

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred and Tenth

Legislature

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

INDEX

FOURTH SPECIAL SESSION

April 28, 1982 and April 29, 1982

INDEX

FIFTH SPECIAL SESSION

May 13, 1982

INDEX

SECOND CONFIRMATION SESSION

July 16, 1982

INDEX

HOUSE

Monday, March 8, 1982

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

Prayer by the Reverend John E. Fickett of the First Baptist Church, Mt. Vernon.

The members stood for the Pledge of Allegiance.

The journal of the previous session was read and approved.

**Papers from the Senate
Reports of Committees
Ought Not to Pass**

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act Relating to Detention of Shoplifters" (S. P. 747) (L. D. 1750)

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

**Ought to Pass
Amended in Senate**

Report of the Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-397) on Bill "An Act Revising Executive Salary Ranges" (S. P. 813) (L. D. 1909)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-397) as amended by Senate Amendment "A" (S-399) thereto.

In the House, the Report was read and accepted, and the Bill read once. Committee Amendment "A" (S-397) read. Senate Amendment "A" (S-399) to Committee Amendment "A" (S-397) read and adopted in concurrence. Committee Amendment "A" (S-397) as amended by Senate Amendment "A" (S-399) thereto was adopted in concurrence and the Bill assigned for second reading tomorrow.

Special Sentiment Calendar

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

Ralph W. "Bud" Leavitt, Jr., revered outdoor writer and executive sports editor for the Bangor Daily News, who has won the Miramichi Salmon Association's coveted "outstanding journalist award," and more recently the 1982 Arthur Sullivan Memorial Award presented to that journalist who best exemplifies the spirit of conservation and love of the outdoors; (S. P. 916)

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

**House Reports of Committees
Ought to Pass**

Pursuant to Public Law 1981, Chapter 447

Representative Davies from the Committee on Public Utilities pursuant to Public Law 1981, Chapter 447 reporting a Bill "An Act to Amend Charters of Various Water Districts Organized Under the Private and Special Laws Including Milbridge and Strong" (H. P. 2151) (L. D. 2054) asking leave to report that the same "Ought to Pass"

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

**Consent Calendar
First Day**

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

(S. P. 837) (L. D. 1960) Bill "An Act to Permit the Town of Freeport to Withdraw from the Maine State Retirement System" (Emergency) — Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-398)

(H. P. 2008) (L. D. 1979) Bill "An Act to Make the State Unemployment Tax Exemption for Individuals Engaged in Fishing Consistent with the Federal Unemployment Tax Exemption for Such Individuals" (Emergency) — Committee on Labor reporting "Ought to Pass"

No objections having been 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. 1827) (L. D. 1809) Bill "An Act to Permit Municipalities to Adopt Contract Zoning Under the Maine Zoning Laws" (C. "A" H-627)

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

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

Committee Amendment "A" (H-627) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

(H. P. 1953) (L. D. 1924) Bill "An Act to Establish Procedures for Withdrawal of Participating Local Districts from the Maine State Retirement System" (C. "A" H-629)

(H. P. 2084) (L. D. 2023) Bill "An Act to Fund and Implement Collective Bargaining Agreements Relating to Vocational-Technical Institute Employees" (Emergency) (C. "A" H-630)

(H. P. 1727) (L. D. 1712) Bill "An Act to Revise the Fair Credit Reporting Act and to Conform it to Recent Maine Judicial Decisions" (C. "A" H-631)

(H. P. 1837) (L. D. 1834) Bill "An Act to Clarify the Statutes Pertaining to Search and Rescue" (C. "A" H-632)

(H. P. 1807) (L. D. 1792) Bill "An Act to Increase the Working Capital of the State Liquor Commission"

(H. P. 1976) (L. D. 1951) Bill "An Act to Revise the Lubec Water and Electric District Charter to Modify the Requirements for Issuance of Bonds" (Emergency)

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

Passed to Be Engrossed

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1982 (Emergency) (H. P. 2149) (L. D. 2052)

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

Orders of the Day

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

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" as Amended by Committee Amendment "A" (H-606) Minority (3) "Ought Not to Pass" — Committee on State Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Prevent Combining more than One Bond Issue Item on a Single Bond Issue Bill (H. P. 1793) (L. D. 1783)

Tabled—March 5 by Representative Pearson of Old Town.

Pending—Acceptance of either Report.

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

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

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

Mr. DAVIES: Mr. Speaker, I have been studying this issue quite closely the last week or so, and I have a question I would like to pose to the Chair.

Is the committee amendment that has been offered by the Committee on State Government germane to the bill?

The SPEAKER: The Chair would advise the gentleman from Orono, Mr. Davies, and members of the House that Committee Amendment "A", since it violates the original intent of L.D. 1783 in combining one bond issue into more than one bond issue, the Chair would rule that Committee Amendment "A" is not germane and not before the body.

The pending question is on acceptance of the original bill.

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

Mrs. KANY: Mr. Speaker, may I pose a question to the Chair. Would you kindly go into a little bit more detail on your ruling. It isn't clear to me, as chairman of the committee and a signer of the 10 to 3 "Ought to Pass" Report recommending statutory suggestion on financial policymaking, exactly why you ruled as you did. Could you go into a little more detail, please.

The SPEAKER: The Chair would advise the gentlewoman to please read the bill.

Thereupon, the Majority "Ought to Pass" Report was accepted and the Resolution read once.

On motion of Mr. Jalbert of Lewiston, under suspension of the rules, the Resolution was read the second time.

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

Mr. JALBERT: Mr. Speaker, does this now put the position where it would be in the Constitution?

The SPEAKER: The Chair would answer in the affirmative.

Mr. JALBERT: Mr. Speaker, on that level, I move that this Resolution and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that this Resolution and all its accompanying papers be indefinitely postponed.

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

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

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

Mr. JALBERT: Mr. Speaker and Members of the House: The reason for my motion is not because I am against the bill. The reason for my motion is because we have 18 more days to go, and under the ruling of the Speaker, this would create a tremendous amount of debate.

I agree with the gentleman from Scarborough, Mr. Higgins. I know his position, but we cannot afford to take the time. Both this bill and the one coming after this are going to get the axe by the Speaker, unless I am not a mind reader. It doesn't mean that I am all done with it; I don't lose that easy. But I am not going to spend thousands of dollars of the taxpayers' dollars to take up an issue that is automatically dead.

In order for me to succeed in passing this bill, according to the Speaker, I would have to have two thirds of the vote in both branches, and he knows that that is an impossibility; that is why the ruling of this not being germane. I can guarantee you right now that I could dig up a couple of rulings if I wanted to where the precedent has been set, and I'd win, but I don't care to spend the time.

I don't want to be blamed. I talked last Monday at length and I was told by two or three members to stay out of arguments and stay within the money realm, where I usually do.

and I intend to adhere to this position. Rather than stand up and argue for days on end, I guarantee you, if I get roaring this morning, I would have the gentleman with the mallet off that rostrum so fast it would make your head whirl, but I don't care to do that.

Temporarily, let's say he wins and I lose — temporarily.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I am glad the gentleman from Lewiston this morning gave us an enlightened dissertation on why we are not going to deal, or why we want to kill his own bill. I find that rather remarkable and I find it even more remarkable that he doesn't want to debate it, and that is the reason why we don't have time to do it.

I was just given good word from my seatmate from behind that if we've got time to deal with this thing before the end of the session, I think we have got time to deal with this small constitutional change here. I don't think it is that difficult. I am not sure we need to debate it for 14 hours or anything like that. It seems rather obvious to me, from talking to a number of people through the state, they are concerned about the fact that we here in the legislature tend to put our bond issues, couple them together, throughout the state, and talk about non-germaneness. I think we are subject to doing that quite often ourselves here.

I am disappointed to hear that the gentleman wants to kill his own bill. I am even more disappointed that he feels it is because we don't have enough time to deal with it, but I still think we ought to have a vote on it and I hope you will vote against the pending motion to kill this resolution.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can assure you, as far as this thing is concerned, Representative Higgins, I have got the solution to this thing here — ignore this completely, sit around while I present an order or some form of bill to the Council to do the one thing that has got to be done about this thing. Hire an outside consultant and investigate thoroughly, from top to bottom, a lousy system, that's the State Education Department in this state, probably one of the worst in the country, and I don't want to waste my time on this thing either.

My position still stands, and the word 'temporary' still stands, Mr. Speaker.

Mr. SPEAKER: The Chair would advise members of the House, for the record so the record is quite clear, this bill that was referred to by the gentleman from Scarborough, Mr. Higgins, is the revision law for the Department of Education, that matter having been in the Education Committee now for one year.

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

Mr. DILLENBACK: Mr. Speaker and Members of the House: I am not going to debate this bill very long. I just want you to know that we worked in committee on this bill. We thought it was an appropriate bill. We had the support of the Maine Farm Bureau, the State Grange of 18,000, League of Woman Voters and the Maine Chamber of Commerce. People apparently think this is a good thing: I see no reason why we can't vote on it.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I, too, am concerned about the motion before us now, not only because of my concern for the original intent of the gentleman from Lewiston's bill but also the fact that the committee tied two bills into one, and that, apparently, is what has created the problem.

Notwithstanding the problems or the votes on the piece of legislation by the gentleman from Lewiston, I am also concerned about the other

piece that we tied into it, basically because I sponsored it. I would like to come up with something that would allow us to deal with these issues separately since, if the gentleman's motion does prevail, then both bills would be killed. So I would ask some member of this body to table this motion until later in the session so we can come up with a situation that will allow us to deal with the two bills independent.

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

Mrs. KANY: Mr. Speaker, I move that this be tabled for one legislative Day.

Whereupon, Mr. Higgins of Scarborough requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Waterville, Mrs. Kany, that this be tabled for one legislative day pending the motion of Mr. Jalbert of Lewiston to indefinitely postpone this Resolution and accompanying papers. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 81 having voted in the negative, the motion did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would go along with me today and vote for this, I believe, very important constitutional amendment.

You know, the people of my district in Cape Elizabeth fuss a lot about electing the people who represent them in this body. Once selected, they kind of leave us alone and trust to our good judgment. Once in a while an issue comes along that stirs them up, and this past referendum, last fall, stirred up my people and I got several calls, and that's a lot of calls for me to get. They deeply resented that multiple bond issue studded, star-studded with the Bath Iron Works' measure.

So, if you are at all like me, perhaps you heard from your constituents, and today we should be voting not for the benefit of the governor, whoever he may be, who wants the flexibility to lump together bond issues. We shouldn't be voting for ourselves. It makes it easier for us to pass bond issues when they are lumped together. We should be considering the electorate, and they are getting mad as hornets about petition referendums, they are getting mad about multiple bond issues, they are getting mad about constitutional questions, lots of them on the ballot, so this morning, please, let's go along and vote against indefinite postponement.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope we would not heed the appeals of the gentleman from Cape Elizabeth this morning who is so concerned about the fact that Maine voters are annoyed with the grouping of bond issues in one question. I submit to the House here this morning that I think the people of the State of Maine cannot be tricked or fooled or misled if you put ten questions together or two questions together or, for that matter, one issue stand on its own. I think the people of this state have the capability to separate any issue that they so desire if they just simply take the time to do it. And I might add, I believe that Maine people do that.

The good gentleman from Lewiston, Mr. Jalbert, has requested that his own bill be withdrawn this morning, and I think we should honor that. This is, without question, an issue that can be put off until the next regular session, and I don't see why we wouldn't respect his wishes at this time in doing so.

We all know that the gentleman certainly un-

derstands what bond issues are about. For the most part, he has probably written a third of them in his lifetime of being here in this body. But I do not accept the arguments that Maine people are unwilling to take the time to read issues that are on the ballot. I honestly believe they do take it. I think that is a very poor argument to present to this House this morning, and I think it is a very poor light in presenting Maine people as unable or unwilling to look at questions that are placed on the ballot. I will tell you, in my district, believe me, they take the time to look at them, and I believe they have the same desire to do it in yours.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask the previous speaker, the gentleman from Bangor, Mr. Kelleher, how my constituents can separate a bond issue that deals with agriculture, which they would like to see go through, yet they might be opposed to Bath Iron Works? Would you explain that to me?

The SPEAKER: The gentleman from Madawaska, Mr. McHenry, has posed a question through the Chair to the gentleman from Bangor, Mr. Kelleher, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. KELLEHER: Mr. Speaker, in answer to the good gentleman's question—just a little simple common sense. I think you have it, at least I hope you do, and I would assume the very constituents that you represent down here exercised that good common sense when they sent you here, and I am sure that they have the knowledge and brains that God gave them to weigh what issues are.

We all know that if something is of benefit to Mr. McHenry and the people in northern Maine on an economic factor, that we in the central and southern part of the state should take that into consideration, and I don't want Mr. McHenry to believe that the people in Maine are narrow in their thinking on what is good for northern Aroostook is fine, but we in southern Maine should just forget them.

As far as bond issues that are collectively put together, I think it makes us all take time to think that there are other needs in other parts of the state rather than just in our own immediate area.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I can see now and you can see what I was talking about when I talked about time.

I want to say at the outset to the gentleman from Cape Elizabeth, Mrs. Masterton, that I have a tremendous amount of respect for the State Government Committee, but I just don't believe in this being in the Constitution, no more than I believe in the \$2 million being in the Constitution. I am asking you, Mrs. Masterton, and other members of this body, to believe me when I tell you that this is not the end of this situation. You can't beat that mallet. It moves too fast, it's got the steam behind it, and nobody is goading me into anything, I guarantee you that right now. This is not the end.

I've had a bundle of mail on this thing, and I have always said that I have not been one to get too much mail-telephone calls, offers by 40 people to be cosponsors—but I know why the ruling is there. I could even defeat the ruling if I want to take one, two or three days. It wasn't just business that kept me out of here for two days last week, it was these two things here. I have not been able to do my work properly on the Appropriations Committee, that is how much this thing has disturbed me.

I am not going to let this thing die, Mrs. Masterton, I guarantee you that. The people are going to have their say, I guarantee you that. The man with the mallet is going to have his say, but he will have it somewhere else besides

here. You can win sometimes away from here with the man with the mallet, but you can't win here, make up your mind to that.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, I would like to pose a question through the Chair. I would like anyone on the Committee that has investigated this issue to explain. I see many bond issues that come out, for example, from the Highway Department that deal with many projects in one bond issue, many bridges or many roads or many public works in one bond issue. When I read the L. D., it says, "each individual project." Would you tell me if this means that when a highway bond issue goes out that deals with the construction of several bridges throughout the state, this means there would be a bond issue for each individual bridge or each individual stretch of highway?

The SPEAKER: The Chair would advise the gentleman from Fryeburg, Mr. Kiesman, that the research the Speaker did in fact indicates that a separate vote would be taken on each separate project. That was the reason, I understand, that the State Government Committee did what they did in attempting to redraft the bill and therefore violated the original intent of the bill and the way it was originally drafted.

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

Mrs. KANY: Mr. Speaker, I will be glad to answer the gentleman's question, and that is precisely accurate. It would mean each individual project. It was for that reason that the State Government Committee recommends a statutory change in which we would be directing financial policymaking to the legislature regarding grouping of individual projects.

I would like to go into just a little bit of history, and then a plan to recommend that we go along with Representative Jalbert's motion to indefinitely postpone this constitutional amendment.

First of all, the State Government Committee did recommend statutory policy. It seems appropriate, certainly, anytime someone brings us a constitutional amendment, first of all, to look at the idea that is being brought forward and to ask if you agree with the idea and the concept, the policy that is being proposed, and then perhaps which is the most appropriate way of addressing this particular issue. Should it be frozen into the Constitution? Should it be statutory policy, which is absolute law of our state but which can be changed by the legislature. Should it be by rule within an agency or should it be done informally? Certainly, we felt that, 10 of us out of the 13 on the State Government Committee, that this particular issue was perhaps best addressed by statute, not by the Constitution, because that individual project definition would be frozen into the Constitution. There are problems with that. If we found there to be problems in the future, the only way we could change that would be by coming back to the legislature, getting our two-thirds vote in each body and going out to the voters for ratification of that change.

Because of that, and because of freezing this particular policy into the Constitution, which seems inappropriate, I do hope that you do go along with Representative Jalbert's motion now, but I personally believe that the concept, the basic concept, which Representative Jalbert brought to us, to the legislature this year and which he prefers statutorily, is one that certainly should be addressed. It should be addressed by the legislature and by the people of Maine. I do hope that we go along with Representative Jalbert and that we do appreciate what he was trying to do and I am sure will do in the future.

I would also like to mention that I think some people originally, when this bill was tabled, were interested in the precedent of can we change the Constitutional Amendment—

The SPEAKER: The Chair would advise the

gentlewoman that she is to proceed on this bill and no other bill at this time.

Mrs. KANY: Yes, and it is this bill which had been tabled because people were interested, I believe the Speaker was, and wondering if a committee could offer a statutory change instead—

The SPEAKER: The Chair would advise the gentlewoman that she can stick to the issue.

Mrs. KANY: Yes, and it was found through the research that—

The SPEAKER: The gentlewoman will please take her seat.

The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, I would like to pose another question through the Chair.

Is there anyone in this body that could give us any indication of the number of individual bond issues that would be placed before the voters in the natural course of events in that we are talking about every single highway construction project being on a separate bond issue, etc.? Does anyone have a feel for how many bond issues we would be putting forth, maybe based on last years or the previous two years' bonding that has taken place?

The SPEAKER: The gentleman from Fryeburg, Mr. Kiesman, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I have sort of refrained from getting involved in this discussion but I had great reservations about this legislation.

Let's talk about airports. Throughout the state we have numerous airport legislation in which we have traffic at practically every airport in the state. Air traffic is something that goes by spurts with enthusiasm of the public, it is on again, off again, and all of a sudden they realize that that airport is valuable. Industry is going to move in and one of the things they say is, we have got to have this plane so we can commute, so we can bring executives and our salespeople in, and that is it right in a nutshell. So you want to take seventeen or eighteen projects and put out eighteen bond issues separately?

I have great reservations. When we start playing with our Constitution, it is a very serious, serious matter, and I would urge you to go along with the gentleman from Lewiston today and to accept his decision.

I could also tell you about bridges. What chance do you think a little hamlet would have of getting a bridge in this state if you don't combine it into a package deal? There are a lot of people who say, I am not going to study a package deal, I hate them. Let me tell you, if there is anything that makes me grit my teeth it is when I see a school bus unloading on one side of the bridge and the kids walk across and they drive over it and they get on again. This can become a great emotional issue with me and I don't want to get emotional, but I want to tell you that I don't come from a big community, I represent seven small communities and I want you to think about those people. I want you to think about those children that will have to walk across those bridges and get on the bus on the other side in order to go to school.

I would urge you to go along with the gentleman from Lewiston this morning.

Mr. Jalbert of Lewiston was granted permission to speak a third time.

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think that the gentleman from Limerick, Mr. Carroll, my good friend, probably put his finger on it but stopped, so let me finish what he started to say. My own deviousness of many, many moons ago prompted me to put in this legislation for that reason.

We had a bill before us many years ago that

called for some money for the Lewiston-Auburn Airport and Bangor, so a few of us got together and I came up with the idea that we can never get away with this. Lewiston and Bangor, the second and third largest cities in the state—Portland isn't in this thing, so automatically they would go against us and the small towns would clobber us and we are dead. We threw in Bar Harbor, we threw in Presque Isle, we threw in everybody and finally somebody said, I am not in this thing, and I said, of course not, so he said, how do I get in it? I said, call up your town manger, tell him to get out the bulldozer and tread through a runway and we will put in \$40,000 for it. We did, we got it on the ballot with the bond issue with seventeen different ideas, that is not bad, and it passed. The people accepted it. I want to stop that. That is my major reason to have put in the bill in the first place.

I don't want, as Mrs. Kany explained, and Mrs. Kany is an example of what I stated before when I got up, you can't beat that mallet. She found that out 15 minutes ago—whappo—gone! I want to beat the mallet, but away from here, Mrs. Masterton, and I am going to do it, make up your mind to that, I am going to do it.

Mr. Speaker, I would like to see us vote on this bill and then I would like to have you rule not germane on the other deal too. You can get rid of both at the same time.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I completely agree with my colleague, Mr. Jalbert, and I think he knew just what he was doing and he wasn't talking about all the little airport bond issues. He was talking about what the people in my town and what I think the people in Maine want, and they want the bond issues broken up on the major issues, because, and again I agree with Mr. Kelleher up to a point, that the people should be able to see these but I disagree with Mr. Kelleher where he feels they should be lumped—I feel that the people should be able to pick out each individual issue and should be able to handle them.

Again, I am not talking about all the bridges and I am not talking about all the airports. I am talking about Bath Iron Works and I am talking about major bond issues. I think the people are capable of doing this, I think they are able to do it and I think that is why we send these things out, and if anything we are sending out little plastic coated Contac pills with dozens of little things in them, they are all lumped together, and you take the whole pill or you don't take any part of it. I really disagree with that.

I support Mr. Jalbert in killing this particular bill, and I think it is a darn shame we have to do it. I wish we could address this issue. I hope you are not sidetracked by all the little bridges all over the state, things like that, because that is not what we are talking about and I don't think that is what Mr. Jalbert is talking about either.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize this was a Portland bill. I just want to remind people that before we came back here for Bath Iron Works, there were four issues on that and there were no problems back then, and all of a sudden, it benefited, let's not say Portland, let's say Maine. A lot of you people read the article a couple of weeks ago, Bath Iron Works is looking at a billion dollar project, and if they get that billion dollar project, it is not going to benefit Portland, it is going to benefit the State of Maine. It is about time the people in this state realized that if you are going to vote for something just up in northern Maine, you are not going to get it and if you are going to vote for something in southern Maine, you are not going to get it, so let's stop kidding ourselves.

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

ROLL CALL

YEA—Armstrong, Baker, Beaulieu, Brannigan, Brodeur, Carrier, Carroll, Carter, Connolly, Cox, Crowley, Davies, Diamond, G.W.; Diamond, J.N.; Drinkwater, Erwin, Hall, Hickey, Ingraham, Jacques, Jalbert, Joyce, Kany, Kelleher, Ketover, Kiesman, Kilcoyne, Lisnik, Macomber, Mahany, Manning, Martin, H.C.; Masterman, McCollister, McGowan, Michaud, Mitchell, E.H.; Moholland, Nadeau, Nelson, A.; Nelson, M.; Norton, Perry, Peterson, Post, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Sherburne, Smith, C.B.; Swazey, Theriault, Thompson, Vose, Walker, Willey, The Speaker.

NAY—Austin, Bell, Berube, Bordeaux, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Davis, Day, Dillenback, Dudley, Fitzgerald, Foster, Gavett, Gillis, Gowen, Higgins, L.M.; Holloway, Hunter, Hutchings, Jackson, P.T.; Jackson, P.C.; Jordan, Lancaster, Livesay, Lund, MacBride, Martin, A.; Masterton, Matthews, McHenry, McPherson, Mitchell, J.; Murphy, Paradis, E.; Perkins, Pines, Randall, Reeves, J.; Salsbury, Small, Smith, C.W.; Stevenson, Stover, Studley, Tarbell, Telow, Treadwell, Twitchell, Webster, Wentworth, Weymouth.

Yes, 61; No, 60; Absent, 30.

The SPEAKER: Sixty-one having voted in the affirmative and sixty in the negative, with thirty being absent, the motion does prevail. Sent up for concurrence.

Bill Held

An Act to Adjust Fees for Licenses issued by the Real Estate Commission (Emergency) (H. P. 1809) (L. D. 1794) (C. "A" H-162) — In House, Failed of Enactment on March 5, 1982

HELD at the request of Representative Brannigan of Portland.

Mr. Brannigan of Portland moved that the House reconsider its action whereby the Bill failed of passage to be enacted.

On motion of the same gentleman, tabled pending his motion to reconsider and later today assigned.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, thirty minutes after the House recessed, all matters that required Senate concurrence.

(Off Record Remarks)

On motion of Mr. Swazey of Bucksport, Recessed until four-thirty in the afternoon.

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

Passed to Be Enacted

An Act to Clarify Certain Provisions of the Public Advocates Statutes (H. P. 1735) (L. D. 1720) (C. "A" H-621)

An Act Relating to Handicapped Parking in Municipalities (H. P. 1819) (L. D. 1804) (H. "A" H-619 and H. "B" H-622 to C. "A" H-613)

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.

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

Passed to Be Enacted Emergency Measure

An Act to Incorporate the Farmington Falls Water District (H. P. 2142) (L. D. 2051)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary, a total was taken. 127 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.

By unanimous consent, ordered sent forthwith to the Senate.

Emergency Measure

An Act Relating to Maintenance and Snow Removal in Compact Areas (H. P. 2075) (L. D. 2018) (C. "A" H-620)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House necessary, a total was taken. 125 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.

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

Ought Not to Pass

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Amend the Workers' Compensation Act to Permit Rate Deductibles" (H. P. 1863) (L. D. 1857) reporting "Ought to Pass"

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

Consent Calendar

First Day

(H. P. 1869) (L. D. 1863) Bill "An Act Concerning Salaries of District Court Judges" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-633)

(H. P. 2028) (L. D. 2004) Bill "An Act to Permit Physicians' Assistants to Take Blood Samples in Cases Involving Operating Under the Influence" — Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-634)

No objections having been noted, the above items were ordered to appear on the Consent Calendar of March 9, under listing of Second Day.

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

Consent Calendar

Second Day

(S. P. 837) (L. D. 1960) Bill "An Act to Permit the Town of Freeport to Withdraw from the Maine State Retirement System" (Emergency) (C. "A" S-398)

No objections having been noted, the above item was passed to be engrossed as amended in concurrence.

(H. P. 2008) (L. D. 1979) Bill "An Act to Make the State Unemployment Tax Exemption for Individuals Engaged in Fishing Consistent with the Federal Unemployment Tax Exemption for Such Individuals" (Emergency)

On the objection of Representative Higgins of Scarborough, was removed from the Consent Calendar.

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

Passed to Be Engrossed Amended Bill

Bill "An Act to Permit Municipalities to Adopt Contract Zoning Under the Maine Zoning Laws" (H. P. 1827) (L. D. 1809) (C. "A" H-627)

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

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

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

Petitions, Bill and Resolves Requiring Reference

Bill "An Act Clarifying the Laws Governing Bail in Certain Capital Cases" (H. P. 2155) (Presented by Representative Diamond of Bangor) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Was referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Consent Calendar

First Day

(H. P. 1975) (L. D. 1950) RESOLVE, Authorizing the State Planning Office to Study the Implications for Maine of Canadian Tidal Power Development in the Bay of Fundy — Committee on Energy and Natural Resources reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar March 9, under the listing of Second Day.

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

House Reports of Committees Leave to Withdraw

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act Concerning the Chasing of Wild Animals by Dogs" (Emergency) (H. P. 2027) (L. D. 1995) reporting "Leave to Withdraw"

Report was read.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to get a few words into the record in regard to this bill.

As you know, this bill came about as a result of the high kill of deer this year by dogs in the woods. It ran into a lot of rocky roads and there were areas of the bill that I don't think we could have ironed out this year, but it doesn't make the problem go away.

One of the areas in the bill increased the minimum penalty to \$200, which won't be in effect. But I would just like to give you a few figures that I got from the report of the District Court in Lincoln before Judge Susan Caulkins. This gives you an idea of the consistency of the fines that come out of the district courts. There are no names involved, just the amounts and what was going on — speeding 41 in a 25 mile zone, that is 12 miles over the speed limit, \$50; speeding 67 in a 55, 12 miles, \$50; an unregistered snowsled, \$25; no inspection sticker on a motor vehicle, \$35; unregistered sled, \$25; no driver's license, \$50; imprudent speed, \$40; no license, \$50.

On the other side of the coin, there were six convictions for allowing a dog to go at large; each of them was fined \$25. This, to me, is ridiculous.

Thereupon, the Report was accepted and sent up for concurrence.

Consent Calendar

First Day

(H. P. 1872) (L. D. 1866) Bill "An Act to Change the Corporate Limits of the Kittery Water District" Committee on Public Utilities reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of March 9, under the listing of Second Day.

The Chair laid before the House the following matter:

An Act to Adjust Fees for Licenses issued by the Real Estate Commission (H. P. 1809) (L. D. 1794) (C. "A" H-612) which was tabled ear-

lier in the day and later assigned pending the motion of Mr. Brannigan of Portland to reconsider whereby the Bill failed of enactment.

Thereupon, the House reconsidered its action whereby the Bill failed of enactment.

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

Mr. BRANNIGAN: Mr. Speaker, Ladies and Gentlemen of the House: The Business Legislation Committee, some members anyway, have further questions regarding this matter. We have questions regarding the continuation and viability of the Real Estate Commission if this bill does not pass and have some concern about whether the borrowing that has happened will have to continue if the Real Estate Commission is even going to continue at the reduced rate, not of five as we recommended and as the bill calls for, but at the reduced rate of two or three people. So we have some very serious concerns, we are still asking these questions, and so at this time I would ask that this bill be tabled until we can deal more thoroughly with the question of continuation of the Real Estate Commission.

On motion of Mr. Kelleher of Bangor, tabled pending passage to be enacted and tomorrow assigned.

(Off Record Remarks)

On motion of Mr. Michael of Auburn,
Adjourned until eight-thirty tomorrow morning.