

# 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**

Wednesday, April 1, 1981

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

Prayer by Father Christian Roy of St. Ignatius Catholic Church, Sanford.

The journal of yesterday was read and approved.

The fifth tabled and today assigned matter was taken up out of order by unanimous consent:

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 (Emergency) (H. P. 1289) (L. D. 1483)

Tabled—March 31 by Representative Kane of South Portland.

Pending—Passage to be Enacted.

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

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

House Amendment "A" (H-159) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: What this amendment does is clarify the reimbursement section to municipalities to make it very clear that the state is responsible for reimbursing municipalities only for those new exemptions which we are creating under passage of this bill. What that means is for those property tax exemptions which people who were not residents of the State of Maine at the time they went into the service will now be able to get.

We are also adding the appropriation, which is \$36,000, for a one-year time period.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

**Papers from the Senate**

Bill "An Act Concerning the Maine Land Use Regulation Commission" (S. P. 539) (L. D. 1498)

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

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

Bill "An Act to Reorganize the Government of Aroostook County" (Emergency) (S. P. 533) (L. D. 1494)

Came from the Senate referred to the Committee on Local and County Government and Ordered Printed.

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

Bill "An Act to Provide a Tax Exemption for the First \$3,000 of Savings for Individuals who Invest the Money in a Housing Development Account" (S. P. 538) (L. D. 1497)

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

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

**Reports of Committees****Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Authorize Special Development Districts" (S. P. 388) (L. D. 1146)

Came from the Senate with the Report read and accepted.

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

**Divided Report Indefinitely Postponed**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Abolish the State Lottery" (S. P. 99) (L. D. 214)

Report was signed by the following members:

Senators:

VIOLETTE of Aroostook

CHARETTE of Androscoggin

— of the Senate.

Representatives:

STUDLEY of Berwick

PERRY of Mexico

SOULAS of Bangor

COX of Brewer

GWADOSKY of Fairfield

SWAZEY of Bucksport

McSWEENEY of Old Orchard Beach

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-83) on same Bill.

Report was signed by the following members:

Senator:

SHUTE of Waldo

— of the Senate.

Representatives:

TREADWELL of Veazie

STOVER of West Bath

DUDLEY of Enfield

— of the House.

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

In the House: Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed in concurrence.

Whereupon, Mr. Higgins of Scarborough requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting.

All those desiring a roll call vote will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: I was one of those who signed the Minority "Ought to Pass" Report.

As you know, some years ago the State of Maine, by referendum, voted to establish a lottery commission and put the State of Maine in the gambling business. I feel the State of Maine at that time was sold a bill of goods. The people were told that if they passed this bill, established a lottery, billions of dollars would be generated to the General Fund, which would alleviate the problems of raising money through taxation. This has never happened, as we all know. In fact, it is less than a million dollars that it generated this past year.

Also, the lottery commission and its director have been under fire almost since it has been created. They have been accused of everything from poor taste to inept management.

We all know that gambling is a weakness with a lot of people. It doesn't seem to me that the State of Maine should be exploiting that weakness.

All this bill does is ask the people of the State of Maine to go back in their collective wisdom and have another chance to objectively look at what they have done and see if they do or do not want to continue this lottery commission.

I would urge you to vote against the pending motion before the House and then go along with

the Minority "Ought to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that this Bill and all its accompanying papers be indefinitely postponed in concurrence. All those in favor will vote yes; those opposed will vote no.

**ROLL CALL**

YEA — Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Damren, Davis, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Fowlie, Gillis, Gwadosky, Hall, Hanson, Hickey, Hobbins, Huber, Hutchings, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Lewis, Lisnik, Livesay, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Masterman, McGowan, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, Paul, Pearson, Perkins, Perry, Peterson, Post, Pouliot, Prescott, Racine, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salisbury, Sherburne, Soulas, Soule, Stevenson, Studley, Swazey, Telow, Theriault, Thompson, Tuttle, Twitchell, Vose, Webster, Wentworth.

NAY — Connors, Curtis, Day, Dexter, Dudley, Foster, Gavett, Gowen, Higgins, L.M.; Holloway, Hunter, Ingraham, Jackson, Jordan, Leighton, Locke, Lund, MacBride, Matthews, McHenry, Michael, Mitchell, J.; Nelson, A.; O'Rourke, Paradis, E.; Paradis, P.; Randall, Small, Smith, C.W.; Stover, Strout, Tarbell, Treadwell, Walker, The Speaker.

ABSENT — Brown, A.; Conary, Davies, Hayden, Higgins, H.C.; Manning, Masterton, McCollister, Smith, C.B.; Weymouth.

Yes, 106; No, 35; Absent, 10.

The SPEAKER: One hundred six having voted in the affirmative and thirty-five in the negative, with ten being absent, the motion does prevail.

**Non-Concurrent Matter**

Bill "An Act to Diversify Maine's Participation in the Eastern States Exposition" (H. P. 1254) (L. D. 1478) which was referred to the Committee on State Government in the House on March 25, 1981.

Came from the Senate referred to the Committee on Agriculture in non-concurrence.

In the House: On motion of Mr. Mahany of Easton, the House voted to recede and concur.

**Petitions, Bills and Resolves****Requiring Reference**

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

**Judiciary**

Bill "An Act to Create a Board of Review of the Judiciary" (H. P. 1306) (Presented by Representative Reeves of Pittston)

(Ordered Printed)

Sent up for concurrence.

**Taxation**

Bill "An Act Concerning Homestead Tax Relief" (H. P. 1307) (Presented by Representative Murphy of Kennebunk) (Cosponsors: Representatives Hanson of Kennebunkport and Post of Owl's Head and Senator Pierce of Kennebunk)

(Ordered Printed)

Sent up for concurrence.

**Orders**

On motion of Representative Martin of Eagle Lake, the following Joint Resolution: (H. P. 1305) (Cosponsors: Representative Beaulieu of Portland and Senators Sewall of Penobscot and Sewall of Lincoln)

# JOINT RESOLUTION IN RECOGNITION OF THE CENTENNIAL YEAR OF AMERICAN LABOR

WHEREAS, 1981 is the centennial year of American labor, the celebration of the century which had the founding in 1881 of the Federation of Organized Trades and Labor Unions; in 1886, the American Federation of Labor; in 1904, the Maine State Federation of Labor; in 1938, the Congress of Industrial Organizations; in 1955, the American Federation of Labor — Congress of Industrial Organizations; and in 1956, the Maine AFL-CIO; and

WHEREAS, the history of the American labor movement is the story of the dreams of the American people, the forces which moved them to act to make those dreams come true, their struggles and setbacks and the eventual victories for social justice that are labor's lasting legacy to the future; and

WHEREAS, labor's centennial motto, "A Century of Achievement, a Challenge for the Future," commits each generation of trade union people to build on the heritage of the past but at the same time to resist the temptation to follow the easy path of merely repeating old dogma and to rededication to the sound principle of harnessing democratic tradition and trade union heritage with the necessity of reaching out for new and better ways to serve all working people and the entire nation; and

WHEREAS, Samuel Gompers's real response, which continues to express labor's aspirations, to the question, "What does labor want?" was not merely "more," but instead: ".....What does labor want? It wants the earth and the fullness thereof. There is nothing too beautiful, too lofty, too ennobling unless it is within the scope and comprehension of labor's aspirations and wants...We want more school houses and less jails; more books and less arsenals; more learning and less vice; more constant work and less crime; more leisure and less greed; more justice and less revenge; in fact, more of the opportunities to cultivate our better natures...."; and

WHEREAS, the AFL-CIO and its affiliate the Maine AFL-CIO, acts as the "people's lobby" in the United States Congress and in the Maine Legislature; now, therefore, be it

RESOLVED: That we, the members of the 110th Legislature join with the men and women of American unions in commemorating this century of American Labor and that it recognizes the role of the Maine AFL-CIO in its endeavors to better the human condition of all Maine workers; and be it further

RESOLVED: That suitable copies of this resolution be prepared and transmitted forthwith by the Secretary of State to the national and state offices of the AFL-CIO.

Under suspension of the rules, the Resolution was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

ORDERED, that Representative Peter J. Manning of Portland be excused March 30 through the duration of his illness.

## Ought to Pass

### Pursuant to Joint Order H. P. 264

Representative Roberts from the Committee on Local and County Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1981 (Emergency) (H. P. 1308) (L. D. 1510) reporting "Ought to Pass" — pursuant to Joint Order H. P. 264)

Report was read and accepted, the Bill read once and assigned for second reading, Thursday, April 2.

## Divided Report Tabled and Assigned

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act Relating to Furloughs for Inmates of County Jails" (H. P. 872) (L. D. 1041)

Report was signed by the following members:

Senators:

GILL of Cumberland  
BUSTIN of Kennebec

— of the Senate.

Representatives:

PRESCOTT of Hampden  
BRODEUR of Auburn  
MANNING of Portland  
RICHARD of Madison  
MacBRIDE of Presque Isle  
BOYCE of Auburn  
HOLLOWAY of Edgcomb  
RANDALL of East Machias  
KETOVER of Portland

— of the House.

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

Report was signed by the following members:

Senator:

HICHENS of York

— of the Senate.

Representative:

McCOLLISTER of Canton

— of the House.

Reports were read.

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

Mrs. PRESCOTT: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

On motion of Mr. Carrier of Westbrook, tabled pending the motion of Mrs. Prescott of Hampden to accept the Majority Report and tomorrow assigned.

## Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-152) on Bill "An Act to Amend the Eating, Lodging and Recreational Place Licensing Law" (H. P. 62) (L. D. 74)

Report was signed by the following members:

Senator:

BUSTIN of Kennebec

— of the Senate.

Representatives:

RICHARD of Madison  
BRODEUR of Auburn  
PRESCOTT of Hampden  
BOYCE of Auburn  
McCOLLISTER of Canton  
MANNING of Portland

— of the House.

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

Report was signed by the following members:

Senators:

GILL of Cumberland  
HICHENS of York

— of the Senate.

Representatives:

HOLLOWAY of Edgcomb  
RANDALL of East Machias  
MacBRIDE of Presque Isle

— of the House.

Reports were read.

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

Mrs. PRESCOTT: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

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

Mrs. MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the "ought to pass" report but will sup-

port the "ought not to pass" report.

We spent perhaps more time on this bill in committee than we have any other bill so far this year because we really wanted a good bill to come out of the committee, and the committee did work together and they worked hard on this. We had several subcommittees working on amendments and we worked with the Department of Human Services, with the Maine Restaurant Association and with the Maine Innkeepers. In spite of all that, for some reason we could not seem to produce a bill that was satisfactory to everyone.

The present amendment finally came out of committee. It really is a case of the Department of Human Services versus the Maine Restaurant Association and the Maine Innkeepers. There are about 250 members in the Maine Restaurant Association and about 350 members in the Maine Innkeepers Association. They feel this amendment would be detrimental to their industry, since we have many seasonal businesses.

The problem really arises over that part of the amendment where the department would be able to refuse to issue an initial license. They fear an inspector who got up on the wrong side of the bed some morning might refuse the license for a minor infringement, and since many are seasonal, this could be a great hindrance to them. I support that position.

I hope you will vote against the motion on the floor and request a roll call when the vote is taken.

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

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with the majority of the committee on this report. I think some of the things that Mrs. MacBride has discussed with you this morning have been thoroughly discussed in the committee and the committee's majority feels that we ought to have a bill.

The two things that the department was requesting of the committee was, number one, they wanted permission to group the licenses quarterly. By doing this, they could save a lot of money by not having to issue the license at the time that the license was requested. Secondly, they wanted to clarify the right to deny a license.

Now, what the bill will do is simply say that the department must issue a license within 30 days if all of the rules and regulations are complied with. This is the same as we have right now under existing law.

It also is saying that we may refuse an initial license if they do not comply with the rules and regulations. This is what concerned Mrs. MacBride and also what concerned members of the committee. The department's attorneys think that we need to clarify the fact that initial license can be refused. There is some confusion over whether or not it can be, and the intent of this bill was to clarify that point so there was no longer any confusion.

The question about whether or not we may issue a conditional license up to one year, I would like to clarify that because presently a conditional license can be issued for 90 days, but at the end of the 90 days, another conditional license can be issued, and this can go on and on and on, and the department has no authority to avoid a license where there are deficiencies that could affect the health and safety of persons, and this is one of the main reasons for the bill.

I hope you will support the majority 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 pending question is on the motion of Mrs. Prescott of Hampden that the Majority "Ought to Pass" Report be accepted.

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

Mr. BOYCE: Mr. Speaker, I would like to pair my vote with Representative Conary of Oakland. If he were here, he would be voting nay and I would be voting yea.

#### ROLL CALL

YEA—Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Bordeur, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Erwin, Fitzgerald, Fowle, Gowen, Gwadnosky, Hall, Hickey, Hobbins, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Martin, H.C.; McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nadeau, Nelson, M.; Norton, Paradis, P.; Pearson, Perry, Post, Pouliot, Prescott, Racine, Reeves, P.; Richard, Roberts, Rolde, Soulas, Soule, Stevenson, Theriault, Thompson, Twitchell, Vose, Webster, The Speaker.

NAY—Aloupis, Armstrong, Austin, Bell, Berube, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Calahan, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Lancaster, Leighton, Lewis, Livesay, Lund, MacBride, Martin, A.; Masterman, Matthews, McKean, McPherson, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Paul, Perkins, Peterson, Randall, Reeves, J.; Ridley, Salsbury, Sherburne, Small, Smith, C.W.; Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Tuttle, Walker, Wentworth. ABSENT—Brown, A.; Hayden, Higgins, H.C.; Manning, Masterton, McCollister, Smith, C. B.; Weymouth.

PAIRED—Boyce-Conary:

Yes, 73; No, 68; Absent, 8; Paired 2.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-152) 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. 589) (L. D. 667) Bill "An Act Relating to the Marking of Glassware" — Committee on Agriculture reporting "Ought to Pass"

(H. P. 281) (L. D. 311) Bill "An Act to Permit the Workers' Compensation Commission to Grant a Rehearing on the Ground of Newly Discovered Evidence" — Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-160)

(S. P. 235) (L. D. 653) Bill "An Act to Amend the Social Worker Registration Act with Respect to Employment by Nursing Homes and to Foster Coordination with State and Federal Regulations Governing Required Social Service in Nursing Homes" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-79)

(S. P. 254) (L. D. 723) Bill "An Act to Revise the Charter of the Richmond Utilities District" — Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-78)

No objections being noted, the above items were ordered to appear on the Consent Calendar of April 2, under listing of Second Day.

#### Consent Calendar

##### Second Day

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

(H. P. 667) (L. D. 771) Bill "An Act to Provide the Employment Security Commission Flexibility in Handling Administrative Appeals" (C. "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" (C. "A" H-151)

(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" (C. "A" H-154)

(H. P. 860) (L. D. 1023) Bill "An Act to Provide for Payment of Interest to the Tax-payer on the Amounts Over-collected by Taxes" (C. "A" H-153)

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.

#### Passed to be Engrossed

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

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

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

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: As you may recall, yesterday I had this item set aside and I had the committee amendment indefinitely postponed. The reason why we had to do that was that the committee, in its deliberations, had added an amendment to the bill but when it came up to be printed, unfortunately the wrong amendment got printed and left the impression that we were doing something we had not intended. So I killed the committee amendment and I would like to offer today House Amendment "A".

Thereupon, Mr. Davies of Orono offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-155) was read by the Clerk and adopted.

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

#### Amended Bills

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

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

Bill "An Act Concerning the Use of Force to Protect Property" (H. P. 143) (L. D. 169) (C. "A" H-145)

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

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I would move the indefinite postponement of this Bill and all its accompanying papers.

The SPEAKER: The gentleman from South Portland, Ms. Benoit, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentleman may proceed.

The gentleman may proceed.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I realize that yesterday emotions were running very high, and for good reason. I hope that we can take a closer and more rational look at this bill today. I really hope that you will listen so that you will understand very clearly what the current law is in regard to deadly force.

Deadly force is physical force which a person uses with the intent of causing or which he knows to create a substantial risk of causing death or serious bodily injury. Deadly force is currently permitted to prevent arson, to prevent or terminate criminal trespass by someone who (a) tries to enter a dwelling place, a place adapted for overnight accommodations of persons and is committing or likely to commit another crime inside the dwelling, and after a demand to leave, unless force was used to gain entry or the demand is useless or dangerous or there is danger of immediate harm before the demand can be made, also when he reasonably believes it is necessary and the other person is about to use deadly force against himself or a third person, or committing or about to commit against anyone committing robbery, rape, or any sexual acts by force, or threat of death, serious bodily harm or kidnapping. The threat can be against anyone.

There is a philosophical basis for an argument against this bill, there is a balance that must be struck between defending life and protecting property. Until today, or yesterday, this balance has been struck in favor of life over property. It has been expressed in many different ways. According to the comments in the Maine Criminal Code, human life is to be preserved where possible. Also in the Maine Criminal Code — deadly force is a last resort. And from a court case — the law is well settled that an assault with intent to kill cannot be justified for the defense of property.

Time and time again the legislature, the courts and the people have chosen life to be more valuable than property. Until yesterday, we have stated as a matter of public policy of the State of Maine that a human life is the most precious thing on earth and is worth more than perhaps a \$200 bicycle that might have been stolen from your yard.

Now we are being asked to reconsider that basic premise which has guided civilized man in his quest for truth and justice.

Our current laws authorize the use of deadly force when someone is being faced with death or serious harm, or in some instances where the danger and threat of harm is great, or when a dwelling place or place where people live is threatened. A person should be secure in their home. Even the requirement that a person retreat before killing someone else is not applicable anymore if that person is in his home.

This bill would allow the use of deadly force in a myriad of situations concerning the mere protection of property. For example, deadly force could be used to prevent someone from tampering at night with the property of a supplier of water or transportation or telephone services, if there is a chance that service to the public will be interrupted. Keep in mind that deadly force would not be permitted for the same crime being committed during the day.

If there is a problem with a specific act or crime, if someone's life is in danger and he cannot defend himself, then let us attack that specific problem, but this bill does not allude to any inadequacy in our legal system; it merely appeals to our basic instincts of vigilante law and turns our streets and our yards into a shooting gallery for private citizens.

Where is the need for this legislation? What could possibly justify the legislative stamp of approval, indeed, the legislative blessing on allowing any citizen to shoot someone else to recover a stolen bicycle?

I think there are also problems with this Bill.

Even if there are areas which should be examined to possibly expand the authorization to use deadly force, this bill is not the vehicle to accomplish that purpose. A subject this serious deserves much more study. It is fraught with many problems. Its language is so broad, the conduct, which no one in this chamber has even considered, can give rise to the legal use of deadly force. This bill is used as a cannon to shoot a fly.

The standards and criteria in this bill are vague and inadequate. To use deadly force to prevent a thief in the nighttime from fleeing and escaping with your bicycle, you must, and I quote, "reasonably believe that the property cannot be recovered by any other means." Does this mean that you must believe the person will not be caught? And if caught, will not be prosecuted? And if prosecuted, will not be convicted? And if prosecuted and convicted, will have sold or destroyed the bicycle and it cannot be recovered?

I must also seriously question the constitutionality of this entire bill. The Constitution of Maine provides a right to protect property and defend life. When a property right and a right to life conflict, can the Maine Legislature enact legislation favoring the property over a person's life without violating the Constitution? I seriously doubt if our highest courts would rule that the Constitution allows the protection of property in the circumstances permitted by this bill to justify the use of deadly force.

In conclusion, our current law is adequate. This law is a denial of our claim to be a civilized nation. I urge you to vote in favor of the indefinite postponement of this bill.

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

Mr. DUDLEY: Mr. Speaker and Members of the House: I think we showed very good judgment yesterday when we voted to pass this bill.

I appreciate the young lady reading the bill for those who can't read in the House this morning. She asked a question, where is the need for this bill? Well, let me tell you, the need for this bill is in the district I come from, that is one of the places where the need is, and the need is for the deterrent, not necessarily for the shooting, killing of human beings, but we need something on the books that is a deterrent. The bill itself is a deterrent, and if you will look at the crime rate, it has been increasing each year; those of us in this House that would like to do something to turn this tide in the opposite direction, we would like to try it for a couple of years. If there are too many people slaughtered from stealing pumpkins, I would certainly be one to change it, but it is my opinion that this won't happen, that this law will turn out to be a deterrent and may turn the tide in the opposite direction from what is going on with crime in the State of Maine.

I do hope that you will vote the same as you did yesterday and not indefinitely postpone this bill. You showed very good judgment yesterday.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I heard coming over here this morning on the radio that Mr. Hobbs says that we were emotional yesterday on account of what happened, and I heard Ms. Benoit say the same thing. I know I am a very emotional person, but my vote for this bill had nothing to do with it. I had my mind made up long before this occurred with the President.

I live alone. Months after my husband passed away, I had a light on at night for protection. Yesterday afternoon, after I got home, I found two boys between 10 and 12 years old with BB guns in my backyard shooting at my birds. I had to tell them three times to go away before I told them I would call the police. That is the kind of stuff we have to deal with. At 10 and 12, how do they happen to have a BB gun?

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: Very briefly. We had a good vote on this bill yesterday, it was debated well. I don't really believe anybody here was that emotional yesterday on the bill. At this point in time, I would like to ask you to vote against the motion that is on the floor and get it on over to the other body.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: Once in a while a good bill comes through this body. Today, this is one of them. I hope you vote against the indefinite postponement.

On my job up there, I came out one night, it was on a Sunday—I have to work seven days a week, I am self employed—and there were two fellows there about the size of my friend from Waterville, Mr. Jacques, and they were cutting small ash trees along the road which I had left, I selective cut. I asked them to cease and desist, and they asked me what I was going to do about it. Well, I am not in too good shape now, a few years ago I wouldn't have had any trouble. I went back to my pickup and I grabbed my pulp hook and I said, I am going to pile you boys right here. So, I guess I was using deadly force and breaking the law. I am quite sure that I was.

Three years ago, I had ten cord of dry wood all piled up so my wife wouldn't have to burn green wood with snow on it while I was down here to Augusta. They proceeded to steal it and I was quite disturbed all winter long. I couldn't seem to stop it, so I passed the word that I had a 270 with a scope on it and knew how to use it. Until then, it didn't slow down any.

I hope you people will vote against indefinite postponement.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe many votes will be changed here today. I spoke a few minutes on this the other day and I have a few points to make.

You know, when I was a young fellow and they had capital punishment, I had a deadly fear that I would accidentally shoot somebody or hurt somebody and be put into the electric chair, and we have been pacifists ever since we have removed the law. It is unfortunate, but nobody has any fear anymore.

I think this bill is to give notice to people that they should be a little careful about what they do because they might be hurt. Nobody wants to shoot anybody. I have been under fire and I have been in the Army and I have been overseas, and even there you hesitate. Let me tell you, it is something you're very careful about.

I have an alarm system in my house and by accident this summer it went off because I came back from a trip, and within five minutes I had a policeman there. I don't need this law, certainly many of you people in the city don't need it, but the fellow that is out in an area where a sheriff covers 50 or 100 miles, he needs some protection, and he needs the threat. This is all we are asking for, a threat. If you come onto my property or enter my home, I have an authority to take care of it myself, so please vote against this.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I listened very attentively where my good friend, the young lady from South Portland made this motion to destroy the people's bill. I listened so attentively, even when she said about the fly being shot by the cannon, I wanted to grasp the last lines because I felt they were going to be "April Fool." I thought that was what that speech was about.

This is a good bill, and I have only got a few remarks to say about it. They are talking about

justice, the good things—I respect justice. That was my background, the field of justice for everybody equally. Yes, I studied at one time Greek Mythology about the Goddess of Justice. You know, she holds that scale out there to keep it in balance and she is blindfolded. Her real name was Astra and, you know, she fled up to Mt. Olympus never again to be seen, this was in the stone age, because crime in her world was so bad she removed herself from the world. Yes, today we want to keep that balance.

About this bill not being constitutional, you know there are people who read the Constitution, they pick out what they want in there. They pick out our rights for us, but always bear in mind that our forefathers didn't know what was best for us but they did tell us that as a right we have the pursuit of happiness. We could do our thing as long as we didn't bother others. Yes, we love our land, but the way this thing is going today out there in that world, your only land will be those potted plants in the den.

Let's give the people a way to breathe free. Let's shift the balance. Is it us or is it them? Is this state going to be run by this body or by the novelty kings? It is your decision. Don't let them run your lives, don't let them run the lives of your parents out there. I have an 88 year old mother living in Portland, I don't think she has slept very good at night. My brother's house across the street was dynamited several years ago; my mother lives in fear because of that.

Yes, the decision here today is clear—are we going to run this state or are the novelty kings going to run this State? There are a lot of them on the outside now, and I urge you to vote against the indefinite postponement of this bill. Let's get on with the business.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I hadn't planned on getting up on this bill, I am not a member of the Judiciary Committee, I am not a lawyer and this really isn't my field, but I do have some common sense, I think, and I don't want Representative Benoit to have to stand alone on this bill.

This bill scares me, and while I sympathize and I realize the problems that it is trying to address, I have read the bill, I have read the amendment, and it doesn't do what it is intended to do.

A number of people have gotten up this morning and spoken on giving examples of problems that they feel should be corrected. They should be corrected, but certainly not by permitting deadly force to be used to correct them. If somebody walks into my yard at night, should this bill be law, I would have the right to shoot them if I warned them and told them to get out and they didn't leave.

The example Representative Martin from Brunswick gave was an example of how this bill could be implemented. Those could be children out there. I remember going into yards myself taking a look at pumpkins on Halloween and contemplating stealing them. I can't imagine if somebody had shot at me, you know, hopefully I would be able to escape. I can't imagine that we would want to risk that or to allow a law to be put on our books which would allow something like that.

Stealing wood, such as Representative Dexter mentioned, is that the type of crime that warrants shooting somebody, shooting to kill somebody or using some other deadly force? Certainly the spanking he talked about I don't see as deadly force, but we are not talking about spankings, we are talking about using a weapon of some sort to prevent such a thing.

The examples Representative Benoit used, such as the stealing of a bicycle, are perfect examples of the holes in this bill. I can't believe that we would seriously allow this bill to pass here and go down to the other body and risk al-

lowing them to pass it too.

I would urge you to consider what Representative Benoit has said about this bill, take it into consideration, think of yourselves and the positions that some people might find themselves driving a car without headlights down a road because of a power failure, such as was mentioned yesterday, put the children in the positions that have been mentioned already, and think about it. Do you want somebody to use deadly force against your children or against yourself, especially when the purpose of doing so is totally up to the judgment of the person holding the rifle?

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: And John over there—I don't own a gun, I am petrified of guns. I have never had one in my house, I wouldn't even let my children have one. I don't even have a baseball bat like my sister has at her front door if anybody comes. Don't tell me I was going to shoot a child, I can't even shoot a bird. I can't even shoot a cat, I can't even swat a fly.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I am going to speak very briefly because this debate has gone on quite long yesterday as well as today.

In looking at the Committee Amendment, it sets up several categories of crimes for which you could use deadly force to protect your property. Burglary is one category; robbery is another. Those are pretty serious crimes, but then you have theft by unauthorized taking in the nighttime; you have aggravated criminal mischief, which is defined in our Criminal Code as property of \$1,000 in value or more, but then also you have just plain simple mischief in the nighttime. Criminal mischief is defined in our Criminal Code basically as involving any property, regardless of its value, and if you or me or any other citizen of Maine, if this bill were to pass, in the nighttime caught somebody tampering with any property that belonged to them, and I mean just literally tampering with it in any way and believe that they need to protect that property immediately, and they reasonably believed in their own mind they could use deadly force, then they can use it.

Burglary and robbery are very serious crimes. Under our Criminal Code, they are felonies, they are indictable crimes, but criminal mischief, is not. There may be some aspects of this bill, the more aggravated types of crime and theft, property crimes, that might warrant, particularly in our rural areas of this state, the use in some circumstances of deadly force to protect property but certainly not for simple criminal mischief.

I don't think I can go along with this measure. This bill has been brought into the House every year for the last several years. This is the best draft that it has ever been presented in. I will grant you that, this is the best form, they have put more work and more time into this bill than ever before and this is the best bill we have ever seen; yet, I still think it goes a little too far with some of the lower class simple thefts and property crimes.

I can't support it in its current posture. I might be able to support it if we amended it and only kept in the more serious aggravated crimes like murder and robbery, and if anyone wants to work on that and they want to table it and bring it back for second reading, you can but this goes too far for us, I think.

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

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I am older than many of you and younger than some of you. I live in a rural area and I have loved it and enjoyed it very much. I have five children that live there. My grandfather is buried there and my father's

family is buried in the cemetery just a short way from where we live and my grandchildren are running freely over the fields.

Everytime I see a bill come through like this, it scares the daylight out of me. The first bright statement I have heard anyone say is from the gentleman down in the corner. This is a bad bill. Think what you are doing, folks. I know because I have had experiences in this way, when I nearly attempted to shoot a guy because he came on my lawn one night. By the grace of God, I didn't. I don't want to live through this anymore.

What you are doing here today, the law is already available for it. What we might need to do is beef up our police force and the law courts, but you don't do it this way by putting another foolish bill like this on the books. Just think about it folks and remember what you are doing.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I live in the real world as far as I am concerned. Our young people today and the criminally minded people do not care, they know that they are protected. They are protected by the law more than the victims and that is why we want a bill like this.

A bill like this would deter them. He will say, hey, look, am I going to take a chance and steal this man's property, the guy might be a fool and shoot me? No, he won't. Today, yes he will, he has nothing to lose at all.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Stevenson.

Mr. STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: I submit that the major portion of the State of Maine is still rural. I represent 12 rural towns; not one of them has a police force. Most of the arguments that I have heard against this bill come from people who live in an urban area. I dare say that if there is someone around their property or tampering with some of their property, the first thing they would do is go to the phone and call the police. Many of us don't have that chance. We have to resort to other means.

I am very much in favor of this bill as it has been presented.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add to the remarks of the gentleman from Bangor, Mr. Diamond. His remarks implied that this bill required a warning. According to my reading of the bill, there is no such thing in it. I think if the young larcenist, John Diamond, had decided to make off with that pumpkin, the owner of that property could have taken him out without any warning at all.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: We hear everyone threatening with a gun. I know a little old lady who carries a hat pin and this is considered a dangerous weapon. I know that she comes to her door with a hat pin in her hand. She is 80 years old she lives alone. This is also deadly force. Let's stop talking about guns, not everyone resorts to a gun.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I know it is difficult to exercise common sense on April Fool's Day but I do hope that we exercise that common sense. If this law had been in effect when Representative Diamond was a little younger, he might not be with us today, and I am very thankful that it wasn't in effect.

If you vote for this bill today, you are giving a free license literally to blow'em away and I think that might be a good title for this bill, "blow'em away." Mr. Joyce quite often has made reference to Minerva up on the dome; I

think if you pass this bill today, Minerva had better wear a bulletproof vest.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: If anybody wants to today, they had better get set to call personal privilege, because I do not like what is happening today. I respect whatever view and whatever way you voted yesterday, but I do not like insinuations that people over here would use deadly force. I did not like the insinuation that was made against Mrs. Martin, that she would go out there and probably shoot a couple of kids. I think these are emotional accusations which are not legitimate.

I also say to you that the bill here today was passed on its merits, it was not passed as an emotional issue. It is not an emotional bill, it is a heart bill. The people out there, your people and the people that I represent, are scared. They are scared to walk the streets at night. If you don't believe it, you go down to Portland. Go down to that nice place of Portland where I live nearby you would be scared and I would be scared too if I had to walk some of those streets down there.

I submit to you that the reason I am disgusted today is not because the bill was brought up and the motion made to indefinitely postpone. Whatever bills we have in here, whether we agree or disagree, I hope it passes or fails on its merits. We can divided ourselves and be on opposite sides of an issue, but at least we should respect each others right to disagree. Out of all this, maybe we can get the best law that we can pass.

I submit to you that I do not like the insinuation that this bill gives you the right to kill somebody, it isn't so. I say to those that get up here and claim that they take the bill, read it, consult with their friends and their lawyers, because that is not what this bill does. You just can't go along and kill somebody because they are stealing a pumpkin or anything else for that matter. You can kill them but you are going to end up behind bars too.

I feel very strongly about that stuff, but I am wise enough to know that if there is somebody somewhere I think I would have reason to get rid of, but I was never brought up that way, and I was never to have it done, I am smart enough not to do it myself, I would get somebody else to do it. This is not what I suggest, this is not what I propose and this is not what I want done at any time.

What actually gets me today, if you people have read the paper, this is what bothers me—the paper says that the legislature did not act within reason. Quoted by some member of this legislature, which actually doubts if any of us have common sense or wisdom, whether we agree with them or not. This I do not like. I am told that the papers quoted incorrectly. I wouldn't be surprised if they did, but the message is there and the message is to the people, and whether you vote for something or not, whatever your behavior is, it is not up to me to question your integrity, the way you want to live, but it is up to me to question the fact that somebody comes in here and questions the integrity of 151 people in this House. I resent that and I resent it very much. In time, these statements will pop up to change these people, to make them think and wonder why they ever made such statements.

Whether this bill passes or not, this is a good bill, but don't come up here with briefs from somebody else, I have no briefs from somebody else—here is a brief right here, only a few notes, because actually it is something from the heart to protect the people out there and give them the same rights, the same equal rights, that promise them harm when they come up on your property and kill somebody or maim them forever and ever. You don't have to kill people with deadly weapons. You don't need any weapon at all. Take a boxer down—



town, he has got his weapon right there, and that probably is the best weapon somebody has.

I submit to you that this is a bill which is misunderstood by the opponents. They don't understand it and they don't take the steps to search and qualify, look and find out what it is all about, not take the people from outside of here to tell them that this is the way it is.

The same people that come here, where did the crime come from? It comes from their area and they should be concerned about changing some laws. I am not an advocate of killing people, but if it is a matter of you kill them or else they will kill you—I hope that nobody in this House ever has the experience that a lot of people in this state have had. I am not out to protect somebody that lives two or three streets away from my town, but an adjoining town, and they would kill and kill and they would come back to the courts and judges and everything else, they would come back and give them new trials and everything else.

The people deserve more than this because they didn't break the law. They deserve to have equal rights to use the same type of force as the people use against them. I think it is only fair for people to be able to defend themselves and if they are accused of something to say something against it, but I say to you that I don't doubt the wisdom of 150 people in this House, even if they all vote against me. It would just put me in a position to reassess my position, to study what I voted for when they voted against it; this is the way to learn.

I submit to you that this is a good start and this is what the people want out there. Never mind what they want over here, you are here to serve them and I hope that you vote against the motion to indefinitely postpone.

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

Mrs. KANY: Mr. Speaker and Members of the House: Obviously, this is an emotional issue, and it should be, we should be thinking sincerely about the consequences of what we do to people. I believe, personally, that this particular bill is a license to kill, and I am really afraid of what it could do.

I have three teenagers, and fortunately none of them have ever been involved in vandalism or near a home or picked up by the police or anything like that, but certainly with their friends they could do a little mischief and could get into trouble, and I could just picture any of them, good kids, with any of their friends perhaps getting shot as a result of legislation coming through the legislature today, and I think that would be just a dreadful shame.

Some of us were speaking together in the Speakers' Office just now, and we could picture some kid going off collecting his paper money and getting shot, getting killed. We could picture somebody out on a campaign trail, perhaps going around to the back door trying to find somebody at home, and getting killed by mistake. Please, I ask you to reconsider.

This is emotional, but let's really consider the possible consequences. Perhaps everyone would not take the time to make certain that they are doing the proper thing, and I ask you to vote with Representative Benoit.

The SPEAKER: The Chair recognizes the gentleman from Franklin, Mr. Connors.

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to tell you something that happened to a family that are friends of mine on Alligator Lake in Hancock County. They live there all year round on the lake. They went to town and when they came back and drove in the camp road there was a pickup coming out loaded with furniture. He recognized it, tried to stop them and couldn't, so he took his 30-30 and he blew the tires on the pickup. This man could have been taken into court for using deadly force to stop that pickup, and this bill here would take care of that, and I think we should.

The SPEAKER: The Chair recognizes the

gentleman from South Portland, Mr. Kane.

Mr. KANE: Mr. Speaker, I would just like to address a question through the Chair to Mr. Connors. I would like to know what happened to that man. Was he tried for using deadly force?

The SPEAKER: The gentleman from South Portland, Mr. Kane, has posed a question through the Chair to the gentleman from Franklin, Mr. Connors, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CONNORS: Mr. Speaker, no sir. He wasn't using deadly force, he was stopping that pickup. He is a good enough shot to stop it, but he could have been taken into court for using deadly force. No, he wasn't taken in. They started the procedure and then dropped it, but under the law they could have taken him in.

The SPEAKER: The Chair recognizes the gentleman from Shapleigh, Mr. Ridley.

Mr. RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: We have been talking about taking life and people running around shooting one another; I would like to leave you with just one thought, an experience that happened in my family.

A few years back, I had occasion to go out of town on business and while I was gone there was a car that went by my house and I really live in the woods, I live so far back in the woods they have to pump sunshine in to me. It went by the house and just below the house there is a small pond, a water hole, there were some ducks down there swimming around and we had quite a lot of farm machinery down there, it was in the summertime. This car went down with about six ruffians in it and they stopped at the foot of the hill and they were drinking beer and throwing their bottles out in the field and in the pond. My wife was home alone and she called up to get my youngest son. He came down and they looked down and the car had driven into the field and they were going over towards the farm machinery, which represented quite a few thousand dollars in value. So my youngest son, mind you, got in the truck and drove down in the field and came up on these fellows. He didn't get out of the truck, but he said he would appreciate it if they would get their vehicle out of the field and stop throwing stuff in the pond, so on and so forth. They looked at him and they said, you're kind of a young, scrawny little pipsqueek to be down here telling us what to do and they started walking towards the truck. Fortunately, my son had taken the double barrel shotgun out of the closet before he went and he slid the gun up over the top of the window of the truck and he said, I think this makes up the difference in my size. They said, yes kid, it sure does, and they left.

I wonder, what do you think might have happened if he hadn't had that shotgun? Just stop and think about it for a minute.

The SPEAKER: The Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Franklin, Mr. Connors, has given a very good reason why there are some problems in this area, but I don't think that this bill solves those problems.

I hope that we will give some careful consideration to what we are doing this morning. It is a very difficult topic; it is frustrating for us to sit here and listen to these stories and horror stories about what is happening. We can agree with some of them and some of them we can't agree with, but I think the thing that bothers me is that we can't legislate the common sense to go along with this bill. As much as we want people to take this bill in hand and use it properly, I am really afraid of the consequences that will happen if we allow a bill like this to be passed.

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

Mrs. MITCHELL: Mr. Speaker and Mem-

bers of the House: I know the debate is long and I hear calls for the question, but I simply must speak and raise a few issues.

One question that keeps haunting me is, I am very curious about who specifically drafted this bill. I am also very curious to see that everyone has read this bill and knows exactly what it does. The Committee Amendment is the bill, and I think it is important that everybody in this House knows before they vote that a person simply has to have reasonable doubt that he cannot recover his property, and then he has the license to use deadly force, and I am not sure that is just a hat pin of a little old lady, I think it is much more serious than that.

Some mistakes this legislature makes can be corrected. Look at all the L.D.'s on your desk, many of them are to correct mistakes that previous legislatures have made. However, if we give a license to use deadly force because someone may lose a TV set or gasoline or hubcaps and they make a mistake and shoot and kill somebody, that is no mistake that can be corrected.

I think this bill, really, even though the intentions are quite good, returns us to some vigilante justice that the 110th Legislature does not want to be a part of.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: I voted for this bill yesterday, incorrectly, and I am going to vote against it today. I am from the city at this time, I haven't always been but I am now. Even in the city where we have all kinds of police around, we just have more problem people around. People in my neighborhood have been bothered by vandalism from time to time; I have been bothered, it is most aggravating, upsetting, disturbing thing that I can think can happen.

Recently a constituent of mine, who will be upset at what I am saying here now, had been bothered a great deal, an elderly man, a very vigorous hunter and someone was bothering him again and the police were never able to help him and he was very upset about that, so he decided to do it himself. So last summer when someone was out fooling with his cars and his hunting gear and his dogs, he shot from his upstairs window, trying to scare the person. The shot ricocheted, came within three or four feet of hitting my house, it went into a window of the house next door where there was a young family. It did not hit anyone and did not hurt anyone. Luckily, the people were understanding about this and everything was all right in the end.

But in the city we have the same problems, the police do not take care of our problems as we wish. We have had meetings down in our neighborhood and so forth about this. A very serious thing could have happened because this man reacted to the frustrations that everyone is feeling but he reacted in a way which would be legal now under this bill. Had he not been a good shot, he might have hit the guy; if he wasn't, he might have hurt somebody in the neighborhood, myself, my son, my wife, my neighbors. So, I am changing my vote today and I am going to vote for indefinite postponement.

Mr. McHenry of Madawaska was granted permission to speak a third time.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I know how I voted yesterday and now I would ask for a roll call. I hope we all vote against the indefinite postponement of this bill.

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

Mr. CARROLL: Mr. Speaker and Members of the House: Again, it passed and the press throughout the state of Maine are not writing the laws. The editorials that they write are inaccurate. Many many times their facts are construed to suit the person who is writing the article. Many, many times they write stories



just for the purpose of selling newspapers. I am not here today to write a story. I am here today to tell you what I am doing in the Maine Legislature. I left here in the 103rd Legislature because I could not afford to serve anymore. I had children in college and responsibilities at home. Finally, I ran again and came back. I came back because I said the legislature had forgotten the people; they are passing laws down there that are not protecting the people, they are giving more and more rights to the criminals. We have become a society of criminals, not a society of peace. We need the spirit of 1776 again, the spirit, the right to live in peace, and we don't have it. We are educating more lawyers every day and they are down here telling us, you can defend your rights, just hire us. I have hired them, you can bet your bottom buck on that.

But I want to tell you, ladies and gentlemen, we don't want to harm anybody's child, we don't intend that this law shall harm a child, but we do intend to put the criminals on notice that you are not going to rip us off anymore. We are not going to shoot everybody that comes down the turnpike, and if you want to talk about rights, you can buy a hunting license in Maine and if you have an enemy you can invite him to Maine, you can get him out in your woodlot and say you mistook him for a deer and kill him and be found innocent. Don't let anybody kid you, there are holes in every law. Mistakes have been made; every pencil made has an eraser for mistakes.

I want you to know one thing, ladies and gentlemen of the House, that if you do not do something, if you do not give the citizens back the rights that you have all taken away, and that is the right to defend my home and defend my property, then God pity the State of Maine.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: There has been a bill around for quite a number of years which asks for the meek to inherit the earth. It hasn't been passed yet, and until we get it under the hammer in both houses, we probably are going to need some mechanism such as what we have here in this bill today to protect the individual that is trying to provide for himself, for his own security, for the security of his family and for the security of his property in order to make his living.

I think that I concur with Mr. Dudley when he says that this bill serves, in addition to the use of deadly force, of course, as a deterrent, and it is a powerful deterrent. Half a century ago, when I was a young fellow, the thought of my father's friends and neighbors with a shotgun loaded with rock salt probably saved me from a lot of misery and a lot of agony with the law.

I encourage your support today in opposing the motion before us for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker and Members of the House: I am not going to speak on the merits of this bill as much as I am going to make a little observation.

The opponents of this L. D. have brought up some points about people shooting their paperboys and all that. I would like to know which people you are talking about. I know the people in my district, and they know me, I have lived there 27½ years and I know them all. Are you telling me that those people are going to turn around and start shooting everybody? I have to speak in their defense. I know those people and I don't believe they are going to start shooting everybody. Please, you know your people, My people wouldn't shoot anybody now because they are decent honest, hard working people.

I don't care how you vote on this bill, but don't infer my constituents are going to grab a gun and shoot their paperboys or the kid stealing the pumpkin across the street, because I

have been all through that before, I have stolen pumpkins too. I didn't fool anybody, they knew who I was and they used to come across the street and say, we know you paid us a visit last night. I got my punishment right at home. My father is still there, 250 pounds of him. So don't say that everybody is going to go around shooting everybody else. My gosh, the State of Maine hasn't come to that point yet.

Argue this bill on the merits of the bill. When you say that somebody like Representative Martin is going to go out and shoot two little kids, we all know Tony couldn't hurt a fly, she loves everybody. That is the problem with this whole thing nobody loves anybody anymore.

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 pending question is on the motion of the gentlewoman from South Portland, Ms. Benoit, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Lincolnville, Mrs. Hutchings.

Mrs. HUTCHINGS: Mr. Speaker, I request permission to pair my vote. If the gentlewoman from Augusta, Ms. Lund were here, she would be voting yes; I would be voting no.

#### ROLL CALL

YEA — Aloupis, Baker, Beaulieu, Bell, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Brown, K. L.; Chonko, Clark, Connolly, Cox, Davies, Diamond, G. W.; Diamond, J. N.; Fitzgerald, Gwadosky, Hall, Hobbins, Huber, Kane, Kany, Lisnik, Livesay, MacBride, MacEachern, Michael, Michaud, Mitchell, E. H.; Mitchell, J.; Murphy, Nadeau, Nelson, M.; O'Rourke, Paradis, P.; Pearson, Post, Reeves, J.; Reeves, P.; Richard, Soulas, Soule, Studley, Tarbell, Thompson, Twitchell, Wentworth, The Speaker.

NAY — Armstrong, Austin, Berube, Bordeaux, Boyce, Brown, D.; Cahill, Callahan, Carrier, Carroll, Carter, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowle, Gavett, Gillis, Gowen, Hanson, Hickey, Higgins, L. M.; Holloway, Hunter, Ingraham, Jackson, Jalbert, Jordan, Joyce, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverriere, Leighton, Lewis, Macomber, Mahany, Martin, A.; Martin, H. C.; Masterman, Matthews, McColister, McGowan, McHenry, McKean, McPherson, McSweeney, Moholland, Nelson, A.; Norton, Paradis, E.; Paul, Perkins, Perry, Peterson, Pouliot, Racine, Randall, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C. W.; Stevenson, Stover, Strout, Swazey, Telow, Theriault, Treadwell, Tuttle, Vose, Walker, Webster.

ABSENT — Brown, A.; Hayden, Higgins, H. C.; Jacques, Locke, Manning, Masterton, Prescott, Smith, C. B.; Weymouth.

PAIRED — Hutchings-Lund.

Yes, 50; No, 89; Absent, 10; Paired, 2.

The SPEAKER: Fifty having voted in the affirmative and eighty-nine in the negative, with ten being absent and two paired, the motion does not prevail.

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

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) (C. "A" S-77).

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

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

#### Passed to Be Enacted Emergency Measure

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) (H. "A" H-159)

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 necessary, a total was taken. 128 voted in favor of the same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

#### Passed to Be Enacted Emergency Measure

An Act Relating to Unemployment Compensation Benefits for Persons Receiving a Pension or Retirement Pay (H. P. 354) (L. D. 402) (C. "A" H-122)

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

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, could I have somebody explain what this would do please?

The SPEAKER: The gentleman from Farmington, Mr. Webster, has posed a question through the Chair to anyone who may care to answer.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This bill will put us in line with the federal government's reversal of an earlier decision that did not allow, or took anyone who was receiving a military pension or retirement pay and deducted that from any unemployment compensation benefits that they might have been eligible for if they had lost a job through no fault of their own. Congress changed the law two years ago, they reversed themselves last September, and this bill would put us into compliance with the congressional decision that they should be entitled to unemployment compensation without the deductions of any pensions or social security that they may have.

This is not a wide open situation, because even in the committee amendment you will note that there still will be some restrictions on who will be eligible and who will not, but it will not totally disenfranchise them if they are laid off through no fault of their own.

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

A vote of the House was taken.

130 having voted in the affirmative and one in the negative, the Bill was passed to be enacted as an emergency measure.

Signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

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

An Act to Amend the Group Life Insurance Law (S. P. 190) (L. D. 514) (S. "A" S-68; C. "A" S-61)

An Act to Exempt Deeds of Distribution from the Real Estate Transfer Tax (H. P. 334) (L. D. 373) (S. "A" S-72)

An Act Relating to Credit Disability Insurance Under the Consumer Credit Code (H. P. 490) (L. D. 542) (C. "A" H-123)

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:

Bill, "An Act to Repeal the Termination Date of the Emergency Petroleum Products Supply Act" (Emergency) (H. P. 863) (L. D. 977)

—In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-116) on March 25.

—In Senate, Minority "Ought Not to Pass" Report accepted.

Tabled—March 30 by Representative Brannigan of Portland.

Pending—Further Consideration.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Brannigan.

Mr. BRANNIGAN: Mr. Speaker, I move that the House adhere.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, I move that we recede and concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Yarmouth, Mr. Jackson, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

Thereupon, on motion of Mr. Brannigan of Portland, the House voted to adhere.

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

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

Tabled—March 30 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

On motion of Mrs. Nelson of Portland, retabbed pending passage to be engrossed and specially assigned for Friday, April 3.

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

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)

Tabled—March 31 by Representative Kany of Waterville.

Pending—Motion of the same gentleman to reconsider failing of Passage to be Engrossed.

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

Mr. KELLEHER: Mr. Speaker, would someone mind enlightening this House why we should create the Office of Lieutenant Governor? I think the House yesterday wisely failed to engross this bill, and I would like to know why the present system isn't working effectively and we should have to create an Office of Lieutenant Governor?

The SPEAKER: The Chair would advise the gentleman from Bangor, Mr. Kelleher, that the pending question is to reconsider. If the motion to reconsider does prevail, the question could then be posed.

Mr. KELLEHER: Mr. Speaker, in that light, I hope I don't get an opportunity to hear an answer to my own question.

I would ask for a division.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mrs. Kany, that the House reconsider its

action whereby this bill failed of passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mrs. Kany of Waterville 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 Waterville, Mrs. Kany.

Mrs. KANY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to reconsider whereby we barely failed to send this measure over to the other body for a first-time consideration of the topic. We haven't debated it, and certainly Representative Kelleher is right to ask questions. I guess this is Representative Kelleher's bill of the day. It is not the environmental health program, I guess that was yesterday and something else the day before, but this is his bill today to question.

Basically, what it does is consolidate, it doesn't create an additional office. It would do away with the Office of Secretary of State and instead have a Lieutenant Governor elected by the people, by the citizens of the state, to be a Lieutenant Governor in the event that the Governor is no longer able to function in that office either due to death, resignation, or for some other good cause. This would allow the people to have a voice in who that successor would be. Of course, that is not now the case. The President of the other body assumes that office, and whereas we may have chosen excellent presidents of that other body, the people of the state did not have a voice in that selection and perhaps qualifications might differ. So, the Lieutenant Governor, in the event that this does pass, then that person would assume the present duties of the Secretary of State.

I do hope you reconsider. At least keep this alive and let's send it over to that other body to let them have a look at this.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I would like the House to reconsider so that I may explain it to the House.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Waterville, Mrs. Kany, that the House reconsider its action whereby the bill failed of passage to be engrossed.

The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, I would like to pair my vote with the gentleman from Gorham, Mrs. Ada Brown. If she were here, she would be voting yes and I would be voting no.

#### ROLL CALL

YEA — Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Brannigan, Brenerman, Brodeur, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Cunningham, Davies, Diamond, G.W.: Diamond, J.N.: Erwin, Fitzgerald, Fowle, Gowen, Gwadsky, Hall, Hickey, Hobbins, Holloway, Jacques, Jalbert, Joyce, Kane, Kany, Ketover, Kilcoyne, LaPlante, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.: McGowan, McHenry, McKean, McSweeney, Michael, Michaud, Mitchell, E.H.: Mitchell, J.: Moholland, Murphy, Nadeau, Nelson, M.: Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.: Richard, Ridley, Roberts, Rolde, Soule, Swazey, Theriault, Thompson, Tuttle, Twitchell, Vose, Walker, Webster, The Speaker.

NAY — Aloupis, Armstrong, Austin, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Conary, Conners, Curtis, Damren, Day, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Hanson, Higgins, L.M.; Huber, Hunter, Hutchings, Ingraham, Jackson, Jordan, Kelleher, Kiesman, Lancaster, Laverriere, Leighton, Lewis, MacBride, Masterman, Matthews, McCollister, McPherson, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Reeves, J.; Salsbury, Sherburne, Smith, C.W.; Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Wentworth.

ABSENT — Dexter, Hayden, Higgins, H. C.; Lund, Manning, Masterton, Small, Smith, C.B.; Soulas, Weymouth.

PAIRED — Brown, A.-Davis.

Yes, 84; No, 55; Absent, 10; Paired, 2.

The SPEAKER: Eighty-four having voted in the affirmative and fifty-five in the negative with ten being absent and two paired, the motion to reconsider does prevail.

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

Mr. KELLEHER: Mr. Speaker, I would request a division on passage to be engrossed.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker and Members of the House: This is my bill, this L. D. 483, which eliminates the Office of the Secretary of State and creates the Office of Lieutenant Governor. The Lieutenant Governor would run on the same ticket as the Governor with the same party affiliation. Presently, if the Governor dies, the President of the Senate takes over the Chief Executive's job, and in the case of today's situation, the President of the Senate is not of the same party affiliation as the Governor. Therefore, the majority of the voters of the state would not be represented by the Chief Executive. With this amendment to the Constitution, we would make the successor to the Governor of the same philosophy as that of which the people elected in the gubernatorial election.

This bill is a "government by the people" rather than "governor by the Senate" and in light of the assassination attempt on President Regan yesterday, I would hope that this House would consider this type of amendment to the Constitution as a priority to the executive office is very important to a majority of the people.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to commend the young Representative from Pittsfield this morning for giving his first speech in the House. He gave a very fine speech but, unfortunately, I think he gave it on a very poor bill.

I think this is a step backwards in good government as the goo-goos used to say years ago, the good government people of the United States. I honestly think the system that we have functioning here in state government is a good one, a proper one, and one that well balances off the political processes that we know here in the State of Maine.

I am not unsympathetic and realize that in the other body at the present moment we have a member not of my party but rather the party of the opposition but, nevertheless, the majority of the people in the senatorial districts created that situation, and I think, by the way, we have a very good man over there.

I think the system is well suited for the needs of the people of this state and I don't believe that we should be creating another political football. In fact, that is exactly what I think this bill will be doing, it won't be helping the people of the state of Maine, it will be hurting them.

We have a fine system of government here, as Representative Kany I know understands it to be, and I would appreciate it if she would reconsider here position this morning and vote

with the majority of us yesterday and not engross this bill.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am on the state committee and I listened to this bill and I agree with Mr. Kelleher and what he has just said. All this is going to do is create two people running for the governorship, and you are going to have more political problems with this. I think the system is good; let's leave it the way it is.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I can understand the reluctance on the part of many to any kind of change. Change is not easy to accept, whether you are a Democrat or a Republican. However, I do feel that this bill does make good sense and I feel in time that we will come to accept that change.

It kind of reminds me of the first time I saw Representative Kelleher in his cowboy boots and cowboy hat. It took me a while to accept it but now I find the good Representative quite attractive. I think in time that he will find this bill quite attractive.

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

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I have been on the State Government Committee for approximately two and a quarter years. We considered this bill in the 109th session; I was happy to vote for it then and am very happy to be here this morning to be able to rise and speak for it once again.

I commend the gentleman from Pittsfield, Mr. McGowan, for sponsoring such an excellent bill, because it addresses a fundamental concept of our constitution form of government that we have in the 50 states, and that is the executive, judicial and legislative.

One of the problems with the present system is that when there is a vacancy in the office of Governor, I don't think that is how this country works. On the federal level, we have an elected Vice-President and when there is a vacancy in the office of Vice President, the President proposes to the Congress and by majority vote of both branches of the legislative federal government, he assumes the office of Vice President, as we saw during the turmoil of the Watergate years.

In Maine, we have a different system. Maine is one of the few states that does not have a Lieutenant Governor, a person elected by the majority of the people of that state, to assume the office in case of death or resignation.

When this state was formed and when our Constitution was originally written, the term of office for Governor was two years; now it is four years. The first Governor to be elected for a four-year term was Governor Claussun from Waterville. He died approximately December 30, 1959, and John Reed, the President of the Senate, assumed control. That necessitated a new election in 1960, in the Fall of 1960.

If we had such an occurrence today and our very able President of the Senate, Senator Sewall, were to assume the office, we would have to have a new election this year for Governor—we would have one anyway, but we would have to have one halfway through a term if that were so. I think that is not good government. I think the executive office today is so expanded, the functions of government, the budget, everything is so large that it necessitates that we have continuity and we have someone in there who is prepared to take the reins of power immediately and effectively.

So, I urge you to vote in favor of this bill.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I was very proud and honored to cosponsor this bill with my col-

league, Representative McGowan. I cosponsored it for a very good reason, I think it is sound government and I think the statistics bear me out on that. I dispute the good gentleman from Bangor, Mr. Kelleher's contention that this is something less than good government.

I am not quite sure of the figure, but it is either 42 or 44 states in this country have Lieutenant Governors in their states, and obviously the remainder do not, so that statistic is relatively staggering. States, for example, like Massachusetts, which is a large state with many more people than we have but it also ranges to states like Vermont, who is smaller than we are, so it varies from industrial states to rural states to the farming belt, it makes no difference. It has been viewed over the years historically as a sound concept, as Representative Paradis outlined. It is something that I feel is long overdue in this State and something that we should take a real hard look at.

I seriously hope that you give this bill a favorable vote.

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

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I know there are about 42 Lieutenant Governors and I visited a lot of these states while I have been on the Council of State Governments and have been used very well and met a lot of these fellows, and they are generally known in their state as the baby kissers. I suggest that that job could very well be left to some of the nice looking boys in the House like Representative Kelleher. We really don't need a baby kisser in this state, I am satisfied with the present system.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mr. Boyce.

Mr. BOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I am afraid that I am going to have to take a little bit of odds with my good friend from Lewiston, and I hope that he still lets me play on the softball team, and from Representative Paradis as well. I think they have pointed up a few of the concerns that I think many of us in the House have on this bill, as well as some of the concerns of that learned gentleman from the Appropriations Committee from Bangor, Mr. Kelleher.

One of the things that you mentioned was the accession that was done when Governor Reed succeeded. I think that proves the system presently in effect does work, the system that was started back in 1820 when the state was founded, and obviously I have a little bit of belief in our forefathers' capabilities of handling the situation.

There is one other point that you made in the fact that we have a large executive staff already down on the second floor. Well, we would just be adding one more executive to the staff possibly and still a larger office staff to go along with it.

Who then would assume the duties of the Secretary of State and what would the new duties of the Lieutenant Governor be and what would they eventually burgeon into beyond the realm of baby kissing?

There was a time when I, too, was convinced that this was the route to go. I, too, have visited a lot of states and seen the operation of Lieutenant Governor and I really don't think that we need that sort of thing here in the State of Maine. There would be some additional costs too in the ballot counting, I would assume, as one more elected office going through.

The SPEAKER: The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: The statement from the gentleman from Auburn, Mr. Boyce, is incorrect. We are eliminating the Office of Secretary of State and creating the Office of Lieutenant Governor. The Lieutenant Governor would run the office that the Secretary of

State currently runs.

I guess the main point that I would like to make on this bill is that the successor to the Governor at this time is elected by 1/33 of the voting population of the State of Maine, one Senate district, and what I would like to see is the majority of the voters of the State of Maine elect the successor to the Governor. That is one point I would like to make.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: Just one point to bring out that I think has not been mentioned yet, and that is, our Constitution says to be a State Rep you must be 21 years old and to be a State Senator you must be 25 and to be Governor you must be 30. Now, if the President of the Senate is 25 years old, how would he replace the Governor if you have to be 30?

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

A vote of the House was taken.

71 having voted in the affirmative and 64 having voted in the negative, the motion does prevail.

Sent up for concurrence.

(Off Record Remarks)

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

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 31 by Representative Higgins of Scarborough.

Pending—Adoption of Committee Amendment "A" (H-126)

Mrs. Huber of Falmouth offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-161) was read by the Clerk.

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

Mrs. HUBER: Mr. Speaker and Members of the House: The House Amendment I am presenting today deals with the area of jurisdiction between local safety officers and state police, in effect, or the Office of Public Safety.

I think the easiest way for me to explain this is to read to you the pertinent portion of the Committee Amendment, which was a unanimous amendment, and then let you see how the House Amendment fits onto it, because it is a clarifying amendment.

The two amendments as joined together read as follows: "The local public safety agency shall exercise authority for the preservation of public order and safety and shall coordinate the response to this bill." This is the bill of hazardous waste matter.

"The Department of Public Safety shall exercise its authority in those areas of the State without a local public safety agency."

The House Amendment goes on — "or in any situation in which a local public safety agency requests assistance from the Department of Public Safety."

The intent of the House Amendment is to clarify that when the State Public Safety Agency is involved in a spill situation, that the authority rests with the commander of those forces as opposed to local forces. I hope you will pass this amendment.

Thereupon, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was assigned for second reading tomorrow.

(Off Record Remarks)

On motion of Mr. Lancaster of Kittery,  
Adjourned until nine o'clock tomorrow morning.