

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Tuesday, March 31, 1981

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

Prayer by the Reverend John Ineson of Waldoboro, Interim Pastor of the Episcopal Church.

The journal of yesterday was read and approved.

Papers from the Senate

Bill, "An Act to Require Employers with Employee Pension Plans to Provide Status Information on Group Pension Plans upon Request" (S. P. 513) (L. D. 1469)

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

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

Bill, "An Act to Permit a Draftsman to Perform Limited Work Without being Registered as an Architect" (S. P. 531) (L. D. 1471)

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 to Protect Persons with Children against Discrimination in Fair Housing" (S. P. 530) (L. D. 1470)

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 Relating to the Regulation of Providers of Cable Television Service" (S. P. 528) (L. D. 1472)

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

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

Messages and Documents

The following Communication:

JIMMY CARTER

March 19, 1981

To Ed Pert

I am honored to have been recognized by the House of Representatives of the State of Maine in connection with the release of our Americans from Iran. With God's help the long ordeal is over.

The past fifteen months have been a difficult period for all of us, and I am grateful for the support the people of Maine have given me. We must now put the past behind us and work together toward peace throughout the world.

Sincerely,

S/JIMMY CARTER

The Honorable Edwin Pert

Clerk of the House

House of Representatives

Augusta, Maine 04330

Was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolves were received and, upon recommendation of the Committees:

Legal Affairs

RESOLVE, to Reimburse Mr. and Mrs. David Condon of Levant for Property Damage and Personal Injury Resulting from Assistance Given the Division of Special Investigation by Mr. Condon (Emergency) (H. P. 1298) (Presented by Representative Drinkwater of Belfast) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill, "An Act to Recodify the Maine Guarantee Authority Laws" (H. P. 1302) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives Kany of Waterville and Dillenback of Cumberland and Senator Violette of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Bill Reported pursuant to Joint Order (H. P. 1284)

Representative Post from the Committee on Taxation on Bill, "An Act to Establish the Cost of the Maine Forestry District in Fiscal year 1981-1982" (Emergency) (H. P. 1303) (L. D. 1500) reporting pursuant to Joint Order (H. P. 1284) and asking leave to report that the same be referred to this Committee for public hearing and printed pursuant to Joint Rule 2.

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

Orders

On motion of Representative McSweeney of Old Orchard Beach, it was

ORDERED, that Representative Carl B. Smith of Island Falls be excused March 30, 31 and April 1 and 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Nancy N. Masterton of Cape Elizabeth be excused March 30, 31 and April 1 and 2 for personal reasons.

Special Sentiment Calendar

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

Recognizing:

Annette Stevens, of North Berwick, who was named outstanding "Energy Woman of the Year"; (H. P. 1299) by Representative Wentworth of Wells. (Cosponsor: Senator Hichens of York)

Elizabeth Essency, of Brownville Junction, who has been chosen Brownville's Outstanding Citizen of the Year; (H. P. 1300) by Representative Masterman of Milo.

The Maine Division of the American Cancer Society, Dr. John Zerner, Edward Miller, Karen Trueman and the Department of Human Services for their participation in making DES Awareness Week and the DES program the success that it is; (H. P. 1301) by Representative Nelson of Portland.

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

House Reports of Committees

Ought Not to Pass

Representative Day from the Committee on Taxation on Bill, "An Act Concerning Sales Tax on Vehicles Purchased in Foreign Jurisdictions" (H. P. 990) (L. D. 1178) reporting "Ought Not to Pass"

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

Leave to Withdraw

Representative Masterman from the Committee on Taxation on Bill "An Act to Enable Taxpayers to Support Nongame Management Projects by Donating a Portion of their State Income Tax Refund through a Tax Return Checkoff" (H. P. 660) (L. D. 764) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill, "An Act Concerning the Use of Force to Protect Property" (H. P. 143) (L. D. 169)

Report was signed by the following members:

Senators:

DEVOE of Penobscot
CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

REEVES of Newport
BENOIT of South Portland
O'ROURKE of Camden
LUND of Augusta
SOULE of Westport
HOBBINS of Saco
LIVESAY of Brunswick

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-145) on the same Bill.

Report was signed by the following members:

Representatives:

DRINKWATER of Belfast
CARRIER of Westbrook
JOYCE of Portland

— of the House.

Reports were read.

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

Mr. HOBBINS: Mr. Speaker, I move acceptance of the Majority "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the Majority "Ought Not to Pass" Report be accepted.

The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I urge that you refrain from voting for passage of the "Ought Not to Pass" Report on this bill. My committee spent many hours debating this bill, and it is a bill that looks at America's conscience.

This bill was born near the shores of Stockton Springs. This bill has a sponsor, one Representative Nathaniel J. Crowley, a man that I had never met until that day several months ago out under the dome. Yes, we have all come to know and respect Nat Crowley. Yes, I have even heard that if he had been born 2,000 years ago, he certainly would have been one of the 12. The people from that area of this state came to our Nathaniel and asked that he help them, and he used the words of a great President—we must do something about the crime in America.

Yes, the people had that same cry from Waldo County. They came to our committee and told how after dark people come up on their property, remove wheels from their cars and trucks, who often steal some of their precious possessions. Representative Crowley tried to do something to help them. He brought that bill before our committee. I did not think that bill was the impossible dream. I felt that we owed to the people of Maine at least some safety.

What should we do for them? We can't take them all down to New York Harbor and have them gaze at the Statue of Liberty, we cannot take the Statue of Liberty and bring her up the Kennebec, or could we bring her to Cape Jellison in Stockton Springs. But if we did get her up off the coast of Maine, maybe the people of Maine could gaze upon her holding that torch and maybe, too, they could get her message—Give me your tired, your poor, your huddled masses yearning to breathe free. Yes, the people in Representative Crowley's district, they are entitled to breathe free.

We talked about this bill, Representative Crowley and myself, last Friday before the session. I came in here and heard a woman being honored for being 104 years of age. Yes, a great citizen. But when I left this session last Friday, like many of you I passed through the doors there and I met Matthew Gorham. Now, Matthew Gorham should be recognized in this

House; Matthew Gorham was standing outside that door; Matthew Gorham was only three days old and, you know, I thought Matthew Gorham is entitled by our constitution to as much as that 104 year old lady, yes, as much as the people from down in Mr. Crowley's district.

I don't think he is dreaming the impossible dream. To dream the impossible dream, to fight the unbeatable foe, to bear with unbearable sorrow, to run where the brave dare not go. This is my quest, to follow that star no matter how hopeless, no matter how far, to fight for the right without question or pause, to be willing to march into hell for a heavenly cause.

I know if I will only be true to this glorious quest, my heart will lie peaceful and calm when I am laid to rest, and the world will be better for this, that one man scorned and covered with scars still strove with that last ounce of courage to reach the unreachable stars.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: It has always been said that some times are worse times than others to bring up an issue of emotion such as dealing with guns or dealing with crime dealing with a person's property, his household, and I suppose that sometimes emotion and the use of examples can sway a body.

I have the greatest respect for the gentleman from Stockton Springs, Mr. Crowley. He was called upon by a group of constituents who are frustrated about the crimes that are being committed in different areas and about a person's property being destroyed and not, in their minds, having recourse under the present statutes to help alleviate that situation in that area of the state.

However, I don't think that it is the appropriate measure to enact this piece of legislation. What this bill will do, it would give a person the use of deadly force in defense of property. That might sound pretty reasonable, but there are a few examples which I could cite, and I suppose you might say they are not reasonable examples, but it would be justifiable for an individual to use deadly force. A good example under this bill, if you will look at it and take out the House Amendment, House Amendment 145, you will see that a person is justified in using deadly force upon another to protect his property when and to the degree he reasonably believes that deadly force is immediately necessary, and one of the provisions is to prevent the other from fleeing after committing burglary, robbery or theft by unauthorized taking in the nighttime, from escaping with the property.

If you look under Title 17-A, and I am not here to give you a legal lesson by quoting the statutes, but I think it is important to look at the different sections from the statute. If you will look at what unauthorized taking is under the statute, you will find, if I may quote, it is Section 353 — "A person is guilty of theft if he obtains or exercises unauthorized control over the property of another with intent to deprive him thereof. As used in this section, exercise unauthorized control includes but is not necessarily limited to conduct heretofore described and known as common law larceny by trespassing, taking, larceny by conversion, larceny by embezzlement."

I guess the point I would like to make is that there are certain instances under this section of the Criminal Code which are a crime, and one of those instances which would give a person, justifiably so, if this bill passed, the use of deadly force, would be a bunch of kids running on a person's property up to the front steps and taking that pumpkin from the front steps, removing that pumpkin from the front steps and running off the property.

Under this proposed piece of legislation, if you take into consideration that taking that pumpkin in the nighttime is unauthorized

taking or transfer, that property owner would have the right and it would be considered a justifiable homicide to use deadly force to stop that individual from taking his property or her property.

Three years ago, this legislative allowed the use of deadly force in the defense of property. It says, a person is justified in using a reasonable degree of non-deadly force upon another when and to the extent there reasonably appears to be an unlawful taking of his property, or criminal mischief, or to retake his property immediately following its taking. But he may use deadly force under those such circumstances as prescribed in a few sections. One of those sections of Use of Force; this is Section 104 in the Code, and, again, I am sorry if I am giving a lesson in the Criminal Code, but I think this bill is very important and I think it should be addressed.

Under Section 104 of Title 17-A, it states: "A person in possession or control of premises or a person who is licensed or privileged to be thereon is justified in using non-deadly force upon another when and to the extent that he reasonably believes it is necessary to prevent or terminate the commission of a criminal trespass by such other in or upon such premises."

There is one particular section here which states that a person is justified in using deadly force upon another, under Section B, when he reasonably believes that deadly force is necessary to prevent or terminate the commission of a criminal trespass by such other person who he reasonably believes, number one, has entered or is attempting to enter the dwelling place or surreptitiously remained within the dwelling place without a license or privilege to do so. Number two, is committing or is likely to commit some other crime within the dwelling place.

The present law, which was amended three years ago, in my humble opinion, if it were utilized properly, could address those concerns that the good gentleman from Stockton Springs, Mr. Crowley, has raised to us at the committee hearing and other instances.

We are talking about a person's life and we are talking about, I suppose, a balancing act between when it is justifiable to kill an individual, and, in my opinion, taking a pumpkin or something small of value leaves no justification for taking an individual's life.

I urge you to put aside the emotional speech of the good gentleman from Portland, Mr. Joyce, and think about that individual he talked about, that Matthew Gorham. I don't want to think that someday if Matthew Gorham was taking a pumpkin, that individual could be shot and, justifiably so, dead.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak in favor of L. D. 169, An Act Concerning the Use of Force to Protect Property.

I have great admiration for Representative Hobbins; his accomplishments as a legislator and a statesman and leader are just remarkable, especially at his tender age. However, I must follow my constituents and my convictions and challenge his stand on this amendment. Incidentally, this amendment is not made for my constituents, it is made for me, I believe in it.

The issue boils down to whether a criminal trespasser should have the advantage over a law-abiding citizen. I feel that present law puts the property owner at a distinct disadvantage.

We do not quarrel with Section 104 that Representative Hobbins just spoke of that is now on the Maine Criminal Law Book which says, and I quote, this is our law: "A person in possession or control of a dwelling place is justified in using deadly force upon another when he reasonably believes that deadly force is necessary

to prevent or terminate the commission of a criminal trespass. A person may use deadly force only if he first demands the person against whom the deadly force is to be used to terminate the criminal trespass." Please note that this is our present law, and no little children have been killed stealing apples, pumpkins or cookies because of this law that is on our books today. It would be ridiculous to do so, as it would be under our amendment.

The amendment to Section 105 says the same thing, and I quote: "A person is justified in using deadly force upon another to protect his property when and to the degree he reasonably believes the deadly force is immediately necessary, and he reasonably believes that the use of force other than deadly force to protect the property would expose the actor to a substantial risk of death or serious bodily injury."

Please note, there is very little difference between Section 104 and 105. The apples, pumpkin and cookie people who will object to this amendment will be the permissivists, the anti-victim thinkers, who make laws favoring the criminals. This amendment is designed to favor the law-abiding citizen in protecting his property, himself and his family. One can get raped, mugged or ripped off in his or her garage, shed or behind the barn just as well as they can get raped, mugged or ripped off in a dwelling place.

We are thinking about protection for the law-abiding citizen. It is dangerous enough being in your house in this age of violence, but when you step out of the house, you, the law-abiding citizen, lose your right to protect yourself. The criminal trespasser has a premeditated plan and a law-abiding citizen should be able to at least have the legal opportunity to be prepared to protect himself or his property.

Look at what is happening in the country. The latest FBI report on crime points out that 85 percent of the crimes against property are not cleared or solved. In the past 13 years, serious crimes rose 158 percent, violent crimes 204 percent. The risk of being a victim has increased 120 percent during the same period. Too few criminals are arrested; too few criminals are convicted.

This is a quote — "Our system of criminal justice has broken down, we are no longer capable of securing the people against crime." This statement comes from the International Association of Chiefs of Police.

When 40 percent of our people are afraid to step out of their houses at night, one begins to question the laws.

Today, crime is a lucrative business. The 1975 statistics show that a criminal's chances of being arrested are one in seven and, if convicted, one in six will be sent to prison. The Wall Street Journal says the odds are even better today. The average criminal no longer fears being punished if caught; he remembers that crime is a lucrative profession.

To be powerless and hopeless before an uncaring and oppressive law is to be an elderly lady walking on her own property. Even if the criminal is caught in the act, the chances are he will walk away laughing because he knows the laws are stacked in his favor, both he and his lawyer know it. Why are the laws stacked against the law-abiding citizen in this period when we are grappling for survival in the battle against crime? Why, I'll tell you. The laws are being written by permissivists, the anti-victim force. Their concept of law is, the rights of criminals are the rights of all Americans. This is the underlying problem.

Surely you know that police departments in most towns in Maine are non-existent. For example, in Washington County, 41 of 46 towns do not have one policeman; in Waldo County, 22 of 25 towns, not one policeman; in Aroostook County, 57 out of 68 towns, not one policeman. Also note that all the sheriff departments in our counties are located in towns where they do have police forces.

I ask you legislators to think about this amendment to the Maine Criminal Law. First, think of it as a deterrent. If the criminal knows the property owner has the right to meet force with equal or better force, he will be less apt to victimize, rob or rape you or your loved ones. Secondly, the law-abiding citizens may be able to protect themselves and their property legally.

If we were to strip all our criminal law right out of the books in the State of Maine and go back to our Constitution, we might be better off, because the Maine State Constitution gives us the inherent, unalienable right to defend our property. We have lost this through the statutes.

I have in my briefcase here the names of a thousand people in the Auburn-Minot, some from Portland, some as far as the Lewiston areas, with a petition signed in favor of this legislation.

This morning coming to work, I heard on the radio that burglary is up 10 percent in the State of Maine as of the last yearly report.

Mr. Speaker, when it comes time to vote on this bill, I would request a roll call vote.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't going to speak on this bill, but as a person living by myself, I agree 100 percent with the gentleman. I think it is time that we put our foot down and it is time that these people who go around robbing homes and so forth should be punished. I think we have been too lenient, the law is too lenient. We haven't got anymore laws for people, or for the policemen or law enforcement, we have got laws for the stealers and robbers and the whole works.

Please vote along with the gentleman.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I, too, hadn't intended to say anything on this piece of legislation until my neighbor here got talking about the pumpkins. But it is more serious than pumpkins where I come from.

Seeing as we are going to talk about pumpkins, I will tell you about a story in my district. An elderly couple had a new TV set, they had had it about two or three days, a knock came to the door early in the evening, a man came in and said, how is your new TV working? They said, "Good." They were really proud of it and showed him how nice the color was. He went along and yanked the telephone off the wall, another guy came in and they took it out. They said, "Don't you go outdoors to any of the neighbors, we will be waiting out there with a gun and we'll shoot you if you come out." So, they didn't dare say anything about it until two or three days later, and this is the type of thing that my people are having a problem with.

While we are on the subject, most of the towns I represent don't have a police officer and if they did they would have to come 30 or 40 miles to get there, so that wouldn't be of much help. They really need some method by which they can defend their property or their homes, at least inside their homes, and I can't conceive of people up our way, we don't put much value on a pumpkin, and I can't conceive of anyone getting shot for a pumpkin or an apple, because they grow wild up where I come from. But I do think that these people have to have some means of defending their property. I hate to see this happening in my district without doing anything about it. If this happens in your district, you will feel as strong as I do that something should be done about it. This is just one case that I am talking about. This has been going on in the camps around there. It is a common thing, let's say. I guess that covers the subject.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I just want to say that I want you to consider the amendment, that is what we are talking about, and that is what the bill is right now. We are talking about deadly force and non-deadly force.

I submit to you that the necessity to protect your property at all times requires that you should be able to use force.

Under today's situation, people don't come in your house with a slingshot, they come in with a gun, and there is no reason why you should not, without asking them to leave, protect yourself and stand on equal footing with them. In the first place, they broke the law by coming on your property; in the second place, they have put you in fear, and fear is not totally the reason why you should use deadly force.

Let's state right at the start that if you shoot somebody because he is stealing your pumpkin, you are not going to get away with it. This is not the type of bill that makes it nice and clear that you can shoot anybody and get away with it. That is not the gist of the bill.

The bill is so you will be able to protect your property without having to ask them to leave first. They don't want to leave, what are you going to do?

I am worried about the people who live by themselves. I am not worried about the people that come to my house, I think I can take care of them, and I will take care of them in a certain way and I will never end up in jail either.

This is the whole story about this bill—you can use a deadly weapon if necessary, and that is the key word, ladies and gentlemen. It doesn't give you an outright blank check to use it at any time.

I say to you that deadly force—the bill is divided into non-deadly force and deadly force. Most of the time you would use non-deadly force. I think a lot of these people around, if you first ask them to leave, they will probably leave, but if they don't, if you have to use deadly force, deadly force doesn't mean to kill somebody, you can shoot them in the leg and stop them right in their tracks. Use a baseball bat if you want to; that might give them a little more to think about.

I submit to you, and you saw it on TV yesterday, there was no deadly force used against the assailant of the President. They could have used some if they wanted to and get away with it, and I submit to you that this is a serious situation. I don't care how the report came out and how much you talk about the Code, the Code in itself, ladies and gentlemen, I was not there at that particular time. I wish I were, maybe I wouldn't have changed anything, but I am telling you that the Criminal Code which was passed in 1976 is open, is open for discussion, is open for corrections. There are more errors, they changed it all around to give the criminal all the rights and no responsibility, and the poor victim stands today hurt, crippled and with no recourse whatsoever. You are talking about a person's life, and the criminals that do come in there with deadly force, they are not in there to ask you to behave or anything else, they have that deadly force with them and you better believe they will use it.

I also say to you—I really don't want to get into the Criminal Code because that in itself is quite a problem and that is why these bills are in here. But regardless of where you live, you run across this particular situation where you have people who do need something to defend themselves. Again I say that the elderly people that live alone today, I am talking about the elderly, the infirmed, the ones that want to protect themselves, and they are scared to death.

I can guarantee you, to my knowledge this will not get you off the hook if you use deadly force where you are not supposed to. So, all these stories about the pumpkins and the Criminal Code and all that stuff, that is not the issue today. The issue today is, do you want people to be able to protect their property in a reason-

able way and also to protect their loved ones? I suggest that you do and I hope that you vote against the "ought not to pass" report.

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. 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 South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I really feel that I have to rise here and try to support the Chairman of our committee. He has been the only one that has spoken in favor of the "Ought Not to Pass" Report.

This is a complicated piece of legislation. I am not a lawyer and I find it difficult to argue on some of these bills when we get into legal questions. However, I think part of the amendment that has been read, when it says that a person is justified in using deadly force upon another to protect his property, and then it goes on (a) when and to the degree he reasonably believes the deadly force is immediately necessary, and the first occasion on which you could use deadly force is (1) to prevent the other's imminent commission of burglary, robbery, theft by unauthorized taking in the nighttime, aggravated criminal mischief in the nighttime or criminal mischief in the nighttime, or, and then it goes on to give some other instances.

But I would like to talk about the one I have just read, and if I understand it properly, how many of you can look back to the time when you were kids, I can remember that far back, going out with your friends at night, going into someone's yard—I shouldn't have been there but I was—whether you were stealing apples or even something more serious. Your own children might do this. What if there is someone in that house that doesn't think the way most of us think that we think, goes out there with a shotgun or a pistol or whatever, a bat, whatever, and does severe damage to a child, to a young person?

I understand how feelings run high on this and how we all want to protect our property. In addition, I think we can protect our property. I think Representative Hobbins has explained that quite well, although since this is such a difficult topic, perhaps it is hard to understand, I found it difficult to understand myself, I am going to give you another example that changed my mind on this bill.

At the hearing there was a gentleman who spoke about a car going down his hill one night out in front of his house. The lights were out. That man took a shotgun and shot it into the air. He doesn't know why those lights were out. This was in testimony before our hearing. I think you really ought to think seriously about this and try to realize that we do have protections for ourselves now, and I think that perhaps this is going a little too far.

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

Mr. HALL: Mr. Speaker and Members of the House: You all know me as having probably as quick a temper as anybody in the House. I have lost more batteries, more tires and more gas than anyone else here probably in my years of farming. I have threatened to shoot manytimes but thank God there was a law that didn't let me do that, because after I cooled down, I could think rationally.

What you are thinking about here today, ladies and gentlemen, is a very serious thing. Don't do it because you will be sorry afterwards. If I had the time and had the voice, I could tell you of a couple of instances that would make your heads spin.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the good lady from South Portland, but I can assure you that these young people have come to my house and they have destroyed my property and they looked me right in the face and said—you prove it.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I rise here today to tell you that this legislation that the gentleman from Stockton Springs has introduced is timely and it is right on target. The day has come when we must address the people in the night that trespass upon our property. We are not talking about school children, we are talking about criminals, criminals who will be criminals until day one, and will continue to commit crimes in the night because the property owner has no right to protect his property.

I, myself, went up to property I own in Cornish, there were five men that broke out of Vermont State Prison, they were holding up in my sister's house, and when I went up there and turned the car around and jumped out, I had a club in my hand. My son took off to get help. About that time, the window was pushed up and one after another they came out. I hollered, surrender, you're under arrest. They took off in the woods.

I didn't have a gun, and when the State Police and the county sheriff got there they said, do you realize you could have been killed? Those men have escaped from the state prison. They were not stealing pumpkins, they were stealing antiques, stealing property from the citizens of the State of Maine. I can assure you that it took approximately 72 hours to apprehend them, and they had gotten away and were in New York when they got them.

I think it is time that the citizens' rights of the state of Maine have been proclaimed far and wide throughout this area; let all know, to let everybody know, put them right on record, that we have a right to defend our property in the night. We don't want any innocent person harmed but we do want to put everybody on notice that if you come and trespass in the night and you steal, I am not going to walk up and put my arm on your shoulder and say, hey fella, I want to talk to you because I know of a man in Sanford, Maine, that did that when they were stealing gas and the guy said, I will talk with this and he put a pistol to his hips and he said, you had better get back in the house because if you don't you're dead. That is what these people do in the night, they are not just kids after pumpkins, they are the criminals in the night that move into our state from all over the country and say, boy, Maine has a soft law, go to Maine, you can steal in the night, you can do anything because they don't have a right to protect their property.

I say that the time has come, today is the day, go with the gentleman from Stockton Springs, he is a family man and has grandchildren and he knows and he has compassion. He has thought this out, he is a well educated man. I know him well, I live with him.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Until I heard two or three members relate personal experiences, I would not have stood up on this measure. I am not only talking about property but I am talking about lives also.

My home address is 39 Orestis Way, it is the second house from the corner. The first house is a white house, the second house is my house, it is light tan with white trimmings.

About a year ago, it was around the area of ten o'clock, I had been up since five, my wife and I had both retired, and I got a phone call

and it was from the Lewiston police department. Before I even had a chance to get to the phone, there must have been two cars from Auburn, four cars from Lewiston, the lights were on, a fire department truck and I am wondering what is going on, and at the other end the man on duty at the Lewiston police department said, is there anything wrong at your house or with you or your wife? And I said, no. By that time, my bell rang, there were a couple of police officers. It seems that about 15 minutes previous to that, two men rang the bell on the corner and the winter door was locked, these two elderly ladies live there, one of them is a retired general nurse from one of the hospitals and the other was also a nurse and they lived together. One's husband had died, the other was never married and they are close friends. It seems that they rang the bell, and this woman who walks on one of these carriers that they use instead of crutches came to the door and the other lady was in bed. When she unlatched that winter door, she opened up the big door but she unlatched the winter door, then one of them who had a gun and a knife broke the glass in that door, opened the door and the other person with him had a scanner. Immediately, upon the door opening, a gun was put right in the forehead of this woman — where is Louie? Of course this lady said, Louie doesn't live here. We are talking about Louie Jalbert and he lives here. He does not live here. They went into the house anyway and they searched and after a few expletives, seeing no men's clothes in the house at all, one of them said with a few expletives, this is not Louie Jalbert's house. They were in there so they searched and they got quite a sum of money in cash, some jewelry, and then the man on the scanner got on the scanner and told this fellow who was obviously parked around the corner, hurry up and pick us up.

They know now who one of the men is; the second man is in Walpole Penitentiary and he is getting out very shortly. They know that that second man will lead them to the third man involved in this attempt, not only robbery but a deadset attempt on that woman's life.

In the meantime, this woman suffered a stroke 10 days later; she is now dying in one of our institutions. My bedroom lays over their kitchen and livingroom and there isn't a night that I don't go into my bedroom and look over in that house and I think in my mind that I am the one that put that woman on her death bed. As far as I am concerned, whether this bill passes or not, and I am certainly going along with Mr. Carrier and my good friend George, and my long-time friend from Stockton Springs, who lived closer to home a few years ago, where he belonged and still does, howsoever this bill would go. When they grab that third monkey, I have already told the benevolent policemen's association, if they will let me know and let me have them for about 20 minutes, I will give the association \$1,000 in cash and my church \$1,000. I feel guilty every time and every night that I look, and I look every night in that place, and see what happened. It was through my fault, they just picked the wrong house. Knowing my temper, I think with my disposition sometimes, I think some of you might know that I might have given them an argument, and anybody that argues with a 38 is an idiot and I can be an idiot.

I think this is a more important bill than I thought when the debate first started. It doesn't make any difference to me because I have already told the police anyway that you are within the law if you do this. If they come to my house, I will draw the gun, and I have one, I will shoot them, put some paper on the livingroom floor and lug them in and then call the police — that is legal. That is what I am trying to do, so we might as well make this legal.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: It seems to me that the people in the cities or the urban areas feel safe because they can call the police and they get there in a matter of minutes. I gather that from just sitting in my seat here. But let me tell you, you are not too safe in the cities anymore. I will tell you a little incident that happened right here in this city on Hospital Street, right opposite the Maine State Police barracks, a little over a year ago. In the middle of the night, they backed up to this man's house and cleaned it, all of his antiques, they even took his refrigerator and electric stove, and this is the house exactly across the street from the Maine State Police in the city of Augusta on Hospital Street. As a matter of fact, I can take you over and show you the house, I know the man very well. So, it does happen here in the city of Augusta and it probably happens in the city of Portland and other cities, but you have that feeling of safety knowing you can press a button and the officers are going to be there in a few minutes. It gives you a little feeling of safety, you know.

But you don't have that back in the country and like Mr. Jalbert, if they come looking for Representative Dudley, I am sure in his house they will meet with an accident and it will be quite serious.

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

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: I think what we are talking about today is a very complex issue, that is true, but on its surface and at the very gut level of this issue is a very simple concept, whether or not you believe in taking a human life to protect personal property, and that is the extent of this amendment.

To make it very simple, I think, to paraphrase Mr. Joyce earlier, if this bill passes, many will be laid to rest but the world will not be a better place.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I didn't plan to speak on this today, but after listening to all the speakers I am going to have to say just a few words.

I know that it isn't the thing to do to vote to give solid force against the criminal but I am going to use it if it is necessary.

You talk about killing people. Those who served in the service didn't want to kill anybody either but it does happen.

You know, in the old days you didn't walk into someone's yard and there was no crime. In the old days when you walked in, you made yourself known and you were very polite. Today, there is no fear. When they can knife a nurse in the Maine General Hospital hallway, they have no fear of anything and I think it is up to us to set a standard here and support the people who need the support, and that is to let them protect their property and I am going to vote for this bill.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: For 57 days I sat here without saying a word, so I am going to gamble on talking twice this morning. The reason I want to speak the second time is that I would like to answer my good friend, Representative Benoit, in her problems with that incident that occurred that was testified to at the hearing where a man said he went out into his backyard and fired a gun, a shotgun, into the air to scare someone away that was in a criminal trespass. Let me paint the picture for you. This man is a retired man who lives a mile off the road with his wife, he has a "no trespassing" sign all the way up to his home, and these people were in his yard, whatever they were going to do I don't know, he is a retired colonel, he is a man who has lived an exemplary life, and so he went out

in the backyard and fired this shotgun. That colonel was guilty of using deadly force; that is how dumb this law is. He was guilty of using deadly force for firing that gun in the air to scare those hoodlums out of his yard. I say this is one of the reasons Ms. Benoit is actually supporting, I think, the issue of being able to use deadly force, just to be able to fire a gun into the air or swing a baseball bat so you can protect yourself.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: Very briefly, I must reply to that, because that is not the way the story was told at all, my good friend, Mr. Crowley. It was my understanding that this car was going down the road, it was not on his property at all, it was out in the road, the lights were off. This particular gentleman just didn't understand why the lights would be off in that car unless they were up to something. The battery could have been dead, it could have been coasting down the hill for Lord knows whatever reason. The gentleman still fired a gun and I believe he said it was from his porch or balcony of his home, if I recall correctly. I certainly would defend the man's right to protect his property, if they had been on his property, in the proper manner.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Hobbins of Saco that the Majority "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 Camden, Mr. O'Rourke.

Mr. O'ROURKE: Mr. Speaker, I request permission to pair my vote with Representative Hutchings of Lincolnville. If she were here, she would be voting no and I would be voting yes.

ROLL CALL

YEA — Aloupis, Baker, Bell, Benoit, Brenerman, Brodeur, Brown, K.L.; Chonko, Connolly, Cox, Davies, Diamond, J.N.; Fitzgerald, Foster, Gowen, Gwadosky, Hall, Hayden, Higgins, H.C.; Hobbins, Huber, Kane, Kany, Ketover, MacBride, MacEachern, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Nadeau, Peterson, Reeves, J.; Reeves, P.; Soulas, Soule, Studley, Thompson, Twitchell, Wentworth

NAY — Armstrong, Austin, Beaulieu, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carroll, Carter, Clark, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Fowlie, Gavett, Gillis, Hanson, Hickey, Higgins, L.M.; Holloway, Hunter, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Lisnik, Locke, Macomber, Mahany, Martin, A.; Martin, H.C.; Martin, J.; Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Moholland, Nelson, A.; Nelson, M.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Randall, Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Treadwell, Tuttle, Vose, Walker, Webster,

ABSENT — Livesay, Lund, Manning, Masterton, Smith, C.B.; Weymouth

PAIRED — Hutchings, O'Rourke

Yes, 40; No, 102; Absent 6; Paired, 2.

The SPEAKER: Forty having voted in the affirmative and one hundred and two in the negative, with six being absent and two paired, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-145) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

Consent Calendar First Day

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

(H.P. 667) (L.D. 771) Bill "An Act to Provide the Employment Security Commission Flexibility in Handling Administrative Appeals" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-148)

(H.P. 517) (L.D. 583) Bill "An Act Relating to the Availability of Joint Life Insurance in Connection with Real Estate Mortgage Loans" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-151)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 1 under the 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. 195) (L. D. 242) Bill "An Act to Require State Bond Issues to Include all Interest Involved"

(H. P. 528) (L. D. 594) Bill "An Act to Authorize in Proceedings before the Public Utilities Commission the Appearance by an Officer or Employee of a Corporation or Partnership"

(H. P. 339) (L. D. 387) Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency)

(H. P. 789) (L. D. 943) Bill "An Act Concerning Foreign Trade Zones" (Emergency)

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

(H. P. 820) (L. D. 974) Bill "An Act to Ensure the Rights of Privacy of Recipients of Public Assistance"

On the objection of Mr. Diamond of Windham, was removed from the Consent Calendar.

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

(H. P. 844) (L. D. 1010) "An Act to Authorize Joint Custody Orders as Part of Divorce Judgments"

(H. P. 876) (L. D. 1045) Bill "An Act to Update and Revise the Validation of Defects Act"

(H. P. 617) (L. D. 700) Bill "An Act to Provide Compensation and Benefits Agreed to by the State and Council #74, American Federation of State, County and Municipal Employees for Employees in the Institutional Services Bargaining Unit" (Emergency) (C. "A" H-140)

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

(H. P. 222) (L. D. 259) Bill "An Act to Amend the Lien Law for Sewer Districts" (Emergency) (C. "A" H-141)

On the objection of Mr. Davies of Orono, was removed from the Consent Calendar.

Thereupon, the Bill was read once. Committee Amendment "A" (H-141) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: Committee Amendment "A" was voted on in favor of by the Committee on Public Utilities. However, the amendment that came up to Research and was printed and put on your desks was not the committee amendment that the committee accepted within the committee. Therefore, I would move the indefinite postponement of Committee Amendment

"A".

On motion of Mr. Davies of Orono, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

(H. P. 433) (L. D. 480) Bill "An Act Concerning the Posting of the Agenda for Meetings of County Commissioners" (C. "A" H-143)

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. 558) (L. D. 633) Bill "An Act to Require Equitable Treatment of Electric Charges for Common Areas of Multi-unit Rental Dwellings" (C. "A" H-142)

On the objection of Mr. Diamond of Windham, was removed from the Consent Calendar.

Therefore, the Report was accepted and the Bill read once. Committee Amendment "A" (H-142) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 383) (L. D. 426) Bill "An Act to Enable Municipal Governments to Set Speed Limits within Their own Jurisdictions" (C. "A" H-144)

(H. P. 340) (L. D. 388) Bill "An Act to Allocate Moneys for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance and Administration and the State Liquor Commissioner for the Fiscal Years Ending June 30, 1982 and June 30, 1983" (Emergency) (C. "A" H-146)

(S. P. 309) (L. D. 865) Bill "An Act to Exempt Certain Island Motor Vehicles from Inspection Requirements."

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

Second Reader Tabled and Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Abolish the Office of Secretary of State and to Create the Office of Lieutenant Governor (H.P. 436) (L.D. 483)

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

Mr. Kelleher of Bangor requested a roll call vote.

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

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

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

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Brannigan, Brenerman, Brodeur, Brown, A.; Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Higgins, H.C.; Hobbins, Joyce, Kane, Ketover, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Paul, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Salsbury, Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Boisvert, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Conary, Connors, Cunningham, Curtis,

Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jacques, Jalbert, Jordan, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, Laverriere, Leighton, Lewis, MacBride, Masterman, Matthews, McKean, McPherson, Michaud, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Pearson, Perkins, Peterson, Reeves, J.; Roberts, Rolde, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Wentworth, The Speaker.

ABSENT — Hutchings, Livesay, Lund, Manning, Masterton, Smith, C.B.; Soulas, Weymouth.

Yes, 68; No, 75; Absent, 8.

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

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, I move reconsideration whereby this measure failed to be passed to be engrossed and I ask that this be tabled for one legislative day.

Whereupon, Mr. Tarbell of Bangor requested a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this matter be tabled for one legislative day pending her motion to reconsider. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tarbell of Bangor requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that this be tabled for one legislative day pending her motion to reconsider whereby the Bill failed of passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Higgins, H.C.; Hobbs, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; McCollister, McGowan, McHenry, McKean, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bell, Berube, Boisvert, Bordeaux, Boyce, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jacques, Jalbert, Jordan, Kelleher, Kiesman, Lancaster, Leighton, Lewis, MacBride, Masterman, Matthews, McPherson, Michaud, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Reeves, J.; Salsbury, Sherburne, Small, Smith, C.W.; Soulas, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Tread-

well, Walker, Wentworth.

ABSENT: — Brown, K.L.; Hutchings, Livesay, Lund, Manning, Masterton, Paradis, P.; Smith, C.B.; Weymouth.

Yes, 72; No, 70; Absent, 9.

The SPEAKER: Seventy-two having voted in the affirmative and seventy in the negative, with nine being absent, the motion does prevail.

Passed to Be Engrossed

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that for Certain Counties, a Specific Percentage of the Population be Included in a Separate Senate District (H. P. 608) (L. D. 685)

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

Amended Bills

Bill "An Act to Provide Collective Bargaining Rights to County Employees" (S. P. 145) (L. D. 316) (C. "A" S-66)

Was reported by the Committee on Bills in the Second Reading.

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

Miss LEWIS: Mr. Speaker, I would like to have this set aside, please.

The SPEAKER: Is the gentlewoman objecting to accepting the Committee Report by the Committee on Bills in the Second Reading?

Miss LEWIS: I would like to offer an amendment and I believe several other parties also have amendments.

The SPEAKER: Does the gentlewoman object to giving this Bill its reading at this time?

Miss LEWIS: Yes.

Thereupon, the Bill was read the second time by the Clerk. Committee Amendment (S-66) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, I move the rules be suspended and the Clerk dispense with the reading of Committee Amendment "A".

The SPEAKER: This is not a debatable item in the sense that it is not suspension of the rules. The Chair will order a vote. If you are in favor of further reading being dispensed with you will vote yes; if you are opposed you will be noting no.

A vote of the House was taken.

115 having voted in the affirmative and none in the negative, further reading of the amendment was dispensed with.

Miss Lewis of Auburn offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-157) was read by the Clerk.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I think that it was rather clear to all of us yesterday that we are going to have collective bargaining in county government, and I really don't think that this is a bad thing at all. However, I do have serious concerns about this collective bargaining when we have it, and that is why I am offering House Amendment "A" to this bill.

I believe strongly that a person who wants to work for his own government at the municipal, state or county level should not have to join a private corporation, and that is a union, to hold the job. So what my amendment would do is, it would prohibit the negotiation of union security.

For those of you who are not up on all these labor issues, I would like to briefly explain to you exactly what union security is. Union security means that a union can ask that every person who holds a job at a certain place either be a member of the union or pay a service fee to the union in lieu of being a member. I strongly

believe that this is very inappropriate in the public sector. I believe that if you want to work for your own government, you should not have to join that union.

There are several problems that have occurred over the past few years that have shown that what I am talking about is a serious problem in the State of Maine. Right now, over 70 professors from the University of Maine are being sued by the University of Maine Union of Professors because these professors will not pay a service fee or pay dues or anything else to the union to hold the job at the University of Maine, so certainly it is a pressing problem there.

In the last legislature, the 109th, I was not a member of this body but I understand that a serious problem occurred in that legislature because of the union security clause in the state employees' contract. The state employees' contract two years ago said that every state employee would have to join the union in order to work for his own state government. It is my understanding that at that time the state employees went out on strike because the legislature refused to give them this union security, so certainly this is a very pressing matter.

I think the only way we can really make good county collective bargaining is to say that people who want to work for their own county and can get hired for that job would not have to pay union dues in order to hold that job.

I request a division and I request the yeas and nays when we vote on this measure.

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

Mrs. BEAULIEU: Mr. Speaker, I respectfully ask for your opinion on the germaneness of this amendment.

The SPEAKER: The Chair would rule that House Amendment "A" is not germane, based on the fact that the bill calls for collective bargaining and the amendment's statement of fact deals with prohibiting collective bargaining for mandatory union membership.

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

Mrs. BEAULIEU: Mr. Speaker, I move that the Bill be engrossed and ask for a division.

The SPEAKER: The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker, a point of parliamentary inquiry. If I were to reconsider our action whereby we adopted Committee Amendment "A", would I then be in a position to offer my amendment?

The SPEAKER: The Chair would answer in the affirmative.

Mrs. BERUBE: I so move, Mr. Speaker.

The SPEAKER: The gentlewoman from Lewiston, Mrs. Berube, moves that we reconsider our action whereby Committee Amendment "A" was adopted.

The gentlewoman may proceed.

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I feel I have an amendment here that would address my concern as well as the concerns of many other people who have not expressed them publicly who, nevertheless, feel there is a need to address this issue. I would ask, if you feel like I do, that we could reconsider our action and at least I would have a chance to offer the amendment.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: In relation to the ruling of the Chair on the gentlewoman from Auburn, Miss Lewis's amendment, I think the House should have a chance to decide—they would probably vote with you, but I think the House should decide whether it is germane or not because, in my opinion, it deals with the same subject. If it deals with the same subject, in my opinion, it would be germane, and on an issue like this, I think the House should decide and not the Speaker.

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

Mrs. BEAULIEU: Mr. Speaker, I raised the issue of germaneness.....

The SPEAKER: The question before this body is the motion to reconsider, made by the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BEAULIEU: Then I will ask for a division.

The SPEAKER: The pending question is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that the House reconsider its action whereby Committee Amendment "A" was adopted. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. Tarbell of Bangor requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: I have looked at the amendment that Mrs. Berube would like to offer and I think the question was raised yesterday in the debate that we had on this bill.....

The SPEAKER: The Chair recognizes the gentleman from New Gloucester, Mr. Cunningham, and would ask for what purpose the gentleman rises.

Mr. CUNNINGHAM: Mr. Speaker, a point or order. I question the merits of debating the amendment before we vote on reconsideration.

The SPEAKER: The Chair would advise the gentleman that the purpose for reconsideration is to offer an amendment; therefore, the gentleman from Orono, Mr. Davies, may proceed on the basis of that question.

The gentleman may proceed.

Mr. DAVIES: Mr. Speaker, I will confine my remarks to debate on the bill itself.

We discussed yesterday, during the debate on this bill, certain questions, and it was the opinion of myself, and I feel the opinion of the majority, since they voted so, that this is a matter that ought to be left to a contract that is negotiated, that matters of this nature ought to be subjected to the collective bargaining process and that matters that will concern this affair should be arrived at by an agreement of both the employees and the employers and that we should not be cluttering up the statutes with provisions that are going to hamstring the right of the collective bargaining process to work as it was designed to work.

So, I am opposed to reconsidering. I think that we ought to move on to vote on the bill itself and if it should be passed, I expect that matters of this nature will be addressed by the bargaining process, and if it is not acceptable to one side, then the matter will not be put into the contract. I would oppose the motion to reconsider.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from Lewiston, Mrs. Berube, that the House reconsider its action whereby Committee Amendment "A" was adopted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brodeur, Brown, A.; Brown, D.; Brown, K. L.; Cahill, Callahan, Carrier, Carroll, Carter, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Ingraham, Jackson, Jordan, Kiesman, Lancaster,

LaPlante, Leighton, Lewis, Locke, MacBride, Martin, H. C.; Masterman, Matthews, McCollier, McKean, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C. W.; Soule, Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth.

NAY—Baker, Beaulieu, Benoit, Boisvert, Boyce, Brannigan, Brennerman, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G. W.; Diamond, J. N.; Erwin, Fitzgerald, Fowlie, Gwadosky, Hall, Hayden, Hickey, Higgins, H. C.; Hobbins, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Laverriere, Lisnik, MacEachern, Macomber, Mahany, Martin, A.; McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Reeves, P.; Richard, Rolde, Soulas, Strout, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, The Speaker.

ABSENT—Hutchings, Livesay, Lund, Manning, Masterton, Smith, C. B.; Weymouth.

Yes, 78; No, 66; Absent, 7.

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

Mrs. Berube of Lewiston offered House Amendment "A" to Committee Amendment "A" (H-156) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I must ask for the indefinite postponement of this amendment.

I believe the intent implied in this amendment is an honorable attempt to resolve an issue that has been past practice in some areas of county government. The major reason, one of the major reasons, for employee unrest deals with issues like this one. I believe the collective bargaining process will, indeed, deal with the issue that is being raised by this amendment. Therefore, I find it inappropriate to add it onto the bill as we know it and I will ask for the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have just had a chance to look at this amendment, it is a very brief one, and I would pose a question through the Chair to the gentlelady from Lewiston, Mrs. Berube, exactly how this would work. Would this set up a personnel office in every county? I just can't visualize exactly how her amendment would work, no matter how well intentioned it is.

The SPEAKER: The gentleman from York, Mr. Rolde, has posed a question through the Chair to the gentlelady from Lewiston, Mrs. Berube, who may respond if she so desires.

The Chair recognizes the gentlewoman from Lewiston, Mrs. Berube.

Mrs. BERUBE: Mr. Speaker and Members of the House: Presently, as you all know, there is enabling legislation and counties are perfectly able, if they would so desire, to set up personnel boards; many have not, unfortunately. Hopefully, the amendment would address the issue of political patronage, and since we want everyone to have the same rights as municipal and state employees, I believe we should also abide by the same rules and that is, do not give out jobs because of political reward.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker, I would like to pose a question to the Chair concerning the germaneness of this amendment. The bill itself deals with Title 26 of the statutes, the amendment deals with Title 30 of the statutes. I ques-

tion whether this would be germane to the bill.

The SPEAKER: In reference to the question posed by the gentleman from Orono, Mr. Davies, on House Amendment "A" to Committee Amendment "A", the Chair would rule that House Amendment "A" to Committee Amendment "A" is not germane. House Amendment "A" deals with Title 30, and the bill that we are presently dealing with deals with the labor issue and therefore is not part of county government per se.

Mr. Cunningham of New Gloucester offered House Amendment "B" to Committee Amendment "A" and move its adoption.

House Amendment "B" to Committee Amendment "A" (H-158) was read by the Clerk.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: What we are trying to do with this amendment to the committee amendment is to remove that onus of mandation from the state level of government to the county level of government. The other day, I presented a bill to a committee which had that onus of mandation whereby the state would mandate to the local level of government, the town government, and I subsequently asked "leave to withdraw" on that bill because there was another bill in before the same committee that would allow the people of the community to vote on acceptance of the same concept that I had submitted in my legislation.

Today, I am following that same kind of thinking, that we need to mandate the county to do something, the county, of course, is a child of the legislature, but I would like to offer this amendment with the thought that we would remove the onus of mandation, we would allow the voters of the county who are paying the bills to vote whether or not they, in their own county, would accept and extend collective bargaining rights to the employees within the county. I ask your favorable consideration of this amendment.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this amendment and I will tell you very quickly why.

Yesterday in this House we debated the collective bargaining bill, and I think if you just draw a line right down the center of this House, you will find out who is for collective bargaining and who is not. In my humble opinion, this is just a weak attempt to attempt to destroy this collective bargaining bill. If you want to extend the premise one step further, as Mr. Cunningham is talking about, getting the state away from, getting the legislation away, dealing with mandatory provisions in our respective counties, and why in good God's faith don't we send our budgets back and let each respective county pass a referendum to do it? We are not here to throw our authority out that we have been elected to, or our obligation we have been elected to do, and let me tell you, if there were collective bargaining, just as these wonderful amendments come up today vote for them if you want to kill collective bargaining or weaken it, but if you want to preserve what came out of that committee that we have before us here today, then I suggest you vote against each and every one of them.

I move the indefinite postponement of this amendment and would request the yeas and nays.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not against collective bargaining and I think there are very few people in the House who are actually against collective bargaining. I am against anything that we make people do. I don't care if it

is putting seat belts in their cars, putting helmets on their heads or making them join a union or making some county belong to this that doesn't want to. I know that there are counties in the state of Maine, there are 16 counties, and I know that some of them don't want to belong to this kind of affair. I am opposed to this thing, making somebody do anything. I suspect there are other people with that same philosophy within this building.

I hope Mr. Cunningham's amendment does pass. I think it is a good amendment and I think it shows a respect for the people that we represent back home, that they do have some intelligence. They can all read and write nowadays. When I first came here to the House there were quite a few in the district that I come from that couldn't, but that is not the case anymore. I have all the confidence in the world that they would act prudently.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: This amendment makes us have an election, a referendum, on the question of collective bargaining. If I have read my people right in the last several years, they are saying, stop having so many referendum elections, stop having so many elections on so many different issues and do your duty, and I think our duty is to kill this particular amendment.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not mandate anything; it does not require anybody to join unions. It is permissive legislation. It allows the people to bargain collectively if they so wish. If they do not wish to bargain collectively, so be it. It is up to them.

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 New Gloucester, Mr. Cunningham.

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that my intent may have been misread by the good gentleman from Bangor that it is a veiled attempt to do away with collective bargaining. I did not present the amendment with that intent at all. I, too, believe we should extend collective bargaining units. But I do feel that the people who are paying the bills should have the opportunity to vote whether or not they would extend that to their employees.

Two years ago, I think I was the only member on this side of the aisle on the Labor Committee who spoke in favor of collective bargaining for county employees, and it seemed at that time the issue was confused with whether or not we would continue county government. It appeared at that time that the people on the other side of the aisle, which was a different view from my particular side was, why give collective bargaining to people if we are going to do away with county government? That may have been what happened a couple of years ago.

Today I think we are biting the issue where it should be bit—we are contending with whether or not the people in the county can have collective bargaining, and I am for extending that to them, but I do feel that the people who are paying the bills, and if it were the people in the town paying the bills, eventually they are going to pay the bills, then they should have the opportunity to vote whether or not they want to include collective bargaining within their town boundaries. I think in the county boundaries it

is the same type of a situation. Therefore, I feel that this amendment improves the bill rather than circumvents the intent of the bill. I certainly did not wish to circumvent the intent of the bill.

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Mr. Speaker and Members of the House: It is a very interesting issue that Mr. Cunningham has brought up to us. However, I would point out that if you look to the municipal level, we have never had referendums in our towns, whether we should have collective bargaining rights for municipal employees, why should we do that for county employees?

We did have a situation where you would have county employees who lived perhaps a mile apart in different counties, one of whom would be able to have collective bargaining rights but another would be denied that right by the voters in his own county. I don't think that is fair.

I think what we are trying to do with this law is to establish some kind of equity in the system of collective bargaining we have in this state. The amendment that Mr. Cunningham has offered is going to take away that equity and is going to put it back right into the political situation we are trying to get it out of, so I would urge you to reject this amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Bangor, Mr. Kelleher, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

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

NAY—Armstrong, Austin, Bell, Bordeaux, Brown, K. L.; Callahan, Carter, Conary, Connors, Cunningham, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L. M.; Holloway, Huber, Hunter, Ingraham, Kiesman, Lancaster, Leighton, Lewis, MacBride, Masterman, Matthews, McCollister, McPherson, Murphy, Nelson, A.; Norton, O'Rourke, Paradis, E.; Perkins, Peterson, Racine, Randall, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Smith, C. W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Wentworth.

ABSENT—Brown, D.; Curtis, Hutchings, Jordan, Livesay, Lund, Manning, Masterton, Post, Small, Smith, C. B.; Weymouth.

Yes, 80; No, 59; Absent, 12.

The SPEAKER: Eighty having voted in the affirmative and fifty-nine in the negative, with twelve being absent, the motion does prevail.

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

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action whereby the Bill was passed to be engrossed and I would urge

this House to vote against my motion.

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

Bill "An Act Relating to the Per Diem and Case Assignments for the State Board of Arbitration and Conciliation" (H. P. 280) (L. D. 310) (C. "A" H-135)

Bill "An Act to Authorize Payment of Over-time Rate for Certain Court Appearances of Municipal Law Enforcement Officers" (H. P. 521) (L. D. 587) (C. "A" H-131)

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

Passed to Be Enacted Emergency Measure

An Act to Require Primary Suppliers to Report Deliveries of Petroleum Products to the Office of Energy Resources (H. P. 659) (L. D. 762) (C. "A" H-117)

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. 110 voted in favor of same and 18 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Enable Eastern Maine Medical Center to File Articles of Incorporation under the Maine Nonprofit Corporation Act (H. P. 650) (L. D. 755) (C. "A" H-113)

Was reported by the Committee on Engrossed 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. 128 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.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1981 (H. P. 1213) (L. D. 1381)

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. 134 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 to Repeal the Law Providing Reimbursement for Travel Involved in Criminal Cases (S. P. 240) (L. D. 695)

An Act Concerning Retirement and Benefits for State Employees Returning to Work After Attaining the Age of 60 (S. P. 299) (L. D. 843) (S. "A" S-69)

An Act Concerning the Interest Charge on Outstanding Counting Taxes (H. P. 471) (L. D. 524) (S. "A" S-56 to C "A" H-102)

An Act to Provide for a Transition before the Attorney General takes Office (H. P. 607) (L. D. 684)

An Act to Clarify and Make Consistent Appeal Procedures in the Employment Security Law (H. P. 638) (L. D. 728) (C. "A" H-119)

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.

Orders of the Day

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

HOUSE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (H-

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 27 by Representative Hall of Sangerville.

Pending—Acceptance of the Committee Report.

Thereupon, the Report was accepted and the Bill read once.

Committee Amendment "A" (H-126) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mrs. Huber.

Mrs. HUBER: Mr. Speaker, Members of the House: I am having an amendment prepared to Committee Amendment "A" and would hope that someone would table this for one day.

On motion of Mr. Higgins of Scarborough, tabled pending adoption of Committee Amendment "A" and tomorrow assigned.

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

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

Tabled—March 30 by Representative Prescott of Hampden.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

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

Ought Not to Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Appropriate Funds to the Department of Mental Health and Corrections for the Fiscal Year Ending June 30, 1981 for Programs which were Covered under Declining Federal Grants" (Emergency) (S. P. 117) (L. D. 284)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Appropriating \$5,000 for the Caribou High School to Represent Maine in the Cherry Blossom Festival" (S. P. 215) (L. D. 580)

Pursuant to Joint Rule 22, these matters were placed in the Legislative Files in concurrence without further legislative action.

Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds for Maintenance of the Dead River Dam" (S. P. 275) (L. D. 784)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Require Teacher Evaluation by Persons Outside the School Administrative District" (S. P. 50) (L. D. 59)

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act Clarifying the Authority of School Administrative District No. 62, Pownal, to Employ its Own Superintendent of Schools and Supervising Principal" (S. P. 237) (L. D. 655)

Came from the Senate with the Reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Special Sentiment Calendar

Recognizing:

the captain and crew of Her Majesty's Canadian Ship Annapolis, a helicopter destroyer escort, which is on an official visit to Maine and on display in Portland from April 3rd to April 6, 1981; (S. P. 541)

Harold F. Porter, of Madison, for his years of leadership and outstanding contribution toward

the socioeconomic advancement of the community; (S. P. 540)

There being no objections, these expressions of Legislative Sentiment were passed in concurrence.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Consent Calendar

First Day

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

(H. P. 860) (L. D. 1023) Bill "An Act to Provide for Payment of Interest to the Taxpayer on the Amounts Over-collected by Taxes"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-153)

(H. P. 996) (L. D. 1184) Bill "An Act to Allow for the State's Collection of Aircraft Excise Taxes and to Reimburse these Funds"—Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-154)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 1, under listing of Second Day.

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Non-Concurrent Matter

Bill "An Act to Provide Group Medical Health Care Insurance Benefits to Judicial Employees" (H. P. 1234) (L. D. 1459) which was referred to the Committee on Judiciary in the House on March 24, 1981.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

In the House: The House voted to recede and concur.

Enactor

Tabled and Assigned

An Act to Provide a One-time Property Tax Exemption for Disabled Veterans, World War I Veterans and Persons Claiming from World War I Veterans (H. P. 1289) (L. D. 1483)

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

On motion of Mr. Kane of South Portland, tabled pending passage to be enacted and tomorrow assigned.

The following papers from the Senate appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Ought to Pass as Amended

Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-77) on Bill "An Act to Remove Certain Time Restrictions Exempting Tax on Sales, Storage or Use of Certain Food Products for Human Consumption" (S.P. 105) (L.D. 235)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-77)

In the House, the Report was read and accepted in concurrence and the Bill read once. Committee Amendment "A" (S-77) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

On motion of Representative Mitchell of Vassalboro the following Joint Resolution: (H.P. 1304) (Cosponsors: Representative Higgins of Scarborough and Senators Conley of Cumberland and Collins of Knox)

JOINT RESOLUTION IN SYMPATHY TO PRESIDENT RONALD W. REAGAN

AND TO OTHERS INVOLVED IN AN ATTEMPTED PRESIDENTIAL ASSASSINATION

Whereas, the President of the United States and three others were critically injured in a blaze of gunfire on March 30, 1981 at the Washington Hilton Hotel, Washington, D.C.; and

Whereas, Members of the Legislature were shocked by the news as details of this incident were slowly revealed; and

Whereas, an anxious State and Nation await the outcome of this tragic attempted assassination; and

Whereas, the citizens of Maine are joining people from all over the world in prayers for their survival; now, therefore, be it

Resolved, that We, the Members of the 110th Legislature of the State of Maine, pause to express our deepest sympathy to:

President Ronald W. Reagan
Press Secretary James S. Brady
Policeman Thomas Delahanty
Secret Service Agent Timothy J. McCarthy
who are each fighting for life following surgery; and be it further

Resolved, that our hearts and prayers shall faithfully remain with each of them during this difficult period; and be it further

Resolved, that the Secretary of State transmit copies of this resolution forthwith in token of the sentiment contained herein.

Under suspension of the rules, the Joint Resolution was read.

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: If anything could unite 184 different men and women, it is the spirit of the goodwill and best wishes to the President and the wounded men that they recover from this senseless shooting. I think the President has been an inspiration to all of us with his courage and his wit in this very difficult time and never once have the people been led to be afraid that the nation is not in control.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think the good gentleness from Vassalboro has probably hit the tenor of the mood of the country very well in her remarks preceding mine. I was heartened, I guess, to feel that she would take the opportunity to place an Order such as this in front of us, and I guess I would like to make note of the tragic events that took place in Washington yesterday afternoon myself.

To me, it brought back memories of 1963, when we all first learned of the assassination of John Kennedy. I guess I felt at that point in time, almost 20 years ago, the same as I do now, that someone had mounted an attack on our national person. Somehow each one of us feels a little ashamed that this could happen here in these United States and yet, at the same time, we realize that it is nothing exceptionally out of the ordinary in other countries around the world, but somehow, that doesn't make it any easier to accept. None of us here, no matter what our political philosophy, would condone this kind of activity. It is totally unjustifiable, no matter how much one might disagree in principle with the man, whoever he might be in office.

Our government is not necessarily one of people but rather our country was founded on a solid Constitution and it was heartening to see how our leaders began to perform that transition, if one had been necessary. However, that doesn't lessen the shock, the outrage and the disgust that we, as Americans, feel today over the contemptuous action taken by one person yesterday that has offended our American person.

I know our wishes and prayers go out to the families of those individuals who were involved, that are even in more serious condition than the President himself.

(The members of the House stood in a moment of silence to express their respect).
Thereupon, the Joint Resolution was adopted and sent up for concurrence.

(Off Record Remarks)

On motion of Mrs. Mitchell of Vassalboro.
Adjourned until ten o'clock tomorrow morning.