

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

**December 1, 1982 to May 13, 1983**

**HOUSE**

Wednesday, May 4, 1983

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

Prayer by the Reverend Gordon Lind of St. Columba's Episcopal Church, Boothbay.

The journal of yesterday was read and approved.

State of Maine

Office of the Secretary of State

May 3, 1983

To the Honorable John L. Martin, Speaker of the House of Representatives of the One Hundred and Eleventh Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 109 at the Special Election held on April 19, 1983, according to a review of the returns made by the Governor, to fill the vacancy that existed in that district, as follows:

Rosa M. Dickson, Berwick	736
Eleanor M. Murphy, Berwick	758
Others	1

RODNEY S. QUINN

Secretary of State

The communication was read and ordered placed on file.

State of Maine

Office of the Secretary of State

May 3, 1983

To Edwin H. Pert, Clerk of the House of the House of Representatives of the One Hundred and Eleventh Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on April 19, 1983, in Representative District 109 for the purpose of electing a Representative to the One Hundred and Eleventh Legislature; that Eleanor M. Murphy of Berwick having received a plurality of all votes cast in District 109, as contained in a report to the Governor on April 22, 1983, appears to have been elected a Representative to the One Hundred and Eleventh Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this third day of May in the year of our Lord, One Thousand Nine Hundred and Eighty-three.

S/RODNEY S. QUINN

Secretary of State

The Communication was read and ordered placed on file.

**Papers from the Senate**

The following Joint Resolution: (S. P. 522)

**JOINT RESOLUTIONS ON  
MEDICARE ASSIGNMENT**

WHEREAS, both the public and private sectors have a heavy financial burden in paying for costs of health care; and

WHEREAS, through cooperative public education efforts among providers of and payors for health care, consumers can be made aware of the costs of that care; and

WHEREAS, many elderly rely on Medicare payments to cover their health care costs; and

WHEREAS, there is a discrepancy between Medicare allowable charges and physicians or providers actual charges, and older adults are often faced with large out-of-pocket expenses for physician care; and

WHEREAS, at certain times or in certain circumstances it may not be convenient for a consumer of health care to determine in advance whether his physician accepts Medicare assignment; and

WHEREAS, physicians agree that this information ought to be made available in advance to the consumer; now, therefore, be it

RESOLVED: That We, the Members of the

First Regular Session of the 111th Legislature direct the Maine Committee on Aging, to conduct a survey of provider practices regarding Medicare assignment and report back the results by February 1, 1984; and be it further

RESOLVED: That the Maine Committee on Aging conduct an educational campaign for both providers and Medicare beneficiaries, on the importance of requesting provider practice on Medicare assignment in advance; and be it further

RESOLVED: That suitable copies of this Joint Resolution be sent forthwith to the Maine Committee on Aging.

Came from the Senate read and adopted.

In the House, the Resolution was read and adopted in concurrence.

**Reports of Committees****Unanimous Leave to Withdraw**

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Create a Commission on the Financial Needs of Maine Small Businesses" (S. P. 443) (L. D. 1366)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Promote Early Diagnosis of Child Abuse or Neglect" (S. P. 98) (L. D. 227)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Prohibit the Trapping of Bear with the Leg Hold Steel Jaw Bear Trap" (S. P. 55) (L. D. 162)

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act Establishing Emergency Mental Health Services" (S. P. 490) (L. D. 1490)

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

**Messages and Documents**

The following Communication: (S. P. 520)

111th Maine Legislature

May 2, 1983

Honorable Carroll E. Minkowsky  
Honorable Nathaniel J. Crowley, Sr.  
Chairs

Joint Standing Committee on  
Marine Resources

State House  
Augusta, Maine 04333

Dear Chairs Minkowsky and Crowley:

Please be advised that Governor Joseph E. Brennan today nominated Endicott P. Davison, Jr. of Boothbay for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Marine Resources.

In the House was read and referred to the Committee on Marine Resources in concurrence.

The following Communication: (S. P. 521)

111th Maine Legislature

May 2, 1983

Honorable Carroll E. Minkowsky  
Honorable Nathaniel J. Crowley, Sr.  
Chairs

Joint Standing Committee on  
Marine Resources

State House  
Augusta, Maine 04333

Dear Chairs Minkowsky and Crowley:

Please be advised that Governor Joseph E. Brennan today nominated William A. Knight, Jr. of Belfast for reappointment to the Marine

Resources Advisory Council.

Pursuant to Title 12 MRSA Section 6024, this nomination will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

S/GERARD P. CONLEY

President of the Senate

S/JOHN L. MARTIN

Speaker of the House

Came from the Senate read and referred to the Committee on Marine Resources.

In the House, was read and referred to the Committee on Marine Resources in concurrence.

The following Communication: (S. P. 523)

State of Maine

Senate Chamber

President's Office

Augusta, Maine 04333

April 25, 1983

Honorable Joy J. O'Brien

Secretary of the Senate

Maine State Senate

State House

Augusta, Maine 04333

Dear Secretary O'Brien

This is to notify you that I have today appointed Senator Samuel W. Collins, Jr. to the Low-Level Waste Siting Commission, pursuant to Public Law 1983, Chapter 88.

Sincerely,

S/GERARD P. CONLEY

President of the Senate

Came from the Senate read and ordered placed on file.

In the House, was read and ordered placed on file in concurrence.

**Petitions, Bills and Resolves  
Requiring Reference**

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

**Later Today Assigned**

Bill "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) (Presented by Representative Crouse of Washburn) (Cosponsors: Senators Emerson of Penobscot, Erwin of Oxford, and Representative Lisnik of Presque Isle) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

(Committee on Agriculture was suggested)

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

**Later Today Assigned**

Bill "An Act to Create a Forest Resource Assessment and Marketing Program" (H. P. 1171) (Presented by Representative Michaud of East Millinocket) (Cosponsors: Senator Brown of Washington and Representative Lisnik of Presque Isle) (Submitted by the Department of Conservation pursuant to Joint Rule 24)

Committee on Agriculture was suggested.

Mr. Hall of Sangerville moved that the Bill be referred to the Committee on Energy and Natural Resources.

On motion of Mr. Carter of Winslow, tabled pending the motion of Mr. Hall to refer to the Committee on Energy and Natural Resources and later today assigned.

**Marine Resources**

Bill "An Act Concerning the Catching of Herring for Bait" (H. P. 1172) (Presented by Representative Ainsworth of Yarmouth) (Cosponsors: Representatives Salsbury of Bar Harbor and Manning of Portland) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

**House Reports of Committees**

**Unanimous Ought Not to Pass**

Representative Erwin from the Committee on Fisheries and Wildlife on Bill "An Act to Repeal the Law Providing an Open Season on Moose" (I. B. 1) (L. D. 743) 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 Nelson from the Committee on Health and Institutional Services on 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) (L. D. 1494) reporting "Leave to Withdraw"

Representative Higgins from the Committee on Taxation on Bill "An Act Relating to Claims to Real Property" (H. P. 973) (L. D. 1271) reporting "Leave to Withdraw"

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

**Ought to Pass in New Draft**

Representative MacEachern from the Committee on Fisheries and Wildlife on Bill "An Act to Provide for Registration of All-terrain Vehicles" (H. P. 954) (L. D. 1235) reporting "Ought to Pass" in New Draft (H. P. 1169) (L. D. 1544)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

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

Representative Randall from the Committee on Education on Bill "An Act Relating to the Appointment of the Board of Visitors of the Governor Baxter School for the Deaf" (Emergency) (H. P. 975) (L. D. 1276) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to the Appointment of a Policy Review Board for the Governor Baxter School for the Deaf" (Emergency) (H. P. 1168) (L. D. 1543)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

**Divided Report**

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-186) on Bill "An Act to Limit the Storage of Spent Fuel at Nuclear Reactor Facilities" (H. P. 314) (L. D. 373)

Report was signed by the following members:  
Senators:

KANY of Kennebec  
PEARSON of Penobscot  
— of the Senate.

Representatives:

HALL of Sangerville  
McGOWAN of Pittsfield  
MITCHELL of Freeport  
JACQUES of Waterville  
MICHAUD of East Millinocket  
MICHAEL of Auburn  
RIDLEY of Shapleigh  
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-187) on same Bill.

Report was signed by the following members:  
Senator:

McBREAIRTY of Aroostook  
— of the Senate.

Representatives:

KIESMAN of Fryeburg  
DEXTER of Kingfield  
BROWN of Livermore Falls  
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report.

The SPEAKER: The gentleman from Sangerville, Mr. Hall, moves that the Majority "Ought to Pass" Report be accepted.

The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you not to accept the Majority Report, Report A, and instead give us an opportunity to accept the Minority Report, Report B. I will not bore you with a long harangue on this issue this morning, we have been down this road before, but let me lay it out for you real quick and clear.

Report A on the bill is a proposal to close Maine Yankee in the year 1992, 10 years after we just had a referendum on it. It proposes to usurp the authority that is contained in the Federal Nuclear Regulatory Law that reserves to the federal government the control of spent nuclear fuel from power plants. The proposal is to send a message to the federal government, if you will, to speed up their program while at the same time in the last section of the Amendment "A", it acknowledges that the operation of a federal disposal facility for high level waste will not be ready until 1998, some six years after this amendment would close the plant for lack of storage space for their spent fuel.

It is always nice to twist the tail of a tiger so long as it is a benign tiger, it is always an enjoyable thing. Well, there is a tiger whose tail you would be twisting if you vote for this Amendment "A" and that is voters of this state. I would remind you that the voters of this state have twice defeated a proposal to close Maine Yankee. They defeated a proposal to close it immediately, it came back by referendum last year and they defeated the proposal to close it in five years, and now we have a statutory proposal to close it in 10 years. If you want to vote on this Amendment "A" and twist that tiger's tail, you go ahead.

Amendment "B" gives you a proposal that does address the one issue in the bill that we have some control over, and that is to prohibit the importation and storage of spent fuel from any other state, and we do have some control over that. That is what Amendment "B" gives you. But if you want to twist those voters' tails, you go right ahead.

Mr. Speaker, when we do take a vote on this, I would like the yeas and nays.

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

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The fuel used in nuclear power plants consists of small uranium pellets and these pellets are placed in long pipes, about 14 feet long, and are sealed on both ends. These rods are radioactive and they are also very hot, and when they are submerged in water, they heat the water and that water can turn to steam and that steam can be turned into energy and it can be turned into electrical energy.

When the radiation begins to decay in these rods, they use some of their power and normally they are taken out and put in an area called a spent fuel pool. A spent fuel pool in a nuclear power plant is a large pool filled with boronated water. Spent fuel rods are taken from the reactor where they heat the water for energy and they are put in this pool for two reasons—they are put in that pool because the water in the pool shields the nearby area from radiation and the other reason is that the heat that the rods still contain is transmitted to the water and the water can be cooled, much like the water in a radiator cools the cooling fluid in an automobile.

When the Maine Yankee Atomic Power Plant in Wiscasset was licensed, it was licensed to hold 317 spent fuel rods. It was licensed at that level because it was anticipated that there would be a solution to the high-level radioac-

tive waste problem in the near future. There hasn't been a solution to that problem, and currently their pool has 866 spent fuel assemblies in the pool. The Maine Yankee Atomic Power Company has filed an application with the Nuclear Regulatory Commission asking permission to pack these rods closer together because the pool is just getting too full. They want to continue packing rods until they have 2,450 rods in the pool at the time of decommissioning. Remember, the pool was designed when the plant was opened in 1972 to hold 317 rods.

Some of safety problems that can result from the compacting is localized boiling. The rods presumably would be packed so close together that I am told you are not going to be even able to stick a matchbook cover between the rods. Some of the rods in there are getting very old, they have been there for 10 years now, presumably they are going to be there for 20 to 25 years, and it is possible that they could develop a leak.

Also, the system that cools the pool, I think, will be strained if there are too many rods in the pool. If you have a small automobile with a radiator designed for a small engine, you can't very well take that engine out and put an engine that is ten times that size in your automobile and still expect the radiator to do a good job of cooling the engine.

The bill before you is a compromise that would limit the storage of spent nuclear fuel in that pool to 1,259 assemblies. This is the level that we are expected to reach in 1992.

The Federal Congress passed a law in December that sets a program in motion to solve the high-level waste problem. It is anticipated that by 1992 the federal government will have plans for a high-level waste depository. The majority of the committee felt that this compromise was a reasonable approach that would both protect the safety of the people of the state and allow the power company to operate until a solution seemed to be available.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I rise this morning to concur with the gentleman from Fryeburg, Mr. Kiesman's remarks and to add a few of my own.

The gentleman from Freeport, Mr. Mitchell, outlined the reasons why he believes the pending motion before you should pass, and I have complete respect for the gentleman from Freeport, he studies the issues well, I think he understands them well; however, I think we disagree on perhaps some of the solutions to the problems that face us.

He indicated that the rods are radioactive; yes, indeed, they are, there is no question about that, they are a radioactive plant, obviously that has to be the case.

None of us argues with the problem of high-level radioactive waste storage, none of us argues with the fact that this is a problem that states and the nation are going to have to attack and attack jointly. But I think it is awfully important that we point out that Maine Yankee currently has an application before the Nuclear Regulatory Commission to expand their spent rod fuel storage facility, and I think that is an important factor that we have got to take into consideration—the application is pending. Now, either we trust the abilities of those who are working with and employed by the Nuclear Regulatory Commission or we don't. If we don't trust them, then why do they exist? I don't know what their findings of fact are going to be relative to Maine Yankee's application, but I think that the NRC certainly has the ability to look at that application and to make a determination as to whether or not it is going to pose a safety factor for Maine's people, and if it determines that it will pose a safety factor for Maine's people, the application will be denied, and it should be, but I think

we ought to leave that decision up to the NRC.

The committee got into a numbers game and I felt very uncomfortable about that numbers game because I am not a nuclear physicist and have limited abilities in that area, and so it became very obvious to me that the real reason for the bill in the first place is to shut down Maine Yankee.

The committee got into the numbers game question trying to fit the numbers to the existing law that relates to 1992 that the gentleman from Fryeburg, Mr. Kiesman, mentioned to you, and I felt very uncomfortable with that. I felt that we were preempting the role of the NRC. Again, we are concerned about safety, we all are. Certainly the NRC is, and I think that we ought to let that body be the one to make the decision.

This legislature shows promise of going on record as a legislature that overturns decisions made by people at the polls. We have done it once already this year; let's not do it again.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, I would like to address a question through the Chair. Could someone please tell me what the K factor of this spent fuel is? The K factor is one of the prime considering factors in maintaining a nuclear reaction. The K factor measures the degree or point at which a subcritical reaction turns into a critical reaction, or a critical reaction turns into a super-critical reaction.

To relate to the statement that my friend Mr. Mitchell from Freeport made, there will be no steam produced, no water boiled until you reach a critical reaction where the heat generated by the reaction is sufficient to maintain itself and increase . . . that is a critical reaction.

If the K factor of the fuel pool was not one or greater, then that possibility cannot exist. Also, to correct another technical misstatement made by Mr. Mitchell, the core itself does not produce steam, it is a pressurized system, it produces a high entropy water that through a heat exchanger produces saturated steam in a secondary system. But without knowing what the K factor of the spent fuel pool is, we can't really state whether it is in fact approaching the level where you would have a serious heat or contamination problem from the spent fuel pool.

The SPEAKER: The Chair recognizes the gentleman from Fryeburg, Mr. Kiesman.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I cannot give you a percentage figure for a so-called K factor. I will say this, that during testimony on this bill and a number of other bills that deal with this area, there never has been testimony to indicate that the spent fuel pool now or in the event that the proposal before the NRC, if it were passed was approved, would ever reach the K factor. We had no testimony to indicate that was a problem.

While I am on my feet, I would address the problem about the radiator on the little car. This is a subject that was discussed in the committee by both the proponents and by the engineers from Maine Yankee, and there was never any question that the cooling system that takes care of the cooling pool at Maine Yankee was not adequate to handle the load that would be in it if the proposal before the NRC were approved.

The SPEAKER: The Chair recognizes the gentleman from Waterville, Mr. Jacques.

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Let's tell the stories like they really are here this morning. The people in the State of Maine did vote to keep Maine Yankee open and they did so for only one reason, and that was because they were told that the price of their electrical bill would go up if Maine Yankee were not kept open.

The people of Maine voted to keep Maine Yankee open, but I don't believe the people of Maine voted to let Maine Yankee keep increas-

ing the amount of spent fuel rods that would be stored at the facility in Wiscasset without end. It seems that very time they come to the due date where their capacity is coming, they just simply apply to the NRC to increase their storage capacity, and I guess they intend to change the assemblies as many times as they can to increase the storage capacity that way, and when they have filled it up that way, they intend to change the way they pack the rods in the storage assemblies until they get an increase that way, and before long the problem will not be addressed, it will be 1992 and we will still have an awful lot of spent fuel rods stored at Maine Yankee with nothing to do about it.

I voted to keep Maine Yankee open and I did it basically for the same reason that most of the people in the State of Maine did, but I don't believe, and those that I have talked to in my district have great concerns about the storage capacity at Maine Yankee and the fact that we are not addressing the problem, and we have to do something about that.

I hope you will go with the Majority "Ought to Pass" Report; it makes the most sense to me and I think it makes the most sense to the people in the State of Maine.

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

Mr. McHENRY: Mr. Speaker, I would like to pose a question through the Chair. When is the plant due for decommissioning, that is the time when the plant will no longer be useful, unable to be used? What is the date for that?

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

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

Mr. MITCHELL: Mr. Speaker, the plant is licensed to be decommissioned, I believe, in the year 2,003.

The SPEAKER: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: One of the prime reasons for this bill being in here was to try to trigger the federal government into getting off their duffs and start doing something that they should have done years ago.

I have attended several of the meetings on the nuclear storage and on what they are trying to do with it, and you ought to see the program they have got laid out. At the rate they are paying these people to be on the program, if they get anything at all, it will be 1986 before they even get the plans ready. These people aren't working for peanuts, they are not working for the price that you and I are getting here. I have not found any evidence yet to change my mind but what they could do it much faster than they are doing it now.

I would hope that you would pass this bill, and when you do I ask for the yeas and nays.

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 Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I don't believe there are enough of us in this House that can look ahead as far as the year 1990—that is quite a ways ahead. I think if we looked ahead one or two years, maybe, and made some predictions, we might be realistic.

I don't think that this is a realistic bill. It isn't being asked for by the people of Maine. I am sure the federal government, the people in the know-how, have a reason for not being hasty. One of the reasons is, they want to know what

Russia is doing with their waste first. If we were to dispose of our waste in a place where we couldn't get it, say put it in lead vats and sink it at sea, and the Russians kept theirs, they could very well put us in a bad position because they could then make a more powerful bomb to destroy humanity than they now have.

I think one of the reasons why our government, our federal government, is a bit hesitant to dispose of this in a manner where it couldn't be recovered is because if the foreign government of Russia knew we had disposed of ours where we couldn't get it and they still had theirs, this would put us at a bad advantage. I think until such time they are sure Russia is disposing of theirs in a manner where they can never recover it, that we will find a way very quickly to dispose of ours where it could not be recovered.

So, I don't think we as legislators should try to pressure our federal government not knowing any more than we do about it. I know that I know as much about it as the average House member and probably people in my district know as much about it as this House does, and I don't think we are in a position to vote sensibly on a bill that goes as far ahead as 1990. I can't look ahead that far and I know you can't. I think we should look after today's business and I don't think we should try to direct the legislature who sits in this House in the year 1990—we are going a little bit out of our reach I think.

I hope this bill will be defeated, and as far as I am concerned, the waste hasn't caused that much problem. The rates would probably cause more problems in the process of moving it from one state to another. I don't think any of us know enough about it to vote sensibly on this bill. I hope this one will be sensibly defeated by a large majority of this House and we will cross each bridge in years to come as the need comes up. We always have and I have been around here awhile and we have generally taken care of the needs of this state as they exist at that time. I am sure the legislature of the year 1990 will be trying to do their job as well as we have and it will be taken care of in due time.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I totally, almost totally, concur with the gentleman from Enfield, with one exception. He says none of us know what we are going to be doing in 1992. I suspect the Speaker is the only one in this body who knows what he is going to be doing, he will probably still be Speaker.

I think the gentleman from Enfield made a lot of sense, but I would just like to just very briefly comment on the remarks made by my committee chairman, the gentleman from Sangerville, Mr. Hall, a gentleman that I respect very much for his opinions, but I do take issue with the remark that he made that the reason for this bill is to force the federal government into taking action. If I thought closing Maine Yankee up here in the little State of Maine, one of 50 states, was going to result in that happening, I think my opinion might be different on this bill but I think, folks, you and I all know that closing Maine Yankee up here in the State of Maine is not going to force the federal government to solve this problem.

I urge you to vote no on the pending motion.

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

Mr. MATTHEWS: Mr. Speaker, Members of the House: I would just like to urge the members of this House to look ahead to the future. If anything, the people in this state are telling us not to just be closed minded and not look to the future. This is a safety issue, it has nothing to do with the referendum. If you believe in nuclear plant safety, and you believe in planning for the future, then you will pass this

bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentleman from Sangerville, Mr. Hall, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Hobbins, Jacques, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; McCollister, McGowan, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Perry, Pouliot, Reeves, P.; Richard, Ridley, Roberts, Rolde, Smith, C.B.; Soule, Stevens, Swazey, Tamaro, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Connors, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Kiesman, Lebowitz, Lehoux, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, McSweeney, Murphy, Norton, Paradis, E.J.; Parent, Perkins, Pines, Racine, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Telow, Theriault, Walker, Webster, Wentworth, Weymouth, Willey, Zirnklton.

ABSENT—Baker, Connolly, Hayden, Holloway, Mahany, Rotondi, Seavey, Small, Thompson.

Yes, 80; No, 60; Absent, 9; Vacant, 2.

The SPEAKER: Eighty having voted in the affirmative and sixty in the negative, with nine being absent and two vacant, the motion does prevail.

Thereupon, the Bill was read once.

Committee Amendment "A" (H-186) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

#### Consent Calendar

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

(H. P. 1096) (L. D. 1444) Bill "An Act Relating to School Boards"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-189)

(H. P. 895) (L. D. 1160) Bill "An Act to Amend Certain Motor Vehicle Title Laws of the State"—Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-188)

(H. P. 1104) (L. D. 1492) Bill "An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational-Technical Institute" (Emergency)—Committee on Education reporting "Ought to Pass"

(H. P. 743) (L. D. 955) Bill "An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-190)

(S. P. 324) (L. D. 969) RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of Northern New England and Quebec and the Maritimes—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-82)

(S. P. 441) (L. D. 1348) Bill "An Act to Promote the Development of Human Resources in

Rural Areas of Maine"—Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (S-83)

There being no objections, the above items were ordered to appear on the Consent Calendar Second Day later in the 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. 754) (L. D. 985) Bill "An Act to Amend the Used Car Information Law" (C. "A" H-184)  
(H. P. 962) (L. D. 1243) Bill "An Act to Clarify the Timing of Fuel Adjustment Clause Cases before the Public Utilities Commission" (C. "A" H-182)

(H. P. 1050) (L. D. 1394) Bill "An Act to Clarify Sanctions for Repeated Violation of the Labor Laws of Maine" (C. "A" H-183)

(H. P. 709) (L. D. 900) Bill "An Act to Amend the Composition of the Board of Pesticides Control" (C. "A" H-181)

(H. P. 826) (L. D. 1084) Bill "An Act to Amend the Adult Protective Services Act"

(H. P. 795) (L. D. 1035) Bill "An Act to Clarify the Adoption Assistance Law"

(H. P. 998) (L. D. 1036) Bill "An Act Concerning Confidentiality of Information"

(S. P. 342) (L. D. 1016) Bill "An Act to Establish New Selection Procedures for the Maine Indian Tribal-State Commission Chairmanship" (C. "A" S-76)

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

(S. P. 284) (L. D. 872) Bill "An Act to Promote Work-site High Blood Pressure Programs for Maine Workers" (C. "A" S-78)

(S. P. 464) (L. D. 1413) RESOLVE, to Authorize the Commissioners of Cumberland County to Reimburse the Town of Harpswell \$9,781.22 Unexpended Retirement Funds

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

#### Passed to be Engrossed

Bill "An Act to Improve Access to Small Claims Court" (H. P. 480) (L. D. 577)

Bill "An Act to Require Swimming Pools to be Enclosed" (S. P. 511) (L. D. 1528)

Bill "An Act Concerning Smoking in Nursing Homes" (S. P. 517) (L. D. 1538)

Bill "An Act Relating to the Humane Treatment of Animals" (S. P. 515) (L. D. 1530)

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was passed to be engrossed and sent up for concurrence and the Senate Papers were passed to be engrossed in concurrence.

#### Second Reader Tabled and Assigned

Bill "An Act to Establish the Third-party Prescription Program Act" (S. P. 518) (L. D. 1539)

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

On motion of Mr. Diamond of Bangor, tabled pending passage to be engrossed and tomorrow assigned.

#### Orders of the Day

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

An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural Employers' Liability Insurance Claim Disputes (S. P. 358) (L. D. 1079)

Tabled—May 3, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Mrs. Beaulieu of Portland, retable pending passage to be enacted and tomorrow assigned.

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

An Act to Amend the Laws Relating to Fees for Nonresident Concealed Weapons Permit (S. P. 428) (L. D. 1297) (C. "A" S-71)

Tabled—May 3, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read a statement into the record referring to this bill. There has been a question raised about why the nonresident fees should be so much higher than the resident fees.

First, let me say that the original fees of \$15 for an original application and \$5 were set pretty much by guess when this law was passed because we had no experience as to how much it would cost. Now we have two years' experience with the bill and we know how much it costs.

Under L.D. 1297, a nonresident who applies for a concealed weapon permit must submit a fee not to exceed \$100 for an original application and not to exceed \$100 for a renewal. Under current law, a resident who applies for a permit must submit a fee not to exceed \$15 for an original application and not to exceed \$5 for a renewal. Nonresident fees collected shall be applied to the expense of administering the nonresident permit provisions.

This increased fee for nonresidents is necessary because of the much higher costs of administering the nonresident permit law and processing applications.

State Police statistics show that an average 6.2 hours are needed to process each permit request from out-of-state applicants. In addition, the State Police must contact an average of seven out-of-state police departments and agencies, plus the alien immigration agency, for each applicant's records and pay fees of up to \$15 per record check to these agencies. These extensive and costly record checks are not necessary in the case of Maine residents, thus allowing the lower processing fee for Maine residents.

I think this should explain why the fee of \$100 for nonresidents is necessary and justified.

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

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

Bill "An Act to Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529)

Pending—Second Reading.

The Bill was read a second time.

Mr. Zirnklton of Mt. Desert offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-191) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirnklton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House; yesterday, this received a fairly extensive debate in terms of what should and should not be covered. This amendment attempts to make up for what I believe to be a discrepancy in the bill in that certain containers are not covered. If you will notice in the bill, it only covers 12 ounce fluid metal beverage containers and does not cover the plastic or glass.

The intent of the bottle bill itself is to prevent, as was mentioned yesterday, our highways from being cluttered. It would seem to me that a plastic container has every opportunity to end up on the side of the highway as a metal

container, so it seemed that if we are going to do it, we should do it right.

I hope you will support this amendment.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak in opposition to the amendment that has just been proposed.

I think yesterday's debate was very interesting. I had no objection, actually, to what took place, but I think one of the most important factors that concerns this bill was not discussed at all yesterday. I think the most important factor as far as the small Mom and Pop stores are concerned is the storage problem. When the original bottle bill was passed a few years ago, many of the small stores had to add additions to the stores to take care of the returnables. I think they did this and I don't think it was too much objection simply because they felt that it was a good law. I agree it was a good law and I think it should be continued.

My problem is that I feel that the things we are getting into with this particular amendment are perhaps not the basic causes of the problems we have along the roadside. I think if you go along the roadside and look at the things, you are looking at styrofoam cups, you are looking at wrappers and containers from McDonald's, Burger King, things of this nature, and this bill does nothing whatsoever to take care of that problem.

I think perhaps this particular amendment would go quite a ways towards imposing a burden upon the small Mom and Pop stores that have a problem as far as storage facilities go now. I hope you will take that into consideration and I will ask for a division.

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

Mr. ZIRKILTON: Mr. Speaker, Ladies and Gentlemen of the House: If you are going to have a bottle bill and you are only going to cover one type of container, then what's the point of having a bottle bill at all? You have done nothing more than just present—you have just touched a piece of the iceberg. The intent of the bottle bill is to stop containers for human consumption from going all over the road, and this attempts to cover all those containers.

As far as all the Mom and Pop stores being forced to acquire extra storage facilities, I don't know about where you are, but the majority of the stores in my area do not store their own. There is a redemption center nearby, there are some larger stores that do in fact take returnables and there are a number that do not take returnables at all, so I would hope that you would consider this.

Another example which was mentioned yesterday is the competitiveness aspect to this, and that is that competing for the amount of space on shelves, those that are forced to be subject to the bottle bill have a tougher time going into a store and trying to convince that store owner that they should in fact supply some space for them; whereas, those with the smaller fruit juice containers or other things have an easier time going about it because they can in fact easily convince the store owner that since they are not affected by the bottle bill, this would not present a burden of any kind.

This amendment also attempts to cover fluid ounces from 7 to 13 as opposed to going with just one size, a 12 ounce thing. It just seems to me that the bottle bill in its current form only addresses one part, and you should either repeal it altogether or attempt to do it with the intent that was originally intended, to cover all of it.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: There is another amendment that I know is coming in on this

bill, and that is in regard to the state liquor stores and the hundreds and hundreds of thousands of bottles that the state of Maine sells in liquor in wine across the state, and I think if we are going to consider Mr. Zirkilton's amendment, we should also consider that the state of Maine is probably one of the largest contributors to bottles on the Maine highways and in the public parks, and that is the liquor and wine sold in the state liquor stores. I know there is an amendment coming in here this morning, so I would ask some good member of this House to table this bill until later in today's session so we can deal with the amendment that is before us as well as the others coming in.

Whereupon, on motion of Mr. McGowan of Pittsfield, tabled pending adoption of House Amendment "A" and later today assigned.

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect Murphy from Berwick. The Speaker asked the gentleman from Scarborough Representative Higgins to escort the Representative-elect to the Office of the Governor where the Governor would enable her to receive and subscribe the oaths necessary to qualify her to enter upon her official duties.

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

Bill "An Act to Override the Federal Preemption of State Authority to Regulate Alternative Mortgage Transactions" (Emergency) (H. P. 790) (L. D. 1082)

—In House, Passed to be Engrossed on April 27, 1983.

—In Senate, Passed to be Engrossed as amended by Senate Amendment "A" (S-77) in non-concurrence.

Tabled—May 3, 1983 by Representative Brannigan of Portland.

Pending—Further Consideration.

On motion of Mr. Brannigan of Portland, the House voted to adhere.

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

Bill "An Act to Impose a Severance Tax on Wood" (H. P. 1166)

Tabled—May 3, 1983 by Representative Hall of Sangerville.

Pending—Reference. (Committee on Taxation is suggested)

Thereupon, on motion of Mr. Hall of Sangerville, the Bill was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

By unanimous consent, all matters acted upon requiring Senate concurrence were ordered sent forthwith.

At this point, Representative Higgins of Scarboro reported that the necessary oaths had been taken by Representative Murphy of Berwick to qualify her to enter upon her official duties.

Subsequently, the Speaker assigned her to Seat 127 and welcomed her to the body. (Applause)

The Speaker then appointed the gentleman to the Joint Standing Committee on Legal Affairs.

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

#### Consent Calendar Second Day

(H. P. 1096) (L. D. 1444) Bill "An Act Relating to School Boards" (C. "A" H-189)

(H. P. 895) (L. D. 1160) Bill "An Act to Amend Certain Motor Vehicle Title Laws of the State" (C. "A" H-188)

(H. P. 1104) (L. D. 1492) Bill "An Act to Reestablish the Energy Testing Laboratory of Maine

as a Part of Southern Maine Vocational-Technical Institute" (Emergency)

(H. P. 743) (L. D. 955) Bill "An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services" (C. "A" H-190)

(S. P. 324) (L. D. 969) RESOLVE, Authorizing and Directing the Commissioner of Agriculture, Food and Rural Resources to Promote Regional and International Cooperation in the Development of Agricultural Programs Designed to Encourage Greater Food Production, Marketing and Food Self-sufficiency Among the States of Northern New England and Quebec and the Maritimes (C. "A" S-82)

(S. P. 441) (L. D. 1348) Bill "An Act to Promote the Development of Human Resources in Rural Areas of Maine" (C. "A" S-83)

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

#### Passed to Be Engrossed

Bill "An Act to Provide for Registration of All-terrain Vehicles" (H. P. 1169) (L. D. 1544)

Bill "An Act Relating to the Appointment of a Policy Review Board for the Governor Baxter School for the Deaf" (Emergency) (H. P. 1168) (L. D. 1543)

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

#### Amended Bill

Bill "An Act to Limit the Storage of Spent Fuel at Nuclear Reactor Facilities" (H. P. 314) (L. D. 373) (C. "A" H-186)

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

The Chair laid before the House the following matter:

Bill "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) which was tabled and later today assigned pending reference. (Committee on Agriculture was suggested.)

Mr. Carter of Winslow moved that this matter be referred to the Committee on Agriculture.

On motion of Mr. Michael of Auburn, retabled pending reference and later today assigned.

(House at Ease)

The Chair laid before the House the following matter:

Bill "An Act to Address the State's Responsibility Under the Potato Industry's Long-Range Plan" (H. P. 1170) which was tabled earlier in the day and later today assigned pending reference.

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

The Chair laid before the House the following matter:

Bill "An Act to Create a Forest Resource Assessment and Marketing Program" (H. P. 1171) which was tabled earlier in the day and later today assigned pending the motion of the gentleman from Sangerville, Mr. Hall, that the Bill be referred to the Committee on Energy and Natural Resources.

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

The Chair laid before the House the following matter:

Bill "An Act to Extend Maine's Returnable



Deposit Law" (S. P. 512) (L. D. 1529) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" and tomorrow assigned.

Thereupon, on motion of Mr. Kelleher of Bangor, retabled pending adoption of House Amendment "A" and tomorrow assigned.

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

Mr. MICHAEL: Mr. Speaker, I move that the House reconsider its action whereby Bill "An Act Relating to the Humane Treatment of Animals" S. P. 515, L. D. 1530 was passed to be engrossed and ask that you all vote against me.

The SPEAKER: The gentleman from Auburn, Mr. Michael, has moved that the House reconsider its action whereby L. D. 1530 was passed to be engrossed.

The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I had hoped that someone might table this pending his motion for the simple reason that I have had several members of my caucus be somewhat concerned about this piece of legislation and they are trying to gather some information about it. There was a lady here today to talk with them and I had scheduled to meet with her after the session adjourned this morning. I think it is only fair as a courtesy matter, perhaps, to allow us the opportunity to discuss the matter with someone who is knowledgeable about this particular piece of legislation.

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

Mrs. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the gentleman's concern and obviously everybody wants time to get additional information but this is not enactment. You will have additional time so there is no reason to delay the bill any further.

The SPEAKER: The Chair recognizes the gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I understand the parliamentary procedures involved in the legislative process and I thank the gentlelady for that bit of information, but should someone want to offer an amendment to this particular piece of legislation, they would not be able to do so on enactment without suspension of the rules. I am just simply asking as a courtesy measure that we be offered that opportunity should it arise. I don't have any negative feelings about this piece of legislation. I am just saying that there has been a great deal of concern and I am sure other members of this body have received calls from people surrounding this legislation and they may well want to offer amendments themselves, I don't know. I don't feel knowledgeable enough about this bill to even ask questions at this point in time, but I think we should be offered that opportunity.

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

Mr. MURPHY: Mr. Speaker, I move that this item be tabled one legislative day.

Mrs. Mitchell of Vassalboro requested a division.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister, to state his point of order.

Mr. MCCOLLISTER: Mr. Speaker, about ten minutes ago, I believe the Speaker gave us five minutes to hold bills. Was this bill held within that five minutes?

The SPEAKER: The Chair would advise the gentleman that the gentlewoman from Woolwich, Mrs. Cahill, did give the note to the Speaker at that time so the matter is properly before the body.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Kennebunk, Mr. Murphy, that this item be tabled one legislative day pending reconsider-

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

A vote of the House was taken.

Mr. Brown of Livermore Falls 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 is on the motion of the gentleman from Kennebunk, Mr. Murphy, that this bill be tabled one legislative day pending reconsideration. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Anderson, Armstrong Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Clark, Conary, Conners, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Foster, Gauvreau, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, Michaud, Murphy E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Perkins, Pines, Randall, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Soule, Sproul, Stevenson, Stover, Strout, Swazey, Telow, Walker, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Beaulieu, Bost, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Macomber, Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Smith, C.B.; Soucy, Stevens, Tammaro, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Baker, Benoit, Connolly, Dudley, Hayden, Hobbins, Holloway, Jalbert, Mahany, Rotondi, Seavey, Small, Webster.

Yes, 65; No, 72; Absent, 13; Vacant, 1.

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

The pending question before the House now is on the motion of the gentleman from Auburn, Mr. Michael, that the House reconsider its action whereby the Bill was passed to be engrossed. Those in favor will say yes; those opposed will say no.

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

Sent up for concurrence.

#### (Off Record Remarks)

On motion of Mr. Martin of Eagle Lake, Adjourned until nine o'clock tomorrow morning.