

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

**OF THE**

***One Hundred and Tenth***

***Legislature***

**OF THE**

**STATE OF MAINE**

**SECOND REGULAR SESSION**

**January 6, 1982 to April 13, 1982**

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**FOURTH SPECIAL SESSION**

**April 28, 1982 and April 29, 1982**

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**FIFTH SPECIAL SESSION**

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**July 16, 1982**

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**HOUSE**

Thursday, April 1, 1982

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

Prayer by the Reverend Paul Cates of the East Vassalboro Friends Meeting Church.

The journal of yesterday was read and approved.

**Study Report**

**Committee on Local and County Government**  
Representative LaPlante from the Committee on Local and County Government on

RESOLVE, Requiring the State Planning Office to Conduct a Follow-up Study on Municipal Practices Relating to Manufactured Housing and Report its Findings to the Local and County Government Committee (H. P. 2297) (L. D. 2129) (Pursuant to Resolves of 1981, Chapter 34) asking leave to report that the same "Ought to Pass"

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

**Special Sentiment Calendar**

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

Franz Hurd, of Bangor, prominent Penobscot County farmer, upon the celebration of his 100th birthday, March 29, 1982; (H. P. 2281) by Representative Diamond of Bangor. (Cosponsors: Representatives Strout of Corinth, Treadwell of Veazie and Pearson of Old Town)

Elizabeth B. Chase, who has been named the 1982 Outstanding Citizen of the Year for Brownville; (H. P. 2282) by Representative Masterman of Milo. (Cosponsor: Senator Pray of Penobscot)

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

Clinton Magoon, of West Peru, a senior at Rumford High School, who has been awarded a \$1,500 prize in a national painting contest; has appeared on the "Today" show with a nationwide viewing of his work; and whose painting is on display at the Metropolitan Museum of Art in New York City; (H. P. 2283) by Representative Erwin of Rumford. (Cosponsor: Representative McCollister of Canton)

On the request of Mrs. Erwin of Rumford, was removed from the Special Sentiment Calendar.

Thereupon, the Order was read.

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

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to take this opportunity to say that I have a great deal of pride in Clinton Magoon, who is a senior at Rumford High School. This young man has been blessed with a great talent. He entered the contest and was awarded \$1,500 for his beautiful painting which now hangs in the Metropolitan Museum of Art in New York City. On March 15, he had a nationwide showing of his paintings, the murals on the walls at Rumford High School, as well as a new vehicle which was painted by him.

While this young man is in the Special Education class and has difficulty reading and with his vocabulary, he certainly has no problem speaking through his paintings, and as has been said, one picture is worth a thousand words and thank you for the opportunity to say this.

Thereupon, the Order received passage and was sent up for concurrence.

The Honorable Romaine Roethel, of Novi, Michigan, National President of the American Legion Auxiliary, who will visit Gray, Maine on April 23, 1982; (H. P. 2284) by Representative Erwin of Rumford. (Cosponsors: Senators Bustin of Kennebec and Clark of Cumberland

and Representative Mitchell of Vassalboro)

Mariam Junge, of Indianapolis, Indiana, National Secretary of the American Legion Auxiliary, who will visit Gray, Maine, on April 23, 1982; (H. P. 2285) by Representative Erwin of Rumford. (Cosponsors: Senators Clark of Cumberland, Bustin of Kennebec and Representative Mitchell of Vassalboro)

J. Lowell Bowles, who is retiring after 22 years of dedicated service to the Town of Livermore as a selectman; (H. P. 2286) by Representative Brown of Livermore Falls. (Cosponsor: Senator Ault of Kennebec)

Kevin Campbell, of Troop 351 of Kennebunkport, on achieving the high rank and distinction of Eagle Scout; (H. P. 2287) by Representative Hanson of Kennebunkport.

Gerry Goulden, of Troop 351 of Kennebunkport, on achieving the high rank and distinction of Eagle Scout; (H. P. 2288) by Representative Hanson of Kennebunkport.

Mary Tarbox, daughter of Mr. & Mrs. Marvin Tarbox of Perham, who was chosen Valedictorian of Washburn District High School for 1982; (H. P. 2289) by Representative Peterson of Caribou. (Cosponsor: Senator McBreairty of Aroostook)

Darla Baker, daughter of Mrs. Patricia Baker of Washburn, who was chosen Salutatorian of Washburn District High School for 1982; (H. P. 2290) by Representative Peterson of Caribou. (Cosponsor: Senator McBreairty of Aroostook)

The top 10 scholastic students of the 1982 graduating class of Edward Little High School in Auburn: Paul Farnsworth — Valedictorian Scout Lauze — Salutatorian; David Cloutier, Patricia Dunn; Sue Keene; Rebecca Love; Ann Pelletier; Monique Poirier; Robert McLafferty; and John Skimko; (H. P. 2291) by Representative Boyce of Auburn. (Cosponsors: Representatives Michael of Auburn, Callahan of Mechanic Falls and Senator Trafton of Androscoggin)

Sue Flynn, of Auburn, for her fine showing at the National Nordic Junior Olympics at Lake Placid; (H. P. 2292) by Representative Boyce of Auburn. (Cosponsors: Representatives Michael of Auburn, Lewis of Auburn and Senator Trafton of Androscoggin)

Michael Haskell, of Auburn, for his fine showing at the National Nordic Junior Olympics at Lake Placid; (H. P. 2293) by Representative Boyce of Auburn. (Cosponsors: Representatives Lewis of Auburn, Michael of Auburn and Senator Trafton of Androscoggin)

Becky Flynn, of Auburn, for her fine showing at the National Nordic Junior Olympics at Lake Placid; (H. P. 2294) by Representative Boyce of Auburn. (Cosponsors: Representatives Michael of Auburn, Lewis of Auburn and Senator Trafton of Androscoggin)

The Rev. Charles Sweron Council #7920, of St. Agatha, which became the 61st Council of the Knights of Columbus in the State of Maine on December 2, 1982; (H. P. 2298) by Representative McHenry of Madawaska. (Cosponsors: Representatives Theriault of Fort Kent, Martin of Eagle Lake and Senator Violette of Aroostook)

Ben Isaacs, of Bangor High School, who has been named to the 1982 All-State Boys' Swim Team; (H. P. 2307) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Aloupis of Bangor and Senator Trotzky of Penobscot)

Kevin Martin, of Bangor High School, who has been named to the 1982 All-State Boys' Swim Team; (H. P. 2305) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Kelleher of Bangor and Senator Trotzky of Penobscot)

Konrad Martin, of Bangor High School, who has been named to the 1982 All-State Boy's Swim Team; (H. P. 2306) by Representative Diamond of Bangor. (Cosponsors: Representatives Soulas of Bangor, Kelleher of Bangor and Senator Trotzky of Penobscot)

George Shea, of Bangor High School, who has been named to the 1982 All-State Boys' Swim Team; (H. P. 2304) by Representative Diamond of Bangor. (Cosponsors: Representatives Kelleher of Bangor, Soulas of Bangor and Tarbell of Bangor)

Fire Chief Douglas Hinkley, of Jonesport, who was re-elected to his 40th consecutive year as head of the local fire protection unit; (S. P. 972)

In Memory of:

Alfred King "Chappie" Chapman, former chairman of the English department, Roberts Professor of English Literature, faculty member for 41 years at Colby College and beloved friend and teacher to legions of Colby students; (H. P. 2308) by Representative Tarbell of Bangor.

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

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

**House Reports of Committees****Ought to Pass in New Draft**

Representative Connolly from the Committee on Education on Bill "An Act to Correct Errors in the Education Laws" (H. P. 1738) (L. D. 1727) reporting "Ought to Pass" in New Draft (H. P. 2301) (L. D. 2134)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Representative Murphy from the Committee on Education on Bill "An Act Governing the Closing of Public Elementary and Secondary School Buildings" (H. P. 1912) (L. D. 1898) reporting "Ought to Pass" in New Draft (H. P. 2302) (L. D. 2135)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Representative Weymouth from the Committee on Public Utilities on Bill "An Act to Ensure Funding for the Eventual Decommissioning of any Nuclear Plant" (H. P. 1803) (L. D. 1757) reporting "Ought to Pass" in New Draft (H. P. 2278) (L. D. 2124)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Representative Murphy from the Committee on Education on Bill "An Act Permitting the Establishment of Student Loan Corporations" (H. P. 2128) (L. D. 2044) reporting "Ought to Pass" in New Draft (H. P. 2296) (L. D. 2128)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Representative Carroll from the Committee on Transportation on Bill "An Act to Provide for Fuel Use Identification Decals" (Emergency) (H. P. 1997) (L. D. 1973) reporting "Ought to Pass" in New Draft (H. P. 2279) (L. D. 2125)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

**Later Today Assigned**

Representative LaPlante from the Committee on Local and County Government on Bill "An Act to Clarify the Right of Local Housing

Authorities to Issue Mortgage Revenue Bonds" (H. P. 1870) (L. D. 1864) reporting "Ought to Pass" in New Draft (H. P. 2303) (L. D. 2137) Report was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Committee Report and later today assigned.

#### Ought to Pass

##### Pursuant to Joint Order H. P. 1846

Representative LaPlante from the Committee on Local and County Government pursuant to Joint Order H. P. 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the year 1982 (Emergency) (H. P. 2299) (L. D. 2132) asking leave to report that the same "Ought to Pass"

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

#### Ought to Pass

##### Pursuant to Joint Order H. P. 1846

Representative Roberts from the Committee on Local and County Government pursuant to Joint Order H. P. 1846 reporting a RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982 (Emergency) (H. P. 2300) (L. D. 2133) asking leave to report that the same "Ought to Pass"

Report was read and accepted and the Resolve read once. Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

#### Divided Report

##### Later Today Assigned

Majority Report of the Committee on Taxation on Bill "An Act Providing for Administrative Changes in the Maine Tax Laws" (H. P. 1746) (L. D. 1735) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-732)

Report was signed by the following members:

##### Senators:

TEAGUE of Somerset  
EMERSON of Penobscot

— of the Senate.

##### Representatives:

MASTERMAN of Milo  
TWITCHELL of Norway  
INGRAHAM of Houlton  
DAY of Westbrook  
BROWN of Bethel

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-733) on same Bill.

Report was signed by the following members:

##### Senator:

WOOD of York

— of the Senate.

##### Representatives:

KILCOYNE of Gardiner  
POST of Owl's Head  
HIGGINS of Portland  
HAYDEN of Durham  
KANE of South Portland

— of the House.

Reports were read.

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

Mrs. MITCHELL: Mr. Speaker, I move that this matter be tabled until later in today's session.

Whereupon, Mr. Tarbell requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that this matter be tabled until later in today's session pending acceptance of either Report. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

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

NAY—Aloupis, Armstrong, Bell, Bordeaux, Brown, D.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Cunningham, Curtis, Damren, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Gavett, Gillis, Gowen, Hanson, Higgins, L.M.; Holloway, Huber, Hunter, Ingraham, Jackson, P.T.; Jackson, P.C.; Jordan, Kiesman, Lewis, Livesay, Lund, MacBride, Masterman, Masterton, Matthews, Murphy, Nelson, A.; O'Rourke, Paradis, E.; Perkins, Peterson, Pines, Randall, Reeves, J.; Salsbury, Sherburne, Small, Stevenson, Stover, Strout, Studley, Tarbell, Telow, Treadwell, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Austin, Davis, Hutchings, Lancaster, McPherson, Racine, Richard, Rolde, Smith, C.W.; Tuttle.

Yes, 78; No, 63; Absent, 10.

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

#### Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-724) on Bill "An Act to Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum" (H. P. 2074) (L. D. 2017)

Report was signed by the following members:

##### Senators:

TEAGUE of Somerset  
EMERSON of Penobscot

— of the Senate.

##### Representatives:

BROWN of Bethel  
MASTERMAN of Milo  
DAY of Westbrook  
INGRAHAM of Houlton  
TWITCHELL of Norway

— of the House.

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

Report was signed by the following members:

##### Senator:

WOOD of York

— of the Senate.

##### Representatives:

HIGGINS of Portland  
POST of Owl's Head  
KILCOYNE of Gardiner  
KANE of South Portland  
HAYDEN of Durham

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the

gentlewoman from Owl's Head, Mrs. Post.

Mrs. POST: Mr. Speaker, I move we accept the Minority "Ought to Pass" Report and would speak briefly.

The SPEAKER: The gentlewoman from Owl's Head, Mrs. Post, moves that the Minority "Ought to Pass" Report be accepted.

The gentlewoman may proceed.

Mrs. POST: Mr. Speaker, Men and Women of the House: What this bill does is to create a situation where people are able to take into account the effects of inflation with the standard deduction on their Maine State Income Tax.

Presently, there exists in the Maine income tax an unfair situation, depending on whether one itemizes their deductions or whether or not they use the standard deduction. The standard deduction is, in fact, used by a large majority of the Maine ratepayers.

Essentially, if you itemize your deductions, you automatically are able to take into account the effect of inflation. As inflation goes up, your medical bills go up, your taxes go up, your interest rates go up, and many of those other items that you in fact do deduct from your income tax go up. Therefore, as your itemized deductions go up, that goes to reduce your income tax liability.

The people on the standard deduction, however, they are not able to take into account inflation. The standard deduction remains fixed. What this bill would do would say that those people would multiply the standard deduction by an index of inflation so that the standard deduction would go up each year as inflation goes up, so we would right the wrong that presently exists in the Maine State income tax, and those people who use the standard deduction and those who itemize deductions would be able to take into account the same effects of inflation.

The bill would cost about a million dollars. There is a referendum provision on it, and I would urge you to accept the Minority "Ought to Pass" Report.

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

Mr. KELLEHER: Mr. Speaker, I would ask the Chair to rule on the germaneness of Committee Amendment "A" to L.D. 2017. Is this germane to the bill?

The SPEAKER: The Chair would advise the gentleman from Bangor that the Chair is not in a position at this time to rule on germaneness of Committee Amendment "A". The Chair would do that, of course, if asked at a later time, but the Chair would also indicate that one can look at the title at this time, but as far as ruling on germaneness, that matter is not proper; Committee Amendment "A" is not before us.

The Chair recognizes the gentleman from Gardiner, Mr. Kilcoyne.

Mr. KILCOYNE: Mr. Speaker, Ladies and Gentlemen of the House: I voted for the minority report that came out of the Taxation Committee for one reason and one reason only. We can't afford the price tag that is on the amendment. The price tag is somewhere between four and six million dollars. We have state employee contracts to consider. We have past dues with the federal government as far as unemployment compensation is concerned. We just passed a bill last year totaling \$17 million that eventually is going to cost the state because of the changes in the inheritance tax laws. We don't know the cost for the Department of Transportation at this point that is going to come out of the General Fund.

I hope you support the Minority Report.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading later in the day.

#### Orders of the Day

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

Bill "An Act to Amend the Concealed Weapons Law" (H. P. 2262) (L. D. 2110)

Tabled—March 31 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

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

Mr. CONNERS: Mr. Speaker I move the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Franklin, Mr. Conners, moves that this bill and all its accompanying papers be indefinitely postponed.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Clearly, I would hope that you would not vote for the motion before you and that you would vote for the passage of this new bill, six drafts, actually, before you.

I would hope that you would have on your desks a letter from the Attorney General of the State of Maine, that you will have indeed read it and understood it, clearly, you would understand it, but sometimes when lawyers talk you can't understand what they are saying, but you will have read the Maine Municipal Association's letter, the information was put on your desks the other day, and that you would understand clearly what it is that we are doing.

Experience has shown that this bill needs some work and failure to recognize that will cost the state and the individuals money and time. We are asking for an absolute minimum to make this bill work.

This, and I am sure you have heard this before, is a good bill, it is a committee bill. When you get a new car, you are told that you have to go in for I guess the first 1,000 mile checkup. Nothing wrong with the car, it is a new one, but you take it in to make sure that it will continue to be a good car and that is what we did with the concealed weapons bills. We took it in for a 1,000 mile checkup, found there was something wrong with it, you can straighten it out before the hunting season, before people who wish to have the privilege of a concealed weapons permit, before they go to their issuing authority and find out they can't get it for strange and wondrous reasons. There are many things wrong with the present bill and the new bill would change that.

I urge you to vote no on the pending motion.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Now that we have come down to the final moments on this, I still have not heard any objections, specific objections, to the revised law, and again, as I said yesterday, if you will look through what was put together by the MMA, I see this as being a definite benefit to people seeking concealed weapons permit in this state. I am hearing a lot of people saying it is too soon to change the law and I think that question is answered in that there are some real problems in the law and the changes are needed to benefit gun owners and beyond that I am not really hearing any concrete objections with it.

We heard the other day some discussion about how you had to possibly be finger printed. That was in the present law. There was objection to the photographing. The revised law says you may be photographed if the chief wants to, I don't personally think that is a great burden. It is not going to cost you anything because the fees aren't increased at all. I would like to hear some real solid objections why we are not doing this at this point and I hope that someone would answer that question.

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

Mr. MACOMBER: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask a question of any member of the committee. I have asked this before of various members and I don't feel that I have really re-

ceived an answer.

If you were living in one town and you moved to another town, assuming you have had a permit in the first town, is that permit still valid in the second town? If not, what is the waiting period before you can apply for another permit?

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

The Chair recognizes the gentleman from Franklin, Mr. Conners. That permit is valid according to your state law, from what I read. We have different interpretations but when you get your permit from your local municipality, that is good statewide. It is good all over the state.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I rise this morning because of a very deep concern of my constituents, many of whom have talked with me on this issue. They admire Mrs. Nelson, Representative Nelson, for her efforts last year and I admire Representative Nelson for her ability to fight when she knows she is licked, as was demonstrated yesterday, and I don't know that she is today.

We just had a handout and in the second paragraph it says: "since September, when Chapter 119 became effective, serious problems have come to light which affect the issuing authorities and applicants alike." I don't like to point out something that most of you already know, the problem is with the issuing authorities. I had one case in one of my towns where they absolutely refused to give anyone a permit to carry a concealed weapon. One was a doctor who carried drugs in his little case and he was quite concerned that he couldn't renew his gun permit. I said, in your case, you have no problem, I will get a copy of the law, you show this to the selectman and if they continue to refuse just tell me and I will come and help you. Well, I did choose to go to the meeting and that night something became very apparent to me. One of the selectmen voted no on the application and I asked her why afterwards, if she could prove to me that this doctor was not of good moral character and what the new law prescribed and she said, "Jack, I just simply will not issue a permit for anyone to carry a gun." So it really doesn't make much difference in a case like that what the law is.

Mr. Jackson asked some specifics, and this is what I found in a discussion with my people. They say that this L.D. as amended would so complicate the concealed weapons permit issuing procedure that applicants would require legal assistance to understand its provisions. They say further that if an issuing authority has a problem understanding the current law, just wait until they get a look at this amendment. There are so many confusing, ambiguous and subjective provisions written into this proposal, it will result in continued litigation on the part of the applicants and issuing authorities that simply removing a few of the proposed changes and proceeding with the rest will not work.

If any legislator here can read this proposal and can say that he and his constituents would have no problem in understanding and applying its provisions, they should vote its passage. If they cannot do this, they should not vote for it.

The following are particular concerns with L.D. 2110, Section 3, MRSA 2031 — The ability of law enforcement officers to carry a concealed weapon, as may be required or permitted by written authority of the issuing authority, will exclude county sheriffs and their deputies, state police officers, liquor inspectors, fire inspectors, District Attorneys, the Attorney General and his assistants and every other state level law enforcement officer, because they are not "issuing authority" as defined in Section 4, Subsection 8.

Section 4 — Who is to define "habitually" in the definition of an alcoholic? Who is to define "substantially" in that definition? Who decides that if one stops taking a drug that the "termination of the use thereof would produce withdrawal symptoms" in the definition of a drug addict?

Who decides who is "unable to function effectively" as required in the definition of a drug dependent person?

Under the definition of "fugitive from justice," on the last line of paragraph A, doesn't nearly any crime committed in this state constitute a crime in any other state?

Provisions are made in this act for the state police to be the "issuing authority" and yet this definition of "issuing authority" does not include the state police.

Section 10, under 6a, between the first "or" and the 2nd "or" — if one were convicted of hunting five minutes after sunset during deer season, he would have committed a crime with the use of a dangerous weapon and be denied a permit for five years.

Section 11: Are there any limits to whatever an applicant must do to take whatever action is required of him by an issuing authority to obtain information?

Section 16: In the case of residents of our unorganized territories, they must make application for a permit from a municipality nearby. This section says the "fee" provisions of this section (2032) apply.

I am going to skip a little here because it is getting rather lengthy and I don't really think you need it but I promised some of my constituents I would cover this.

Section 19: Removes provision allowing one to produce a permit prior to court without any penalty.

Section 21: Would require a penalty of up to \$100.

Section 22 - 25 MRSA, Section 2034, Subsection 3: An application may be submitted within 90 days of expiration of a permit and it shall be treated as a renewal application.

Section 20, Subsection 11, Paragraph C: Requires that the issuing authority issue or refuse within 30 days of the date of application — now this the real kicker. Let me give you an example of how that would work. Any of you here, your permit is going to expire 12-31-82, okay? Under this, you may apply on October 1, 1982 and the permit must be issued before October 31, two months prior to the expiration of your current permit. The new permit is issued though the law says it is valid for two years from the date of issue.

I think that is enough to say. The only reason I rise is because I had several constituents who said, Jack, we want you to have something on the record on this one.

I thank you very much for listening.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with my friend, Representative Masterman, and I agree with Representative Jackson on this issue. We lost a selectman in the town of Stockton Springs because of concealed weapons. He says, no way can I sit here and try to pass out the permits for concealed weapons, so he resigned from his office.

I had a call the first week from the town manager in another one of my towns and he asked me to support this legislation. He said that the changes that were made last year need to be cleared up a little bit, there were some inconsistencies and ambiguities in this particular law. He said this bill will be much better and the selectmen will have a chance of doing a decent job at handing out these permits for concealed weapons. If you think a concealed weapon is a kid's toy, I think you had better think about it again because this is a very serious thing that we are doing here and I think we

should help these people who have to administer these permits back in our home towns.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to, I hope briefly and concisely, answer some of the questions.

Under the present law when you make application, you have to sign a release form which allows the local authorities to have access to all kinds of personal records, school records, work records, all kinds of things like that. Under this present law, that access release would be very specifically aimed at just the records that are needed for this and it wouldn't open up this wide spectrum of records that are presently opened up.

We talked about alcohol and drug abuse. There is provision in the present law for drug abuse, to deny a permit on that basis, but there isn't on alcoholism and I feel that chronic alcoholism and problems with that pose just as great a threat to the citizens as does drug abuse and it should be viewed the same and this law would view it the same as our present alcohol statutes do. It would bring that in as a consideration, and I think that is needed.

The question of police officers — we felt, and I think a feeling goes through it, there should be the right on the local authorities for full-time police officers for the decision to be made by their chief or the selectmen or their council, whether the police officers will carry concealed weapons off duty, and we felt that that should be left in there. We also draw a line in the bill for police officers that are part-time and there is a definition made for that and so the part-time police officer, possibly a police officer that is hired to control cross walks or school children and things, they shouldn't be given out a concealed weapons permit unless they make application and go through the regular procedure. I think that is certainly necessary.

The 30 day renewal, I see this as a big plus in this particular bill. Under the present law, if you go in for renewal, there is no time limit specified at all, and if you get a group of selectmen or some people have a moral hangup with giving out a renewal, they can sit on it indefinitely and never give you a renewal on the thing. This gives a specific amount of time and it also says you can come in before the actual permit runs out. You might run into a time when you wanted to go hunting, the hunting seasons was coming, and you wanted to get it renewed before the exact date when it ran out; this would allow that to happen.

Again, going back to Representative Connors' answer, which I do disagree with, I think there is very definitely the "Catch-22" situation where a person living in a town like North Yarmouth and having a permit and moving to a town like Waterville, would lose his permit in North Yarmouth under the law, that is provided, and he is supposed to get a new permit in Waterville, but because it was revoked in North Yarmouth, he would find himself in this "Catch-22" position where it was revoked and he couldn't get a new permit for five years. That wasn't our intention under the original bill but it is there and this would correct that problem.

As I say, I really don't understand where a lot of this objection is coming from. I know that a lot of problems of the bill came before people had read the bill and certain groups had even read the bill and registered what was in it. I really object to this knee-jerk reaction of "let the bill be, don't make any changes in the law without looking at it." I think these are positive changes and they are not anti-gun changes and I hope that we will pass this law.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I would remind the gen-

tleman from Milo that his elected officials take an oath of office, once elected, to obey the law of the State of Maine, and I find in this area of concealed weapons permit, I gently have to remind my elected officials in one town of that oath and the requirement to obey the law.

I would hope that before we vote today on the motion to indefinitely postpone, that you could take a very close look at the Attorney General's letter, and there are two key sections of that: (2) on Page 1 points out very clearly that we set in this chamber requirements for the local officials, that they have to act upon that permit within 130-day period, but the Attorney General also points out that the waiver that we placed on the application form does not provide the issuing authority access to the records we thought they would have access, records that they are required to investigate. So on one hand we require; on the other hand, we haven't provided the mechanism for them to meet their responsibility.

If you are concerned about the rights of the applicant, on Page 2, No. 4, we have heard reference made to bank records, credit, academic and athletic records. The law now is very broad. The issuing authority can go to those sources, as carte blanche, to the last five years of that individual's life. If you don't pass this new law, that carte blanche will continue. If we pass this new law, the issuing authority has a more restrictive source of information.

I would hope that we would not leave the applicants in that type of position as current law now provides for and would hope you would vote against the motion to indefinitely postpone.

Mr. Swazey of Bucksport requested a roll call.

The SPEAKER: The Chair recognizes the gentleman from Milo, Mr. Masterman.

Mr. MASTERMAN: Mr. Speaker, Men and Women of the House: I appreciate Representative Crowley's remarks because he hit the quick of the matter which I indicated earlier.

It is said that we can't legislate morals here in this legislature and that is absolutely true, and we can't legislate anything that will make the elected officials perform their duties if they don't intend to. As I indicated to you, when you have an official that says, no way, no matter what you put into the law, there is no way that we are going to issue anyone a permit. Well, I would say that is derelict to duty but that is not pertinent here.

We do have these problems and there is no question but what we should recognize these. This was pretty poor timing. I asked yesterday if this was properly before us and because there was no rejection, it was, but I submit to you that it is rather early when we only had this other bill on the books for four months.

This is the last time I am going to be up. I have said what I want to. I respect the good judgment of the people in this House and I feel that you feel it should be indefinitely postponed at this time.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I haven't been involved in this at all and the people I have talked to in my community are not people in the rural areas and most of them are not the hunters that I hear speaking here today. I don't see any problem with the hunters on this bill at all. What our problem is in the urban areas we don't want to see half the people walking down the street with shoulder holsters, or in the local bars.

Of the people that wrote me, I probably have had four or five letters. I immediately sent out the new bill to them and as of now I haven't heard one word from any of the people that oppose this bill, I think it is a simple bill and I think you are making a big issue out of nothing. The years that I spent as a selectman, I would certainly want some controls on who I issued a

revolver permit to.

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

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

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of questions I would like to pose through the Chair before we vote on this.

My first question would be in regards to the 90 day waiting period provision. I guess my question would be as to the rationale behind that and trying to understand whether or not there are any other licenses or permits or anything of the nature issued by the state or by any municipality that requires a three-month waiting period?

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

The Chair recognizes the gentlewoman from Portland Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: In answer to the question, it is 90 days for those people out of state. Right now, we were told by the gentleman who deals with it in the state police office that 30 days does not allow him enough time to find out if people from out of state have the good moral character, or whatever, to have the privilege of a concealed weapon. Because of that, right now not only is extra money being spent from the General Fund to do that, but they have found that people out of state, who under Maine criteria would never be allowed to have a concealed weapon, he must issue, and so there are people from Massachusetts who they know are in the underworld that are walking the streets of Maine with a concealed weapon because the State of Maine, at this time, cannot say no to them and 30 days just isn't enough time to deal with the many requests of people outside our state for a concealed weapons permits. The 90 days responds only to those people who live outside our state.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Paul.

Mr. PAUL: Mr. Speaker, Men and Women of the House: Another question would be — I would be curious to know how an individual, again on this 90 day waiting period, would be able to get a concealed weapons permit for this fall; if this bill were to pass, it would take effect probably in July, and if the person applied for the permit in July or August and if a municipality exercised the full 90 day waiting period for the application or the issuance of the permit, I am wondering how a person would get a permit in September or October. Under this law, the municipality; could they not defer until November or December on the 90 day provision?

The SPEAKER: The gentleman from Sanford, Mr. Paul, has posed another question through the Chair to anyone who may respond if they so desire.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: First of all, the 90 day provision, we are not dealing with municipalities, we are dealing with the state police, we are dealing with out-of-state permits. A person in California, Massachusetts, Rhode Island, New Mexico, what have you, writes to the state police and asks to have a Maine concealed weapons permit. At the present time, it is taking the state police longer than their time to get the information back from that state on that person. They need more time.

The state police, when they don't have



enough time, are faced with two choices: (1) they can just not issue the permit or they can — basically what they are doing is not issuing the permit. Now, sometimes they can get the information from a state in time to do it within the statutory time but very often they can't and they have generally taken the route that they won't issue it. If they don't issue it, I suppose technically they are breaking the law and the person from Rhode Island or New Mexico or whatever could bring a case against the state to force them to do it. It seems very unlikely that this is going to happen but basically the 90 days is just out-of-state applications. It has nothing to do with towns, it has nothing to do with the cities in Maine, it has nothing to do with the citizens of the State of Maine. It is only out of state. Everybody else is still the 30 days.

There is one further thing that I want to say, it was a question raised and it kind of gripes me, and that is, there is nothing we can do about elective citizens who drag their feet. We can vote them out of office, we can bring a court case against them, there are a whole bunch of things you can do, so don't go telling me we are powerless about elected officers, municipal or legislative or anyone, who don't obey the law. They have to obey the law just like anybody else.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: This is a very good piece of legislation for those people that want gun control in the state of Maine. We have been talking about different paragraphs this morning in the bill, only the paragraphs that favored the speaker that was speaking. This is a bill with many paragraphs. The committee looked at the whole bill, not just certain pages of it. There are certain pages of it that I could buy and certain aspects that I could buy, but I can't buy the bill in its entirety, and the majority of the Legal Affairs Committee couldn't either and there is a reason for that, because the majority of the committee doesn't believe in gun control, it is as simple as that.

If this House believes in gun control, this pleases these people, and we had no evidence to me or to any member of this House that people that belong to the Mafia or any other underground ever even applies for one of these permits, so we are not dealing with them. They are not going to apply for a permit anyway. They don't have one now, they are not going to have one, and this bill is not going to make them have one.

We are talking about honest people in the state to begin with, so it is as simple as that in my opinion. If you want gun control in the State of Maine, you should vote for the bill; if you don't, you should vote just like you did the other day, to do away with it so we can come up with a better bill that everybody understands.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would just remind the members of this body that the policy to have permits in the State of Maine for concealed weapons was made last session. We passed a bill dealing with concealed weapons last session. I was just asking my seatmate here, I don't believe there was much debate on it, I think it went under the hammer, so the policy in this area of concealed weapons was made last session.

I think the gentleman from Milo, Mr. Masterman, hit on an area that bothers me — what do you do in an area where a town selectman won't cooperate with this law? That is something that really does bother me and I think the gentleman from Yarmouth, Mr. Jackson, has indicated some ways to remedy that problem but I still think it could be a problem, and I don't think it is enough to vote against the bill.

I was also interested in listening to the gentleman from Milo, Mr. Masterman, and his

concerns regarding the ambiguities in this bill, then I think when you are talking about those valued judgments, that our local issuing authorities are in the best position of anybody in the world to make these decisions because they know the people who are going to be asking for these concealed weapons, but they can't continue to issue these weapons unless we give them this tool to use.

I would urge you to oppose the motion and just keep in mind that the policy in this area of concealed weapons was set last session.

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

Mr. CONNORS: Mr. Speaker, Ladies and Gentlemen of the House: I represent 20 towns, 8 in Hancock County and 12 in Washington County, and we have issued permits from all of these towns and there has been no problem in the issuing of concealed weapons permits.

Another thing that I think we should keep in mind is, in the history of all of the permits that have been issued, there isn't one court case where anybody with a permit has been arrested and taken into court.

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

#### ROLL CALL

YEA—Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conary, Connors, Cox, Cunningham, Curtis, Damren, Davis, Dexter, Diamond, G.W.; Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Hanson, Hayden, Higgins, L.M.; Hobbins, Holloway, Hunter, Ingraham, Jackson, P.C.; Jacques, Jalbert, Jordan, Kelleher, Kilcoyne, Lancaster, LaPlante, Lewis, Livesay, Locke, MacEachern, Mahany, Martin, A.; Martin, H.C.; Masterman, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, A.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Pines, Pouliot, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Small, Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Tarbell, Telow, Treadwell, Twitchell, Vose, Webster, Wentworth, Weymouth, Willey, The Speaker.

NAY—Aloupis, Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Carroll, Connolly, Crowley, Davies, Day, Diamond, J.N.; Dillenback, Fitzgerald, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Huber, Jackson, P.T.; Joyce, Kane, Kany, Ketover, Kiesman, Laverriere, Lisnik, Lund, MacBride, Macomber, Manning, Masterton, Matthews, McColister, Murphy, Nadeau, Nelson, M.; Norton, Perry, Reeves, P.; Richard, Sherburne, Smith, C.B.; Theriault, Thompson, Walker.

ABSENT—Hutchings, Post, Racine, Rolde, Tuttle.

Yes, 97; No, 49; Absent, 5.

The SPEAKER: Ninety-seven having voted in the affirmative and forty-nine in the negative, with five being absent, the motion does prevail.

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

Mr. SOULAS: Mr. Speaker, having voted on the prevailing side, I move for reconsideration and move this be tabled for one legislative day.

Whereupon, Mr. Swazey of Bucksport requested a roll call vote.

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

A vote of the House was taken, and more than one fifth of the members present having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that this matter be tabled for one legislative day pending his motion to reconsider whereby the Bill was indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Benoit, Brannigan, Brennerman, Brodeur, Connolly, Cox, Day, Diamond, J.N.; Dillenback, Fitzgerald, Gowen, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Huber, Jackson, P.T.; Joyce, Kane, Kany, Ketover, Kiesman, Laverriere, MacBride, Macomber, Manning, Masterton, Matthews, Mitchell, J.; Nelson, M.; Perry, Reeves, P.; Richard, Sherburne, Smith, C.B.; Smith, C.W.; Soulas, Thompson, Walker.

NAY—Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Connors, Crowley, Cunningham, Curtis, Damren, Davies, Davis, Dexter, Diamond, G.W.; Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Hanson, Hayden, Higgins, L.M.; Hunter, Ingraham, Jackson, P.C.; Jacques, Jalbert, Jordan, Kelleher, Kilcoyne, Lancaster, LaPlante, Lewis, Lisnik, Livesay, Locke, Lund, MacEachern, Mahany, Martin, A.; Martin, H.C.; Masterman, McColister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Pines, Pouliot, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Small, Stevenson, Stover, Strout, Studley, Swazey, Telow, Theriault, Treadwell, Twitchell, Vose, Webster, Wentworth, Weymouth, Willey, The Speaker.

ABSENT—Boisvert, Brown, A.; Carrier, Holloway, Hutchings, Post, Racine, Rolde, Soule, Tarbell, Tuttle.

Yes, 43; No, 97; Absent, 11.

The SPEAKER: Forty-three having voted in the affirmative and ninety-seven in the negative, with eleven being absent, the motion does not prevail.

The pending question now is on the motion of the gentleman from Bangor, Mr. Soulas, that the House reconsider its action whereby this Bill and all its accompanying papers were indefinitely postponed.

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

Mrs. NELSON: Mr. Speaker and Members of the House: I just wanted you all to be sure you knew clearly what it was you were saying no to. What you are allowing, you are allowing a juvenile to get a concealed weapons permit who indeed would have done something so horrendous that if they had been an adult wouldn't get one. You are saying, "Too bad, Secretary of State and State of Maine and those lawyers who are supposed to represent the people of the state, too bad Maine Municipal Association, too bad State Police, this is a vote for Sportsmen's Alliance, this is a vote for NRA." I think if you know that and it is clear in your mind, there isn't much more I can say.

Supposedly, you are voting for the people of the State of Maine, not 6,000 members of one organization but over a million people who walk the streets, who walk the woods, who hunt and fish and, yes, who live in cities and small towns. That is what this vote is, and if you understand it and I understand it, then we can go right ahead and we don't even need a roll call.

Mr. Swazey of Bucksport requested a roll call vote.

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

A vote of the House was taken, and more

than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Soulas, that the House reconsider its action whereby this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Benoit, Boisvert, Brannigan, Brennerman, Brodeur, Connolly, Cox, Crowley, Davies, Day, Diamond, J.N.; Dillenback, Fitzgerald, Gowen, Gwadosky, Hickey, Higgins, H.C.; Huber, Jackson, P.T.; Joyce, Kane, Kany, Ketover, Kiesman, LaPlante, Laverriere, MacBride, Macomber, Manning, Masterton, Matthews, Murphy, Nadeau, Nelson, M.; Perry, Reeves, P.; Richard, Sherburne, Smith, C.B.; Thompson, Walker.

NAY—Armstrong, Austin, Bell, Berube, Bordeaux, Boyce, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Connors, Cunningham, Curtis, Damren, Davis, Dexter, Diamond, G.W.; Drinkwater, Dudley, Erwin, Foster, Fowle, Gavett, Gillis, Hall, Hanson, Hayden, Higgins, L.M.; Hobbs, Hunter, Ingraham, Jackson, P.C.; Jacques, Jalbert, Jordan, Kelleher, Kilcoyne, Lancaster, Lewis, Lisnik, Livesay, Locke, Lund, MacEachern, Mahany, Martin, A.; Martin, H.C.; Masterman, McColister, McGowan, McHenry, McPherson, McSweeney, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Nelson, A.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Peterson, Pines, Post, Poulit, Randall, Reeves, J.; Ridley, Roberts, Salisbury, Small, Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Telow, Theriault, Treadwell, Twitchell, Vose, Webster, Wentworth, Weymouth, Willey, The Speaker.

ABSENT—Carrier, Holloway, Hutchings, Racine, Rolde, Tarbell, Tuttle.  
Yes, 44; No, 100; Absent, 7.

The SPEAKER: Forty-four having voted in the affirmative and one hundred in the negative, with seven being absent, the motion does not prevail.

Sent up for concurrence.

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

Bill, "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities" (H. P. 2087) (L. D. 2024) (C. "A" H-728)

Tabled—March 31 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentleman from Sabattus, Mr. LaPlante.

Mr. LaPLANTE: Mr. Speaker, there is an amendment being prepared and I would ask someone to table this until later in today's session.

Whereupon, on motion of Mr. Manning of Portland, tabled pending passage to be engrossed and later today assigned.

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

Bill, "An Act to Facilitate the Removal of Clouds on Title to Proposed Unaccepted Streets in Subdivisions" (S. P. 854) (L. D. 1991)

Tabled—March 31 by Representative Higgins of Scarborough.

Pending—Adoption of Committee Amendment "A" (S-443)

Thereupon, Committee Amendment "A" was adopted in concurrence.

Under suspension of the rules, the Bill was read the second time and passed to be engrossed as amended in concurrence.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1982 (Emergency) (H. P. 2000) (L. D. 1958) (S. "A" S-387)

Tabled—March 2 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1982 (Emergency) (H. P. 2001) (L. D. 1959)

Tabled—March 2 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1982 (Emergency) (H. P. 2103) (L. D. 2026)

Tabled—March 3 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of the Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

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

Tabled—March 11 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

On motion of Ms. Small of Bath, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

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

House Amendment "A" (H-666) was read by the Clerk and adopted.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1982 (Emergency) (H. P. 2196) (L. D. 2075)

Tabled—March 23 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1982 (Emergency) (H. P. 2199) (L. D. 2078)

Tabled—March 25 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1982 (Emergency) (H. P. 2218) (L. D. 2080)

Tabled—March 25 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1982 (Emergency) (H. P. 2219) (L. D. 2081)

Tabled—March 25 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1982 (Emergency) (H. P. 2229) (L. D. 2087)

Tabled—March 29 by Representative Mitch-



ell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

117 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.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1982 (Emergency) (H. P. 2230) (L. D. 2088)

Tabled—March 29 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1982 (Emergency) (H. P. 2231) (L. D. 2090)

Tabled—March 29 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

113 voted in favor of same and 4 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1982 (Emergency) (H. P. 2235) (L. D. 2093)

Tabled—March 29 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1982 (Emergency) (H. P. 2253) (L. D. 2102)

Tabled—March 31 by Representative Mitchell of Vassalboro.

Pending—Final Passage.

The SPEAKER: This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in

favor of this Resolve being finally passed will vote yes; those opposed will vote no.

A vote of the House was taken.

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

By unanimous consent, the preceding Resolves were ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Right of Local Housing Authorities to Issue Mortgage Revenue Bonds" (H. P. 1870) (L. D. 1864) New Draft (H. P. 2303) (L. D. 2137) which was tabled and later today assigned pending acceptance of the "Ought to Pass" in New Draft Committee Report.

Thereupon, the Report was accepted and the New Draft read once. Under suspension of the rules, the New Draft read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

By unanimous consent, all matters requiring Senate concurrence were ordered sent forthwith.

The Chair laid before the House the following matter:

Bill "An Act Authorizing the County of Cumberland to Raise Funds for the Construction of a Court House, Capital Improvements and Related Facilities" (H. P. 2087) (L. D. 2024) (C. "A" H-728) which was tabled and later today assigned pending passage to be engrossed.

On motion of Mr. Curtis of Waldoboro, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same gentleman offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-736) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Could the gentleman from Waldoboro, Mr. Curtis, please explain what House Amendment "A" does?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to the gentleman from Waldoboro, Mr. Curtis, who may answer if he so desires and the Chair recognizes that gentleman.

Mr. CURTIS: Mr. Speaker, Ladies and Gentlemen of the House: This is simply a fiscal note which attaches the sum of money needed to fund the cost of the referendum.

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

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

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

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: This bond issue question has come quite a ways in a short amount of time, relatively speaking, and I would like to have you please note that the bill, 2024, has been changed. It originally was asking for \$3 million to raise money to build a court house in Cumberland County. That has been changed by the amendment, the committee amendment 728, to increase that \$3 million to \$5.5 million. Then the other amendment just put on by the gentleman from Waldoboro, Mr. Curtis, explains the fiscal note as far as the election costs and as well as future costs.

We just voted down last year — first of all I would like to say that this bill came out of com-

mittee, even though it was unanimous out of Local and County Government, I think they did that only as a courtesy because I know for a fact that there were some members of that committee who did not support, definitely speaking, all the details of this bill.

Secondly, I would point out that a bond issue of the same nature was voted down in 1980, recently by the citizens of this state, by a no vote of 296,836 compared to a yes vote of 173,485. It was also voted down in the County of Cumberland by almost 8,000 votes.

The point I make here today, ladies and gentlemen, it is too early, it is too fast, the timing is bad. The Cumberland County delegation, and I have not spoken to all of them, being one member I am concerned about this, I am concerned about pushing this through as fast as we are. There are a lot of problems in Cumberland County, I think many of us know that. There are taxpayers out there who feel that some of those would not be addressed and have not been addressed for a long time by the court system. There are professional groups out there who deal in that court system every day and they are concerned about it. In fact, they had a meeting recently and as a result of that meeting pointed out several items to the court system of what they felt needed to be changed and that was not addressed and have not been addressed for a long time by our judicial system.

I would point out to you also, ladies and gentlemen, that the judicial department has not yet made a lot of priorities in terms of what they want to have done throughout our county and throughout the state.

What we are concerned about and what I am concerned about is two things. Number one, the citizens of this state feel that they, as victims and as taxpayers, need some changes made and they have addressed these changes for the court system and to you and I for a long time and nothing has happened to those suggestions.

Secondly, I would point out again that the people who work in this system, and they are not just lawyers who work there, ladies and gentlemen, there are police people and they work in that system every day and they are quite concerned about the areas that need to be addressed. Yesterday, we had a meeting of the county delegation and I asked questions of the manager of the court system, the administrator, and tried to point out to him the concerns out there in the public. Number one, we are pushing this thing too quickly, it is going through too fast. Secondly, the kinds of concerns that the people out there feel about the judicial system, especially when we just voted the thing down in the last election and really got no response when I asked the question — what are you doing to address the other concerns besides space? None of us are saying the space is not a problem, I agree, I have been there for three days, I spent three days in that system, and, indeed, it is a carnival, I grant every one of you that, but beyond that point, there are a lot more concerns that need to be addressed and they have not been addressed. They were not addressed last year or the year before or the last five years, and by passing this bond issue, or letting this bond issue go out again to the people of this state and this county, and saying to them, yes, but we still need a new building. What the people are saying, ladies and gentlemen, yes, we know you need space but how about listening to some of our concerns as well, you are not listening to us.

My problem is, if we go out now and authorize, we, the legislature, the 110th, and say yes, go ahead, we give you our stamp of approval, send it out to the people, I think again we are not listening, we are not hearing.

I know the gentleman from Brunswick, Mr. Livesay, is going to speak on several reasons why this is a high priority issue, the space, and I understand, he being an attorney, that they, the brotherhood, do have some concerns about

this kind of a problem. My point is, ladies and gentlemen, there are other concerns, the lay people out there, they have concerns as well. We have not listened to them. They voted it down, they voted it down, they voted it down.

I think if this is an urgent problem, there are other urgent problems as well. Let's look at it, let's study it, let's not try to sneak one through the very end of this session.

It has a fiscal note, it is going to go to the Appropriations Table, it is going to go there with other things like your L.D.'s, other things like transportation, other kinds of issues, and the fiscal note, as you can see, talks about future kinds of obligations, because we are talking about a lease, so I would ask you to support me, if you would, and look at this whole thing and ask the question to yourself — have you heard your constituents say, yes, there are problems in there with space, we agree with that, but there are greater problems, and I am not sure the judicial department has heard those.

As I said briefly before, the report that the State Police, and they come from Scarborough and Cape Elizabeth and Windham and Yarmouth and South Portland, Freeport and all these places, and they were addressing concerns, ladies and gentlemen, other than space, real concerns, and they have not been heard too well, and for us to pass through our stamp of approval to build another building for the court system causes me some great concern.

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

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would rebut Representative Diamond's argument that we are going too quickly with this concept of improving court facilities in Cumberland County.

I believe it was in 1978 that a team of consultants looked at court requirements in the court facilities around the state, came out with a report in 1980, an appointed commission of citizens looked at the recommendations of the consultants, came out with the Grant Commission report in 1980. They deemed the facilities of the 9th District Court for southern Cumberland County as "totally unsatisfactory." These are the facilities in Portland.

For example, the planning consultants indicated a need of 16,000 square feet for the district court in Portland. In 1978, there were only 5,800 square feet of facility, far below what was actually required, 30 percent of what was actually needed.

But you will remember in 1980 we sent out a statewide referendum, a bond issue for various court facilities, including Cumberland County 9th District. That bond issue failed, and I would dispute that it failed in Cumberland County, but I will check on that. It is my understanding that it passed in Cumberland County.

We are talking here today, actually, about three district court buildings, the one in Portland, the one in Bridgton and the one in Brunswick. We expanded the bond issue to answer some concerns of some people that if you are going to pledge the assets of every municipality, that every municipality, get some benefit, so we have included Bridgton and Brunswick in this authorization for Cumberland County to float a bond issue for needed, badly needed, court facilities.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to quote a few facts and figures that I received through our court reporter and staff writer of the Portland paper yesterday. "The Portland District Court is the busiest court in the State of Maine. Of the 33 courts, the Portland Court does 18 percent of all district court business; 40,000 cases were heard in district court last year alone."

One of the things that I am hearing not only from the people, and I am not talking about the

lawyers, I am talking about the lay people, is the problem in district court in Portland, for instance, in a divorce proceeding where everything is crowded into one little area. I think that is one of the things we have got to look at today.

I think Representative LaPlante had a good idea, and I don't want to use his lines, but in the Portland paper today it was reported "He is hoping that the Governor will address this issue by a Blaine House Conference on Judiciary." I think that is a good idea, because I think people throughout the whole state are having problems both dealing with the courts and dealing with the times that they have to go to court and whether or not it is postponed, whether or not they have to come back another day, and I agree with my fellow colleague from Windham that that is a problem, but I think the problem also can be addressed at the local level in some cases, because maybe it is a lack of communication between a district attorney and the outlying area police chiefs. I know one of our own Portland police officers was indicted by the district attorney. It was thrown out of court, but all the district attorney wanted to do is show that police officers should show up in court.

The problem is, the police officer shows up in court and he is told to come back another day and another day and another day and some days he just oversleeps, we are all like that sometimes.

There is a problem with that, Representative Diamond, I agree, but the problem of lack of space is also a problem, and I think we can address that right now and I would hope that you would support this measure and let the people of Cumberland County decide on whether or not they do want one.

What we are doing is putting this out to referendum. They might not want it, but at least we will let them have a chance to decide.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: I just briefly want to respond to Representative Diamond's comments, because I think there really is very little disagreement between his position and our position. Representative Diamond agrees with us that there is, in fact, a critical space problem in the district courts in Cumberland County, and I will agree with Representative Diamond that there are, in fact, additional problems within the judiciary system which need to be addressed. I think we differ only in that Representative Diamond seems to feel that we should put on the back burner the space needs and address some of these other problems that he perceives. My only response would be that right now we have the vehicle before us that would allow us to address the space needs; we don't have before us the vehicle that would allow us to address some of his other concerns.

I think what we need to do is take one step at a time and address those problems that we are capable of addressing now, and I would suggest to you that we can, in fact, satisfactorily address the space needs of the Cumberland County district court system.

I would also like to indicate to the House that what we are talking about here is a referendum, they have it within their power to vote this referendum down.

The SPEAKER: The Chair recognizes the gentleman from Freeport, Mr. Mitchell.

Mr. MITCHELL: Mr. Speaker, I would like to pose a question to the Chairman of the Committee on Local and County Government. At the briefing on this bill yesterday, Mr. LaPlante noted that a considerable fiscal note would be required for this bill, and I notice that there is a fiscal note of \$3,000 on House Amendment "A" but there is no fiscal note for the entire bill. I was wondering if Mr. LaPlante could enlighten the House and tell us what the

total fiscal note for this bill is?

The SPEAKER: The gentleman from Freeport, Mr. Mitchell, has posed a question through the Chair to the gentleman from Sabattus, Mr. LaPlante, who may answer if he so desires, and the Chair recognizes the gentleman.

Mr. LAPLANTE: Mr. Speaker, Ladies and Gentlemen of the House: I am at a loss as to what to say because I was talking with the director of BPI yesterday and he told me that this would require an extensive amount for the courts to repay the bonding. They were supposed to prepare me some yearly amount, and this is the only thing that I saw, the amendment this morning. Since I wasn't in on preparing the amendment, I really don't know why the total amount is not in there.

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

Mrs. MASTERTON: Mr. Speaker and Members of the House: I think perhaps I will be able to answer that question. The \$3,000 for the referendum, the printing of the ballots, was on the original bill. That is nothing new. It was just left off the committee amendment.

As far as any other fiscal note, we were told by Mr. Lord in Legislative Finance that that would not be needed. If this passes, the bonds have to be floated, the building has to be planned and constructed, so the cost to the state would not begin until at least 1984.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have an open mind on this bill. The town of Harpswell has written me a letter, the selectmen have written me a letter, and they said they were opposed to spending any money for a courthouse. The councillors from the town of Brunswick wrote me a letter and said they were opposed to it, and now we are amending the bill to include those people, so perhaps it may become favorable in Brunswick, I don't know yet about Harpswell.

The gentleman from Windham has indicated he has other concerns, and if permissible, Mr. Speaker, I would like to know what those other concerns are.

The SPEAKER: The gentleman from Cumberland, Mr. Dillenback, has posed a question through the Chair to the gentleman from Windham, Mr. Diamond, who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. DIAMOND: Mr. Speaker, Men and Women of the House: First of all, I will ask for a roll call.

Some of the concerns, if I can talk in specifics here a little bit, number one, we have a home rule. Cumberland County voted that we were going to decide how our county government structure would be made. We are the only county in the state that voted for that last time, and that is in process right now. We are going to be voting on June 8 to see what direction we are going to take, and we are talking about a complete change in structure. We are talking about a change from three commissioners to seven, a county administrator, we are talking about a fiscal committee made up of various representation from various towns, local governments, we are talking about a totally new structure, it is still in limbo and we yet do not know how our people in the County of Cumberland are going to vote on that. That is one concern, Mr. Dillenback.

Secondly, Mr. Dillenback, another concern is that the people of this same county, the gentlelady from Cape Elizabeth, Mrs. Masterton, said she was not sure if Cumberland County voted that down — they did. They voted that down 44,136 to 52,682, like I said before, about 8,000 votes.

Besides the fact that in the paper today and a lot of lobbying of this whole process, the courts tell you they have had 40,000 cases. That sounds

like a lot of cases and technically they are right. However, many of those, we all know, are mailed in, so don't get the picture that we have 40,000 people parading through the courts. It sounds nice.

Thirdly, our judges, whom I respect highly and have supported pay raises for and always will, still, in our own area, they work essentially three and a half days a week. Friday afternoon they are off, Monday is never started, and now what we are saying is — spend, spend, spend. I would like to save the judges work, work, work. I think the people out there in the county, because of their repeated denials for this bond issue, are saying listen, listen, listen. We are not denying your building but you are not listening to us. There is another whole layer of concerns, and I ask you and I listen to them.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: What you have just heard from Representative Diamond is certainly in order. Those are the concerns that we are hearing, but there isn't a darn thing this legislature has done in the six years that I have been here, except to say we have concerns about our judicial system.

The concerns of the judicial system, while they may be legitimate, do not address the fact that we need decent buildings for the judicial system to operate in.

Yes, we lost the state bond issue, but let me tell you something, I wonder how many representatives in this body made a serious effort to lobby or to help our constituents understand that bond issue. I know I didn't, and the court system in Portland is at the foot of Munjoy Hill, in my neighborhood. I didn't assist. I presumed that the court space needs would be recognized by the citizens, and I did not actively participate to help that bond issue pass.

The timing is not bad. We have been sitting and talking about the needs for court systems for six years that I know of that I have been here.

There are many problems out there, but how many of them begin to address facilities?

In my opinion, if you could make a list of 10 concerns, decent court facilities would at least resolve 4 out of the 10. That is a beginning step. We haven't taken a beginning step before.

I know what the court building is like in Portland. I have been down there often enough either as a witness or to pay a fine or to be with a constituent when they were in trouble or to observe, and it is not just a carnival atmosphere in that building, it is a zoo.

I don't care what kind of home rule change we are going to have at the local level, the needs will not go away, they never will.

Not only that, we have a safety problem in the current courthouse building. If there ever was a fire there, the people on the third floor would never get out. Through our county budget, we have tried to augment and to make that building safe for years, and we will never make it.

If we can have the district court building, and what is on the plans is not necessarily what will be final, then at least we alleviate the supreme court situation too.

Constituents and those who work there and the legal community in the City of Portland want something done and, yes, we did amend this bill to include two other problems in Cumberland County. What we are literally asking you for is the permission to put out the question to the citizens of Cumberland County, and if there is to be any debate, let it happen at home, not necessarily here.

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

Mrs. HUBER: Mr. Speaker and Members of the House: A question, if I may. My understanding early on this session was that there was talk of a state bond issue that would take

that form and this was rejected because of our policy of retiring more bonds than we issue, which we obviously are at a limit for this biennium, and my question, in light of what Mrs. Masterton had to say, and also because I understand the state will pay the cost of these bonds through the leasing of the buildings from the county, are we, in fact, obligating the next legislature, say in 1985 or 1984, to a bond issue that will have some bearing on the amount of bonds that this legislature will be free to issue at that time?

The SPEAKER: The gentlewoman from Falmouth, Mrs. Huber, has posed a question through the Chair to anyone who may care to answer.

The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I am not quite sure I understand the implications for future bond issues, but to Representative Huber I would say that yes, indeed, we are committing the state to pay the lease of the new building in Portland.

In response to what Representative Diamond brought up earlier, that is our charter commission and the fact that we would be voting on a new county government in June — that has absolutely nothing to do with the court system. I can tell you, there is nothing in our charter that mentions the courts at all. It happens that district and superior courts are housed in a building that is called the Cumberland County Courthouse.

The fact that the people turned down a bond issue, a statewide bond issue, a couple years ago just tells us not much more than that they were not in favor at that time of floating a bond, but financing the courts is a state responsibility, not the county's. However, because of lack of state appropriations, because of lack of a long-range construction program for court facilities, the state has had to turn to other financing mechanisms.

You might be interested to know that there are 15 county-owned but state-leased buildings out of 33 district court facilities. There are 13 municipally-owned state-leased buildings. We are talking about district courts. There are four in the state that are privately owned and state leased. There is only one courthouse in the whole state that is actually owned by the State of Maine, and that is right down here on the rotary in Augusta.

I don't know, Representative Huber, if I answered your question about future bond issues. What we are asking for in Cumberland County is a mechanism that has been used in several other counties across the state.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Thompson.

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: I have a sense of unease about this bill and want to reflect some concerns. I represent a district in South Portland and therefore am representing a portion of Cumberland County.

Some of my concerns stem from what Representative Diamond has cited. First of all, I am concerned that in time of very tight financial difficulties, conditions that are perhaps overcrowded do not necessarily warrant an expenditure of \$4 million.

In no way do I claim to have any sense of expertise about judicial procedures and so forth, but I have, at the request of my local police department, attended two or three district court sessions, and as Representative Diamond said, the district court did not start on time and closed early, did not meet every day and the building was unused for court sessions a great deal of the time. It occurred to me that perhaps not the building was at fault but perhaps the judicial structure was at fault.

Also, in my community of South Portland, in Portland and in many of your communities

local municipal officers are finding it necessary to close other government buildings, for instance, schools. Is there possibly any way that those other government buildings can be used to alleviate overcrowded conditions that we may find in the courthouses, if, indeed, they are overcrowded? I think that is an option that very clearly has to be investigated before we consider the cost of building a new building.

Also, I would like to pose a question. I understand that the Cumberland County Courthouse is leased by the state. What cost will there be to the state when in fact we begin leasing a brand new building that was built at the cost of \$4 million?

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

Mr. KELLEHER: Mr. Speaker, I would like to pose a question through the Chair to any member of the this body, whether he or she is from Cumberland County or from the other 15 counties. What if the state gets in the position that they desire not to enter a lease for Cumberland County Court buildings?

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

The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker, my hunch is that what would happen would be that once this bond was authorized, before there was any construction at all, there would be a long-term contract entered into by the constructor of the building and the state itself. So the building would obviously be utilized for the purpose intended, and no construction would be commenced and no monies expended until, in fact, there was a long-term contractual obligation.

I think maybe I ought to also attempt to address some of Representative Thompson's problems. She indicated that in a time of hard money, it might be inappropriate for us to be expending several million dollars for district court facilities. I just want to say that perhaps by coincidence the district court facilities in Cumberland County, all are high priority concerns of the judiciary. Each one of the three locations that are addressed in this L. D. are locations that are woefully inadequate.

In Brunswick, for instance, the clerk of court's office is the same room that the judge uses for chambers. So whenever there is a conference between the judge and an attorney, or the judge and a defendant, or anybody else conducting business with the court in chambers, the clerk has to excuse herself.

The hearing room itself serves as council chambers on other occasions and the chairs that the citizens of this state sit in are folding chairs that are brought to and from the courtroom as numbers of bodies require.

It seems to me that it would be unfortunate for this body to deny the citizens of Cumberland County the opportunity to at least express their opinion on whether or not there is a need for new district court construction in that county; it is really as simple as that.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I think we have heard a lot of red herrings here this morning. I think whether the judges come in early or late and leave early really is no measure. People could say the same of us. Sometimes our sessions begin late, sometimes we leave early. Six months out of the year we don't even use this chamber. Does that mean that we are ineffective, that we do not do what we should do when we are in session? I don't think that is really an issue before us.

Whether the buildings should be in old schools and so forth is an issue of safety and concern. Most courts in the State of Maine are near the prison, the jail, so that those people who are supposedly convicted of a crime, at

least thought to be guilty, can be moved with safety, and it is less expensive. Right now, the present courthouse has no facility for the disabled. Right now, should there be a fire, people would be injured.

We are talking about something which is probably the greatest gift we could give anybody in our state, and that is justice. We are dispensing it under very strange circumstances. The victims sit next to those people who are accused of a crime. Right now on a bench down in the cellar there are people who are victims of rape or whatever sitting next to, literally next to the people who have been accused of the crime. What this bill really asks is that you give the opportunity to those people who live in Cumberland County to say no to the building or yes to the building. This is a facility not just for the professionals inside but certainly the rank and file people of the state, of Cumberland County, to do what they have to do in an environment that gives them personal respect.

People who go before that court may be involved in a divorce and they are subject to a very demeaning environment. People don't want to go there under those circumstances. Witnesses who are called to testify in behalf of someone don't want to be there so they don't show up, and I don't blame them.

You can see by who is debating that it does seem to be an in-house kind of family squabble. If it is, let us deal with it in the voting booth. Allow those people in Cumberland County the privilege of deciding yes or no on this measure. We would appreciate your allowing us to do that, and that is what this measure is.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I, and I am sure every other member of this body that does not reside in the great, wonderful county of Cumberland, dislike getting involved in any local issue in terms of what Mrs. Nelson and her delegation would like to do in straightening out, as she sees it, the problem of the court system in her particular county. But I don't mind getting involved when there is a potential cost to all the taxpayers in the State of Maine dealing with a lease-purchase agreement or the lease of those particular facilities.

I think, unfortunately, for the court system, because of the number of issues that were on the ballot a couple years ago in terms of modification and reorganization and reconstruction of the court system in the state, an issue was reasonably defeated across the state for a number of reasons. I think that this legislature would be wise to not support the idea of developing a court system as Mrs. Nelson has so wonderfully illustrated here this morning simply because of the potential cost later on down the road to state government.

In my county, we have had some changes in the court system over the years because the court itself has indicated that it may not want to go back to that facility because it lacked this or it lacked that and we expended a fair amount of dollars in trying to improve the comfort and the operation of the court in my county, which is Penobscot, and I know other counties have accommodated as well. I think this legislature would be wise to defeat this bill.

I wholeheartedly agree with my kind friend from Windham, that the best thing we could do this morning is not pass this issue.

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

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

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

Mr. KANE: Mr. Speaker and Members of the House: I will be very brief on this too. I just want to comment on a few remarks that have been made, one by a member of my leadership and a fellow Cumberland County inhabitant, Mr. Diamond. I think to drag out whether judges work there and half days on the bench or two and a half or four really has nothing to do at all with the question we are trying to address here, which is woefully inadequate facilities.

Mr. Diamond said that he thinks that the judges should get it through their heads that they should work, work, work. I would like to see the judges use judiciousness, deliberation and extreme caution when they are dealing with their neighbors before them who are facing the loss of liberty or property. I would rather not see the place turned into a mill.

It seems to me that if they do work three and half days on the bench, it may be because they have taken some time to write a careful opinion.

Another remark was made by my friend and colleague from South Portland, Ms. Thompson, who says that we have some schools that have been shut down in South Portland. Well, that is true and it is largely because the baby boom has settled down some. Until people of my generation get back on the stick, you might say, we may have more schools close. There is one across from my parents' house, the Frank I. Brown Elementary School, and I certainly don't want to see it be the Frank I. Brown pre-release center.

The only thing I would ask anybody here is to give the people in my county the opportunity to decide this question.

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

Mr. GILLIS: Mr. Speaker, Ladies and Gentlemen of the House: I don't have a particular axe to grind with this bill, but I have several questions that I would like to have answered. As a matter of fact, I have five questions I want answered.

First off, this question was asked twice that I have heard of here today and has not been answered—what is the total cost to the state?

The second question—will Cumberland County be relieved of the subsidy they now pay to the court system? If so, will the remaining 15 counties be relieved of the subsidy they are now paying to the court system?

Question four—will the court systems pay rent to the other counties when they are using other county buildings?

Question number five—will the building revert to state ownership once the bond issue is paid off?

I would direct those questions to anybody who can answer them.

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

Mrs. MASTERTON: Mr. Speaker, I move this lie on the table for one legislative day.

Whereupon, Mr. Diamond of Windham requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Cape Elizabeth, Mrs. Masterton, that this matter be tabled for one legislative day pending passage to be engrossed. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Baker, Beaulieu, Boisvert, Brannigan, Connolly, Cox, Curtis, Damren, Day, Diamond, J.N.; Dillenback, Foster, Gavett, Gowen, Higgins, H.C.; Hobbins, Hollo-

way, Huber, Hunter, Ingraham, Jackson, P.C.; Kane, Ketover, Lewis, Lisnik, Lund, MacBride, Manning, Masterton, Michael, Mitchell, E.H.; Nadeau, Nelson, M.; Norton, Peterson, Pines, Racine, Reeves, P.; Soule, Theriault.

NAY—Armstrong, Austin, Bell, Benoit, Berube, Bordeaux, Boyce, Brennerman, Brodeur, Brown, A.; Brown, D.; Brown, K.L.; Cahill, Callahan, Carroll, Carter, Chonko, Clark, Conary, Conners, Crowley, Cunningham, Davies, Davis, Diamond, G.W.; Drinkwater, Dudley, Erwin, Fitzgerald, Gillis, Gwadosky, Hall, Hanson, Hayden, Hickey, Higgins, L.M.; Jackson, P.T.; Jacques, Jalbert, Jordan, Joyce, Kelleher, Kiesman, Kilcoyne, Lancaster, Livesay, Locke, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Masterman, Matthews, McColister, McGowan, McHenry, McPherson, McSweeney, Michaud, Mitchell, J.; Moholland, Nelson, A.; O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Post, Pouliot, Randall, Reeves, J.; Richard, Ridley, Roberts, Salisbury, Sherburne, Small, Smith, C.B.; Soulas, Stevenson, Stover, Strout, Studley, Swazey, Telow, Thompson, Treadwell, Twitchell, Vose, Walker, Wentworth, Willey, The Speaker.

ABSENT—Carrier, Dexter, Fowle, Hutchings, Kany, LaPlante, Laverriere, Murphy, Rolde, Smith, C.W.; Tarbell, Tuttle, Webster, Weymouth.

Yes, 41; No, 96; Absent, 14.

The SPEAKER: Forty-one having voted in the affirmative and ninety-six in the negative, with fourteen being absent, the motion does not prevail.

The pending question is on passage to be engrossed.

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

Mrs. MASTERTON: Mr. Speaker, I did want to table in order to be able to catch those questions, number one; I was not able to write them all down, and number two, to answer them in an adequate fashion. There are two here that I think I have caught that perhaps I can answer.

The total cost to the state will be, over the 20 year life of the bond, \$5 million for the district court buildings, the new one and the rehabs.

I believe the last question had to do with whether or not the state would take over the buildings — no, there is absolutely nothing in our plans for that to happen. That is a policy that might emerge down the road, but there are absolutely no plans for that.

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

Mr. JALBERT: Mr. Speaker, there is one question that the good gentleman from Calais, asked that I can answer, will the rest of the counties be reimbursed for the usage, be relieved. The answer to that is no, because by the time this thing is even off the ground probably, several counties within county government will be out of business in county government, I can guarantee you of that right now.

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

Ms. BENOIT: Mr. Speaker, Men and Women of the House: A point of information you might be interested in and perhaps some of the attorneys who actually go to the Cumberland County courthouses could respond. There is a bill right now on the Governor's desk, L.D. 1910, which was passed by this body and the other, it is an Act to Implement the Single Trial Law, there is a paragraph in this bill which permits the Chief Justice of the Supreme Judicial Court to designate any building within any county to be used as a courtroom. I would think that that would help to alleviate some of the problems. This is a bill that I had not definitely made up my mind on yet, but that certainly is a point of interest to me and perhaps some of the attorneys in this body can comment on this bill and how it will affect the overcrowding of the courthouses.

The SPEAKER: The pending question is on passage to be engrossed as amended by Com-

mittee Amendment "A" as amended by House Amendment "A" thereto. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Aloupis, Armstrong, Baker, Beaulieu, Bell, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, D.; Brown, K.L.; Cahill, Chonko, Conary, Cox, Curtis, Damren, Davis, Day, Diamond, J.N.; Erwin, Fowlie, Gavett, Gowen, Hanson, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Huber, Ingraham, Jackson, P.C.; Jordan, Kane, Kany, Ketover, Kiesman, Lewis, Lisnik, Livesay, Lund, MacBride, Manning, Masterton, Matthews, McCollier, Michael, Mitchell, E.H.; Moholland, Murphy, Nadeau, Nelson, M.; Norton, O'Rourke, Perkins, Peterson, Pines, Post, Racine, Randall, Reeves, P.; Small, Soulas, Soule, Stevenson, Stover, Tarbell, Theriault, Twitchell, Walker, Wentworth.

NAY—Austin, Benoit, Brodeur, Brown, A.; Callahan, Carroll, Carter, Clark, Conners, Connolly, Crowley, Cunningham, Davies, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Fitzgerald, Foster, Gillis, Gwadosky, Hall, Hunter, Jackson, P.T.; Jacques, Jalbert, Joyce, Kelleher, Kilcoyne, Lancaster, LaPlante, MacEachern, Macomber, Mahany, Martin, A.; Martin, H.C.; Masterman, McGowan, McHenry, McPherson, McSweeney, Michael, Mitchell, J.; Nelson, A.; Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Pines, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Salsbury, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Wentworth, Willey, Mr. Speaker.

ABSENT—Carrier, Hutchings, LaPlante, Laverriere, Rolde, Tuttle, Webster, Weymouth, The Speaker.

Yes, 75; No, 67; Absent, 9.

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

Sent up for concurrence.

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

#### Ought to Pass in New Draft Later Today Assigned

Representative Hobbins from the Committee on Judiciary on Bill "An Act to Clarify the 1981 Amendments Relating to the Operating Under the Influence and Habitual Offender Laws" (Emergency) — (H. P. 2136) (L. D. 2053) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 2309) (L. D. 2138)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time.

On motion of Mr. Hobbins of Saco, tabled pending passage to be engrossed and later today assigned.

The following paper appearing on Supplement No. 13 was taken up out of order by unanimous consent:

#### Passed to Be Engrossed

Bill "An Act to Index Annually the Standard Deduction Provision of the Maine Personal Income Tax and to Provide for a Statutory Referendum" (H. P. 2074) (L. D. 2017)

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

Mrs. Mitchell of Vassalboro requested a roll call vote.

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

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

The SPEAKER: The pending question is on

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

#### ROLL CALL

YEA—Aloupis, Armstrong, Austin, Baker, Beaulieu, Bell, Benoit, Berube, Boisvert, Bordeaux, Boyce, Brannigan, Brennerman, Brown, A.; Brown, K.L.; Cahill, Carroll, Carter, Chonko, Clark, Conary, Conners, Connolly, Cox, Crowley, Curtis, Damren, Davis, Day, Diamond, G.W.; Diamond, J.N.; Dillenback, Drinkwater, Erwin, Fitzgerald, Foster, Fowlie, Gillis, Gowen, Gwadosky, Hall, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Hunter, Ingraham, Jackson, P.T.; Jalbert, Jordan, Joyce, Kane, Kany, Kelleher, Ketover, Kilcoyne, Lancaster, LaPlante, Lisnik, Locke, Lund, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.; Martin, H.C.; Masterman, Masterton, Matthews, McCollier, McGowan, McHenry, McPherson, McSweeney, Michael, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Nadeau, Nelson, A.; Nelson, M.; Norton, O'Rourke, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Perry, Peterson, Pines, Post, Pouliot, Racine, Randall, Reeves, J.; Richard, Ridley, Roberts, Salsbury, Small, Smith, C.B.; Smith, C.W.; Soulas, Soule, Stevenson, Stover, Strout, Studley, Swazey, Telow, Theriault, Thompson, Treadwell, Twitchell, Vose, Wentworth, Willey, Mr. Speaker.

NAY—Brodeur, Brown, D.; Callahan, Cunningham, Dudley, Gavett, Hanson, Holloway, Huber, Jackson, P.C.; Jacques, Kiesman, Lewis, Livesay, Sherburne, Tarbell, Walker.

ABSENT—Carrier, Davies, Dexter, Hutchings, Laverriere, Reeves, P.; Rolde, Tuttle, Webster, Weymouth.

Yes, 124; No, 17; Absent, 10.

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

Sent up for concurrence.

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

The following Joint Order: (S. P. 973)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Monday, April 5, 1982, at nine o'clock in the morning.

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

#### Special Sentiment Calendar

The following item—Recognizing:

Dennis Grover, of Monmouth Academy, on his being named "Coach of the Year," as the top girls' cross-country coach for 1982; (H. P. 2310) by Representative Davis of Monmouth (Cosponsor: Senator Ault of Kennebec)

There being no objections, the above item was considered passed and sent up for concurrence.

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

#### The following Communication: Joint Select Committee on Alcoholism Services

April 1, 1982

The Honorable John Martin  
Speaker of the House of Representatives  
State House

Augusta, Maine 04333

Dear Speaker Martin:

The Joint Select Committee on Alcoholism Services is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

BILLS RECEIVED IN COMMITTEE 1

(LD 1940, "AN ACT Making Allocations Related to the Alcoholism Prevention, Educa-

tion Treatment, and Research Fund for the Expenditures of State Government for the Fiscal Year ending June 30, 1983.")

Unanimous Report

Ought to Pass as Amended 1

Sincerely,  
S/THOMAS R. PERKINS  
Senate Chairman  
S/NEIL ROLDE  
House Chairman

The Communication was read and ordered placed on file.

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

The following Communication:

#### Local and County Government

April 1, 1982

The Honorable John Martin  
Speaker of the House of Representatives  
State House

Augusta, Maine 04333

Dear Speaker Martin:

The Committee on Local and County Government is pleased to report that it has completed all business placed before it by the Second Regular Session of the 110th Legislature.

BILLS RECEIVED IN COMMITTEE 18

Unanimous Reports

Ought to Pass	3
Ought to Pass as Amended	5
Ought Not to Pass	1
Leave to Withdraw	6
Ought to Pass in New Draft	2
Ought to Pass in New Draft under New Title	1
Divided Reports	0
Recommittals	0

Sincerely,  
S/THOMAS R. PERKINS  
Senate Chairman  
S/J. P. NORMAND LaPLANTE  
House Chairman

The Communication was read and ordered placed on file.

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

#### Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act to Curtail the Practice of Plea Bargaining" (S. P. 515) (L. D. 1437) reporting "Ought to Pass" in New Draft, New Title, Bill "An Act to Require Notification of the Victims and the Law Enforcement Officers When a Plea Bargaining Agreement is to be Submitted to the Court" (S. P. 970) (L. D. 2131)

Came from the Senate with the Report read and accepted and the New Draft passed to be engrossed.

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

Under suspension of the rules, the New Draft was read the second time and passed to be engrossed in concurrence.

#### Non-Concurrent Matter

Bill "An Act to Provide for Improved Energy Policy Development and Electricity Demand Forecasts" (H. P. 2273) (L. D. 2120) which was passed to be engrossed in the House on March 31, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-450) in non-concurrence.

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

The following paper appearing on Supplement No. 9 was taken up out of order by unanimous consent:

The following Communication:

#### Committee on Marine Resources

April 1, 1982

The Honorable John Martin  
Speaker of the House



State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Committee on Marine Resources is pleased to report that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received	13
Unanimous reports	11
Leave to Withdraw	2
Ought Not to Pass	0
Ought to Pass	5
Ought to Pass as Amended	3
Ought to Pass in New Draft	1
Divided reports	2

Respectfully submitted,  
S/GARY W. FOWLIE  
House Chairman

The Communication was read and ordered placed on file.

(Off Record Remarks)

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate.

On motion of Mr. Strout of Corinth,  
Recessed until three o'clock in the afternoon.

**After Recess**

3:00 p.m.

The House was called to order by the Speaker.

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

**Passed to Be Enacted**

An Act to Provide that Corporate Reorganizations Affecting Public Utilities be Subject to Approval by the Public Utilities Commission (H. P. 2267) (L. D. 2114) (S. "A" S-446)

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

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

Mr. DAVIES: Mr. Speaker and Members of the House: Before we send this bill on its way, there is one final comment I would like to make sure that there is a statement in the record dealing with a matter of interest to this bill.

This bill makes sure that the Public Utilities Commission retains its existing authority to review developments in telephone regulation. It specifically prevents the Public Utilities Commission from interfering with the federal court's jurisdiction over the current AT&T anti-trust case but, at the same time, the bill does not narrow the Public Utilities Commission's existing powers to review under subparagraph 1-C of Section 104, or any other section, any transaction which divides facilities and equipment between AT&T and the telephone company which will provide local service to Maine customers.

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

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

**Non-Concurrent Matter**

Bill "An Act to Allow for Industrial Development Improvements Utilizing Tax Increment Financing" (H. P. 2053) (L. D. 1999) which was passed to be engrossed as amended by Committee Amendment "A" (H-727) in the House on March 31, 1982.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-727) and Senate Amendment "A" (S-454) in non-concurrence.

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

The following paper appearing on Supplement No. 12 was taken up out of order by unanimous consent:

imous consent:

**Non-Concurrent Matter**

Bill "An Act to Require Certain Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Measures" (H. P. 866) (L. D. 1027) on which Report "A" "Ought to Pass" in New Draft under New Title Bill "An Act to Require Public Utilities to Submit a Plan to the Public Utilities Commission to Provide Financing to Customers for Energy Conservation and Renewable Resources" (H. P. 2274) (L. D. 2121) Report of the Committee on Public Utilities was read and accepted and the New Draft passed to be engrossed in the House on March 31, 1982.

Came from the Senate with Report "B" "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Electric Rate Reform Act to Require the Public Utilities Commission to Consider Utility Financing of Energy Conservation" (H. P. 2275) (L. D. 2122) Report of the Committee on Public Utilities read and accepted and the New Draft passed to be engrossed in non-concurrence.

In the House: On motion of Mr. Davies of Orono, the House voted to insist.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 13 was taken up out of order by unanimous consent:

**Non-Concurrent Matter**

Bill "An Act to Amend Laws Relating to the Maine Development Foundation and Economic Development" (H. P. 1960) (L. D. 1933) on which the Minority "Ought to Pass" Report of the Committee on Taxation was Read and accepted and the Bill Passed to be Engrossed in the House on March 31, 1982.

Came from the Senate, with the Majority "Ought to Pass" as Amended by Committee Amendment "A" (H-709) Report of the Committee on Taxation Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A" (H-709) in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, the House voted to adhere.

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

Mr. HIGGINS: Mr. Speaker, having voted on the prevailing side whereby we voted to adhere, I move we reconsider our action.

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, moves that we reconsider our action whereby we voted to adhere.

The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker and Members of the House: This is the bill that I spoke on yesterday and I really hope that you will vote for the reconsideration so that I may move that we recede and concur.

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

Mrs. POST: Mr. Speaker, Men and Women of the House: I hope that you will reconsider your action whereby you adhere and then move to recede and concur, although I would like to speak briefly on that.

There is obviously a disagreement between members of the committee on one section of this bill. There are some other issues of concern in this bill which I think there is unanimous agreement on, so for that reason we would like not to see the legislation die.

However, I hope that the Maine Development Foundation, in the future, will take very seriously some of the issues that have been raised here, because while it may take only one body to stop legislation or stop some particular changes in their charter organization, it also only takes one body in the future to make some decisions on future funding. I think a lot of people have some real concerns about the activities of the Maine Development Foundation.

We hope that they will continue to do the work that they have done well in the past and will really make an attempt to stay out of the issues of trying to influence legislation and think very carefully about some of the new directions that they have been talking about taking.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I concur with the comments of my House chairman in that this is an important bill and I believe that as the result of all the hearings we had, it is crystal clear to the people of the Maine Development Foundation that they will abide by some of the cautions mentioned by Mrs. Post.

Thereupon, on motion of Mr. Higgins of Scarborough, the House reconsidered its action whereby it voted to adhere.

Thereupon, the House voted to recede and concur.

By unanimous consent, ordered sent forthwith to engrossing.

The following paper appearing on Supplement No. 14 was taken up out of order by unanimous consent:

**Divided Report  
Tabled and Assigned**

Majority Report of the Committee on Judiciary on Bill "An Act to Create the Maine Condominium Act" (S. P. 870) (L. D. 2019) reporting "Ought to Pass" as amended by Committee Amendment "A" (S-447)

Report was signed by the following members:

Senators:

CONLEY of Cumberland  
DEVOE of Penobscot

— of the Senate.

Representatives:

REEVES of Newport  
O'ROURKE of Camden  
JOYCE of Portland  
HOBBINS of Saco  
BENOIT of South Portland  
SOULE of Westbrook

— of the House.

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

Report was signed by the following members:

Senator:

KERRY of York

— of the Senate.

Representatives:

LUND of Augusta  
LIVESAY of Brunswick  
DRINKWATER of Belfast  
CARRIER of Westbrook

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-447) as amended by Senate Amendment "A" (S-451) thereto.

In the House: Reports were read.

Mr. Hobbins of Saco moved that the Majority "Ought to Pass" Report be accepted in concurrence.

On motion of the same gentleman, tabled pending his motion to accept the Majority Report in concurrence and specially assigned for Monday, April 5.

The following paper appearing on Supplement No. 15 was taken up out of order by unanimous consent:

**The following Communication:  
Committee on Labor**

April 2, 1982

The Honorable John Martin  
Speaker of the House  
State House  
Augusta, Maine 04333  
Dear Speaker Martin:

The Committee on Labor is pleased to report



that it has completed all business placed before it by the second regular session of the 110th Legislature.

Total number of bills received	15
Unanimous reports	12
Leave to Withdraw	7
Ought Not to Pass	0
Ought to Pass	3
Ought to Pass as Amended	2
Ought to Pass in New Draft	0
Divided reports	3

Respectfully submitted,  
S/EDITH S. BEAULIEU  
House Chairman

The Communication was read and ordered placed on file.

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

#### Non-Concurrent Matter

Bill "An Act to Promote the Maine Groundfish Industry" (H. P. 2270) (L. D. 2117) which was passed to be engrossed in the House on March 31, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-456) in non-concurrence.

In the House: On motion of Mr. Hanson of Kennebunkport, the House voted to recede and concur.

The following papers appearing on Supplement No. 16 were taken up out of order by unanimous consent:

#### Special Sentiment Calendar

The following items: Recognizing:

Laurent E. Nadeau and Dora Y. Nadeau, of Biddeford, who will celebrate their 50th wedding anniversary on May 16, 1982; (H. P. 2311) by Representative Brannigan of Portland. (Cosponsors: Representative Racine of Biddeford and Senator Dutremble of York)

Mrs. Louise McKenney, of Fort Fairfield, for her many years of dedicated public service to the citizens of Aroostook County in the field of education; (H. P. 2312) by Representative Mahany of Easton. (Cosponsors: Representatives Martin of Eagle Lake, Peterson of Caribou and Senator Carpenter of Aroostook)

Atlantic Engine Company No. 2, Camden Fire Department, which will hold its 100th consecutive annual celebration on July 9, 10 & 11, 1982; (H. P. 2313) by Representative O'Rourke of Camden. (Cosponsors: Representative Fowlie of Rockland and Senator Shute of Waldo)

Charles Milan III, of Brewer, 4-time world champion candlepin bowler and holder of numerous other candlepin bowling records, on his induction into the Maine Sports Hall of Fame, June 6, 1982; (H. P. 2314) by Representative Treadwell of Veazie.

William W. Sprague, of Augusta, who has been awarded the 1982 Outstanding Citizen Award of Le Club Calumet; (H. P. 2315) by Representative Lund of Augusta. (Cosponsors: Representatives Hickey of Augusta, Paradis of Augusta and Senator Bustin of Kennebec)

Claustin Lawrence, a senior at Cony High School, who won the Class "A" State Championship in Wrestling in the 119-lb. weight class; (H. P. 2316) by Representative Hickey of Augusta. (Cosponsors: Senator Bustin of Kennebec, Representatives Lund of Augusta and Paradis of Augusta)

Cony High School Boys' Basketball Team for winning the Eastern Maine Class A Basketball Championship; (H. P. 2317) by Representative Hickey of Augusta. (Cosponsors: Representatives Paradis of Augusta, Lund of Augusta and Senator Bustin of Kennebec)

Fred Shea, of Augusta, who celebrated the 95th anniversary of his birth on March 25, 1982; (H. P. 2318) by Representative Lund of Augusta. (Cosponsors: Representatives Hickey of Augusta, Paradis of Augusta and Senator Bustin of Kennebec)

Cony center Gregg Cooper, who is the first recipient of the Phil Harris Award, awarded in recognition of athletic talent, sportsmanship and scholarship for basketball players in the Kennebec Valley Athletic Conference; (H. P. 2319) by Representative Lund of Augusta. (Cosponsors: Representatives Hickey of Augusta, Paradis of Augusta and Senator Bustin of Kennebec)

Robert L. and Roger A. Verreault, founders of the Diamond Machine Company of Lewiston, for their business acumen and their loyal relationship to their employees and the community; (H. P. 2320) by Representative Pouliot of Lewiston.

There being no objections, the above items were considered passed and sent up for concurrence.

The following paper appearing on Supplement No. 17 was taken up out of order by unanimous consent:

#### Consent Calendar

##### First Day

(H. P. 2238) (L. D. 2096) Bill "An Act to Extend the Health Facilities Information Disclosure Act and to Authorize the Charging of Fees for the Dissemination of Information" (Emergency) — Committee on Health and Institutional Services reporting "Ought to Pass"

There being no objections, under suspension of the rules the above item was given Consent Calendar Second Day notification, passed to be engrossed and sent up for concurrence.

The following papers appearing on Supplement No. 18 were taken up out of order by unanimous consent:

#### Finally Passed

##### Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1982 (H. P. 2295) (L. D. 2127)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of same and none against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Finally Passed

RESOLVE, Authorizing the Department of Human Services to Direct the Development of an Assessment Tool and Referral System to Assist Persons Considering Boarding Home Care (S. P. 963) (L. D. 2116)

RESOLVE, Authorizing Washington County Vocational-Technical Institute to Lease the Fishing Vessel, Fish Finder (S. P. 961) (L. D. 2109)

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

The following Enactors appearing on Supplement No. 19 were taken up out of order by unanimous consent:

#### Later Today Assigned

An Act Relating to the Selection and Services of Traverse and Grand Jurors (S. P. 793) (L. D. 1869) (S. "A" S-448 to C. "A" S-444)

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

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

Mr. BRODEUR: Mr. Speaker, I would pose a question through the Chair. Would somebody please explain what this bill does and what the safeguards in the bill are?

Whereupon, on motion of Mr. Hobbins of Saco, tabled pending passage to be enacted and later today assigned.

#### Passed to Be Enacted

An Act to Establish a Small Claims Court (S. P. 743) (L. D. 1746) (H. "A" H-705 to C. "B" S-427)

An Act to Clarify the Authority of Municipalities to Raise and Expend Money for Athletic Facilities (H. P. 2265) (L. D. 2112)

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.

An Act to Permit and Regulate the Location of Group Homes in Residential Districts (H. P. 2264) (L. D. 2111)

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

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This is a redraft of the original bill that was introduced. The original bill caused me great concern; this bill is much better and I will be voting for this bill.

The original bill, I think, came into this legislature for a couple of reasons. I would like to tell you and have it on the record of an incident that happened in the City of Waterville that I feel set back the cause of group homes a long ways. I am in hopes that the department will take notice of this when they implement this new L.D. that we will be passing here.

There was a group called Motivational Services, Inc., that came into the City of Waterville and applied for a variance to have a group home in a single and dual family residential zoned area in the City of Waterville. They did so with about as much grace as an elephant in a china shop. They caused a lot of hard feelings in the neighborhood, and I think unjust feelings for the most.

They seemed to have the attitude that they were going to do whatever they wanted to do, regardless of the feelings of the people in the area. As I say, they set back the cause a long ways.

I am in hopes that this L.D. will help solve that problem. The way it is written now, it will solve the problem of the local zoning board's authority, it will still allow the towns to have something to say and yet it will still allow these citizens of the State of Maine to have a place to live, but it will do so in a way that there will be support from the community, understanding from the community and compassion from the community, not prejudice, not hatred, not discrimination.

I just wanted this to go on the record and I hope the department will heed my words.

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

An Act to Clarify and Make Corrections in the Motor Vehicle Laws (H. P. 2185) (L. D. 2071) (C. "A" H-698)

An Act Relating to the Sale and Purchase of Herring (H. P. 2162) (L. D. 2062) (C. "A" H-714)

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

By unanimous consent, all matters were ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 20 were taken up out of order by unanimous consent:

#### Passed to Be Enacted

An Act Amending the Electricians' Licensing Law (H. P. 2127) (L. D. 2045) (C. "A" H-699)

An Act to Clarify the Criminal Restraint by Parent Law (H. P. 1969) (L. D. 1944) (H. "A" H-713 to C. "A" H-700)

An Act Relative to the Theft of Utility Services (H. P. 1821) (L. D. 1806) (C. "A" H-692)

Were reported by the Committee on En-

grossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

#### Enactor

##### Later Today Assigned

An Act to Amend the Maine Certificate of Need Law (S. P. 967) (L. D. 2123)

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

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

Miss LEWIS: Mr. Speaker, I would pose a question through the Chair. Could someone on the committee please explain to me what this bill does and how it helps keep medical costs down in the State of Maine?

The SPEAKER: The gentlewoman from Auburn, Miss Lewis, has posed a question through the Chair to anyone on the committee who may care to answer, and the Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I apologize, and no doubt that is in my folder with the concealed weapons bill and I don't have it. If you will table it until later in the session, I will get you all that information.

Thereupon, on motion of Miss Lewis of Auburn, tabled pending passage to be enacted and later today assigned.

An Act Deleting the Requirement of a Federal Matching Share for the Expenditure of Funds for Expansion and Improvement of the Biddeford Municipal Airport (S. P. 951) (L. D. 2097) (C. "A" S-442)

An Act making Allocations Relating to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year ending June 30, 1983 (S. P. 832) (L. D. 1940) (H. "A" H-722 to C. "A" S-438)

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 Chair laid before the House the following matter:

An Act Relating to the Selection and Services of Traverse and Grand Jurors (S. P. 793) (L. D. 1869) (S. "A" S-448 to C. "A" S-444) which was tabled and later today assigned pending passage to be enacted.

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

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: I believe the question was basically what this bill does. Currently, jurors are chosen from a list of registered voters. Through several years of study, the Judiciary Committee and the Judiciary System itself has determined that the voting lists, as you all know, are very inaccurate. When the random lists are chosen and requests to serve as jurors are sent out, 15 or 16 percent of those come back unclaimed, and the other reason being that the voting lists, through studies, has shown to represent possibly 68 to 69 percent of the eligible population to serve as jurors. The drivers license list apparently, by estimates, is closer to 73 or 75 percent of the eligible people to serve on jurors.

For that reason, this bill changes the list from which jurors are chosen from the voting list to the drivers license list.

One objection that was raised in the course of our hearings was that the drivers license list may not include various members of the population who are on voting lists, and in order to provide that those people, if they wish to serve on juries, may do so, the committee amendment provides that there is an alternative method of registering if you do wish to serve on a jury and do wish to be included on that list.

I believe that is the basic purpose of the bill

and what it does accomplish.

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

By unanimous consent, all preceding Enactors were ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 21 was taken up out of order by unanimous consent:

#### Non-Concurrent Matter

##### Later Today Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1982 (Emergency) (H. P. 2300) (L. D. 2133) which was passed to be engrossed in the House on April 1, 1982.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-459) in non-concurrence.

In the House: On motion of Mr. Paul of Sanford, tabled pending further consideration and later today assigned.

Mr. Richard of Madison was granted unanimous consent to address the House.

Mr. RICHARD: The printed roll call indicates that I was absent on roll call 431 and 449, and I would like to be recorded as present and voting on 431 and 449.

The Chair laid before the House the following matter:

An Act to Amend the Maine Certificate of Need Law (S. P. 967) (L. D. 2123) which was tabled and later assigned pending passage to be enacted.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I shall be brief.

This piece of legislation you have before you is a bill to conform the Maine Certificate of Need Act to the existing federal requirements and to provide for anticipated statutory and program funding changes at the federal level and to clarify the current act in various areas, such as news services, subsequent review and establishment of thresholds for reviewable services. It adds new definitions, it corrects old definitions. It clarifies circumstances for the need of Certificate of Need. It establishes criteria and procedures for subsequent review. It repeals provisions describing the application process for a certain Certificate of Need and it replaces them with a newly organized section. It expands the notice requirements for the beginning of a review, etc.

Last year, we were told that as a result of the Certificate of Need process, \$17 million worth of new projects were not funded, so to that extent, yes, the Certificate of Need process is fair and just and ultimately does save the taxpayers of the State of Maine some money.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Therefore, from what Mrs. Nelson has said, the reason why we have Certificate of Need in Maine is to help reduce the escalation of health care costs and help to eliminate unnecessary duplication. Therefore, I hope that the rules and guidelines in the health planning process will be followed, and I hope those procedures will be adhered to by those given the responsibility to administer them.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Clarify the 1981 Amendments Relating to the Operating Under the Influence

and Habitual Offender Laws" (Emergency) (H. P. 2136) (L. D. 2053) — New Draft (H. P. 2309) (L. D. 2138) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Mr. Dexter of Kingfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-742) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Mr. Speaker, I would like to ask for a ruling on the germaneness of this amendment, please.

The SPEAKER: The Chair would make note of the fact that the original bill, L.D. 2053, and the redraft from committee, 2138, deals with the 1981 amendments which deal with operating under the influence portion of the law and the habitual offender law. The gentleman from Kingfield, Mr. Dexter, is offering an amendment which deals with the habitual offender and therefore the Chair will rule that House Amendment "A" is germane.

Thereupon, House Amendment "A" was adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

#### (Off Record Remarks)

On motion of Mr. Swazey of Bucksport, Adjourned until Monday, April 5, at nine o'clock in the morning.