

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 3, 1980 to May 1, 1981

KJ PRINTING
AUGUSTA, MAINE

HOUSE

Friday, May 1, 1981

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

Prayer by the Reverend Joseph W. Brown of the Assembly of God Church, Thomaston.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees
Leave to Withdraw**

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Amend the Maine Certificate of Need Act of 1978 with Respect to the Acquisition of Existing Health Care Facilities" (S. P. 241) (L. D. 696)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Provide Workers and Communities with Reasonable Notice and Compensation upon Certain Plant Closings" (S. P. 282) (L. D. 790)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Concerning Walks and Handrails on Railroad Bridges" (S. P. 220) (L. D. 607)

Came from the Senate, with the Reports read and accepted.

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

Special Sentiment Calendar

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

Recognizing:

Macee Turcotte, of Durham, who won 2nd place in the 33rd annual State spelling bee championship; (S. P. 587)

There being no objections, this item was considered passed in concurrence.

**House Reports of Committees
Ought Not to Pass**

Representative Swazey from the Committee on Legal Affairs on Bill "An Act to Restore Memorial Day Holiday to its Authentic Historical Date" (H. P. 903) (L. D. 1070) reporting "Ought Not to Pass"

Representative Vose from the Committee on Public Utilities on Bill "An Act to Prohibit Utility Companies from Providing Free or Reduced Rates for Service to its Employees" (H. P. 886) (L. D. 1055) reporting "Ought Not to Pass"

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Allow Wardens to Take a Cash Bond from any Nonresident or Alien Found in Violation of the Fish and Wildlife Laws." (H. P. 353) (L. D. 401) reporting "Ought Not to Pass"

Representative Ingraham from the Committee on Taxation on Bill "An Act Concerning the Qualifications of Assessors" (H. P. 1162) (L. D. 1383) reporting "Ought Not to Pass"

Representative Kane from the Committee on Taxation on Bill "An Act to Improve the Valuation of Property for Tax Purposes" (H. P. 1163) (L. D. 1384) reporting "Ought Not to Pass"

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

By unanimous consent, ordered sent forthwith to the Senate.

Leave to Withdraw

Representative McGowan from the Committee on Public Utilities on Bill "An Act to Establish a State Emergency Electric Energy Conservation Plan" (H. P. 1130) (L. D. 1347) reporting "Leave to Withdraw"

Representative McGowan from the Committee on Public Utilities on Bill "An Act to Provide a Funding Mechanism for Public Interest Staff of the Public Utilities Commission" (H. P. 755) (L. D. 892) reporting "Leave to With-

draw"

Representative Gowen from the Committee on Education on Bill "An Act Concerning Conduct on College Campuses and on Property Used for Educational Purposes" (H. P. 838) (L. D. 1004) reporting "Leave to Withdraw"

Representative McGowan from the Committee on Public Utilities on Bill "An Act to Extend the Territory of the Gardiner Water District and to Enlarge the Board of Trustees" (H. P. 1324) (L. D. 1524) reporting "Leave to Withdraw"

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Reduce the Time Required to Process Routine Environmental Applications by Allowing the Board of Environmental Protection to Delegate to the Staff Approval of Additional Routine Applications." (H. P. 1345) (L. D. 1535) reporting "Leave to Withdraw"

Representative Austin from the Committee on Energy and Natural Resources on Bill "An Act to Provide for a Solid Waste Management Subsidy Bonus for Municipalities and Counties Engaged in Resource Recovery" (H. P. 619) (L. D. 702) reporting "Leave to Withdraw"

Representative Holloway from the Committee on Health and Institutional Services on Bill "An Act to Require the Annual Adjustment of Medicaid Dispensing Fees for Pharmacies" (H. P. 899) (L. D. 1066) reporting "Leave to Withdraw"

Representative Boyce from the Committee on Health and Institutional Services on Bill "An Act to Equitably Adjust Fees for Dental Services Provided under the Maine Medical Assistance Program." (H. P. 977) (L. D. 1165) reporting "Leave to Withdraw"

Representative Ketover from the Committee on Health and Institutional Services on Bill "An Act to Provide for Meaningful Annual Review of Fees for Dental Services Provided under the Maine Medical Assistance Program" (H. P. 706) (L. D. 831) reporting "Leave to Withdraw"

Representative Kilcoyne from the Committee on Taxation on Bill "An Act to Exempt Farm Machinery except Tractors from the Personal Property Tax" (H. P. 988) (L. D. 1176) reporting "Leave to Withdraw"

Representative Foster from the Committee on Labor on Bill "An Act to Encourage Decent Wages for Maine Workers Employed by Enterprises Obtaining Public Loans and Loan Guarantees" (H. P. 981) (L. D. 1169) reporting "Leave to Withdraw"

Representative Stover from the Committee on Legal Affairs on Bill "An Act Concerning Performance Standards for Renewing a Liquor License" (H. P. 1126) (L. D. 1343) reporting "Leave to Withdraw"

Representative Roberts from the Committee on Local and County Government on Bill "An Act to Change the Method of Apportioning County Sheriffs' Costs Among Unorganized Territories." (H. P. 72) (L. D. 99) reporting "Leave to Withdraw"

Representative McHenry from the Committee on Local and County Government on Bill "An Act Authorizing County Commissioners to act as an Appeals Board" (H. P. 883) (L. D. 1052) reporting "Leave to Withdraw"

Representative Curtis from the Committee on Local and County Government on Bill "An Act to Increase the Salary of the Arrostook County Register of Probate" (H. P. 412) (L. D. 451) reporting "Leave to Withdraw"

Representative Ridley from the Committee on Local and County Government on Bill "An Act to Revise the County Budget Process to Prevent the Incurrence of Deficits" (H. P. 1294) (L. D. 1507) reporting "Leave to Withdraw"

Representative Stover from the Committee on Local and County Government on Bill "An Act to Require Certain State Mandated Programs be Funded by the Municipality Involved" (H. P. 1285) (L. D. 1499) reporting

"Leave to Withdraw"

Representative Paradis from the Committee on Local and County Government on Bill "An Act Concerning the Manner in which a Municipality Adopts a Development Program" (H. P. 571) (L. D. 647) reporting "Leave to Withdraw"

Reports were read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Prevent Price Mark-ups on Retail Food" (H. P. 1148) (L. D. 1370)

Report was signed by the following members:

Senators:

SUTTON of Oxford
CLARK of Cumberland
SEWALL of Lincoln

— of the Senate.

Representatives:

POULIOT of Lewiston
JACKSON of Yarmouth
GWADOSKY of Fairfield
RACINE of Biddeford
GAVETT of Orono
PERKINS of Brooksville
TELOW of Lewiston
BRANNIGAN of Portland
MARTIN of Van Buren

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following member:

Representative:
FITZGERALD of Waterville

— of the House.

Reports were read.

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

Mr. BRANNIGAN: Mr. Speaker, I move that this House accept the Majority "Ought Not to Pass" Report.

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

The gentleman may proceed.

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: There are so many things wrong with this piece of legislation, even though on the surface it may sound good, that I don't know exactly where to begin or how many to outline.

However, it does sound good because it says that people cannot mark up on their shelves in grocery stores, cannot mark up the price of an item while it is on the shelf. But the operation of such a restriction would cause problems for all stores, large or small, and would cause a great many difficulties. Let me just run through some of them that are important to me.

For one thing, the most important part of shopping — and we are back into shopping again — the problem is going to be that you are going to have shelves with the same item having two different prices on it. This is going to be the most confusing thing, and that is one of the major problems. You are going to have some cans of peas that are at 39 cents and some cans of peas that are at 42 cents. This is going to throw off, first of all, the most important pricing mechanism that we have to shop by, and that is unit pricing, how to compare the cost of one product or one brand with another. It is just unit pricing, those little prices that say how much a pound, how much per one hundred count, etc., this will be just thrown off completely with this problem.

Next, scanners will not be able to be used. Some people don't like scanners, but they are the coming thing because they have markings on each can. They have the same markings on all cans of tuna fish, and what is it going to say

in the computer as it runs through, the old price or the new price?

One of the big issues, I think, is the mess it causes in stores. One of the supermarkets tried this as a promotional gimmick a few years ago, before they had scanners, one of those that I shopped in, and everybody hunts around through the whole display of peas or tuna fish to see if maybe there is a can left over from some other lot, they fish in back and in front, I did this, looking for the cheapest price. This causes the displays to get moved around all the time and they have to keep coming back, either that or have completely different displays for different marked prices of the same product, which means almost doubling your shelf space which, of course, no one can do.

In small stores, in mom and pop stores it means, where the shelf life is long, where people don't move them very often, their items stay there a long time, it doesn't give them a chance to reflect all the other costs, not the cost of the product, the cost of this can of grapefruit juice didn't go up, but if it is there for a few weeks, a few months, in small mom and pop stores, then the cost of labor went up and the cost of electricity went up and the cost of fuel went up, they can't reflect it.

Another issue, if anyone wants to have a sale and mark down for a week, under this bill they could not mark up afterwards. Once they have marked it down, they could never mark it up again.

These are just some of the many reasons why the majority of our committee, 12 people on our committee, felt that this was not a good piece of legislation. Therefore, I urge you to accept with us the Majority "Ought Not to Pass" Report.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like, first of all, to explain to you my reasons for putting the bill in—this is my bill.

I received a phone call from one of my constituents, who I thought was one of my constituents but it happened to be that it wasn't, but, anyhow, it was an elderly woman and she told me that she is on a fixed income. She said, I hope that you can do something about these ridiculous prices of food, help us. To be honest with you people, I laughed at her, and I am sorry I did now, because I honestly believe there is nothing we can do about it. But then I said, maybe there is something we can do about it, at least keep those prices, once they have been put on the shelves, where they should be.

I have gone to the store and seen five or six different labels on a can of food—and now I will tell you all the weak arguments of the Business Legislation Committee.

First of all, he says the mom and pop stores—I want to make it clear they are exempt in this bill, so that is a weak argument. Also, when you have two prices on an item, I had one store that moved into Madawaska, it is the IGA store, they told us when they moved into Madawaska that they would not jack up the price of an item once it had been put on the shelf. I bought a can of grapefruit juice with five different prices on it, and that is not a mom and pop store. While they were practicing keeping one price, after they had changed the price, they would take those items with two different prices and put them on another table, all these lower priced items would be on a table.

As far as the sales, marking down the price and not being able to mark them up, as you all know, if you have been doing some shipping, any store that has a sale has a limited amount of items on sale. They probably put out 50 cans of such and such on sale. They can do that and after they are sold out, there are no more; they can raise the price.

Unit pricing—you know, the computers, scanners, they say how can you change the

price once the computer has that price in it. Well, that is very simple also. They have that code that the scanner reads. If you have that lower priced item, all you have to do is put a sticker right on top of it, and once the cashier tries to put it through the scanner, it won't read out. You have to punch in the price that it was on sale—no problem at all.

How can you justify not passing this bill, how can you justify it to your constituents? You think about that. How can you justify five, six or seven different prices on an item? I have seen a box of Cherrios that went from 69 cents to \$1.09, and they had a special at 90 cents. These things are ridiculous.

I have had people from Portland who own IGA stores say they don't go along with that practice, they don't do it in their store, but I am telling you, they are doing it up North. I can also tell you that I can buy food over here five, ten and even fifteen cents cheaper per can than I can up home. What is free enterprise? That is not free enterprise. Transportation for a can of beans is not five, ten and fifteen cents to go up to Madawaska. What is going on? We are really getting it up home. My elderly people are on fixed incomes and they cannot afford these ridiculous prices, and they have to heat up their homes a lot more than you have to heat your homes down here in Augusta, and a lot more than down in Portland, and they are still on the same fixed income.

All we are asking for is a little bit of help for these people. I am sorry I thought it was ridiculous and that we couldn't do anything about it, because I think we can do something about it if we pass this LD.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: If Representative Porter Leighton were here, I suppose he could give you a little talk on the economics of the whole thing, but I am going to skip over that. I think it is pretty obvious what this does as far as the free market system. But I would point out, as far as the bill goes, we are not just talking about food on the shelves, we are also talking about cattle feed, we are talking about dog food, we are talking about chewing gum, we are talking about cosmetics, we are talking about the components that go into food. The way the bill is drafted, it picks up all of these things.

If you want to totally rewrite the bill, which we didn't choose to, you might be able to get down and then you could argue the economics of whether it is a good bill economically, which I don't feel it is. But as the bill now stands, what you are doing is regulating cattle food, cosmetics, chewing gum and all the components that go into any manufactured food product.

I hope you will kill this bill.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Whereupon, Mr. McHenry of Madawaska 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 and voting having expressed a desire for a roll call, a roll call was ordered.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I just want to emphasize that the mom and pop stores are exempt and we are talking about the big chain stores that change their prices from one day to the next. They change the price on 20 percent of

their items every week.

I want you to think before you vote that you are voting for your constituents, and if you honestly believe your constituents want you to kill this bill, well you go ahead and vote yes.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take any time on this. The big problem I see with this bill is enforcement. There is no way you could follow it. If there is a scanner, all you have to do is go in the office and push a button and the price is automatically changed and nobody knows it. I am not saying people are going to do anything illegal, but I just think they aren't going to follow the rule.

As far as changing prices, you can make removals and change the price, and what about other commodities? I don't think this should be selected as just one commodity to be controlled.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Alopis, Armstrong, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brodeur, Brown, K.L.; Cahill, Callahan, Carter, Chonko, Clark, Conary, Cox, Crowley, Cunningham, Curtis, Damren, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Foster, Fowlie, Gavett, Gwadosky, Hanson, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, Livesay, Locke, Lund, MacBride, Macomber, Mahany, Manning, Masterman, Masterton, Matthews, McGowan, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Thompson, Treadwell, Twitchell, Vose, Walker, Webster, Weymouth.

NAY — Beaulieu, Brown, A.; Carrier, Carroll, Connolly, Davies, Erwin, Fitzgerald, Gowen, Hall, LaPlante, Lisnik, MacEachern, Martin, A.; McCollister, McHenry, McKean, Mitchell, J.; Perry, Prescott, Reeves, P.; Theriault, Tuttle, Wentworth.

ABSENT — Austin, Baker, Brown, D.; Connors, Davis, Dudley, Gillis, Higgins, L.M.; Jalburt, Ketover, Laverriere, Leighton, Lewis, Martin, H.C.; Nelson, M.; Peterson, Strout.

Yes, 109; No, 24; Absent, 17.

The SPEAKER: One hundred and nine having voted in the affirmative and twenty-four in the negative, with seventeen being absent, the motion does prevail.

Sent up for concurrence.

Consent Calendar

First Day

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

(H. P. 1010) (L. D. 1206) Bill "An Act to Limit Liability Regarding Donations to Food Banks"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-278)

No objections being noted, the above item was ordered to appear on the Consent Calendar, Second Day, later in today's session.

Consent Calendar

Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar

for the Second Day:

(H. P. 915) (L. D. 1081) Bill "An Act Relating to Unfair Wage Agreements under Employment Practices Law" (C. "A" H-274)

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

Passed to be Engrossed

Bill "An Act to Repeal the Double Affirmation Rule under the Employment Security Law" (H. P. 411) (L. D. 450)

Bill "An Act Relating to the Clarification, Consistency and Improved Administration of the Employment Security Law" (H. P. 950) (L. D. 1126) (Later Reconsidered)

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

Amended Bills

Bill "An Act to Establish Truck Volume Labeling for Certain Wood By-Products" (H. P. 832) (L. D. 999) (H. "A" H-273 to C. "A" H-262)

Bill "An Act to Include Services Performed by Chiropractors Under all Health Insurance Policies and Health Care Contracts which Pay Benefits for Those Procedures if Performed by a Physician" (S. P. 329) (L. D. 959) (H. "A" H-275 to C. "A" S-136)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence and the Senate Paper was Passed to be Engrossed as Amended in Non-concurrence and sent up for concurrence.

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

The following Communication:

State of Maine
Department of State
State House Station 101
Augusta, Maine 04333
May 1, 1981

To Honorable Edwin H. Pert, Clerk
House of Representatives
One Hundred and Tenth Legislature
Dear Clerk Pert:

In compliance with 3 MRSA § 1, please be advised that Representative Porter D. Leighton, District 24, has tendered his resignation to the Secretary of State effective today.

You are hereby notified that a vacancy now exists in House of Representatives District 24. According to Article IV, Part First, Section 4 of the Constitution of Maine, this vacancy may be filled by a new election. No date has yet been set to conduct such an election.

Respectfully,
S/JAMES S. HENDERSON
Deputy Secretary of State

Was read and ordered placed on file and the name stricken from the Roll of the House.

The Speaker announced the appointment of the following member to fill the vacancy on the Joint Standing Committee on Labor Representative Damren of Belgrade.

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

Special Sentiment Calendar

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

In Memory of:

Margaret Thomas Gardiner of Woolwich, the wife of the late former Governor William Tudor Gardiner; (H. P. 1410) by Representative Cahill of Woolwich (Cosponsors: Representatives Rolde of York, Berube of Lewiston, Soule of Westport and Senator Sewall of Lincoln)

On the request of Mrs. Cahill of Woolwich, was taken from the Special Sentiment Calendar.

The Resolution was read.

The SPEAKER: The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: It is with great sadness and regret that I present this Resolution today. Yesterday, the state of Maine lost, through death, one of its truly great people.

Margaret Thomas Gardiner died at her home on the Phipps Point Road in Woolwich yesterday. She was 91 years old. Mrs. Gardiner, wife of former Maine Governor William Tudor Gardiner, was well known for her world wide travels and her work on the China relief program committee. She was author of "Around the World in 1912 - 13." She was an accomplished equestrian and will be long remembered for her love and kindness for all animals.

I request, Mr. Speaker, when the 77th day of the 110th Legislature adjourns, it does so in the memory of Margaret Thomas Gardiner, one of Maine's truly brilliant people.

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would first like to explain why I am rising today to speak in tribute to a lady who was not of my district nor of my political party and whom I only met on one occasion. In fact, it was only a few short weeks ago that the gentlelady from Lewiston, Mrs. Berube, and myself were invited for lunch at the home of Mrs. William Tudor Gardiner in Woolwich on a mild, sunny Saturday afternoon.

The invitation had come about through our Committee Clerk, Dan Stevens, who was a personal friend of Mrs. Gardiner and who reacted to the desire we had both expressed, Mrs. Berube and I, to meet this grand lady of 91 years, the widow of Maine's 55th Governor. It was an experience that Mrs. Berube and I will both treasure until the end of our days, and so I offer this tribute on behalf of both of us.

Mrs. William Tudor Gardiner was born Margaret Thomas, of the family that founded Thomaston, Maine, and she was brought up in Pride's Crossing, Massachusetts, in a patrician and wealthy atmosphere in those golden days before World War I. She traveled around the world with her parents and has left a beautifully printed and intriguingly written diary of that experience.

I had expected before I had met her to find an imposing lady of yesteryear with a fine but austere manner of the Edwardian age. Instead I, or we, Mrs. Berube and I, found a warm, down-to-earth woman, full of wit and charm, despite her more than 90 years, who immediately made us feel at home even after, horror of horrors, she found that we were Democrats.

She will make you laugh a lot, Dan Stevens had told us, and he was absolutely right. Story after story was told by her, anecdotes of her youth, of her role as a Governor's wife half a century ago, and told with humor and taste and a freshness that was totally up to date. She did make us laugh and she laughed and the hours went by like minutes as we sat and conversed with her.

It is tempting to say that with the passing of Mrs. William Tudor Gardiner, an era has passed, but I don't think so. Although she had about her the aura of values brought forward from the past, she was also totally modern, a person for whom, even at 91, there was still an exciting future ahead. My sadness today is that she was not able to go forward even further, and that a person who brightened the scene of our life in Maine, both public and private, is no longer with us.

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

Mrs. BERUBE: Mr. Speaker, Ladies and Gentlemen of the House: I think that Representative Rolde has said it all and so very well.

In driving toward Mrs. Gardiner's house, one comes upon a fork in the road and there is a sign which indicates that the road on the left leads to Abdication House, as she called her home. I guess that a saying that comes to mind says it all also, and it is that "two roads diverged in the wood and I took the one least traveled by and that has made all the difference." Although I did not have the pleasure of having known her for very long, I am very happy to have had the privilege of spending a little time with her. She was a great lady whom I shall not soon forget.

The SPEAKER: The Chair recognizes the gentleman from East Machias, Mr. Randall.

Mr. RANDALL: Mr. Speaker, Ladies and Gentlemen of the House: While I cannot claim the benefit of knowing Mrs. William Tudor Gardiner, I do want to stand and speak in tribute to this distinguished Maine family. For it was through a scholarship established in memory of the late Governor William Tudor Gardiner that I was able to pay for my college education, and for that I shall be forever very grateful.

Thereupon, the Resolution was adopted.

By unanimous consent, ordered sent forthwith to the Senate.

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act to Require Legislative Confirmation of Harness Racing Commission Members" (H. P. 734) (L. D. 872)

Report was signed by the following members:

Senator:

WOOD of York

— of the Senate.

Representatives:

SMITH of Island Falls
SHERBURNE of Dexter
LOCKE of Sebec
LISNIK of Presque Isle
MAHANY of Easton
McCOLLISTER of Canton

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Report was signed by the following members:

Senators:

SHUTE of Waldo
HICHENS of York

— of the Senate.

Representatives:

NELSON of New Sweden
CONARY of Oakland
CALLAHAN of Mechanic Falls
MICHAEL of Auburn

— of the House.

Reports were read.

Mr. Mahany of Easton moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and specially assigned for Monday, May 4th.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

Divided Report

Tabled and Assigned

Majority Report of the Committee on Agriculture reporting "Ought to Pass" on Bill "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H. P. 648) (L. D. 753)

Report was signed by the following members:

Senators:

WOOD of York
SHUTE of Waldo

— of the Senate.

Representatives:

LOCKE of Sebec
MICHAEL of Auburn
LISNIK of Presque Isle
McCOLLISTER of Canton
MAHANY of Easton

— 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.

Representatives:

SHERBURNE of Dexter
CONARY of Oakland
CALLAHAN of Mechanic Falls
NELSON of New Sweden

— of the House.

Representative:

SMITH of Island Falls

— of the House — Abstained.

Reports were read.

Mr. Mahany of Easton moved that the House accept the Minority "Ought to Pass" Report.

On motion of the same gentleman, tabled pending his motion to accept the Majority "Ought to Pass" Report and specially assigned for Monday, May 4.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

SENATE DIVIDED REPORT — Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" — Committee on State Government on Bill "An Act to Reduce the Length of the Maine Legislative Session" (S. P. 436) (L. D. 1265) — In Senate, Passed to be Engrossed on April 30.

Pending—Acceptance of either Report.

On motion of Mrs. Kany of Waterville, tabled pending acceptance of either report and specially assigned for Tuesday May 5th.

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

Bill, "An Act to Provide 75% Reimbursement to a Municipality for General Assistance Costs" (H. P. 701) (L. D. 826) (C. "A" H-246)

Tabled—April 29 by Representative Brenerman of Portland.

Pending—Passage to be Engrossed.

On motion of Mr. Brenerman of Portland, tabled pending passage to be engrossed and specially assigned for Monday, May 4th.

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

RESOLVE, Providing for Revision to the Land Use Regulation Commission's Land Use Handbook, Section 6 "Erosion Control on Logging Jobs" (H. P. 454) (L. D. 501)

— In House, Insisted on Passage to be Engrossed and asked for a Committee of Conference on April 27.

— In Senate, Adhered to Passage to be Engrossed as Amended by Committee Amendment "A" (H-198) in non-concurrence.

Tabled—April 29 by Representative Hall of Sangerville.

Pending—Further Consideration.

On motion of Mr. Hall of Sangerville, tabled pending further consideration and specially assigned for Tuesday, May 5th.

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

An Act to Amend Certain Aspects of Post-Conviction Review (S. P. 443) (L. D. 1281) (C. "A" S-126)

Tabled—April 30 by Representative Connolly of Portland.

Pending—Passage to be Enacted.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Counties, which have Adopted a Charter, with Home Rule Authority Regarding the Office of Sheriff (H. P. 357) (L. D. 405) (C. "A" H-260)

Tabled—April 30 by Representative Austin of Bingham.

Pending—Motion of the same gentleman to Reconsider Indefinite Postponement of Bill and Accompanying Papers.

Mr. McCollister of Canton requested a division on the reconsideration motion.

On motion of Mr. LaPlante of Sabattus, tabled pending the motion of the gentleman from Bingham, Mr. Austin, that the House reconsider indefinite postponement of Bill and Accompanying papers and specially assigned for Monday, May 4th.

On motion of Mr. McHenry of Madawaska, the House reconsidered its action of earlier in the day whereby Bill "An Act Relating to the Clarification, Consistency and Improved administration of the Employment Security Law" (H. P. 950) (L. D. 1126) was passed to be engrossed.

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

House Amendment "A" (H-279) was read by the Clerk and adopted.

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

(Off Record Remarks)

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

Passed to be Enacted Emergency Measures

An Act to Permit Knox County to Withdraw from the Maine State Retirement System (H. P. 487) (L. D. 539) (H. "A" H-245 to C. "A" H-128)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide for Deduction of Points from the Driver's License of a Minor Illegally Transporting Liquor (H. P. 889) (L. D. 1058) (H. "A" H-221; H. "B" H-225 to C. "A" H-204)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Establish an R. B. Hall Day in Honor and Commemorate a Great Maine Composer (H. P. 1093) (L. D. 1290) (C. "A" H-234)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1981 (H. P. 1380) (L. D. 1557)

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 of the House being necessary, a total was taken.

Whereupon, Mr. Fowlie of Rockland requested a roll call.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. 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 final passage. This being an emergency measure, it requires a two-thirds vote of all the members of the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Baker, Beau-lieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, Lund, MacBride, MacEachern, Mahany, Manning, Martin, A.; Masterman, Masterton, Matthews, McCollister, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paul, Perry, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, The Speaker.

NAY — Carrier, Fowlie, Higgins, H.C.; Macomber, McGowan, Paradis, P.; Pearson, Post, Soule.

ABSENT — Austin, Brannigan, Brown, D.; Conners, Davies, Davis, Gillis, Hobbins, JAlbert, Ketover, Laverriere, Leighton, Lewis, Martin, H.C.; Nelson, M.; Perkins, Peterson, Pouliot, Strout, Weymouth.

Yes, 122; No, 9; Absent, 20.

The SPEAKER: One hundred twenty-one having voted in the affirmative and nine in the negative, with twenty being absent, the Resolve is finally passed.

Signed by the Speaker and sent to the Senate.

Passed to be Enacted

An Act to Provide Funds for the Provision of the State Cost Sharing of Telecommunication Typewriters for the Hearing Impaired (S. P. 201) (L. D. 568)

An Act to Amend the Laws Relating to Group and Blanket Health Insurance (S. P. 360) (L. D. 1060) (S. "A" S-139 to C. "A" S-134)

An Act to Make Revenue Losses, Due to Tax Credits, Exemptions and Deductions, Part of the Budget Document (S. P. 390) (L. D. 1148) (C. "A" S-131)

An Act Relating to Pharmaceutical Services Provided at Rural Health Centers (S. P. 411) (L. D. 1215) (C. "A" S-133)

An Act to Amend the Maine Human Rights Act (S. P. 579) (L. D. 1555)

An Act Concerning the Inspection of Ballots on Municipal Questions (H. P. 56) (L. D. 69) (C.

“A” H-226)

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.

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Prohibit the Sale and Use of Drug Paraphernalia (H. P. 67) (L. D. 104) (C. “A” H-233)

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

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

Mr. CONNOLLY: Mr. Speaker, I hate to be the one to do this, but nobody else seems willing to ask the question—I would like to know whether or not this bill would require a fiscal note.

The SPEAKER: The Chair would advise the gentleman from Portland and members of the House, the Chair has no information which would require that a fiscal note be required.

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

By unanimous consent, ordered sent forthwith.

An Act to Permit Additional Polling Places in Municipalities with Large Fluctuations in Voter Turnout (H. P. 169) (L. D. 222) (C. “A” H-230)

An Act Concerning Civil Trespass by Motor Vehicle (H. P. 563) (L. D. 639) (C. “A” H-232)

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.

By unanimous consent, ordered sent forthwith.

An Act to Permit Free Licenses to Trap Furbearing Animals to Persons 70 Years of Age and Older (H. P. 772) (L. D. 917) (C. “A” H-211)

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

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to be on record as support this legislation and would request a roll call.

I did sign the Minority “Ought Not to Pass” Report. However, over the long Easter Weekend, I contacted constituents representing there sports clubs that have large memberships and they are very much in favor of it.

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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Baker, Beau-lieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brenerman, Brodeur, Brown, A.; Brown, K.L.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connolly, Cox, Cunningham, Curtis, Damren, Davies, Day, Dexter, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gowen, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jordan, Joyce, Kane, Kany, Kelleher, Kiesman, Kilcoyne, Lancaster, LaPlante, Lisnik, Livesay, Locke, MacBride, Ma-

comber, Mahany, Manning, Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Norton, O'Rourke, Paradis, E.; Paradis, P.; Pearson, Perry, Post, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Studley, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, The Speaker.

NAY — Lund, Martin, A.; Nelson, A.; Paul.

ABSENT — Austin, Brown, D.; Connors, Crowley, Davis, Gillis, Hobbins, Jalbert, Ketover, Laverriere, Leighton, Lewis, MacEachern, Martin, H.C.; Nelson, M.; Perkins, Peterson, Pouliot, Strout, Weymouth.

Yes, 127; No, 4; Absent, 20.

The SPEAKER: One hundred twenty-seven having voted in the affirmative and four in the negative, with twenty being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith.

Enactor

Tabled and Assigned

An Act to Define Force under the Sex Offense Provisions of the Criminal Code.” (H. P. 873) (L. D. 1042) (C. “A” H-231)

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

On motion of Mr. Soule of Westport, tabled pending passage to be enacted and specially assigned for Monday, May 4.

An Act to Amend the Law Prohibiting Law Enforcement Officers from Soliciting Funds (H. P. 938) (L. D. 1108)

An Act Concerning the Payment of Burial Expenses for Certain State Wards (H. P. 1008) (L. D. 1204) (C. “A” H-240)

An Act Relating to Child Prostitution (H. P. 1069) (L. D. 1272) (C. “A” H-227)

An Act Concerning Certain Estates under the Control of Public Administrators (H. P. 1122) (L. D. 1339)

An Act Concerning Qualifications of Law Enforcement Officials (H. P. 1125) (L. D. 1342)

An Act Relating to the Transport of State Prisoners in Knox County (H. P. 1152) (L. D. 1373) (C. “A” H-239)

An Act to Amend the Charter of the Maine Historical Society (H. P. 1153) (L. D. 1374)

An Act Relating to the Sale of Alcoholic Beverages on Vessels (H. P. 1274) (L. D. 1489) (S. “A” S-144; C. “A” H-238)

An Act to Amend the Northern Maine General Hospital Charter (H. P. 1338) (L. D. 1533)

An Act to Promote Greater Efficiency through Alternative Working Hours in State Government (H. P. 1375) (L. D. 1556)

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.

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 6 was taken up out of order by unanimous consent:

Leave to Withdraw

Representative Crowley from the Committee on Marine Resources on Bill “An Act to Limit Scallop Dragging” (H. P. 1316) (L. D. 1520) reporting “Leave to Withdraw”

Report was read and accepted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper was taken up out of order by unanimous consent:

Ought Not to Pass

Representative LaPlante from the Committee on Local and County Government on Bill “An Act to Increase the Number of County Commissioners in York County” (H. P. 1027) (L. D. 1237) reporting “Ought Not to Pass”

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

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Mr. Dexter, of Kingfield, Adjourned until Monday, May 4, at ten o'clock in the morning, in memory of Margaret Thomas Gardiner.