

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

Tuesday, March 1, 1983

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

Prayer by the Reverend Richard Hasty of the First Parish Unitarian Universalist Church, Portland.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication: (S. P. 315)

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

February 25, 1983

Honorable Paul Violette
Honorable Dan Gwadosky
Chairmen

Joint Standing Committee
on State Government

State House

Augusta, Maine 04333

Dear Chairmen Violette and Gwadosky:

Please be advised that Governor Joseph E. Brennan today nominated David F. Friedman for appointment as a Commissioner of the Maine State Housing Authority.

Pursuant to Title 30 MRSA Section 4602, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on State Government.

In the House, was read and referred to the Committee on State Government in concurrence.

Bill "An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services" (S. P. 278) (L. D. 843)

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 to Revise the Structure of the Board of Environmental Protection" (S. P. 280) (L. D. 845)

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 Relating to the Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded" (Emergency) (S. P. 279) (L. D. 844)

Bill "An Act to Improve the Administration of the General Assistance Program" (S. P. 275) (L. D. 842)

Bill "An Act to Establish a State Administered Program of General Assistance" (S. P. 274) (L. D. 841)

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 to Clarify, Simplify and Improve Certain Sections of the Labor Laws of Maine" (S. P. 281) (L. D. 846)

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

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Permit Municipalities to Exempt Watercraft from Property Taxation (S. P. 282) (L. D. 847)

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

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

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

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Amend the Mortgage Exemption in the Maine Consumer Credit Code" (S. P. 94) (L. D. 225)

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

Petitions, Bills and Resolves**Requiring Reference**

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

Appropriations and Financial Affairs

Bill "An Act to Appropriate Money for Revolutionary War Veterans' Grave Markers" (H. P. 721) (Presented by Representative Brown of Bethel) (Cosponsor: Representative Perry of Mexico)

(Ordered Printed)

Sent up for concurrence.

Business Legislation

Bill "An Act to Provide for the Sale of Life Insurance by Financial Institutions" (H. P. 722) (Presented by Representative Benoit of South Portland) (Cosponsors: Senator Charette of Androscoggin and Representative Murray of Bangor)

Bill "An Act to Amend the Maine Traveler Information Services Laws" (H. P. 723) (Presented by Representative McGowan of Pittsfield)

Bill "An Act Concerning Suits Filed by Insurance Companies Against Uninsured Motorists" (H. P. 724) (Presented by Representative Lewis of Auburn) (Cosponsors: Representatives Locke of Sebec, Gwadosky of Fairfield, and MacBride of Presque Isle)

Bill "An Act Regarding Collateral Source Payments in Medical Malpractice Cases" (H. P. 725) (Presented by Representative Joseph of Waterville) (Cosponsors: Representatives Livesay of Brunswick and Soule of Westport)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Permit Inhabitants of Unorganized Territories to Vote in School Administrative Districts" (H. P. 726) (Presented by Representative Dexter of Kingfield)

Bill "An Act Concerning the Hiring of 'Clerks-of-the-works' for School Construction Projects" (H. P. 727) (Presented by Representative Brown of Livermore Falls) (Cosponsors: Representatives Randall of East Machias and Jackson of Harrison)

(Ordered Printed)

Sent up for concurrence.

Election Laws

Bill "An Act to Make Voting Places more Accessible to the Elderly and Handicapped" (H. P. 728) (Presented by Representative Andrews of Portland) (Cosponsor: Representative Soule of Westport)

(Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act to Grant Resident Status to Native Sons and Daughters for Purposes of the Fish and Game Laws" (H. P. 729) (Presented by Representative Armstrong of Wilton)

Bill "An Act to Permit the Trapping of Coyotes" (H. P. 730) (Presented by Representative Ingraham of Houlton) (Cosponsor: Representative Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Clarifying the Authority of the District Court's Violations Clerk" (H. P. 731) (Presented by Representative Soule of Westport) (Cosponsors: Representatives Hayden of Durham and Rotondi of Athens)

Bill "An Act to Amend the Law Governing the Compelling Evidence in Criminal Cases" (H. P. 732) (Presented by Representative Cashman of Old Town) (Cosponsor: Representative Carroll of Gray)

Bill "An Act to Clarify Citizen Standing in Environmental Litigation" (H. P. 733) (Presented by Representative Mitchell of Freeport) (Cosponsor: Senator Carpenter of Aroostook)

(Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Modify the Dispute Resolution Process under the Labor Statutes" (H. P. 734) (Presented by Representative Higgins of Scarborough)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

RESOLVE, Authorizing Larry R. Coffren of Strong to bring Civil Action against the State of Maine (H. P. 735) (Presented by Representative Dexter of Kingfield) (Cosponsor: Representative Webster of Farmington)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Promote Conservation of Lobster Resources" (H. P. 736) (Presented by Representative Connors of Franklin)

(Ordered Printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Establish a 30-Mile Evacuation Area around Nuclear Power Plants" (H. P. 737) (Presented by Representative Curtis of Waldoboro) (Cosponsors: Representatives Soule of Westport and Small of Bath)

(Ordered Printed)

Sent up for concurrence.

State Government

Bill "An Act Concerning Processing Fees for Loan Applications Filed With the Maine Guarantee Authority" (H. P. 740) (Presented by Representative Lewis of Auburn) (Cosponsor: Representative Lebowitz of Bangor)

(Ordered Printed)

Sent up for concurrence.

Bill "An Act to Establish the Least Cost Principle" (H. P. 741) (Presented by Representative McGowan of Pittsfield)

(Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide for a Dedicated Increase of 2¢ in the State Gasoline Tax" (H. P. 738) (Presented by Representative Gwadosky of Fairfield)

Bill "An Act Concerning Sales Tax on the Rental of Camps and Cottages" (H. P. 739) (Presented by Representative Gwadosky of Fairfield)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative Joseph of Waterville, (under suspension of the rules) the following Joint Resolution: (H. P. 720) (Cosponsors: Senator Kany of Kennebec, Representatives Jacques of Waterville and Matthews of Winslow)

Joint Resolution in Honor of
Ernest C. Marriner,

Dean Emeritus of Colby College

WHEREAS, in the death of Ernest C. Marriner, Dean Emeritus of Colby College, on February 7, 1983, at Waterville, the people of Maine have lost a distinguished scholar, educator, public servant and respected citizen; and

WHEREAS, the dedicated services which Dean Marriner rendered to Colby College, to its officers, faculty and students; to the many historical and civic organizations and activities in which he actively participated, encouraged and supported; to the public with which he shared his great wealth of information on Maine life and institutions through his many publications and broadcasts; and to the State Board of Education and the Archives Advisory Board, were unfailingly characterized by his gracious manner, his humanity, his exceptional intellect and his strong personality; and

WHEREAS, his perspective, courage and insight into the needs and aspirations of the people and institutions of Maine will be greatly missed by those who were privileged to know him; now, therefore, be it

RESOLVED: That We, the members of the 111th Legislature, pause in our deliberations to acknowledge and recognize the lasting contributions which Dean Marriner has made to his native State; and express the deep affection and respect which we as representatives of the people of Maine share with the citizens of Maine for his memory; and be it further

RESOLVED: That an engrossed copy of this resolution be immediately transmitted to his bereaved family in testimony of the sympathy and compassion which we share with them in their loss.

The Resolution was read.

The SPEAKER: The Chair recognizes the Gentlewoman from Waterville, Mrs. Joseph.

Mrs. JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: It is an honor and a privilege for me today, on behalf of Waterville citizens and our Maine community, to present this Resolution to you in memory of Dean Ernest C. Marriner.

Dean Marriner's name is synonymous with Colby College, where he lived, worked and wrote, the first Dean of Men and Dean of Faculty. Dean Ernest Marriner's charm, his wit, and his precise account of Maine's history on his 30 year radio program, Little Talks on Common Things, were not common but just the opposite — original, thorough and thought provoking.

Recorded Maine history is richer because of his contributions.

Dean Ernest C. Marriner, native of Bridgton, we in Central Maine and any of those people whose life Dean Marriner touched are proud to have known this special man — Ernest C. Marriner, author, educator, historian, and a very good person.

Thereupon, the Joint Resolution was adopted and sent up for concurrence.

By unanimous consent, ordered sent forth-with.

House Reports of Committees Unanimous Ought Not to Pass

Representative Studley from the Committee on Legal Affairs on Bill "An Act to Provide for Special Exception Liquor Stores in Communities of over 30,000 Population" (H. P. 272) (L. D. 332) reporting "Ought Not to Pass"

Representative McSweeney from the Committee on Legal Affairs on RESOLVE, Authorizing Melanie Ann Clark, or her Legal Representative, to Bring Civil Action Against the State of Maine (H. P. 342) (L. D. 401) reporting "Ought Not to Pass"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Clarify the Criteria for Suitable Work in the Unemployment Compensation Program" (H. P. 409) (L.

D. 429) reporting "Ought Not to Pass"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

Unanimous Leave to Withdraw

Representative Beaulieu from the Committee on Labor on Bill "An Act to Preclude Part-time Employees of Nonprofit Organizations from Eligibility under Unemployment Compensation if Employed for less than 3 months" (H. P. 254) (L. D. 304) reporting "Leave to Withdraw"

Representative Willey from the Committee on Labor on Bill "An Act to Require Employees to Provide Prompt Notice of Disability to Employers" (H. P. 329) (L. D. 388) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Insure Notice Defense is based on Prejudice to the Employer" (H. P. 335) (L. D. 394) reporting "Leave to Withdraw"

Representative Tuttle from the Committee on Labor on Bill "An Act to Adjust the Weekly Benefit Amount for Dependents of Unemployment Compensation Claimants" (H. P. 413) (L. D. 496) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15, and sent up for concurrence.

Referred to the Committee on Health and Institutional Services

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Include Poverty Tax Abatements in Net General Assistance Costs" (H. P. 242) (L. D. 289) reporting that it be referred to the Committee on Health and Institutional Services.

Report was read and accepted, the Bill referred to the Committee on Health and Institutional Services, and sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Prohibiting Bond Issues of Less than \$2,000,000" (H. P. 277) (L. D. 337)

Report was signed by the following members:

Senators:

BALDACCI of Penobscot
VIOLETTE of Aroostook

— of the Senate.

Representatives:

COOPER of Windham
LaPLANTE of Sabattus
GWADOSKY of Fairfield
KETOVER of Portland
PARADIS of Augusta

— of the House.

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

Report was signed by the following members:

Senator:

HICHENS of York

— of the Senate.

Representatives:

LEBOWITZ of Bangor
SPROUL of Augusta
HOLLOWAY of Edgecomb
DILLENBACK of Cumberland
SALSBURY of Bar Harbor

— of the House.

Reports were read.

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

Mr. GWADOSKY: Mr. Speaker, I move we accept the Majority "Ought Not to Pass" Report.

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

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

Mr. JACKSON: Mr. Speaker, Ladies and Gen-

tlemen of the House: I rise to oppose the motion and hope that I can convince the members of this body to reject the Majority "Ought Not to Pass" Report and accept the Minority "Ought to Pass" Report.

The reasons I submitted this piece of legislation prohibiting the issuance through the referendum process of bonds of less than \$2 million are many. Today, our laws do permit the issuance of bonds of less than \$2 million. I felt, as many other people have felt in the past, that the bonded indebtedness of this state is very important to future generations.

Presently, today, the bonded indebtedness of the State of Maine is \$289 million, approximately. These are bonds that have been issued with interest rates ranging from 3 percent to 11.25 percent.

In a little research that I did prior to introducing these bills, the schedule for bond retirement in 1983 through general obligation bonds and highway and bridge bonds totals some \$27 million. The interest that will be paid on the total bonded indebtedness in the State of Maine in 1983, the fiscal year 1983, is just a little over \$16 million. Through the remainder of the decade, the state will pay approximately \$73 million in interest on bonds that are presently issued.

Of the total exposure that the state has to bonded indebtedness, there is approximately another \$240 million or \$250 million which has been authorized through constitutions or through implementing legislation or through the acts of the Maine State Housing Authority and the Maine Guarantee Authority. That is bringing the total bonded indebtedness to somewhere around \$500 million, which means, if that total exposure was adopted, a debt of approximately \$470 or \$480 per person in this state.

I felt, also as many other people have felt, with the projected General Fund budget for the next biennium of approximately \$1.5 million, it seemed that maybe we should change our course and try to fund or attempt to fund issues of less than \$2 million through the current services budget or through the supplemental appropriations process in the biennium of the request.

I also feel that not to attempt to adopt a pay-as-you-go approach at this time on some of the less costly and important items, that is going to cause an undue hardship in the future, on future generations and on future programs that may assist Maine people in changing times.

Again, I would hope that the majority of this body would vote to oppose the motion of the gentleman from Fairfield, Mr. Gwadosky, and then let us get on with enacting this piece of legislation.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to bring to the attention of this body some of the comments that were made at the hearing when this bill was presented before the State Government Committee.

The overriding concern of the majority of "ought not to pass" on that report is that this body has the power right now to do everything that the sponsors of this bill would like to have happen. If we don't want a bond for items of less than \$2 million, we don't have to, we don't have to pass a special law to say that, because anytime we want to disregard that law, all we have to do is put on a disclaimer that says "notwithstanding any portion of the statute or any other law enacted previously, this bond shall go out to the voters."

It looks good in the press if we were to pass this bill, I must say. Editorial writers have endorsed it from some of the major Maine newspapers, but I don't think it is really good government to pass this type of a bill because it is not very effective.

There are a couple items that we ought to

consider down the road. Past legislatures have passed bond issues and sent them to the voters of less than \$2 million regarding parks and recreation projects. We have also passed them regarding public broadcasting in the State of Maine of less than a million dollars. We have passed self-liquidating bond issues of less than \$2 million. I would think that this would be seriously impaired if this bill were to be passed.

I have respect for the good judgment of the minority "ought not to pass." I think that their aim is decent and good government, and I endorse that, but I just don't think that this bill here would be very effective in meeting those needs and could be disregarded by any future legislature if it so chose.

Thank you very much, and I urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Sproul.

Mr. SPROUL: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to join with my colleague from Harrison, Representative Jackson, and I urge you to vote no on the motion before us. The effort being made to prohibit bonding in amounts of less than \$2 million is worthy of our support. If passed, this legislation will help bring a more responsible government to the people of Maine.

Let's put this into perspective—\$2 million seems like a lot of money to us, but when you remember that the General Fund for this current fiscal year is over \$704 million, it does not seem like such a staggering amount. Two million dollars is .0028 percent of the current General Fund. For the State of Maine to bond \$2 million is the equivalent of a family with an income of \$10,000 to go to the bank and take out a loan for \$28 to pay for a lamp and finance it over 20 years. I don't know about you, but if I need a \$28 lamp, I would pay for it, not borrow, that is how I run my house.

Ladies and gentlemen, we are entrusted with managing the household budget of the State of Maine. Items that have a cost of \$2 million or less should be financed on a pay-as-you-go basis.

Yesterday, I checked with the Treasurer's Office, and they gave me the interest rate at which the most recent bond package was financed. I then ran an amortization program at that interest rate for 20 years and found the interest cost would be an additional \$2,014,912. I don't believe we should pass this interest cost on to our children anymore than I would pass the cost of a new lamp and interest on to my children.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the bill before us is, as you have heard, to prohibit bond issues of less than \$2 million. This limitation applies to bond questions that are approved by the legislature and sent to the general public for approval at a public referendum, and the limit that is being proposed this morning is a statutory limit and it does not require an amendment to the Maine Constitution.

Maine is one of eleven states that requires a public referendum for approval of the general obligation bonds that pledge the faith and credit of the state. In the last ten years, there have been six bond questions, each of which have cost less than \$2 million, and this includes three questions in 1981. These were for, as Representative Paradis mentioned, such items as highway, town way, bridge improvements, improvements to airports and piers, state park facilities and energy conservation improvements to state-owned buildings.

As the sponsor of this bill, Representative Jackson has indicated he is concerned about the number of small capital projects available and the way that we are paying for these. I think we have to consider some other issues when dealing with this particular bill. The first

is the magical \$2 million limit. Why are we choosing a \$2 million limit, why not a \$1 million or \$3 million or \$5 million or \$10 million? I am sure that in some areas of the state, or two particular groups of people, a capital project of less than \$2 million is just as important or perhaps more important than other projects that we vote on in general referendums that cost more than this amount.

Secondly, the bill before you, if you have a chance to look at it, the majority of the members of the committee do not believe it is clear with respect to the issuance of bonds that are issued by state authorities. The bill refers to bonds authorized by the State Legislature directly or on behalf of the state. It also refers to Article 9, Section 14 of the Constitution on the first page of the bill, which in turn refers to Sections 14-A, C, D and E, and these are the sections that pertain to bonds issued by the Maine Guarantee Authority, bonds issued to pay revenues, bonds of the Maine State School Building Authority, bonds issued for repair and remodeling of Indian housing, and bonds issued to insure Maine's veterans' mortgage loans. It is unclear to the majority of the members of the State Government Committee whether or not the intent of this legislation was to limit our state authorities.

Thirdly, we received information and have received information at our public hearings, information dealing with the shortage of capital here in the state, and it is because the bank and other financial assets have proven to be inadequate that general obligation bonds have been used as a financing mechanism for capital investment here in the State of Maine.

Fourth, no state that issues state general obligation bonds have established a minimum bond issue for any single project, and the reason for this is that most states combine bond projects and issue bonds for the total amount of all the projects so the states can obtain a better interest rate.

Lastly, as Representative Paradis has mentioned, we already have the authority to control bond issues put before the state. We can reject small proposals and appropriate money from available revenues for worthy projects, or we can insist on a delay, we can delay projects that come before us as a legislature, we can delay them from being sent out until money can be raised for less urgent needs in the same technique that was used yesterday in delaying the supplemental budget.

Ladies and gentlemen, it may be a good idea not to approve some statewide issues and perhaps some small expenditures should be financed with available cash in state government. However, as a legislature we already have the authority to do that. It is clear that we don't need a law, only legislative responsibility and restraint.

I would urge you to accept the Majority "Ought Not to Pass" Report.

Mr. Jackson of Harrison requested a vote on the pending motion.

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

A vote of the House was taken.

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

Sent up for concurrence.

Consent Calendar First Day

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

(S. P. 162) (L. D. 450) RESOLVE, to Authorize the Commissioner of Cumberland County to Reimburse the Town of Standish \$4,620.21. Unexpended Retirement Funds—Committee on Local and County Government reporting

"Ought to Pass"

(H. P. 166) (L. D. 197) Bill "An Act to Amend the Maine Consumer Credit Code Regarding Refinancing Demand Loans Secured by Securities"—Committee on Business Legislation reporting "Ought to Pass"

(H. P. 251) (L. D. 301) Bill "An Act to Correct Certain Errors in the Maine Condominium Act" (Emergency)—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-31)

(H. P. 386) (L. D. 469) Bill "An Act to Provide a Statewide Office of School Volunteer Programs"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" H-33)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 2, under the listing of Second Day.

Consent Calendar Second Day

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

(H. P. 491) (L. D. 588) Bill "An Act to Provide for an Orderly Transition Period Following the Election of Constitutional Officers"

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

(H. P. 422) (L. D. 505) Bill "An Act to Revise the Mexico Water District Charter" (C. "A" H-28)

On the objection of Mrs. Ketover of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-28) was read by the Clerk and adopted and the Bill assigned for second reading tomorrow.

(H. P. 472) (L. D. 571) Bill "An Act to Amend the Special Education Statutes Providing for the Department's General Supervisory Responsibility for All Educational Programming for Exceptional Students"

(H. P. 148) (L. D. 156) Bill "An Act to Reduce the Mandatory Number of Election Clerks for Each Voting Place"

(S. P. 172) (L. D. 527) Bill "An Act to Provide All Municipalities with the Option to Establish a Local Board of Assessment Review"

(S. P. 44) (L. D. 103) Bill "An Act to Expand the Territorial Limits of the Van Buren Light and Power District" (C. "A" S-9)

(S. P. 171) (L. D. 526) RESOLVE, to Name the Brook and Pond Located on the West Poland Road in Oxford County and on the West Shore of Thompson Lake in Honor of the Perkins Family.

(H. P. 526) (L. D. 651) RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in 3 Certain Parcels of Real Property

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

Passed to Be Engrossed

Bill "An Act Relating to Wholesaler's and Taste-Testing Activities under the Liquor Laws" (S. P. 283) (L. D. 840)

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

Passed to Be Enacted

An Act to Insure an Employee is Notified of his Rights to Workers' Compensation (H. P. 332) (L. D. 391) (C. "A" H-14)

Was 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 Authorize Licensees Under the Liquor Laws to Serve as a Law Enforcement Officer (H. P. 339) (L. D. 398)

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

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: In viewing this L. D. 398, I see that it raises some potential conflicts for law enforcement. The potential conflicts here, I feel, after reading the bill, that it would permit law enforcement officers to run their own barrooms. I think this would make for a very unhealthy situation, because when you go to Joe's Bar, you would actually be at Officer Joe's Bar, and I think the problem there of whether you have had one drink too many or one drink too less would be settled without due process.

I just feel that we are going to start a very bad practice when we license a police officer to run a barroom. He will enforce those laws on the premises. Somehow I just can't see that this bill would permit those scales of justice to stay in balance. I feel the only proper thing to do at this time, if it is in order, would be to ask for the indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Portland, Mr. Joyce, moves that this Bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I think I should explain why this is a unanimous report of the Legal Affairs Committee. When we had this under discussion, it was pointed out that law enforcement officers, local law enforcement officers, regular police officers, do not enforce the liquor laws, they don't want to enforce the liquor laws, and that the liquor laws are enforced by the Bureau of Liquor Enforcement, by the liquor inspectors; therefore, we really could see no direct conflict between an officer who might own a store and have a license or an officer, as was pointed out to us, who was working in an agency store and he could not continue to do both under the existing law. He would either have to give up being a special officer or a special deputy or give up his job in the agency store. Again I would repeat that we really saw no direct conflict in the enforcement of the liquor laws since these are enforced by the liquor inspectors.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, I would like to direct a question to Mr. Cox, please. Does this allow people to have all the privileges of law enforcement officers, these so stated, and are they owners of establishments licensed to sell liquor as well as the liquor enforcement officers?

The SPEAKER: The gentleman from Houlton, Mrs. Ingraham, has posed a question through the Chair to the gentleman from Brewer, Mr. Cox who may answer if he so desires, and the Chair recognizes that gentleman.

Mr. COX: Mr. Speaker, I am afraid I did not hear quite all of the question, but I can assure the lady that if she is concerned about liquor inspectors, or liquor enforcement officers being able to be licensees, no, there is a separate section of the law that says that no employee of the Liquor Commission can be a licensee.

The SPEAKER: The Chair recognizes the gentleman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, my primary question is, if people licensed to sell liquor on premises and so forth are allowed the privi-

leges of law enforcement officers—and with no training, is my point. If they are given the privilege of law enforcement, I think it is pretty broad-based.

The SPEAKER: The gentleman from Houlton, Mrs. Ingraham, has posed an additional question through the Chair to anyone who may care to answer.

The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, now I hear and understand the question. No, this does not automatically make anyone who has a liquor license a law enforcement officer. This just allows people who happen to be law enforcement officers separate from their employment.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: Already this bill has brought us confusion. Liquor inspectors, we understand by reading this L. D., no way would they be able to operate barrooms or lounges, but it would permit your friendly sheriff or your cop on the beat to have his own barroom.

Now, the gentleman explained that policemen don't enforce liquor laws. That was news to me. Less than a week ago, my Governor stood in this very hall before us and proposed doing away with the liquor inspectors because the local police now enforce most of the liquor laws.

I see the chance for a conflict there, and perhaps it is because of my schooling and my background. In the days of the law in court, many many of their decisions mentioned that it didn't have to be black or white, a decision, you didn't have to be right or wrong but you also have got to figure the shadows. Don't let that shadow cast unfavorably down on you was a creed often mentioned by the law in court. If something looks bad and reflects bad on you, you should avoid it.

With this in mind, I ask for the yeas and nays on my opinion.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be on this committee and I had my reservations about this bill when it first came to the committee's attention. As a matter of fact, one of the opposition said, this is like putting the fox in the chicken coop. Then the question arises—are people who are in the business of being policemen people of integrity or are they not? That was the thing that changed my vote, because if they do any wrong, they are subject to the law just like you and I. If there is some misuse or if they aren't doing the job they should be doing, their license would be removed. I think perhaps they are better persons to enforce the law and do a better job than perhaps you or I would do.

That is the reason I voted for this and I did have a question, but I think the law is probably all right.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Paradis.

Mr. PARADIS: Mr. Speaker, I would like to pose a question through the Chair. I would like to ask the gentleman from Cumberland if he has ever been a police officer and a tavern owner?

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

Mr. DILLENBACK: Mr. Speaker, I just made the statement that I thought we held the police officers in high esteem and have great integrity—no, I have never been a police officer.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, who is going to

do the removing?

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

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

Mr. DILLENBACK: Mr. Speaker, I believe the liquor inspectors would do the removing and I don't believe they are going to be removed themselves.

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 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 Portland, Mr. Joyce, 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—Ainsworth, Allen, Baker, Beaulieu, Bell, Bott, Brown, A.K.; Brown, K.L.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Crowley, Drinkwater, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Mayo, McHenry, McPherson, Melendy, Michaud, Murphy, Paradis, E.J.; Paradis, P.E.; Parent, Pines, Reeves, J.W.; Reeves, P.; Ridley, Roberts, Rolde, Scarpino, Seavey, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevenson, Stover, Theriault, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Anderson, Andrews, Armstrong, Benoit, Bonney, Bost, Brannigan, Brodeur, Brown, D.N.; Callahan, Conary, Connors, Cote, Cox, Crouse, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Higgins, L.M.; Holloway, Ingraham, Jackson, Kane, Kiesman, Lebowitz, Lehoux, Lewis, MacBride, Macomber, Manning, Maybury, McCollister, McSweeney, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nelson, Norton, Paul, Perkins, Perry, Racine, Randall, Richard, Rotondi, Salsbury, Small, Sproul, Stevens, Studley, Swazey, Tammaro, Telow, Vose, Zirkilton.

ABSENT—Curtis, Hobbins, Jalbert, Kelleher, Livesay, Mahany, Masterton, McGowan, Nadeau, Pouliot, Roderick, Sherburne, Strout, Thompson, Mr. Speaker.

Yes, 68; No, 68; Absent, 15.

The SPEAKER: Sixty-eight having voted in the affirmative and sixty-eight in the negative, with fifteen being absent, the motion does not prevail.

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

An Act to Amend the Charter of the Hallowell Water District (H. P. 345) (L. D. 404)

An Act to Amend the Charter of the Winthrop Water District (H. P. 346) (L. D. 405)

An Act Concerning Qualifications for Appointment to the Board of Commissioners of the Profession of Pharmacy (H. P. 653) (L. D. 813)

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.

Orders of the Day

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

Bill, "An Act to Provide Furloughs from County Jails for 3 Days or More if Reason is Consistent with the Rehabilitation of an Inmate or Prisoner" (H. P. 177) (L. D. 206) (C. "A" H-24)

Tabled—February 25, 1983 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

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

Mrs. NELSON: Mr. Speaker, I move that this bill be passed to be engrossed.

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

Mr. BRODEUR: Mr. Speaker and Members of the House: What this bill does is allow the county jails to go under the same system as the State Prison system. It is very important to the integrity of the system, a fairly fragile system which has many pressures upon it, that we treat inmates even-handedly, that we treat prisoners in the same way.

Presently, the responsibilities that an inmate at a state institution has, treats those inmates in such a way that would grant them rights such as furloughs. If somebody is sentenced to a county jail with a lesser sentence, they are not given these responsibilities. They are treated in a way that is less than those who have a greater sentence.

Under the requirements of the law, county jails are required to rehabilitate and they have very few tools to do so. An example that I use that I am familiar with is that over 50 percent of our inmates and prisoners are in the correctional system because of an alcohol or drug related offense. Presently under the law, in the county jail system it is impossible for the people to be given treatment because they are not allowed in that system. The bill was amended to make it consistent with state statutes.

It seems to me that it is fair and just that this be, that the inmates and prisoners get treated in the same way, that consistency is important and that the tools be given to the sheriffs in the same way they are given to the Department of Corrections.

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

Mr. CARRIER: Mr. Speaker, I move the indefinite postponement of this contemptible legal document 206 and would ask for a roll call.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this Bill and all its accompanying papers be indefinitely postponed and requests a roll call vote.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: We all realized in the last few months what has been happening to our correctional system. The correctional system has been overcrowded and, unfortunately, some of the inmates in the Maine State Prisons had to be moved to county jails. The problem currently is that a Maine State prisoner has different rights in a county jail than an inmate in a county jail. All we are asking in this bill is that the Maine State prisoner and a county prisoner have the same rights on furloughs.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill, it is strictly a housekeeping bill, a bill that eleven of the county sheriffs throughout this state journeyed to Augusta to lobby for. The problem of overcrowding has created many problems in the county jails. This bill would permit the sheriffs to give from three hours to three days to good prisoners who are nearing the end of their sentence. The time is given to them usually to visit a sick child, to attend their child's graduation, to attend the birth of their child and for sickness at home. All this bill will do is give them the same privilege that their cellmate has now.

Because of the crowding in Thomaston,

many judges in the district court are giving such sentences as two years in the Men's Reformatory with one year less one day served in the county jail. When the prisoner is transferred from Windham and from Thomaston, they bring with them the rules of that institution. When they are placed in county jails and a problem arises and they have earned good standing, they are given the time in emergencies to use three hours or three days.

This is not a bleeding heart's bill. This is a bill that I, in all honesty, did not have the time to go over in detail with my good and dear friend J. Robert Carrier. I am sure that a man with the heart that he has would certainly understand this plight.

I urge you to vote against the motion that my dear friend Representative J. Robert Carrier has presented so that we can go and move acceptance of this bill.

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

Mr. CARRIER: Mr. Speaker and Members of the House: This is a short but important bill because it really does a lot of things which they actually haven't said here this morning. From what they say, it appears that the poor guys at Thomaston, they get a few days a month after five or ten years, and the ones in the county jails, who are there for less than a year, and the ones in the county jails, who are there for less than a year, should have the same privilege.

I don't see the three hour deal in this as mentioned, and I can see that it says three days for visiting somebody that is sick or that needs medical services.

It was said here this morning that as it is they were not entitled to medical services. Well, I don't know about Androscoggin County, but I do know that in Cumberland County, whether they are in the county jail or not, they do get medical services if they need them. But I could also picture myself as an inmate down there where I could really do well on this. I could claim a back injury and I would have a three day pass and then I would come back two days later and I could get a neck injury and I would get another three day pass, there is no limitation to how many passes you can get. The reasons are very limited at the start of the bill, but then it says that you leave it to the sheriff or for any other reason consistent with the rehabilitation of the inmate.

Let's be truthful — rehabilitation of the inmates. There are not many that come out of Thomaston or any other place that are rehabilitated unless they, themselves, want to be rehabilitated, unless they want to practice self-discipline. The ones that do, they come out of it all right and they don't need rehabilitation services and all this stuff, and it hasn't worked anyway.

What this bill does is, it leaves these prisoners, whether they come from Thomaston or whether they come from around my county or your county jail, they are still in there because they are criminals, they have done something bad. Do you actually want your family exposed to these people after they have been put in jail, and are we here to circumvent the sentences that the judges give? Are we here to discredit the police officers that work so hard to keep law and order by having these people go on furloughs as many times a month as they want to or as many times a month as the sheriff feels that they should go? Maybe they send them on furlough just to get rid of them and get better behavior out of the others. This is possible.

This is a very broad bill. I don't think it has much value to it. The taxpayers pay, you all pay to keep these prisoners in the prison because they have done something wrong, and rightfully so they are in there because of that and you pay for them. If they go on furlough for three days, you pay for them. If I go on furlough for three days, I don't get paid. If I go for medical services, they don't pay my medical bill

either, I have to pay my own and I don't get paid for the time I take off either, so you could go on with this stuff forever and ever.

What we are saying here is, do we want to maintain the safety of the people of the community? I think we should. I think it is our duty to see that the people are protected just as much as the officers and judges do their job after these people are arrested. I have no sympathy for them. I think if we are going to allow the furlough system on that basis only, to the people in the county jail, then I think we should reverse the furlough system and take it away from the bad people in Thomaston. This is a rather bad approach.

In our county, oddly enough, we just passed the county budget and we gave the sheriff \$5,000. Well, let's see if he can earn that \$5,000.

To me, jails are not made to let them out, they are made to hold them because they have done something bad, and I think that is where they belong.

They talk about overcrowding. Nothing was mentioned this morning that apparently somewhere in the budget 30 new places for these nice people are going to be made down in Charleston. Do you have a TV in your bedroom — the jails that I have visited have TVs for the guys there.

Let's talk about Windham — all they have to do in Windham, ladies and gentlemen, is get up in the morning, make his bed, there is nothing about washing himself, go eat his breakfast and he can come back and sit in his bed all day if he wants to. This is the kind of thing that we are doing. Can you do that? Has anybody offered you that type of living without working?

I don't think we should allow the sheriff to make the decisions. Like I said before, this is an attempt to circumvent the sentencing that the judges and the police officers have worked so hard to get and to control and to deter and punish the prisoners.

I hope you see the good sense in indefinitely postponing this bill and that you will vote for that motion.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Let me remind you of just a few things. First of all, it was a unanimous decision of our committee and every single sheriff in every single county supported this bill. We have given the sheriffs some rights and some authority and then you cut their hands off and there are some things that they can't do. They have asked for the simple privilege to decide who should and who should not be qualified for a furlough. To begin with, you have to have served one third of your sentence before you can even be thought of as having a furlough.

Let me just step to one side and respond of my friend, Representative Carrier from Westbrook. He said that all a person has to do when they get up in the morning when they are in this prison, they don't have to wash their hands, they have their breakfast, they can sit in their room and watch television all day. Ladies and gentlemen, what could be worse for somebody to get up in the morning, have a meal, sit inside a cell, I don't know, maybe five by five, and watch television all day for a year? That is not fun. If any of you have ever been in circumstances where you are tied into a certain place for a certain length of time, it is not good, it is not a country club, it is not easy.

The whole point of furloughs are to rehabilitate, and the question here today is very simple — ye either believe in it, ye either believe that somebody can make a mistake and they have a right to have rehabilitation and go back into society and not do it again or you believe that everybody who is in prison is no good, should stay there forever.

Our laws already say that people who have good time, who have done all the things that are expected of them in prison, if they have served one third of their time, they are entitled

to a furlough. They don't get it willy-nilly, they have to earn it. Our laws say that once you have served that one third of your time and you are at the point where you need to be rehabilitated, you need to visit your home, you need to speak with your children, you need to go to a physician, we don't pay for the physician and we don't pay for the transportation to get there if they are on furlough, you either believe that that is the way it is done and that it should be consistent throughout the entire system, or you believe as Mr. Carrier said, get rid of it all.

That is not what we have before us today. That bill may be coming up in the 275 page corrections bill that we have before our committee, come up and talk to us then. We are not dealing with that problem now. We are dealing with a sense of, if you may use that word, "fairness."

Ninety-seven prisoners who belong in Thomaston, who belong in Windham, are now in your county jails. They have the right to go home, to seek jobs and employment, and really rehabilitate themselves if they are alcoholics or they are drug dependent. The people who are in the county jails for a lesser crime for a small period of time, it is not a crime where there was any guns involved or any murder or anything, these people can't do it, and they can't do it not because they haven't earned "good time," it is because the sheriffs can't give them that privilege. These people have earned that privilege and yet the sheriffs can't do it. They came to us as a committee en masse, every one of those sheriffs, your sheriffs in your county came and asked for the right to do that, and our committee unanimously believed that they should do it. We elected them; it is their job to make sure that those people who are ready for rehabilitation and should see their families or should seek medical care should do it. Now we are asking you to allow them to do that. That is the issue here.

I don't care, as Mr. Carrier said, about people staying in their cells with a television set, that is not the point. Do you believe in rehabilitation, do you believe that your sheriff should have the right to make the determination as to who goes out and who doesn't, or don't you?

I hope that you will vote with the committee, the unanimous decision of the committee, to pass this piece of legislation.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I feel kind of peculiar rising today to speak in support of this bill since I opposed it last year. I speak today in support of L. D. 206. It is a very emotional issue and at one time I considered signing this report out 12 to 1. I decided not to because of a number of reasons.

I believe that this bill will allow equity under the current law. I do not agree with Representative Nelson in the statement that she made that if you support this bill, you support furloughs or you don't I am personally against the concept of furloughs at all. If we had other legislation before us today to totally ban furloughs, I would support it, but I don't believe with the overcrowding of state prisons and we are sending large numbers of prisoners out to the counties, I don't believe that we should be allowing these state prisoners to be treated better than the county prisoners.

Currently, if someone is sentenced to prison in Thomaston and there is overcrowding, they will be sent to the county jails. Someone with a lesser crime might be confined to the county jail and would stay there every day for a year. Meanwhile, someone who might have committed a much more serious crime, currently under Maine law would be allowed, at the sheriff's discretion, or I should say at the warden's discretion, to be put out on furlough.

I am supporting this bill because I believe it will create equity under the current law. It is

not an issue of whether you support furlough or not, in my opinion, because I do not support furloughs at all. But I believe that you have to be fair under current law and this would solve that problem.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I have to change my format around a little bit because I think it is too nice to hear certain statements made without going on to that line of thinking.

In the first place, they say that it is not fun to look at TV all day. Well, I agree with that but it is their choice. They have the choice to go to school while they are in Thomaston, they have the choice of taking part in any of the programs there.

The word rehabilitation has been mentioned a lot. I don't happen to believe in it. I believe it is a senseless affair. We have all kinds of statistics about people going back to prison after they get out, and it is their own choice. It isn't your choice. I could be in prison tomorrow if I wanted or maybe this afternoon, but this is not the right way to do things.

They use the words "prisoners rights"—they have no rights and they should not have any rights. If you want to play on words, we will play on words but the word "rights" is not in its proper place when you are talking about these bills.

Then you want to send them out on furlough. Let's take a look at Cumberland County. A short while ago, somebody did go on furlough who had killed somebody, and while out on furlough they didn't kill anybody but they came close to it. You look at your local papers through the month and you will see that consistently, somebody on furlough attacking and beating up somebody.

We are talking about fairness. Well, do fairness to the people of this state that needs the protection. Do fairness to them this morning by killing this bill because then they can walk safely along the streets in their community and not be scared of these same people who last week beat up somebody and they might get beaten up too.

We have a mixed bag of things here because this particular bill does not protect our people; yet, we have a bill coming up that they are supposed to give bigger sentences if they picked on somebody that is 60 years or over. Does it hurt less if you are 14 or 15 than it does 60 years old? Does it fit in here? I don't think it has.

I can also foresee that with all these visits—you know, they have tried for years over here to present a bill that would give conjugal visits to the people in Thomaston. This is the same type of bill, it is just wearing a different mask, that's all. These guys aren't going to go home and go to church, that is for sure. Think about all these things. . . .

The SPEAKER: The Chair recognizes the gentleman from Portland, Mrs. Nelson, and inquires for what purpose she rises?

Mrs. NELSON: Mr. Speaker, a point of order, I think that is inappropriate.

The SPEAKER: The Chair would caution the gentleman from Westbrook, Mr. Carrier, to be a little bit more careful in his remarks.

Mr. CARRIER: I hope you vote for the indefinite postponement of this bill.

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

Mrs. BEAULIEU: Mr. Speaker, I would like to pose a question through the Chair to any member of the committee who would opt to answer it. If a prisoner or an inmate is transferred now to a county jail because of overcrowding at Thomaston, for example, and that is happening, under whose rule must he or she conform to regarding furloughs?

The SPEAKER: The gentleman from Portland, Mrs. Beaulieu, has posed a question through the Chair to any member of the com-

mittee who may respond if they so desire.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The person who is transferred to the county jail from state prison or the Maine Correctional Center at Charlestown is under the rules and regulations of the Department of Corrections, which at this time a person serving, for instance, the last two or three months of their sentences and being able to be sent to those places can start looking for a job in that area and can have furloughs. The person who is sentenced for 364 days cannot be furloughed unless he has served one third of his time for his sentence. The problem with this state is, we have an overcrowding condition, and the condition has state prisoners in the county jails. It is very hard for the county sheriffs in this state to be looking at a person who has been in there, maybe he has been caught for speeding five times and the judge sentenced him to six months in the county jail, if he is in the county jail, most likely he has lost his job because he is in there for six months. Most employers aren't going to hold their jobs. If the person wants to go out and look for a job, wants to go out and look for a job in parts of that county, he can't get out, he has to wait until he is released.

There are a few things about this furlough that I think has gone too far. There have been times when somebody has been in the county jail when one of their immediate family has passed away or is dying. We allow death bed visits by state prison inmates from Thomaston; yet, we don't allow it for somebody who has been speeding probably five times and has been thrown in the county jail.

Exposed to people—we have heard this 'exposed to people.' You know, we sit here and we spend time and time again debating about prisoners, but we never talk about rehabilitating prisoners. Lock them up for 10 years and then release them. What do they do after 10 years? They have got a chip on their shoulder.

I think it is time that the people of Maine really take a hard look at what is happening in our county jail systems and our state jail systems and start trying to rehabilitate these people before they come out so they are not on the welfare rolls, as people say, or they are not home watching TV every single day.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker and Members of the House: I think where the Town of Thomaston has been spoken about a few times here, I ought to make something clear. Having lived in the town over 30 years and having on occasion worked in the prison on other jobs as a tradesman, I think I have a little knowledge of what goes on there.

I think we have got to look at something else here. Yes, there is overcrowding down there, no question, because we don't treat the prisoners the way we used to treat them; however, I don't think it would be good for the Town of Thomaston to suddenly have a lot of employment both for construction people by building an addition to the prison, or by having additional jobs in the town, I don't think that is the way we want to handle it, but that is something we have got to think about, because if we don't start doing something to straighten these people out, help them along the way, we are going to need two prisons, if not in Thomaston some place else.

There are many people in the Thomaston prison who are graduates of the state's correctional system. They have gone the whole route, from reform school through intermediate, right up through Windham, and they are down in Thomaston. I have had personal conversations with some of those people who will tell you that they do not know how to get along on the outside because from the time they were about 12 years of age someone told them when

to get up, when to go to bed, what to do, they were not given any help or any assistance along the way. I think we have got to look at this before it hits us right in the pocketbook, because if we are going to insist on locking them up and throwing the key away, we are going to have an awful lot of bills to pay in corrections.

I think this bill has some merit and it should be tried.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question. If these prisoners are supposedly let out to go find a job, with the rate of unemployment that we have today, what do you suppose their chances are of getting a job?

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

The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker and Members of the House: I think everything that has to be said on this bill has been said. As a member of the Health and Institutional Services Committee, I am in favor of this bill, and if you believe as I do in equality under the law and rehabilitation, then you will vote to defeat the motion.

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 Westbrook, Mr. Carrier, that this Bill (L. D. 206) and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Carrier, Carter, Conary, Connors, Daggett, Dillenback, Dudley, Foster, Greenlaw, Jackson, Jacques, Kelly, Lebowitz, MacEachern, Martin, A.C.; McHenry, Moholland, Paradis, E.J.; Parent, Paul, Reeves, J.W.; Ridley, Roberts, Rotondi, Scarpino, Soucy, Studley, Vose, Willey.

NAY—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Calahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Davis, Day, Dexter, Diamond, Drinkwater, Erwin, Gauvreau, Gwadnosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Holoway, Ingraham, Joseph, Joyce, Kane, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lewis, Lisnik, Locke, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McCollister, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Murray, Nelson, Norton, Paradis, P.E.; Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, P.; Richard, Rolde, Salsbury, Seavey, Small, Smith, C.B.; Soule, Sproul, Stevens, Stevenson, Stover, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Curtis, Hayden, Hobbins, Jalbert, Kelleher, Livesay, MacBride, Mahany, Master-ton, McGowan, Nadeau, Roderick, Sherburne, Smith, C.W.; Strout, The Speaker.

Yes, 30; No, 105; Absent, 16.

The SPEAKER: Thirty having voted in the affirmative and one hundred and five in the negative, with sixteen being absent, the motion does not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amend-

ment "A" (H-24) and sent up for concurrence.

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

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

Tabled—February 25, 1983 by Representative Brannigan of Portland.

Pending—Adoption of Committee Amendment "A" (H-18)

Mr. Brannigan of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "B" to Committee Amendment "A" (H-32) was read by the Clerk and adopted.

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

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

House at Ease

Called to order by the Speaker.

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

Non-Concurrent Matter

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) which failed of passage to be enacted in the House on February 28.

Came from the Senate passed to be enacted in non-concurrence.

In the House:

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

Mr. CARTER: Mr. Speaker, I move we recede and concur and would like to speak on my motion.

The SPEAKER: The gentleman from Winslow, Mr. Carter, moves that the House recede and concur.

The gentleman may proceed.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We have before us this morning for the second time a document which I think is of grave concern for the citizens of this state. But before I go into an explanation of the document, I think it behooves me to tell those of you who are here for the first time how a budget document of this nature comes about.

You all know that in private industry a budget is normally set up on an annual basis and it has a sufficient contingency account to take care of unforeseen emergencies and shortfalls. In state government, we do not have that luxury. State government prepares a budget on a biennial basis and this budget amounts to \$1.5 billion per biennium of general fund monies. That is a lot of money.

The fiscal year 82-83 budget was for \$699 million, general fund money only. In the fiscal year 81-82, it was for \$640 million. We entered the year, the first half of the biennium, with \$3.6 million surplus—\$3.6 million out of a \$640 million budget. That is less than half a percent. I think this speaks well for the Appropriations Committee members on both sides of the aisle and for the staff that the Appropriations Committee has to work with. It is very difficult to budget and budget this closely.

What we are doing at the moment is considering areas of shortfall and emergencies that have occurred during the second year of the biennium. We are in the process of trying to adjust the annual budget, we do this every session, every year. Usually the first part of the session is devoted to adjusting either the first year or the second year of the biennium. I would

like briefly to go through the document, a document that met with unanimous approval by the Committee on Appropriations, and explain to you what we did and why we did it. In so doing, I would hope that I could convince some of you to agree with the Appropriations Committee and vote so that we may enact this document this morning.

If you will be good enough to take your L. D. 774 and turn to Page 3, I will attempt to explain to you what the committee did that is different from what the original document requested, which was L. D. 233, and how the committee dealt with the document.

If you will back up to Page 2 and look at the Agriculture, Food and Rural Resources Department, all throughout the budget you will see many items that deal with workers' compensation cases. You all know that the state operates on a self-insured basis, and these are monies due for injuries that occurred to state workers. Incidentally, I believe there were 1,600 claims last year, a tremendous amount. Then you will see just below that funds for reclassification, an item that we have no control over. These are reclassification procedures that were approved by the Personnel Department. What the committee did with all of these items was make one motion to accept all of them because we have no control over the, those are funds that have to be there.

If you will move to Page 3, the Attorney General's Department, we added \$20,000 to this account, and this is to provide funds for them Department of Environmental Protection. If you will turn to Section B in the back of the document, which is on Page 19, you will see in the middle of the page where we deappropriated \$10,000 from Land Quality Control and \$10,000 from Water Control and move it over to the Attorney General's Department, which is no additional monies, actually, just a matter of bookkeeping.

Then if you will turn to Page 4, we come to the Department of Corrections. I don't have to remind you how overcrowded the prisons are and the problems that the state faces, but the first item is to pay money to the counties that is already owed for boarding of state prisoners. The amount requested there was \$438,000. The Appropriations Committee agreed to provide \$340,000 and its reasoning is—and due to the fact that on the following page, if you will look at the top of Page 5, you will see Charleston Correctional Center, we approved monies there to open up an additional cottage which will house an additional 30-odd prisoners. In view of that, we decided to cut the boarding funds down to \$340,000; we cut it by \$60,000.

The next major item that we had to deal with is on Page 7, Education in Unorganized Territories. This used to be called School Costs in Unorganized Territories, formerly known as SCUT, and some people objected to that so we thought we would change it to Education in Unorganized Territories—\$608,000. These are funds that are needed for increased tuition costs and transportation costs. Generally, these funds are offset by taxes in the unorganized territory which go directly to the General Fund.

The next item of importance to many communities, many of your constituents, is on the bottom of Page 9 and it deals with the State Planning Office, Community Development. This is an item that will provide \$24,000 for community development block grants and this is for technical assistance. What the department hopes to do is to take advantage of the summer construction season by moving up the award of the grants from August 1st to May 1st. If these funds are not provided, the whole summer season will be lost, and this indirectly helps to alleviate the unemployment problem in the state.

If you will turn to Page 12, the bottom of the page, we are appropriating \$1.8 million for the

catastrophic illness problem. Those of you who were here in the last session, if you will recall, we changed the qualification requirements to qualify under this program, but there were some in the pipeline and these funds are necessary to offset the shortfall that is resulting from those that were still on the pipeline. If the Governor's program, incidentally, is successful, which is his proposal for perspective hospital cost payments, then this item will no longer be necessary as an appropriation item.

The next item of importance is at the top of Page 13, state funds for purchase of social services, \$513,000. This is necessary because the federal government has changed its method of allocating funds. Instead of providing the funds in the beginning of the quarter, they now provide funds at the tail end of the quarter; consequently, a one-shot appropriation is needed to cover that deficiency.

Down toward the middle of the page of equal importance is the General Assistance appropriation request, \$2,050,000. It provides funds for a shortfall in the General Assistance payments to municipalities. As you all know, we are in a situation in this country but, nevertheless, we are in it and more and more people are relying on your community, my community for assistance, and consequently a shortfall has developed in this area and will continue to grow. What takes place is that when the municipalities exceed 3 percent of their valuation, the state has to kick in its share, which is 90 percent of the dollar. This account amounts to, as I said before, \$2,050,000. We have been told that we can expect to see this reach somewhere around \$7.5 million in FY-85.

The committee also added \$20,000 of new dollars for the Community Family Planning Program. This actually is for a peer counseling program in Auburn, and originally there was a \$57,000 appropriation for this item but it was not utilized and what we did here is similar to what I explained to you previously, we deappropriated \$57,000 from this program and appropriated \$20,000, which is just another bookkeeping item.

On the top of Page 14 is the Judicial Department, court costs — \$1,036,000, which is necessary because of the current shortfall in the court system and the projected shortfall for the end of this fiscal year.

Next item is the legislative account, the bulk of it is for personnel services. You know the employees of the legislature are not unionized and when the state employees get pay raises through collective bargaining, the legislative employees are treated in the same fashion, and this is the sum of money to take care of that problem.

The next item is "All Other" which is \$100,000, and \$60,000 of that was for the tote board that you see in front of you, the new tote board. The remaining items are in the same category, personnel services.

Another item of great importance to some of the people in northern Maine is on Page 15, the Mental Health and Corrections Department, additional positions and funds for the Bangor Mental Health Institute. As you know, the Bangor Mental Health Institution has been accredited but it is due for a reevaluation on the first of April, and these are areas of deficiencies that have been pointed out to the administrators of the institute and if they are not corrected, Bangor Mental Health will lose its accreditation on the 1st of April.

I have gone through the bulk of the items that make up this budget and they total, if you will look at the top of Page 18, \$8,784,000 and what the committee has done in Part B is, we have deappropriated \$5.9 million, or \$6 million, from areas in the General Fund where this could be done in. Consequently, the total amount of new dollars required in this budget amounts to \$2.8 million, which is going to come out of the \$3.6 million which I pointed out to you that existed when we finished the first

fiscal year of this biennium; in other words, fiscal year 81-82. All we are doing is appropriating \$2.8 million of new monies.

I would hope that this explanation sort of alleviates some of your questions, unasked questions, and that you will see your way clear to vote with me and the Appropriations Committee in the passage of this document.

When the vote is taken, Mr. Speaker, I request the yeas and nays.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I'm speaking as an individual inasmuch as neither of the parties here, to my knowledge, has taken a stand on this budget, but the reason why I am voting against this budget is that I believe that the time has come to cut back. I understand that Mr. Shapiro has been quoted recently as saying that the \$12 million surplus would be gone by June, and it seems to me, at the rate we are spending money around here, it might be gone a lot sooner than that.

I am against this budget because it sets a very bad example. I think it is time that we get our own house, and I mean this House, in order and it is time that we run a lean ship around here. For example, I have been told that 10 years ago the Clerk of the Houses staff was 17 individuals and I have been told that today that staff is 33 individuals. These figures might be perhaps a bit wrong but certainly we have seen an increase in staffing in the legislature over the past 10 years.

We are all expecting the people of the state of Maine to cut back, to cut back in their own individual budgets in their homes, and we are expecting county budgets and these other budgets to cut back. I think if we expect the rest of government and the individuals in their homes to run a lean ship, we should be doing the same here in the House of Representatives.

I am voting against this budget because of the unnecessary increases in the legislature's budget and I am faced with the problem that always faces us. Do you vote against the whole because most of it is good but a little bit is bad, or do you vote for it because most of it is good and just a little bit is bad? I personally, in my own conscience, feel that it is better to vote no to try to stop these increases so we can reach a compromise and then we can pass the really good programs that are in this budget.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: First of all, I am concerned about the timing of this debate. It means that two Representatives, Representative Higgins of Scarborough and Representative Davis of Monmouth, are unable to remain here to listen, to speak, to vote—

The SPEAKER: The Chair would advise the gentleman from Kennebunk, Mr. Murphy, that both gentlemen were given the opportunity to change the hour of television debate and neither one accepted the offer. The gentleman may proceed on the issue before us.

Mr. MURPHY: Thank you, Mr. Speaker. As an individual, my no vote yesterday was and my no vote today will be against this \$54,000 patronage items included within the document.

During a week when Maine's unemployment has gone up, this is our response, to add two new public positions and to expand two part-time positions.

I agree totally with the Chairman of the Appropriations Committee, this is a most important bill. Remove the \$54,000 and you will have this Representative's vote, it is that simple. Delete the \$54,000, and possibly there will be enough votes to move this bill along and within a day, two days, have that bill signed into law. Without that deletion, I would urge members in this chamber to vote no on the motion to recede and concur.

The SPEAKER: The Chair, in light of House

Rules 1 and 2, would advise members of the House that the information provided by both of the previous Representatives who have spoken is inaccurate. The Chair would advise members of the House that a contract was signed, which the gentleman from Kennebunk, Mr. Murphy, referred to, as a result of the adoption of a House Rule in December. To violate that, of course, is a violation of contract, and I am sure that the gentleman from Kennebunk is fully aware of contracts. It makes absolutely no difference, in reference to the two remarks made by the gentleman from Kennebunk, regardless of his intention, good or bad, it has no impact whatsoever, because under present statute, present law, the Speaker and the President have total and complete control of the budget with their signature to operate both ends of the hall. The correction that was made in the budget deals specifically with the Secretary of the Senate and the Assistant Secretary of the Senate, which for the past eight years, under previous administration, those same persons were coming in and were being paid salaries in violation of state law. That was a correction to correct the problem that had in fact been occurring.

The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would like to pose a question to the Chair, if I may?

The SPEAKER: The gentleman may pose his question.

Mr. BROWN: Mr. Speaker, I understand the situation that you just described. I am just curious how, and perhaps you could respond, a contract could have been prepared and signed and I guess delivered without the appropriation of money?

The SPEAKER: The Chair would advise the gentleman that the legislature operates within a total budget, it is unallocated. You will note that the way the budget is structured and this is history, I had nothing to do with it, I didn't structure it that way, an allocation is made to the legislative account which the legislature draws from with the approval of the Speaker and the President. This was not created by my administration — with two exceptions and those two exceptions being, the Law Library and Legislative Research Office. All of the funds are from an open account, unallocated, unstructured, and may be used for personnel, purchase of equipment, travel, printing and whatever else that is approvable pursuant to law.

In reference to the gentleman, there is no written contract, it was an oral contract negotiated in December, which is, as you know, just as binding.

The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, I would like to pose a question to the Chairman of the Appropriations Committee, the gentleman from Winslow, Mr. Carter.

Before I direct my question, I want to thank him for the rather extensive review of the budget, but I did notice, however, that he passed over the two items that some of us are concerned about and that leads me to the text of my question, which is similar to the one I asked the other day. We are talking about the total of \$54,000 here, which the Speaker has told us can come from unallocated funds which are available to the Speaker and to the President of the Senate. Again I would ask the question of the gentleman from Winslow, since the \$54,000 combined items are included in the Supplemental Budget, was the unallocated portion of the unallocated funds that the Speaker referred to earlier reduced by \$54,000 to offset the additional amounts requested in the budget?

The SPEAKER: The gentleman from Livermore Falls, Mr. Brown, has posed a question through the Chair to the gentleman from Winslow, Mr. Carter, who may respond if he so de-

sires.

The Chair recognizes that gentleman.

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: First of all, before I answer the gentleman's question, I did not choose to ignore any portion of the explanation; I stopped at the total appropriation. The rest of the budget is deappropriation, which we covered, and the other parts are language only; there is no money attached to it. It is just language to clarify what we are doing in the section that I attempted to describe up to that point. The funds that you speak of are included in the legislative appropriation, as I pointed out to you in the first debate that we had on this document.

The SPEAKER: The Chair recognizes the gentleman from Livermore Falls, Mr. Brown.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen: Again I address the question to the Chairman of the Appropriations Committee, Mr. Carter—was the \$54,000 figure deallocated from the legislative fund?

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

Mr. CARTER: Mr. Speaker, Members of the House: In an attempt to answer the good gentleman's question, there really is no line item in this budget, and all we are doing is appropriating a sum of money and, as the Speaker has pointed out, whether we approve these items or not, they can utilize funds that we appropriated in the prior biennium, prior fiscal year of the biennium, and I believe there is only \$30,000 in this appropriation, not \$54,000. I imagine the balance of the \$54,000 is in the existing budget, not in this one.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: Did you try to tell us that whether we accept this budget or not, these people are going to be hired anyway?

The SPEAKER: The Chair would respond in the affirmative. The Chair would advise the gentlewoman that they have been hired and whether the money is provided in this fashion or not, that the Chair has an option under present law simply to prevent paying you expenses back home, etc., and not signing that voucher instead of signing the other one under present law.

Mrs. MARTIN: Mr. Speaker, are you threatening me?

The SPEAKER: The Chair would answer in the negative.

Mrs. MARTIN: Mr. Speaker, I wasn't here when that contract that you talk about was signed, I was out, so I am not responsible for what I am going to do today.

The SPEAKER: The Chair understands.

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 Winslow, Mr. Carter, that the House recede and concur. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House for enactment. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, K.L.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebo-

witz, Lehoux, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Seavey, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Zirkilton, The Speaker:

NAY—Bonney, Bott, Brown, D.N.; Cahill, Callahan, Conary, Day, Dexter, Dillenback, Greenlaw, Holloway, Ingraham, Jackson, Kiesman, Lewis, MacBride, Martin, A.C.; Masterman, Matthews, K.L.; McPherson, Murphy, Paradis, E.J.; Parent, Pines, Randall, Reeves, J.W.; Salisbury, Scarpino, Small, Sproul, Stover, Studley, Walker, Webster, Wentworth, Weymouth, Willey.

ABSENT—Brown, A.K.; Connors, Curtis, Davis, Higgins, L.M.; Hobbins, Jalbert, Livesay, Mahany, Roderick, Sherburne, Strout.

Yes, 102; No, 37; Absent, 12.

The SPEAKER: One hundred and two having voted in the affirmative and thirty-seven in the negative, with twelve being absent, the motion does prevail.

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

(Off Record Remarks)

On motion of Mr. Lisnik of Presque Isle,
Adjourned until nine o'clock tomorrow morning.