

# 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 23, 1983

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

Prayer by the Reverend Stephen Fisher of the First Parish Church Congregational, United Church of Christ, Freeport.

The journal of yesterday was read and approved.

**Papers from the Senate**

Bill "An Act Relating to the Notification of Intent to Apply Pesticides" (S. P. 401) (L. D. 1249)

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

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

Bill "An Act to Revise the Classification System for Maine Waters" (S. P. 402) (L. D. 1250)

Bill, "An Act to Protect the Public Use and Enjoyment of Maine's Important Rivers" (S. P. 403) (L. D. 1251)

Bill "An Act Concerning Inspection, Registration and Abandonment of Dams" (S. P. 404) (L. D. 1252)

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

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

Bill "An Act Concerning Fishways in Dams and Other Artificial Obstructions in Inland Waters" (S. P. 405) (L. D. 1253)

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

In the House, was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act Concerning Smoking in Nursing Homes" (S. P. 406) (L. D. 1254)

Bill "An Act to Establish Day Care Services for State Employees" (S. P. 407) (L. D. 1255)

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

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

Bill "An Act to Provide Court Jurisdiction over Juvenile Runaways" (S. P. 408) (L. D. 1256)

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

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

Bill "An Act Concerning Games for Prizes" (S. P. 409) (L. D. 1257)

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

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

Bill "An Act for the Town of Bethel to Acquire the Assets and Liabilities of the Bethel Water District and for the Dissolution of the Bethel Water District" (S. P. 410) (L. D. 1258)

Bill "An Act Regarding Rate Increase Filings by Water Districts" (S. P. 412) (L. D. 1259)

Bill "An Act to Allow the Public Utilities Commission to set Rates on the Basis of Interpretation of Federal Law" (S. P. 413) (L. D. 1260)

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

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

**RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax**

Law" (Emergency) (S. P. 414) (L. D. 1261)

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 to Authorize Bond Issue in the Amount of \$24,600,000 for Highway and Bridge Improvements to Match Federal Funds and to Accelerate the Improvement of Town Way Bridges" (S. P. 415) (L. D. 1262)

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

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

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

Report of the Committee on Public Utilities reporting "Ought Not to Pass" on Bill "An Act Concerning Cable Television" (S. P. 174) (L. D. 529)

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

**Non-Concurrent Matter**

Bill "An Act to Permit any Municipality with a License Ordinance to Deny a License to any Corporation, Company, Firm or Individual who is Delinquent in Paying any Personal Tax" (H. P. 939) (L. D. 1222) which was referred to the Committee on Local and County Government in the House on March 16, 1983.

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

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

**Non-Concurrent Matter**

Bill "An Act Relating to Payment by an Employer when a Physician's Certification of Illness is Required" (S. P. 240) (L. D. 682) on which the Minority "Ought Not to Pass" Report of the Committee on Labor was read and accepted in the House on March 21, 1983.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" Report of the Committee on Labor was read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-31)

In the House:

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

Mrs. BEAULIEU: Mr. Speaker, I move that we recede and concur and would request a roll call.

The SPEAKER: The gentlewoman from Portland, Mrs. Beaulieu, moves that the House recede and concur and requests a roll call vote.

The Chair recognizes the gentlewoman from Auburn, Miss Lewis.

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not vote to recede and concur for the many reasons that we discussed when we discussed this bill several days ago. But at that time, we forgot to mention one of the most important reasons why we should not allow this bill to become a law.

A couple of years ago, a lot of us in our counties were having some trouble with our county employees. At least in Androscoggin County at that time, our deputies went out with a bad case of the blue flu. The courts did order them back to work, but when the deputies came back to work, they asked the county commissioners to please give them their sick pay. The county commissioners said, we will only give you that sick pay if you can prove that you were really sick; go get those physician certificates.

If we pass this bill today, the taxpayers in our counties would have to pay for these individuals who had the blue flu to go to the doctor. I don't believe that the taxpayers in the State of Maine really want to be paying the

extra price that these kinds of illegal strikes cost.

Sick pay is a privilege given when people are ill. Sometimes people abuse that privilege, and sometimes employers have to question whether someone is abusing the privilege or not. Sick pay is a privilege and I hope that we can continue to have sick pay in the State of Maine, but because it is a fringe benefit that is not mandated by law, if we pass this bill we might in fact see that fewer employers will actually be giving sick pay to employees.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: To respond to the comments about what happened in that area concerning the deputies, those who did not go for a physician's certificate did not get paid sick pay. If they were demanded to go get one, it is to the employer's advantage, because I am sure if they required everyone to get one, I doubt if there were 20 or 30 doctors that would lie for anybody under the circumstances where they were pulling off either a work slowdown or a sickout.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: We had this bill before us day before yesterday, when I think we gave it the treatment that it so richly deserves. In spite of the intense lobbying that has been going around in reference to this bill yesterday and again this morning, I would hope that you would treat it in the same fashion today that you did then.

Another argument that hasn't been presented that perhaps you should be aware of is that the State of Maine is the largest employer in the state. The impact would have to be greater on the State of Maine than it would for any other business for that very reason.

We do not need this bill, it should never have come out of committee and I am sorry that it ever did. We have spent more time on this thing now than it deserves. We have reached nearly the end of the trail, and if we will simply defeat it here today, that, I hope, will be the end of it, and I urge you to do so.

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

Mr. SMITH: Mr. Speaker and Members of the House: I supported this the other day but I can't support it today; I have had second thoughts on it. I believe if this were shared equally by the employer and the employee, then maybe I could support it. If someone would table it, I would offer an amendment.

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

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I did a little research the other day after leaving the House; it was a most revealing experience. Prior to this little research project, I supposed that most of my colleagues owned their own business; however, I found that two of the largest groups, of which I am one of them, the pensioners—incidentally, they are tied with another group, the teachers. Why do I mention all this? It is very simple—voting on this House floor has baffled me. I wanted to find out more about the people in this August body.

After Monday's debate here in this House, I went back to my room and tried to put this bill in its right perspective. We know this isn't an organized labor bill because organized labor makes up only 20 to 25 percent of Maine's labor force. Incidentally, where does Maine stand in wages compared to the rest of the country? I am glad you asked—it ranks 43rd. Then the unorganized and underemployed, the people with the least amount of money, are the ones to gain the most from this bill. These are the same people that have to ask for food stamps to supplement their meager salaries. How can you expect these people to pay for the doctor's

certificate in order to return to work?

After much thought, I determined that this bill was as much an employer bill as an employee bill. Where am I coming from with this idea? Let's go back to the workers' files, that material that the employer has at his disposal. Then, with the work ethic that the employer has in his hands, plus maybe a couple of certificates from a doctor, I think that gives him added ammunition, if you want to put it that way. What grounds does the employee have to stand on if the employer is standing there with both of these in his hands?

Also, I would think the employer would, at that particular time, say to the employee—here is the material, I have called in a witness to witness all this, I am also going to send a letter out to you and make sure that you get it to verify all the things that I am saying to you here today. Doesn't this give the employer just a little more edge in dealing with this situation? Don't forget, we are dealing with that 80 percent.

If I were the employer, I would jump at the chance to get the added information that comes from these certificates. Can't you see the employer saying, what other evidence do I need to fire you if you don't make a 180 degree turn in your work habits? What answer is a legislator going to give to his constituents when he goes back on this 75 to 80 percent of the working force in his community? I know how I am going to vote and I welcome heading back to Yarmouth and North Yarmouth.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I want to give you a little insight to what I heard a couple weeks ago. I heard a Maine State employee say to me—what can you do about the blue flu that is going through the Department of Human Services down here in Portland? She said, I am getting a little sick and tired of working Monday and Friday for two or three people because they decided they wanted to take time off.

Somebody says, well, that is management's fault. Let me tell you about management in state government. About 98 percent of it is all union, there is not much they can do about it. Everybody knows that has been a problem for years and years in state government. If you grieve something, you are grieving it to one of your own union partners.

This woman, who is a dedicated state worker, who has used her sickleave properly because she has had two major operations in the last couple of years, is looking at somebody taking a day off a month because they think that is their right, but it isn't their right, it is their privilege.

If this thing wants to be just strictly for non-union employees, I would go along with it, but I think it should be at the bargaining table which a lot of unions are doing now. It should be at the bargaining table and they should be bargaining for it. I don't think it is something that this Legislature should be mandating.

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

Mr. DIAMOND: Mr. Speaker and Members of the House: I think this session of the Legislature, unlike past sessions, the Democrats in particular are much more sensitive to the needs of businesses, especially the concerns that they have with increased regulations, increased burdens being put on them. In spite of the Democratic majority in both this body and the other body, I think this time you will find that for a number of reasons we are much more concerned with or much more cautious about any regulations or any requirements being placed on people in business, both large and small.

In looking over the bills that have been introduced this session, it seems to me that there are relatively few or fewer bills that are addressing the problems of the workers, in

particular the workers who are not covered by collective bargaining agreements. This is one of those issues, in my opinion, that does address those concerns, and I think it is one that merits our support.

I think there is a lot of confusion over what this bill does or doesn't do. People are claiming that it is going to add on increased cost to businesses or to municipalities, county government, state government, and what have you, but in my opinion it doesn't. I think what it does do is, it protects the worker, and rightly so, from potential harassment from employers incurring unnecessary expenses.

I will have to give you a few examples of people who are not normally covered by collective bargaining agreements and those people who would benefit from the passage of this law. Somebody, for example, who works in a department store or a gas station, that type of occupation; white collar workers, for example; people who in some instances do not have the benefit of sick leave, those people would be protected under this law. Without this law, you would see some of these people, perhaps people who are going against the grain of management, people who for good reasons or not would find themselves having to go to a physician, pay the \$20 or \$30 it cost them to go get this certificate, even if they had been out with the flu, come back in after they have recovered, going in and having to ask a physician to certify that they were ill. Not only would they incur the expense of that visit to the physician, they, in many cases, would lose that day's pay as well. We are not talking about people who are entitled to sick leave as such; this is a provision that not only protects that worker or doesn't protect them or allow them to gain that sick pay, but protects them in their ability to keep their job.

This is one of those few bills that really does protect the person who doesn't have the benefit of the union, benefit of the collective bargaining agreement, doesn't have anybody speaking up for them.

You may ask, why do you have to expect the employer to pick up this cost, isn't that an unfair burden on the employer? You have got to remember that unlike a lot of other laws that we have debated this session and in past sessions, this is one of those few laws that gives the option to the employer. It is a regulation or stipulation we place on the employer, but it is one that he has the option to exercise. If an employer feels that someone is in need of certification that they were indeed ill and justification for them missing work one day or two days, then I think it is incumbent upon the employer to be willing to pick up that cost. Again, it is quite an expense for the employee who, for whatever reasons, legitimate or not, was absent from work. If the reason was legitimate, then the employer should be willing to bear the cost and not expect the employee to do so. If the reason wasn't legitimate, then the employee, for the \$20 to \$30 it costs him to pay for the visit to the physician to have it certified, he has made his money, he is going to dismiss that employee.

I think it is very important that we pass this bill. I think it is an excellent piece of legislation, it is one of the few things we can do to protect that worker, and I urge your support of the motion.

The SPEAKER: The Chair recognizes the gentleman from Hampden, Mr. Willey.

Mr. WILLEY: Mr. Speaker and Members of the House: I don't want to belabor any of you with the rhetoric on this bill, it has already gone on too long. I simply want to reply to a couple of statements that have been made, I think maybe misleading.

In the first place, it was said that Maine rated, I think 43rd in relation to wages. Well, that is not so bad for a state that rates about 5 in relation to business atmosphere. This is another thing that will put us down a step or

two in that regard.

If this bill is a company bill, it is strange there are no company lobbyists out there. Every single lobbyist is related in one way or another to the union. This is very definitely a union bill.

One thing that is bad about this thing as far as the unions are concerned, we have a number of pieces of legislation that are coming through where the union is asking legislation to be presented to allow them to negotiate additional things in their contracts, county, state and municipal, as well as private.

In this instance, it seems very odd to me that they are asking us to remove this sort of thing from negotiations, from the bargaining table. It certainly isn't very consistent.

I think it is a bad piece of legislation, as I said yesterday, and I would hope that we wouldn't have to plow and harrow everything that we did Monday before we can act on this piece of legislation.

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 gentlewoman from Portland, Mrs. Beaulieu, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Erwin, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Martin, H.C.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Paul, Perry, Richard, Ridley, Roberts, Rolde, Rotondi, Stevens, Swazey, Tammara, Theriault, Thompson, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Conary, Connors, Crowley, Curtis, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Macomber, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Moholland, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Brown, K.L.; Dudley, Mahany, McCollister, Reeves, P.; Sherburne, Soule, Studley, Tuttle.

Yes, 72; No, 70; Absent, 9.

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

#### 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:

#### Election Laws

Bill "An Act Concerning Late Filing Under the Referendum Campaign Reporting Law" (H. P. 984) (Presented by Representative Conary

of Oakland)  
(Ordered Printed)  
Sent up for concurrence.

#### **Fisheries and Wildlife**

Bill "An Act to Regulate the Season on Coyotes" (H. P. 985) (Presented by Representative Michaud of East Millinocket) (Cosponsor: Representative Smith of Island Falls)  
(Ordered Printed)  
Sent up for concurrence.

#### **Judiciary**

Bill "An Act Relating to the Establishment of Clear Title to Real Estate" (H. P. 986) (Presented by Representative Rolde of York)  
(Ordered Printed)  
Sent up for concurrence.

#### **Marine Resources**

Bill "An Act to Clarify Certain Provisions of the Marine Resources Laws" (Emergency) (H. P. 987) (Presented by Representative Crowley of Stockton Springs) (Cosponsors: Representative Vose of Eastport and Senator Minkowsky of Androscoggin) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)  
(Ordered Printed)  
Sent up for concurrence.

#### **Public Utilities**

Bill "An Act to Increase the Borrowing Capacity of the Winterport Water District" (Emergency) (H. P. 988) (Presented by Representative Crowley of Stockton Springs) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)  
(Ordered Printed)  
Sent up for concurrence.

#### **Taxation**

Bill "An Act to Increase Sales Tax Equity" (H. P. 989) (Presented by Representative Brannigan of Portland)  
(Ordered Printed)  
Sent up for concurrence.

#### **Special Sentiment Calendar**

On the request of Mr. Strout of Corinth, the following items were removed from the Special Sentiment Calendar:

Recognizing:

The Central High School Girls' Field Hockey Team, and coach Jerilyn Waterhouse, winners of the State Class C Field Hockey Championship, and cowinners of the Sportsmanship Award for 1982; (HLS 248) presented by Representative Strout of Corinth (Cosponsor: Senator Pearson of Penobscot)

The Central High School Girls' Basketball Team, and coach Jerilyn Waterhouse, winners of the State Class C Basketball Championship and winners of the Sportsmanship Award for 1983 (HLS 249) presented by Representative Strout of Corinth (Cosponsor: Senator Pearson of Penobscot)

Thereupon, the Orders were read.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: It gives me great pleasure this morning to have with us two groups of young ladies who in the last six months have brought two state titles to Central High School.

Last fall, in October, the field hockey Class C champions from Central High School brought the first state title ever to our school, and March 4, 1983, the twelve young ladies who are sitting down front acting as Pages this morning brought the gold basketball back to Central High School.

I want to say further that in my ten years of service to this body, I have always wanted to bring a state title team to be recognized; today, I have that honor. I would also say to those girls, not only were they winners in the respec-

tive games that they played over the last six months, but the field hockey girls also were cowinners of the Sportsmanship Award; also, in March they were winners of the Sportsmanship award for the girls Class C Basketball.

I think it goes to say for these girls that not only were they winners in field hockey and basketball, but they were also winners in the Sportsmanship award as well.

Further, this morning I would like to congratulate Coach Waterhouse, who has coached this school, who has brought not one but two state titles to our school. She should be congratulated and I am sure that the people back in central Maine agree with me and the members of the body here today in congratulating these girls and our coach on a successful season.

Thereupon, the Orders received passage and were sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

Representative Hickey from the Committee on Aging, Retirement and Veterans on Bill "An Act to Provide an Additional Retirement Fund for Public School Coaches" (H. P. 569) (L. D. 717) 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 Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Creating a Division of Records Management Services within the Department of Finance and Administration" (H. P. 351) (L. D. 409) reporting "Leave to Withdraw"

Representative Carroll from the Committee on Health and Institutional Services on Bill "An Act Concerning Continuing Education for Physicians" (H. P. 470) (L. D. 570) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Clarify the Spousal Leaving Provision of the Employment Security Law" (H. P. 612) (L. D. 760) reporting "Leave to Withdraw"

Representative Matthews from the Committee on Education on Bill "An Act to Promote the Training of Psychologists through the Cooperative Education Support Program" (H. P. 792) (L. D. 1083) reporting "Leave to Withdraw"

Representative McHenry from the Committee on Local and County Government on Bill "An Act Concerning Salaries Paid to Aroostook County Commissioners" (H. P. 507) (L. D. 605) 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 Norton from the Committee on Labor on Bill "An Act to Clarify the Definition of Approved Training in the Unemployment Compensation Program" (H. P. 416) (L. D. 499) reporting "Ought to Pass" in New Draft (H. P. 983) (L. D. 1284)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Thursday, March 24.

#### **Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on RESOLVE, Authorizing Larry R. Coffren of Strong to bring Civil Action against the State of Maine (H. P. 735) (L. D. 944)

Report was signed by the following members:

Senators:

CHARETTE of Androscoggin  
DANTON of York

— of the Senate.

Representatives:

DILLENBACK of Cumberland  
McSWEENEY of Old Orchard Beach  
SWAZEY of Bucksport  
STOVER of West Bath  
COTE of Auburn  
COX of Brewer  
PERRY of Mexico

— of the House.

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

Report was signed by the following members:

Senator:

SHUTE of Waldo

— of the Senate.

Representatives:

HANDY of Lewiston  
DUDLEY of Enfield

— of the House.

Reports were read.

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

Mr. COX: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report and would speak to my motion.

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

The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: When these bills asking for special resolve to sue the state come before the committee, there are certain guidelines that have to be followed.

We have at least one member of the committee who will vote "ought to pass" on any bill because this member believes that everyone should have his or her day in court. Unfortunately, this legislature, several years ago, passed a law that says that every one shall not have his or her day in court when it comes to suing the state; certain exceptions were laid down. This case does not meet these exceptions that were laid down in the law.

Further, the state supreme court has in several cases laid down some guidelines as to what would constitute a legal resolve. One of these guidelines is that this could not be covered by general legislation.

Briefly, this person who wants to sue the state had some property vandalized by three people, one person of this group was out on probation and so he believes that the state should be responsible. Unfortunately, the Tort Claims Act does not make an exception for this. One of the guidelines is that this particular instance could not be covered by general legislation. This instance could be covered by general legislation — this legislature could amend the Tort Claims Act to make an exception for people who are out on parole. We could also pass a general bill, which we have had before and which, incidentally, I voted for, it would have a state fund to reimburse victims of crime. The state has not done this but the fact remains that it could be done and therefore this case does not meet this criteria.

Another criteria is that it must be a unique case, this must be the only case of its type. In this particular case, five other people were vandalized by this same group of people. If we pass a resolve for only one of those six people who were vandalized, this is special interest legislation which does not meet the equal protection of the laws under the United States Constitution.

Beyond these guidelines that have been laid down — three people were involved and only one of them was on probation — how would the court decide how much of that damage was done by the one person who was on probation? So both from the legal standpoint and the practical standpoint, the majority of the committee believes that this bill should not pass.

I hope the House will support the Majority

**"Ought Not to Pass" Report.**

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

Mr. DUDLEY: Mr. Speaker, Members of the House: The man that has just spoken is not qualified to give you legal advice and neither am I. I think a man in this state of Maine is entitled to his day in court, so I am the man that he referred to when he said a member of the committee believes that. I believe it and I don't care if the House knows it. I believe any man in the state of Maine is entitled to his day in court. As far as us talking legal ramifications of this matter, we are not asked to do that, we are just asked to give this man the right to take his case to court and let the court decide.

I still have faith in the courts of the state of Maine. I am one of those that still has faith, even at this point, in the courts of our state.

He made reference to one case and to others. One case came before us to be decided and I voted that this man should have his day in court. If the other four people came before me, I would give them their right to have their day in court. I am not concerned what the court will do — find guilty or not guilty, whatever their decision is, I will abide by, I still have faith in the court.

I hope this House, as you have on many other occasions this year, eventually accepts the Minority Report of the Legal Affairs Committee. This you traditionally do and I hope you do it once again this morning.

The SPEAKER: The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this special interest legislation and I am proud to be. On or about November of 1976, my constituent was vandalized to the tune of \$43,000. These people were liquored up and doped up and his garage happened to be outside one of my little towns several miles, no one around, and they really did a job on him, ruined a motor, slashed all of his tires, he has spent from that time until just recently paying this off. He only had \$13,000 insurance. He didn't ask for any help, he paid it off, he did not go through bankruptcy, and unfortunately three years ago he had a resolve before the committee and I wasn't consulted, it didn't get out of committee. This year it is out of committee. Last session we had a similar resolve, the Pelletier Resolve, I supported it then and if it surfaced this time, I will support it again wholeheartedly whether I am asked to or not.

The gentleman from Enfield has taken away part of my argument. We have the largest law firm in the state right here in Augusta, and I would hope that they are competent. Remember, my constituent still has got to have his day in court and prove his case. I don't think we are asking for any special favors. When we get to the point where this legislature can't recognize the common man, I think we are in trouble.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: This is the general court, this body right here is the general court for the people of the state of Maine. Over the years we have repeatedly had bills such as this, or resolves come in, allowing people the opportunity to bring suit and we ourselves should be the examples of the principle of protecting the people's rights of this state.

I am going to give you an example. There was a case up in Fort Fairfield many years ago where a fellow murdered a baby and murdered a girl and the young man was found insane, so they put him in the State Hospital at Bangor. This particular guy, after four months of being there, started roaming the streets of Bangor. One of the DA's downstairs came and brought this to my attention and said that we had put this fellow up there, or the court did, because he was deemed criminally insane and was

dangerous and shouldn't be on the streets but he was taking long and frequent walks in my community. So I put a bill in here that would protect the people of not only my own community but this state saying that if a doctor wanted to let somebody out of the State Hospital who was up there for observation, that he and the court that sent him there would be responsible. In fact, this legislature passed just that bill.

Now the case Mr. Dexter is talking about is that a person or persons were paroled and this parolee, along with some others, did a great deal of damage to a citizen in his community and the only way that this citizen is going to have an opportunity to get some redemption for the problems that he has is to bring suit against the state.

It seems to me that the state should be responsible for all its acts. Because of the immunity laws, they have to bring a resolve in, the general people in this state, through you and I to give them an opportunity to go before the courts to see if they have a reasonable case to get reimbursed for their problems.

I think Mr. Dudley is absolutely right; every man should have his day in court. We shouldn't be fearful of what the court does. He may have a case and he may not, but if he does, the state is responsible and should be responsible.

I would urge you not to support the Majority Report and then we could support the Minority Report.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I didn't plan to speak on this bill this morning but I see that I signed on the majority side so I guess I had better say a few words.

I think Mr. Kelleher is absolutely right, the state should be responsible, but as long as we have an immunity law here, the state is not responsible. So what will happen if you put this into the court and it goes before the jury and the jury decides that this man should collect from the state, then you have a real problem. You have a problem that every person that is on parole or on leave from prison is going to be the responsibility of the state and any damage they do, we are going to have to pay for. If that is what you want, then we should change the law. Let's make the parole board responsible, the people who allow him out, let's make the state responsible for all his acts and activities, and until such time as we make that law, I think we had better abide by the law that we have today.

This man really did not have a case and the problem is that he doesn't even think he will take it to the courts but he wanted to have the position that he could take it if he wanted to.

I think Representative Kelleher and some others should put additional legislation into this House if they feel that strongly and see if that will pass.

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

Mr. MAYO: Mr. Speaker, I would like to pose a question through the Chair. In the text of the bill, it says they did inflict damage and in the Statement of Fact it says "alleged." Could someone tell me whether these people ever were brought to trial and found guilty for these actions?

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

The Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: They were found guilty, they were brought to trial and they were sentenced.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from Brewer, Mr. Cox, 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.

Mr. Cox of Brewer requested a roll call.

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. Those in favor will vote yes; those opposed will vote no.

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

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

# ROLL CALL

YEA—Bell, Bonney, Brannigan, Brodeur, Carter, Chonko, Cote, Cox, Day, Dillenback, Gwadosky, Hayden, Hobbins, Jackson, Joyce, Lebowitz, Livesay, Macomber, Masterman, McSweeney, Nelson, Paul, Perry, Pines, Reeves, J.W.; Richard, Roberts, Salisbury, Seavey, Stover, Swazey, Thompson, Weymouth.

NAY—Ainsworth, Allen, Anderson, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bost, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Clark, Conary, Connolly, Cooper, Crouse, Crowley, Curtis, Daggett, Davis, Dexter, Diamond, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jacques, Jalbert, Joseph, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lewis, Lisnik, Locke, MacBride, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McPherson, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, Murray, Nadeau, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Pouliot, Racine, Randall, Reeves, P.; Ridley, Roderick, Rotondi, Scarpino, Small, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Strout, Tammaro, Theriault, Vose, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Brown, K.L.; Connors, Mahany, McCollister, Rolde, Sherburne, Smith, C.W.; Soule, Studley, Telow, Tuttle, The Speaker.

Yes, 33; No, 106; Absent, 12.

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

Thereupon, the Minority "Ought to Pass" Report was accepted, the Resolve read once and assigned for second reading tomorrow.

## Divided Report

### Later Today Assigned

Report "A" of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Deny Certain State Funds to Any Person Who Refuses to Register under the United States Military Selective Services Act" (H. P. 652) (L. D. 820)

Report was signed by the following members:

Senators:

CHARETTE of Androscoggin  
DANTON of York

— of the Senate.

Representatives:

HANDY of Lewiston  
SWAZEY of Bucksport  
COX of Brewer  
COTE of Auburn

— of the House.

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

Report was signed by the following members:

Senator:

SHUTE of Waldo



— of the Senate.

Representatives:

DILLENBACK of Cumberland  
McSWEENEY of Old Orchard Beach  
STOVER of West Bath  
PERRY of Mexico  
DUDLEY of Enfield

— of the House.

Reports were read.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I move that we accept Report A, the "Ought Not to Pass" Report.

The SPEAKER: The gentleman from Brewer, Mr. Cox, moves that the House accept Report A. The gentleman may proceed.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have not been looking forward to the debate on this bill with any degree of happy anticipation. I think that all of us on the committee agree that men who are required to register for the draft or for selective service, not even a draft at present, just to register, should register and there should be penalties for those who do not register. The question is whether this bill is the way to do it or not.

This bill seeks to punish draft dodgers. The question is, is that what it will do? Will it punish draft dodgers? In the first place, while the title of the bill says that it is to punish people who refuse to register, the body of the bill says that those people who apply for whatever programs that would come under this will be denied those programs if they fail to present a letter saying that they have registered. Failure to present a letter saying you have registered is somewhat different from not having registered.

One problem with the way this selective service act is being handled is that they do not give the registrant a draft card. You have nothing you can carry in your pocket if someone goes in and applies for some program that you don't know you need it for and they say you have to prove that you have registered — what you have to do is show us a letter showing that you have registered. Well, obviously you are not going to be carrying that letter in your pocket unless you know you are going to need it at that time.

You get this letter, as I understand it, quite soon after you register. Several years go by, how many of us could come up with a letter that we had received maybe a year or two ago? To say there is no problem, you can get another one, that is true but there are practical problems that might make it difficult for you to get this letter.

For one thing we are assuming that we are aiming at people who want financial aid to go to college — hundreds, probably thousands of students request financial aid and they have deadlines, they all have to have their request in by a certain time. So what is going to happen is that the selective service people, while they believe they can handle it all right, the practical problem is going to be that they are going to get probably hundreds of requests for these letters, and deadlines being what they are and the time it takes to type out letters, some people, some innocent young men who have registered for the draft, may miss the deadline.

Another practical purpose is that these awards boards have all kinds of applicants, many more than they can fill, and I can see the possibility that an awards board that is having some difficulty in getting proof that someone is registered for the draft has plenty of people there that do have proof, plenty of girls that don't need proof and they simply pass over this person, it is too much bother for them to bother with him. They would simply pass over him, he won't get his aid. He has been punished even though he has never been found guilty, he has never had his day in court which so many people here just voted in favor of having, he

has never had his day in court but he has been punished by losing his financial aid even though he may not be guilty. He may just be a victim of circumstances.

These records are in computers. People punch wrong information into computers. One wrong digit in your Social Security number could result in a letter coming back saying you have not registered, nobody with your Social Security number has registered. Don't tell me that this doesn't happen. It just took me three months to get a wrong figure out of one of the Army's computers, two letters to the Army, three months later before the numbers were changed in the computer which some clerk accidentally put in. It doesn't matter because it was a zip code, but it could have just as easily been a Social Security number, which would have led them to say, we are sorry, no such person as you ever served in the military. The same thing could happen under the draft.

These are some of the practical things that could occur to cause an innocent person to be punished. This punishment of people who have never had their day in court, have never been convicted of a crime, to me simply violates all of the constitutional privileges and rights of due process and one's day in court. It violates the American belief that one is innocent until proven guilty. You have to come in and prove to the financial aid people that you are innocent, which you can do sooner or later but you have already been punished by losing your aid. So, it is strictly this due process that I come down under. A lot of other objections have been raised which I am not considering and did not give too much consideration to because I am firmly committed to due process under the law and I do not believe this bill gives it.

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

Mr. DUDLEY: Mr. Speaker, Members of the House: I hate so much to speak so many times this morning, especially against such talent as the gentleman from Brewer has. Let me tell you, this is pure and simple as far as I am concerned. When you sign up for the draft you get a card and it is well recorded and you should carry it with you, and if you don't, there would only be a minority where this would ever happen.

What I don't want to do, I don't want to loan my money or the state's money to any student who refuses to sign up for the draft, plain and simple, just as simple as that. I think he is in violation of the federal law. If he is a law violator to any extent, then I wouldn't want to loan him my money or the state's money. I feel very serious about this, I hope this House does, and I know the American Legion does and many other people of good talent in this state.

I hope that this Report A will not be accepted in the House and that you will eventually accept the other report.

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

Mr. HARDY: Mr. Speaker, Men and Women of the House: I would like to correct one misleading statement that was made. There is no card issued by the Selective Service at this point in the new Selective Service System.

When I was of that age, I registered for the Selective Service, and I believe that an individual should and work through the process to become exempt or to raise their objections to it. However, I have grave concerns about this bill. I am going to address myself to the constitutional problems of this legislation.

There are several constitutional objections that could cause this law to be held unconstitutional if enacted, and I submit to you, ladies and gentlemen, that that is not in the best interest of the people of Maine if we go ahead and enact a law that is clearly unconstitutional. They include:

(1) The war power is exclusively a federal power.

The Constitution gives the federal government the power to declare war, raise armies and do other things related to waging wars. This power is exclusively federal — it is not an area where states can also act. This is logical because if they did act, the states that is, chaos would break out and they would begin to enact their own laws on a subject where a uniform national police is absolutely crucial.

Since there is already a criminal penalty in the federal law for not registering (I emphasize there is already a federal penalty for not registering) that is up to \$10,000 in fine and 5 years imprisonment, and there is already a method in the federal law, in which there is due process, I might add, where an individual can go to court and present his case. The federal government has clearly chosen to act on this matter because it is a matter of federal concern. This should be the exclusive remedy for the violation of a federal law. If people believe this law is not being adequately enforced by the federal government, they could work using political means to up that enforcement in urging it rather than attempting to have the state legislature legislate in an area that is exclusively federal.

A second constitutional question that is raised is the delegation doctrine. Under the Separation of Powers doctrine, the three branches of government are separate and distinct. This bill provides no system of checks and balances as we know them in the current system of government that we have.

The legislature cannot delegate its legislative function to the executive branch without providing clear standards of procedure and guidance. This bill grants unlimited unguided power to the Governor with absolutely no standard to guide his unfettered discretion. Thus, he can arbitrarily pick and choose which "state programs" will be denied to nonregistrants.

The Statement of Fact in the bill is misleading as it refers to the economic benefits while the bill itself would not allow nonregistrants to participate in state programs. Which state programs? Would the person be denied a driver's license, the ability to use state parks, or the ability to be recompensated for a contaminated water well? In addition, would the nonregistrant's family be hurt?

A third constitutional question — if the government prosecuted a young man who did not register, it would have to prove his guilt in a trial before the penalty was assessed. It cannot just assess fines without holding a hearing, and that is exactly what would happen under this bill. This would violate the Due Process clause in the United States Constitution as well as in the Constitution of the State of Maine. Yet, this bill would penalize nonregistrants if they don't produce a registration letter with no hearing, no requirement that the government fulfill its burden of proof.

Self-incrimination: The federal court in Minnesota was granted an injunction against enforcement of a similar federal law that denies higher education assistance to nonregistrants on the grounds that the law violates the person's 5th Amendment right against self-incrimination. The judge stated: "... the plaintiffs' identification of themselves as nonregistrants could incriminate them or provide a significant link in the chain of evidence tending to establish their guilt." That is, identification in this context could incriminate the man in a future prosecution under federal law. This case is being appealed by the federal government. If upheld, this would provide a precedent in other cases. It seems unwise to pass a similar law while the federal court is already considering a federal law.

A fifth constitutional question is Bill of Attainder. The judicial branch, not the Legislature, holds the power to try cases under the Separation of Powers doctrine. Our Constitution prohibits "trial by Legislature." A bill can-

not point out persons with certain characteristics and set forth their punishment in that same bill. The Legislature's duty is to set forth unlawful acts and then let the courts enforce and punish violations.

The Equal Protection Clause is equally applicable. This act seems to discriminate against the poor, since its effects will fall more heavily on poor than on rich nonregistrants.

Men and women of the House, I urge you to defeat this bill by accepting Report A.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of Mr. Cox of Brewer that the "Ought Not to Pass" Report A be accepted and later today assigned.

#### Consent Calendar First Day

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

(H. P. 130) (L. D. 138) Bill "An Act Relating to Motor Fuel Taxes" — Committee on Taxation reporting "Ought to Pass"

(H. P. 633) (L. D. 784) Bill "An Act to Clarify and Establish the Boundary Line Between the Town of Bowdoinham and the Town of Bowdoin" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 671) (L. D. 854) Bill "An Act Concerning the Financial Responsibility of the County for Medical Expenses of Prisoners" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 672) (L. D. 855) Bill "An Act Concerning the Compensation of County Personnel Board Members" — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 769) (L. D. 999) Bill "An Act to Remove the Superintendent of the Governor Baxter School for the Deaf from Classified Service and Clarify the Law Relating to State Educational Personnel" (Emergency) — Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-78)

(H. P. 808) (L. D. 1048) Bill "An Act to Coordinate Regulatory Review" — Committee on State Government reporting "Ought to Pass"

(H. P. 580) (L. D. 728) Bill "An Act Relating to Handicapped Parking Space Designation" (Emergency) — Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-79)

(H. P. 573) (L. D. 721) Bill "An Act to Limit Access to Confidential Data" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-80)

No objections being noted, the above items were ordered to appear on the Consent Calendar of March 24, 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. 420) (L. D. 503) RESOLVE, Directing the Department of Marine Resources to Erect a Fishway on the Orange River in Whiting, Washington County

(S. P. 147) (L. D. 438) Bill "An Act Substituting the Board of Overseers of the Bar as the Keeper of the Records of Members of the Bar in Place of Administrative Assistant to the Chief Justice"

(S. P. 179) (L. D. 546) Bill "An Act to Require Participation in Good Faith in Fact Finding"

(H. P. 520) (L. D. 645) Bill "An Act to Amend Special Education Statutes Related to Complaint Procedures"

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

#### Second Reader Tabled and Assigned

Bill "An Act to Increase Reimbursement for Professional Credits for Teachers" (S. P. 361) (L. D. 1074)

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

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

#### Passed to Be Enacted Emergency Measure

An Act to Establish the Cost of the 1983 Spruce Budworm Suppression Project (S. P. 386) (L. D. 1169)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of same and 10 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure Later Today Assigned

An Act to Revise the Law Concerning the Investment of Municipal Funds (H. P. 275) (L. D. 335) (C. "A" H-59)

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

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

Miss LEWIS: Mr. Speaker, I would like to pose a question through the Chair. Could somebody explain briefly what this bill does?

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

#### Emergency Measure

An Act to Authorize a Self-liquidating Bond Issue for Lincoln County for Renovation of and Addition to the Lincoln County Jail and Public Safety Facility (H. P. 488) (L. D. 585) (C. "A" H-64)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and one against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure Tabled and Assigned

An Act to give Alternates the right to Vote on a School Board (H. P. 626) (L. D. 778) (C. "A" H-65)

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

On motion of Mr. Connolly of Portland, tabled pending passage to be enacted and tomorrow assigned.

#### Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1983 (H. P. 942) (L. D. 1211)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of same and 2 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

#### Passed to Be Enacted

An Act to Expand the Scope of the State Salary Commission to include Members of the Judiciary, Constitutional and Legislative Officers (S. P. 225) (L. D. 662)

An Act Concerning the Hours during which

an Agency Liquor Store may be Open (S. P. 256) (L. D. 801)

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 Provide an Income Tax Checkoff for Voluntary Support of Nongame Wildlife Management (S. P. 380) (L. D. 1151) (H. "A" H-74)

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

Mr. Kilcoyne of Gardiner asked that this Enactor be set aside.

An Act Regarding Courses and their Equivalency Offered at Various Units of the University of Maine (H. P. 243) (L. D. 290) (S. "A" S-23 and C. "A" H-51)

An Act to Require Discount Liquor Prices Throughout the State (H. P. 271) (L. D. 331) (H. "A" H-69 to S. "A" S-20)

An Act to Amend the Soil and Water Conservation Districts' Law (H. P. 530) (L. D. 683)

An Act Pertaining to the Licensing of Guides" (H. P. 897) (L. D. 1149) (H. "A" H-63)

An Act Concerning Special Telecommunications Equipment for the Deaf, Hearing Impaired and Speech Impaired (H. P. 913) (L. D. 1166)

An Act to Permit Compensation to be Paid to Beekeepers for Damage Done by Bears (H. P. 914) (L. D. 1167)

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.

#### (Off Record Remarks)

On motion of Mrs. Erwin of Rumford, Adjourned until eight o'clock tomorrow morning.