

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

Friday, April 15, 1983

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

Prayer by Father Michael J. McDonald of St. Joseph's Catholic Church, Gardiner.

The journal of yesterday was read and approved.

**Papers from the Senate
Reports of Committees**

Unanimous Ought Not to Pass

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984 and June 30, 1985" (Emergency) (S. P. 217) (L. D. 654)

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide a Special Liquor Permit for Fraternalities and Sororities" (S. P. 426) (L. D. 1288)

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

Unanimous Leave to Withdraw

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Concerning Handicapped Parking" (S. P. 336) (L. D. 981)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Concerning Bus Transportation for School Students" (S. P. 314) (L. D. 928)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Clarify Motor Vehicle Laws Affected by Federal Legislation" (S. P. 78) (L. D. 189)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act to Prohibit Radar Detectors" (S. P. 121) (L. D. 297)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Relating to Motor Vehicle Inspections" (S. P. 244) (L. D. 733)

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

**Petitions, Bills and Resolves
Requiring Reference**

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

Health and Institutional Services

Bill "An Act to Establish Rules to Minimize the Negative Effects of Monthly Reporting and Retrospective Budgeting in the Aid to Families with Dependent Children and Food Stamp Programs" (H. P. 1126) (Presented by Representative Diamond of Bangor) (Cosponsors: Representatives Allen of Washington, Connolly of Portland, and Higgins of Portland)

(Ordered Printed)

Sent up for concurrence.

**Study Report
Committee on Education**

Representative Locke from the Committee on Education to which was referred by the Legislative Council the study relative to Residential Placements have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Advocacy Services for Special Education Students in Residential Placements" (H. P. 1127) (L. D. 1482) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and ordered placed on file.

On motion of Mr. Carter of Winslow, the Bill

was referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Orders

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

ORDERED, that Representative John E. Masterman of Milo be excused April 15 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative Hilda C. Martin of Van Buren be excused April 14 and 15 for Legislative Business.

AND BE IT FURTHER ORDERED, that Representative N. Paul Gauvreau of Lewiston be excused April 19 and 20 for Personal Reasons.

AND BE IT FURTHER ORDERED, that Representative Harriet Ketover of Portland be excused for the duration of her illness.

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

Representative Joyce from the Committee on Judiciary on Bill "An Act to Provide Adoption Information to Unwed Mothers" (H. P. 552) (L. D. 703) 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 Higgins from the Committee on Taxation on Bill "An Act to Simplify the Administration of the Taxation of Watercraft" (H. P. 353) (L. D. 411) reporting "Leave to Withdraw"

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act to Provide Improved Dental Care by Amending the Denturist Law" (H. P. 610) (L. D. 758) reporting "Leave to Withdraw"

Representative Strout from the Committee on Transportation on Bill "An Act Relating to the Survival of Small Private Excursion Boat Services" (H. P. 450) (L. D. 543) reporting "Leave to Withdraw"

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

**Referred to Committee on
Appropriations and Financial Affairs**

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act Relating to the Education of Dependent Children" (H. P. 879) (L. D. 1133) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted, the Bill referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative Ingraham from the Committee on Taxation on Bill "An Act to Amend the Charter of St. Mark's Home in Augusta" (H. P. 486) (L. D. 583) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide a Sales Tax Exemption for Certain Church Affiliated Residential Homes" (H. P. 1128) (L. D. 1483)

Report was read and accepted, the New Draft given its first reading and assigned for its second reading, Tuesday, April 19.

Divided Report

Majority Report of the Committee on Election Laws reporting "Ought Not to Pass" on Bill "An Act to Prohibit Registration within 72 Hours of an Election" (H. P. 305) (L. D. 364)

Report was signed by the following members:
Senators:

USHER of Cumberland
PEARSON of Penobscot

— of the Senate.

Representatives:

HANDY of Lewiston
MICHAUD of East Millinocket
NADEAU of Lewiston
ROBERTS of Buxton
PARADIS of Augusta

— of the House.

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

Report was signed by the following members:
Representatives:

CAHILL of Woolwich
SHERBURNE of Dexter
MARTIN of Brunswick
WENTWORTH of Wells
STEVENSON of Unity

— of the House.

Reports were read.

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

Mr. NADEAU: Mr. Speaker, I move the Majority "Ought Not to Pass" Report.

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

The Chair recognizes the gentlewoman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I ask you today to vote against the pending motion so that we may adopt the "ought to pass" report from the Committee on Election Laws.

L. D. 364 does exactly what the title says; it prohibits voter registration within 72 hours of an election, except for those turning 18 during that time frame. It allows the registrar of voters to close his or her books on Friday before a Tuesday election. Saturday, Sunday and Monday can be used to update voting lists, making necessary deletions and additions.

Most importantly, it allows the registrar the opportunity to check any discrepancies that may have occurred in the voting list.

All of us have been to the polls on election day and probably have witnessed a line of people waiting to register to vote. Usually, the registrar is in such a frenzy in an attempt to accommodate these last minute would-be voters that she has no time to run to the phone to call the last town that person was registered in and inform that town that he should be removed from the voting list.

If the intent of the newly registered person is unworthy, then he can probably go back and vote in that town that he was previously registered in without any problem at all.

Of the 50 states, only Maine and Oregon allow registration on election day. Our closest neighbor, New Hampshire, has 10 days before election day; Massachusetts, 28 days; Vermont, 17 days.

Maine also is credited with having one of the highest percentages of voter turnout in the country. This high percentage is attributable to the ease in which one can register on election day. I submit to you, ladies and gentlemen, that easy is not necessarily most responsible, and I encourage you to vote no and ask for the yeas and nays.

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

Mr. NADEAU: Mr. Speaker and Members of the House: In response to my good friend from Woolwich, Mrs. Cahill, that last statistic she just quoted I think is one of the major reasons why we ought to support the "ought not to pass" report, the fact that we do have one of the largest turnouts in the country in terms of our general elections. I think that speaks well of this state and it speaks well of our process, the fact that we do not get in the way of participating by restricting their opportunities to register. There are areas in this country, states in this country, that don't require any preregistration at all, and certainly that is not something I would propose in this state.

What we have here, we have given the people of Maine the opportunity to register to vote right up until election day. There has been no

recorded major abuse that I have been able to find out, no prosecutions from the Attorney General's Office regarding this matter. There is really no cause to change it at this point. I think a lot of the debate we had yesterday on the single-card registration bill applies to this, and we are doing all we can to give people the opportunity to register and to vote and participate in the process, that is all we are doing.

What this bill would do, I think, is restrict that somewhat. Presently, if you want to register to vote on election day, for example say in the City of Lewiston, go to City Hall, you register, you get a slip of paper that shows you have done just that, you take it to the polling place and that qualifies you to vote. So there is really no problem in terms of having a list ready to go on election day.

We have passed legislation, as a matter of fact, we are reporting it out of committee today in our work session, we are working on a bill to give the registrars an opportunity to appoint deputies to handle the workload and see if we can help them out by alleviating some of the burden that way.

Ladies and gentlemen, I submit there has not been a great problem. Election day registration is something the people of Maine want and something I think this legislature should certainly allow them to continue doing.

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

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

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

Mr. BOTT: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to oppose the passage of L. D. 364. It is my belief that this bill could result in the disenfranchisement of many of my present and future constituents.

As it is now, the Orono Board of Registration is faced with the monumental task of keeping up with a continually changing voting list. In order to do this, they must remove graduating UMO seniors with the assumption that they will not longer be voting in Orono.

If this bill were to pass, it could result in excluding those individuals who, upon graduation, stay in Orono. Indeed, this nearly happened to my campaign manager, who upon graduation was taken off the voting list even though he was enrolled in graduate school. If this bill were to result in one person not being able to vote on election day, I think it would be a shame.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I hadn't intended to say this because it seems like I am saying it forever, but I think our greatest way to get voter participation is to make it important to register to vote, not incidental.

I have had many people come to my town and call me up really enthused and saying, "We just moved to town and we want to take part in your politics; we want to register to vote. When can we register?" I tell them that they can come any day of the week, any day of the year. And they say, "Oh, you couldn't do that in my state." Then I have to add, "Well, if you can't make it, you can register on election day." Again they say, "Oh, well I might as well wait." All their enthusiasm is gone. If they could come in immediately and register and participate you would have far more enthusiasm, I am sure.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Mr. Nadeau of Lewiston that the Majority "Ought Not to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Bost, Bott, Brannigan, Brodeur, Brown, K.L.; Carroll, D.P.; Carter, Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadnosky, Hall, Handy, Hickey, Hobbins, Jackson, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Kilcoyne, Lehoux, Lisnik, MacEachern, Macomber, Manning, Masterton, Matthews, Z.E.; Maybury, McGowan, McHenry, McSweeney, Melendy, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Norton, Paul, Perry, Racine, Randall, Reeves, P.; Richard, Roberts, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Brown, D.N.; Cahill, Callahan, Carrier, Chonko, Curtis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; McPherson, Murphy, Parent, Perkins, Reeves, J.W.; Roderick, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Beaulieu, Benoit, Bonney, Brown, A.K.; Carroll, G.A.; Conary, Connors, Davis, Dudley, Hayden, Higgins, H.C.; Jalbert, Ketover, LaPlante, Locke, Mahany, Martin, H.C.; Mastertman, Matthews, K.L.; McCollister, Michael, Moholland, Nelson, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Ridley, Rolde, Seavey, Strout, Thompson.

Yes, 73; No, 44; Absent, 32; Vacant, 2.

The SPEAKER: Seventy-three having voted in the affirmative and forty-four in the negative, with thirty-two being absent and two vacant, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" on Bill "An Act to Protect the Health of Children by Prohibiting the Free Distribution of Cigarettes" (H. P. 395) (L. D. 478)

Report was signed by the following members:

Senators:

GILL of Cumberland
BUSTIN of Kennebec

— of the Senate.

Representatives:

CARROLL of Gray
BRODEUR of Auburn
NELSON of Portland
RICHARD of Madison
MANNING of Portland
MELENDY of Rockland
SEAVEY of Kennebunkport

— of the House.

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

Report was signed by the following members:

Senator:

CARPENTER of Aroostook

— of the Senate.

Representatives:

WEBSTER of Farmington
MAYBURY of Brewer
PINES of Limestone

— of the House.

Reports were read.

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

Mr. BRODEUR: Mr. Speaker, I move the Majority "Ought to Pass" Report and would request that if anybody wants to debate it that they wait until second reading or table it for one day, because the sponsor, Mrs. Ketover, is not here.

Thereupon, the Majority "Ought to pass" Report was accepted, the bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Limit the Personal Liability of Municipal Employees under the Maine Tort Claims Act" (H. P. 399) (L. D. 482)

Report was signed by the following members:

Senator:

COLLINS of Knox

— of the Senate.

Representatives:

JOYCE of Portland
REEVES of Newport
BENOIT of South Portland
DRINKWATER of Belfast
CARRIER of Westbrook
HAYDEN of Durham

— of the House.

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

Report was signed by the following members:

Senators:

VIOLETTE of Aroostook
TRAFTON of Androscoggin

— of the Senate.

Representatives:

FOSTER of Ellsworth
SOULE of Westport
HOBBS of Saco
LIVESAY of Brunswick

— of the House.

Reports were read.

On motion of Mr. Hobbins of Saco, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Marine Resources on Bill "An Act to Prohibit the Possession of Landing of Plugged Lobsters" (H. P. 777) (L. D. 1007) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Protect the Quality of Lobsters" (H. P. 111) (L. D. 1456)

Report was signed by the following members:

Senators:

MINKOWSKY of Androscoggin
DUTREMBLE of York

— of the Senate.

Representatives:

VOSE of Eastport
SCARPINO of St. George
MANNING of Portland
SALSBURY of Bar Harbor
CONNORS of Franklin
AINSWORTH of Yarmouth
MITCHELL of Freeport
MELENDY of Rockland
HOLLOWAY of Edgecomb
CROWLEY of Stockton Springs

— of the House.

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

Report was signed by the following member:

Senator:

SHUTE of Waldo

— of the Senate.

Reports were read.

On motion of Mr. Crowley of Stockton Springs, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act to Establish a State Bank" (H. P. 807) (L. D. 1047)

Report was signed by the following members:

Senators:

HICHENS of York
BALDACCI of Penobscot
VIOLETTE of Aroostook

— of the Senate.

Representatives:

LEBOWITZ of Bangor
COOPER of Windham

HOLLOWAY of Edgecomb
DILLENBACK of Cumberland
KETOVER of Portland
SALSBURY of Bar Harbor
SPOUL of Augusta
LAPLANTE of Sabattus
GWADOSKY of Fairfield

— of the House.

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

Report was signed by the following member: Representative:

PARADIS of Augusta

— of the House.

Reports were read.

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

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

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

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

Mr. BAKER: Mr. Speaker, Men and Women of the House: I hold no illusions today as to what the outcome of this particular issue is going to be. However, I feel it is very important, from my point of view, that I make a few points on an issue which I have been concerned with ever since I became a member of the legislature.

The idea of creating a state bank probably sounds extremely radical and maybe ahead of its time. In fact, it is so far ahead of its time that in 1919 the State Legislature of North Dakota decided that it would establish a state bank for the purposes of promotion of industry, commerce and agriculture. While times have certainly changed since 1919, I believe that economic conditions today warrant consideration of such a measure.

On first glance, one would be tempted to say, and I know many of you are, why should the state get into this kind of a business? My first reply would be—for the state already is involved in financing of economic development, and if you are to question that, I would only point to the Maine Guarantee Authority, an institution that provides loan guarantees so that private capital investment will remain safe. This puts the state in the position of assuming the risk of that investment. If the loan goes bad, the state pays off for the risk. That is certainly state involvement. So I said and suggested that if we are going to assume the risk, we should create an institution that would make some money.

Another thing that you might say is that these things simply do not work. The Bank of North Dakota has operated successfully for the past 60 years. As of 1980, it had a reserve of nearly \$705 million. It turns over to the North Dakota general fund several million dollars a year. What is their first lending priority? Not condominiums, student loans. Their second priority is Farmers Home Administration.

I submit to you, men and women of the House, that we already have in existence in this state several institutions that function in a quasi-banking like function. We have many different bonding authorities and we have already financed the cost of construction for the Bath Iron Works at a considerable price to the public treasury and the public sector.

The idea behind the North Dakota bank was that the public would have greater control of the public's money. The state would keep its own money in its own bank. Currently, we keep our own money in private banks. We have surrendered our right to make decisions on economic investments with our own capital.

As the President of the North Dakota State Bank said when he testified before the Maine Legislative Committee on State Government in the 109th Legislature, "Public control of the public's own money—what's wrong with that?" I urge you to give this issue careful consideration

in the years to come, as we will be faced with many issues related to interstate banking, related to the merger of private banking institutions, and related to the increase of control of our own capital from New York and Boston.

Mr. Baker of Portland 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 Chair recognizes the gentleman from Fairfield, Mr. Gwadosky.

Mr. GWADOSKY: Mr. Speaker. Ladies and Gentlemen of the House: The sponsor of the bill before us, L.D. 1047, has set forth many favorable considerations of the bank in North Dakota, and it wasn't the intent of our committee, nor do I believe would it be of this legislature, to quarrel with the financial success that has been generated for the State of North Dakota. It has been managed extremely well and so far has avoided any political pressures, and the citizens and elected officials in North Dakota are to be commended for their performance.

I think it is important to remember the statement that Representative Baker mentioned, that the bank in North Dakota was established in 1919. It is the only state bank in the country. And the state bank envisioned in this bill is different in several respects from the bank in North Dakota. The bank envisioned in this bill is to be regulated as a commercial bank and would be providing different functions from the bank in North Dakota.

Representative Baker has indicated a number of reasons for support of this type of legislation, including to be able to provide a source of wealth and income to the state to be used to reduce bond costs to state government, to aid Maine's fishermen and farmers, and to provide additional capitalization for economic growth and development. The bill before you, in its present form, and I am trying to be kind, but it has a lot of problems with the drafting of the bill. Let me just mention some of the individual technical questions.

The bill refers to a board of directors which would be composed of 13 members. But if you look at the bill, the bill only mentions 12 members who will be serving on the board of directors.

Secondly, the bill, on Page 3, Subsection 3, speaks of and refers to the power of the superintendent of banking to remove any board member appointed by him. In this bill, however, the governor is the only appointing authority.

Third, the bill doesn't specify any location for the headquarters of this bank.

Fourth, because of the loans involved, the type of loans involved, the risks involved, it is doubtful that this type of bank would ever be able to be granted FDIC insurance, so the state would have to back all the loans.

Another consideration is that the Bureau of Banking now in the State of Maine is funded by fees from the various banks across the state. One of the concerns is that if we draw all the state money out of participating banks across the state, the Bureau of Banking is not going to be able to have the necessary funds to be able to adequately regulate the banking industry.

The balance of competition in the Maine banking industry is very delicate with Maine being a small state with limited financial resources. For those of you who have been involved in the last couple of sessions, you understand that we have been involved and working hard to find ways to attract out-of-state holding companies and their capital into the State of Maine without disturbing all our other financial institutions. If this bank that is

being proposed today is to be tax exempt, and its notes, bonds and debentures are tax exempt, it would have a distinct advantage over the banks that are presently working in the State of Maine, and an even more critical concern would be the impact on small banks.

We have also a concern—I am speaking on the 12 members who signed this bill out "ought not to pass"—on the makeup of the board. The bill refers to the makeup of the board of trustees in this bank as being the commissioner of Finance and Administration, the commissioner of Agriculture, Labor, Marine Resources, the State Treasurer and five other people—you are talking about a small businessman, a banking person, a commercial farming person and a person involved in investments, a person involved in commercial fishing, and we are not sure and we feel uncertain that this type of makeup of a board is going to be in a good position to run a state bank which is going to be attracting a lot of state money, as the bill does mandate.

Furthermore, under the proposed section, Subsection 1101 of the bill, the state bank would be considered both an instrumentality of the state and an agency of the state for the purposes of the Maine Administrative Procedures Act. It is not clear to the members of the committee whether the sponsors had included this measure on purpose or understood its full implications. Because of its designation of a state agency, which this bank would be, first of all, as I said, it would be subject to arrange a procedural restraint mandated by the Administrative Procedures Act. For example, the bank's denial of credit to an individual consumer could be considered final action under our state laws, and if so, the individual might then have an opportunity for a hearing before the bank's board of directors, if that is going to be the appeal group authority.

I have got a number of drafting problems. I don't think it is necessary to go into them any further than I have already.

Lastly, I think a problem with the bill that concerns the members of the committee was that this bill would provide for all of the deposits of all state monies to be deposited in the State of Maine Bank. It is our understanding that there is approximately some \$43 million invested now in the Maine Banking System, and if that \$43 million is withdrawn over the next two years, we could find ourselves in the situation where credit worthy Maine citizens will be refused loans as Maine banks reveal their liquidity. We can't imagine in the very near future that the State of Maine bank is going to have branches across the state. We can't imagine the effect of individual consumers coming to the State of Maine bank for commercial loans.

The Governor is offering later in this session a reorganization bill, a bill to reorganize the Maine Guarantee Authority, a bill which could be a major piece of legislation for economic development in the next decade. We would suggest that if the legislature really wants to make some loans to farmers and students and fishermen, that we shouldn't delude ourselves into thinking that this state bank will be the panacea for all the economic problems in the State of Maine.

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

The Chair recognizes the gentlewoman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, I wish to pair my vote with the gentleman from Auburn, Mr. Michael. If he were here and voting, he would be voting nay, and I would be voting yea.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bott, Brown, D.N.; Brown, K.L. Cahill, Callahan,

Carrier, Carroll, D.P.; Carter, Cashman, Clark, Cooper, Cox, Crowley, Curtis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Gwadnosky, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joseph, Kiesman, Kilcoyne, Lebowitz, Lewis, Lisnik, Livesay, MacBride, Macomber, Manning, Masterton, Maybury, McPherson, Melendy, Michaud, Murphy, Murray, Norton, Parent, Paul, Perkins, Perry, Racine, Randall, Reeves, J.; Richard, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Soule, Sproul, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Baker, Bost, Brannigan, Brodeur, Chonko, Connolly, Cote, Crouse, Daggett, Gauvreau, Hall, Handy, Hickey, Hobbins, Joyce, Kane, Kelleher, Kelly, Lehoux, MacEachern, Martin, A.C.; Matthews, Z.E.; McGowan, McHenry, McSweeney, Mitchell, E.H.; Mitchell, J.; Nadeau, Reeves, P.; Rolde, Rotondi, Smith, C.B.; Stevens, Tuttle, Vose, The Speaker.

ABSENT—Beaulieu, Benoit, Bonney, Brown, A.K.; Carroll, G.A.; Conary, Connors, Davis, Dudley, Hayden, Higgins, H.C.; Jalbert, Ketover, LaPlante, Locke, Mahany, Martin, H.C.; Masterman, Matthews, K.L.; McCollister, Moholland, Nelson, Paradis, E.J.; Paradis, P.E.; Pines, Pouliot, Ridley, Seavey, Strout, Thompson.

PAIRED—Allen-Michael.

Yes, 79; No, 38; Absent, 30; Paired, 2; Vacant, 2.

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

Sent up for concurrence.

Divided Report

Majority Report of the Committee on Labor on Bill "An Act to Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits" (H. P. 415) (L. D. 498) reporting "Ought to Pass" in New Draft (H. P. 1123) (L. D. 1467)

Report was signed by the following members:

Senators:
DUTREMBLE of York
HAYES of Penobscot
— of the Senate.

Representatives:
NORTON of Biddeford
TAMMARO of Baileyville
SWAZEY of Bucksport
GAUVREAU of Lewiston
BEAULIEU of Portland
WILLEY of Hampden
ZIRNKILTON of Mount Desert
BONNEY of Falmouth
TUTTLE of Sanford
— of the House.

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

Report was signed by the following members:

Senator:
SEWALL of Lincoln
— of the Senate.

Representative:
LEWIS of Auburn
— of the House.

Reports were read.

On motion of Mr. Tuttle of Sanford, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading Tuesday, April 19th.

Divided Report

Majority Report of the Committee on State-Government on Bill "An Act to Require Prenotification of Agenda for Special Sessions of the Legislature" (H. P. 616) (L. D. 764) reporting "Ought to Pass" in New Draft under New Title RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require that Leg-

islators be Sent Notification Seven Calendar Days in Advance of Special Sessions of the Legislature and that Notification be Accompanied with an Agenda of Memorials and Legislation to be Considered at Each Special Session" (H. P. 1124) (L. D. 1468)

Report was signed by the following members:

Senators:
HICHENS of York
VIOLETTE of Aroostook
— of the Senate.

Representatives:
COOPER of Windham
HOLLOWAY of Edgecomb
SALSBUURY of Bar Harbor
KETOVER of Portland
LEBOWITZ of Bangor
SPOUL of Augusta
DILLENBACK of Cumberland
LaPLANTE of Sabattus
— of the House.

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

Report was signed by the following members:

Senator:
BALDACCIO of Penobscot
— of the Senate.

Representatives:
PARADIS of Augusta
GWADOSKY of Fairfield
— of the House.

Reports were read.

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

Mr. SPOUL: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

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

Mr. NADEAU: Mr. Speaker, in looking at this bill, apparently the New Draft is a Constitutional Amendment changing the bill significantly, is this germane?

The SPEAKER: The Chair would advise the gentleman that L.D. 1468 is not germane to the bill.

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

Mrs. MITCHELL: Mr. Speaker, I move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentlewoman from Vassalboro, Mrs. Mitchell, moves that the Bill and all its accompanying papers be indefinitely postponed.

The Chair would advise the members of the House that the only matter now before the body is L.D. 764 in its original form.

The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of L.D. 764, which was entitled "An Act to Require Prenotification of Agenda for Special Sessions of the Legislature." There was no opposition at the committee public hearing to that bill, but the committee did feel that it might more properly be handled by a Constitutional Amendment, so they came out with a committee bill, L.D. 1468, which is no longer before us.

The bill, if you will notice, I think the original bill and certainly the committee draft had the bipartisan support of 10 out of the 13 members on the State Government Committee.

The bill is a very simple bill. It simply says that at any time we are called to Special Session, and Special Sessions certainly are necessary because we are a part-time legislature, that we be advised in advance. The bill calls for 14 days' notification of the agenda that we are going to be taking up on that particular day.

Let me briefly summarize L.D. 764 for you. It says that whenever the Governor calls a Special Legislative Session pursuant to the Constitution of Maine, the Governor shall mail to all legislators an agenda comprising all items to be considered in that Special Legislative Session. The agenda shall be mailed at least 14

days prior to the commencement of the session. No other items may be introduced or considered at that session except routine orders and resolutions necessary for the efficient administration of the legislature. There is an exception—if we all get down here and decide on the day of the Special Session that we think someone's proposal is worthy of us considering that particular day, two thirds of us here agree to it, we can take up any other matters.

The purpose of this bill is to eliminate surprises and to assure that Special Sessions in general will only deal with specific items for which the session was called.

Oftentimes in the past when legislators were called to Augusta for a Special Session, usually a one-day affair, they were asked to act on bills, resolves, memorials or rule changes of which they had no prior knowledge. Under these circumstances, legislators did not have the time or opportunity to undertake individual research on the matter, nor were they afforded the opportunity to get the opinions of their constituents on the issues before having to vote. I know many of you, before you vote on anything, like to check with the people back home who elected and sent you to represent them.

In addition to placing legislators in a difficult position by allowing non-agenda bills and resolves to be introduced on the day of the Special Session, this practice is contrary, I think, to the public's good and shortchanges the public's input in that the normal public hearing process is bypassed.

As I say, there is an exception to the bill saying that if we get down here and there is something that has come up of an emergency nature since the agenda went out, we certainly can, by a two-thirds vote, act on it. But all this does is, it will keep the day's calendar from being clogged with a number of trivia items and items that could or should wait for the regular legislative annual session and for the regular legislative public hearing process.

I urge your support on this bill, and since the motion is indefinite postponement, I urge you to vote no on the motion before us.

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

Mr. MITCHELL: Mr. Speaker, I would like to pose a question through the Chair to the sponsors of the bill. Doesn't this bill, this proposed amendment, isn't it in direct conflict with Article III of the Constitution which specifies the doctrine of separation of powers?

The SPEAKER: The gentleman from Freeport, Mr. Mitchell, has posed a question through the Chair to the sponsor or any member who may respond if they so desire.

The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: In my opinion, which is not a legal one, but based on what I have been able to fine out, this in no way limits the Governor's ability to call a Special Session. It simply says that we will be notified of an agenda. I can't see in any way how that is violating the Governor's right or ability to call the legislature into Special Session at any time.

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

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding of the Constitution that the Governor cannot set the agenda for the legislature.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I don't know that too many of us in this body are constitutional lawyers, and while I would like to answer the gentleman from Freeport's question, I am sorry but I cannot.

All I can say is that I am very proud to be a cosponsor of this piece of legislation. I recall

one of the last Special Sessions that we had last year when the legislature was called back to Augusta by the Governor to ratify the state employees' contract,— well, I normally have breakfast at a local restaurant in Livermore Falls before coming to Augusta and that particular morning the folks around the round table said, "Well, Darryl, what are you going to do today?" I said, "Well, we are going down to ratify the state employees' contract, but you know how things are in the legislature, we could deal with any number of things once we get there." I said it jokingly but when I arrived here at the State House, I discovered it wasn't that much of a joke after all. Not only did we deal with the state employees' contract ratification but, as I recall, we dealt with the very complex issue of the Real Estate Commission, and those of you who were here last time know that that turned into a rather thorny issue, one which I would have liked to have a little time to research prior to coming to Augusta. We also dealt with a number of resolves and some memorials and I think we even got into El Salvador, we even delved a little bit in foreign policy at that Special Session of the Legislature.

I think that this is really unfortunate. I think when we come to Augusta in Special Session, I think we ought to know what we are coming for, I think we ought to know what we are going to be debating, and I think we ought to be able to be prepared for that debate once we get here. That is why I was very pleased when the Representative from Wilton, Mr. Armstrong, asked me if I would cosponsor this piece of legislation with him. It is a very worthwhile piece of legislation, it is one that deserves your attention, certainly deserves your vote. The people back home, I think, deserve to have something like this passed so they know what is going on down here in Augusta as well as we.

I urge that you vote no on the pending motion.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I do agree with the honorable member from Livermore Falls on one point—that this issue certainly deserves our attention.

In the eight terms that I have been a member of this distinguished body, I have been called back on several different occasions for a Special Session and I, like the other 150 members in the House, certainly knew what reason we were called back for.

The part of this bill that I dislike is the idea of Mr. Brown and Mr. Armstrong putting handcuffs on me, on any member of this House, and more particularly on the constituents that we represent. Should for any reason, good reason, other issues be present to us before this particular body and the other, it is up to the good judgment of the members to reject it or accept it. So I say "foul ball," Mr. Brown, on this particular issue. The Constitution is here to protect the people of the State of Maine. I think we have a fine Constitution in regards to dealing with this Legislature in Special Session. In no way do I want to put the handcuffs on me nor do I want to put them on you, Mr. Brown.

I would urge the House, if the motion is to indefinitely postpone, to do just that.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: It is always a pleasure to get up behind the Representative from Bangor, Mr. Kelleher. I have never been in handcuffs, so perhaps I am debating this a little unfairly. I don't know about the gentleman from Bangor.

We are, indeed, not putting handcuffs on the members of this body, absolutely not. As the good gentleman from Wilton points out, if two thirds of the membership feels that an issue ought to be brought up, it can be brought up by a two-thirds vote and I think that is a very reasonable approach. So for that reason, we

are not putting handcuffs on anybody. I think we are just attempting to know what is going on before we get here. We deserve it and certainly the people back home deserve it.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I have a problem with this bill in which it requires the Governor to give 14 days' notification before calling us. That is two weeks, and if there is some real emergency that comes up that has got to be dealt with within even 48 hours or so, the emergency would simply have gone to its logical conclusion and the state collapsed perhaps before the Governor would be allowed to get his notification out.

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

Mr. GWADOSKY: Mr. Speaker, a point of inquiry please?

The SPEAKER: The gentleman may state his inquiry.

Mr. GWADOSKY: Mr. Speaker, I am trying to get an interpretation of—the Chair ruled that this Constitutional Amendment was not germane because it was changed out of committee from a bill to a Constitutional Amendment? Is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Mr. GWADOSKY: Thank you Mr. Speaker.

The SPEAKER: The pending question is on the original bill.

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Just for informational purposes, it would appear at this time that we have caught ourselves in a Catch 22. Our legislative assistant has, in drafting of this bill, conferred with the Attorney General's Office originally and told us that if we were going to make this type of change mandating that the Governor send us an agenda, that we would have to do it in a Constitutional Amendment, so it would appear that if this bill had been submitted to our committee as a Constitutional Amendment, we could have then debated it, but it would also appear that since it was not, that the bill we have now before us is illegal.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Armstrong from Wilton 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 of a roll call will vote yes, those opposed will vote no.

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

The SPEAKER: The Chair recognizes the gentleman from Wilton, Mr. Armstrong.

Mr. ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I have listened to the debate on this. I believe the intent is worthy of our consideration. I don't see any problem with those that do feel that the 14 day prenotification period might be excessive, I can't imagine that people would object to a 7-day prenotification purpose because oftentimes it takes that long anyway to get us here. So, if someone would be willing to table this bill, I will offer an amendment to change the 14-day prenotification period to 7 days.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There is no need for anyone to table this bill. There is no need for Mr. Armstrong to present an amendment to

reduce the 14 days. We have the third estate here called the press. They write every day, they are on TV every night. Can you imagine Governor Brennan or anyone else that is Governor calling a Special Session without them finding out? Don't worry, the public is well protected, if not by us then certainly by them when it comes to what is going on in a Special Session.

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

Mr. MURPHY: Mr. Speaker, I move this lie on the table one legislative day.

Mrs. Mitchell of Vassalboro requested a division.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Kennebunk, Mr. Murphy, that this bill be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

48 having voted in the affirmative and 63 in the negative, the motion did not prevail.

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

Mr. SPROUL: Mr. Speaker, a point of inquiry?

The SPEAKER: The gentleman may state his inquiry.

Mr. SPROUL: According to House Rule 31, I would just like to question you on your ruling on the germaneness.

The SPEAKER: The Chair would advise the gentleman that that matter is no longer before the body.

A roll call has been ordered. The pending question now before the House is on the motion of the gentleman from Vassalboro, Mrs. Mitchell, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Bost, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Hobbins, Jacques, Joseph, Kane, Kelleher, Kelly, Kilcoyne, Lehoux, Lisnik, MacEachern, Macomber, Manning, Matthews, Z.E.; McGowan, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Norton, Paul, Perry, Racine, Reeves, P.; Richard, Roberts, Rondoli, Soucy, Soule, Stevens, Swazey, Tammaro, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Curtis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Martin, A.C.; Masterton, Maybury, McHenry, McPherson, Michaud, Murphy, Parent, Randall, Reeves, J.W.; Roderick, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Beaulieu, Benoit, Bonney, Brown, A.K.; Carrier, Carroll, G.A.; Conary, Connors, Davis, Dudley, Hayden, Higgins, H.C.; Jalbert, Joyce, Ketover, LaPlante, Locke, Mahany, Martin, H.C.; Masterman, Matthews, K.L.; McCollister, Michael, Moholland, Nelson, Paradis, E.J.; Paradis, P.E.; Perkins, Pines, Pouliot, Ridley, Rolde, Salsbury, Seavey, Strout, Thompson.

Yes, 63; No, 50; Absent, 36; Vacant, 2.

The SPEAKER: Sixty three having voted in the affirmative and fifty in the negative, with thirty six being absent and two vacant, the motion does prevail.

Sent up for concurrence.

Divided Report

Majority Report of the Committee on State Government on Bill "An Act to Establish Apprenticeship Opportunities in State Government for Recipients of the Aid to Families with Dependent Children Program" (H. P. 638) (L. D. 789) reporting "Ought to Pass" in New

Draft under New Title Bill "An Act to Promote Apprenticeship and Training Opportunities in State Government and to Assist Qualified Recipients of Aid to Families with Dependent Children to Compete for State Apprenticeships" (H. P. 1125) (L. D. 1469)

Report was signed by the following members:
Senators:

VIOLETTE of Aroostook
BALDACCIO of Penobscot
— of the Senate.

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
GWADOSKY of Fairfield
KETOVER of Portland
PARADIS of Augusta
HOLLOWAY of Edgcomb
SALSBURY of Bar Harbor
DILLENBACK of Cumberland
LaPLANTE of Sabattus
SPROUL of Augusta

— of the House.

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

Report was signed by the following member:
Senator:

HICHENS of York
— of the Senate.

Reports were read.

On motion of Mr. Gwadosky of Fairfield, the Majority "Ought to Pass" Report was accepted, the New Draft read once and assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-137) on Bill "An Act to Regulate Striped Bass Fishing" (H. P. 636) (L. D. 787)

Report was signed by the following members:
Senators:

DUTREMBLE of York
MINKOWSKY of Androscoggin
— of the Senate.

Representatives:

MITCHELL of Freeport
SCARPINO of St. George
MANNING of Portland
CROWLEY of Stockton Springs
CONNERS of Franklin
HOLLOWAY of Edgcomb
AINSWORTH of Yarmouth
MELENDY of Rockland
VOSE of Eastport
SALSBURY of Bar Harbor

— of the House.

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

Report was signed by the following member:
Senator:

SHUTE of Waldo
— of the Senate.

Reports were read.

On motion of Mr. Crowley of Stockton Springs, the Majority "Ought to Pass" Report was accepted and the Bill read once. Committee Amendment "A" (H-137) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act Concerning the Qualifications of Attorneys Moving to Maine from Other Jurisdictions" (H. P. 326) (L. D. 385)

Report was signed by the following members:
Senators:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook
— of the Senate.

Representatives:

JOYCE of Portland
CARRIER of Westbrook
BENOIT of South Portland

HOBBS of Saco
HAYDEN of Durham

— of the House.

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

Report was signed by the following members:
Representatives:

FOSTER of Ellsworth
LIVESAY of Brunswick
DRINKWATER of Belfast
REEVES of Newport
SOULE of Westport

— of the House.

Reports were read.

On motion of Mr. Hobbs of Saco, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Consent Calendar

First Day

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

(H. P. 591) (L. D. 735) Bill "An Act to Amend the Termination of Parental Rights Act" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-142)

(H. P. 919) (L. D. 1198) Bill "An Act to Designate the Director of Area Reference and Resource Centers as Permanent Nonvoting Members of the Maine Library Commission" — Committee on Education reporting "Ought to Pass"

(H. P. 1065) (L. D. 1403) RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harrison \$2,368.86 for Unexpended Retirement Funds — Committee on Local and County Government reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of April 19 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. 521) (L. D. 646) Bill "An Act to Promote Safe Solid Fuel Burning Practices" (C. "A" H-133)

(H. P. 781) (L. D. 1010) Bill "An Act to Deregulate Motor Carriers of Passengers for Hire" (C. "A" H-134)

(S. P. 345) (L. D. 1019) Bill "An Act to Permit the Public Utilities Commission to Authorize a Management Audit of a Public Utility" (C. "A" S-56)

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 as amended and sent up for concurrence.

(H. P. 929) (L. D. 1208) Bill "An Act to Reincorporate and Amend the Charter of the North Berwick Water District" (Emergency) (C. "A" H-135)

On the request of Mr. Soule of Westport, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (H-135) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

(H. P. 1014) (H. P. 1339) Bill "An Act to Amend the Law Relating to the Games of Chance"

On the request of Mr. Soule of Westport, was removed from the Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading the next legislative day.

Passed to be Engrossed

Bill "An Act to Improve and Clarify the Rate-setting Procedures for Municipal and Quasi-Municipal Water Companies" (S. P. 480) (L. D. 1446)

Bill "An Act to Amend the Statute of Limitations for the Probate of Estates under the Maine Probate Code" (H. P. 1122) (L. D. 1466)

Bill "An Act to Prohibit Smoking in Jury Rooms" (H. P. 1110) (L. D. 1455)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was 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 Require Annual Disclosure of Interest in Agricultural Land in Maine" (H. P. 871) (L. D. 1125) (H. "A" H-136) to C. "A" H-131)

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

Mrs. Mitchell of Vassalboro moved that the House reconsider its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

On motion of the same gentlewoman, tabled pending her motion to reconsider and specially assigned for Tuesday, April 19.

Passed to Be Enacted

An Act Regarding the Motor Vehicle Offenses of Eluding a Police Officer and Passing a Roadblock (H. P. 688) (L. D. 868) (C. "A" H-121)

An Act to Amend the Waiting Period After Promulgation of a Rule by the Bureau of Banking (H. P. 814) (L. D. 1054)

An Act to Establish Clearer Guidelines for Guardians Ad Litem Appointed under the Child and Family Services and Child Protection Act (H. P. 889) (L. D. 1154)

An Act to Improve the Child and Family Services and Child Protection Act (H. P. 891) (L. D. 1156)

An Act to Promote Early Permanency for Children Subject to a Protection Order (H. P. 892) (L. D. 1157)

An Act Concerning Registration of Deer in Unorganized Territories (H. P. 1074) (L. D. 1406)

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.

Enactor

Tabled and Assigned

An Act to Protect Unemployed Workers from the Loss of Unemployment Benefits Without the Opportunity for a Fair Hearing (H. P. 1089) (L. D. 1416)

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

On motion of Mr. Gauvreau of Lewiston, tabled pending passage to be enacted and specially assigned for Friday, April 22.

An Act Concerning the Hiring of "Clerk-of-the-works" for the Inspection of Public Improvements (H. P. 1090) (L. D. 1417)

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

Orders of the Day

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

Bill, "An Act to Prohibit Shooting within 100 Yards of any Dwelling During Hunting Season" (H. P. 167) (L. D. 198)

—In House, Passed to be Enacted (C. "A" H-90) on April 11, 1983.

—In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (H-90) and Senate Amendment "A" (S-59) in non-

concurrence.

Tabled—April 14, 1983 by Representative Lewis of Auburn.

Pending—Further Consideration.

On motion of Miss Lewis of Auburn, the House voted to recede.

On motion of the same gentlewoman, the House reconsidered its action whereby Committee Amendment "A" was adopted and on further motion of the same gentlewoman, the Amendment was indefinitely postponed in non-concurrence.

Senate Amendment "A" (S-59) was read by the Clerk, and on motion of the same gentlewoman, the Amendment was indefinitely postponed in non-concurrence.

The same gentlewoman offered House Amendment "B" (H-143) and moved its adoption.

House Amendment "B" was read by the Clerk.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: In brief explanation of this bill, we are now taking away the problem that many of you had that your neighbors would be shooting right under your windows. This was the problem with Committee Amendment "A". The Senate felt strongly about the local control issue, which was the content of Senate Amendment "A", and that local control issue is now in House Amendment "B."

What House Amendment "B" does is, it says that the only exceptions to shooting within a hundred yards of someone's house would be if a local control issue said otherwise or if you were following a law already on the books which says that if you are shooting these animals because they are either destroying your property or destroying your crops, that this is allowable.

I hope this will answer the problems that we have had with this bill.

Thereupon, House Amendment "B" was adopted.

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

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

Bill, "An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational Technical Institute" (Emergency) (H. P. 1104)

Tabled—April 14, 1983 by Representative Mitchell of Vassalboro.

Pending—Motion of Representative Jalbert to refer to the Committee on Appropriations and Financial Affairs.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: We have reached an agreement on this document, that it ought to be assigned to the Committee on Education. However, the gentleman from Lewiston, who made the motion, is not here and therefore he cannot withdraw his motion, so I would ask every one of you to vote against the pending motion so that it might be referred to the Committee on Education.

The SPEAKER: The pending question is on the motion of the gentleman from Lewiston, Mr. Jalbert, that this Bill be referred to the Committee on Appropriations and Financial Affairs. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Thereupon, the Bill was referred to the Committee on Education, ordered printed and sent up for concurrence.

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

Bill, "An Act to Provide for Compensation for Law Enforcement Officers Making Administrative Appearances in the Same Manner as Court Appearances" (H. P. 1118)

Tabled—April 14, 1983 by Representative Carter of Winslow.

Pending—Motion of same gentleman to reconsider reference to the Committee on Judiciary.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that we would vote to reconsider and then refer this to the Committee on Appropriations and Financial Affairs.

Thereupon, the House reconsidered its action whereby the Bill was referred to the Committee on Judiciary and the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

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

The following Joint Order: (S. P. 484)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Tuesday, April 19, 1983, at 9:00 in the morning.

Came from the Senate read and passed.

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

Ms. Small of Bath was granted unanimous consent to address the House.

Ms. SMALL: Mr. Speaker, Ladies and Gentlemen of the House: On today's calendar under "Ought Not to Pass" is L. D. 703, An Act to Provide Adoption Information to Unwed Mothers.

My cosponsor, Representative Nelson, and I chose "Ought Not to Pass" instead of "Leave to Withdraw" so we could speak on the record and express the intent of the legislation and the findings of the committee.

L. D. 703 was presented in an amended form. The New Draft stated that the Department of Human Services would design and print up a brochure containing adoption information explaining adoption services already provided by the Department of Human Services.

The bill also stated that the material would be displayed in doctors' offices which dealt with expectant and young mothers, in clinics and in hospitals. The bill is supported by the Department of Human Services, by the Maine Women's Lobby and the Maine Medical Association. The bill was erroneously referred to the Judiciary Committee instead of Health and Institutional Services and by the time we discovered the mistake, the bill was scheduled for hearing. The committee gave "Leave to Withdraw" when it seemed the bill would need an appropriation. Representative Nelson contacted Human Services and they sent a letter saying no appropriation was needed. Cost for the brochure would be absorbed and, indeed, they had planned such a brochure themselves. The committee then decided that there was no need to legislate this as the Department would do it anyway.

I would argue that the brochure's priority could drop drastically in the next few months and the intent of the legislation will not be carried out. Also, with the legislation, doctors, hospitals and clinics were required to display the brochure and allow for distribution to unwed mothers or any patient actually looking for alternatives to keeping an unplanned or unwanted baby. If the brochure is printed but not properly distributed, the effect is just wasted time and cost.

The legislation is dead, but I want it on record that Human Services is going to print a brochure on adoption procedures and it is going to be distributed to reach the largest possible number of unwed mothers. If this is

not done within two years, I am sure that Representative Nelson or I will be putting in similar legislation to guarantee this is done.

(Off Record Remarks)

On motion of Mrs. Ingraham of Houlton,
Adjourned until Tuesday, April 19, at nine o'clock in the morning.