desert, Mr. Bordeaux.

Mr. BORDEAUX: Tom Brown is 20 years of age and a freshman at the University of Maine at Orono. At the tender age of 10, he waged a battle with cancer and won. Although it meant the loss of a leg, he refused to let that be a handicap. He is an avid sailor and enjoys the excitement and beauty of the sea. He is a member of the UMO Sailing Team and anticipates qualifying for the Olympic Sailing Team. He is active in swimming, basketball, skiing and other sports. He does not feel sorry for himself and hopes to encourage other cancer victims to benefit from his attitude. He wants other people to remember that many forms of cancer are detectable and curable.

This will be Tom's first year as Honorary Crusade Chairman of the Maine Division. He follows Bill Caldwell, who served in this role for several years. Bill and Tom both love to sail and both are cured cancer victims and both have a strong desire to help the American Cancer Society realize its goal.

I would also like to thank Representative Gowen for helping make this Order possible.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Millinocket All-Stars, State Junior Pro-Champions; (S. P. 535)

David L. Craig of Durham, who has been named a finalist by the National Merit Scholarship Corporation; (S. P. 532)

C. Charles Lambert of Moose River for his leadership in the advancement of socioeconomic growth in the Jackman-Moose River Community; (S. P. 534)

George Gagnon of Millinocket, selected to honor Vietnam veterans at the Tomb of the Unknown Soldier and commemorate the 62nd anniversary of the American Legion; (S. P. 536)

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

House Reports of the Committees Leave to Withdraw

Representative Dudley from the Committee on Legal Affairs on Bill "An Act to Permit On-premise Consumption of Alcoholic Beverages by Persons 18 to 20 Years of Age and to Make the Sale of Liquor to an Intoxicated Person a Class E. Crime" (H. P. 850) (L. D. 1013) reporting "Leave to Withdraw"

Representative Swazey from the Committee on Legal Affairs on Bill "An act to Permit the On-premise Consumption of Beer and Wine by Persons 18 Years of Age or Older" (H. P. 851) (L. D. 1014) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Transportation on Bill "An Act to Provide for Sound Crossing Signals for the Blind" (H. P. 941) (L. D. 1111) reporting "Leave to Withdraw"

Representative Manning from the Committee on Health and Institutional Services on Bill "An Act to Relieve Emergency Ambulance Services" (H. P. 900) (L. D. 1067) reporting "Leave to Withdraw"

Representative Holloway from the Committee on Health and Institutional Services on Bill "An Act to Amend the Laws Relating to Ambulance Services and Personal Licensing" (H. P. 978) (L. D. 1166) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

Referred to the Committee on Business Legislation

Representative Prescott from the Committee on Health and Institutional Services on Bill "An Act to Establish a Third-Party Prescription Program Act" (H. P. 901) (L. D. 1068) reporting that it be referred to the Committee on Business Legislation.

Report was read and accepted and the Bill referred to the Committee on Business Legislation and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-132) on Bill "An Act to Allow Registers of Probate to Aid Persons Using Probate Courts" (H. P. 429) (L. D. 476)

Report was signed by the following members:

Senators:

CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

CARRIER of Westbrook
LIVESAY of Brunswick
HOBBINS of Saco
BENOIT of South Portland
LUND of Augusta

— of the House.

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

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

SOULE of Westport
REEVES of Newport
DRINKWATER of Belfast
JOYCE of Portland
O'ROURKE of Camden

— of the House.

Reports were read.

On motion by Mr. Carrier of Westbrook, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-132) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Authorize Payment of Overtime Rate for Certain Court Appearances of Municipal Law Enforcement Officers" (H. P. 521) (L. D. 587)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
KERRY of York
CONLEY of Cumberland

— of the Senate.

Representatives:

LIVESAY of Brunswick
LUND of Augusta
O'ROURKE of Camden
DRINKWATER of Belfast
REEVES of Newport

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-131) on same Bill.

Report was signed by the following members:

Representatives:

HOBBINS of Saco
SOULE of Westport
CARRIER of Westbrook

JOYCE of Portland

— of the House.

Reports were read.

On motion by Mr. Joyce of Portland, tabled pending acceptance of either Report and specially assigned for Monday, March 30.

Divided Report

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-133) on Bill "An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System" (H. P. 369) (L. D. 407)

Report was signed by the following members:

Senators:

TEAGUE of Somerset
COLLINS of Knox

— of the Senate.

Representatives:

RICHARD of Madison
STEVENSON of Unity
ARMSTRONG of Wilton
PARADIS of Old Town
HICKEY of Augusta
THERIAULT of Fort Kent

— of the House.

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

Report was signed by the following members:

Senator:

BROWN of Washington

— of the Senate.

Representatives:

WALKER of Skowhegan
PERRY of Mexico
NELSON of Portland
CROWLEY of Stockton Springs

— of the House.

Reports were read.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, I move that we accept the Minority "Ought Not to Pass" Report.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker and Members of the House: I ask that you defeat the minority report so we can support the majority position, and I would ask for a roll call.

L. D. 407 is a simple bill which, unfortunately, became controversial. The bill was drafted by the Maine Association of Retirees. This is a relatively new retiree organization which, in a short period of time, has built up a membership of 1600 people. It was their request that the Maine Association of Retirees should be empowered to name the retiree to the State Retirement Board.

There are seven members on the State Board. Each of these members represents a different phase of the retirement system. The one position on the board representing only retired people is the object of the Maine Association of Retirees concern in this legislation.

The Bill had a good hearing and was thoroughly discussed in numerous workshop sessions. It was the opinion of the committee that it would be unfair to the 8,000 members presently in the system for any one group to have control of the one position on the board.

The committee also recognized that the Maine Association of Retirees was deserving of recognition. To provide this representation, the bill was amended to grant equal status to the Maine Association of Retirees along with the other organizations representing retirees.

I ask for your support on this bill.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the motion before us at this time. There are cur-

rently, at this moment, in excess of 5,400 state men and women and an undetermined number of county and municipal employees who have served their governments and are now in a retired status with state retirement system. Since retirement, these retirees have become individual citizens without an organization to deal with specific problems of the Maine retirees. There has been no independent retiree organization to speak with one voice in their behalf and which would seek improvements needed in this rapidly changing era of today.

A few farsighted retirees recognizing this need have organized and incorporated the Maine Association of Retirees for the purpose of promoting the interest of all retirees connected with the state retirement system. The association's purpose is to promote the interest of retirees in an equitable manner and to ensure that benefits which they need to live out their retirement years have been provided.

This bill allows the Maine Association of Retirees to place a name in nomination on the board of the state retirement system. The recognition of these retirees will provide them with an opportunity for representation on the Board of Trustees of the Retirement System.

The Association of Retirees asks for no special consideration beyond the opportunity to place in nomination their candidate for representation on this board.

I hope that you will join me and vote on the pending motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the motion on the floor and I give my reasons.

There are somewhere around 9,000 retired state employees and this association has 1,660 members. That represents a little under 19 percent of the retired state employees. This is a young organization, started last August, and I would like to say that by naming them on this board, we will be naming the second largest, instead of the largest. The MSEA has about a thousand more retired members than this organization, and they are not being accorded this singular honor.

We certainly don't want to end up enumerating all organizations that have retirees.

In short, ladies and gentlemen of the House, it is my fear that if we as a legislature advance this organization over all other organizations that may vie for this seat, we might find ourselves in the unenviable position of the world boxing council when it pushed Leon Spinks to the top of the pile. We may crown a new champion, but for how long?

The SPEAKER pro tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those 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 pro tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: As you must know, the Board of Trustees of the Retirement System is required by law to review any proposed statutory amendments and report to the Legislature the equitable or inequitable treatment of members, funding of costs, consistency with other provisions of the statute and the value of each amendment to the system. So, with every piece of legislation that we have, we send it on to the Board of Trustees of the Retirement System and they review it, and they give us their very valuable opinion about each piece of legislation, and they take a position. I want to

share with you their position on this matter.

It was the position of the majority of the board members that all retiree groups should be permitted to submit nominees to the board for the election of a retiree representative and that the proposed change would restrict the nominees to those of the Maine Association of Retirees, Incorporated. The majority of the board members felt that the present law should remain intact. When E.F. Hutton speaks, we listen, and when the trustees of the retirement system speak to me and my committee, I listen.

I hope you will vote yes on the pending motion.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am confused on this bill, and I would like to pose a question and seek an answer from anybody in these hallowed halls.

I am confused on this bill in this way — I originally thought this was permissive legislation, that this bill would let the appointing authority consider members of this retiree group, that the bill does not mandate that they take a member of this association. It just says that one of these retired employees may be eligible for appointment to that board. I would like an answer to that.

The SPEAKER pro tem: The gentleman from Portland, Mr. Joyce, has posed a question to anyone who may care to answer.

The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, the gentleman from Portland is right. This is permissive legislation. Right now they have the right to be appointed. They don't need this because any retiree, who is a retired member of the State Employees Association or whether it is a county employee, any of them now have the right. This legislation now, as amended, singles out one group above all other groups, and that is all that it does. It just didn't seem right to the minority of us that this one group out of 10 possible groups be singled out, particularly since it wasn't the largest group. It is a thousand members smaller than the largest group.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, I think the primary object of the amendment was to give this retiree group recognition. Prior to this time they have had no recognition. We have had the other organizations who have assumed all the authority, and the amendment was added to give them the recognition that we felt they deserved.

The SPEAKER pro tem: A roll call has been ordered. The pending question is on the motion of the gentlewoman from Portland, Mrs. Nelson, that the Minority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, I would like to pair my vote with Representative Stevenson of Unity. If he were here and voting, he would be voting nay, and if I were voting, I would be voting yea.

ROLL CALL

YEA — Benoit, Brannigan, Brodeur, Carroll, Chonko, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Fitzgerald, Hayden, Higgins, H.C.; Kane, Kany, LaPlante, Leighton, McCollister, McHenry, Michael, Mitchell, E.H.; Mitchell, J.; Paradis, P.; Pearson, Perry, Post, Prescott, Swazey, Tuttle.

NAY — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Berube, Boisvert, Bordeaux, Boyce, Brennerman, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Clark, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis,

Gowen, Hall, Hanson, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kelleher, Kiesman, Kilcoyne, Lancaster, Laverriere, Lisnik, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McGowan, McKean, McPherson, Michaud, Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Racine, Randall, Reeves, J.; Richard, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stover, Strout, Studley, Tarbell, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Webster, Wentworth, Weymouth.

ABSENT — Connolly, Gwadosky, Hobbins, Jalbert, Ketover, Lewis, Livesay, McSweeney, Pouliot, Reeves, P.; Ridley, Rolde, Soule, The Speaker.

PAIRED — Stevenson-Walker.

Yes, 30; No, 105; Absent, 14; Paired, 2.

The SPEAKER pro tem: Thirty having voted in the affirmative and one hundred and five in the negative, with fourteen being absent and two paired, the motion does prevail.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-133) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Consent Calendar

First Day

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

(H. P. 566) (L. D. 642) Bill "An Act to Repeal the Provisions Concerning Waiver of an Employee's Rights under the Occupational Disease Law"—Committee on Labor reporting "Ought to Pass"

(S. P. 197) (L. D. 565) Bill "An Act Relating to Cash Reserve Requirements"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-63)

(S. P. 102) (L. D. 215) Bill "An Act to Revise the Law Concerning Discharges into Certain Lakes"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-64)

(S. P. 346) (L. D. 989) Bill "An Act to Describe, Define and Officially Adopt a System of Coordinates for Designating the Geographic Position of Points on the Surface of the Earth within the State of Maine"—Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-65)

(S. P. 63) (L. D. 90) Bill "An Act to Amend the Manufactured Housing Act"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-62)

(H. P. 852) (L. D. 1015) Bill "An Act to Exempt the Elderly from Beano Licensing and License Fees"—Committee on Legal Affairs reporting "Ought to Pass"

(H. P. 799) (L. D. 953) Bill "An Act to Amend the Purposes for Special Marine Resources Licenses to Include Educational Institutions"—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-138)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 30 under listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 213) (L. D. 251) Bill "An Act to Permit the Employees of the Franklin County Community Action Council to Withdraw from the

Maine State Retirement System" (C. "A" H-127)

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

(H. P. 487) (L. D. 539) Bill "An Act to Permit Knox County to Withdraw from the Maine State Retirement System" (C. "A" H-128)

On the objection of Mrs. Post of Owl's Head, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-128) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 458) (L. D. 504) Bill "An Act to Ease the Enforcement of Judgments" (C. "A" H-129)

(H. P. 763) (L. D. 900) Bill "An Act to Impose Reasonable Interest Charges on Judgment Debtors" (C. "A" H-130)

(S. P. 154) (L. D. 362) Bill "An Act to Amend the Group and Blanket Health Insurance Law" (C. "A" S-60)

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

(H. P. 804) (L. D. 914) Bill "An Act to Create an Environmental Health Program" (Emergency) (C. "A" H-134)

On the objection of Mr. Kelleher of Bangor, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-134) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Passed to be Engrossed

An Act to Adopt a Lead Emission Standard under the Laws for Protection and Improvement of Air" (S. P. 103) (L. D. 216)

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

Amended Bill

An Act to Amend the Group Life Insurance Law" (S. P. 190) (L. D. 154) (C. "A" S-61) and S. "A" S-68)

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

Passed to be Enacted

An Act to Regulate Variable Rate Consumer Credit Transactions under the Consumer Credit Code" (H. P. 34) (L. D. 39) (C. "A" H-111)

An Act Relating to the Licensing of Dealers in Certain Agricultural Commodities (H. P. 50) (L. D. 114) (C. "A" H-112)

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.

An Act Providing for Pupil Screening for Scoliosis and Related Spinal Abnormalities (H. P. 273) (L. D. 319) (S. "A" S-58 to C. "A" H-81)

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

Mrs. Berube of Lewiston requested a roll call.

The SPEAKER pro tem: 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 pro tem: The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Belgrade, Mrs. Damren.

Mrs. DAMREN: Mr. Speaker, I request permission to pair my vote with Representative Stevenson of Unity. If he were voting, he would be voting yea and I would be voting nay.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, I would like to pair my vote with the gentlewoman from Auburn, Miss Lewis. If she were here, she would be voting no and I would be voting yes.

The SPEAKER pro tem: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, I request permission to pair my vote with the gentleman from Lewiston, Representative Jalbert. If he were here and voting, he would be voting yea, and if I were voting, I would be voting nay.

ROLL CALL

YEA — Alopis, Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Cahill, Callahan, Carrier, Carroll, Clark, Cox, Crowley, Davies, Dexter, Diamond, G. W.; Diamond, J.N.; Drinkwater, Dudley, Erwin, Fitzgerald, Fowlie, Gavett, Gowen, Hall, Hanson, Hayden, Hickey, Higgins, H. C.; Higgins, L. M.; Holloway, Huber, Ingraham, Jacques, Joyce, Kane, Kany, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Lund, Mahany, Manning, Martin, H.C.; Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Prescott, Racine, Randall, Richard, Small, Smith, C.B.; Soulas, Stover, Strout, Swazey, Tarbell, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster.

NAY — Armstrong, Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Carter, Conary, Conners, Curtis, Davis, Day, Dillenback, Foster, Hunter, Hutchings, Jackson, Jordan, Lancaster, Leighton, Locke, MacBride, MacEachern, Nelson, A.; O'Rourke, Peterson, Post, Reeves, J.; Roberts, Salisbury, Sherburne, Smith, C.W.; Studley, Telow, Treadwell, Walker, Wentworth, Weymouth.

ABSENT — Chonko, Connolly, Gillis, Gwadnosky, Hobbins, Kelleher, Ketover, Livesay, Macomber, McSweeney, Pouliot, Reeves, P.; Ridley, Rolde, Soule, The Speaker.

PAIRED — Cunningham-Jalbert; Damren-Stevenson; Lewis-Martin.

Yes, 89; No, 40; Absent, 16; Paired, 6.

The SPEAKER pro tem: Eight-nine having voted in the affirmative and forty in the negative, with sixteen being absent and six paired, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

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)

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

On motion of Mr. Hall of Sangerville, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and specially assigned for Monday, March 30.

Orders of the Day

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

An Act to Amend the Charter of the York Water District (H. P. 149) (L. D. 175)

Tabled—March 25 by Representative Davies of Orono.

Pending—Passage to be Enacted.

On motion of Mr. Davies of Orono, retabled pending passage to be enacted and specially assigned for Monday, March 30.

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

Bill, "An Act Changing the Name of the Department of Manpower Affairs and Clarifying the Term of its Commissioner" (H. P. 291) (L. D. 335)

—In House, Passed to be Engrossed on March 16.

—In Senate, Bill and Accompanying Papers Indefinitely Postponed on March 20.

Tabled—March 26 by Representative Kany of Waterville.

Pending—Further consideration.

On motion of Mr. Paradis of Augusta, the House voted to recede from its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-139) was read by the Clerk and adopted.

The SPEAKER pro tem: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Members of the House: Before the House passes this bill on once again, I would just briefly like to mention the reason for having this House Amendment "A".

The bill, as originally proposed by the Governor's Office, asked us to change the name of the Department of Manpower Affairs to that of the Bureau of Labor and Industry, and it would change the term of the Commissioner from that of a four-year term to that of being coterminous with the other commissioners and coterminous of the Governor's term also, as all other commissioners' terms now are.

We have removed the name "industry" from the proposed change because it was felt that it was objectionable to some members of this Legislature. I hope now, with the amended version of this bill, that we can get this law enacted and get the name of the department changed to what it ought to be.

The State of Maine faces a possible court action, a civil suit, from a private firm because they had the name patented long before we did, that of Manpower, Inc., and they have successfully taken their cause to court in Minnesota and in Georgia and won, so it is imperative on us that we change the name of this department to that of one that is not already assumed by a private industry and give it back almost its original name.

Also, the Commissioner of Manpower Affairs is the only one who doesn't serve in line with the other commissioners, he does not serve with the pleasure of the Governor. It was inadvertently left out many years ago, five or six years ago when the other terms were reorganized and made to serve at the pleasure of the Governor.

I thank you very much and I hope you will vote to pass this bill.

Thereupon, the Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

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

HOUSE REPORT—"Ought to Pass" as Amended by Committee Amendment "A" (H-126)—Committee on Energy and Natural Resources on Bill, "An Act to Establish the Department of Public Safety as the Lead Agency Regarding Accidental Spills of Hazardous Waste Matter" (H. P. 270) (L. D. 303)

Tabled—March 26 by Representative Hall of Sangerville.

Pending—Acceptance of the Committee Report.

On motion of Mr. Hall of Sangerville, re-tabled pending acceptance of the Committee Report and Specially assigned for Tuesday, March 31.

On motion of Mr. LaPlante of Sabattus, the House reconsidered its action of earlier in the day whereby Bill "An Act to Require Certain State Mandated Programs be Funded by the Municipality Involved" (H. P. 1285) was referred to the Committee on Appropriations and Financial Affairs.

On further motion of the same gentleman, the Bill was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. McGowan of Pittsfield,
Adjourned until Monday, March 30, at ten o'clock in the morning.