

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 1, 1982 to May 13, 1983

HOUSE

Wednesday, February 23, 1983

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

Prayer by Father Royal J. Parent of St. Martin of Tours Church, Millinocket.

The journal of yesterday was read and approved.

Papers from the Senate

Bill "An Act to Change the Seed Potato Board" (S. P. 249) (L. D. 795)

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

In the House, was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Establish the Cost of the 1983 Spruce Budworm Suppression Project" (Emergency) (S. P. 250) (L. D. 796)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Increase the Fees and Expenses for Medical Examiners" (S. P. 254) (L. D. 799)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs and ordered printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Health and Institutional Services)

In the House, was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Require State Certification and Licensure for Blasters" (S. P. 253) (L. D. 798)

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

In the House, was referred to the committee on Business Legislation in concurrence.

Bill "An Act Reducing the Experience Period for Receiving a Grade V Sewage Treatment Operator's License" (S. P. 251) (L. D. 797)

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

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

Bill "An Act to Amend the Adult Protective Services Act" (S. P. 255) (L. D. 800)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, was referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act Concerning the Hours during which an Agency Liquor Store may be Open" (S. P. 256) (L. D. 801)

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

In the House, was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to the Tree Growth Tax Law" (S. P. 257) (L. D. 802)

Bill "An Act to Partially Exempt Retirement Pay from Maine State Income Tax" (S. P. 258) (L. D. 803)

Bill "An Act Concerning Property Tax Exemptions for Veterans" (S. P. 259) (L. D. 804)

Bill "An Act to Allow Plantation No. 14 and the Town of Cooper to Withdraw from the Maine Forestry District" (S. P. 260) (L. D. 805)

Bill "An Act to Clarify the Definition of Casual Sales under the Sales Tax Law" (S. P. 261) (L. D. 806)

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

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

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

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning Renewal of Driver's Licenses for Persons 75 Years of Age or Older" (S. P. 49) (L. D. 104)

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

Non-Concurrent Matter

Bill "An Act Providing for an Additional District Court Judge within the Judicial Division of Southern Androscoggin County" (H. P. 437) (L. D. 530) which was Indefinitely Postponed in the House on February 14, 1983.

Came from the Senate Passed to be Engrossed in non-concurrence.

In the House:

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

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

The SPEAKER: The gentleman from Lewiston, Mr. Jalbert, moves that the House recede and concur.

Whereupon, Mr. Drinkwater of Belfast requested a roll call vote.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I am here this morning to ask the people who voted with us last week when we killed this bill to do the same thing today; also, to those who voted against us last week, I would ask you to reconsider the value of actually voting against the motion to recede and concur.

The motion to recede and concur prevails over the motion that I will make, which will be to adhere. That is why I didn't make it in the first place, because in order to do so we have to kill the motion to recede and concur, so I ask you to vote against that motion.

I wish to say a few words about what has happened since last week, some of the games that have been played in the other body. This bill should have been back to us three or four days ago, but the games were there and this is what we have to face.

I still maintain that the City of Lewiston does not need an additional judge. Regardless of what came out in the Lewiston Daily Sun, an article on the 16th, which was last Wednesday, the title is very misleading. You have to read the article to find out what it is all about.

The title says that the Chief Judge supports a second Lewiston judge. If you read the article, in essence that is not what he says. In essence he says that he is not sure whether Lewiston needs another judge. Both he and Mr. Baggett, the administrator for the courts, do say specifically that they need another judge in Lewiston. Mr. Devine, the Chief Judge of the District Court, specifically says that a possible request for another resident judge for the York County District Court in Biddeford would take precedence.

We are talking today about a judge for Lewiston, and this is the statement that he made and Lewiston reported it in the paper last Wednesday. Mr. Baggett claims that he didn't know there was any backlog in Lewiston. Well, I guess he was put through the wringer at the hearing, and he still says that he doesn't know of any problems in Lewiston.

The blame, they say in Lewiston, if they want to admit it, is on the caseload and the judge

power. But the judge power is there and they have offered, Judge Devine has offered and almost guaranteed that there will be a judge-at-large to work on these cases. This has been done in many cases, it has been done throughout the state and it has been done in other states. As a matter of fact, if Lewiston has that much of a backlog, I would suggest that they look at the—last year, if I recall right, Justice Steve Perkins, who was down in Cumberland County, made special arrangements to actually send judges to where the backlogs were, and it worked very, very good for three or four days and they really got rid of the backlog.

Now, we have judges-at-large, and that is what they are for, to send them to different places to fill in. I realize that Judge Scales is a very busy man, but it isn't our fault or anybody's fault if the other judge, a retired judge, is sick and his services are very limited, but he does his best too.

Actually, what we are talking about is what one of the sponsors said at the hearing, that the system in Lewiston is deficient. Now, I didn't look up what deficient meant, but I assume that it is the opposite of efficient, and this is the way it is all over the state. This is the way the judicial administration is working and nobody does anything about it.

For some reason or other, somebody is scared or prefers not to tackle the judicial system. Well, I think the time has come when the judicial system has to be tackled with the amount of new judges that they might ask for, new court rooms, a raise and everything else.

I say to you that we do not need the judge in Lewiston. Let the people from that area show us that it is needed, and I will give them a chance right now. In the meantime, I do hope that you will vote against the motion to recede and concur and we will get a motion to adhere. If the motion to adhere passes, it kills the bill, and I think we should spend our time on something more constructive.

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

Mr. JALBERT: Mr. Speaker and Members of the House: I assure you, it is not my intention to spend too much of your time on this measure this morning. We have heard from Judge Devine, as far as I am concerned, favorably. The Chairman of the Judiciary Committee in the other branch, Senator Trafton, has been given the green light by Chief Justice McKusick on this bill. If there is another bill concerning York County, I think it should be given the same treatment that this one would be given when it falls on the Appropriations Table. If there is any money for it, it should go; if there isn't any money for it, not thinking in hundreds of millions of dollars, I would say that bill would see the way of all flesh, as I stated before.

We need this judge in Androscoggin County, we need the judge very badly to serve the people and give them the justice that they are entitled to.

I hope you will go along with this measure. There have been some minds changed. And as far as any shenanigans anywhere, I certainly don't know anything about it and I certainly can't be pointed a finger at because I was a few feet away from the area. I have lobbied nobody, I have talked to no one, no more than I do on any other measure. I think the least said about it from now on the better.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill we debated last week. This is the bill when I pointed out last week that my good and dear friend, J. Robert Carrier, really stood tallest among the members of the House because of this bill.

There has been no lobbying on this bill—I don't know if I could live by that statement. I arrive here at 7:30 every morning and leave here at 5:30 in the evening. I don't know when

there was a time when I have seen as much lobbying as was done on this bill.

This is a bill of conscience. This is why Mr. Carrier is asking that you vote your conscience on this bill. This is the L. D. that circumvented our standard operating procedure here. Yes, my friend, Representative Jalbert from Lewiston...

The SPEAKER: The Chair recognizes the gentleman from Lewiston Mr. Jalbert, and asks for what purpose the gentleman rises.

Mr. JALBERT: Mr. Speaker, a point of personal privilege. I would ask him if he knows what my name is.

I am sick but I am not so sick that I can't raise my voice, and I am sick of this.

The SPEAKER: The gentleman will refer to the gentleman from Lewiston as the gentleman from Lewiston, Mr. Jalbert.

The gentleman may proceed.

Mr. JOYCE: Mr. Speaker, I apologize if I mispronounced his name. I am from the French district of Portland, similar to Old Orchard...

The SPEAKER: The gentleman has heard the comments of the Chair.

Mr. JOYCE: I feel that this bill has been lobbied up and down the hall. Yes, I think it is a bill that many of you have been asked to change your vote. To change your vote is like selling your soul to the country store.

I feel that this bill should be handled like other bills, should be moved through the Judiciary Committee, and not to take that direct route into the Appropriations Room.

I personally talked to Mr. Baggett, the court administrator, and he was surprised that the bill was in. I thought that it had cleared his office. He said no, we don't know anything about that bill.

Today I ask that you vote against the motion to recede and concur and vote on the next motion.

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

Mr. GAUVREAU: Mr. Speaker, Ladies and Gentlemen of the House: I am pleased to be a cosponsor of this piece of legislation and I would like to take a few minutes to rebut the arguments of my distinguished brethren in this House regarding the need for a second judge, a second full-time judge, in the city of Lewiston.

It is my opinion, having appeared approximately a thousand times in that district court as a practicing attorney over the last five years, that there was a strong, urgent and immediate need for a second permanent judge for the Southern Androscoggin District.

We should point out to the body that the delays in the system in Lewiston now are intolerable. A person who has committed a criminal offense and has been summoned into court in January will be summoned this week and his or her trial will be coming up in June. If any postponement in that trial is required, the trial will occur in the Fall, or perhaps even early next winter.

The problems with that situation are obvious: witnesses move, memories fade, people simply do not get their day in court, they do not get their prompt, speedy hearing, which is what the district court is all about in the first place. Bear in mind that the district court, the purpose of the district court, is to provide prompt and speedy form for urgent matters to be litigated. We are talking about issues such as child support, protective custody orders, restraining orders, domestic protection orders, they are to be delayed two, three, four or six months and this situation is intolerable, and that is the order of the day in the Lewiston District Court.

I am a first term Representative in this body and I am not privy to some of the alleged procedural devices which have occurred, but I do know from my own personal experience that there is an urgent need for a district court, a second judge, in the district of Lewiston.

This bill will benefit nothing but the people of Lewiston and I could take a long time today documenting the backlog, but I will not because the debate on this bill has gone on before, but I can assure each and every person in this body that the need for this judge in this situation is well justified. I might also point out that this bill does have the support of the entire Maine Judiciary, including the Chief Judge Devine and Chief Justice McKusick.

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

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: The thing that bothers me about this bill is this: First, the emissary of the judicial system came and indicated that Judge Devine did not concur with this, that he thought that there might be more severe needs in other locations. Then, all of a sudden, we find that the Judge apparently or allegedly has retreated from that position and condones the new position in the judiciary.

It just seems to me that the correct thing to do would be to follow Representative Joyce's initiative and have this bill go to or be committed to the committee, the proper committee, so they can look at the whole picture.

I understand the reason that the bill was originally opposed by Judge Devine, because he thought there might be great needs in other areas, so why can't we let this committee, the proper committee, dealing with the judiciary look it over and come back with a recommendation that would satisfy everybody.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I would like to make a few more comments. One of the things the Representative from Lewiston said a few moments ago was that the people who would benefit from this bill are only the people from Lewiston. We don't pass bills in this House to benefit a certain section or certain city or town in this state. We pass bills that will serve best for all the people of this state, not just one individual place.

I would like to pose a question through the Chair to any member of the Appropriations Committee. How is the vote conducted and reported from the committee and what are the rules you follow within your committee when you make a report?

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, has posed a question through the Chair to any member of the Appropriations Committee, who may respond if they so desire.

The Chair recognizes the gentleman from Winslow, Mr. Carter.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the good gentleman's question, let me say to him that every bill that the Appropriations Committee reports out is voted by the entire committee and every committee member initials a tally sheet on the way he voted.

While I am on my feet, I would like to make a few comments. First of all, you heard the good gentleman from Monmouth, Representative Davis, speak on areas where there are greater needs. He apparently does not disagree that there is a need in Lewiston, he just states that there is a greater need somewhere else. The fact remains that the need is there.

The good gentleman from Lewiston tells us about delays in the system. I am not a barrister, but I know and I have heard of the often quoted statement: "Justice delayed is justice denied." I think it behooves us to get this bill on its way.

I pointed out to you the first time we debated this bill that there are problems in the system and I haven't changed my stand.

You have heard the good gentleman from Westbrook tell us that the average caseload that a judge should have should be a thousand cases a year, not to exceed 1100. We know from statistics that I hold here in my hand that in

Lewiston courts there were almost 17,000 cases last year. I would urge you to vote to recede and concur.

Mr. Carrier of Westbrook was granted permission to speak a third time.

Mr. CARRIER: Mr. Speaker, Members of the House: The question I really wanted to bring out, which would have been brought out if I had asked it right, was this, that within the Appropriations Committee, and I stand to be corrected, I will get to that area somehow, that within the committee, I am told, if you have a vote from the members that is, let's say 7 to 5 or 7 to 6 or 8 to 4, you have a majority vote plus a few dissenters somewhere, and that actually most of the bills come out of that committee unanimous "ought to pass," the majority vote rules. When I asked the question, I was wondering—if actually showing that the "ought to pass" report was unanimous, whether this was a true report or just on a technicality of having their own rules within their committee that makes things unanimous? I think that is very important for you to understand, because I truly cannot believe that with all the talent that you have on the Appropriations Committee, that they were unanimous in passing this bill, I really don't. Maybe they were, but I think that is their mistake, really.

I have checked on pensions, I have checked the judges, we can talk about money. We had articles which I have not seen but apparently I was quoted in the paper as saying that a judge's job today is worth about \$80,000 to \$90,000. I don't know if that is correct, I haven't seen the paper, but I still claim that. We can use a hypothetical situation—just to use round figures, they are very close to it now and they are going to be higher than that if we go along with what you heard last night, that if you use the figure \$40,000 for the judge and he is on the bench for seven years, that gives him pay of \$280,000. Let's say that after seven years he is sick and he is disabled and he starts collecting his pension, he is entitled by the law that we have to collect three quarters of \$40,000, which is \$30,000 a year, and assuming that he lives at least ten years, that means that he will collect \$300,000 plus the \$280,000 when he worked for seven years, making it \$580,000. If you divide that be seven years' work, my friends, that is over \$80,000 a year; it is a built-in affair. That is only for a pension plan to which they contribute nothing. There are only nine states where judges don't contribute to their pensions. At present, I think, we have around 13 judges that are on pensions, I don't know how many widows, maybe 6, 8, or 9, I really don't know, but I do know this, that it cost us \$800,000 last year just for the pension plan, and this year, in 1983, it is going to cost \$900,000. So when we are talking about a judge, there is a lot to be considered besides just having a judge.

What I am worried about in getting a judge for Lewiston is the fact that it is a family affair down there and is going to continue to be a family affair, and there is no guarantee and I don't want one, but my concern is that if they take a judge from somewhere else and put him in Lewiston, I would feel much better about it, thinking that justice will prevail.

You must also remember that some of these judges have cost us a tremendous amount of money because there is appeal on points of law and very sadly it is upheld by the U.S. Supreme Court of Maine and that costs money, ladies and gentlemen.

I want efficient judges in there. I think we could go on forever and this is of great interest to me. I think we should start with this particular bill, kill it, and then go on to something else and everything will fall into place.

I hope you vote no on the motion to recede and concur.

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, 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 before the House is on the motion of the gentleman from Lewiston, Mr. Jalbert, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Andrews, Armstrong, Baker, Beaulieu, Bell, Bost, Brannigan, Brodeur, Brown, D.N.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Erwin, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Kane, Kelly, Kilcoyne, Lewis, Locke, Macomber, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Mayo, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Reeves, P.; Roberts, Rolde, Rotondi, Smith, C.W.; Strout, Telow, Theriault, Tuttle, The Speaker.

NAY—Allen, Anderson, Benoit, Bonney, Bott, Brown, A.K.; Brown, K.L.; Cahill, Carrier, Canary, Connors, Crowley, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kiesman, Lebowitz, Lehoux, Livesay, MacBride, MacEachern, Martin, A.C.; Masterman, Maybury, McCollister, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roderick, Salsbury, Scarpino, Small, Smith, C.B.; Soule, Sproul, Stevenson, Stover, Studley, Swazey, Tammara, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Kelleher, Ketover, LaPlante, Lisnik, Mahany, Paul, Pouliot, Seavey, Sherburne, Soucy, Stevens, Thompson.

Yes, 66; No, 73; Absent, 12.

The SPEAKER: Sixty-six having voted in the affirmative and seventy-three in the negative, with twelve being absent, the motion does not prevail.

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

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

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

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a roll call.

I would hope that this body this morning would oppose the pending motion to adhere so that I can have the opportunity to make the motion for the establishment of a committee of conference. I think that this would be the approach on this particular bill to take. I know that many Representatives, such as the good gentleman from Westbrook, the good gentleman from Brunswick have expressed reservations about establishing a judge in Lewiston and the possibility of having other judges in other areas of the state where a judge would be more needed. I think the best approach would be to evaluate the whole state, and I think the recommendation would be from the committee that Lewiston would need a judge. I think that you might find that there are some other areas where, as the good gentleman from Limerick mentioned, a judge might be wanted in order to ensure speedy justice and an efficient system under our judicial system.

I would make the motion to insist and ask for a Committee of Conference.

The SPEAKER: The gentleman from Saco, Mr. Hobbins, moves that the House insist and ask for a Committee of Conference.

The SPEAKER: The Chair recognizes the

gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: You can see that this is a ploy, how to get around things when you don't want to accept things as they are.

Now, the motion to insist does prevail over the motion to adhere, but you didn't see these people get up and talk and face the fire when the thing was here on the floor of the House before. They don't want to be told, they want to go by the code of ethics, the code of ethics in the lawyers' book which says—you shall not talk against anybody, against any judge, as far as that goes, it says it very clearly.

But let's face the facts. The fact is, ladies and gentlemen, let's not play games. They are trying to play the same game that they did in the other body, that is all there is to it.

I don't say that we don't need a judges, but what we want to do is actually take a picture of the whole works and then we can come up in committee, the Judiciary Committee, and suggest something. But where were they, where was the chairman when this bill was sent to the Appropriations Committee? It was his duty to get up and say that it should be sent to the Judiciary Committee.

You want to talk about personal privilege—you have got the right to get up and explain personal privilege right now if you want to.

But this is not the facts, ladies and gentlemen. The fact is, we have consistently killed this bill. I hope that you vote against the motion to insist and ask for a committee of conference, and that is all I have to say.

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

Mr. JALBERT: Mr. Speaker and Members of the House: Right or wrong, or wrong or right, I think the gentleman from Westbrook, Mr. Carrier, has put up a good front. Twice I have not agreed with everything he has said, but so be it. This bill, so far, has cost this state, in my opinion, thousands of dollars and that is enough. I hope the motion to recede does prevail; let's have this over with.

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

Mr. HOBBS: Mr. Speaker, Men and Women of the House: It is not my attempt in any way to play any type of games with the gentleman from Westbrook, Mr. Carrier. It is my attempt to speed up the process. This would give us an opportunity to have a vehicle, a bill, or some vehicle to look at and evaluate whether or not in fact we do need additional assistance in the judiciary.

I can go the other route now if you want me to. I can go to the Legislative Council or I can go to the Chief Justice of the Maine Supreme Court and he can put a bill in automatically, without the approval of the Legislative Council, but this is an opportunity for all of us here to use a vehicle that is presently before us, refer this matter to a conference committee, have the conference committee look and evaluate whether or not we do need additional personnel. That is my only attempt; I am not trying to end-run it, to try to pull any games, because if I lose this motion, ladies and gentlemen, I am going to be before the Legislative Council with an order, but this will give us an opportunity to speed the process up and it would give an opportunity for those who are against it.

A committee of conference, now, there are those who are opposed to this particular idea who will be appointed to the committee of conference, so I think it would be more of an objective finding by that body.

I urge you to accept my motion.

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

Mr. JOYCE: Mr. Speaker, I would ask for the years and nays.

My Chairman has risen and given us some good advice. He has proposed a way to remove

the cloud that hangs over this bill. He has told you that without any difficulty he can go to that Chief Justice of the Maine Supreme Court and that Chief Justice will present a bill and he doesn't have to have the blessing of us. I think that is a wonderful suggestion. It would remove all those clouds that have been hanging over this bill. It would give us a bill then that is clean as the hound's tooth. A bill from the Chief Justice could probably stand up to the debate in this House. I get a little upset when they start the political maneuvering and put bills through what this bill has been put through.

I hope that you members of this House will vote to defeat the motion before us now so that we can set this bill in its proper burial.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Saco, Mr. Hobbins, that the House Insist and Ask for a Committee of Conference on L. D. 530. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bell, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Crouse, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Joseph, Kane, Kelly, Kilcoyne, Lewis, Lisnik, Locke, MacBride, Macomber, Manning, Martin, H.C.; Matthews, Z.E.; Maybury, Mayo, McGowan, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Rotondi, Smith, C.W.; Soule, Telow, Theriault, Tuttle.

NAY—Anderson, Benoit, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Canary, Connors, Cox, Crowley, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joyce, Kiesman, Lebowitz, Lehoux, Livesay, MacEachern, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; McCollister, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Small, Smith, C.B.; Sproul, Stevenson, Stover, Strout, Studley, Swazey, Tammara, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilston.

ABSENT—Kelleher, Ketover, LaPlante, Mahany, Paul, Seavey, Sherburne, Soucy, Stevens, Thompson, The Speaker.

Yes, 66; No, 74; Absent, 11.

The SPEAKER: Sixty six having voted in the affirmative and seventy four in the negative, with eleven being absent, the motion does not prevail.

The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House adhere. A roll call has been requested.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that the House adhere. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Benoit, Bonney, Bost, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carrier, Clark, Conary, Conners, Cote, Cox, Crowley, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Hall, Hayden, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joyce, Kelly, Kiesman, Lebowitz, Lehoux, Livesay, Locke, MacBride, MacEachern, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Small, Smith, C.B.; Soule, Sproul, Stevenson, Stover, Strout, Studley, Swazey, Tammaro, Theriault, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Andrews, Baker, Bell, Brodeur, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper, Crouse, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Handy, Higgins, H.C.; Hobbins, Joseph, Kane, Kilcoyne, Lewis, Lisnik, Macomber, Manning, Masterton, Matthews, Z.E.; Mayo, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Pouliot, Reeves, P.; Richard, Roberts, Rolde, Rondoni, Smith, C.W.; Telow, Tuttle.

ABSENT—Kelleher, Ketover, LaPlante, Mahany, Paul, Seavey, Sherburne, Soucy, Stevens, Thompson, The Speaker.

Yes, 94; No, 46; Absent, 11.

The SPEAKER: Ninety-four having voted in the affirmative and forty-six in the negative, with eleven being absent, the motion does prevail.

Messages and Documents

The following Communication: (S. P. 277)

State of Maine

Department of Human Services

Augusta, Maine 04333

February 2, 1983

TO: Honorable Beverly M. Bustin, Senate Chair Committee on Health & Institutional Services

Honorable Merle Nelson, House Chair Committee on Health and Institutional Services

FROM: Michael R. Petit, Commissioner, Department of Human Services.

I am pleased to present this report which was required by the 110th Legislature in 22 MRSA § 3479 Section 3. This report covers the 1982 Mandatory Reporting Amendment to the Adult Protective Services Act.

Appropriate staff will be available to meet with you to answer any questions that you may have.

Came from the Senate read and with accompanying report ordered placed on file.

In the House, was read and with accompanying Report ordered placed on file in concurrence.

The following Communication:

State of Maine

Department of Transportation

Transportation Building

State House Station 16

Augusta, Maine 04333

February 22, 1983

Governor Joseph E. Brennan and Members of the 111th Legislature

Transmitted herewith is a copy of Maine's Transportation Investment Program for Fiscal Years 1984 and 1985.

This Program is submitted in support of requests for funding in the areas of Federally supported Highways and Bridges, Collector Roads, Highway Maintenance Resurfacing, Air

Transportation, Rail Transportation and Marine Transportation. This document describes the intended use of the funding requested.

The Highway and Bridge section of this Program requires \$31.6 Million in state funds to match available federal highway funds. Of that amount, \$10 Million would be taken from current revenues and the remaining \$21.6 million would be included in a proposed Highway Bond Issue. The proposed bond issue would include an additional \$3 Million to match \$3 Million in local funds for an accelerated Town Way Bridge Program. The total proposed highways and bridge bond issue therefore, is \$24.6 Million.

The \$10.0 Million and \$11.6 Million requested for Collector Road Capital Improvements and Maintenance Resurfacing respectively are totally state funded programs.

The \$1.0 Million requested for Air Transportation projects would generate and estimated \$13.2 Million in federal matching funds and an additional \$800,000 in local matching monies, providing sufficient funding for a total program in excess of \$15 Million.

The \$1.2 Million in state funding requested for the Rail Investment Program would be used in part to match an estimated \$400,000 in available federal funds and an estimated \$1.8 Million in matching funds from communities and private industry. This would allow for a total rail program of \$3.4 Million.

The \$10.8 Million in state funding requested for Marine Transportation programs would provide necessary improvements in several areas and could potentially generate matching monies from federal economic development programs and/or private industry.

In summary, this program generates \$145.6 million Federal dollars towards a total investment program of \$224.0 million.

In examining this Program, we trust you will find it to represent a realistic and balanced effort to maintain and improve transportation service within Maine in a manner in keeping with today's economic climate.

Very truly yours,

S/GEORGE N. CAMPBELL

Commissioner of Transportation

Was read and ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

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

Indefinitely Postponed

Bill "An Act to Prohibit Prepayment Penalties in any Form of Personal Mortgage" (H. P. 664) (Presented by Representative Mitchell of Vassalboro) (Cosponsors: Representative Gauvreau of Lewiston and Senator Twitchell of Oxford)

Committee on Business Legislation was suggested.

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

Mrs. MITCHELL: Mr. Speaker and Members of the House: After conferring with the cosponsors of this bill, it is our decision that it goes much too far, it is not what we intended, I move the indefinite postponement of this bill.

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

Mr. JALBERT: Mr. Speaker, I agree with Mrs. Mitchell.

Thereupon, the Bill was indefinitely postponed.

Business Legislation

Bill "An Act to Create the Maine Lemon Law" (H. P. 665) (Presented by Representative Brannigan of Portland) (Cosponsors: Representatives Michael of Auburn, Tuttle of Sanford, and Speaker Martin of Eagle Lake)

Bill "An Act to Strengthen the Enforcement of the Collection Agency Law" (H. P. 666)

(Presented by Representative Brannigan of Portland) (Cosponsors: Representatives Tuttle of Sanford, Telow of Lewiston, and Hobbins of Saco) (Submitted by the Department of Business Regulation pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act Concerning Calvary Hill Christian School of Wilton, Maine" (H. P. 667) (Presented by Representative Armstrong of Wilton) (Cosponsor: Representative Greenlaw of Standish)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

RESOLVE, Authorizing the Department of Educational and Cultural Services to Charge Indirect Costs of Administration to Non-General Fund Accounts and to Expend such Collections for Administrative Support (H. P. 668) (Presented by Representative Joseph of Waterville) (Cosponsors: Senators Clark of Cumberland, Dutremble of York, and Representative Smith of Mars Hill) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Committee on Education was suggested.

On motion of Mr. Carter of Winslow, tabled pending reference and later today assigned.

Fisheries and Wildlife

Bill "An Act to Include 3-wheeled Vehicles in the Law Governing Snowmobiles" (H. P. 669) (Presented by Representative LaPlante of Sabattus) (Cosponsor: Representative Michael of Auburn)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act to Designate an Elvis Presley Day" (H. P. 670) (Presented by Representative Swazey of Bucksport)

(Ordered Printed)

Sent up for concurrence.

Local and County Government

Bill "An Act Concerning the Financial Responsibility of the County for Medical Expenses of Prisoners" (H. P. 671) (Presented by Representative Foster of Ellsworth)

Bill "An Act Concerning the Compensation of County Personnel Board Members" (H. P. 672) (Presented by Representative Mayo of Thomaston) (Cosponsors: Representatives McHenry of Madawaska, Allen of Washington, and Senator Shute of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Enforce Closed Periods of Lobster Fishing" (H. P. 673) (Presented by Representative Conners of Franklin)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Provide for the Funding of Consumer Intervention Before the Public Utilities Commission" (H. P. 674) (Presented by Representative Baker of Portland)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide for Simplified and Uniform Taxation of Watercraft" (H. P. 675) (Presented by Representative Kilcoyne of Gardiner) (Cosponsor: Representative Kane of South Portland)

Bill "An Act Relating to the Adjustment to the Penalty for Withdrawal from Current Use

Tax Laws" (H. P. 676) (Presented by Representative Day of Westbrook)

Bill "An Act to Clarify the Status of Disabled Persons under the Elderly Householders Tax and Rent Refund Act" (H. P. 677) (Presented by Representative Mitchell of Freeport) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Provide for a Local Excise Tax on Watercraft" (H. P. 678) (Presented by Representative Rolde of York) (Cosponsors: Representatives Curtis of Waldoboro, Mitchell of Freeport, and Greenlaw of Standish)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the State may Enact Property Tax Exemptions not Subject to Fifty Percent Reimbursement so Long as the Exempt Property is Subject to an Excise Tax and Municipalities Receive the Excise Tax Revenues (H. P. 679) (Presented by Representative Kane of South Portland)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative Locke of Sebec, the following Joint Order: (H. P. 663) (Cosponsors: Senators Redmond of Somerset, Bustin of Kennebec, and Representative Masterton of Cape Elizabeth)

WHEREAS, the Congress of the United States enacted Public Law 97-300, the Job Training Partnership Act, granting to state legislatures historic new responsibilities and opportunities for guiding federal employment and training programs; and

WHEREAS, states have responsibilities for the overall management, quality control, goal setting, coordination, designation of service delivery areas for training and labor exchange functions, substate resource allocation, program and fiscal accountability and capacity building for the system at the state and substate levels; and

WHEREAS, that Act provides the State with leverage to nurture viable public and private partnerships at the state and local levels to accomplish the economic revitalization and investment in human capital needed to solve many of the state's economic and social problems; and

WHEREAS, new relationships between state agencies responsible for human resource and economic development are required; and

WHEREAS, the Act acknowledges the authority of the Legislature to enact implementing legislation for programs funded under the Act; and

WHEREAS, the Legislature will have an important policy role in providing the matching requirements for the State to qualify to receive funds for employment and training assistance for dislocated workers; now, therefore, be it

ORDERED, the Senate concurring, that a Joint Select Committee on Job Training be established consisting of one member of the Joint Standing Committee on Appropriation and Financial Affairs; one member of the Joint Standing Committee on Education; one member of the Joint Standing Committee on Labor; and 6 other members, 4 of whom shall be appointed from the House of Representatives by the Speaker of the House, and 2 of whom shall be appointed from the Senate by the President of the Senate; and be it further

ORDERED, that the Joint Select Committee on Job Training provide oversight to the implementation of the United States Job Training Partnership Act, review the plan submitted by the Governor, and report out any legislation appropriate to the plan and the purposes of the Act; and be it further

ORDERED, that the committee afford an appropriate opportunity to members of the public to comment on the plan and make recommendations regarding allocations from the funds; and be it further

ORDERED, that this Joint Select Committee on Job Training shall dissolve at the close of the 111th Legislature, except as it may be continued by vote of the Legislature.

The Order was read.

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: As most of you probably know, the Job Training Partnership Act is the federal program which is replacing Ceta. One of the differences between this program and previous federal training programs is that the states are charged with implementing and overseeing the program. Although most of the authority lies with the executive, the legislature does have a role, and however active or passive a role is up to us.

Many of us here feel that we should take as active a role as possible. We are in hopes that this training program, one which we can have some control over, will prove to be something that we can be proud of and a training program with a little more permanence than those in the past, especially now when we are in a time of high unemployment and the state of change as far as jobs of the future are concerned.

Because of the complexity of the new law and the good track record that other Joint Select Committees have had, we thought that a Joint Select Committee on Job Training would be the best approach for legislative review and oversight of the implementation of the Job Training Partnership Act and provide a knowledgeable corps of individuals to which we as legislators can go with our own ideas and concerns.

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

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

ORDERED, that Representative Luman Mahany of Easton be excused for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Weston Sherburne of Dexter be excused for the duration of his illness.

AND BE IT FURTHER ORDERED, that Representative Richard Armstrong of Wilton be excused February 24 and February 25 for personal reasons.

Ought to Pass in New Draft

Representative Mitchell from the Committee on Marine Resources on Bill "An Act to Provide for a Reduced Fee for Lobster Fishing Licenses for Persons 70 years of Age and Older" (H. P. 182) (L. D. 211) reporting "Ought to Pass" in New Draft (H. P. 662) (L. D. 825)

Representative Perkins from the Committee on Business Legislation on Bill "An Act to Amend the Corporation Laws and Laws Pertaining to Limited Partnerships" (H. P. 381) (L. D. 464) reporting "Ought to Pass" in New Draft (H. P. 680) (L. D. 834)

Reports were read and accepted, the New Drafts read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" on Bill "An Act Relating to Liquor Licenses for Incorporated Civic Organizations" (Emergency) (H. P. 174) (L. D. 204)

Report was signed by the following members:
Senator:

CHARETTE of Androscoggin

— of the Senate.

Representatives:

COX of Brewer

DILLENBACK of Cumberland

STUDLEY of Berwick

HANDY of Lewiston

PERRY of Mexico

COTE of Auburn

SWAZEY of Bucksport

— of the House

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

Report was signed by the following members:
Senators

DANTON of York

SHUTE of Waldo

— of the Senate.

Representatives

STOVER of West Bath

McSWEENEY of Old Orchard Beach

DUDLEY of Enfield

— of the House.

Reports were read.

On motion of Mr. Cox of Brewer, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading tomorrow.

Consent Calendar

First Day

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

(S. P. 136) (L. D. 428) Bill "An Act to Clarify Provisions of the Maine Banking Act" Committee on Business Legislation reporting "Ought to Pass"

(S. P. 43) (L. D. 101) Bill "An Act to Clarify the 'Hearing Ear' Dog Law" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-8)

(H. P. 261) (L. D. 321) Bill "An Act to Amend Maine's Laws Relating to Credit Unions" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-20)

No objections being noted, the above items were ordered to appear on the Consent Calendar of February 24, under the listing of Second Day.

Consent Calendar

Second Day

Tabled and Assigned

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

(H. P. 295) (L. D. 354) Bill "An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations" (C. "A" H-18)

On the request of Mr. Brannigan of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-18) was read by the Clerk.

On motion of Mr. Brannigan of Portland, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, February 25.

Second Reader

Tabled and Assigned

Bill "An Act Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1983 and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government" (Emergency) (S. P. 265) (L. D. 774)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be engrossed and tomorrow assigned.

Passed to Be Engrossed

Bill "An Act Concerning Local Leeway Under the School Finance Law" (S. P. 264) (L. D. 773)

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

Bill "An Act to Increase the Tax on Fire Insurance Premiums" (Emergency) (H. P. 661) (L. D. 821)

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

The SPEAKER: The Chair recognizes the gentlewoman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, I would like to pose a question through the Chair. Since this bill has come out in new draft, I wonder if someone from the committee would explain this?

The SPEAKER: The gentlewoman from Ellsworth, Mrs. Foster, has posed a question through the Chair to anyone who may respond if they so desire.

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

Mr. BRANNIGAN: Mr. Speaker, Members of the House: A new draft, as you know, does not often times mean tremendous change. We had a new draft recently and changed one word, so new draft does not, at the present time, always mean tremendous revisions in the original bill.

One of the major changes from the original bill to the new draft on this particular item was that we set a specific amount of the monies coming from the fire insurance tax to go to the fire service training. It will be 10.5 percent of all of the money. Originally, a certain portion of the new money was to go to the fire service training group and we decided it was best to fix a certain amount from the total tax since the Audit and Program Review in this past legislature decided that part of that fire insurance tax would go to train our firefighters, we decided to put that in a set amount for the total income. That was one of the major issues in changing it to the new draft; otherwise, most of the other provisions are the same as in the original bill.

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

Tabled and Assigned

Bill "An Act to End Discrimination Against Chiropractic Services under the Workers' Compensation Law" (H. P. 268) (L. D. 328)

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

On motion of Mr. Lehoux of Biddeford, tabled pending passage to be engrossed and tomorrow assigned.

Amended Bill

Bill "An Act Amending the Charter of the Aroostook Prestile Treatment District and the Charter of the Presque Isle Sewer District to Authorize the Withdrawal of Municipalities from the Aroostook Prestile Treatment District" (H. P. 129) (L. D. 137) (H. "A" H-19 to C. "A" H-15)

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

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

Emergency Measure

An Act to Amend the Banking Code Regarding Demand Deposit Powers of Thrift Institutions (H. P. 294) (L. D. 353)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Establish the Uniform Determination of Death Act (H. P. 38) (L. D. 43)

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

The SPEAKER: The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I do not rise to debate this

bill this morning; I had assured my committee members that I would not debate this bill, I signed it out "ought not to pass" and I explained to the committee members that my conscience would not let me vote for this bill. All I ask is for a roll call, because I want the record to show that I voted against this bill, so I would ask for a roll call, Mr. Speaker.

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, 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 before the House is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Brown, K.L.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jacques, Joseph, Joyce, Kane, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Ridley, Roderick, Rotondi, Salsbury, Scarpino, Small, Smith, C.B.; Soule, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Tuttle, Vose, Walker, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Brown, A.K.; Callahan, Carter, Conary, Connors, Dexter, Dudley, Martin, A.C.; McHenry, Parent, Reeves, J.W.; Roberts, Smith, C.W.; Sproul, Strout, Studley, Webster, The Speaker.

ABSENT—Baker, Jalbert, Kelleher, Ketover, LaPlante, MaHany, Nadeau, Paul, Rolde, Seavey, Sherburne, Soucy, Stevens, Thompson.

Yes, 119; No, 18; Absent, 14.

The SPEAKER: One hundred and nineteen having voted in the affirmative and eighteen in the negative with fourteen being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

An Act Relating to the Limitations on Amounts for School Construction Projects or Minor Capital Outlay Projects (H. P. 300) (L. D. 359) (C. "A" H-11)

An Act to Amend the Transit District Enabling Act (H. P. 619) (L. D. 745)

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:

Resolve, Authorizing the Department of Educational and Cultural Services to Charge Indirect Costs of Administration to Non-General Fund Accounts and to Expend such Collections for Administrative Support (H. P. 668) which was tabled earlier today and later today assigned pending reference.

On motion of Mr. Carter of Winslow, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Carrier of Westbrook, Adjourned until nine o'clock tomorrow morning.