

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 29, 1983

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

Prayer by the Reverend Lawrence Hathorne of the Sixth Street Congregational Church, Auburn.

The journal of the previous session was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

April 27, 1983

Honorable Edwin H. Pert
Clerk of the House
111th Legislature
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that pursuant to Joint Order, S.P. 505, the President today appointed the following members to the Joint Select Committee on Commercial Whitewater Rafting:

Senator Pearson of Penobscot, Senate Chair
Senator Usher of Cumberland
Senator McBreairey of Arostook

Sincerely,

S/JOY J. O'BRIEN
Secretary of the Senate

The Communication was read and ordered placed on file.

Bill "An Act to Create the Maine Conservation Corps" (S. P. 496) (L. D. 1510)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Energy and Natural Resources)

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

Bill "An Act to Require the Department of Human Services to Conduct Demonstrations of Adult Day Care and Other Services through Long-term Care Facilities" (S. P. 499) (L. D. 1511)

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

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

Unanimous Leave to Withdraw

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Require Discharge Planning for Mental Health Patients" (S. P. 463) (L. D. 1412)

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

By unanimous consent, ordered sent forthwith.

Messages and Documents

The following Communication: (H. P. 1158)

State of Maine
House of Representatives
Speaker's Office
Augusta, Maine 04333

April 26, 1983

Hon. Edwin H. Pert
Clerk of the House
Maine House of Representatives
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to Chapter 88 of the Public Laws of 1983, I have today appointed Rep. Laurence L. Kiesman to the Low-level Waste Siting Commission.

Sincerely,

S/JOHN L. MARTIN
Speaker of the House

The Communication was read and ordered placed on file and sent up for concurrence.

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

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Money for Revolutionary War Veterans' Grave Markers" (H. P. 721) (L. D. 930) reporting "Ought Not to Pass"

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act to Share Equitably the Fines and Forfeitures Resulting from Enforcement of the State Motor Vehicle Laws" (H. P. 815) (L. D. 1055) reporting "Ought Not to Pass"

Representative Kelleher from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund a Marketing Study on the Effects of Lowering Liquor Prices Throughout the State" (H. P. 697) (L. D. 886) reporting "Ought Not to Pass"

Representative Tammara from the Committee on Labor on Bill "An Act Relating to Overtime Pay" (H. P. 979) (L. D. 1280) reporting "Ought Not to Pass"

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Clarify the Law Regarding Repayment of State Capitation Payment for Postgraduate Education in Medicine" (H. P. 594) (L. D. 738) reporting "Ought Not to Pass"

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

By unanimous consent, ordered sent forthwith to the Senate.

Unanimous Leave to Withdraw

Representative Benoit from the Committee on Judiciary on Bill "An Act to Establish Statewide Pretrial Release Agencies" (H. P. 796) (L. D. 1036) reporting "Leave to Withdraw"

Representative Carrier from the Committee on Judiciary on Bill "An Act Relating to Bail Procedures" (H. P. 226) (L. D. 274) reporting "Leave to Withdraw"

Representative Benoit from the Committee on Judiciary on Bill "An Act Concerning the Return of Bail After a Defendant Makes an Appearance in Court" (H. P. 687) (L. D. 867) reporting "Leave to Withdraw"

Representative Tuttle from the Committee on Labor on Bill "An Act Regarding Interest Under the Workers Compensation Act" (H. P. 702) (L. D. 891) reporting "Leave to Withdraw"

Representative Brown from the Committee on Taxation on Bill "An Act to Provide for an Income Tax Credit for Parents who Pay Private School Tuition" (H. P. 706) (L. D. 895) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Protect Unemployed Workers from Excessive Delays in Eligibility Determination in the Unemployment Compensation Program" (H. P. 270) (L. D. 330) reporting "Leave to Withdraw"

Representative Vose from the Committee on Public Utilities on Bill "An Act to Create an Incentive-Penalty Rate Base Adjustment" (H. P. 1015) (L. D. 1340) reporting "Leave to Withdraw"

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

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass in New Draft

Representative Benoit from the Committee on Judiciary on Bill "An Act to Make Confidential Certain Documents of the Maine Human Rights Commission" (H. P. 522) (L. D. 647) reporting "Ought to Pass" in New Draft (H. P.

1156) (L. D. 1526)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**Ought to Pass in New Draft/New Title
Later Today Assigned**

Representative Lehoux from the Committee on Aging, Retirement and Veterans on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Maintain and Protect the Integrity of the Maine State Retirement System (H. P. 25) (L. D. 30) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Clarify Legislative Intent Concerning Funding of the Maine State Retirement System" (H. P. 1155) (L. D. 1525)

Report was read.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Committee Report and later today assigned.

Representative Handy from the Committee on Election Laws on Bill "An Act to Provide that an Absentee Ballot for a Municipal Election May be Requested on the Application Requesting an Absentee Ballot for a State Election" (H. P. 30) (L. D. 35) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide that an Absentee Ballot for a Municipal Election may be Issued Pursuant to an Application for an Absentee Ballot for a State Election" (H. P. 1157) (L. D. 1527)

Report was read and accepted, the New Draft 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:

(S. P. 326) (L. D. 971) Bill "An Act Concerning Public Easements for Access to Harvested Lands and Cemeteries" — Committee on Local and County Government reporting "Ought to Pass"

(S. P. 304) (L. D. 918) Bill "An Act to Reestablish the Time for Announcing a Shorter Deer Season" — Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (S-74)

(H. P. 400) (L. D. 483) Bill "An Act to Increase the Damages Jurisdiction of the Maine District Court to \$300,000" — Committee on Judiciary reporting "Ought to Pass"

(H. P. 376) (L. D. 459) RESOLVE, Appropriating \$15,000 for Maine Poison Control Center — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 515) (L. D. 640) Bill "An Act to Allocate Moneys for the Administrative Expenses of the State Lottery Commission for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 778) (L. D. 1027) Bill "An Act to Create a Revolving Fund for Publications of the Department of Marine Resources" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 577) (L. D. 725) Bill "An Act to Clarify the Maine Motor Vehicle Habitual Offender Statute" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-172)

(H. P. 715) (L. D. 906) Bill "An Act to Amend the Reporting Requirements in Cases of Death Due to Abuse or Neglect" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-173)

(H. P. 306) (L. D. 365) Bill "An Act Regulating the Activities of Political Action Committees" Committee on Election Laws reporting "Ought

to Pass as amended by Committee Amendment "A" (H-174)

(H. P. 768) (L. D. 998) Bill "An Act to Regulate Interstate Bank Ownership" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-175)

(H. P. 120) (L. D. 128) Bill "An Act to Authorize Group Self-insurers to Add Participating Employers" — Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-176)

There being no objections, the above items were ordered to appear on the Consent Calendar of May 2, under the listing of Second Day.

Second Reader Tabled and Assigned

Bill "An Act to Require a Single License Plate" (H. P. 497) (L. D. 594)

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

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I am asking you today to vote against this single license plate proposal. The state police testified to the Committee on Transportation that the front license plate is one of the most effective tools they have to locate people in emergency situations and in identifying vehicles involved in robberies and hit and run accidents.

In addition, the front license plate is reflectorized. Maine law requires reflectors on the back of motor vehicles but it does not require them on the front. Therefore, the front plate offers a significant safety advantage. A rear license plate is seen by the car directly behind you, and only that car. The front license plate is seen by all approaching vehicles.

Our police officers are trained to record license plate numbers when responding to emergency calls, and in many instances this recorded number was the lead in the arrest of a murderer and numerous robberies and hit and run accidents.

Currently, 33 states and Maine require two license plates. Massachusetts went to a one plate system in 1981, and because of the outcry from the public and the law enforcement people, have, effective January 1983, returned to its two plate system.

On Wednesday, Representative Baker referred to a cost-savings of \$105,000 annually to the people if we only had one license plate. However, he did not take into consideration the revenue loss that doing away with the one plate would create. Last year, Maine received \$87,000 in revenue because of the \$5 fee that is required to purchase a new plate. There were 18,000 people stopped on Maine highways because they only had one license plate, and \$87,000 was gained in state revenue. I think that puts the net figure of the cost savings for Maine down to somewhere in the vicinity of \$18,000 a year. I would submit to you that that probably is the most cost-effective \$18,000 in terms of law enforcement and safety that this state spends.

I would ask you to vote against the measure and I would ask for a division.

Whereupon, on motion of Mrs. Reeves of Pittston, tabled pending passage to be engrossed and specially assigned for Monday, May 2.

Passed to Be Engrossed

Bill "An Act to Establish a Chief Justice of the Superior Court" (S. P. 146) (L. D. 437)

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

Passed to be Engrossed Emergency Measure

An Act to Prohibit Control of Financial Insti-

tutions as Closely Related Activities" (H. P. 787) (L. D. 1029) (C. "A" H-150)

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. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Reincorporate and Amend the Charter of the North Berwick Water District (H. P. 929) (L. D. 1208) (C. "A" H-135 and H. "A" H-146)

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. 118 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Revise the Salaries of Certain County Officers (H. P. 1135) (L. D. 1488)

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. 109 voted in favor of same and 2 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Finally Passed

Emergency Measure

RESOLVE, Prohibiting the Issuance of Fish Weir Licenses for One Year. (H. P. 1133) (L. D. 1486)

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. 117 voted in favor of same and none against, and accordingly the Resolve was finally passed signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Amend the Election Laws Concerning Signatures and Names (H. P. 196) (L. D. 240)

An Act to Strengthen the Laws Relating to the Sexual Exploitation of Minors (H. P. 320) (L. D. 379)

An Act Concerning the Qualifications of Attorneys Moving to Maine from Other Jurisdictions (H. P. 326) (L. D. 385)

An Act Relating to Nomination Petitions for Municipal Office (H. P. 387) (L. D. 470)

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.

Tabled and Assigned

An Act to Limit the Personal Liability of Municipal Employees under the Maine Tort Claims Act (H. P. 399) (L. D. 482)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Monday, May 2.

An Act Relating to Time Shares (H. P. 468) (L. D. 568) (C. "A" H-153)

An Act to Promote Safe Solid Fuel Burning Practices (H. P. 521) (L. D. 646) (C. "A" H-133)

An Act to Provide Equity for Former Military Spouses (H. P. 554) (L. D. 705) (C. "A" H-148)

An Act to Amend the Termination of Parental Rights Law (H. P. 591) (L. D. 735) (C. "A" H-142)

An Act to Regulate Striped Bass Fishing (H.

P. 636) (L. D. 787) (C. "A" H-137)

An Act to Amend the Law Governing Construction Permits and the Examination of Plans by the Office of State Fire Marshal (H. P. 744) (L. D. 956) (C. "A" H-152)

An Act Relating to Deposits and Termination of Utility Service for Nonresidential Customers (H. P. 746) (L. D. 958) (C. "A" H-144)

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

An Act to Amend the Lines of Credit and Commercial Loans to Individual Borrowers (H. P. 786) (L. D. 1028) (C. "A" H-151)

An Act to Amend Maine's Abandoned Property Law (H. P. 816) (L. D. 1056) (C. "A" H-154)

An Act to Amend Certain Aspects of Post-conviction Review (H. P. 844) (L. D. 1094)

An Act Concerning a Judge Hearing a Case where his Town or County is a Party (H. P. 890) (L. D. 1155)

An Act to Designate the Director of Area Reference and Resource Centers as Permanent, Nonvoting Members of the Maine Library Commission (H. P. 919) (L. D. 1198)

An Act to Enable Law Enforcement Agencies to Dispose of Certain Property (H. P. 926) (L. D. 1205) (C. "A" H-149)

An Act to Amend the Habitual Offender Law (H. P. 956) (L. D. 1237)

An Act to Establish Municipalities as Agents for Utilities within their Jurisdictions for the Purpose of Charges Assessed for Use of Railroad Crossings (H. P. 1002) (L. D. 1310)

An Act to Amend the Law Relating to Games of Chance (H. P. 1014) (L. D. 1339) (H. "A" H-145)

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

An Act to Protect the Quality of Lobsters (H. P. 1111) (L. D. 1456)

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

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) (H. "A" H-156)

An Act to Provide a Sales Tax Exemption for Certain Church Affiliated Residential Homes (H. P. 1128) (L. D. 1483)

An Act to Amend the Statutes Relating to Itinerant Sellers (H. P. 1134) (L. D. 1487)

An Act to Conform the Requirements for Construction of Generating Facilities or Transmission Lines (H. P. 860) (L. D. 1110) (S. "A" S-70 and C. "A" H-155)

An Act Requiring an Annual Report on Safety Problems by Nuclear Power Plants (H. P. 1129) (L. D. 1484) (S. "A" S-68)

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

Finally Passed

RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harrison \$2,368.86 for Unexpended Retirement Funds (H. P. 1065) (L. D. 1403)

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

By unanimous consent, all preceding Enactors were ordered sent forthwith to the Senate.

Orders of the Day

The Chair laid before the House the first item of Unfinished Business:

An Act to Provide for the Use of Major Credit Cards at State Liquor Stores (S. P. 160) (L. D. 448) (C. "A" S-50)

Tabled—April 26, 1983 by Representative Jackson of Harrison.

Pending—Motion of Representative Bro-

deur of Auburn to Reconsider whereby the House voted to Adhere to its previous action whereby this Bill Failed of Passage to be Enacted.

On motion of Mr. Brannigan of Portland, retabled pending the motion of Mr. Brodeur of Auburn to reconsider whereby the House voted to adhere and specially assigned for Monday, May 2.

The Chair laid before the House the second item of Unfinished Business:

Bill, "An Act to Provide Cost-of-living Adjustments to Retired State Employees, Teachers and Beneficiaries" (H. P. 1142) (L. D. 1507)

Tabled—April 26, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Engrossed.

Mr. Hickey of Augusta offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-165) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" and sent up for concurrence.

The Chair laid before the House the third item of Unfinished Business:

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)

Tabled—April 26, 1983 by Representative Beaulieu of Portland.

Pending—Passage to be Enacted.

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

Mr. GAUVREAU: Mr. Speaker, Ladies and Gentlemen of the House: I rise to take this opportunity to read into the record the intent of the Joint Standing Committee on Labor regarding L. D. 1416. I would like at this time also to express my appreciation to the bill's sponsor, Representative Connolly, and also to my colleagues on the Labor Committee, especially Representative Zirkilton, for their assistance in working out a satisfactory draft of this bill.

The legislation addresses the situation wherein a person receiving unemployment compensation benefits is confronted with the potential loss or reduction in benefits due to new information or a new issue arising from any source which might affect the person's weekly benefit amount. Should the claimant choose to contest the reduction or elimination in benefit eligibility, he or she has the right to a fact-finding interview with a deputy prior to any agency determination regarding continued eligibility. The claimant will be entitled to continued receipt of benefits pending the interview if he or she or chooses. However, if it is determined that the person's benefits should be reduced or eliminated, he or she may be liable to the department for an overpayment based on current law.

It is important to stress that the bill leaves intact present law regarding the right of a claimant to request a waiver of an overpayment, and this bill should in no way be construed to restrict a claimant's right to request such a waiver.

The bill establishes a specific time frame in which the department is to conduct its fact-finding interview. Nevertheless, the department still retains its inherent authority to grant continuances or reschedule hearings in appropriate circumstances. However, once the claimant and the employer have had the opportunity to appear at the factfinding interview, the Department may consider no additional evidence in resolving the disputed issues other than corroborative documentary evidence filed upon request and notice to the parties who appeared at the interview.

The underlying principle in this legislation is fairness. Accordingly, the bill requires an employer and claimant have an opportunity to

personally address a deputy before any determination is made regarding a claimant's eligibility for benefits.

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

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the fourth item of Unfinished Business:

Bill, "An Act to Revise the Composition of the Marine Resources Advisory Council" (H. P. 1038) (L. D. 1363) (C. "A" H-162)

Tabled—April 27, 1983 (Till Later Today) by Representative Carter of Winslow.

Pending—Passage to be Engrossed.

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

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

An Act to Amend the Probate Fees (H. P. 714) (L. D. 905)

Tabled—April 26, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Monday, May 2.

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

HOUSE DIVIDED REPORT—Majority (10) "Ought Not to Pass" — Minority (3) "Ought to Pass" — Committee on Fisheries and Wildlife on Bill "An Act Concerning the Beginning Date for the Open Season on Deer" (H. P. 686) (L. D. 866)

Tabled—April 27, 1983 by Representative MacEachern of Lincoln.

Pending—Motion of same gentleman to accept the Majority "Ought Not to Pass" report.

On motion of Mr. MacEachern of Lincoln, retabled pending acceptance of the Majority Report and specially assigned for Monday, May 2.

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

Bill, "An Act Requiring Motorists to Protect Children in Motor Vehicles by Use of Approved Child Safety Seats" (H. P. 1149) (L. D. 1514)

Tabled—April 27, 1983 by Representative Carroll of Limerick.

Pending—Passage to be Engrossed.

Mr. Carroll of Limerick offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-171) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Today I offer this amendment in a spirit of compromise. I am not entirely happy with this legislation; therefore, I felt that this amendment, which is a practice that has been carried out in the State of Tennessee where the State Police carry a spare seat in their vehicle, a child restraining seat, and may loan it to the public. I feel this would be a tremendous public relations object because it would help the State Police carry out the intent of the law. It would also show that they are humanitarians, that they were offering the parent a seat and then the parent could return that either to the state police or court if they were summonsed to court.

Coming back to the fine of \$25, I find that most parents with children cannot afford a \$50 fine. I think the \$50 fine is a little bit excessive. From my point of view, I come from a rural area and we are not all rich people, many of them who have children don't have the money to buy these seats and are not always located where the charitable organizations are that will loan the seats. I feel that the people in the rural areas are going to be at a distinct dis-

advantage and that was my reason for offering this amendment. I am just trying to play my role as the House Chairman and also to play my role believing in safety. I also believe that we must not pass legislation that penalizes those who cannot afford to have these seats.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would move at this time that this amendment be indefinitely postponed.

The SPEAKER: The gentleman from So. Portland, Mr. Macomber, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: The Department of Public Safety and the Bureau of State Police have been and are very much in favor of child restraint systems. On the Transportation Committee, we have worked with the State Police very closely on this particular bill. They feel that the bill as presented to you and passed two days ago in its original form was the proper method to use.

We don't feel that there is any need for the State Police to be involved in this particular application of this bill.

The gentleman from Limerick brings up the Tennessee Amendment, which is primarily what his amendment would address. When Tennessee enacted their law in 1980, they did not have one single low rent or loaner program, none whatsoever in the state. Maine at this time has 22 hospitals and five volunteer groups and state agencies involved in loaner or low rent programs. The Department of Public Safety expects to procure another 1,000 to 2,000 seats during the next 12 months to be distributed to hospitals and concerned volunteer groups in every section of the state. This is not a cost to the state, this is federal public safety money.

Another thing about Tennessee that they did not have that we have is that for the past year we have had an educational program; they had none whatsoever. I think perhaps we have learned from the Tennessee Amendment and I feel that because of what has happened in Tennessee, our bill has been drafted differently and I think it covers all the points that the gentleman from Limerick has brought up. I feel that if you were to accept this amendment, what you would really be doing is to further complicate an already complicated bill.

I hope that you will vote against the amendment.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to enlighten you a little bit more in regard to this subject matter of the State Police having loaner seats. They speak about 2,000 seats and making them available to everybody, but the people in the rural areas, we don't have the hospitals out there and we don't have the big charitable organizations out there, and I think this is where we have our big differences; this is where we have our problems.

Also, when I mentioned to the State Police that I thought the seat loaner program would be a wonderful public relations effort on their part, the first remark I got was why they couldn't do it. I am sick and tired of passing laws in state government hearing people say why this cannot be done, why we cannot do this, why we cannot serve the public. I say to you, don't tell me why we can't do it, tell me why you can, and that is what I base my premise on.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: To respond very briefly, I would point out that in Tennessee where they had this program where state

troopers carry the seats in their cars, the reason they had that particular program was because there was no other enforcement provision in the law, but now that they have set up this program that the State of Maine already has of these volunteer groups, hospital groups and these things, in a conversation yesterday with the Tennessee State Police, they are in the process at this very moment of getting their state troopers out of the business of providing seats.

I would also point out to you something that the gentleman from Limerick neglected to say—when you start talking about carrying safety seats around for each particular kid, you have to realize that there are three different varieties of seats that apply to children between the ages of birth and four years old. They vary according to weight. If a child is of a certain weight, he has to have a certain seat; if he is heavier than that, he has to have another seat. I think to fully comply with what the gentleman from Limerick wants, each state trooper would have to carry three different varieties of seats and I think this is a very unreasonable thing to expect of the State Police.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentleman from So. Portland, Mr. Macomber, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

92 having voted in the affirmative and 20 in the negative, the motion did prevail.

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

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker, is the House in possession of Bill, "An Act to Improve Voter Registration Access for Potential Absentee Voters" (H. P. 114) (L. D. 121)?

The SPEAKER: The Chair would answer in the affirmative.

Mr. LIVESAY: Mr. Speaker, I move that the House reconsider its action whereby this bill was passed to be engrossed.

The SPEAKER: The gentleman from Brunswick, Mr. Livesay, moves that the House reconsider its action whereby this Bill was passed to be engrossed.

Mr. LIVESAY: Mr. Speaker, Ladies and Gentlemen of the House: I held this bill at the request of Representative Higgins and Representative Higgins is not here today, so I hope somebody will table this one legislative day.

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

Mrs. CAHILL: Mr. Speaker, I move this bill lie on the table one legislative day.

Mrs. Mitchell of Vassalboro requested a Division.

The SPEAKER: The pending question before the House is the motion of the gentlewoman from Woolwich, Mrs. Cahill, that this Bill be tabled one legislative day. Those in favor of tabling one day will vote yes; those opposed will vote no.

A vote of the House was taken.

Mrs. Cahill of Woolwich 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. All 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 pending question before the House is on the motion of the gentlewoman from Woolwich, Mrs. Cahill, that this Bill be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney,

Bott, Brown, D.N.; Cahill, Callahan, Conary, Connors, Davis, Day, Dillenback, Drinkwater, Foster, Greenlaw, Hickey, Holloway, Ingraham, Jackson, Kelleher, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soule, Sproul, Stevenson, Stover, Strout, Telow, Theriault, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Erwin, Gauvreau, Handy, Hobbins, Jacques, Joyce, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Murray, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rotondi, Smith, C.B.; Soucy, Stevens, Swazey, Tammamro, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Brown, A.K.; Carrier, Carter, Chonko, Crowley, Curtis, Dexter, Dudley, Gwadosky, Hall, Hayden, Higgins, H.C.; Higgins, L.M.; Jalbert, Joseph, Kane, Lisnik, Mahany, McGowan, Mitchell, J.; Nadeau, Ridley, Rolde, Seavey.

Yes, 57; No, 67; Absent, 25; Vacant, 2.

The SPEAKER: Fifty-seven having voted in the affirmative and sixty-seven in the negative, with twenty-five being absent and two vacant, the motion does not prevail.

The SPEAKER: The Chair recognizes the gentleman from Woolwich, Mrs. Cahill.

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to please reconsider this bill on its merits, or I guess lack thereof.

Currently, a person can register to vote on election day if that person appears in person before the registrar. This bill would allow the would-be voter to register absentee on election day. Not allowing a person to register by absentee is an incentive to the voter to register early. If this bill passes, the person probably wouldn't bother to register prior to an election because he knows that if he should become incapacitated before an election, he could still register and then vote on election day.

It seems to me that by allowing this bill passage, we are once again opening up the voting process in this state to potential fraud and abuse.

I would request a roll call.

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

Mrs. WENTWORTH: Mr. Speaker and Members of the House: I think it is time that we educated our voters to act in anticipation of elections and not to treat them like last-minute thoughts.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: Actually, what Representative Cahill presented to you is part of what the bill does. Currently, there are towns in the State of Maine which have closed periods of up to nine days prior to election day.

This bill addresses a problem that has occurred with me personally, as well as a great number of other individuals who take part in making sure that those individuals who are confined to their homes or for some other reason can't go to the polls and vote, it helps those individuals in the process and to vote. What it does is, for example, if there is someone who moves to Maine and may not have registered to vote and becomes ill or incapacitated, or any one of the other reasons under the statutes that individual may vote absentee, this bill would allow that person, providing they meet

those requirements, to register to vote and then vote absentee. It is something that takes into consideration the various mishaps that might happen in one person's life that might be untimely and opens up the process to those individuals, and I don't feel that they should be excluded because of illness or being confined to home.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Brunswick, Mr. Livesay, that the House reconsider its action whereby this Bill was passed to be engrossed. All those in favor of reconsideration will vote yes; those opposed will vote no.

ROLL CALL

YEA—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Davis, Day, Dillenback, Drinkwater, Foster, Greenlaw, Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Murphy, Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Clark, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Diamond, Erwin, Gauvreau, Handy, Hickey, Hobbins, Jacques, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Moholland, Murray, Nelson, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammamro, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Brown, A.K.; Carrier, Carter, Chonko, Crowley, Curtis, Dexter, Dudley, Gwadosky, Hall, Hayden, Higgins, H.C.; Higgins, L.M.; Jalbert, Joseph, Kane, Lisnik, Mahany, McGowan, Mitchell, J., Nadeau, Ridley, Rolde, Seavey.

Yes, 54; No, 71; Absent, 24; Vacant, 2.

The SPEAKER: Fifty-four having voted in the affirmative and seventy-one in the negative, with twenty-four being absent and two vacant, the motion does not prevail.

Sent to the Senate.

The following papers appearing on Supplement No. 2 were taken up out of order by unanimous consent:

Passed to Be Enacted Emergency Measures

An Act to Provide Legislative Participation in the Allocation of Consumer Settlements and for Allocation of Funds for the Low Income Energy Assistance Program (H. P. 1136) (L. D. 1495) (H. "A" H-161)

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. 107 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.

An Act Governing State Participation in the Federal Job Training Partnership Act (H. P. 1148) (L. D. 1512)

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. 108 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Authorizing the Public Utilities Commission to Expend Revenues Collected as Filing Fees or Expense Reimbursements (S. P. 411) (L. D. 1264) (C. "A" S-63)

An Act to Amend the Obscenity Laws (S. P. 477) (L. D. 1438)

An Act to Give the Maine Association of Retirees Proper Representation on the Board of Trustees for the Maine State Retirement System (S. P. 481) (L. D. 1447)

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 Reconsidered

An Act Relating to the Capitalization and Board of Directors of the Maine Fidelity Life Insurance Company (H. P. 260) (L. D. 320) (H. "A" H-160)

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

On motion of Mr. Brannigan of Portland, under suspension of the rules, the House reconsidered its action whereby the Bill was passed to be engrossed.

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-160) was adopted, and on further motion of the same gentleman, the Amendment was indefinitely postponed in non-concurrence.

The same gentleman offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-170) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

An Act to Protect the Health of Children by Prohibiting the Free Distribution of Cigarettes (H. P. 395) (L. D. 478) (S. "A" S-67)

An Act to Amend the Wholesale Seafood License Law (H. P. 776) (L. D. 1006)

An Act to Amend the Probate Code (H. P. 867) (L. D. 1115)

An Act Concerning Late Filing Under the Referendum Campaign Reporting Law (H. P. 984) (L. D. 1289)

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 Permit the Employment Security Commission Wider Discretion in Determining Eligibility for Unemployment Compensation Benefits (H. P. 1123) (L. D. 1467) (S. "A" S-69)

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

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

Mr. DAVIS: Mr. Speaker, I merely want to inquire briefly what this bill does.

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

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This bill concerns the able and available requirements as we know

them under the employment eligibility determination section. What it does is, it allows the commission to make determinations when a claimant comes in and indicates that they are unable to accept employment, particularly in shift work situations, because of a parental obligation or the need to care for an immediate family member or the unavailability of personal care attendance that is required to assist an unemployed claimant who is a handicapped person.

We are trying to address specifically shift work in the instance where an employee might have been working, let's say, a seven to three shift during the day and they are now being told that they have to go to work on the night shift, for example, where the hours would fall between the hours of midnight to five o'clock in the morning. If that individual, with the law as it reads now, claims that they cannot take that job because of those hours, and particularly because of the three areas that I have identified to you that would create a problem for them in taking that job, they would automatically be non-eligible for unemployment compensation. Therefore, in trying to address that specific problem, because of the three areas of conflict where they could not take that job, we have put out this bill that would give the commission the authority to evaluate that as part of the able and available requirement under the current law.

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

An Act to Fairly Apportion the Cost of Canceled Generating Facilities (H. P. 1140) (L. D. 1496)

An Act to Authorize the Maine Criminal Justice Academy to Revoke Officer Certification (H. P. 1141) (L. D. 1505)

Finally Passed

RESOLVE, Approving the 1983 Draft and Arrangement of the Constitution of Maine Made by the Chief Justice of the Supreme Judicial Court and Providing for its Publication and Distribution (S. P. 180) (L. D. 547) (C. "A" S-64)

RESOLVE, Authorizing Governor to Convey an Interest in Land and Buildings on the Bangor Mental Health Institute Campus (H. P. 1016) (L. D. 1341)

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

The following papers appearing on Supplement No. 3 were taken up out of order by unanimous consent:

Unanimous Ought Not to Pass

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Regulate Gymnastic Instructors" (S. P. 381) (L. D. 1173)

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

Unanimous Ought Not to Pass

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Allow the Election of Members of the Board of Assessment Review" (H. P. 940) (L. D. 1223) reporting "Ought Not to Pass"

Representative Brown from the Committee on Taxation on Bill "An Act to Increase the Exemption from Taxation of Parsonages used by Religious Societies to the Value of \$50,000" (H. P. 206) (L. D. 250) reporting "Ought Not to Pass"

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

The following papers appearing on Supple-

ment No. 1 was taken up out of order by unanimous consent:

Bill "An Act to Clarify the Authority of the Superintendent of the Bureau of Consumer Credit Protection" (S. P. 502) (L. D. 1518)

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

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

Bill "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (Emergency) (S. P. 503) (L. D. 1519)

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

(Committee on Judiciary was suggested)

In the House, the Bill was referred to the Committee on Judiciary in non-concurrence and sent up for concurrence. (Later reconsidered)

RESOLVE, to Reduce the Amount of Money to be Raised by Taxes in Penobscot County (Emergency) (H. P. 1159) (Presented by Representative Kelleher of Bangor) (Cosponsors: Senator Pray of Penobscot)

Was referred to the Committee on Local and County Government, ordered printed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Unanimous Leave to Withdraw

Representative Carrier from the Committee on Judiciary on Bill "An Act to Allow Access to Financial Records of Public Assistance Recipients" (H. P. 824) (L. D. 1064) reporting "Leave to Withdraw"

Representative Livesay from the Committee on Judiciary on Bill "An Act to Revise the Laws Pertaining to Bail in Criminal Cases" (H. P. 322) (L. D. 381) reporting "Leave to Withdraw"

Representative Carrier from the Committee on Judiciary on Bill "An Act Regarding Collateral Source Payments in Medical Malpractice Cases" (H. P. 725) (L. D. 934) reporting "Leave to Withdraw"

Representative Reeves from the Committee on Judiciary on Bill "An Act to Deter Assaults on Officers in Penal Institutions" (H. P. 794) (L. D. 1034) reporting "Leave to Withdraw"

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

By unanimous consent, ordered sent forthwith to the Senate

Consent Calendar

First Day

(H. P. 478) (L. D. 575) Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Year Ending June 30, 1984 and June 30, 1985"—Committee on Energy and Natural Resources reporting "Ought to Pass"

(H. P. 858) (L. D. 1108) Bill "An Act to Strengthen the Penalties for Misuse of Narcotics by Health Professionals" Committee on Judiciary reporting "Ought to Pass"

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

Passed to Be Enacted Emergency Measure

An Act to Amend the Statutory Requirements Pertaining to Medicaid Copayments" (H. P. 823) (L. D. 1063) (C. "A" H-158)

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. 106 voted in favor of same and none against, and

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

By unanimous consent, ordered sent forthwith.

The following paper appearing on Supplement No. 4 was taken up out of order by unanimous consent:

**Referred to Committee on
Energy and Natural Resources**

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act to Create an Uncontrolled Site Clean-up Program and to Provide for the Removal of Certain Hazardous Waste from the McKin Site in Gray, Maine" (Emergency) (S. P. 465) (L. D. 1419) reporting that it be referred to the Committee on Energy and Natural Resources.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Energy and Natural Resources.

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

On motion of Mr. McHenry of Madawaska, the House reconsidered its action of earlier in the day whereby Bill "An Act to Clarify the Law Concerning Certain Appeals from Planning Board Decisions" (Emergency) (S. P. 503) (L. D. 1519) was referred to the Committee on Judiciary in non-concurrence.

On further motion of the same gentleman, the Bill was referred to the Committee on Local and County Government in concurrence.

(Off Record Remarks)

On motion of Mr. Cooper of Windham,
Adjourned until Monday, May 2, at nine o'clock in the morning.