

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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HOUSE

Monday, May 4, 1981

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

Prayer by the Reverend Sterling Helmer of the North Livermore Baptist Church.

The members stood at attention during the playing of the National Anthem by the Windham Junior Senior High School Band.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine

Augusta

May 1, 1981

The Honorable Edwin H. Pert

Clerk of the House

110th Legislature

Augusta, Maine 04333

Dear Clerk Pert:

The Senate today voted to Adhere to its former action whereby Joint Resolution to Ratify an Amendment to the Federal Constitution to Provide for Representation of the District of Columbia in the Congress, (S. P. 230) (L. D. 617), Failed of Adoption.

Respectfully,

MAY M. ROSS

Secretary of the Senate

The communication was read and ordered placed on file.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Provide a One Month Grace Period for Expired Motor Vehicle Registrations" (S. P. 356) (L. D. 1031) on which the Minority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted in the House on April 28, 1981.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-158) in non-concurrence.

In the House: Mr. Carroll of Limerick moved that the House adhere.

On motion of Mr. Fowlie of Rockland, tabled pending the motion of Mr. Carroll of Limerick to adhere and later today assigned.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Providing Collective Bargaining Rights to Judicial Employees" (H. P. 823) (L. D. 979) on which Report "A" "Ought to Pass" Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed in the House on April 27, 1981.

Came from the Senate with Report "C" "Ought to Pass" as amended by Committee Amendment "A" (H-214) Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-214) in non-concurrence.

In the House: On motion of Mrs. Beaulieu of Portland, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Providing Collective Bargaining Rights to Legislative Employees" (H. P. 323) (L. D. 384) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on April 29, 1981.

Came from the Senate with Report "C" "Ought to Pass" as amended by Committee Amendment "B" (H-252) Report of the Committee on Labor read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-252) in non-concurrence.

In the House: On motion of Mr. Baker of Portland, the House voted to recede.

Mr. Baker of Portland moved that Commit-

tee Amendment "B" be indefinitely postponed.

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

Miss LEWIS: Mr. Speaker, I would ask for a division on that killing of Amendment "B" because I believe that Amendment "B" is what makes this a really good bill. Amendment "B" is what is the right-to-work version of collective bargaining for legislative employees.

The SPEAKER: The Chair would advise the gentleman from Portland, Mr. Baker, that his motion to indefinitely postpone Committee Amendment "B" is not in order.

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

Mrs. BEAULIEU: Mr. Speaker, I wish to pose an inquiry to the Chair—why?

The SPEAKER: The Chair would advise the gentlewoman from Portland that we indefinitely postponed the bill; therefore, Committee Amendment "B" was never considered by this body. We receded from our former action and therefore that, our former action, was indefinite postponement and not adoption of Committee Amendment "B".

On motion of Mr. Kelleher of Bangor, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Clarify the Duties of the Register of Deeds" (H. P. 766) (L. D. 936) which was passed to be engrossed as amended by Committee Amendment "A" (H-217) and House Amendment "A" (H-228) in the House on April 27, 1981.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-217) as amended by Senate Amendment "A" (S-156) thereto and House Amendment "A" (H-228) in non-concurrence.

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

The SPEAKER: Would the Sergeant-at-Arms please escort the gentleman from Fairfield, Mr. Gwadosky, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Mr. Gwadosky assumed the Chair as Speaker pro tem and Speaker Martin retired from the Hall.

**Petitions, Bills and Resolves
Requiring Reference**

The following Resolve and Resolution were received and referred to the following Committees:

Energy and Natural Resources

RESOLVE, Authorizing the Transfer of Certain Lands in Webster Plantation to the Heirs of Horace White (H. P. 1412) (Presented by Representative Dudley of Enfield) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for a Four-year Term of Office for Sheriff (H. P. 1413) (Presented by Representative Joyce of Portland) (Approved for introduction by a Majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Special Sentiment Calendar

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

In Memory of

Florida Lewin, wife of the Honorable Theodore Lewin, former member of the Maine Legislature; (S. P. 590)

On the request of Mr. Kelleher of Bangor, was removed from the Special Sentiment Cal-

endar.

Thereupon, the Resolution was read and adopted in concurrence.

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

Representative McSweeney from the Committee on Legal Affairs on Bill "An Act to Prohibit the Carrying of Weapons in Places Where Alcohol is Served" (H. P. 824) (L. D. 980) reporting "Ought Not to Pass".

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

Leave to Withdraw

Representative LaPlante from the Committee on Local and County Government on Bill "An Act to Bring Accountability to the Penobscot County Budget" (H. P. 469) (L. D. 520) reporting "Leave to Withdraw".

Representative Masterton from the Committee on State Government on Bill "An Act Concerning Energy Conservation in Projects Funded by Housing Authority Loans" (H. P. 986) (L. D. 1174) reporting "Leave to Withdraw."

Representative Kany from the Committee on State Government on Resolution, Proposing an Amendment to the Constitution of Maine to Provide that the House of Representatives be Reduced from 151 to 132 Members (H. P. 151) (L. D. 133) reporting "Leave to Withdraw".

Representative Beaulieu from the Committee on Labor on Bill "An Act to Suspend the Annual Escalation in Unemployment Benefits While the State Remains Indebted to the Federal Government" (H. P. 822) (L. D. 976) reporting "Leave to Withdraw".

Representative Foster from the Committee on Labor on Bill "An Act to Establish a Voluntary System of Shared-work Unemployment Compensation" (H. P. 1012) (L. D. 1222) reporting "Leave to Withdraw".

Representative Carroll from the Committee on Transportation on Bill "An Act Concerning Speed Limits in Urban Compact Areas" (H. P. 1199) (L. D. 1422) reporting "Leave to Withdraw".

Reports were read and accepted and sent up for concurrence.

**Consent Calendar
First Day**

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

(H. P. 809) (L. D. 970) Bill "An Act to Facilitate the Leasing of Existing Subsidized Housing Units"—Committee on State Government reporting "Ought to Pass".

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

Thereupon, the Report was accepted, the Bill read once and assigned for second reading later in the day.

(H. P. 506) (L. D. 557) Bill "An Act to Amend the Fee Schedule for the Payment of Appointed Forest Fire Wardens"—Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-282).

(H. P. 17) (L. D. 11) Bill "An Act to Regulate the Taking of Mahogany Quahogs"—Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-281).

(H. P. 1112) (L. D. 1317) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Law and Constitutional Provisions Relating to Consolidating Initiative and Referendum Elections to Dates of the Next General Election—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-283).

(H. P. 765) (L. D. 902) Bill "An Act Relating

to Injured State Workers"—Committee on Labor reporting "Ought to Pass".

(H. P. 1353) (L. D. 1539) Bill "An Act to Enable Continuation of the Highway Safety Defensive Driver Program through an Increase in Student Registration Fees"—Committee on Transportation reporting "Ought to Pass".

(H. P. 1150) (L. D. 1398) Bill "An Act to Provide for Municipal Development of Energy Resources"—Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-285).

(S. P. 464) (L. D. 1320) Bill "An Act to Raise Survivors' Benefits in the Maine State Retirement System"—Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-152).

(S. P. 207) (L. D. 572) Bill "An Act to Make Changes in the Kennebec Water District Charter"—Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-153).

(H. P. 906) (L. D. 1073) Bill "An Act to Regulate Motorized Bicycles"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-287).

No objections being noted, the above items were ordered to appear on the Consent Calendar, Second Day, later in the 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. 1010) (L. D. 1206) Bill "An Act to Limit Liability Regarding Donations to Food Banks" (C. "A" H-278).

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

Enactor Later Today Assigned

An Act to Create a Department of Corrections (S. P. 376) (L. D. 1134) (C. "A" S-115).

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

On motion of Mr. Connolly of Portland, tabled pending passage to be enacted and later today assigned.

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

Divided Report Tabled Unassigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act to Authorize Municipal Ordinances Preventing Drinking in Public" (H. P. 146) (L. D. 172)

Report was signed by the following members:

Signed:
Representatives:
SOULAS of Bangor
COX of Brewer
STUDLEY of Berwick
TREADWELL of Veazie
STOVER of West Bath
PERRY of Mexico
SWAZEY of Bucksport
McSWEENEY of Old Orchard Beach
DUDLEY of Enfield

—of the House.

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

Report was signed by the following members:

Signed:
Senators:
CHARETTE of Androscoggin
SHUTE of Waldo
VIOLETTE of Arrostook

Representative:

GWADOSKY of Fairfield

—of the Senate.

—of the House.

Reports were read.

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

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

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like a brief explanation from members on the committee. It is a very short bill, actually it is only two sentences in length, but it appears to me that it gives to the local communities and municipalities the authority from the state level, delegating authority to the local level, for our local municipalities to write their own ordinances preventing drinking in public. These are issues that we have dealt with many times before in the past. I just wonder how broad or how narrow this scope of authority is that we are delegating back to the local level for local control.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. McSWEENEY: Mr. Speaker and Members of the House: This is my bill and this is a local option. There will be other bills coming along on drinking in public.

This was put in here due to the fact that we had a problem last summer, two different riots in Old Orchard, which cost the taxpayers \$75,000 extra for police protection.

What this bill does is, it leaves it up to the municipal government to control drinking in public. I would like to see the bill for drinking in public statewide come along and override this bill, but I would like to have you people vote "ought to pass" on this bill and then have it tabled until the other bills come along.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to thank the gentleman from Old Orchard Beach for his explanation and I do urge you to support the "ought to pass" report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: In reading through this bill, you come across the term "in public places." We had a bill in here, I believe it was two years ago, and it had similar language, and it brought the term out "public or public places." That meant if you took your family out on a picnic and you took a beer along with you, you were breaking the law. Under this bill here, it looks like similar action could take place. I would like to have a complete explanation from the sponsor of the bill or from a member of the committee as to the extent of the term "public or public places". I believe it is widespread interpretation that can be taken by the towns or cities in the State of Maine. I think if you take a beer along with you on a picnic, I don't think it is any reason to arrest a man or bring him in. I would like to have a complete explanation of it.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. McSWEENEY: Mr. Speaker and Members of the House: I believe what this bill does, it is streets, highways, public places, this is what this bill does. It does not say that if you are on your front lawn or any place such as this. Say the Elks or Lions, Rotary Club, if they are having an outing, it will not interfere with that.

In a public place, the town will designate what they consider a public place. I believe this would help our state, our tourist industry, and everything else. We live in a great state, and

we should try to keep it that way.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I feel the responsibility to try to help Representative McSweeney today, because I, too, had filed a similar bill and I dropped mine so that he could become the prime sponsor of this particular one.

In a community like mine, which is a rather large community, for several years now I have been asking the city council to legislate, if you will, at the local level where public drinking could take place and where it could not.

We have problems in playground areas, in our parks, even though they are posted, closed after ten o'clock. It is not unusual to see large groups of young people congregating at two or three o'clock in the morning.

I feel very strongly that there should be no public drinking on the street corners, on a right of way, on a major arterial or the major neighborhood street, and every single time I pressed in behalf of my constituents in the city and I represent, and the people who have called me asking me to do something about it, we would go to city hall and present our case, we would tell them what we wanted to do, they would look at us and say, we do not have the authority to do that.

When I raised the issue with legislators before we came into session, I was told that many of them rejected the idea because they felt there was a potential for each community setting up their own municipal ordinances and having, for example, if I left Munjoy Hill, which I think I am going to do very soon, to go to Old Orchard Beach or to go to Ellsworth or to go to Auburn, I might be running into a different set of rules and they felt that uniformity was the best approach. That may be so, but I still feel very strongly that my city council, in response to the concerns of the citizens in Portland, should have the authority to designate certain places where public drinking shall not be allowed, where a heavy fine can be imposed and where it can literally be a criminal offense. I still believe in the concept of local level authorization and legislation in this area.

I think the arguments on the other side are not exactly invalid, but good government more often than not should at least let our local authorities have the right to do it.

In our community, it is not unusual for groups, for example, to want to have a field day in the Deering Oaks section of the City of Portland. My city authorizes beer garden programs. They can only purchase that cup of beer on the tennis court and they can't take it off the tennis court while families and children are enjoying the rest of the park area. We do that on the 4th of July on the Eastern Prom, which is in my district and in Representative Brennerman's district. So, we are doing something constructive.

There has got to be a way for my police force to be able to get those kids off the street corner and out of the playgrounds and out of the parks and away from the sidewalk areas when they are embibing and wind up in a situation where vandalism and distress to the citizens in the community becomes a major hassle.

I would urge you to support the "ought to pass" report.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: The problem is very real and it is a statewide problem. During the next week or week and a half we will have four or five bills being reported out from either Judiciary or Legal Affairs. This bill, and I am a co-sponsor of this bill, is a local option bill. I would hope today that you could report it out "ought to pass" and then table the bill, and as these bills are reported out and moved through the

process, in a week and a half or two weeks from now we can look at all four or five bills and pick out the bill that is in the best interest of the citizens of the state.

I urge you to report "ought to pass."

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I concur wholeheartedly with some of the comments of the good gentlady from Portland, Mrs. Beaulieu; other comments I do not. I would like to see the local governments be given authority to designate areas where there would be no public drinking, but, out of the 485 towns in the State of Maine, you probably would have 485 different opinions as to what public place means. So everytime you would go on an outing or gathering with friends and so forth, you would have to check the laws to see if you can take a can of beer with you.

The whole bill stems from an isolated incident here in the State of Maine, and I see no reason why 99 percent of the State of Maine should have to suffer accordingly. If they want to make this a local bill, okay, let's make it a local bill, but why should the people in Skowhegan or Madison or Houlton or Caribou, Calais, for example, be penalized because of an isolated incident? This happened last summer and I see no reason why this bill should be passed on.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and ask for the yeas and nays.

The SPEAKER Pro Tem: The gentleman from Calais, Mr. Gillis, moves that this Bill and all its accompanying papers be indefinitely postponed.

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

Mr. DRINKWATER: Mr. Speaker and Members of the House: We also had a problem, a near riot, in my city last year. I would yield to the chairman of the committee.

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

Mr. TARBELL: Mr. Speaker, Ladies and Gentlemen of the House: Not to further delay this matter. The motion before us is to indefinitely postpone this bill. The language of this bill is extremely broad, there is no question about it, but it is my understanding from the sponsor and cosponsors of this bill, and the chairman of the Legal Affairs Committee, that the intent is to bring all of the drinking bills out onto the floor of the House and table them so that we can look at them and compare them and work on them, if need be, with a little bit of further work and amending.

In that spirit, if that is, in fact, the intent of the members of the committee and the sponsor and cosponsors, I would urge the members of the House to at least let us accept the "ought to pass" report, let's set it on the table and let's bring out all the bills and compare them, because I do think there is general consensus among all of us that this is a problem throughout the state, regardless of what community and district we come from, and it is a problem that we should address, that we need to address, and as long as we are going to do it in a comprehensive fashion, I see no reason for not bringing them all out and let's take a good, hard look at them before we further deliberate.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I concur with the good gentleman from Bangor, Mr. Tarbell, in his approach to this whole situation involving public drinking.

It is unfortunate that the Legislature was faced with a situation of seven or eight bills concerning the same areas and these particular bills being referred to two separate committees. However, I can understand the reasons why when I look at the different titles which this particular area falls under in the

Maine Statutes.

It is my hope that this House today will accept the "ought to pass" report, allow this bill to be placed on the unassigned table and allow the three measures before the Judiciary Committee to be incorporated possibly into one measure, presented to the Legislature and then we can work the different bills and come up with some type of solution that I think will benefit all communities in the State of Maine.

I urge you to defeat the pending motion to indefinitely postpone.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, with the understanding that has been stated by the last two speakers, accept the "ought to pass" report and place it on the unassigned table, I will yield to my assistant minority leader and withdraw my motion.

The SPEAKER Pro Tem: The gentleman from Calais, Mr. Gillis, withdraws his motion to indefinitely postpone.

Thereupon, the Majority "Ought to pass" Report was accepted and the bill read once.

On motion of Mr. Diamond of Windham, tabled unassigned pending passage to be engrossed.

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

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Limit the State's Retail Liquor Operations" (H. P. 1346) (L. D. 1536)

Report was signed by the following members:

Signed:

Sensors:

SHUTE of Waldo

CHARETTE of Androscoggin

—of the Senate.

Representatives:

TREADWELL of Veazie

COX of Brewer

PERRY of Mexico

McSWEENEY of Old Orchard Beach

STOVER of West Bath

DUDLEY of Enfield

—of the House.

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

Report was signed by the following members:

Signed:

Sensor:

VIOLETTE of Aroostook

—of the Senate.

Representatives:

SOULAS of Bangor

GWADOSKY of Fairfield

STUDLEY of Berwick

SWAZEY of Bucksport

—of the House.

Reports were read.

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

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

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Soulas.

Mr. SOULAS: Mr. Speaker, Ladies and Gentlemen of the House: I ask for a division.

I have in my hand over 15 pages of testimony urging acceptance of this bill, but I am not going to bore you with it. However, I will take time just to leave one thought with you. One major reason for this bill is to change all our liquor stores into agency stores.

Now, you small town people have a real problem because if a liquor store closes, there is no way you are going to get an agency store, because the way the written bill is, within a 10 mile radius we don't allow any stores of each other. We have this problem right now in Win-

slow. Possibly the liquor store could close and because the liquor store in Waterville is so close, it is within a 10 mile radius, we just can't allow an agency store.

This gives you the opportunity right now to get this for all the little towns and vote for this bill, and if you do that, you won't have to worry about any more complications with stores here and there, and this would give you the most equitable way of handling liquor in our state. Believe you me, it will not reduce our funds coming into the state one iota. For that reason, I hope you will vote against the "ought not to pass" motion.

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

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: The whole thing about this is control. We don't have to tell anybody what the problems are with liquor, look at our mortality rate on the highways. In the disease area we have heart disease, cancer, and the third health problem we have is alcohol, I don't know but alcohol is second now. Nobody wants to go back to Prohibition, but at the same time we want to control. We have got a good thing going; let's keep it the way it is. If we pass this bill as it has been written, it not only lets anybody in the State of Maine who has a grocery store get a license, but they can be open until ten or eleven o'clock at night, open on Sundays, and we would just throw the whole thing to the wind and we would lose all the control we have. It would create a great deal more problems than we have, and we certainly have problems enough.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have probably had the privilege of opening at least five state liquor stores and leasing them to the state. When we lease one of these stores, we subsidize the state. If the rental in an average center happens to be four or five dollars a square foot, the liquor store has the privilege of running at \$2 a square foot.

The liquor store does not have to contribute anything to the plowing, the liquor store doesn't have to do many of the things that the other tenants have to do, and why do we do this? We do this because we want the traffic in the center, we want the people to come to the center to buy their liquor, so we subsidize the state. We take care of the heating systems, we do many things.

Now, the problem is going to arise — we also have agency stores and in the agency stores, our people are handling the liquor for the very same reasons, but the problem in the agency stores is that they do not like to give much space to the liquor, they cram it down as much as they can, they don't carry all the varieties, they keep it just as a traffic builder, but if you don't keep your state liquor stores, your costs are going to increase. When people tell you, you are not going to lose any business, don't you believe it. You're going to pay more for your liquor if you keep the same income that you now have.

I believe they are now handling in the agency stores of the liquor for something like an 8 percent return, they can't handle it for that. The minute that you put in an agency store without your state liquor stores, you are going to have to pay a higher percentage. They are going to have to get 14, 15, maybe 20 percent to handle this liquor. Then you are going to have people who are going to be going for these stores. You are going to have people who want to control areas of liquor sales. You are going to have undesirable characters eventually get in here and handle the liquor sales in this state.

You have a good control now, you are being subsidized by the people who rent the buildings, and I think you would be very foolish to change

the position or the activity that you have now, because now you can still have agency stores in addition to your regular liquor stores, so I think you have a pretty good system and I think the gentleman is right, you do now have control.

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

Mr. JALBERT: Mr. Speaker and Members of the House: This attempt to change the system, in my opinion, is a very, very bad deal. First, anyone who says that the people who are presently employed in the liquor stores would be placed elsewhere, in my opinion, that is not quite an accurate statement.

Only one state in the union, since the Prohibition days, has attempted to change their position by going to a referendum. That is the state of Oregon, and that was soundly defeated.

Just think of the people; these people who work in liquor stores are good people, however, they are not necessarily college graduates, they are not necessarily within or coming out of a profession to go to work, the salary is not that high, they are not even getting paid what they should get paid to sell lottery tickets, if they want to sell them, a lot of them do and they get nothing for it. Even the manager who goes to the bank doesn't get remuneration for even the gasoline, the expense, and the time that he spent.

Now, about the fellows that work in these places, who have been working in these stores for 10, 12, 14, 16 or 18 years, where are their pension rights? If they don't get a job with the state or get transferred, then where would they get taken care of?

If you want your liquor stores open 24 hours a day, go with this deal here. What happens if there are two stores in a small town that are capable of handling the situation, right off you cause a divided friction right in the town.

I don't see, frankly, anything that is good about this bill. I feel very strongly that it will harm a tremendous amount of dedicated state employees. The situation as it is now is being handled very well. We are getting \$20 million, and you go into this situation here, your revenues will come down to \$15 million, make no mistake about it.

I will tell you another thing right now, you are going to get some people going in to sell you some liquor on Monday morning with a nice briefcase and you are going to get turned down and you might get a call on Thursday night about nine-thirty from the same salesman with two friends in back of him, a truck in the back, and they are going to be told what to buy. It has happened elsewhere, it can happen in Maine. This is a very, very bad bill.

I move the indefinite postponement of this bill and all its accompanying papers and when the vote is taken, I would ask for the yeas and nays.

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

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

The SPEAKER Pro Tem: The pending question before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brennerman, Brodeur, Brown, A.; Brown, D.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Connors, Connolly, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G. W.; Diamond, J. N.; Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen,

Hayden, Hickey, Higgins, H. C.; Higgins, L. M.; Hobbins, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kany, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Matthews, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, E. H.; Mitchell, J.; Moholland, Nadeau, Nelson, A.; Nelson, M.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, J.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Salisbury, Sherburne, Small, Smith, C. B.; Smith, C. W.; Stevenson, Stover, Strout, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitcheil, Vose, Walker, Webster, Wentworth, Weymouth.

NAY — Armstong, Austin, Brannigan, Brown, K. L.; Hall, Hanson, Holloway, Manning, McCollister, Michaud, Murphy, Norton, Studley, Swazey.

ABSENT — Cahill, Conary, Davies, Gwadodsky, Kelleher, LaPlante, Leighton, Lund, Martin, H. C.; Peterson, Soulas, Soule, The Speaker.

Yes, 125; No, 14; Absent, 12.

The SPEAKER Pro Tem: One hundred and twenty-five having voted in the affirmative and fourteen in the negative, with twelve being absent, the motion does prevail.

Sent up for concurrence.

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

Divided Report

Majority Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-284) on Bill "An Act to Create a Maine Film Board" (H. P. 1209) (L. D. 1424)

Report was signed by the following members:

Senator: VIOLETTE of Aroostook — of the Senate.

Representatives: KANY of Waterville
DIAMOND of Bangor
MCGOWAN of Pittsfield
PARADIS of Augusta
LISNIK of Presque Isle
DILLENBACK of Cumberland — 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: AULT of Kennebec
GILL of Cumberland — of the Senate.

Representatives: BELL of Paris
SMALL of Bath
WEBSTER of Farmington
MASTERTON of Cape Elizabeth — of the House.

Reports were read.

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

Mrs. KANY: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" report.

Mr. Tarbell of Bangor requested a Division.

The SPEAKER Pro Tem: The pending question is on the motion of the gentlewoman from Waterville, Mrs. Kany, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Mrs. KANY: Mr. Speaker, I would ask for a

roll call, and I further ask that this be tabled for one day. The sponsor, who is Representative Higgins, really asked that this item be tabled one day, he does not have his materials with him and I would hope out of courtesy that someone would be willing to move that this item be tabled for one legislative day.

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

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

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

Mr. DIAMOND: Mr. Speaker, I move that this be tabled for one legislative day.

Miss Brown of Bethel requested a division.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Bangor, Mr. Diamond, that this be tabled for one legislative day pending the motion of Mrs. Kany of Waterville that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 53 having voted in the negative, the motion did prevail.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-286) on Bill "An Act to Permit Persons 15 Years of Age and Older to Work Until 10 P.M." (H. P. 877) (L. D. 1046)

Report was signed by the following members:

Senators: SEWALL of Lincoln
SUTTON of Oxford
DUTREMBLE of York — of the Senate.

Representatives: BEAULIEU of Portland
LEWIS of Auburn
TUTTLE of Sanford
FOSTER of Ellsworth
MARTIN of Brunswick
HAYDEN of Durham
LAVERRIERE of Biddeford — of the House.

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

Report was signed by the following members:

Representatives: MCHENRY of Madawaska
BAKER of Portland — of the House.

Reports were read.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The Statement of Fact on the amendment to this bill was in error. I would appreciate it if someone would table this until later today.

On motion of Miss Lewis of Auburn, tabled pending acceptance of either Report and later today assigned.

Orders of the Day

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

Bill, "An Act to Exempt Certain Signs from the Billboard Law" (S. P. 378) (L. D. 1136)

Tabled—April 30 by Representative Branni-

gan of Portland.

Pending—Adoption of Committee Amendment "A" (S-119)

On motion of Mr. Brannigan of Portland, retable pending adoption of Committee Amendment "A" and specially assigned for Wednesday, May 6.

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

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1981 (Emergency) (H. P. 1358) (L. D. 1540)

Tabled—April 30 by Representative Higgins of Scarborough.

Pending—Motion of Representative Jalbert of Lewiston to Indefinitely Postpone House Amendment "A" (H-266) (Roll Call Ordered)

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Auburn, Mr. Brodeur.

Mr. BRODEUR: Mr. Speaker, Ladies and Gentlemen of the House: The Androscoggin delegation is scheduled to meet this afternoon, and I would ask that somebody table this for one day until we meet.

On motion of Mr. Diamond of Windham, tabled pending the motion of Mr. Jalbert of Lewiston to indefinitely postpone House Amendment "A" and tomorrow assigned.

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

HOUSE DIVIDED REPORT—Report "A" (7) "Ought to Pass" as Amended by Committee Amendment "A" (H-272)

Report "B" (5) "Ought Not to Pass"

Report "C" (1) "Ought to Pass" — Committee on Health and Institutional Services on Bill "An Act to Remove Private Babysitting Arrangements from the Jurisdiction of the Department of Human Services" (H. P. 796) (L. D. 950)

Tabled—April 30 by Representative Lewis of Auburn.

Pending—Motion of Representative Prescott of Hampden to Accept Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-272)

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

Mr. BOYCE: Mr. Speaker, Ladies and Gentlemen of the House: As you can see, there are several amendments on this bill. A group of us have met and would like to add one more amendment amending a point of existing amendments and I think we can possibly come out with a compromise bill if we could have this bill tabled for one more day, please.

On motion of Mr. Brannigan of Portland, tabled pending the motion of Mrs. Prescott of Hampden to accept Report "A" "Ought to Pass" as amended by Committee Amendment "A" and tomorrow assigned.

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

Bill, "An Act to Increase the Number of Signatures Required to Initiate Rule-making Proceedings under the Maine Administrative Procedure Act" (S. P. 522) (L. D. 1452) (C. "A" S-142)

Tabled—April 30 by Representative Connolly of Portland.

Pending—Passage to be engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

Bill, "An Act to Repeal Continuing Education Requirements for Real Estate Brokers" (H. P. 449) (L. D. 496)

Tabled—April 30 by Representative Racine of Biddeford.

Pending—Motion of Representative Norton of Biddeford to Reconsider Indefinite Post-

ponement.

On motion of Mr. Higgins, of Scarborough, tabled pending the motion of Mr. Norton of Biddeford to reconsider indefinite postponement and tomorrow assigned.

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

HOUSE DIVIDED REPORT — Majority (7) "Ought Not to Pass" — Minority (6) "Ought to Pass" — Committee on Agriculture on Bill, "An Act to Require Legislative Confirmation of Harness Racing Commission Members" (H. P. 734) (L. D. 872)

Tabled — May 1 by Representative Mahany of Easton.

Pending — Motion of the same gentleman to Accept the Majority "Ought Not to Pass" Report.

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: The Harness Racing Commission regulates an important segment of Maine's agricultural industry. This commission operates out of the public view, not under close public scrutiny, from day to day in its activities.

A few months ago, this body voted to pass legislation requiring legislative confirmation of the Maine Housing Authority, and some of the reasons were stated at that time, because it regulates an important segment of Maine's housing business and it also functions out of public view. A good sound argument for that bill a few months ago is appropriate today, that it is good governance for the legislature to have some oversight of an important commission. I believe that it is time for the legislature to assume a more appropriately influential role in the gover of the Harness Racing Commission and, more generally, in the governance of the industry itself to assure its continued good health.

I would like to give you a few figures to give you some idea of the importance of harness racing in the state of Maine. The state receives approximately 3 percent of the total betting pool from the tracks. Last year, revenues in the General Fund amounted to \$794,705, just under a million dollars. This year's General Fund budget estimates, and we hope we can get it, I think we will, \$870,000 in receipts. I believe we can speculate that this year's budget will be exceeded, which is a pleasant reversal of the current trend in shrinking revenues in other areas of the budget.

Last year at this time, the collections up to this date amounted to \$575,000. This year, the General Fund revenue has increased to \$733,718 at this time, representing a 27½ percent increase in revenues. Just this last Saturday, Lewiston Raceway, located not too many miles from my home, just completed its Spring meet and its gross receipts are up 30 percent over last year's receipts.

Thousands of people in the state of Maine are directly dependent on harness racing for their livelihood. Many thousands more participate on a more limited, somewhat part-time basis. There are auxiliary agricultural industries that support harness racing, such as farmers who raise oats and hay for these horses, and there are other auxiliary businesses involved, for example in the sales and maintenance of tacks, that is the harness equipment needed by the race horses.

Some of the problems that have evolved lately from decisions by the Harness Racing Commission are centered around the Commission's duty to assign harness racing dates to the various tracks.

There are tracks all over the state of Maine. There are some in southern Maine, there are some in central Maine, in northern Maine and in eastern Maine, large tracks and small tracks, fair tracks and commercial tracks. I

believe that statewide legislative oversight will assure a fair assignment of racing dates to all regions in the state. I believe that a Commission approved by the legislature will assign dates fairly, regardless of the size of the tracks and thereby reduce bickering among small track and large tracks or between fair tracks and commercial tracks.

Whether or not the harness racing industry will continue to grow and be healthy depends in a large measure on how these race dates will be assigned in the future. The current harness commission seems to be creating a monopoly. This year, 48 new racing dates were opened up. Every one of them was given to the large track in Scarborough. Now, other tracks in other areas want fair and equal treatment when racing dates are up for grabs. The track located in Lewiston used to have 87 or 89 days every year; this year, they have been cut down to 85 days. In prior years, Scarborough had about the same number of days, 85 or 87 or 89 days, but this year they will have 133 days. I believe that it is time for these commission appointments to be reviewed by the legislature.

I urge your vote of no on the pending motion so that we can vote "Ought to Pass" after we have killed the "Ought Not to Pass."

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I beg to differ with my colleague from New Gloucester this morning in attempting to have you not support the "Ought Not to Pass" Report and I will do it for a very simple reason.

The legislation in the south is absolutely not necessary. If I understand the tone of the gentleman's remarks here this morning, he is concerned about how racing dates were applied and distributed throughout the state, and, believe me, nobody is ever happy on how that happens. Some tracks ask for more dates than they get and other tracks ask for different dates, different times of the year, and it is not always an accomplished fact and I don't think this legislature could straighten that out if we reviewed each and every application on our own and the right to veto it.

Mr. Cunningham said this morning that the state has no overview of the Harness Racing Commission and he is one hundred and ten percent wrong and I will tell you why he is wrong. The budget of the Maine Harness Racing Commission is submitted through the Department of Agriculture and its commissioner. The Appropriations Committee and this legislature, in fact, reviews and supports or rejects its budget process.

The racing dates that are allotted by the commissioner or done through a process that is open to the public. There are two or three hearings held on these individual dates and in conjunction with recommendations made by the Maine Fair Associations dealing with the fair dates and also with the major raceways, meaning Lewiston or Scarborough, Cumberland or Bangor, because they are the principal associations that run those dates. Not everybody is happy and I don't think that we could correct that if we had the legislative overview that he is talking about.

The Commission is made up of both political parties and independents. It has geographical representation, not always the same with the times, but in my interest in harness racing for the past 25 years, I can remember when a very honorable gentleman from Fryeburg served on there for 15 or 17 years, the Honorable John Weston, not a member of my party, but let me tell you something, he had the best interest of the state at heart. He might have been appointed by a Republican, which was John Reed but he was reappointed by a Democrat, Curtis, because of the fact that he had good business sense.

Mr. Cunningham claims that the public inter-

est is not represented; well, I disagree with him on that because the commission is set up under existing legislation that provides stewards at the track that not only represent the interest of the tracks if there are complaints, as a conduit to the commission, and with the general public as well as the horsemen.

I appeared before this committee in its work session along with Dana Childs, who is the President of the Maine Horsemen's Association, and he, representing them, took no position on this particular bill.

I think in the sake of time, we would be far better off if we left the system as it is now and I would ask you to support Mr. Mahany's motion to accept the "Ought Not to Pass" Report.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Easton, Mr. Mahany.

Mr. MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that most people don't think there is any need for this bill at this time. I would point out further that at the work session three persons spoke in opposition to the bill and the sponsor was the only proponent. I believe that the present system has worked well and I urge you to support the motion.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: It is not often that the gentleman from Bangor and I disagree, especially on anything that has to do with the harness racing industry, but in this particular case, he and I are going to part ways on this bill and probably it will be for a very short period of time.

I realize, too, that I should be in favor of leaving the system as it is, since Scarborough has received, as the gentleman from New Gloucester pointed out, numerous additional racing dates this year. But I think the gentleman from Bangor is trying to confuse the issue a little bit by saying that the legislature could somehow by giving the authority to confirm members of the commission to the legislature, is going to take over the reins of setting the harness racing dates in the state and that is not the case at all. What we are looking at here, or attempting to look at, is legislative confirmation of these people that are appointed to the commission. I don't think it is completely out of character for this body to want to attain that goal.

Mr. Kelleher also brought up the fact that the budget goes through the process. Well, that is true, as it is in any department but how do you effect change in budgetary matters? You can't make a difference by cutting money from the budget necessarily if the philosophy of the board, of the commission, is different than what you would like to have it, no matter how much money you give to them, and that is for just the more or less day-to-day operations.

We are talking about setting a policy here, setting the philosophy of the racing industry in the state of Maine and it is a major industry. There are a lot of people that are affected both directly and indirectly by a healthy harness racing industry. You can see it at Lewiston. I was there Saturday night, there was a tremendous crowd. I was not at Scarborough yesterday, believe it or not, but I can see that they handled over \$200,000, so I know that there were a lot of people there yesterday.

So, the industry, through the initiative of several tracks, most notably, I would say, Scarborough and Lewiston, have produced a great deal of enthusiasm for the sport and producing additional revenues for the state in doing so.

I just feel that the board should have some representation that this legislature ought to have some input into who is going to be setting dates and, more importantly, who is going to be resolving conflicts between some of the tracks. Some of you have probably read about some of the problems between Scarborough and Lewiston and Lewiston wanted to lease part of Bang-

or's track to run in competition with Scarborough. There are a lot of little intricacies here that make a big difference to the industry in the state of Maine. I don't think we are necessarily talking about conflicting racing dates, we are talking about setting a major policy decision for this entire industry.

I would hope you would go along today with the gentleman from New Gloucester, Mr. Cunningham, and vote against the pending motion so we could accept the "Ought to Pass" Report.

The SPEAKER Pro Tem: The Chair will order a vote. The pending question, is on the motion of the gentleman from Easton, Mr. Mahany, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Cunningham of New Gloucester requested a Roll Call.

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

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

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

Mr. CUNNINGHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to have you consider that we are talking about a \$60 million industry. We are talking about an industry that is important to the agricultural segment of the state of Maine.

A couple of years ago, we started seeing signs of problems in the chicken industry. We were in no position then to do anything about the problem that finally evolved, the apparent loss of a very important segment of our agricultural community. Probably there was nothing we could do as a legislature, but in those instances where there may be something that we can do to assure the health of an important industry, I feel we should do that so that we won't be surprised down the road that a monopoly was created and that an industry was killed.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Frankly, I have been around the harness industry all my life, and for some reason, I am absolutely amazed, I can't understand or read that gentleman's argument. Not one bit of testimony that he just presented in the past two minutes can I see why you would want to support this bill.

Mr. Higgins, myself, Senator Perkins, a lot of others, have been involved in harness racing, we have sponsored or worked for considerable measures to improve or tighten harness racing in the state, to help agricultural fairs, to keep that industry that he is talking about alive, and believe me, I can't understand one thing he is talking about.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I am not informed about racing, but I can tell you one thing, the people from the Topsham Fair came to me and wanted a meeting with the Governor because they had been ill-treated and the commissioners were very arrogant about the whole thing. It is the first time that I have been involved with it and I think the gentlewoman from Sagadahoc was involved in it too, and we both agreed at the time that the Topsham Fair had been ill-treated by the commissioners and I think Mr. Cunningham has got a good point, and I don't always agree with Mr. Cunningham.

The SPEAKER Pro Tem: A roll call has

been ordered. The pending question is on the motion of the gentleman from Easton, Mr. Mahany, 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 — Baker, Beaulieu, Benoit, Berube, Boisvert, Boyce, Brannigan, Brennerman, Brodeur, Brown, D.; Carrier, Carroll, Carter, Chonko, Clark, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Dillenback, Dudley, Erwin, Fitzgerald, Fowlie, Gillis, Gowen, Hall, Hayden, Hickey, Higgins, H. C.; Hobbins, Holloway, Huber, Jackson, Jacques, Jalbert, Joyce, Kane, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Masterman, Matthews, McColister, McGowan, McHenry, McSweeney, Mitcheil, E.H.; Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.; Paul, Pearson, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Smith, C.B.; Soulas, Strout, Swazey, Theriault, Thompson, Tuttle, Twitcheil, Vose, Webster, Wentworth.

NAY — Alopis, Armstrong, Austin, Bell, Bordeaux, Brown, A.; Brown, K.L.; Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dexter, Drinkwater, Foster, Gavett, Hanson, Higgins, L.M.; Hunter, Ingraham, Jordan, Lewis, Livesay, MacBride, Martin, A.; Masterton, McKean, McPherson, Michael, Michaud, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Reeves, J.; Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Walker, Weymouth.

ABSENT — Cahill, Gwadosky, Hutchings, LaPlante, Leighton, Lund, Martin, H.C.; Nelson, M.; Peterson, Salisbury, Soule, The Speaker.

Yes, 90; No, 49; Absent, 12.

The SPEAKER Pro Tem: Ninety having voted in the affirmative and forty in the negative, with twelve being absent, the motion does prevail.

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

Mr. KELLEHER: Mr. Speaker, having voted on the prevailing side, I would ask the House to reconsider its action and vote against my motion.

The SPEAKER Pro Tem: The gentleman from Bangor, Mr. Kelleher, moves that we reconsider our action whereby the Majority "Ought Not to Pass" Report was accepted. All those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

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

Mr. COX: Mr. Speaker, having voted on the prevailing side on Bill "An Act to Limit the State's Retail Liquor Operations," House Paper 1346 L. D. 1536, I now move that we reconsider our action whereby we indefinitely postponed this Bill. Hope you will all vote against me, and I request that when the vote is taken, it be taken by roll call.

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

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

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Brewer, Mr. Cox, that the House reconsider its action of earlier in the day whereby L. D. 1536 and all its accompanying papers were indefinitely postponed. All those in favor will vote

yes; those opposed will vote no.

ROLL CALL

YEA — Austin, Brannigan, Connolly, Davies, Hall, Kane, Manning, Michaud, Murphy, Norton, Studley.

NAY — Aloupis, Armstrong, Baker, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brennerman, Brodeur, Brown, A., Brown, D., Brown, K. L., Callahan, Carrier, Carroll, Carter, Chonko, Clark, Conary, Connors, Cox, Crowley, Cunningham, Curtis, Damren, Davis, Day, Dexter, Diamond, G. W., Diamond, J. N., Dillenback, Drinkwater, Dudley, Erwin, Fitzgerald, Foster, Fowlie, Gavett, Gillis, Gowen, Hanson, Hickey, Higgins, H. C., Higgins, L. M., Hobbins, Holloway, Huber, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lancaster, Laverriere, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, A., Masterman, Masterton, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michael, Mitchell, E. H., Mitchell, J., Moholland, Nadeau, Nelson, A., Nelson, M., O'Rourke, Paradis, E., Paradis, P., Paul, Pearson, Perkins, Perry, Post, Pouliot, Prescott, Racine, Randall, Reeves, J., Reeves, P., Richard, Ridley, Roberts, Rolde, Sherburne, Small, Smith, C. B., Smith, C. W., Soulas, Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Thompson, Treadwell, Tuttle, Twitchell, Vose, Walker, Webster, Wentworth, Weymouth.

ABSENT — Beaulieu, Cahill, Gwadosky, Hayden, LaPlante, Leighton, Lund, Martin, H. C., Peterson, Salisbury, Soule, The Speaker.

Yes, 11; No, 128; Absent, 12.

The SPEAKER Pro Tem: Eleven having voted in the affirmative and one hundred twenty-eight in the negative, with twelve being absent, the motion does not prevail.

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

HOUSE DIVIDED REPORT—Majority (7) "Ought to Pass"—Minority (5) "Ought Not to Pass"—Committee on Agriculture on Bill "An Act to Coordinate Agriculture and Energy Related Activities in State Government" (H. P. 648) (L. D. 753)

Tabled—May 1 by Representative Mahany of Easton.

Pending—Motion of same gentleman to Accept the Majority "Ought to Pass" Report.

On motion of Mr. Mahany of Easton, retabled pending his motion to accept the Majority Report and specially assigned for Wednesday, May 6.

The Chair laid before the House the eighth 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—May 1 by Representative Brennerman of Portland.

Pending—Passage to be Engrossed.

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

The Chair laid before the House the ninth 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—May 1 by Representative LaPlante of Sabattus.

Pending—Motion of Representative Austin of Bingham to reconsider Indefinite Postponement.

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

Mr. WEBSTER: Mr. Speaker, Ladies and

Gentlemen of the House: I would ask you not to reconsider this measure. It was hotly debated last week and I feel overwhelmingly supported by this body that we should have our sheriffs elected rather than appointed, and when we do reconsider this, I would ask you to vote against that and ask for a roll call.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: We went through this debate last week, and I was firmly convinced that people were really not listening to what those of us who were very anxious to have this bill go through were saying.

I have talked to a number of people since and I would like to take a little more time to talk with more people, so I would appreciate it very much if this were tabled for one legislative day.

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

Mr. BRANNIGAN: Mr. Speaker I move that this be tabled for one legislative day.

Whereupon, Mr. Webster of Farmington requested a division.

The SPEAKER Pro Tem: The pending question is on the motion of the gentleman from Portland, Mr. Brannigan, that this be tabled pending the motion of Mr. Austin of Bingham to reconsider indefinite postponement and tomorrow assigned. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

91 having voted in the affirmative and 33 having voted in the negative the motion did prevail.

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

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

Tabled—May 1 by Representative SOULE of Westbrook.

Pending—Passage to be Enacted.

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

Mr. HOBBS: Mr. Speaker and Members of the House: I would like to read into the legislative record, in order to help with an explanation of the meaning of threat, the following: "I would like to make it clear that this amendment of the Sex Offenses Chapter of the Maine Criminal Code does not change the meaning of the word 'threat' as it is currently used in those provisions. In the 1979 Maine Supreme Judicial Court decision of *State v. Colson*, 405 A. 2d 717, the type of threat necessary to charge a person with rape or gross sexual misconduct is discussed. At several points in its opinion in the *Colson* case, specifically on pages 718, 719, 720 and 721, the Supreme Judicial Court states that a threat in the situation of alleged rape or gross sexual misconduct may be either express or implied. The current meaning of the word 'threat' in sex offenses, then, encompasses threats implied by a course of conduct and is not limited to threats which are expressly stated or acted out. This judicial construction of the word 'threat' is not altered by LD 1042 and its amendment."

I urge enactment of this legislative document.

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

Mr. CARRIER: Mr. Speaker and Members of the House: I just want to explain a little bit about what happened on this bill. Actually, I am not out to protect these particular people, but in the bill they had the implied threat, and through talk with the lawyers and everyone else, they did agree to take out the word 'implied' and then I signed the bill and I think it is a good bill as it is.

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

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 Amend the Incorporation of the Town of Poland School District (H. P. 1118) (L. D. 1335)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Make Allocations from the Regulatory Fund, Public Utilities Commission, for the Fiscal Years Ending June 30, 1982 and June 30, 1983 (H. P. 1362) (L. D. 1547)

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. 106 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Make more Equitable the Computation of the Spruce Budworm Pre-project Excise Tax (H. P. 1264) (L. D. 1480)

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. 123 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.

Finally Passed Emergency Measures

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1981 (H. P. 1398) (L. D. 1569)

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. 123 voted in favor of the same and 3 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1981 (H. P. 1399) (L. D. 1570)

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

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

Passed to Be Enacted

An Act in Support of Regional Library Systems (S. P. 308) (L. D. 864) (C. "A" S-141)

An Act to Ensure Worker Access to Information Concerning Hazardous Substances in the Workplace (S. P. 321) (L. D. 911) (C. "A" S-147)

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.

Enactor Tabled and Assigned

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

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

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

Mr. JACKSON: Mr. Speaker, I would like to address a question to someone in regard to this. What other bills do we have coming through this legislature as far as appropriating money for ground water studies and how much of this work has been done at this point? I am referring back to L.D. 1546 that was referred back to the Appropriations Committee, which was federal money. There were two grants for ground water study in there, and I was wondering if there were any other bills coming through and what the total amount is we are appropriating for this and, as I said before, how much of the work has been completed at this point?

On motion of Mr. Higgins of Scarborough, tabled pending passage to be enacted and tomorrow assigned.

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

An Act to Provide Final Offer Arbitration for Collective Bargaining in the Potato Industry (S. P. 466) (L. D. 1322) (C. "A" S-138)

An Act to Simplify the Due Process Requirements of Special Education (H.P. 14) (L.D. 8)

An Act to Permit Persons who Register Voters on Election Day to Vote by Absentee Ballot (H.P. 170) (L.D. 192) (H. "A" H-254 to C. "A" H-235)

An Act to Require Interagency Licensing of Residential Facilities and Programs for Children (H.P. 232) (L.D. 269) (S. "A" S-151 to C. "A" H-212)

An Act to Clarify and Amend the Investment Provisions of the Maine Insurance Code (H.P. 343) (L.D. 391) (C. "A" H-259)

An Act to Exempt State Mandated Revolving Fund Accounts at the Maine State Museum from the State Cost Allocation Program (H.P. 867) (L.D. 1036) (C. "A" H-247)

An Act to Authorize a School Nursing Health Coordinator in the Department of Educational and Cultural Services (H.P. 909) (L.D. 1075) (C. "A" H-248)

An Act Covering Cost-of-Living Increases for Teachers (H.P. 918) (L.D. 1089)

An Act Concerning Property Deposited with Museums and Historical Societies (H.P. 926) (L.D. 1097)

An Act to Permit Open Burning of Brush and Demolition Debris (H.P. 975) (L.D. 1163)

An Act to Appropriate Funds to Upgrade Facilities of the Maine Center for the Blind (H.P. 997) (L.D. 1196) (C. "A" H-255)

An Act to Appropriate Funds to Support Regional Ride Share Programs (H.P. 1087) (L.D. 1296) (C. "A" H-249; S. "A" S-148)

An Act to Separate the Funding of Old System Teachers in the Maine State Retirement System (H.P. 1145) (L.D. 1367)

Finally Passed

RESOLVE, to Reimburse John W. Churchill of Presque Isle for Property Loss Suffered by John W. Churchill Because of Acts by a Ward of the State (S.P. 543) (L.D. 1514) (C. "A" S-140)

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, the Bills passed to be enacted and the Resolve finally passed, all signed by the Speaker and sent to the Senate.

At this point, Speaker Martin returned to the rostrum.

Speaker MARTIN: The Chair thanks the gen-

tleman from Fairfield, Mr. Gwadosky, for acting as Speaker pro tem.

Thereupon, Mr. Gwadosky returned to his seat on the floor and Speaker Martin resumed the Chair.

The following papers appearing on Supplement No. 8 were taken up out of order by unanimous consent:

Leave to Withdraw

Representative Higgins from the Committee on Taxation on Bill "An Act to Improve Personal Property Tax Collections on Watercraft" (H.P. 1211) (L.D. 1426) reporting "Leave to Withdraw"

Report was read and accepted and sent up for concurrence.

Consent Calendar

First Day

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

(H.P. 989) (L.D. 1177) Bill "An Act to Authorize the Refunding of Crediting of Fuel Taxes Paid on Worthless Accounts"—Committee on Taxation reporting "Ought to Pass"

No objections being noted the above item was ordered to appear on the Consent Calendar of May 5, under listing of the Second Day.

The Chair laid before the House the following matter:

Bill "An Act to Provide a One month Grace Period for Expired Motor Vehicle Registrations" (S. P. 356) (L. D. 1031) which was tabled and later today assigned pending the motion of Mr. Carroll of Limerick to adhere. (In Senate—passed to be engrossed as amended by Senate Amendment "A" (S-158); (In House—Minority "Ought Not to Pass" Report accepted)

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Fowlie.

Mr. FOWLIE: Mr. Speaker, there is a Senate Amendment on this bill and I would like some time to work out some possible amendments, so I wish someone would table it for one legislative day.

Thereupon, on motion of Mr. Diamond of Windham, tabled pending the motion of Mr. Carroll of Limerick to adhere and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act Providing Collective Bargaining Rights to Judicial Employees" (H.P. 823) (L.D. 979) which was tabled earlier and later today assigned pending further consideration. (In Senate—passed to be engrossed) as amended by Committee Amendment "A" (H-214); In House—Passed to be engrossed.

Mr. Hobbins of Saco moved that this matter be tabled for one legislative day.

Whereupon, Miss Lewis of Auburn requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that this be tabled for one legislative day pending further consideration. all those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.
65 having voted in the affirmative and 50 having voted in the negative, the motion did prevail.

The Chair laid before the House the following matter:

Bill "An Act Providing Bargaining Rights to Legislative Employees" (H.P. 323) (L.D. 384) which was tabled earlier in the day and later today assigned pending further consideration.

Mr. Baker of Portland moved that Report A be accepted in non-concurrence.

Mr. Tarbell of Bangor moved that the House concur.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the

gentleman from Bangor, Mr. Tarbell, that the House concur. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

55 having voted in the affirmative and 71 having voted in the negative, the motion did not prevail.

Thereupon, Report "A" was accepted and the Bill read once. Committee Amendment "A" (H-251) was read by the Clerk.

On motion of Mr. Baker of Portland, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

The Chair laid before the House the following matter:

An Act to Create a Department of Corrections (S.P. 376) (L.D. 1134) (C. "A" S-115) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Mr. Connolly of Portland, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the following matter:

HOUSE DIVIDED REPORT — Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-286) — Minority (2) "Ought Not to Pass" — Committee on Labor on Bill "An Act to Permit Persons 15 Years of Age and Older to Work Until 10 P.M." (H.P. 877) (L.D. 1046) which was tabled earlier in the day and later today assigned pending acceptance of either Report.

On motion of Mrs. Beaulieu of Portland, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-286) was read by the Clerk.

On motion of Mrs. Beaulieu of Portland, Committee Amendment "A" was indefinitely postponed.

The Bill was assigned for second reading tomorrow.

The following papers appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Consent Calendar

Second Day

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

(H.P. 506) (L.D. 557) Bill "An Act to Amend the fee Schedule for the Payment of Appointed Forest Fire Wardens (C. "A" H-282)

(H.P. 17) (L.D. 11) Bill "An Act to Regulate the Taking of Mahogany Quahogs (C. "A" H-281)

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

(H.P. 1112) (L.D. 1317) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Law and Constitutional Provisions Relating to Consolidating Initiative and Referendum Elections to Dates of the Next General Election (C. "A" H-283)

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

Thereupon, the Report was accepted and the Resolution read once. Committee Amendment "A" (H-283) was read by the Clerk and adopted and the Resolution assigned for reading tomorrow.

(H.P. 765) (L.D. 902) Bill "An Act Relating to Injured State Workers."

No objections being noted at the end of the second Legislative Day, the House paper was passed to be engrossed and sent up for concurrence.

(H.P. 1353) (L.D. 1539) Bill "An Act to Enable Continuation of the Highway Safety Defensive Driver Program through an Increase in Student Registration Fees."

On the objection of Miss Brown of Bethel, was removed for the consent Calendar.

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

(H.P. 1150) (L.D. 1398) Bill "An Act to Provide for Municipal Development of Energy Resources" (C. "A" H-285)

On the objection of Mrs. Kany of Waterville, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the bill read once. Committee Amendment "A" (H-285) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(S.P. 464) (L.D. 1320) Bill "An Act to raise Survivors Benefits in the Maine State Retirement System" (C. "A" S-152)

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

Tabled and Assigned

(S.P. 207) (L.D. 572) Bill "An Act to make Changes in the Kennebec Water District Charter" (C. "A" S-153)

On objection of Mr. Carter of Winslow, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the bill read once. Committee Amendment "A" (S-153) was read by the Clerk.

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

(H.P. 906) (L.D. 1073) Bill "An Act to Regulate Motorized Bicycles" (C. "A" H-287)

No objection 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.

(Off Record Remarks)

On motion of Mrs. Huber of Falmouth,
Adjourned until nine-thirty tomorrow morning.