

# 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, March 9, 1983

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

Prayer by Father Donald Daigle of St. Peter's Church, Bingham.

The journal of yesterday was read and approved.

#### Papers from the Senate

Bill "An Act to Equalize Health Insurance Benefits for Retired State Employees" (S. P. 323) (L. D. 968)

Came from the Senate referred to the Committee on Aging, Retirement and Veterans and ordered printed.

(Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs)

In the House, was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Establish a Numerical Whole Life Factor to be Placed Voluntarily on Food Items Sold at the Retail Level in Maine" (S. P. 322) (L. D. 967)

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.

RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of Northern New England and Quebec and the Maritimes (S. P. 324) (L. D. 969)

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

(Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs)

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

Bill "An Act to Create a Capital Improvement Fund for the Maine Veterans' Memorial Cemetery" (S. P. 337) (L. D. 982)

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 Provide a Time for Citizen Input at University of Maine Board of Trustees' Meetings" (S. P. 325) (L. D. 970)

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

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

Bill "An Act to Require Legislative Approval of Regional Radioactive Waste Facilities" (S. P. 327) (L. D. 972)

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 Create a State Civil Rights Law" (S. P. 329) (L. D. 974)

Bill "An Act to Change the Definition of Firearm in the Maine Criminal Code" (S. P. 328) (L. D. 973)

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

In the House were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Clarify the Administration of

the Department of Labor" (S. P. 333) (L. D. 978)

Bill "An Act Concerning Workers' Compensation for Officers of Corporations" (S. P. 332) (L. D. 977)

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

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

Bill "An Act to Preserve Negotiated Contracts Between School Committees and Various Bargaining Agents" (Emergency) (S. P. 331) (L. D. 976)

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

In the House: Mrs. Beaulieu of Portland moved that the Bill be indefinitely postponed in non-concurrence.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that this Bill be indefinitely postponed in non-concurrence.

The gentlewoman may proceed.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The Committee on Labor has already heard eight bills on this issue. We are at the point where we are getting ready to workshop those bills.

I have communicated with the member of the other body who is the prime sponsor on this bill, and he concurs that we should let it go. However, it will become part of the package, where it is printed, that the two subcommittees will be working on, so he concurs that we should kill the bill on reference. That is why the motion.

The SPEAKER: The Chair would advise the gentlewoman that this matter, if indefinitely postponed, will not be reconsidered and cannot be considered by the committee, and any language which is in this bill will not become part of any package which comes out of the Labor Committee.

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

Mrs. BEAULIEU: Mr. Speaker, I have no problems with the language in this bill but it is identical to what we have in other L.D.s before us.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with the good lady's motion, although I might agree with some of her comments. I think this House would be ill-advised not to send this bill or any other bill to the committee for which it was put in for. If there are 19 bills down there just the same, I dislike, and always have, not referring bills to committee before they have had a public hearing.

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

Mrs. BEAULIEU: Mr. Speaker, what does this mean? If we allow it to go, we will have to have another hearing on the same issue which has already taken place?

The SPEAKER: The Chair would advise the gentlelady that she need not hold another public hearing; that is not a requirement of the rules.

Mrs. BEAULIEU: Mr. Speaker, I do let my motion stand. Do with it whatever you wish. I will ask for a division.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I would humbly suggest that the gentlewoman might withdraw her motion and then the bill could go to committee and she can deal with it there.

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

Mrs. BEAULIEU: Mr. Speaker, I will withdraw my motion. You explain it to the member at the other end of the hall.

Thereupon, the Bill was referred to the Committee on Labor in concurrence. (Later

Reconsidered)

Bill "An Act Relating to the Annual Adjustment under the Workers' Compensation Act" (S. P. 330) (L. D. 975)

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

In the House, were referred to the Committee on Labor and ordered printed.

Bill "An Act Concerning Public Easements for Access to Harvested Lands and Cemeteries" (S. P. 326) (L. D. 971)

Came from the Senate referred to the Committee on Local and County Government and ordered printed.

In the House, was referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Provide an Income Tax Credit for Automobile Child Restraint Devices" (S. P. 334) (L. D. 979)

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.

Bill "An Act Concerning Handicapped Parking" (S. P. 336) (L. D. 981)

Bill "An Act to Authorize the Commissioner of Transportation in Maine to Enter into Interstate Agreements Related to Reciprocal Enforcement of Fuel Use Laws" (S. P. 335) (L. D. 980)

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

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

#### Reports of Committees Ought to Pass as Amended

Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-14) on Bill "An Act to Establish a Sign on the Maine Turnpike for Bates College" (S. P. 108) (L. D. 261)

Came from the Senate with the Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-14) as amended by Senate Amendment "A" (S-18) thereto.

In the House, the Report was read and accepted, and the Bill read once. Committee Amendment "A" (S-14) read. Senate Amendment "A" (S-18) to Committee Amendment "A" (S-14) read and adopted in concurrence. Committee Amendment "A" (S-14) as amended by Senate Amendment "A" (S-18) thereto adopted in concurrence and the Bill assigned for Second Reading on Thursday, March 10.

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act to Clarify Citizen Standing in Environmental Litigation" (H. P. 733) (L. D. 942) which was referred to the Committee on Energy and Natural Resources in the House on March 2, 1983.

Came from the Senate referred to the Committee on Judiciary in non-concurrence.

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

#### Non-Concurrent Matter Later Today Assigned

Bill "An Act to Amend the Law Governing Construction Permits and the Examination of Plans by the Office of State Fire Marshall" (H. P. 744) (L. D. 956) which was referred to the Committee on Legal Affairs in the House on March 2, 1983.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

In the House: On motion of Mr. Cox of Brewer, the House voted to recede and concur.

#### Non-Concurrent Matter

Bill "An Act to Require Mandatory Jail Sentences for Trafficking or Furnishing Drugs"

(H. P. 122) (L. D. 130) on which the Minority "Ought to Pass" in New Draft (H. P. 742) (L. D. 929) Report of the Committee on Judiciary was read and accepted and the New Draft passed to be engrossed as amended by House Amendment "B" (H-47) in the House on March 7, 1983.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Judiciary read and accepted in non-concurrence.

In the House:

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, I move that we insist and ask for a committee of conference.

The SPEAKER: The gentleman from Island Falls, Mr. Smith, moves that the House Insist and ask for a Committee of Conference.

The gentleman may proceed.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We know there is a problem out there with drugs and it is hard for me to believe that we, the legislature, cannot address it in some manner. The problem is not going to go away. To do nothing is to condone it.

I hope you will support my motion so we might find a way to address this problem.

Thereupon, on motion of Mr. Smith of Island Falls, the House voted to insist and ask for a Committee of Conference.

#### **Petitions, Bills and Resolves Requiring Reference**

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

##### **Agriculture**

Bill "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" (H. P. 871) (Presented by Representative Michael of Auburn) (Cosponsors: Representative McCollier of Canton and Senator Erwin of Oxford) (Ordered Printed)

Sent up for concurrence.

##### **Appropriations and Financial Affairs**

Bill "An Act to Assist Mediation of Consumer Complaints" (H. P. 872) (Presented by Representative Murray of Bangor)

Bill "An Act to Complete the Statewide Coordination System for Preschool Handicapped Children" (H. P. 873) (Presented by Representative Locke of Sebec) (Cosponsors: Representatives Lisnik of Presque Isle, Connolly of Portland and Senator Najarian of Cumberland)

(Ordered Printed)

Sent up for concurrence.

##### **Health and Institutional Services**

Bill "An Act to Permit the Maine Health and Higher Education Facilities Authority to Issue Hospital Equipment Loan Program Revenue Bonds, to Allow Nonprofit Health Services' Groups to Participate in the Authority's Programs, and for other Purposes" (H. P. 874) (Presented by Representative Kelleher of Bangor)

Committee on Appropriations and Financial Affairs was suggested.

On motion of Mrs. Nelson of Portland, the Bill was referred to the Committee on Health and Institutional Services, ordered printed and sent up for concurrence.

##### **Business Legislation**

Bill "An Act Concerning Advertising by Chiropactors" (H. P. 875) (Presented by Representative Racine of Biddeford)

Bill "An Act to Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance" (H. P. 876) (Presented by Representative Brannigan of Portland)

(Ordered Printed)

Sent up for concurrence.

##### **Education**

Bill "An Act to Revise the Truancy Laws" (H. P. 877) (Presented by Representative Thompson of South Portland) (Cosponsors: Representatives Mitchell of Vassalboro, Rolde of York and Senator Hayes of Penobscot)

(Ordered Printed)

Sent up for concurrence.

##### **Fisheries and Wildlife**

Bill "An Act to Create a Nonresident Property Owner Fishing License" (H. P. 878) (Presented by Representative Jackson of Harrison) (Cosponsors: Senator Twitchell of Oxford and Representative Roderick of Oxford)

(Ordered Printed)

Sent up for concurrence.

##### **Health and Institutional Services**

Bill "An Act Relating to the Education of Dependent Children" (H. P. 879) (Presented by Representative Connolly of Portland)

(Ordered Printed)

Sent up for concurrence.

##### **Later Today Assigned**

Bill "An Act to Establish a Program of Emergency Assistance to Needy Families with Children" (H. P. 880) (Presented by Representative Connolly of Portland)

Committee on Health and Institutional Services was suggested.

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

##### **Health and Institutional Services cont'd.**

Bill "An Act to Amend the Municipal General Assistance Reimbursement Law" (Emergency) (H. P. 881) (Presented by Representative Michaud of East Millinocket) (Cosponsors: Representative Dudley of Enfield and Senator Redmond of Somerset)

(Ordered Printed)

Sent up for concurrence.

##### **Judiciary**

Bill "An Act to Extend the Time for Acquiring those Areas which have been Designated Potential Passamaquoddy Indian Territory, and to Designate Certain other Areas as Potential Passamaquoddy Indian Territory" (H. P. 882) (Presented by Representative Vose of Eastport)

Bill "An Act to Redefine the Insanity Plea" (H. P. 883) (Presented by Representative Scarpino of St. George)

(Ordered Printed)

Sent up for concurrence.

##### **Labor**

Bill "An Act to Increase the Minimum Wage" (H. P. 884) (Presented by Representative Connolly of Portland) (Cosponsors: Representatives McHenry of Madawaska and Senator Hayes of Penobscot)

(Ordered Printed)

Sent up for concurrence.

##### **State Government**

Bill "An Act to Establish a Uniform Maximum Per Diem Allowance for State Boards and Agencies" (H. P. 885) (Presented by Representative Racine of Biddeford) (Cosponsors: Representatives Sproul of Augusta and Dillenback of Cumberland)

(Ordered Printed)

Sent up for concurrence.

##### **Transportation**

Bill "An Act to Suspend Operation Authority on Motor Vehicles which Fail to Comply with the Gasoline Reporting Law" (H. P. 886) (Presented by Representative Higgins of Scarborough) (Cosponsors: Representatives Ingraham of Houlton, Carroll of Limerick and Senator Emerson of Penobscot)

(Ordered Printed)

Sent up for concurrence.

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

Representative McGowan from the Committee on Energy and Natural Resources on Bill "An Act to Encourage the Use of Wind Power" (H. P. 313) (L. D. 372) reporting "Ought Not to Pass"

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

##### **Unanimous Leave to Withdraw**

Representative Stevens from the Committee on Business Legislation on Bill "An Act Concerning Mandatory Vehicle Liability Insurance" (H. P. 119) (L. D. 127) reporting "Leave to Withdraw"

Representative Stevens from the Committee on Business Legislation on Bill "An Act to Require Financial Responsibility and Insurance be Provided before being Permitted to Operate a Motor Vehicle" (H. P. 146) (L. D. 154) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act to Exempt Certain Paraplegic Individuals from Property Taxation" (H. P. 208) (L. D. 252) reporting "Leave to Withdraw"

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

##### **Ought to Pass in New Draft**

Representative Ainsworth from the Committee on Marine Resources on Bill "An Act to Increase the Sardine Inspection Tax" (H. P. 158) (L. D. 183) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 869) (L. D. 1117)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, March 10.

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

Representative Stevens from the Committee on Business Legislation on Bill "An Act Relating to the Use of an Assumed Name by a Non-profit Corporation" (H. P. 299) (L. D. 358) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Use of Assumed Names by Corporations" (H. P. 870) (L. D. 1118)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Thursday, March 10.

##### **Consent Calendar**

###### **First Day**

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

(S. P. 223) (L. D. 660) Bill "An Act to Change Price Posting Requirements for Beer and Table Wine Suppliers"—Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-15)

(H. P. 541) (L. D. 734) Bill "An Act Relating to Powers of the Board of Trustees of the Maine Maritime Academy and to Authorize Conferral of the Master of Science Degree in Maritime Management"—Committee on Education reporting "Ought to Pass"

(H. P. 243) (L. D. 290) Bill "An Act Regarding Courses and their Equivalency Offered at Various Units of the University of Maine"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-51)

(H. P. 572) (L. D. 720) Bill "An Act to Permit Real Estate Agents to be Considered Independent Contractors for Purposes of Workers' Compensation Insurance"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-52)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 10, under the listing of the Second Day.

### Consent Calendar Second Day

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

(S. P. 161) (L. D. 449) Bill "An Act Relating to Fines for Committing a Fraudulent Act under the Liquor Laws" (C. "A" S-13)

(H. P. 325) (L. D. 384) Bill "An Act to Expand the Authority of Probate Judges to Appoint Temporary Guardians"

(H. P. 402) (L. D. 485) Bill "An Act Concerning Court Procedures Dealing with Notice in Liability Cases"

(H. P. 560) (L. D. 710) Bill "An Act to Authorize a July 1st to June 30th Fiscal Year for Counties"

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

### Passed to Be Engrossed

Bill "An Act to Include Interpreters for the Hearing Impaired Within the Evidentiary Communications Privilege" (S. P. 338) (L. D. 966)

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

### Second Reader

#### Later Today Assigned

Bill "An Act Relating to the State Harness Racing Commission" (H. P. 439) (L. D. 532)

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

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

### Passed to Be Engrossed Amended Bill

Bill "An Act to Prevent Combining more than one Bond Issue Item in a Single Bond Issue Bill and to Correct Statutory Provisions Relating to Showing Bond Interest on Ballots" (H. P. 278) (L. D. 338) (C. "A" H-46)

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

By unanimous consent, ordered sent forth with to the Senate.

### Passed to Be Enacted

An Act to Require Training for Certain Part-time Law Enforcement Officers (S. P. 295) (L. D. 881) (S. "A" S-12)

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

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

An Act to Require the Use of Generic Drugs in the Low-cost Drug Program for the Elderly (H. P. 157) (L. D. 182) (C. "A" H-23)

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

The SPEAKER: The Chair recognizes the gentleman from Mount Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker, I would pose a question through the Chair. On the 28th of February, Roll Call No. 34, this body voted to accept the Majority "Ought Not to Pass" on L.D. 182, and I guess I would question how this got on the list of enactors after this body doing that. If anyone could answer that, I would appreciate it.

The SPEAKER: The Chair would advise the gentleman that on the 3rd of March this body voted to recede and concur. The other body had engrossed it and we engrossed it in con-

currence on a motion by the gentleman from Island Falls, Mr. Smith.

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

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)

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

Mr. Carrier of Westbrook requested a roll call vote.

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

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

The SPEAKER: The pending question is on passage to be enacted.

The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, I wish to pair my vote with the gentleman from Lewiston, Mr. Jalbert. If he were here, he would be voting yes; if I were voting, I would be voting no.

The SPEAKER: The pending question is on passage to be enacted. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

### ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beaulieu, Bell, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, D.P.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Day, Dexter, Drinkwater, Gauvreau, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Joseph, Joyce, Kane, Kelleher, Ketover, Kiesman, Kilcoyne, LaPlante, Lewis, Lisnik, Livesay, Locke, MacBride, Macomber, Manning, Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McColister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, Murray, Nadeau, Nelson, Paradis, P.E.; Pines, Racine, Randall, Reeves, P.; Richard, Rolde, Seavey, Small, Soule, Stevens, Stover, Swazey, Telow, Theriault, Thompson, Walker, Webster, Zirnkilton, The Speaker.

NAY—Allen, Anderson, Armstrong, Bonney, Carrier, Carroll, G.A.; Carter, Conners, Crowley, Daggett, Davis, Dillenback, Dudley, Erwin, Foster, Greenlaw, Jackson, Jacques, Kelly, Lebowitz, Lehoux, MacEachern, Martin, A.C.; Masterman, McHenry, Moholland, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Pouliot, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Strout, Tammaro, Tuttle, Wentworth, Weymouth, Willey.

ABSENT—Benoit, Conary, Curtis, Diamond, Gwadosky, Mahany, Masterton, Roberts, Rotondi, Sherburne, Studley.

PAIRED—Jalbert-Vose.

Yes, 89; No, 49; Absent, 11; Paired, 2.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-nine in the negative, with eleven being absent and two paired, the motion does prevail.

Signed by the Speaker and sent to the Senate.

An Act to Amend the Banking Code Regarding Directors' Meetings and Regarding Service Corporations (H. P. 295) (L. D. 354) (H. "B" H-32 to C. "A" H-18)

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. 472) (L. D. 571)

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

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.

### Finally Passed

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 (H. P. 526) (L. D. 651)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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:

HOUSE DIVIDED REPORT—Majority (9) "Ought Not to Pass"—Minority (2) "Ought to Pass" Committee on Fisheries and Wildlife on Bill "An Act to Permit Hunting for Small Game after 12 noon on Sunday" (H. P. 42) (L. D. 47)

Tabled—March 8, 1983 by Representative Kelleher of Bangor.

Pending—Motion of Representative MacEachern of Lincoln to accept Majority "Ought Not to Pass" Report.

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

Mr. CONNERS: Mr. Speaker, Ladies and Gentlemen of the House: I am opposed to the motion "Ought Not to Pass" by the majority and I hope that you will accept the Minority "Ought to Pass" Report. This amendment allows hunting in unorganized townships; this takes it away from the villages.....

The SPEAKER: The Chair would ask the gentleman to please make no comment about his amendment.

Mr. CONNERS: Okay, Mr. Speaker. I hope that you will oppose the "Ought Not to Pass" Report and accept the "Ought to Pass" Report.

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

Mr. MACEachERN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind you that this is an 11 to 2 report and there is a message there.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Lincoln, Mr. MacEachern, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

87 having voted in the affirmative and 36 in the negative, the motion did prevail.

Sent up for concurrence.

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

SENATE REPORT—"Refer to the Committee on Business Legislation" Committee on Legal Affairs on Bill "An Act to Provide for the Use of Major Credit Cards at Selected State Liquor Stores" (S. P. 160) (L. D. 448)

Tabled—March 8, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of Committee Report and tomorrow assigned.

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

Bill "An Act to Authorize the Maine Criminal Justice Academy to Revoke Officer Certification" (H. P. 865) (Committee on Judiciary suggested)

Tabled—March 8, 1983 by Representative Gwadosky of Fairfield.

Pending—Reference.

On motion of Mrs. Mitchell of Vassalboro, tabled pending reference and later today assigned.

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

Bill "An Act to Ensure the Safe Operation and Installation of Boilers used by Electric Utilities" (H. P. 861)

— In House, Referred to the Committee on Public Utilities

Tabled—March 8, 1983 by Representative Vose of Eastport

Pending—Motion of Representative Vose of Eastport to Reconsider Reference to the Committee on Public Utilities.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on Public Utilities.

On motion of Mr. Vose of Eastport, the bill was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter:

Bill "An Act to Establish a Program of Emergency Assistance to Needy Families with Children" (H. P. 880) which was tabled and later today assigned pending reference. (Committee Health and Institutional Services was suggested)

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

The Chair laid before the House the following matter:

Bill "An Act Relating to the State Harness Racing Commission" (H. P. 439) (L. D. 532) which was tabled and later today assigned pending passage to be engrossed.

On motion of Mr. Michael of Auburn, tabled pending passage to be engrossed and tomorrow assigned.

The Chair laid before the House the following matter:

Bill "An Act to Authorize the Maine Criminal Justice Academy to Revoke Officer Certification" (H. P. 865) which was tabled and later today assigned pending reference. (Committee on Judiciary suggested)

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

Mr. PARADIS: Mr. Speaker, I move that this Bill be referred to the Committee on State Government.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: This bill is a kind bill; it is the kind bill that should never reach this House. This is the bill that our Speaker stood on the podium the other day, held it in his hand, said he was in search of a sponsor. The bill had me at one time as the prime sponsor. It was presented to me from the second floor, I looked at it and said, no way. This bill then moved about the House and from that front row to the back row there were cosponsors on the bill—on the bill and off the bill within 24 hours.

This is the type of bill that when it goes to committee, there is going to be a lot of technicalities. Basically what it will do is turn the operation of your police department over to the Criminal Justice Academy. They will make the rules, certify the people, and cross out the people for violations that they don't list.

I have great problems with this. Spending a lifetime in law enforcement, I am firmly convinced that law enforcement is a commodity, that you don't need the same type of law enforcement in the war zone in Portland that you need up in Belfast or in Frenchville, or in Calais. I don't think somebody else should run your police department and this seems to be what this bill does.

I guess I should commend the Speaker. He did find some brave individual that would sponsor this bill, and I urge you not to send it to

the committee that has been proposed. I then would ask that you send it to the Judiciary Committee where they intended it to go, when I was a sponsor, when our good and dear friend, Mr. Drinkwater, who was a cosponsor, when my honorable retired state trooper from the back row, Representative MacEachern, was a cosponsor.

I would request a division, Mr. Speaker.

On motion of Mr. Hobbins of Saco, tabled pending the motion of Mr. Paradis of Augusta that the Bill be referred to the Committee on State Government and tomorrow assigned.

On motion of Mrs. Beaulieu of Portland, the House reconsidered its action of earlier in the day whereby Bill "An Act to Clarify the Administration of the Department of Labor" (S. P. 333) (L. D. 978) was referred to the Committee on Labor.

On further motion of the same gentlewoman, the Bill was referred to the Committee on State Government in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. McSweeney of Old Orchard Beach,

Adjourned until nine o'clock tomorrow morning.